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ARTICLES

Class Actions Reform: An Analysis of Data, Dollars and Doctrines – Part 2 – *Dr Peter Cashman*

This article examines empirical data on class actions in Canada and the United States and reviews a number of recent reforms in those jurisdictions. Recent reforms in Australia and other proposed regulatory changes in respect of litigation funding are critically examined. A number of additional reforms are outlined which it is contended would enhance civil

justice and assist in achieving the policy goal of reducing transaction costs and maximising the return to the class member beneficiaries of class action litigation in Australia. 564

Australian Burial Law 25 Years on from *Smith v Tamworth City Council* – Kate Falconer

Young J’s 1997 decision in *Smith v Tamworth City Council* is one of the most important decisions in the Australian law of the dead. This is due in no small part to the fact that, in his judgment, Young J set out 15 propositions of Australian burial law. These propositions have been cited, either individually or in full, in nearly every burial dispute heard by an Australian court since 1997. Twenty-five years on from the Smith decision, this article analyses each of Young J’s 15 propositions, its influence on modern burial law, and its current status in light of several significant developments in the field. It argues that, while many of the 15 propositions remain good law today, several should be entirely abandoned. 581

A Critical Response to “National Security and the Law” – Michael Head

This article questions some of the basic assumptions generally made about the concept of national security, the role of the intelligence agencies, the adoption of counter-terrorism laws and the far-reaching political and legal precedents set by that legislation. It suggests that it is time, more than 20 years on from the still largely unexplained circumstances surrounding the terrorist attacks of 9/11, to seriously assess the shift in the legal system during the “war on terrorism” that the United States government and its allies declared in 2001. Among the disturbing developments are multiple forms of detention without trial, sweeping definitions of terrorism-related offences, executive powers to outlaw organisations, substantially closed or even secret criminal proceedings, and intensive surveillance and secret data collection by the intelligence agencies. 595

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