

THE NORTHERN TERRITORY OF AUSTRALIA  
**EXECUTIVE COUNCIL**

NTA 1101.

247  
No. ....

**AGENDA**

Meeting..... 2 June 1987

SUBJECT

Northern Territory (Self-Government) Act 1978

- (a) Pardon Alice Lynne Chamberlain upon her conviction for murder; and
- (b) Pardon Michael Leigh Chamberlain upon his conviction for being an accessory after the fact to murder.

BUSINESS  
PAPER No.

1229

NORTHERN TERRITORY OF AUSTRALIA  
EXECUTIVE COUNCIL

The Secretary  
Executive Council  
P.O. Box 4396  
DARWIN N.T. 5794.

897864/6949

EC3229

2 June 1987

Hon D W Manzie, MLA  
Attorney-General  
GPO Box 3146  
DARWIN NT 5794

Dear Attorney-General

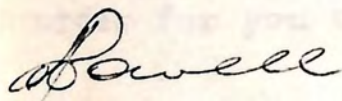
SECTION 31 - NORTHERN TERRITORY  
(SELF-GOVERNMENT) ACT 1978

(Your reference : Departmental No 4898)

I refer to your Submission and advise that His Honour the Administrator has acted with the advice of the Executive Council, given at a meeting on 2 June 1987, to pardon Alice Lynne Chamberlain upon her conviction for murder, and pardon Michael Leigh Chamberlain upon his conviction for being an accessory after the fact to murder.

Attached are copies of the Pardons for your information.

Yours sincerely



Secretary

Enc.



ATTORNEY-GENERAL

DARWIN

Departmental No. 4898

His Honour the Administrator,  
Commodore E.E. Johnston, A.M., O.B.E.,  
Government House,  
DARWIN NT 5790

Your Honour,

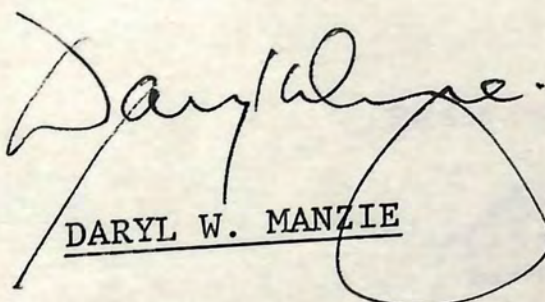
A proposal has been presented to you recommending  
you -

- 1) Pardon Alice Lynne Chamberlain upon her conviction in the Supreme Court of the Northern Territory on the 29th day of October 1982 for murder.
- 2) Pardon Michael Leigh Chamberlain upon his conviction in the Supreme Court of the Northern Territory on the 29th day of October 1982 for being an accessory after the fact to murder.

I certify that I have examined the proposal. In my opinion, it relates only to matters in respect of which the Ministers of the Territory have executive authority under sections 31 and 35 of the Northern Territory (Self-Government) Act 1978.

I also certify that the instrument is within power and in order for you to sign.

Yours sincerely,

  
DARYL W. MANZIE

THE NORTHERN TERRITORY OF AUSTRALIA  
DEPARTMENT OF LAW

EXECUTIVE COUNCIL

Subject Paper No. 3229

Meeting No. 247

Subject No. 3229

Northern Territory (Self-Government) Act

Department No. 4898

Northern Territory (Self-Government) Act 1978  
Section 31

PARDON OF ALICE LYNNE CHAMBERLAIN AND  
MICHAEL LEIGH CHAMBERLAIN

Legislation  
Section or Regulation  
Subject Title

Proposed that the Administrator, be advised to

- (1) PARDON ALICE LYNNE CHAMBERLAIN upon her conviction in the Supreme Court of the Northern Territory on the 29th day of October 1982 for murder
- (2) PARDON MICHAEL LEIGH CHAMBERLAIN upon his conviction in the Supreme Court of the Northern Territory on the 29th day of October 1982 for being an accessory after the fact to murder.

*[Handwritten Signature]*  
 .....  
 \* Attorney-General

Approved in Council

*[Handwritten Signature]*  
 .....  
 Administrator

2nd June 1987, 19

Filed in the Records of the Council

*[Handwritten Signature]*  
 .....  
 Secretary to the Council

Title of Ministerial Office

Departmental No. 4898

EXPLANATORY MEMORANDUM

Subject Paper No 3229

Section 31 of the Northern Territory (Self-Government) Act 1978 provides:

"31. The duties, powers, functions and authorities of the Administrator, the Executive Council and the Ministers of the Territory imposed or conferred by or under this Part extend to the execution and maintenance of this Act and the laws of the Territory and to the exercise of the prerogatives of the Crown so far as they relate to those duties, powers, functions and authorities."

It is proposed that ALICE LYNNE CHAMBERLAIN be PARDONED upon her conviction by the Supreme Court of the Northern Territory on 29 October 1982 for murder, and that MICHAEL LEIGH CHAMBERLAIN be PARDONED upon his conviction by the Supreme Court of the Northern Territory on 29 October 1982, for being an accessory after the fact to murder.

It is recommended that the Administrator be advised to pardon ALICE LYNNE CHAMBERLAIN AND MICHAEL LEIGH CHAMBERLAIN.

AUTHORITY: Section 31 of the Northern Territory (Self-Government) Act 1978



NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY (SELF-GOVERNMENT) ACT 1978  
OF THE COMMONWEALTH

PARDON

WHEREAS:

(1) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN were on 13 September 1982 at the Supreme Court in Darwin in the Northern Territory of Australia before the Honourable Mr. Justice Muirhead and a jury upon a charge of the murder of AZARIA CHAMBERLAIN at Ayers Rock on 17 August 1980 and being an accessory after the fact to that murder, respectively.

(2) On 29 October 1982 the jury found ALICE LYNNE CHAMBERLAIN guilty of the murder of AZARIA CHAMBERLAIN and found MICHAEL LEIGH CHAMBERLAIN guilty of being an accessory after the fact to the murder of AZARIA CHAMBERLAIN.

(3) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN appealed to the Federal Court of Australia against their convictions and on 29 April 1983 the Federal Court of Australia dismissed the appeals.

(4) The High Court of Australia, on application by ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN, granted special leave to appeal against the convictions and on 22 February 1984 the High Court of Australia dismissed the appeals.

(5) On 7 February 1986 I remitted the balance of the sentence of ALICE LYNNE CHAMBERLAIN with conditions.

(6) A question arose as to the guilt of ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN and for the purposes of resolving that question a Commission of Inquiry was established pursuant to the Commission of Inquiry (Chamberlain Convictions) Act and Mr. Justice Morling, a Judge of the Federal Court of Australia, was appointed to inquire into the convictions and to report on the conclusions to be drawn from the evidence and material information received by the Commission.

(7) Mr. Justice Morling reported to me and in part concluded -

"It follows from what I have written that there are serious doubts and questions as to the Chamberlains' guilt and as to the evidence in the trial leading to their conviction. In my opinion, if the evidence before the Commission had been given at the trial, the trial judge would have been obliged to direct the jury to acquit the Chamberlains on the ground that the evidence could not justify their conviction."

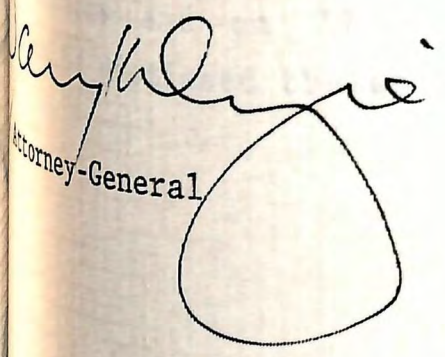
... I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, as a result of the report and having received the advice of the Executive Council and the recommendation of the Attorney-General for the Northern Territory of Australia, pursuant to the Northern Territory (Self-Government) Act 1978 of the Commonwealth and the Regulations made under that Act, and in the exercise of the prerogatives of the Crown, GRANT TO ALICE LYNNE CHAMBERLAIN a PARDON in respect of the conviction of the murder of MARIA CHAMBERLAIN, pardoning, remitting and releasing her from all penalties and punishments ensuing from the conviction.

Given under my hand and the Public Seal of the Northern Territory of Australia on the 2nd day of June, 1987.



Administrator

By His Honour's Command



Attorney-General







NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY (SELF-GOVERNMENT) ACT 1978  
OF THE COMMONWEALTH

PARDON

WHEREAS:

(1) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN were on 13 September 1982 at the Supreme Court in Darwin in the Northern Territory of Australia before the Honourable Mr. Justice Muirhead and a jury upon a charge of the murder of AZARIA CHAMBERLAIN at Ayers Rock on 17 August 1980 and being an accessory after the fact to that murder, respectively.

(2) On 29 October 1982 the jury found ALICE LYNNE CHAMBERLAIN guilty of the murder of AZARIA CHAMBERLAIN and found MICHAEL LEIGH CHAMBERLAIN guilty of being an accessory after the fact to the murder of AZARIA CHAMBERLAIN.

(3) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN appealed to the Federal Court of Australia against their convictions and on 29 April 1983 the Federal Court of Australia dismissed the appeals.

SETTLED BY PARLIAMENTARY  
COUNSEL per *[Signature]*  
01 JUN 1987

(4) The High Court of Australia, on application by ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN, granted special leave to appeal against the convictions and on 22 February 1984 the High Court of Australia dismissed the appeals.

(5) On 7 February 1986 I remitted the balance of the sentence of ALICE LYNNE CHAMBERLAIN with conditions.

(6) A question arose as to the guilt of ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN and for the purposes of resolving that question a Commission of Inquiry was established pursuant to the Commission of Inquiry (Chamberlain Convictions) Act and Mr. Justice Morling, a Judge of the Federal Court of Australia, was appointed to inquire into the convictions and to report on the conclusions to be drawn from the evidence and material information received by the Commission.

(7) Mr. Justice Morling reported to me and in part concluded -

"It follows from what I have written that there are serious doubts and questions as to the Chamberlains' guilt and as to the evidence in the trial leading to their conviction. In my opinion, if the evidence before the Commission had been given at the trial, the trial judge would have been obliged to direct the jury to acquit the Chamberlains on the ground that the evidence could not justify their conviction."

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, as a result of the report having received the advice of the Executive Council and the recommendation of the Attorney-General for the Northern Territory of Australia, pursuant to the Northern Territory (Self-Government) Act 1978 of the Commonwealth and the regulations made under that Act, and in the exercise of the prerogatives of the Crown, GRANT TO ALICE LYNNE CHAMBERLAIN BARDON in respect of the conviction of the murder of ALICE CHAMBERLAIN, pardoning, remitting and releasing her from all penalties and punishments ensuing from the conviction.

Given under my hand and the Public Seal of the Northern Territory of Australia on the                      day of                      , 1987.

Administrator

His Honour's Command

Attorney-General



NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY (SELF-GOVERNMENT) ACT 1978  
OF THE COMMONWEALTH

PARDON

WHEREAS:

(1) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN were on 13 September 1982 at the Supreme Court in Darwin in the Northern Territory of Australia before the Honourable Mr. Justice Muirhead and a jury upon a charge of the murder of AZARIA CHAMBERLAIN at Ayers Rock on 17 August 1980 and being an accessory after the fact to that murder, respectively.

(2) On 29 October 1982 the jury found ALICE LYNNE CHAMBERLAIN guilty of the murder of AZARIA CHAMBERLAIN and found MICHAEL LEIGH CHAMBERLAIN guilty of being an accessory after the fact to the murder of AZARIA CHAMBERLAIN.

(3) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN appealed to the Federal Court of Australia against their convictions and on 29 April 1983 the Federal Court of Australia dismissed the appeals.

(4) The High Court of Australia, on application by ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN, granted special leave to appeal against the convictions and on 22 February 1984 the High Court of Australia dismissed the appeals.

(5) On 7 February 1986 I remitted the balance of the sentence of ALICE LYNNE CHAMBERLAIN with conditions.

(6) A question arose as to the guilt of ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN and for the purposes of resolving that question a Commission of Inquiry was established pursuant to the Commission of Inquiry (Chamberlain Convictions) Act and Mr. Justice Morling, a Judge of the Federal Court of Australia, was appointed to inquire into the convictions and to report on the conclusions to be drawn from the evidence and material information received by the Commission.

(7) Mr. Justice Morling reported to me and in part concluded -

"It follows from what I have written that there are serious doubts and questions as to the Chamberlains' guilt and as to the evidence in the trial leading to their conviction. In my opinion, if the evidence before the Commission had been given at the trial, the trial judge would have been obliged to direct the jury to acquit the Chamberlains on the ground that the evidence could not justify their conviction."

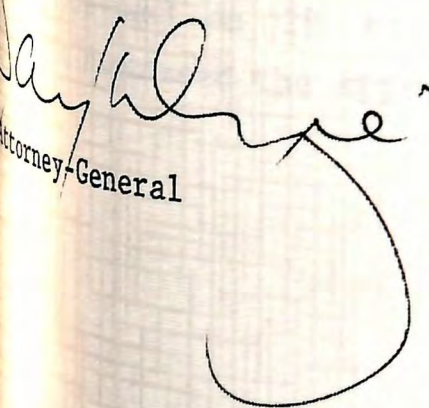
NOW I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, as a result of the report and having received the advice of the Executive Council and the recommendation of the Attorney-General for the Northern Territory of Australia, pursuant to the Northern Territory (Self-Government) Act 1978 of the Commonwealth and the Regulations made under that Act, and in the exercise of the prerogatives of the Crown, GRANT TO MICHAEL LEIGH CHAMBERLAIN a PARDON in respect of his conviction for being an accessory after the fact to the murder of AZARIA CHAMBERLAIN, pardoning, remitting and releasing him from all penalties and punishments ensuing from the conviction.

Given under my hand and the Public Seal of the Northern Territory of Australia on the 2nd day of June , 1987.



Administrator

By His Honour's Command



Attorney-General





NORTHERN TERRITORY OF AUSTRALIA  
NORTHERN TERRITORY (SELF-GOVERNMENT) ACT 1978  
OF THE COMMONWEALTH

PARDON

WHEREAS:

(1) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN were on 13 September 1982 at the Supreme Court in Darwin in the Northern Territory of Australia before the Honourable Mr. Justice Muirhead and a jury upon a charge of the murder of AZARIA CHAMBERLAIN at Ayers Rock on 17 August 1980 and being an accessory after the fact to that murder, respectively.

(2) On 29 October 1982 the jury found ALICE LYNNE CHAMBERLAIN guilty of the murder of AZARIA CHAMBERLAIN and found MICHAEL LEIGH CHAMBERLAIN guilty of being an accessory after the fact to the murder of AZARIA CHAMBERLAIN.

(3) ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN appealed to the Federal Court of Australia against their convictions and on 29 April 1983 the Federal Court of Australia dismissed the appeals.

SETTLED BY PARLIAMENTARY  
COUNSEL per *[Signature]*  
01 JUN 1987

(4) The High Court of Australia, on application by ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN, granted special leave to appeal against the convictions and on 22 February 1984 the High Court of Australia dismissed the appeals.

(5) On 7 February 1986 I remitted the balance of the sentence of ALICE LYNNE CHAMBERLAIN with conditions.

(6) A question arose as to the guilt of ALICE LYNNE CHAMBERLAIN and MICHAEL LEIGH CHAMBERLAIN and for the purposes of resolving that question a Commission of Inquiry was established pursuant to the Commission of Inquiry (Chamberlain Convictions) Act and Mr. Justice Morling, a Judge of the Federal Court of Australia, was appointed to inquire into the convictions and to report on the conclusions to be drawn from the evidence and material information received by the Commission.

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"It follows from what I have written that there are serious doubts and questions as to the Chamberlains' guilt and as to the evidence in the trial leading to their conviction. In my opinion, if the evidence before the Commission had been given at the trial, the trial judge would have been obliged to direct the jury to acquit the Chamberlains on the ground that the evidence could not justify their conviction."



I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, as a result of the report having received the advice of the Executive Council and the recommendation of the Attorney-General for the Northern Territory of Australia, pursuant to the Northern Territory (Self-Government) Act 1978 of the Commonwealth and the regulations made under that Act, and in the exercise of the prerogatives of the Crown, GRANT TO MICHAEL LEIGH CAMBERLAIN a PARDON in respect of his conviction for being an accessory after the fact to the murder of AZARIA CAMBERLAIN, pardoning, remitting and releasing him from all penalties and punishments ensuing from the conviction.

Given under my hand and the Public Seal of the Northern Territory of Australia on the                      day of                      , 1987.

Administrator

His Honour's Command

Attorney-General