



Supreme Court of New Zealand

13 June 2008

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

SUSAN COUCH v ATTORNEY GENERAL
(SC 49/2006)
[2008] NZSC 45

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The appellant, Ms Couch, was seriously injured by William Bell while he was on parole. She claims that the Department of Corrections was negligent in the way it administered Bell's parole conditions and that this negligence caused the injuries she suffered. Her claim seeks exemplary damages.

The Court of Appeal, by a majority, ordered that Ms Couch's claim be struck out as untenable in law. On this appeal to the Supreme Court, the Court has formally ordered that the appeal be adjourned to enable the parties to address questions relating to exemplary damages which were not able, for time reasons, to be considered at the hearing. The Supreme Court has, however,

indicated that, subject to any further submissions the parties may wish to make on that subject, Ms Couch's appeal against the striking out of her claim will be allowed.

The Court has held that it is premature to strike the claim out and, subject to any further submissions on the question of exemplary damages, the case should be allowed to go to trial before any final decision is made on whether the Department of Corrections can in law be liable for exemplary damages on account of the injuries Ms Couch sustained at the hands of Bell.

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