

Government of this State, while favouring the principle recommended by the Imperial Conference, desires to communicate with the Governments of the other States to ascertain their opinions on the matter and also with a view to securing uniformity of legislation in whatever States may be favourable thereto.

I have, &c.,

WM. MACGREGOR,
Governor.

No. 36.

The GOVERNOR to the SECRETARY OF STATE.

SIR,—

Government House, Hobart, Tasmania, 16th August, 1912.

With reference to your despatch, No. 32, dated the 27th March last, transmitting copy of a resolution passed by the Imperial Conference in 1911 in favour of the mutual enforcement of judgments and orders of Courts of justice, I have the honour to transmit enclosed communication received from the Premier on the subject.

I have, &c.,

JOHN MCINTYRE,
Deputy Governor.

YOUR EXCELLENCY,—

Premier's Office, Hobart, 14th August, 1912.

Referring to the accompanying despatch, No. 32, received from the Right Hon. the Secretary of State for the Colonies, on the subject of the enforcement of the orders of Courts of justice, I have the honour to inform Your Excellency that the principle recommended by the Imperial Conference is one which will be accepted by this Government, and your Ministers are prepared to introduce legislation to reciprocate with any self-governing dominion, state, or province.

I have, &c.,

His Excellency the Governor of Tasmania.

A. E. SOLOMON, Premier.

No. 75.

The GOVERNOR to the SECRETARY OF STATE.

SIR,—

Perth, Western Australia, 18th November, 1912.

With reference to your despatch, No. 37, of the 27th March, 1912, relative to the mutual enforcement of judgments and orders of Courts of justice, including judgments and orders as to commercial arbitration awards, I have the honour to inform you that my Ministers have intimated that this Government proposes to introduce a measure on the lines suggested in your despatch during the next session of Parliament.

I have, &c.,

G. STRICKLAND,
Governor.

No. 79.

The GOVERNOR to the SECRETARY OF STATE.

SIR,—

Government House, Adelaide, 27th November, 1912.

In reply to your despatch, No. 35, of 27th March, 1912, I have the honour to forward herewith a report by the Right Hon. the Chief Justice of South Australia, *re* mutual enforcement of judgments and orders of Courts of justice throughout the Empire.

I would add that the report in question has the approval of the Government of South Australia.

I have, &c.,

DAY H. BOSANQUET,
Governor.

RETURNED to the Hon. the Attorney-General.

It would undoubtedly be a great public benefit to have legislation for reciprocally enforcing judgments of the superior Courts throughout the self-governing portions of the Empire, in the same way as in the United Kingdom under the Judgments Extension Act, 1868. As regards awards, the resolution at the Imperial Conference, 1911, was directed only to commercial arbitration awards. On this point the proposals contained in the Secretary of State's despatch are naturally cautious; but I see no reason why any legislation on the subject should be limited to arbitrations arising out of commercial contracts, except that commercial awards alone were the subject of the resolution passed by the Conference. The simple course would be to provide that an award of any kind to which the effect of a judgment of a superior Court has been given should be enforceable as a judgment.

The proposed Bill is to be limited to Great Britain and to apply to judgments and awards in the dominions and colonies which pass reciprocal laws as to the enforcement of British judgments. In order, therefore, to give complete effect to the scheme of the proposed measure, it will be necessary to have legislation with reciprocal provisions in each of the self-governing dominions in addition to the Imperial statute. No doubt this course is suggested in order to avoid encroaching upon the legislative jurisdiction of the dominions, states, and provinces concerned. But this objection would be avoided if the Imperial Parliament were to pass a general measure applicable to the United Kingdom and reciprocally amongst the dominions, &c., concerned on their adopting it either by legislation or by Proclamation. This would also have the advantage of securing uniformity of procedure, though probably it would be desirable to reserve to the Dominion and State Legislatures the power of repeal and amendment as to their own territories.