



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## MLAANZ and Career Reflections of Now-Retired Judge Mark Perkins

A foundation member of the New Zealand chapter of what was to become the overall MLAANZ body, former Judge Mark Perkins recalls the now-prosperous Association was once faced with the very-real prospect of insolvency.

The Auckland-born now-retired judge recounts that, at the time, members of the New Zealand Branch were invited to both form the MLAANZ federal committee and then run the overall organisation for three years.

That first federal committee voted in during 1985 included:

- president – Captain Ian Mackay
- Australia vice-president – Paul Willee (later a QC)
- secretary – Roy Van Panhuys
- assistant-secretary – Graeme Jones
- treasurer – now-retired Judge Perkins – “I might say, I didn’t have a lot of choice – Ian told me that was to be my role!”

However, ahead of the new committee’s first significant task and “somewhat daunting prospect” of running the annual federal conference in Maui (Hawaii) in conjunction with United States and Canadian counterparts, he discovered a “dire” financial position.

“It was no-one’s fault,” says the former judge.

“The Association had set subscriptions at a very low level, without taking account of financial commitments and obligations as they grew, which then soon exceeded that income by a considerable degree.

“I took out a set of accounts after receiving the first lot of subscriptions and it soon became apparent to me that the Association was insolvent. The stress was perhaps exaggerated by the fact that we had to fund the Maui conference.”

Following the situation being disclosed at a special meeting of the federal executive and branch heads at Maui, the organisation rallied to hastily arrange a bank facility as well as tackle issues with the company organising the conference.

To then fully redress the Association’s financial position, including it being “badly in arrears” in subscriptions to Comité Maritime International (CMI), the former judge oversaw a financial restructuring plan.

“The subscriptions were raised to a realistic level and there was tremendous support from the branches.”

Subsequently, profits began to be realised from MLAANZ conferences and other events, including the “popular” University of Southampton seminars held in Australia and New Zealand, as well as the following year’s federal conference in Hobart.

“A member of the Association had given up legal practice to establish a conference-organising business in Hobart. Profits were realised from that conference and, even though he didn’t charge a fee, we decided because of his marvellous organisation we would pay him an honorarium.”

When the New Zealand Branch ceased duties as the federal executive at the Surfers Paradise federal conference in 1988, the Association had recovered from insolvency to a surplus approaching A\$100,000.

“The Association, it is fair to say, has maintained a healthy financial position since that time – so much so that a monetary prize was established in memory of a member of the Association who was held in great admiration and affection. Her name was Morella Calder, who had died quite young from cancer, and this prize is now awarded annually for published writing in maritime law.”

### ***Maui Conference Highlights***

Even with the financial stress surrounding the Maui conference – “which has been mentioned in a sort of legendary fashion ever since” – the event proved to be a “marvellous experience” for all who attended.

“The combined sessions and social events and sporting activities, which the Americans and Canadians had organised, were terrific and well attended. It really was a very successful conference.”

The former judge recalls Sir Michael Mustill – at the time Lord Justice of the English Court of Appeal, but later to become Lord Mustill in the House of Lords – being invited to deliver the Frank Dethridge Memorial Address.

“An address from a speaker as distinguished as him attracted a large number of Americans, Canadians and other international attendees to this session, which was run by MLAANZ.

“However, when Sir Michael arrived at Honolulu Airport from the United Kingdom to then proceed on to Maui, he was robbed – all of his money and belongings were stolen.

“When he arrived in Maui, I had to make contact with him and was told I would find him at the cocktail party that was being run by the United States association. Everyone there was in formal attire and when I found Sir Michael he was dressed in a pair of jeans, sneakers and a T-shirt – that’s all he had left.

“In order to present the Frank Dethridge Memorial Address he obviously needed a suit, formal shirt and tie etc, so the MLAANZ president got me to give him some money to enable those purchases. I don’t think many people knew about that.”



*Now-Retired Judge Mark Perkins with wife Margaret*



Describing Sir Michael as being “the most unassuming person”, the former judge fondly recalls himself and wife Margaret subsequently being invited back to his hotel suite for afternoon tea.

With federal conferences at the time running over several days – and spouses/partners often organising separate social events during the sessions – he notes that Mrs Perkins was also a regular attendee.

“But Margaret often attended the sessions themselves as she was the assistant editor of the Wellington District Law Society newspaper, *Counsel Brief*. She occasionally wrote articles reporting on the conferences which gave the Association publicity in the formative years while it was trying to attract members.”

### **Career Précis**

A brief recap of the career of now-retired Judge Mark Perkins entails:

- graduated LLB Auckland University 1971 and admitted as a barrister and solicitor to the Supreme Court in December 1970 – this 1996 enrolment entailed the first LLB degree intake in which students were required to study mainly full time
- worked last year of studies for a small Auckland legal firm, then moved to Wellington (married 1970) and joined a local firm as staff solicitor
- joined Macalister Mazengarb Parkin and Rose in 1971 where he remained for 18 years, about 15 as partner
  - “Earlier on in my career I had specialised in a number of different areas – criminal law, family law, property, estate and commercial litigation. A lot of my practice was also specialising in employment/industrial law. I was lucky to be in a firm where I could specialise in admiralty and maritime law as well as in industrial law. I also began acting for marine insurers with cargo claims, and specialised in admiralty law jurisdiction which included masters and crew wages claims.”
- moved back to Auckland in the mid-1980s to establish a local branch for the law firm, which disbanded a few years later
- joined Cairns Slane as partner, then moved onto Hesketh Henry in the early-1990s as partner
- appointed Judge of the District Court in 1999, originally to Hawke’s Bay before transferring back to Auckland/North Shore
  - “Probably by the late-1990s I had reached burnout stage, as a lot of litigation lawyers do – being appointed as a judge gave my career a new perspective.”
- served as Temporary Judge of the Employment Court for one year in the mid-2000s, then for two years at the turn of the decade, before being appointed a Permanent Judge in 2013 where he remained until retirement in 2020
- commenced a Master of Laws Degree at Victoria University of Wellington while a partner of Macalister Mazengarb Parkin and Rose and graduated LLM in 1984 – this degree included the first maritime law course to be offered in New Zealand
- edited versions of dissertations presented for the degree were published in a special issue of the university’s law review – the former judge’s paper on the priority of admiralty claims has subsequently been referred to in several High Court judgments

### ***Appreciating the Value of MLAANZ***

Although never an official member of the New Zealand Branch committee himself, the former judge fondly recalls being actively involved in the formation of the branch in Wellington in 1976, of which the first officers included:

- chair – Captain Ian Mackay
- secretary – Alan MacKenzie (later a Justice of the High Court)
- patron – Justice David Beattie (later Sir David, Governor-General)

“The aim of that small group was to form a New Zealand association and then merge with the Australian association, which it did in the late-1970s to form MLAANZ, with an annual federal conference being held in Wellington around this time.

“The New Zealand Branch has grown enormously from its humble beginnings and is now the second-largest in MLAANZ I believe.

“I am astounded at the present number of members of the Association – not only in New Zealand, but also in Australia – and am very pleased at the number of women who have joined the organisation.

“MLAANZ consists not just of lawyers, but members of the maritime professions who over the years have provided valuable input. I think this is one of the major reasons for its appeal – it is not just a lawyers’ organisation.

“The Association is recognised for its input into new and amending legislation in the maritime field, and for its membership of CMI, which is a very prestigious international body.

“And over the years I have formed great and long-lasting friendships amongst the members.”

### ***Career Reflections***

Turning to his own career, the former judge recalls becoming involved with maritime law relatively early in his time at Macalister Mazengarb Parkin and Rose [Ed – a career précis is provided in the accompanying panel].

“I had managed to acquire a maritime insurance client which got me involved in a lot of cargo claims. But I also acted for a ship repairer and operator of a slipway in Wellington and that involved a lot of arrests of yachts and pleasure craft of owners who didn’t pay my client’s charges.

“It really went on from there as I got involved in salvage and collisions, and because of my employment law and industrial law practice, also in masters and crews wage claims. That would have been the most enjoyable area of my practice.”

Albeit, he reveals initial career ambitions were held in architecture – before opting in his final year at Mt Roskill Grammar School to switch to arts subjects with a mind to tertiary study in law.

“I felt my dedication to science and maths wasn’t quite as it should be.”

In regard to mentors, he describes all senior partners at Macalister Mazengarb Parkin and Rose performing admirably in this role.

“The firm prided itself on – and was excellent at – ensuring proper training of the young solicitors and that was particularly so in the litigation area.

“When I first joined Macalister Mazengarb Parkin and Rose I was under the tutelage of the senior litigation partner Gordon McLeod. Ian Borrin, a senior partner and later a District Court Judge, was also

a mentor and so was Hugh Rennie, who later became a QC and was also the editor of *Counsel Brief*, where Margaret worked.”

The former judge humbly plays down his personal highlights and achievements.

“As I matured, I progressed in the profession and conducted cases in most jurisdictions to Court of Appeal level.”

Recalling having had few notable disappointments – or at least “none out of the ordinary” – he reflects on being largely satisfied with his career.

“I think so. There have been stresses and strains over the years – it’s not the easiest profession to practice in – but yeah, looking back I am satisfied I think.”

### **Words of Wisdom**

He urges fellow maritime lawyers to spread their wings and seek experience in other areas of law.

“It is a small area of practice and mainly people who practice in it, can’t just practice in that area of the law.

“My advice is if you want to specialise in say maritime law or employment law or any other area, you shouldn’t just train in those particular disciplines. You should gain experience in the whole range of areas of law in addition to a litigation practice.

“That might also mean becoming involved in other areas of a legal firm for a time undergoing training in say commercial and property law. The wider the experience the better, because it then gives you a greater area of knowledge to enable you to specialise in your chosen area.

“I was lucky in that, in the firms where I was a partner and initially a solicitor, I was given that wide range of training. This proved immensely helpful in my later years of practice and as a judge.”

### **Current Activities**

Having entered retirement in 2020, mainly to care for his ill wife before she sadly passed away in April 2021, the former judge says he is now essentially taking each day as it comes.

“I joke that my main activity is being bone idle – I’ve done over 50 years in the legal profession, so I’m just sort of relaxing at the moment and don’t have any specific activity.

“But I do like to catch up with other retired judges and presently-serving judges who are friends.”

March 2022

