

TRADE PRACTICES LAW JOURNAL

Volume 17, Number 1

March 2009

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Opportunities and challenges: Evidence in cases under the Trade Practices Act 1974 – *Justice John Mansfield*

The length, complexity and cost of litigation under Pt IV of the <i>Trade Practices Act 1974</i> (Cth) is notorious. This article reviews some current practices introduced with a view to refining the issues, and managing the admission and flow of evidence, in such cases. It also makes some additional suggestions, drawing on other aspects of case management techniques, by which such cases may be conducted, in a way which is less extensive and less prolonged.	7
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Misrepresentations as to future matters – current issues in interpretation – *Peter Gillies*

Section 51A of the <i>Trade Practices Act 1974</i> (Cth), dealing with misrepresentations as to future matters, presents problems of interpretation. However, recent case law has clarified aspects of the application of the provision. It is submitted that s 51A imposes an evidential burden merely upon the representor, and not a burden of proof; and that s 51A does create a substantive defence available in all situations where a misleading representation as to a future matter is alleged.	25
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SUBSCRIPTION INFORMATION

The *Trade Practices Law Journal* comprises four parts a year.

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THOMSON REUTERS

© 2009 Thomson Reuters (Professional) Australia Limited
ABN 64 058 914 668

Lawbook Co.

Published in Sydney

ISSN 1039-3277

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW