

**NOTE: ORDER OF THE HIGH COURT PROHIBITING PUBLICATION OF
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THIRD PARTY REMAINS IN FORCE.**

IN THE SUPREME COURT OF NEW ZEALAND

**SC 2/2016
[2016] NZSC 18**

BETWEEN PETER GERARD STOCKMAN
 Applicant

AND NEW ZEALAND ASSOCIATION OF
 COUNSELLORS INCORPORATED
 Respondent

Court: William Young, Glazebrook and Arnold JJ

Counsel: Applicant in person
 C Heaton for Respondent

Judgment: 29 February 2016

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B There is no order for costs.**
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REASONS

[1] The respondent, the New Zealand Association of Counsellors Inc, filed an appeal against a decision of Peters J in which the Judge upheld an application for judicial review by the applicant, Mr Stockman.¹ The application was against a decision by the Association to exclude certain evidence that was relevant to a complaint made by Mr Stockman to the Association against another counsellor.

[2] Before hearing, the Association abandoned its appeal. Mr Stockman then applied for an order of indemnity costs against the Association and sought leave to

¹ *Stockman v New Zealand Association of Counsellors Inc* [2013] NZHC 2267.

file additional evidence to support his claim. In the alternative, Mr Stockman sought an award of costs for a standard appeal. The Court of Appeal declined the applications to adduce further evidence and for indemnity costs, but awarded Mr Stockman costs of \$4,460 for standard appeal, reflecting the fact that he was represented by counsel in the appeal up until the time of its abandonment.²

[3] Mr Stockman then applied to the Court of Appeal to recall its judgment, on the basis that the Court had not been impartial in considering his applications because he was, by that stage, acting for himself. Mr Stockman's recall application was declined.³ Mr Stockman now asks this Court to give leave to appeal against that decision. The Association has advised that it does not wish to be heard on the application and abides the decision of the Court.

[4] We are not satisfied that it necessary in the interests of justice that we hear and determine this appeal. The decision of the Court of Appeal on Mr Stockman's recall application involves no issue of general or public importance, nor is there any appearance of a miscarriage of justice. The same is true of the Court of Appeal's decision on costs which Mr Stockman sought to recall.

[5] The application for leave to appeal is dismissed. As the respondent made no submissions, we make no order for costs.

Solicitors:
Morrison Kent, Wellington for Respondent

² *New Zealand Association of Counsellors Inc v Stockman* [2015] NZCA 542 (Randerson, French and Winkelmann JJ).

³ *New Zealand Association of Counsellors Inc v Stockman* [2015] NZCA 629 (Randerson, French and Winkelmann JJ).