

**ORDER PROHIBITING PUBLICATION OF NAME OR PARTICULARS  
LIKELY TO LEAD TO THE IDENTIFICATION OF WITNESS X.**

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**CA74/05**

BETWEEN                      TAI HOBSON  
   Appellant  
  
AND                              THE ATTORNEY-GENERAL  
   Respondent

**CA238/05**

BETWEEN                      SUSAN COUCH  
   Plaintiff  
  
AND                              THE ATTORNEY-GENERAL  
   Defendant

Hearing:            10 November 2005

Court:               William Young P, Hammond and Chambers JJ

Counsel:           B P Henry and D A Watson for Appellant in CA74/05 and Plaintiff in  
                         CA238/05  
                         J C Pike and F E Guy Kidd for Respondent in CA74/05 and  
                         Defendant in CA238/05

Judgment:        17 May 2006

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**JUDGMENT OF THE COURT**

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**CA74/05**

**A        The appeal is dismissed.**

**B An order is made striking out the entire statement of claim.**

**C Costs are reserved.**

**CA238/05**

**D The question of law posed for the consideration of this Court is answered thus: the statement of claim discloses no reasonable cause of action and should be struck out.**

**E Costs are reserved.**

**F Order prohibiting publication of name or particulars likely to lead to the identification of witness X's name.**

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**Introduction**

[1] This is an appeal from a decision of Heath J reported in [2005] 2 NZLR 220, on a strike-out application.

**Background**

[2] In 1997, Mr William Bell was sentenced to five years imprisonment following his conviction for the aggravated robbery of a service station. This robbery involved the use of a blunt instrument on the sole attendant, who escaped further injury only after locking himself in a bathroom.

[3] As required by the legislation in force at that time, Mr Bell was released on parole on 4 July 2001 when he had served two-thirds of the finite term of imprisonment imposed upon him.

[4] A number of special conditions were imposed on Mr Bell. He was:

- to make an appointment within 72 hours of release with a departmental psychologist and thereafter to keep such appointments and attend such counselling as was directed by his probation officer;
- to undertake such employment as was directed by his probation officer;
- to complete an assessment for the Straight Thinking Programme as directed by his probation officer;