

**COURTS OF SESSION BILL
(THIRD READING)
6 December 1921**

Edith Cowan questioned the need for an insertion of a clause to facilitate the appeal process to a court of appeal.

The Premier: I move —

That the Bill be now read a third time.

Mrs COWAN: (West Perth) [4.50]: The Premier promised to give the House an explanation of the clause to which the member for Bunbury (Mr. Money) objected when we last discussed this measure. I would like to know what proceedings are specially referred to, seeing that the procedure for appeal is already provided for in Statutes and rules, regarding the revision of decisions from the lower court. In view of that position, why is there any necessity for the clause?

The Premier (Hon. Sir James Mitchell — Northam [4.5]): The clause merely gives power to the court of appeal to amend any defect in connection with the appeal so that it may be dealt with on its merits.

Mrs COWAN: There is more in it than that.

The Premier: I have consulted the Solicitor General and he advised me that that is what the clause does. It merely enables the court of appeal to remedy any formal defect in connection with the appeal, so that it may be dealt with on its merits.

Mrs COWAN: It will, I think, practically —

Mr Speaker: Order, order! The hon. member cannot speak twice at the present stage.

Hon. W.C. Angwin (North-East Fremantle [4.52]: It is true, as the member for West Perth has stated, that when the Bill was before members in Committee there was no one in the House who could enlighten the Committee as to what was the meaning of Clause 37. Seeing that the clause was only passed on the casting vote of the Chairman, it is right to say that half of the Committee were not clear upon the Clause. It was thought that while the Supreme Court would have power to review certain judgments, they would not have power to quash judgments, but merely amend them. The Premier promised to make inquiries and enlighten the House.

The Premier: So I did and I have given the explanation.

Hon. W.C. Angwin: Is there full right of appeal?

The Premier: Yes, there is.

Question put and passed; Bill read a third time.