

UNDER
BETWEEN

AND

REFERENCE NO. HRRT 044/2022
THE HUMAN RIGHTS ACT 1993
GRAEME STANLEY PLATT
PLAINTIFF
ROYAL FEDERATION OF NEW ZEALAND
JUSTICES' ASSOCIATIONS
INCORPORATED
FIRST DEFENDANT
WHANGANUI JUSTICES OF THE PEACE
ASSOCIATION INCORPORATED
SECOND DEFENDANT
ATTORNEY-GENERAL
THIRD DEFENDANT

AT AUCKLAND

BEFORE:

Ms K Anderson, Deputy Chairperson
Ms L Ashworth, Member
Dr NR Swain, Member

REPRESENTATION:

Mr GS Platt in person
Mr MJ McKillop for defendants

DATE OF HEARING: On the papers

DATE OF DECISION: 12 April 2024

**DECISION OF TRIBUNAL
(REMOVAL OF STRIKE OUT APPLICATION TO THE HIGH COURT)¹**

¹ This decision is to be cited as *Platt v Royal Federation of New Zealand Justices' Associations Inc (Removal to High Court)* NZHRRT 17

[1] The parties in this proceeding applied to the High Court at Wellington for orders by consent granting leave for the defendants' application dated 19 July 2023 to strike out the plaintiff's age discrimination claim, to be removed to the High Court for determination pursuant to s 122A of the Human Rights Act 1993 (HRA).

[2] The High Court has granted leave for the removal of the strike out application in this proceeding to be determined by the High Court.²

[3] Under s 122(a) of the HRA the Tribunal can make an order for a matter in issue in a proceeding to be removed to the High Court if satisfied that an important question of law arises in the proceeding (other than incidentally) or if in all the circumstances the High Court should determine the proceedings or matter (among other circumstances).

[4] There are complex and novel issues of law arising in the strike out application, which also raises issues of comity.

[5] The defendants' strike out application is on the basis:

[5.1] The act or omission preventing a judicial Justice of the Peace sitting beyond their 75th birthday is a direction of the Chief District Court Judge, made under s 24 of the District Court Act 2016.

[5.2] Under s 79(3) of the Human Rights Act 1993 the Tribunal lacks jurisdiction in respect of that direction.

[5.3] Only a court of unlimited jurisdiction (which the Tribunal is not) may determine the lawfulness of an act or omission of an inferior court (together the Jurisdiction Issues).

[6] The plaintiff opposes the strike out application on the basis the Chief District Court Judge's direction is administrative and not judicial in nature.

[7] The Tribunal considers that the s 122 HRA criteria are satisfied and that the determination of the defendants' strike out application should be removed to the High Court for determination.

² Minute of Churchman J dated 7 March 2024, *Royal Federation of New Zealand Justices' Association Inc v Platt*, CIV 2024-454-015.

ORDER

[8] This Tribunal orders that the defendants' strike out application dated 19 July 2023 be removed to the High Court for determination.

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Ms K Anderson
Deputy Chairperson

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Dr NR Swain
Member

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Ms L Ashworth
Member