

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 95/2024
[2024] NZSC 125

BETWEEN RUEBEN TEIKA
Applicant

AND TE WHATU ORA HEALTH NEW
ZEALAND
Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: A M S Williams and K N Stitely for Applicant
B Hawes and A M Harvey for Respondent

Judgment: 25 September 2024

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*Teika v Te Whatu Ora Health New Zealand* [2024] NZCA 390).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal.
- C** Costs are reserved.
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REASONS

[1] The Court of Appeal agreed that the High Court was right to dismiss Mr Teika's application for habeas corpus but for different reasons.¹ In their submissions, counsel should address not only the reasons of the Court of Appeal but also the reasons in the High Court judgment.²

¹ *Teika v Te Whatu Ora Health New Zealand* [2024] NZCA 390 (Goddard, Thomas and Cooke JJ) at [31].

² *Teika v District Court of New Zealand* [2024] NZHC 2218 (Dunningham J).

[2] We understand that there is a disposition hearing on 27 September 2024. The fact that leave has been granted does not mean that this hearing should be adjourned.

[3] We understand that Mr Teika was not legally aided in respect of this application. We assume that he will be applying for legal aid in relation to the application and the resulting appeal now that leave has been granted. Counsel are to keep the Court informed as to the result of that application.

[4] The appeal can be heard on Thursday 13 March 2025 in Christchurch if suitable for counsel. Counsel should contact the Registry as soon as possible to confirm that date or to request an earlier fixture in Wellington.

Solicitors:
Raymond Donnelly & Co, Crown Solicitor's Office, Christchurch for Respondent