

# TRADE PRACTICES LAW JOURNAL

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## EDITORIAL

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## ARTICLES

### **The less said – the worse: Silence as misleading and deceptive conduct – *Frederika De Wilde***

Is silence golden under s 52 of the *Trade Practices Act 1974* (Cth)? The purpose of this article is to review s 52 where failure to disclose relevant information may constitute an unfair trading practice in certain circumstances. This article provides an in-depth critique of the reasonable expectation test as applied in *Demagogue Pty Ltd v Ramensky*. It concludes by presenting productive recommendations on the law's future direction. .... 7

### **Ensuring effective competition in rapidly evolving telecommunications markets – *Dr Niloufer Selvadurai***

Telecommunications markets are characterised by constant and rapid technological change and evolution. It is now 10 years since the present telecommunication competition laws of Pts XIB and XIC of the *Trade Practices Act 1974* (Cth) were introduced. During this time, there have been significant changes to networks, infrastructures and business operations. The issue of reform is however gaining the attention of law reformers. In 2005 the government released an issues paper on Telecommunications Competition Regulation. In 2003, the European Union introduced an innovative new framework for the regulation of all electronic communications. This article addresses the topic of the continuing effectiveness of Pts XIB and XIC, and considers the extent to which the government's issues paper addresses the identified weaknesses of the present regulation. The article analyses the new European regulatory framework to ascertain whether the model is of assistance in designing an effective telecommunications competition regulatory framework for Australia. .... 27

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