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Over the last 20 years the Australian class action landscape has rapidly evolved and class actions have increased in volume and importance. This growth has been fuelled by judicial innovation, a rise in litigation funding, the implementation of several state class action regimes and more recently by the introduction of contingency fee funding for Victorian class actions. As they have increased in importance, class actions have attracted polarised views regarding their efficacy for achieving access to justice and supporting the rule of law. These polarised views have, in turn, led to see-sawing policy approaches that deflect from larger institutional questions regarding how regulatory and privately driven action should best be leveraged to achieve just outcomes. This article discusses the rationale of class actions and suggests means to attain a better balance between regulatory and private redress. 34

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