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ARTICLES

IMPLICATIONS

James Edelman

Every day of our lives we recognise implications in the meaning of written and oral words, in conversations, in books and in newspaper articles. Implications are ubiquitous in language. In order to understand the legal rules for recognising implications in legal instruments it is necessary to appreciate the theory of how our everyday conventions of language are applied to the process of drawing inferences. This appreciation explains why our rules for recognising implications look and operate the way that they do and it helps to understand the meaning of rules for recognising implications in legal instruments and why, whether the instrument involved is a contract, a trust deed, a statute or the Constitution, some implications are easy to recognise but others are more difficult. 800

“CLASS CLOSURE” AND THE QUESTION OF POWER IN REPRESENTATIVE PROCEEDINGS

Emerson Hynard

“Class closure” has long been seen as a licit and appropriate mechanism aimed at balancing the interests of individual justice and finality in representative proceedings. This common position, however, is now the subject of significant controversy. In order to provide clarity as to the current state of the law, this article considers a slew of recent cases in which the issue of power to make class closure orders has been considered and questioned. In the light

of the inconsistent approaches that have emerged, this article examines what the future of class closure mechanisms will look like throughout different jurisdictions in Australia, assesses what these developments reveal about class action practice and procedure more broadly, and offers a potential path forward to restore consistency. 816

COMPENSATION FOR ECONOMIC LOSS

Jayne Jagot

The High Court's decision in *Timber Creek* is the first to consider the assessment of compensation under the *Native Title Act 1993* (Cth) for acts which extinguish native title rights and interests. The decision establishes a number of propositions fundamental to the operation of the compensation provisions of the Act. The decision leaves for future resolution a range of other equally important issues. This article identifies and examines some of those issues. 832

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