



**COMMISSION OF INQUIRY
(NGATEINA MAKITAE) ORDER 1997**

A.P.SHORT

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga, this 11th day of February 1997

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL**

PURSUANT to Section 3 of the Commission of Inquiry Act 1966, His Excellency the Queen's Representative acting by and with the advice and consent of the Executive Council, hereby makes the following Order.

ANALYSIS

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| <p>1. Title</p> <p>2. Commission constituted</p> | <p>3. Terms of Reference</p> |
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ORDER

1. Title - This Order may be cited as the Commission of Inquiry (Ngateina Makitae) Order 1997.

2. Commission constituted - There shall be established a Commission of Inquiry to be known as the Ngateina Makitae Commission of Inquiry, to comprise of Peter Gordon Hillyer, C.B.E, QC, Judge of the High Court of the Cook Islands.

3. Terms of Reference - The terms of reference of the Commission shall be to inquire into and report on the circumstances in which the High Court of the Cook Islands, on the 2nd day of August 1996, imposed sentence on Ngateina Makitae on a charge of aggravated wounding and in particular

- (a) Upon what basis the original charge of attempted murder was reduced by the Police to a charge of aggravated wounding, and whose responsibility it was to decide on the appropriate charge.
- (b) Whether all the facts available to the Police were disclosed to the Court and, if not, why any of those facts were not disclosed.

- (c) Whether all the facts available to the Police were disclosed to the Solicitor-General to enable him to decide whether to appeal against the sentence.
- (d) What changes, if any, in the prosecution procedure and in the relationship between the Police and the Crown Law Office should be made, and how any such changes can be achieved.
- (e) Any other matter affecting the administration of the criminal law in the Cook Islands which arises out of the investigation and which should be brought to the attention of the Government.

P. Puna
Clerk of the Executive Council
