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EDITORIAL – *General Editors: Roderick Joyce QSO QC and Professor Michael Legg*

The Courts and Our Daily Lives – *Roderick Joyce QSO QC* 3

Technology and Civil Justice – *Michael Legg* 4

ARTICLES

Court Review of the Decisions of the Australian Financial Complaints Authority and Its Predecessors – *Ian Ramsay and Miranda Webster*

The Australian Financial Complaints Authority (AFCA) commenced operation on 1 November 2018. Its purpose is to address complaints by consumers and small businesses in relation to products and services provided by financial firms. It is expected to deal with more than 50,000 complaints in its first year. Given the important role of AFCA, the authors analyse the cases in which decisions made by predecessor bodies of AFCA have been challenged in the courts and, based on this analysis, propose a set of principles that should be applied by the courts in determining whether an AFCA decision is reviewable. The authors note that significant policy issues are at stake in relation to the grounds for court review of an AFCA decision. Court review of AFCA decisions can be important for accountability. Yet AFCA was established to be an alternative to courts and therefore the objectives of low-cost, prompt and informal dispute resolution by AFCA should not be adversely affected by excessive court review of its decisions. 6

Legal Professional Privilege in the Third-Party Funding Context – *Nathan Landis*

Much ink has been spilt about arguing the advantages and disadvantages of third-party funding in civil litigation. Those debates are largely academic, however, with third party funding becoming a ubiquitous feature of class actions in Australia and an increasingly common feature of commercial dispute resolution within Australia and around the world. The involvement of third-party funding in a wider number and range of proceedings has exposed a layer of complexity to the legal principles surrounding some of the principal components of civil procedure. This article explores some of the subtleties that third-party funding brings to one of the more argued areas of civil procedure, legal professional privilege. It traverses the issues associated with claiming and preserving legal professional privilege when a third-party funder is involved in the proceedings and explains how recent decisions have resolved some of those issues when confronted with them. 31

CASE NOTES – *Editor: Louise Beange*

Newling v FSS Trustee Corp (No 2) [2018] NSWSC 1405 – *Jeremy L Harrison* 41

BOOK REVIEW

Friston on Costs (3rd Ed), by Mark Friston – *Roger Quick and Stephen Warne* 46

