

Reference No. HRRT 024/2022

UNDER THE HUMAN RIGHTS ACT 1993

BETWEEN PETER GERARD STOCKMAN

PLAINTIFF

AND NEW ZEALAND ASSOCIATION OF
COUNSELLORS INCORPORATED

DEFENDANT

AT WELLINGTON

BEFORE:

Ms SJ Eyre, Chairperson

Dr SJ Hickey MNZM, Member

Ms SM Kai Fong, Member

REPRESENTATION:

Mr PG Stockman in person

Mr R Hern and Ms S Woods for defendant

DATE OF HEARING: Heard on the papers

DATE OF DECISION: 22 December 2022

**ORDER THAT PROCEEDINGS BE REMOVED
TO THE HIGH COURT FOR DETERMINATION¹**

[1] On 1 July 2022 Mr Stockman filed these proceedings against the New Zealand Association of Counsellors Incorporated (NZAC) alleging he had been discriminated

¹ [This decision is to be cited as *Stockman v NZAC (Order Removing Proceedings to High Court)* [2022] NZHRRT 52.]

against on the basis of his sex in breach of the Human Rights Act 1993 (HRA). On 2 August 2022 NZAC filed a statement of reply.

[2] On 10 August 2022 the parties filed a joint memorandum seeking the removal of these proceedings to the High Court, as the parties are involved in extant proceedings there that cover closely related matters to the matter arising in this proceeding. The parties both considered it was appropriate for the Tribunal to remove these proceedings to the High Court under HRA, s 122A(2)(d).

[3] On 29 September 2022, the Tribunal stayed these proceedings to enable the parties to seek leave of the High Court to remove these proceedings to the High Court to be consolidated with Mr Stockman's extant proceedings there.

[4] On 14 December 2022 the parties filed a joint memorandum advising that in a *Minute* dated 12 December 2022, Isac, J granted leave for this proceeding to be removed to the High Court under s 122A(2)(d) on the basis that:

Mr Stockman's existing proceedings in the High Court appear to extensively overlap with his more recent claim before the Tribunal. Efficiency and the avoidance of irreconcilable decisions in two jurisdictions would appear to weigh in favour of the grant of leave. I'm making an order accordingly.

[5] There is a two-step process for the removal of proceedings from this Tribunal to the High Court under s 122A. First, the High Court must grant leave to the Tribunal to remove the proceeding and secondly, the Tribunal must be satisfied that removal is appropriate.

[6] Both parties' consent to these proceedings to be removed to the High Court for determination as Mr Stockman's extant proceedings in the High Court closely relate to the matters arising in this proceeding and Isac, J has given leave for the proceedings to be removed on this basis. Accordingly, the Tribunal agrees it is appropriate for this proceeding to be removed to the High Court under s 122A(2)(d).

ORDER

[7] The Tribunal orders under s122A of the Human Rights Act 1993, the removal of these proceedings to the High Court for determination.

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Ms SJ Eyre
Chairperson

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Dr SJ Hickey MNZM
Member

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Ms SM Kai Fong
Member