Tomorrow's AAPrIL seminar: Benjamin Haward on The UN Convention on Contracts for the International Sale of Goods: Adoption and interpretation in Australia

Join us online tomorrow for a free seminar on the CISG in Australia, delivered by Dr Benjamin Hayward.

Abstract

Australia adopted the United Nations Convention on Contracts for the International Sale of Goods (CISG) – a treaty intended to harmonise cross-border sale of goods law – in 1989. Australia gives the treaty local effect via a range of State, Territory, and Commonwealth Acts. A problem has arisen, however, with respect to the wording of that legislation. Some Australian courts consider that the treaty only applies, on a provision-by-provision basis, where it is inconsistent with local law. According to international understandings, however, the CISG is intended to displace local law to its subject-matter extent when it applies.

With reference to Australia's statutory interpretation rules, and the legislative histories preceding the CISG's adoption in Australia, this seminar identifies a parliamentary intention to apply the CISG in full in Australia. It therefore identifies that Australia intended to adopt the CISG in a manner consistent with its internationally understood effect. This seminar also examines the nature of Australia's CISG cases to-date, and identifies how future courts can better engage with the treaty in order to realise its objectives of supporting international trade.

Presenter

Benjamin Hayward is an Associate Professor in the Department of Business Law at Monash University. He has published in Australia and internationally in private

international law, international commercial arbitration, and the CISG. Ben currently teaches Australian contract law, consumer law and statutory interpretation (amongst other private law topics) at the Monash Business School.

Chair

Cara North is Special Counsel with Corrs Chambers Westgarth Melbourne, and Treasurer of AAPrIL. She practises in international litigation, arbitration and private international law. Cara has worked as a legal officer for the Hague Conference on Private International Law, and for five years as a consultant to the Permanent Bureau of the Hague Conference.

Details

Date and Time: Tuesday 19 November 2024, 5:00pm to 6:00pm (AEDT: GMT+11)*

* ACT, NSW, Tas and Vic; NZ, 7:00pm-8:00pm; SA, 4:30pm-5:30pm; Qld, 4:00pm-5:00pm; NT, 3:30pm-4:30pm; WA, 2:00pm-3:00pm

Online only: Zoom Link

Zoom ID: 879 8362 4800

RSVP: by email to reid.mortensen@usq.edu.au

Anyone is welcome to attend this seminar. There is no cost.

About the Australasian Association of Private International Law

The Australasian Association of Private International Law (AAPrIL) is a group of people committed to furthering the understanding of private international law in Australia, New Zealand and the Pacific region. To lean more, visit our website or follow us on LinkedIn.