

Trends in Australian Private International Law (summary)

Mary KEYES

Professor, Griffith University, Australia

This article discusses five important trends in Australian private international law. The first is the growing independence of Australian private international law from the English law on which it is based. The second trend is that there has been a considerable increase in the number of cross-border cases litigated in the Australian courts since the 1980s. Many principles emanate in case law, so this increase has produced authorities for many issues, enabling a reduction in reliance on English cases. The third trend is that most recent legal developments have been in the area of jurisdiction. This focus on jurisdiction has come at the expense of the development of applicable law rules, which have not kept pace with international developments. The fourth trend is the continuing expansion of a comparatively broad approach to the Australian courts' jurisdiction. The fifth trend is inaction in developing the law, due partly to the heavy reliance on case law, which is ill-suited to systemic, comprehensive and coordinated reform. While these trends are not all unique to Australia, together they demonstrate peculiarities of Australian private international law and especially some of its insular tendencies.