

730-404 Private International Law

Credit Points:	12.500
Level:	Undergraduate
Dates & Locations:	2008, This subject commences in the following study period/s: Semester 2, - Taught on campus.
Time Commitment:	Contact Hours: Three hours of seminars per week Total Time Commitment: Estimated total time commitment of 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; Obligations; Contracts or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p>
Coordinator:	Professor R Garnett
Subject Overview:	<p>Private International Law (sometimes called Conflict of Laws) deals with the situation where a private legal dispute litigated in a court of the forum has an international or interstate element. The subject deals with the principles in relation to three main matters. First, the circumstances when the court exercises jurisdiction. Secondly, the circumstances in which a foreign or interstate judgement will be recognised or enforced by the courts of the forum. Thirdly, the rules which govern which law should apply to the resolution of the dispute in contracts and torts. Whether the application of the relevant principles differ as between international and interstate disputes (including the role of full faith and credit), characterisation, the distinction between substance and procedure and the interpretation of the statutes of the forum, are considered in the course of dealing with the issues mentioned above. The subject also covers the non-application of foreign law on grounds of public policy.</p>
Assessment:	A final exam 100% OR an optional assignment (40%) and exam (60%) OR an optional moot 40% and final exam 60%.
Prescribed Texts:	None
Recommended Texts:	<p>Recommended Texts:</p> <p># Conflict of Laws: Commentary and Materials (Davies, Ricketson and Lindell), Butterworths, 1997</p>
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	

On completion of the subject, students should have developed the following generic skills:

- # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage
- # the capacity for close reading and analysis of a range of sources
- # the capacity for critical and independent thought and reflection
- # the capacity to solve problems, including through the collection and evaluation of information
- # the capacity to communicate, both orally and in writing
- # the capacity to plan and manage time
- # intercultural sensitivity and understanding

In addition, on completion of this subject, students should have developed the following skills specific to the discipline of law:

- # the capacity to engage in written and oral argument in legal questions
- # the capacity to undertake analysis of legal principles and apply them to topical fact situations
- # the capacity to critically analyse a conceptually challenging area of the law