

NORTHERN TERRITORY OF AUSTRALIA

INQUIRIES ACT

As in force at 1 March 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 1 March 2011. Any amendments that commence after that date are not included.

INQUIRIES ACT

An act to provide for inquiries into matters in relation to the Northern Territory of Australia

1 Short title

This Act may be cited as the *Inquiries Act*.

2 Repeal

The *Board of Enquiry Ordinance 1929*, the *Board of Enquiry Ordinance 1933* and the *Board of Enquiry Ordinance 1934* are repealed.

3 Definitions

In this Act, unless the contrary intention appears:

Board means a Board of Inquiry appointed under section 4 or 4A, and includes the members of a Board and a quorum thereof as specified in the instrument of appointment.

Commissioner means a person appointed under section 4 or 4A to inquire into any matter.

reasonable excuse, in relation to any act or omission by a person summoned as a witness before a Board or a Commissioner, means any excuse which would excuse an act or omission of a similar nature by a witness or person summoned as a witness before a court of law.

4 Appointment of Boards and Commissioners

- (1) The Minister may, from time to time, appoint a Board of Inquiry or any person to inquire into, and report to the Minister on, any matter in relation to the Territory which is specified in the instrument of appointment.
- (2) The Minister may appoint a member of the Board to be the Chairman of the Board.

4A Appointment of Boards and Commissioners on resolution of Legislative Assembly

- (1) Where the Legislative Assembly passes a resolution that a Board of Inquiry or a person be appointed to inquire into and report to the Administrator on a matter which is specified in the resolution and which relates to the Territory, the Administrator shall appoint a Board of Inquiry or a person to inquire into and report on that matter.
- (2) The Administrator may appoint a member of a Board appointed under subsection (1) to be the Chairman of the Board.
- (3) A Board or person appointed under this section shall inquire into and report on the matter specified in the resolution.
- (4) The Administrator shall, not later than the first meeting of the Legislative Assembly which commences more than 14 days after he has received a report under this section, lay that report before the Legislative Assembly.

5 Protection of members of Boards and Commissioners

Every member of a Board and every Commissioner shall, in the exercise of his functions under this Act, have the same protection and immunity as a Judge.

6 Boards and Commissioners not to be bound by rules of evidence

A Board or Commissioner shall make a thorough investigation without regard to legal forms and solemnities and shall not be bound by any rules of evidence, but may inform itself or himself on any matter in such manner as it or he thinks fit.

7 Witnesses may be represented by legal practitioner

A person summoned to attend a Board or Commissioner may, with the approval of the Board or Commissioner, be represented by a legal practitioner or agent, who may examine witnesses and address the Board or Commissioner on his behalf.

8 Access to books, &c.

- (1) A member of a Board or a Commissioner, or any person authorized in that behalf by the Chairman of a Board or by a Commissioner, shall at all times have full and free access to all buildings, places, goods, books, documents and other papers for the purposes of the inquiry in respect of which the Board or Commissioner is appointed, and for that purpose may make extracts from or copies of any such

books, documents or papers.

- (2) A person so authorized shall not communicate any information acquired by him in the performance of any duty under this section to any person other than a member of the Board or the Commissioner, or a person to whom he is authorized by the Board or Commissioner to communicate it.
- (3) A member of a Board or a Commissioner shall not, except in the exercise of his functions under this Act, communicate any information acquired by him in the exercise of those functions.
- (4) A person shall not obstruct or hinder any member of a Board, a Commissioner, or any person so authorized, in the exercise of the powers conferred by this section.

9 Power to send for witnesses and documents

- (1) The Chairman of a Board or a Commissioner may, by writing under his hand, summon any person to attend the Board or Commissioner at a time and place mentioned in the summons and then and there to give evidence and to produce any books, documents and writings in his custody or control which he is required by the summons to produce.
- (2) A summons under this section shall be served personally or by leaving it at the usual place of abode of the person to whom it is addressed.

10 Board and Commissioner may examine on oath

A Board or Commissioner may require a person appearing before the Board or Commissioner to give evidence on oath.

11 Failure to attend or produce documents

- (1) Any person served with a summons to attend a Board or Commissioner who fails, without reasonable excuse, to attend the board or Commissioner or to produce any documents, books or writings in his custody or control which he was required by the summons to produce, shall be guilty of an offence.

Penalty: \$100.

- (2) It shall be a defence to a prosecution for an offence arising under this section for failing without reasonable excuse to produce any documents, books or writings, if the defendant proves that the documents, books or writings were not relevant to the inquiry.

12 Refusal to take oath or give evidence

Any person appearing as a witness before a Board or Commissioner who refuses to take an oath when required by the Board or Commissioner to do so or to answer any questions relevant to the inquiry put to him by a member of the Board or by the Commissioner shall be guilty of an offence.

Penalty: \$100.

13 Statements made by witness not admissible in evidence against him

A statement or disclosure made by any witness to a Board or Commissioner shall not, except in proceedings for an offence arising under this Act, be admissible in evidence against him in any civil or criminal proceedings in any court.

14 False testimony

Any witness before a board or a Commissioner who knowingly gives false testimony in any evidence given by him to the Board or Commissioner shall be guilty of an offence.

Penalty: Imprisonment for 12 months.

15 Protection and liability of witnesses

A witness before a Board or a Commissioner shall have the same protection and shall, in addition to the penalties provided by this Act, be subject to the same liabilities in any civil or criminal proceeding as a witness in any matter before the Supreme Court.

16 Inquiry may be heard in camera

A Board or Commissioner may direct that the whole or any part of the proceedings on an inquiry under this Act be heard in private if the Board or Commissioner considers that it is desirable in the public interest so to do.

17 Protection of reports or proceedings

- (1) No action or proceeding, civil or criminal, shall lie against any person for publishing in good faith for the information of the public:
 - (a) a copy of, or a fair extract from, or a fair abstract of, any report made by a Board or Commissioner; or

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- (b) a fair and accurate report of the proceedings before any Board or Commissioner, not being proceedings directed to be heard in private.
 - (2) A publication shall be deemed to be made in good faith for the information of the public if the person by whom it is made is not actuated in making it by ill-will to the person defamed or by any other improper motive.

18 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which, by this Act, are required to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and in particular:

- (a) for prescribing a scale of allowances to be paid to:
 - (i) a witness summoned under this Act; or
 - (ii) a member of a Board, or a person, exercising his functions under this Act for his travelling expenses and maintenance while absent from his usual place of abode; and
- (b) for prescribing a scale of remuneration for a member of a Board, or a person, exercising his functions under this Act.

ENDNOTES

1 KEY

Key to abbreviations

| | |
|-----------------------------|------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| <i>Gaz</i> = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Inquiries Ordinance 1945 (Act No. 8, 1945)

| | |
|-------------|-----------------|
| Assent date | 6 December 1945 |
| Commenced | 6 December 1945 |

Inquiries Ordinance 1963 (Act No. 34, 1963)

| | |
|-------------|---------------|
| Assent date | 25 April 1963 |
| Commenced | 25 April 1963 |

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

| | |
|-------------|----------------------------|
| Assent date | 11 December 1973 |
| Commenced | 11 December 1973 (s 12(2)) |

Amending Legislation

Ordinances Revision Ordinance 1974 (Act No. 34, 1974)

| | |
|-------------|---------------------------|
| Assent date | 26 August 1974 |
| Commenced | 11 December 1973 (s 3(2)) |

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

| | |
|-------------|------------------------|
| Assent date | 24 October 1974 |
| Commenced | 11 December 1973 (s 3) |

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

| | |
|-------------|---|
| Assent date | 28 June 1976 |
| Commenced | ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974 |

Statute Law Revision Act 1978 (Act No. 95, 1978)

| | |
|-------------|------------------|
| Assent date | 5 September 1978 |
| Commenced | 5 September 1978 |

Statute Law Revision Act (No. 2) 1979 (Act No. 128, 1979)

Assent date 15 October 1979
Commenced 15 October 1979

Statute Law Revision Act 1985 (Act No. 49, 1985)

Assent date 1 October 1985
Commenced 1 October 1985

Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)

Assent date 17 May 2007
Commenced s 10: 1 July 2007 (*Gaz* G26, 27 June 2007, p 3);
rem: 17 May 2007

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date 18 November 2010
Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: ss 3, 4A, 11, 12 and 14.

4 LIST OF AMENDMENTS

| | |
|------------|--|
| It | amd No. 49, 1985, s 4 |
| s 1 | amd No. 49, 1985, s 4 |
| s 3 | amd No. 34, 1963, s 2; No. 49, 1985, s 4 |
| s 4 | amd No. 49, 1985, s 4 |
| s 4A | ins No. 34, 1963, s 3 |
| | amd No. 128, 1979, s 16; No. 49, 1985, s 4 |
| s 5 | amd No. 49, 1985, s 4 |
| s 7 | amd No. 7, 2007, s 16 |
| s 8 | amd No. 49, 1985, s 4 |
| s 10 | amd No. 49, 1985, s 4 |
| | sub No. 40, 2010, s 45 |
| s 11 | amd No. 49, 1985, s 4 |
| s 12 | amd No. 49, 1985, s 4 |
| | amd No. 40, 2010, s 46 |
| s 13 | amd No. 49, 1985, s 4 |
| ss 15 – 16 | amd No. 49, 1985, s 4 |
| s 18 | sub No. 34, 1963, s 4 |
| | amd No. 95, 1978, s 14; No. 49, 1985, s 4 |