

ANZSASI Conference 2001

Accident Investigation in the RNZAF

The Court of Inquiry

Courts of Inquiry

The Purpose

The Requirement

The Court of Inquiry Process

How We Use the Results

- Skyhawk 03 (June 1996)

Why We Investigate

A Court of Inquiry is held to establish exactly what happened so as to **avoid a recurrence**, or to **minimise the effects** if it does recur.

Why We Investigate

As a secondary function, the record of proceedings also serve to determine the extent of any **loss or damage** to public property, and as a **permanent record** of the event.

Responsibility for Assembly

**Air Officer Commanding
Chief of Air Staff**

When We Investigate

All events where there has been **loss of life or serious injury** or the damage is assessed as **category five (destroyed)**, whether or not the cause of the accident is free from doubt.

When We Investigate

All events where the damage is assessed as **category three or four**, unless the cause is free from doubt or the holding of a Court of Inquiry would serve no useful purpose.

When We Investigate

Any other flight safety event where the Assembling Authority considers that an investigation of the incident by a Court of Inquiry is justified.

How We Investigate

Flight Safety Event Report

Unit Level Investigation

Court of Inquiry

RNZAF Accident Investigation

How We Investigate

The Reason Model

Defences

Active Failures

Task and Environment

Organisational Issues

Transport Accident Investigation Commission

Memorandum of Understanding

- Military / Civil Interface
- Civil Involvement in Cause

**Independent, Co-operative
Investigations**

Members of a Court

President

Pilot

Engineer

Tasked with the Investigation

Use of Specialist Officers

Advisors to a Court

Aircraft Accident Investigator

Aviation Medicine Specialist

Psychologist

Appear as witnesses

Provide advice and reports

in specialised aspects

A Case Study - Skyhawk 03

Accident Site Investigation

Witness Interviews

Specialist Advice

Report

Phases of an Investigation

Accident Site Investigation

Witness Interviews

Specialist Advice

Report

Witness Interviews

Informal Interviews

Court of Inquiry Hearing

Witness Interviews

Getting the most from the
witnesses

Phases of an Investigation

Accident Site Investigation

Witness Interviews

Specialist Advice

Report

Specialist Advice

**Defence Operational
Technology Support
Establishment (DOTSE)**

**Aircraft and Engine
Manufacturers and
Maintenance Facilities**

Phases of an Investigation

Accident Site Investigation

Witness Interviews

Specialist Advice

Report

Terms of Reference

Legal Basis of the Court of Inquiry

Terms of Reference

Investigate the **circumstances**.

Determine all of the **causal factors**.

Ascertain any **injuries** to personnel,
service or civilian.

Ascertain if service personnel
involved were **on duty**.

Terms of Reference

Ascertain if all **orders and instructions** were complied with and were relevant.

Ascertain if aircraft **escape facilities** were fully utilised.

Make **recommendations** if necessary.

The Report

Evidence... What people say

Findings... The Court's report

Exhibits... Documents and
physical items which
support the findings

Evidence

Hearsay?

Opinion?

Relevance!

Best!

Privileged

Witnesses

Can be Compelled

Must be Sworn and Cautioned

Can be Cross Examined

Need not Incriminate Themselves

RP 144: Protection of Members

If a person's conduct is being investigated:

President must be senior in **rank**

Members must be senior in **seniority**

RP 154: Protection of Witnesses

If a witness' **Character or Service Reputation** is likely to be affected they have the option to:

Read or hear evidence

Question witnesses

Receive a copy of the report

RP 158: Protection of Witnesses

**Proceedings cannot be used
against anyone at any other
legal proceedings
(Exception: Perjury)**

RP 159: Protection of Inquiry

Release of Record of Proceedings
to any person not subject to the
AFDA requires the authority of
a Superior Commander

AFDA s200: Disciplinary Action

If disciplinary action likely
President informs Assembling
Authority

Separate Summary of Evidence
New independent investigation

Disciplinary Action

**Must separate all disciplinary
action completely from safety
investigation**

**Importance of the Court of
Inquiry being seen as separate**

Staffing

Legal review and comment

Accepted by CAS

Recommendations Binding

Purpose

A Court of Inquiry is held to establish exactly what happened so as to **avoid a recurrence**, or to **minimise the effects** if it does recur.

Accident Prevention

Specific Action Education

Specific Action

Recommendations of Inquiry

Command Comment

Tracking of Recommendations

Education

Magazine Articles
Briefings to Units

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**Courts
of
Inquiry**

Questions Later