

Editorial

The articles featured in this year's Review are notable, in the first place, for the breadth of the topics they traverse – from the Bill of Rights Act to leaky buildings, e-crimes to employment relations, punitive damages to Japanese retail de-regulation, the 2004 Review truly reflects the depth and variety of legal scholarship produced at the University of Auckland.

In selecting articles, we aimed not only to represent a wide range of subjects, but to choose pieces which showcase that rarity in undergraduate research: original analysis. Such analysis attempts to answer new questions, even as it raises more, and in so doing provides a signpost that will help to guide future research.

The winner of the 2004 Minter Ellison Rudd Watts Prize for best submission to the Review exemplifies these qualities. David Dobbie's "A Weathertight Adjudication Procedure?" analyzes a new dispute resolution system, created in response to New Zealand's 'leaky homes crisis', through a detailed examination of the first two adjudication decisions made under the new regime. The author's primary research will be of value to those interested in the leaky homes problem, but also highlights more general issues relating to extra-judicial dispute resolution.

The choice for best submission this year was not easy, however, because all the articles are of outstanding quality. Tim Mackey's study of the relationship between international trade law and Japanese domestic politics breaks new ground by referring to many Japanese texts which have, until now, not been available to English-language scholars. Jesse Wilson argues strongly that, in the light of recent Canadian developments, punitive damages should be available for breach of contract. Anthony Trenwith subjects New Zealand's new e-crimes legislation to a thorough, clause-by-clause analysis. Important questions about the courts' approach to interpreting the New Zealand Bill of Rights Act 1990 are raised by Nathanael Starrenburg. Stephanie Hill highlights the difficulties involved in distinguishing between employees and independent contractors, and proposes reform of the law. Whilst much ink has been spilt over the potential effects of the new *R v Shaheed* evidence exclusionary rule, Chadleigh Danswan is the first to examine the subsequent case law to find out whether the predictions made about the rule have proved accurate.

This year's Ko Ngaa Take Ture Maori section features "Post-Settlement Dispute Resolution: Time to Tread Lightly" by Gina Hefferan. Gina asks whether bodies set up to administer settlement funds given to Maori by the Crown are, or should be, subject to judicial review. As her illustrations from around the common-law world show, this is a crucial contemporary issue in all jurisdictions that must deal with the competing claims of indigenous self-government and state sovereignty.

Finally, the Commentary and Analysis section comprises a number of concise, critical evaluations of recent legal developments and publications. The new tort of privacy from *Hosking v Runting* is measured against the ‘horizontal’ effects of freedom of expression; a new decision on the scope of directors’ duties is considered; and a number of disparate pieces of legislation designed to counter terrorism – and which have important consequences for civil liberties – are brought together for analysis as a whole. Reviews of books on insurance law and civil remedies round off the 2004 edition.

The Review would not have got to press without the help of dozens of students and staff who volunteered large amounts of their time, and to whom we are deeply indebted. We would like to thank our editorial team and business staff for doing a wonderful job. Paul Myburgh, our faculty adviser, provided helpful advice and reassurance. Numerous other faculty members assisted by recommending papers or supervising their production.

Our online publisher, Hein Online, has this year enabled the Review to reach an even wider audience – past volumes of the Review are now available electronically. We must also thank our printers, Oliver Young, and Megan Nodder in particular, for her ongoing patience and support.

Finally, we would like to mention those sponsors who have advertised in the Review this year: Minter Ellison Rudd Watts; Bell Gully; Russell McVeagh; and UBS Books. Their financial support is much appreciated and is essential to the ongoing success of the Review.

We have been honoured to be the editors-in-chief for 2004. We wish all those who were involved in the Review this year, and the incoming team for 2005, the best of luck.

Andrew Robinson

Nicholas Sage

Auckland, October 2004