

Speech for Valedictory Sitting

Justice Susan Glazebrook

Tēnā koutou, tēnā koutou, tēnā tatou katoa.

Madam Attorney, Minister McKee, Chief Justice, all my judicial colleagues, including those from Afghanistan and Australia, members of the profession, Andrew Kibblewhite, Secretary for Justice, and other representatives from the Ministry of Justice | Te Tāhū o te Ture and the Office of the Chief Justice | Te Tari Toko i te Tumu Whakawā, court staff, friends, family and other distinguished guests, thank you all for coming. It means a lot to me, as do all the messages of support from those who were not able to make it today. And thank you to everyone who spoke today. You have of course painted a much too flattering picture.

After almost 26 years on the Bench, I feel that my retirement is deserved. It could also be said to be overdue. I definitely felt I had been on the Bench too long when my first clerk in the Court of Appeal, Karen Grau, herself became first a District Court and then in 2024 a High Court judge. It has, however, been a real privilege to have been part of the third branch of government for so many years.

I remember well my surprise when I was first approached to become a High Court judge. My legal career had been spent, as you have heard, as a taxation partner at Simpson Grierson and largely, apart from tax cases, well away from the courts. I do not think I would have had the courage to accept the appointment had it not been for the persuasive powers of the then Chief Justice, Dame Sian Elias, and the trailblazing examples of Sir Peter Blanchard and Dame Judith Potter, who had also been commercial lawyers before joining the Bench. I thank them for their mentorship and their friendship. I also thank all the other members of the Auckland High Court common room for welcoming me and being so kind when I asked obvious questions, especially about the conduct of criminal trials.

I also wish to thank all the Court of Appeal and Supreme Court judges I have worked with over the years. It is a privilege to have worked collegially with you all. I am sure you will all forgive me if I mention in particular Sir John McGrath, Sir Robert Chambers, Sir Noel Anderson, Bill Wilson and Sir Thomas Gault, who are sadly no longer with us. It is wonderful to have Lady Chris McGrath and Justice Ian Gault here today and Lady Deborah Chambers KC online.

The courts are, however, more than the judges. I acknowledge the vital role played by the legal profession. Our work would also not be possible without dedicated court and judicial staff, including librarians and registrars. And I am very lucky to have had a succession of excellent executive assistants (we call them associates) and clerks over the years. Because they are here or online, I mention in particular my associates, Heather Nordstrom, Rachel McConnell and Charlie Chen and my clerks, Karen Grau, Don Lye, Emily Duckett, Florence Oakley and Malcolm Birdling KC. Thank you all.

As is customary for a final sitting, I provide some brief reflections on my career and on issues affecting the judiciary.

First, the future. Many people have asked what I will do in my retirement and the answer to some extent is what retirement — there is still ongoing work in relation to appeals I sat on before retirement and I have also accepted appointment as an acting judge. But I do look forward to having more time to pursue other interests, including spending more time with family and friends.

In terms of the justice system more generally, there are many challenges that will affect the future operation of the courts and indeed society more generally. I have spoken about these on other occasions. The issues include the role of artificial intelligence, access to meaningful justice for all, climate change and challenges to the rule of law and judicial independence around the world.

I have been a member of the advisory committee to the Chief Justice and the Heads of Bench group for the last four years and I know that all of these issues are being actively considered and measures put in place to try and future-proof the courts. But they are big issues and will need to be kept under constant review (and no one is more cognisant of this than the Chief Justice).

I should also highlight an issue that I have spoken about over the years: the need to ensure that the judiciary and the legal profession reflect the society we serve. This is to ensure that the justice system is respected but, more importantly, judges and lawyers who come from all groups in society are more likely to understand those needing their services. There is no doubt that progress has been made in this regard but there is still work to be done.

Another theme of my career has been an interest in education, which is ironic as one of my main aims of doing law, despite having absolutely no idea what that entailed, was to avoid

teaching. While in practice I was a member of the Tax Education Office and, after my appointment to the Bench, I was chair of Te Kura Kaiwhakawā | Institute of Judicial Studies, the body responsible for the continuing education of judges. I acknowledge the support and friendship over the years of all my university colleagues, including Professors David McLauchlan, John Prebble, Susy Frankel, Petra Butler, Nicola Peart, Shelley Griffiths, Yvette Tinsley, Joanna Mossop, Philip Joseph KC, John Burrows KC, Elisabeth McDonald, Mark Henaghan, Craig Eliffe, Campbell McLachlan KC and many others.

Another theme that has been of importance in my career is an international focus, encouraged by that consummate internationalist, Sir Ken Keith, and others such as Sir Terence Arnold and Sir Bruce Robertson. I served, while in practice, as the President of the Inter-Pacific Bar Association, an organization of business lawyers in the region, and, once a judge, as a member of the Advisory Council of Jurists for the Asia-Pacific Forum of National Human Rights Institutions and as President of the International Association of Women judges or IAWJ for short.

Looking beyond Aotearoa/New Zealand has broadened my perspective and hopefully lessened any tendency towards insularity. International law and international influences pervade many areas of our law and affect all three branches of government. International influence can stem from persuasive precedents from other jurisdictions, from treaties entered into by the executive and in some cases incorporated into domestic law, from the presumption that Parliament does not intend to legislate contrary to its international obligations or from customary international law that is automatically part of the common law.

Understanding how different jurisdictions deal with the same issues can also be of real benefit. This is not to say that we should always strive for international harmonization. We must remain cognisant of Aotearoa/New Zealand's unique heritage, and its own cultural and social circumstances. In essence, while we can learn from the world and vice versa, we do need to take care to keep, and not contaminate, our unique legal character.

One of the duties of being a president of an international organisation in my experience has been the requirement to organise an international conference. This has not been without its challenges. In the case of the Inter-Pacific Bar Association, the conference was in the midst of the Asian financial crisis with the obvious issues for attendance that caused. In the case of the IAWJ, we first had to cut our teeth on a regional conference.

We must have done something right because we were chosen as host of the biennial global conference in 2020, only to have to cancel it at the very last moment because of COVID-19 restrictions. We then held the conference, partly in person and partly online, in the following year. So, we effectively had to organise two global conferences and with all the uncertainties of being one of the first large conferences trying to balance the risks and challenges of in-person attendance with online attendance.

I am happy to report that the conference was very successful and in no small part this was due to the amazing support we had from the Ministry of Justice and in particular Carl Crafar, Angela Johnston and Ashley O'Neill. I also acknowledge the work done by my associates Rachel McConnell and Heather Nordstrom, which went well above and beyond the call of duty. Thanks also to my fellow committee members, Judge Mary O'Dwyer, Judge Nicola Mathers, Dame Carolyn Henwood and the Hon Marion Frater. And thanks also to my international colleagues, including Judge Robyn Tupman, and all the speakers and other helpers at the conference.

I cannot finish without referring to the work of the IAWJ support committee for the Afghan women judges. When the Taliban reached Kabul in August 2021, this put the women judges and their families in mortal danger. We would not have been true to our values and the values of the IAWJ if we had not tried to help, despite not having any experience in humanitarian evacuations. We could not have succeeded without help from our many partners, nor without modern communications and international collaboration.

I must pay tribute to my Afghan colleagues, including Judge Venus Azizi who you heard from today. Their resilience, bravery, dignity and determination has been truly awe-inspiring. It is these women who are the true heroes of that story.

But back to my career as a judge. I remember well the bookend of this event, my swearing in as a judge. My father and mother, my aunt and mother in law, all sadly no longer with us, were there, as well as two of my three stepchildren (the third was off playing representative rugby from memory). And of course my husband, Greg and our two boys, James and Alex, who were quite little at the time. Alex I know got quite excited at all the Santas coming in — this was the time of the red robes and full-bottomed wigs.

Greg, James and Alex are here today. I also acknowledge Alex's partner, Felicity, and her parents, Paul and Fiona Prendergast. My stepchildren, Daniel, Mark and Lizzie, and our eight grandchildren were down in Wellington for my actual birthday over Waitangi weekend but

were not able to come again today given school and work commitments, but my daughter-in-law Lucy Graydon and her sister Sarah are here, as well as my cousin, Sandar Duckworth and Greg's cousin Brian Kane and his partner Julia. My sister, Katie, who lives in the United States, was unable to travel for medical reasons (now resolved luckily).

I would be remiss not to acknowledge my bridesmaid Susan Grace and her partner Dr Peter Ellis and various other old friends, both inside and outside the law, attending in person and online, including Catherine Bibbey, Hon Anne Hinton, Pauline Hoyle, Alisdair Ross, Yvonne Oldfield, Hon Paul Heath KC and Kerry Heath, Hon Cheryl Gwyn, Sir Mark Cooper, Pip Muir, Sir William Young and Sue Young, Gordon and Sophie Wong, and my Eastbourne friends, Wendy and Mike Sheedy, Rachel Houlbrooke and Steve Bielby.

I want to thank all of my family and friends, and particularly Greg, James and Alex, for keeping me sane and grounded over the years. I could not have done it without you.