

New Paper on the Hague Principles and Australia

Michael Douglas and Nicholas Loadsman, *The Impact of the Hague Principles on Choice of Law in International Commercial Contracts*, *Melbourne Journal of International Law*, Vol. 19, No. 1, 2018. Also available at SSRN: <https://ssrn.com/abstract=3230515>.

Abstract

In 2018, Australia should enact an 'International Civil Law Act' which would give effect to the Convention on Choice of Court Agreements ('Hague Convention') and the Principles on Choice of Law in International Commercial Contracts ('Hague Principles'). This article explains how the enactment of the Hague Principles would impact Australian private international law in respect of choice of law for contracts. It is argued that, for the most part, this legislation would be consistent with existing law — although there are a few issues that would be determined differently under the legislation, and in those respects, the legislation would be welcomed. The Hague Principles provide limited exceptions to the principle of party autonomy, which allow courts to apply forum law for certain public policy reasons. It is argued that the scope of those public policy exceptions will be a focal point for choice of law disputes under an International Civil Law Act.