
PRINCIPLES OF CIVIL PROCEDURE IN QUEENSLAND

REVIEW BY LUKE I WALKER

Principles of Civil Procedure in Queensland, 1st edition by Bernard Cairns: Thomson Reuters (Professional) Australia, 2015, ISBN 9780455232621.

We are always appearing, and disappearing, and swearing, and interrogating, and filing, and cross-filing, and arguing, and sealing, and motioning, and referring, and reporting, and revolving about the Lord Chancellor and all his satellites, and equitably waltzing ourselves off to dusty death...

– Charles Dickens, *Bleak House*.

To the uninitiated, the strictures of civil procedure can seem a mystery. Indeed, non-lawyers involved in civil litigation often feel like they are stuck in a spider's web of rules and regulations – a sensation that is undoubtedly familiar to law students engaged in its study. Dickens' classic *Bleak House* tells the story of an interminable dispute in the English courts of the 19th Century. Although it is greatly exaggerated, it stands as a reflection of the complexity of civil procedure and the confusion that often attends it, even amongst lawyers.

Bernard Cairns is already well-known for demystifying this important area of law to the benefit of students and practitioners alike. His text, *Australian Civil Procedure*, which is now in its tenth edition, is regarded as an indispensable resource for those engaged in civil practice or anyone wishing to gain a deep understanding of civil procedure.

The civil procedure rules of all Australian jurisdictions share common fundamental characteristics but despite this, there are significant regional variations. Cairns' new book provides an in-depth guide to the rules of civil procedure as they apply in Queensland.

Designed primarily for students of law, *Principles of Civil Procedure in Queensland* covers all the topics of civil procedure required for admission in Queensland throughout its fifteen chapters. The first two chapters cover the nature, sources and objectives of procedural law as well as the structure and jurisdiction of Queensland's civil courts and tribunals. Chapters three to five set out the requirements for commencing proceedings in the proper form, how to correctly serve originating processes, how to file notices of intention to defend and the effects thereof. Chapters six and seven cover pleadings and admissions, what should be included in particulars and the processes to amend or strike out pleadings. Chapter eight covers the vexed topic of disclosure, including objections to disclosure and non-party disclosure, as well as interrogatories and how to answer them. Chapters nine and ten cover settlement of actions and summary disposal and discontinuance of litigation, including alternative dispute resolution, pre-court settlement procedures, offers to settle, default judgment and dismissal for want of prosecution. Chapters eleven and twelve relate to evidence and trial, including expert evidence, subpoenas, cases in special lists and misconduct of litigation. Chapter thirteen covers the important issue of costs, including the distinction between solicitor and client and party and party costs as well as security for costs. Finally, chapter fourteen outlines post-trial procedures, such as appeals and new trials, while chapter fifteen covers the enforcement of judgments.

Despite its expansive subject, the text itself is quite compact. Much of the information is set out in readily comprehensible tables, which allows quick reference and unambiguous understanding. Cairns' style is pleasant to read and easy to follow. Demonstrating his acknowledged mastery of this field, he is able to outline the often byzantine concepts of civil procedure in a way that would be easily understood by even the most inattentive law student. As such, *Principles of Civil Procedure in Queensland* would be an invaluable addition to the library of students and practitioners alike.

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