

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 11th day of May 1983.

JONATHAN ELWORTHY, Minister of Forests.

[L.S.] GOD SAVE THE QUEEN!

(F.S. 9/3/355, 6/3/35)

18

Declaring Land Used as a Roadway in Block III, Whangaruru Survey District, Whangarei County, to be Road

DAVID BEATTIE, Governor-General
A PROCLAMATION

PURSUANT to section 422 of the Maori Affairs Act 1953, I, The Honourable Sir David Stuart Beattie, the Governor-General of New Zealand, hereby declare the land described in the Schedule hereto, and used as roadway, to be road, and to be vested in The Whangarei County Council.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land containing 1350 square metres, situated in Block III, Whangaruru Survey District, and being part Oakura F1 Block; as shown marked "A" on S.O. Plan 54905, lodged in the office of the Chief Surveyor at Auckland.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 12th day of May 1983.

A. P. D. FRIEDLANDER,
Minister of Works and Development.

[L.S.] GOD SAVE THE QUEEN!

(P.W. 33/515; Ak. D.O. 50/15/11/0/54905)

16/1

Declaring Land in South Auckland Land District, Vested in the South Auckland Education Board as a Site for a Public School, to be Vested in Her Majesty the Queen

DAVID BEATTIE, Governor-General
A PROCLAMATION

PURSUANT to subsection (6) of section 5 of the Education Lands Act 1949, I, The Honourable Sir David Stuart Beattie, the Governor-General of New Zealand, hereby proclaim and declare that the land described in the Schedule hereto, being an area vested in the South Auckland Education Board as a site for a public school, shall be vested in Her Majesty the Queen, freed and discharged from every educational trust affecting the same, but subject to all leases, encumbrances, liens, or easements affecting the same at the date hereof.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT—WAIPA COUNTY

1,558 hectares, more or less, being part Section 7, Block X, Maungatautari Survey District. Part *New Zealand Gazette* 1914, page 155. S.O. Plan 52279.

Given under the hand of His Excellency the Governor-General, and issued under the Seal of New Zealand, this 11th day of May 1983.

JONATHAN ELWORTHY, Minister of Lands.

[L.S.] GOD SAVE THE QUEEN!

(L. and S. H.O. 6/6/1236; D.O. 8/290)

3/1

Commission of Inquiry into the Circumstances of the Release of Ian David Donaldson from a Psychiatric Hospital and of his Subsequent Arrest and Release on Bail

DAVID BEATTIE, Governor-General
ORDER IN COUNCIL

To all to whom these presents shall come, and to:

PAUL BASIL TEMM, of Auckland, One of Her Majesty's Counsel Learned in the Law; and

MARGARET CLARK, of Wellington, Dean of Commerce and Administration, Victoria University of Wellington; and

IAN GORDON LYTGOE, C.B., of Waikanae, retired Chairman of the State Services Commission:

GREETING:

Whereas concern has been expressed about the circumstances of, and the background to, the release from a psychiatric hospital of

Ian David Donaldson and about the circumstances of his arrest on the 10th day of April 1983 on charges of attempted burglary and aggravated assault and the subsequent granting to him, as a defendant on remand, of bail:

And whereas the question whether such concern is justified is a matter of public importance:

Now, therefore, pursuant to the Commissions of Inquiry Act 1908, I, Sir David Stuart Beattie, the Governor-General of New Zealand, acting by and with the advice and consent of the Executive Council, hereby appoint you, the said Paul Basil Temm, Margaret Clark, and Ian Gordon Lythgoe, to be a Commission to inquire into and report upon the circumstances of, and the background to, the release from a psychiatric hospital of Ian David Donaldson, and the circumstances of his arrest on the 10th day of April 1983 on charges of attempted burglary and aggravated assault and the subsequent granting to him, as a defendant on remand, of bail, and, in particular, to inquire into and report upon:

- (a) The history of his offending;
- (b) The nature of the psychiatric evidence that was available to the Court on each occasion on which he was sentenced;
- (c) The circumstances in which he was committed from prison to a psychiatric hospital in March 1974;
- (d) The circumstances of his subsequent detention in psychiatric hospitals and the circumstances in which he was released from Porirua Hospital on the 9th day of June 1981, and, in particular,—
 - (i) The nature of his mental disorder; and
 - (ii) His condition; and
 - (iii) What was known or believed as to his likely future behaviour;
- (e) The circumstances of and surrounding his arrest on the 10th day of April 1983 on charges of attempted burglary and aggravated assault and the circumstances of the granting to him, as a defendant on remand, of bail:

And, in inquiring into and reporting upon these matters, you are hereby directed to consider and make recommendations upon:

- (f) In the case of special patients, committed patients who were formerly special patients, and other potentially dangerous patients—
 - (i) The procedures by which such patients are admitted or transferred to psychiatric hospitals; and
 - (ii) The procedures by which such patients are considered for leave of absence from, or for discharge from, psychiatric hospitals; and
 - (iii) Where such patients are placed in the community, the arrangements (if any) made for their supervision;
- (g) Whether, and, if so, in what circumstances, information relating to the psychiatric history of a person who is or has been a special patient or a potentially dangerous patient in a psychiatric hospital and who is charged with an offence should be available to the Police at the time of his arrest, and, if such information is to be so available to the Police,—
 - (i) Whether such information should be recorded and held on the Wanganui Computer Centre computer system on a sub-system available for direct access by the Police;
 - (ii) What screening procedures are necessary or desirable to protect a defendant's psychiatric history from unnecessary access and disclosure;
- (h) Whether the law and procedure relating to the grant and refusal of bail is adequate to allow the relevant psychiatric state of a defendant, including his relevant psychiatric history, to be taken into account;
- (i) Whether the law and procedure under Part VA of the Criminal Justice Act 1954 relating to the status of special patient and to the reclassification of a patient from the status of special patient to that of committed patient is adequate;
- (j) Whether any information, and, if so, what, relating to the psychiatric history of an offender undergoing a sentence of detention or relating to his transfer to a psychiatric hospital, should be recorded and held on the Wanganui Computer Centre computer system (including the sub-system of that computer system which is available to the Police and which is known as "Query history courts") and with what safeguards;
- (k) In the light of the foregoing provisions of these presents, what amendments (if any) are necessary or desirable to the Criminal Justice Act 1954, the Mental Health Act 1969, the Wanganui Computer Centre Act 1976, the Summary Proceedings Act 1957, and the provisions of the Crimes Act 1961 relating to bail;
- (l) Such other matters as you consider relevant to the matters mentioned above:

And, in relation to the matters specified in paragraphs (g), (j), and (k) above, you are authorised and required to consult with the Wanganui Computer Centre Policy Committee established by section 19 of the Wanganui Computer Centre Act 1976:

But nothing in these presents shall empower you to inquire into or report upon the circumstances of the death of Ian David