

# Australian Law Journal

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## **ARTICLES**

### **JUDICIAL CONSISTENCY AND ARTICLE 25 OF THE CONVENTION ON THE INTERNATIONAL SALE OF GOODS**

#### **Paul van Reesch**

A fundamental concept of the Convention on the International Sale of Goods is the consistent interpretation of the Convention by courts regardless of jurisdictional considerations, such as local rules of interpretation. Indeed, this concept is fundamental to the successful operation of the majority of legal systems in place around the world. The aim of this article is to analyse whether a common thread exists in the implementation of Art 25 of the Convention by courts, particularly those resident in different jurisdictions. The determination of whether a common thread in the implementation of the Convention, and in particular Art 25, exists, is important for a multitude of reasons, but perhaps two stand out more than others: first, because of the inherently international character of the Convention; and secondly because the Convention provides its own rules of interpretation, perhaps in an attempt to offset the threat of differing approaches to the interpretation of law by courts in a multitude of jurisdictions. ....

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### **CONSUMER PROTECTION: DEVELOPMENTS IN TRADE PRACTICES LAW IN AUSTRALIA 1999-2001**

## Wayne Guild

The Trade Practices Act was in its 25th year by 1998, and it could be expected that any refinement to the legislation would have been fully achieved and that case law would have reduced issues of legal controversy in the Act's interpretation. Instead, in the following three-year period there were at least four cases dealing with Pt IVA (unconscionability), 24 cases on Pts V and VI (consumer protection) and one major decision on Pt VA (manufacturers' liability), as well as the advent of Pts VB and XIAA (New Tax System Price Exploitation Code). The legislative insertions in the examined period have indeed been voluminous. This has been matched by the abundance of case decisions, many cases going on appeal, and the fact that varied areas of the Act were still being litigated. The has reviewed the abovementioned developments and proceeded to assess whether the finality of legislative change is likely, and whether case law decisions have propounded legal principles yielding certainty in this area. The author remains of the view that the deficiencies and highlights of the Act will continue well into the future. .... 446

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  - 5. Austin, n 4, p 56.

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  - 6. Sheehy EA, Stubbs J and Tolmie J, “Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations” (1992) 16 Crim LJ 220.
  - 7. Sheehy et al, n 6 at 221.

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