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ARTICLES

Part IIIA: A new beginning? – *Thomas Jones and Andrea Kennedy*

This article considers the High Court’s recent decision in Fortescue Metals’ long running application for access to rail infrastructure in the Pilbara region under Pt IIIA of the Competition and Consumer Act 2010 (Cth). The landmark decision has reshaped the declaration process under Pt IIIA by altering the operation of some of the criteria and significantly reducing the scope of any review by the Australian Competition Tribunal. While some questions remain, the increased certainty about Pt IIIA’s operation, together with the streamlining of the review process, are likely to encourage more applications for declaration and result in more timely outcomes for all parties. However, while the legal process may be nearly complete, the political process is not. The Productivity Commissioner has just commenced a far-reaching inquiry into the operation and future of Pt IIIA. Its findings may ultimately result in further and even more radical changes to the Part.

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The phenomenon of payday lending – *Sally Andersen*

Predatory lending has been the scourge of poor and uneducated consumers for centuries. Payday lending, where borrowers loan small amounts for a short time period at high cost, is a relatively new source of predatory lending. This article briefly examines predatory lending and various attempts made throughout its long history to prevent or regulate it. It considers the origins of payday lending, and explores the comparative regulatory regimes of payday lending in the United States, United Kingdom and Australia. It then discusses which methods of government regulation appear to have been effective, concluding that unless strict regulatory schemes are enforced, control is limited at best. History shows us that leaving the payday lending industry to regulate itself results in a thriving industry creating deeply imbedded social issues.

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