LAWS40029 Private International Law

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2012.
Time Commitment:	Contact Hours: Three hours of seminars per week. Total Time Commitment: 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:	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry.The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/.
Contact:	Melbourne Law School Student Centre Email: **law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au)** Tel: +61 3 8344 4475
Subject Overview:	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.
Objectives:	Students who successfully complete this subject should: # Be in a position to identify when a particular fact situation involving a foreign element raises private international law issues and what those issues are; # Be able to advise on how those issues would be approached and resolved by an Australian court; # Have some awareness of the theoretical and policy justifications for private international law and be able to examine the law critically.
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:	*Conflict of Laws: Commentary and Materials* (Davies, Ricketson and Lindell), Butterworths, 1997.
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.