

2 June 1911.]

ENFORCEMENT OF ARBITRATION AWARDS.

[4th Day.

Mr. BUXTON—*cont.*

ditions, it is practicable and desirable to make mutual arrangements with a view to the enforcement in one part of the Empire of Commercial Arbitration Awards given in another part." At the present moment the law in respect of this matter differs in the various Dominions, and what is still more disadvantageous is, that a commercial arbitration award does not, or very exceptionally, carry with it powers of enforcing it in other parts of the Dominions. I think we should probably all agree in such a matter as this that if we could have uniformity of practice it would be of great advantage from a commercial point of view, and not only that there should be uniformity, but that there should be the power of enforcing throughout the Empire the various arbitration awards given in another part of it. If it commends itself to the Conference I suggest it should be referred to a committee; and I would ask the Attorney-General, who knows about the question, to undertake the matter and discuss it on behalf of His Majesty's Government. As a layman it would be hopeless for me to attempt to do so. It is a very complicated matter, but it will be in the very able hands of the Attorney-General if it be approved by the Conference.

Dr. FINDLAY: I think the scope of the proposal should be greatly widened.

Mr. BUXTON: You mean as to judgments?

Dr. FINDLAY: I mean different parts of the Empire stand precisely in the same relation to the Motherland as a foreign country does. The King's Writ runs in Ireland if it is endorsed, but the King's Writ does not run in Australia or New Zealand; there it is practically the same as if it were a foreign country.

The CHAIRMAN: That is a technical matter which had better be discussed in committee, as suggested by Mr. Buxton.

Mr. BUXTON: That is our view, and we thought this resolution would be sufficiently wide to cover it.

Dr. FINDLAY: My suggestion is that instead of confirming it merely to the enforcement of awards under an arbitration, you should give valid currency to the King's Writ, and to Judgments of Courts and other legal processes. We, indeed, in New Zealand, have taken rather a prominent step in this matter already for providing for reciprocity with Australia, so that orders made under the Destitute Persons Act should be recognised in Australia as fully as if they were made there; and orders made in New Zealand should have currency in Australia providing Australia will give us reciprocal legislation. The present system obviously causes expense, trouble, and disappointment, and there seems no reason why a step should not be taken a great deal further than merely as concerns enforcement of awards. An Empire is not an Empire if you treat oversea portions of it like a foreign country.

The CHAIRMAN: I think that is a matter which might well be discussed in Committee, and if the representatives here in Committee with the Attorney-General are not able to come to a final conclusion on this matter during their visit, it is one which might well be followed up by the Secretariat subsequently in communication with the various Dominions, if that method of dealing with it is approved by the Conference.

Sir JOSEPH WARD: I think that is quite satisfactory. It is a matter where the legal representatives of the Conference are to attend the Committee, and if Dr. Findlay suggests the widening of the proposals here, I think, if it is understood that the Committee can discuss more than is in this Resolution, it is all right.

Mr. BUXTON: The Judgments can be discussed; that is your point.