



NORTHERN TERRITORY OF AUSTRALIA

No. 57 of 1987

AN ACT

to appoint and provide for the appointment of a Commissioner or Commissioners to inquire into, and report and make recommendations to the Administrator on, the death of certain persons in custody, and for related purposes

[Assented to 4 December, 1987]

WHEREAS:

1. The Honourable James Henry Muirhead was, by Letters Patent issued in the name of the Queen by the Administrator of the Government of the Commonwealth of Australia on 16 October 1987, appointed to be a Commissioner to inquire into -

- (a) the deaths in Australia since 1 January 1980 of Aboriginals and Torres Strait Islanders (including any such deaths that may occur after the date of the Letters Patent) while in police custody, in prison or in any other place of detention; and
- (b) any subsequent action taken in respect of each of those deaths including, but without limiting the generality of the foregoing, the conduct of coronial, police and other inquiries and any other things that were not done or ought to have been done,

and is required by those Letters Patent to forward to the Governor-General by not later than 31 December 1988, or such later date as is fixed, a report of his findings and to make such recommendations as he considers appropriate in the light of those findings.

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2. The Letters Patent authorize the Commissioner to conduct that inquiry in combination with any inquiry into the same or related matters under State law or authority or a law of the Territory.

3. The Governor-General may, by Letters Patent issued in the name of the Queen, appoint another Commissioner or other Commissioners to inquire into the same matters.

4. The Territory has agreed to facilitate the inquiry as far as possible by authorizing the Commissioner or Commissioners, by Territory legislation, to inquire into the same matters in the Territory.

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Commission of Inquiry (Deaths in Custody) Act 1987*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. EXPIRATION

(1) This Act shall expire on a date to be fixed by the Administrator by notice in the *Gazette*.

(2) For the avoidance of doubt, section 12 of the *Interpretation Act* applies to and in relation to the expiration of this Act as if it were the repeal of this Act by a law made by the Legislative Assembly.

4. DEFINITION

In this Act "Commissioner" includes a Commissioner appointed by Letters Patent issued by the Administrator to be an additional Commissioner for the purposes of this Act.

5. APPOINTMENT OF COMMISSIONER

(1) The Honourable James Henry Muirhead is hereby appointed as a Commissioner to inquire into, and to report and make such recommendations as he considers appropriate in the light of his findings to the Administrator on, the matters referred to in clause 1 of the preamble to this Act, in so far as they relate to deaths which occurred or occur in the Territory.

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(2) The report and recommendations referred to in subsection (1) shall be made not later than the time fixed by or under the Letters Patent referred to in clause 1 of the preamble to this Act for the Commissioner to furnish to the Governor-General the report of his findings.

6. ADDITIONAL COMMISSIONER

The Administrator may, by Letters Patent in the name of the Queen, issue to a person who is appointed by Letters Patent issued by the Governor-General as a Commissioner to inquire into the matters referred to in clause 1 of the preamble to this Act, a commission to be an additional Commissioner for the purposes of this Act, and this Act has effect as if the additional Commissioner were named in section 4(1).

7. POWERS, &c., OF COMMISSIONER AND APPLICABLE LAW

A Commissioner appointed by or in pursuance of this Act has all the powers, privileges and protection in relation to his or their inquiry, report and recommendations under this Act as he has or they have by virtue of his or their appointment by the Letters Patent referred to in the preamble to this Act, and the *Royal Commissions Act 1902* of the Commonwealth, with the necessary changes, applies to and in relation to that inquiry by, and the subsequent report and recommendations, if any, of, the Commissioner or Commissioners as if that Act were a law made by the Legislative Assembly and the Commissioner or Commissioners were appointed to conduct the inquiry, and make his or their report and recommendations, under that law.
