

EDITORIAL

As this issue of the Auckland University Law Review goes to press the Governor-General, Sir Michael Hardie Boys, is dissolving the last New Zealand Government under the first-past-the-post electoral system. The new era of cooperative and consensus politics ushered in by MMP has particular significance for lawyers and law students alike. For lawyers, their special skills in complex negotiation, coupled with an understanding of the underlying constitutional framework, will see them playing a prominent role in the reshaping of social, political, and constitutional policy. For law students, the political uncertainty will impact, as it always has, in the form of increased fees and higher staff ratios. Quality is inevitably the first casualty in such a process.

It is precisely at times like this that we, like all academic institutions, must look to enhance our legal scholarship and ensure that our role as social critic is not compromised. This issue of the Auckland University Law Review renews our commitment to the highest quality legal scholarship and social commentary. We are pleased, therefore, to present a range of articles and commentaries that review, question, and challenge contemporary legal issues, while at the same time proposing viable reforms.

Challenging the treatment of the mentally ill before the law is the topic of our prize-winning article. In a timely reminder to new Parliamentarians, the use and abuse of over 300 years of privilege is the subject of another. Reform from differing ends of the criminal law spectrum is presented in proposals for penal alternatives for female offenders, and public accountability for police prosecutions. The evolution of the New Zealand Bill of Rights remains fertile ground for scholarship. An examination of hate speech, and questioning the role of causation in the exclusion of evidence, are welcome additions to this growing corpus.

Two crucial aspects of everyday business life which are of significant importance to employers and the commercial community are considered in depth. A detailed review of the solvency test is long overdue, as is an answer to the serious question of the status under the law of dependent contractors. Neither is God's work left untouched, as the continued privileged position of religion in relation to revenue laws in contemporary New Zealand society is examined.

We are particularly pleased to introduce the new Ko Ngaa Take Ture Maori critique into an enhanced commentary section. It is hoped this new section will become a focus for academic discussion and debate on matters Maori and provide a vehicle for Maori scholarship generally.

Equiticorp, the longest running and most expensive litigation in New Zealand's history, is the subject of an extended note, as are a number of other judgments that advance the law in some manner. Recent legislation is surveyed, and a collection of review essays critically analyse recent leading monographs and legal texts.

Our personal thanks must also go to the entire editorial team whose contribution to the continued success of the Review is exacted at some personal cost and in often trying conditions. We are also grateful to the academic staff of The University of Auckland School of Law, particularly our faculty adviser, Scott Optican.

David Knight
Philip Crump

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