

CLASS ACTIONS IN AUSTRALIA: EMERGING TRENDS

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Legal Briefings

There have been a range of developments in the class actions landscape over the past year. The Australian Law Reform Commission completed its review of class action proceedings and third party litigation funding, an appeal is pending in the High Court of Australia on common fund orders and the Federal Court and Supreme Courts of NSW and Victoria entered cooperation protocols instigated by issues arising from competing class actions. There has also been increased regulatory activity in areas also the subject of class action claims.

Herbert Smith Freehills hosted a class action event in Melbourne last week, with a panel of experts, including the Honourable Justice Beach of the Federal Court, Simon Dluzniak of litigation funder Therium and Ben Phi of Phi Finney McDonald. Three of our leading class actions specialists, Damian Grave, Helen Mould and Leah Watterson helped facilitate a lively discussion with the audience, sharing perspectives on a range of current issues.

His Honour Justice Beach provided insights on how the system is operating, the protocols adopted by the courts and the different approaches taken to the management of competing claims.

The panel discussed an increasingly competitive market in Australia for litigation funders, the benefits derived by plaintiffs and group members from lower funding commissions and the potential impacts if contingency fees are adopted.

The effects of competing class actions and their impact on respondents were also canvassed.

At a time of increased regulatory activity following the Financial Services Royal Commission, the dynamics of parallel regulatory proceedings and class actions were considered. The timing of class closure, the form of security for costs and the legislative policy behind Australia's class actions regime also generated debate.

The panellists provided their reflections on these and other issues, and addressed thought provoking questions from the audience throughout.

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.

KEY CONTACTS

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