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An Argument for Abolishing the Right to Civil Appeal – *Mark J Rankin*

In most jurisdictions in Australia there exists a right to appeal final orders, but leave must be sought to appeal interlocutory orders. This article argues that the theoretical distinction between final and interlocutory orders is not sufficiently precise to justify the significant implications, in terms of rights to appeal, attendant upon that distinction. Accordingly, the article advocates abolishing the right to civil appeal – thereby removing the impact of this distinction – and offers a critique of the relatively recent Victorian legislation that has achieved this, in order to develop a legislative template for other jurisdictions to follow. 54

Representative Party Standing and Sub-Groups in New South Wales Class Actions – *Michael Legg and Laura Uptin*

The decision in *Fernandez v New South Wales* [2019] NSWSC 255 addresses novel questions relating to the operation of class actions in the state of New South Wales. His Honour Garling J considered whether, in a situation where there are multiple defendants to representative proceedings, it is necessary that a class representative have a claim against each defendant to the proceedings. His Honour also considered whether s 161(1) of the New South Wales class actions legislation applies to sub-groups. The answers to these questions have implications for the promotion of efficiency and the protection of the rights of group members in representative proceedings. 71

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