

TRADE PRACTICES LAW JOURNAL

Volume 18, Number 2

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Of sheep, the environment, and the Trade Practices Act	75
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Surfing the wavefront – Chief Justice RS French

In his opening speech to the August 2009 Law Council of Australia Trade Practices Workshop, the Chief Justice looked back 10 years to the themes dominating discussion about competition law on the 25th anniversary of the Trade Practices Act 1974 (Cth). They included misuse of market power, the conflicting purposes of competition law and their relationship to popular perceptions of its proper objectives. Moving forward 10 years, those issues are still with us. Additionally, in the shadow of the global financial crisis there is greater sensitivity to the interface between international trade and competition law and developments in the Asia Pacific region, and that economic evidence in the legal process in the enforcement of competition law is likely to face a particular challenge in jury trials dealing with cartel prosecutions.	77
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Cartel class actions: Recent developments in Australia – Kate Watts and Tova Gordon

Class actions are a fairly recent feature of the Australian legal landscape and competition law class actions are more recent still. This article briefly examines the unique substantive and procedural features of a class action proceeding and how these features have impacted on the course of class action proceedings brought under Pt IV of the Trade Practices Act 1974 (Cth). The article also examines recent decisions in the Cadbury and Jarra Creek cases, and the even more recent amendment made to s 155 of that Act in response to those decisions.	81
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Should documentary credits be excluded from the application of s 51AA of the TPA? – Tricia Liew

This article examines the exception of unconscionability under s 51AA of the Trade Practices Act 1974 (Cth) (TPA) to the autonomy of documentary credits by reviewing four decisions of the Australian courts of the past decade. The autonomy principle, its traditional exceptions and the development of s 51AA are analysed, and a comparison with the position in England and the United States undertaken. This article concludes that the TPA should be amended to exclude documentary credits from the application of s 51AA.	95
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 - ² Hayton, n 1, p 286.
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