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(2006) 80 ALJ [page]

The Australian Law Journal is a refereed journal.

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80 ALJR [page]

THE AUSTRALIAN LAW JOURNAL

Volume 80, Number 6

June 2006

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ARTICLES

**ENFORCING AUSTRALIAN JUDGMENTS IN THE UNITED STATES (AND VICE
VERSA): HOW THE LONG ARM OF AUSTRALIAN COURTS REACHES
ACROSS THE PACIFIC**

Justin Hogan-Doran

The United States is Australia’s largest trading and investment partner. The recent signing of the Australia-United States Free Trade Agreement signals even closer economic integration. No other treaty or legislation deals with the respective jurisdictional competences or recognition and enforcement of United States judgments in Australia, or vice versa. As a result, Australian plaintiffs considering suing United States defendants have every chance of enforcing their judgments in United States courts, even where long-arm jurisdiction is exercised over foreign parties who refuse to participate in local proceedings. By contrast, United States judgment creditors have only very limited grounds for seeking recognition and enforcement of United States judgments in Australia. The differences present significant commercial advantages to Australian parties, but also expose the hypocrisy of existing, restrictive common law rules on recognition and enforcement where Australian courts exercise long-arm jurisdiction. 361

DUTY OF GOOD FAITH: THE “SLEEPER” OF INSURANCE OBLIGATIONS?

Michael Mills

The duty of good faith is central to both the contract of insurance and the relationship between insurer and insured. This article briefly examines the law on the duty of good faith in Australia and the United States and concludes that the law in the two countries is broadly similar. From this perspective, it is then instructive to note how in many respects the law on the duty of good faith in Australia is probably not as settled as many tend to assume. As a result, there is much greater scope for insureds to utilise the duty of good faith as a means to secure greater relief for full and fair performance of the contract of insurance, than has occurred to date. 387

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ISSN 0004-9611

Typeset by Lawbook Co., Pyrmont, NSW
Printed by Ligare Pty Ltd, Riverwood, NSW