

# AUSTRALIAN JOURNAL OF COMPETITION AND CONSUMER LAW

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## ARTICLES

### **Extended too far? The fate of extended warranties under the Australian Consumer Law – Mary Roberts**

A lucrative source of income for businesses, extended warranties are often criticised for delivering little benefit to consumers over and above pre-existing statutory rights. But subtle changes under the Australian Consumer Law package of reforms threaten to fundamentally change the way extended warranties are offered to Australian consumers. Combined with a renewed regulatory focus, businesses will be forced to carefully consider whether their extended warranties comply with the law and provide consumers with rights that are truly additional to their statutory rights. .... 87

### **Can loss of chance damages survive in commercial cases after *Tabet v Gett*? – Leanne Rich**

The High Court's rejection of loss of chance damages in cases of medical negligence involving personal injury calls into question the availability of loss of chance damages in other contexts, namely commercial cases based on causes of action for misleading or deceptive conduct, breach of contract or negligence. This article discusses the decision of the High Court in *Tabet v Gett* (2010) 240 CLR 537, as well as international case law, and considers the implications those decisions have for the availability of loss of chance damages in commercial, including trade practices, cases. The article concludes that while loss of that availability is a legitimate cause for concern, loss of chance damages in the commercial context have so far survived the High Court's decision and remain claimable. .... 98

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