

# TRADE PRACTICES LAW JOURNAL

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## ARTICLES

### **The Deputies – never a Chairman shall be – *Hank Spier***

When the media comments on the Australian Competition and Consumer Commission (ACCC) or its predecessor, the Trade Practices Commission (TPC), they invariably refer to the various Chairmen over the years. However, the Deputies should not be overlooked, either the actual ones or the number of “almost Deputies”.

This article concerns the various Deputies, namely Gilbert, Coad, Johns, Broome, Asher and now Sylvan. It outlines their contributions and how they fitted into the history of the *Trade Practices Act 1974* (Cth) and its primary institution, the TPC/ACCC.

The Deputies served Bannerman, McComas, Baxt, Fels and now Samuel.

There have been some “almost Deputies”. The appointment process has been fraught with difficulties. Further, there have been changes over the years on the background of the Deputy and the role of the Deputy. These are discussed, as well as the question: what should be the role of the Deputy Chairman in the future? ..... 190

### **Murphy v Overton: A further piece in the damages puzzle – *Nicole McKinnon***

It is almost 30 years since the enactment of the *Trade Practices Act 1974* (Cth). However, the Full Federal Court and the High Court of Australia are still grappling to find the most appropriate method of calculating monetary remedies under ss 82 and 87 of that Act. With a further case recently handed down by the High Court, more pieces of the puzzle have been found, providing further guidance on this issue. This article examines the existing difficulties and debate on the appropriate method of assessing damages under ss 82 and 87 of the Act, and the appropriate time from which action under s 82 will accrue. Special regard is had to the recent High Court decision of *Murphy v Overton Investments Pty Ltd*. ..... 197

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