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ARTICLES

NAVIGATING A NEW TERRAIN: DEVELOPING AUTONOMOUS VEHICLE LIABILITY PATHWAYS IN AUSTRALIA IN LIGHT OF INTERNATIONAL EXPERIENCE

Lilla Thiele-Evans, Blake Pepper, John Zeleznikow, Neil Foster and Tania Sourdin

In this article, an analysis of legal arguments and legal liability options in relation to autonomous vehicles (AV) is undertaken using a comparative methodology approach. Liability is examined through two lenses, the first being user liability, and the second, manufacturer liability. Reference is made to various liability arrangements that may be applicable and include contributory negligence, compulsory third-party insurance, no fault compensation schemes, contract and consumer law. International approaches are considered in addressing AV liability with reference to the United States, Canada, United Kingdom, France, and Germany. In light of these approaches, it is suggested that uniform

legislation is required to ensure that AV developments can be supported in the Australian legal landscape.	875
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THE IMPACT OF A NEW AND WIDESPREAD CONTAGIOUS DISEASE ON PRE-EXISTING CONTRACTUAL OBLIGATIONS

Tom Allchurch

Past pandemics have done little to alter the common law of contract in Australia. Contractual obligations change during pandemics through decisions of the legislature and Executive, not the judiciary: the impact of a pandemic on contractual obligations is generally determined by ordinary principles, or by whatever governments decide. Policy flexibility rightly trumps doctrinal consistency in a crisis. However, the limited relevance of pandemics to contractual doctrine does not undermine the importance of contractual drafting in anticipation of a pandemic. Force majeure clauses and pandemic insurance policies (disease clauses) need to be carefully drafted. The fact that COVID-19 is new, widespread and contagious does not mean that these criteria should be used in future disease clauses.	898
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IS THE CORONAVIRUS THE END OF ALL CONTRACTS?

Natalie Ngo

Pre-existing contractual obligations which were made difficult by the coronavirus are of crucial importance to the practice of the legal profession in the foreseeable future. This article argues that there are essentially two pathways by which contractual parties may avoid liability for breach of contract: force majeure clauses and the doctrine of frustration. This article will demonstrate that the applicability of the two mechanisms is not straightforward. It is therefore recommended that businesses tread with care before proceeding on the basis that either of those pathways is available so as to relieve them from existing contractual obligations.	911
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