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BOOK REVIEWS

Dean Mildren, *The Appellate Jurisdiction of the Courts in Australia*, 2nd edition (The Federation Press, 2023)

Authored by a former judge of the Supreme Court of the Northern Territory, this comprehensive text addresses the complex questions of statutory interpretation relevant to appeals in Australia as well as providing practical guidance on conducting appeals. The first few chapters deal with rights and types of appeals, the requirements for lodging an appeal, written submissions and responding to an appeal. There are various chapters on types of criminal appeals including sentences, appeals against conviction, appeals by the crown, and civil appeals. The final chapter is titled “Arguing an Appeal”: a short advice to appellate counsel on how to make effective oral submissions. The work is a valuable resource for practice in all appellate jurisdictions throughout Australia.

For civil practitioners, Chapter 11 addresses common provisions providing for appeals and common grounds of appeal. The extensive list of common grounds of appeal contains footnotes to intermediate appellate court or High Court cases where those grounds were argued. The chapter addresses the difficult questions of appealing on errors of fact and findings based on demeanour of witnesses, before discussing the present position on appeals from “evaluative” decisions, adducing fresh evidence and raising new points on appeal. The chapter concludes by considering the principles relevant to awarding security for costs of an appeal in all courts.

Chapters 7 and 12 address applications for leave to appeal (firstly, to courts other than the High Court and secondly, to the High Court). Prefaced with the statement that “there are no hard and fast rules”, the author identifies the guiding principles for applications for leave to appeal in both civil and criminal cases that the courts generally apply. The various statutory provisions relevant to applications for leave to appeal across Australian jurisdictions are discussed in the context of particular types of judgments. In Chapter 12, the author discusses the criteria for the grant of special leave by the High Court and provides a list of the most common reasons for granting and refusing special leave. Readers at all levels of experience will benefit from this text.

For those with a copy of the first edition of this text, the second edition contains a new Chapter 13 addressing the establishment of the Federal Circuit and Family Court of Australia along with other revisions addressing the creation of a new Court of Appeal in South Australia, a new Local Court in the Northern Territory, and recent High Court decisions expanding on the principles which guide appellate work.

J Sargent of Counsel

PRACTICE AND PROCEDURE

Uniform Civil Procedure (Offers to Settle) Amendment Rule 2023

This Amendment Regulation is made under the *Supreme Court of Queensland Act 1991*. The Rules Committee has reviewed the offer to settle provisions in Ch 9, Pt 5 of the UCPR in consultation with the legal profession and as a result, requested amendments to rr 360 (Costs if offer by plaintiff) and 361 (Costs if offer by defendant) UCPR and the insertion of a new r 361A in relation to costs if an offer has been made by the defendant and the plaintiff’s proceeding is dismissed.

The Amendment Rule amends r 360 and r 361 to be retitled (Costs if offer by defendant—order obtained by plaintiff) to clarify the costs implications for parties to a proceeding resulting from offers to settle, inserts a new r 361A (Costs if offer by defendant—dismissal of plaintiff’s proceeding) to outline the costs implications resulting from an offer to settle where the plaintiff’s proceeding is dismissed, and inserts a transitional provision for the amendments.