

## EDITORIAL

Each year law students direct their energy toward the production of opinions, research papers and dissertations. This material constitutes a valuable information resource which lies dormant or, at best, under-utilised. The dissemination and discussion of ideas and opinions through the medium of academic literature is an integral feature of the discipline of law but students seldom have an opportunity to contribute directly to this scholarly process. The publication of the Auckland University Law Review, however, partly redresses this situation by enabling a diverse selection of entirely student-written and student-edited material to be shared with a wider audience.

This year's articles are both thoughtful and thought-provoking. John Fisher, winner of the Law Review Prize for 1988, offers a fresh analysis of the doctrine of voluntariness and suggests that a criminal offence should properly be regarded as having three essential elements: *actus reus*, voluntariness and *mens rea*. Elizabeth Paton focuses on section 9 of the Fair Trading Act 1986 and compares it to actions available at common law. The assessment of damages for loss of opportunity resulting from a breach of contract or tortious act is discussed by Glenn Cooper in the light of *Hotson v East Berkshire Area Health Authority*, a recent House of Lords decision. Steve Bielby examines section 3(1)(g) of the Town and Country Planning Act 1977 and considers the extent to which the relationship of Maori people and their ancestral land is taken into account in planning decisions. Diane Stephenson evaluates the effectiveness of the Residential Tenancies Act 1986 when set against its stated aims and, on the subject of the burden of proof in criminal trials, Grant Poulton expands on a case note published in last year's review by surveying the approaches of other Commonwealth jurisdictions.

Recent judicial and legislative developments of interest are covered in our case and legislative note sections. Important texts published during the course of last year are also the subject of review. Consistent with our desire to give quality student work a higher profile, we include an index of dissertations and theses deposited in the Auckland University Law Library between 31 March 1983 and 31 March 1988.

We would like to acknowledge the efforts and enthusiasm of our production team. Special mention must be made of our non-editorial staff members, Andrew Simester and Barbarella McCarthy, who adopted a professional approach to business matters. Thanks also to Associate-Professor Hodge, whose sage advice was always welcomed. Finally, we extend our appreciation to our writers and trust that you find their contributions informative and stimulating.

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Auckland, July 1988