

**ADDRESS BY THE ATTORNEY-GENERAL  
AT THE FINAL SITTING OF HON JUSTICE MARK O'REGAN AT SUPREME  
COURT  
29 November 2023**

**E ngā kaiwhakawā o te Kōti mana nui, me ngā kōti katoa o te motu, tēnā koutou**

**E te Kaiwhakawā Tumuaki, tēnā koe**

**E te kaiwhakawā hou, Justice O'Regan, ka nui te mihi kia koe**

Greetings to your Honours.

**E Rangatira, e tā Tipene, tēnā koe.**

**E te kaiwhakawā, ā tēnei ahiahi, ko au te māngai mō te Rōia Matua o te Karauna. Tēnā tatou katoa. Ko au te rōia mātāmua o te Karauna.** I am the Solicitor-General. Your Honour this afternoon I appear for the Attorney-General.

It is my great pleasure to mihi to you today on behalf of the Government at Your Honour's final sitting. On behalf of the Government, I offer great appreciation for your lengthy public service as a judicial officer and best wishes to you and Nicola for what comes next.

Your Honour's background and career will be familiar to many here today. Your family's contribution to society is one which exemplifies public service, and your own impressive career which has now spanned over forty years, has continued that strong tradition.

You studied at Victoria University of Wellington, where you graduated with a Bachelor of Arts majoring in French and a Masters of Law with distinction. Your intelligence and insightful analysis was recognised at this early stage by Victoria University's legal faculty, where you worked as a junior lecturer for a time.

From there, you travelled to Europe where you spent several years working as in-house counsel within a large corporation. Notably, as manager of the Paris office for DHL International, combining perfectly your two degrees and advancing your experience in both French and the law.

On your return to New Zealand, you joined Chapman Tripp as a solicitor. Your skills and work ethic saw you quickly become partner just two years later in 1984. While at Chapman Tripp, you advised in the areas of companies and securities law, mergers and acquisitions, and competition law. Throughout your career you have worked with some of New Zealand's largest corporations, including Ford Motor Company and Telecom, as well as assisting with the privatisation of Air New Zealand in 1989.

Along with Professor John Farrar, you made a great contribution to the development of the Personal Property Securities Act 1999 with your 1988 report to the Law Commission: *"Reform of Personal Property Security Law."*

The Government was grateful to have your broad skill set, your experience and your deft interpersonal relationship skills on Crown negotiating teams for Treaty of Waitangi settlements.

Your Honour was appointed to te Kōti Matua/ the High Court in 2001. Soon after, in recognition of your successful service, Your Honour was appointed to te Kōti Pira/the Court of Appeal in 2003. You then served as President of that

Court from 2010 to 2014. You were then appointed to te kōti mana nui tenei this, Supreme Court in 2014 where you have served another near-decade in the service to the public.

Your contribution to the judiciary has been extensive. So much so that I refer only to two of your Honour's judgments, both in this Court, where you gave reasons for the majority. Both provide your typical close and clear analysis:

- Of statutory wording, in *Ngai Tai ki te Tamaki v Minister of Conservation* relating to the powerfully worded s 4 of the Conservation Act
- In the leading case on the Court's important supervisory role of trustees – replacing the former leading case from the Privy Council - in *Erceg v Erceg* - the entitlement to basic disclosure to beneficiaries now incorporated into the Trusts Act 2019.

In 2013 your services to the judiciary were commended when you were made a Knight Companion of the New Zealand Order of Merit. And just this month you were awarded lifelong retention of the title “the Honourable”.

Receiving the Knighthood, you said that you felt the award was a “reflection of the position” that you held and, in that sense, a “recognition of the work of the Court of Appeal and the very important place it has in our system of justice”.

Such a self-effacing response is typical of you, Sir. Throughout your career, reflections from your peers and juniors has had a consistent theme. Your great intelligence has been noted and never doubted, of course, but it has been your personal characteristics that stand out; humility, generous with your time, approachable.

In preparation for this address an old edition of *Tripp Wire*, the internal Chapman Tripp newsletter turned up. On your appointment to te Kōti Matua, your colleagues featured you as Person of the Week saying:

“ Our probing has been extensive, our dirt-digging deep, yet we have failed miserably. Mr O’Regan emerges from our investigations squeaky clean. Colleagues, underlings and yes even siblings have failed to convey an image of Mark O’Regan as anything but an affable, amazingly able man of integrity and very sound judgment.”

Twenty years on, your colleagues and clerks (current and former) describe you with similar accolades that speak to who you are as a person. So too counsel who have appeared also refer to your character, your kindness to counsel, the pleasure is it to appear before you; albeit with a dangerous inscrutability that *may* have led some into error of thinking that perhaps you were not listening to their fine arguments. *Ara te kōrero* (there is a saying)

nā te iho ko te kōrero

nā te whakaaro nui ko te mūmū

(talking comes naturally, silence comes from wisdom)

Your Honour, you have served your community tirelessly and well and your retirement from the bench is well earned. Your family, Nicola and your children, can very proud of you. So too your siblings; proud of their little brother. On behalf of the Government, I give thanks to you for your service to the public, through your 23 years as a member of the judiciary.

Nō reira, Sir, I wish you all the best for your future. Oh, and *rā whanau* kia a koe, happy birthday for tomorrow.

**Ka rite ki te pai o te Kōti**

**As the Court pleases**