

**BLACK HAWK 221 BOARD OF INQUIRY- PROCEDURES FOR HEARING**

(Modifying ADFP 06.1.4 Annex B to Chapter 7)

<b>Item</b>	<b>Person</b>	<b>Event</b>
1.	President and Members	<ul style="list-style-type: none"> <li>• Assemble at appointed time.</li> <li>• Order of entry:               <ul style="list-style-type: none"> <li>○ President</li> <li>○ GPCAPT S. Fielder AM</li> <li>○ CMDR A. Rourke</li> </ul> </li> <li>• President takes centre seat, next GPCAPT S Fielder AM to the right, CMDR A Rourke to the left.</li> <li>• All uniformed personnel should wear caps at this stage.</li> <li>• Uniformed personnel are to salute the President and Board.</li> <li>• Note: when the Board returns from the first adjournment, no caps will be worn in the hearing room.</li> </ul>
2.	President/Secretary	<ul style="list-style-type: none"> <li>• Directs/Orders caps to be removed</li> <li>• Board sits.</li> </ul>
3.	President	<ul style="list-style-type: none"> <li>• Declares the inquiry open and directs the Secretary to read the Instrument of Appointment and Terms of Reference.</li> </ul>
4.	Secretary	<ul style="list-style-type: none"> <li>• Reads Instrument of Appointment.</li> <li>• Reads Terms of Reference</li> </ul>
5.	President	<ul style="list-style-type: none"> <li>• Calls for appearances.</li> <li>• Calls for Applications</li> </ul>
6.	President	<ul style="list-style-type: none"> <li>• President confirms that the order for presentation of evidence is as set out in the Practice Note<sup>*</sup>.</li> </ul>
7.	President	<ul style="list-style-type: none"> <li>• Asks Counsel Assisting the Inquiry to make an opening address.</li> </ul>
8.	Counsel Assisting	<ul style="list-style-type: none"> <li>• Makes opening address</li> </ul>
9.	President	<ul style="list-style-type: none"> <li>• Ask Counsel Assisting the Inquiry to name their first witness.</li> </ul>
10.	President	<ul style="list-style-type: none"> <li>• Directs Secretary to call the witness.</li> <li>• Witness enters hearing room and is directed to the witness table. No headdress is to be worn. Witness reaches witness table, acknowledges the Board by standing to attention.</li> <li>• Asked to be seated.</li> </ul>
11.	Secretary	<ul style="list-style-type: none"> <li>• Administers oath or affirmation to witness</li> </ul>
12.	Counsel Assisting	<ul style="list-style-type: none"> <li>• Presents evidence.</li> </ul>
13.	President	<ul style="list-style-type: none"> <li>• Orders witness to stand-down stating whether they should remain available to give further evidence or whether the witness is released.</li> </ul>
14.	President	<ul style="list-style-type: none"> <li>• Asks persons granted leave to appear whether they wish to call witnesses.</li> </ul>

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<sup>\*</sup> From Practice Note 1:

15. Unless the President otherwise directs, the order for the examination, cross examination and re-examination of witnesses called by Counsel Assisting shall be:

- a. Counsel Assisting (Examination in chief)
- b. Counsel Representing CAPT Bingley (Cross-examination)
- c. Counsel Representing affected party(ies) (Cross-examination)
- d. Counsel Representing TPR Porter (Cross-examination)
- e. Any questions by members of the Board
- f. In the same order as (a) – (d), any questions arising from (e)
- g. Counsel Assisting (re-examination)

16. In relation to any witness called by any party other than Counsel Assisting the course of examination, cross-examination and re-examination will be cognate with the order referred to in paragraph 15.

15. President
16. President

- Asks Counsel Assisting the Inquiry to address the Board.
- Asks each person representing a witness if they wish to address the inquiry. They should usually do so in the order in which they have been examining witnesses but the President may vary the order.

*Dawn Heune*  
*28 May 2007*