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Evaluation of Pre-action Protocol Implementation in South Australian Civil Cases, 2018–2023 – *Lyle J Palmer and Margaret Castles*

New Uniform Civil Rules (UCRs) implementing pre-action processes (PAPs) were introduced in South Australian (SA) civil jurisdictions in 2020. The UCRs include various initiatives: uniform terminology across jurisdictions, electronic document management, overarching obligations, and, unique to South Australia, comprehensive PAP requirements. The new UCRs aimed to encourage clear articulation of matters at issue between parties, promote early negotiation, and support early resolution of disputes. These changes were designed to result in a more efficient and cost-effective flow of civil proceedings. A study of the impact of the new UCR investigated summary data relating to the impact of PAP in civil proceedings (n = 14,474) commenced in SA civil jurisdictions over a six-year period before and after the introduction of the new UCRs in order to evaluate outcomes associated with the new UCRs. This article reviews the implications of the data review and suggests further avenues of investigation to better understand the impact of and attitudes to PAP. 7

Corporations Legislation Class Actions, Group Costs Orders and the Transfer of Proceedings – *Bogan v Estate of Smedley (Deceased)* – *Michael Legg and Sophie Sievert-Kloster*

The availability of financing is a key prerequisite for an Australian class action to be viable and permit claimants to pursue legal action. To that end, the State of Victoria enacted an amendment to its class action regime that permits group costs orders or GCOs – legal fees calculated as a court-determined percentage of the amount of any award or settlement. Victoria is the only Australian jurisdiction that permits GCOs. In *Bogan v Estate of Smedley (Deceased)* the High Court of Australia held that a GCO made in a class action commenced in the Supreme Court of Victoria could not operate in the Supreme Court of New South Wales and that, consequently, the class action could not be transferred. This has important ramifications for the choice of forum for class actions in Australia. 22

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