

# INTRODUCTION

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Sitting next to each other at an overseas conference on private law issues, one of us observed to the other that it often seems we are more likely to interact with other New Zealand private law scholars abroad than at home. This exchange was the catalyst for a plan to initiate the inaugural New Zealand Private Law Scholars' Roundtable, a forum where legal academics who are particularly interested in private law issues could workshop papers and exchange ideas in a collegial and congenial environment. We are grateful to all the New Zealand scholars who responded positively to this idea when, in mid-2015, we sent out the invitation to a large group of New Zealand-based private law academics.

Two key outcomes from the Roundtable project especially interested us. First, we wanted to forge and strengthen relationships between New Zealand scholars at every career stage including established leaders and new academics. Secondly, we wanted a publication in which we gathered all of the papers that were workshopped and critiqued during the Roundtable. As to the first aim, the Roundtable itself – which occurred in Wellington in February 2016 – was two days of animated and rigorous discussion, critique, suggestions for improvement, sharing of ideas; in sum, everything one expects and hopes for during an academic exchange. Colleagues from all six of New Zealand's law schools attended. Professional contacts and friendships deepened and new ones were formed. All of this was greatly enhanced by the presence of Professor Andrew Robertson, a leading private law academic at Melbourne University, whose visit was kindly sponsored by the New Zealand Law Foundation. Andrew acted as a kind of kaumatua, providing insightful and supportive critique of each paper that came from the Roundtable participants. All of the participants benefited from his contributions to the discussion. Andrew also delivered a public lecture entitled "The Limits of Interpretation in the Law of Contract", the transcript of which is included in this volume. The lecture attracted a large and engaged audience from the Wellington legal scene, including from the judiciary, the private sector, government, private law firms and the Bar, in addition to other university scholars and students.

You have the second outcome in your hands (or on your screen). The Victoria University of Wellington Law Review agreed to publish the papers as a special edition of the Review, contained

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in two volumes. The Judge Ian Borrin funds administered by the Review provided very welcome support for the event, contributing to the costs of the New Zealand participants' travel and accommodation. The New Zealand Law Foundation also generously assisted with publication costs. Her Honour, Justice Christine French kindly agreed to write a Preface for this special edition.

While we live in a highly regulated state, the private law remains integral to the healthy functioning of our society. Most of our interactions are still between individual citizens; the ordering of these legal relationships is the concern of the private law. Private law scholarship is made rich and diverse by the range of fields that it covers. The first volume in this edition draws together articles on contemporary issues of contract, tort and property law and illustrates how significant the private law continues to be. The second volume contains articles concerned with the interaction between the private law and various regulatory schemes. Topics include relationship property, residential tenancies, and the regulation of charities. The interplay between common law and public policy is an important underlying theme in much private law scholarship and one for which a diversity of approaches and opinions exists. That is certainly the case for many of the articles published here and makes this collection all the more valuable.

We have styled this initiative the "inaugural" New Zealand Private Law Roundtable, with the hope that an event of this kind will become a regular fixture on the New Zealand law school scene. We also hope that the enthusiasm for publishing articles on New Zealand private law for a New Zealand readership will endure. Rightly or wrongly, in the current academic environment, New Zealand legal scholars are under enormous pressure to engage with international stakeholders and to publish abroad. We were therefore immensely gratified that this group of New Zealand private law scholars, senior and junior alike, were prepared to come together and support a project such as this – many foregoing more high profile publishing opportunities in overseas journals. While we are fortunate that our law schools are full of internationally-renowned legal scholars whose work makes a significant contribution to international debates, as New Zealand academics we have important responsibilities to contribute to local dialogues with the practising profession, policy makers, the judiciary, and the wider New Zealand society. The articles in these two volumes are testament to this.

A few expressions of thanks to conclude. We have already noted the support of the New Zealand Law Foundation, the Judge Ian Borrin funds, Victoria University of Wellington Law Review (particularly its managing editors Nessa Lynch, Bill Atkin and Bevan Martin), and of Justice French. In addition, we have the Roundtable participants to thank, all of whom enthusiastically supported this endeavour. Behind the scenes there are many university support staff who help to make events such as these happen: Denise Blackett, Anna Burnett-Howard, Jayne Campbell and Rozina Khan, to name a few. Finally, this project would not have been possible without the skill and dedication of the student editor-in-chief of the Victoria University of Wellington Law Review, Monique van Alphen Fyfe, and the tireless work of her team of volunteer student editors. We are grateful to all.