



## DEFENCE (INQUIRY) REGULATIONS

### BOARD OF INQUIRY

#### INSTRUMENT OF APPOINTMENT

Pursuant to Regulation 23 of the *Defence (Inquiry) Regulations* 1985, I, Air Chief Marshal Allan Grant Houston, AO, AFC, Chief of the Defence Force, hereby appoint a Board of Inquiry constituted by:

- a. The Hon David Levine, RFD, QC;
- b. Group Captain Stephen Fielder, AM; and
- c. Commander Andrew Rourke, RAN;

for the purpose of inquiring into and reporting on the circumstances surrounding the fatal aircraft incident involving a Blackhawk helicopter during OP QUICKSTEP on 29 November 2006, as will be specified in the terms of reference;

And pursuant to Regulation 27 of those Regulations, I appoint The Hon David Levine, RFD QC, to be the President of the Board of Inquiry;

And pursuant to Regulation 28 of those Regulations, I direct the Board of Inquiry to adopt procedures consistent with those Regulations and that are otherwise appropriate and adapted to the expeditious collection of reliable and accurate evidence in the circumstances of this matter—consistent with requirements to ensure fairness to those persons who are affected by the Inquiry (to this end, the Board of Inquiry may be guided by sample procedures contained in annex B to chapter 7 of Australian Defence Force Publication 06.1.4 (2<sup>nd</sup> Edition)—*Administrative Inquiries Manual*);

And pursuant to Regulation 28 of those Regulations, the President may issue Practice Notes in respect of practices proposed to be adopted in respect of hearings before the Board of Inquiry;

And pursuant to Regulation 28 of those Regulations, I direct that the Inquiry submit such interim reports as specified in the terms of reference;

And in accordance with Regulation 29 of those Regulations, I direct that the Board of Inquiry shall conduct its inquiry in respect of the taking of evidence and the making of submissions in public, subject to the following qualifications;

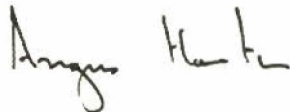
- a. The Board shall not conduct in public such parts of its inquiry that involve the disclosure of security classified information; and
- b. Only:

- i. persons holding an appropriate security clearance and who have a need to know the information; or
- ii. with respect to information classified up to and including SECRET, persons who, in the opinion of the President, are immediate family members of Captain Bingley or Trooper Porter, but only where such persons are made subject to a direction issued by the President under Regulation 62 prohibiting absolutely disclosure of security classified information from that part of the Inquiry;

may be permitted by the President to attend that part of the Inquiry or have access to the information disclosed therein;

And pursuant to Regulations 31 of those Regulations, I direct that all oral evidence to be given before the Board of Inquiry shall be on oath or affirmation; and

And pursuant to Regulation 51 of those Regulations, I appoint Commander John Rush, RANR, QC as Senior Counsel Assisting, and Colonel Gary Hevey RFD and Lieutenant Patience Neal, RAN as Junior Counsel Assisting the Board of Inquiry.



**A.G. HOUSTON, AO, AFC**  
Air Chief Marshal  
Chief of the Defence Force

Appointing Authority

15 June 2007