

## UNDERSTANDING THE CAUSE OF THE ACCIDENT

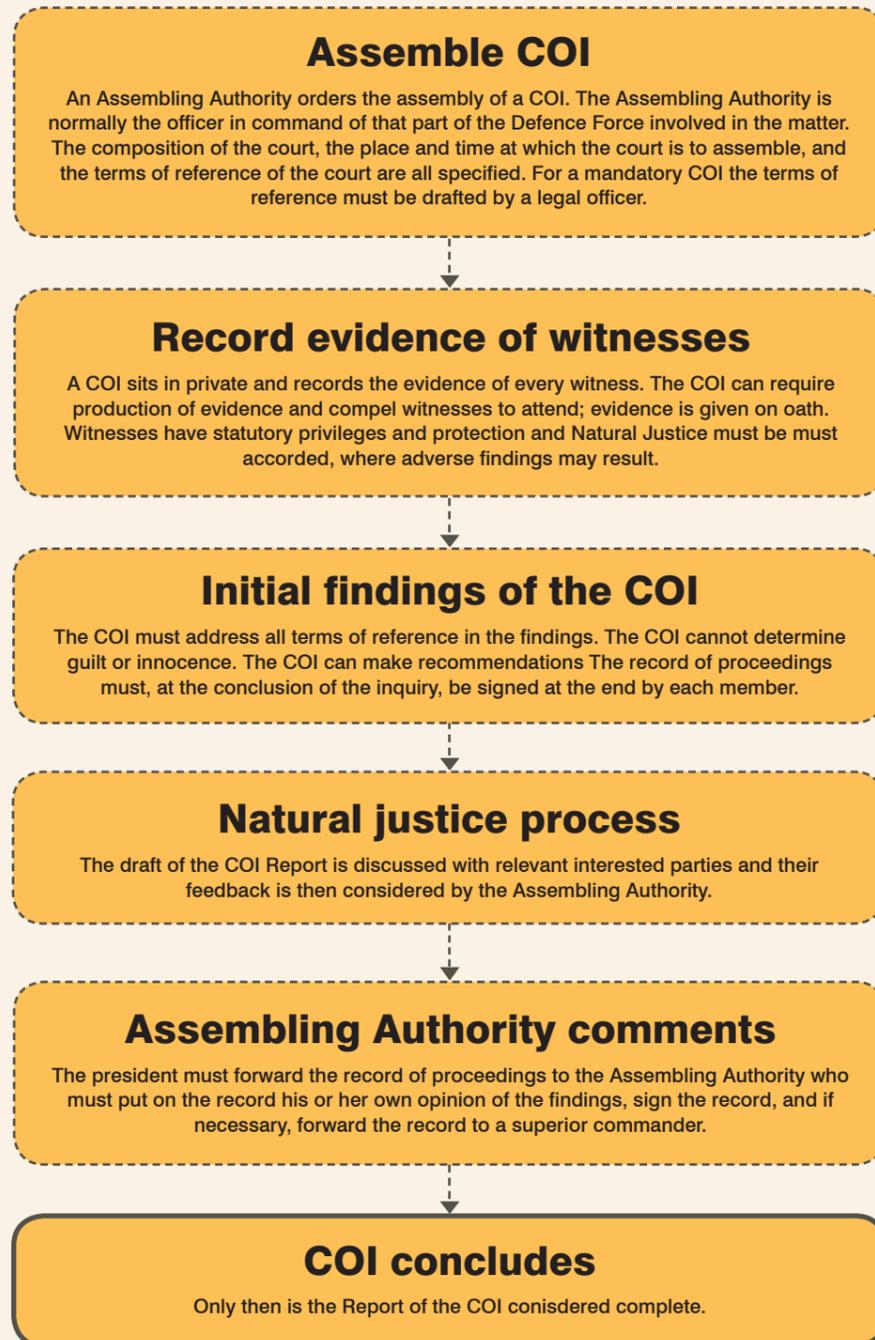
A Court of Inquiry (COI) is designed to provide an officer in command with an expeditious fact finding procedure so that a matter can be promptly investigated and if necessary, prompt, remedial action can be taken. It does not determine guilt. A COI may be assembled to collect and record evidence on any matters referred to the court.

A COI is mandatory where a member of the armed forces dies or is seriously injured in the course of his or her duties, unless the death or injury occurred during armed conflict/armed combat operations, or where it is investigated as a disciplinary matter.

*A COI does not replace other inquiries, such as those conducted by Police; Ministry of Business, Innovation and Employment; Coroners.*

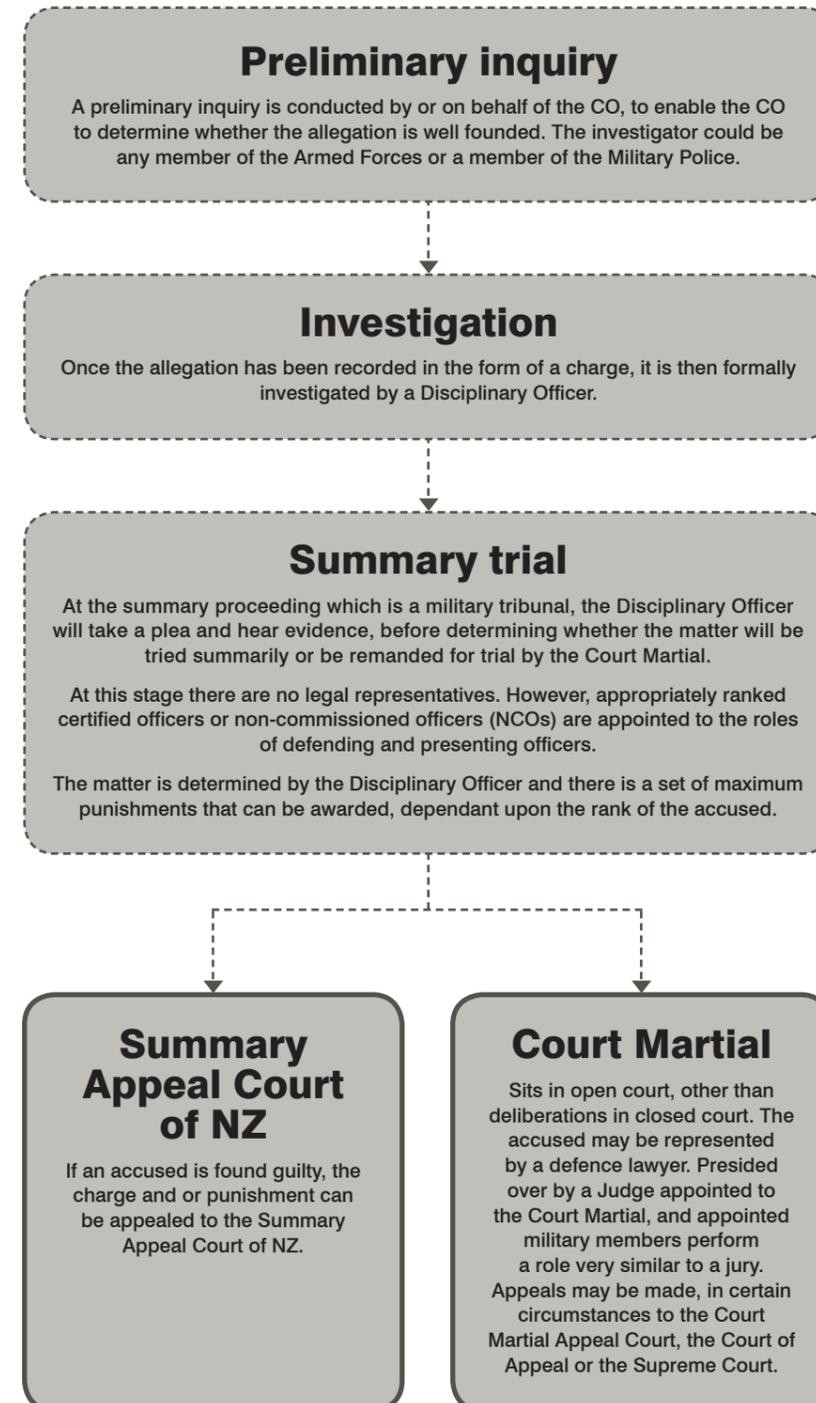
*A COI must consist of not less than two members, of whom at least one must be an officer and the other or others must be officers, warrant officers, or members of the Civil Staff of equivalent standing. The Assembling Authority must appoint one of the members who is an officer to be the president. The Assembly Authority may appoint a barrister or solicitor of the High Court to assist the COI; and must appoint Counsel Assisting, if the inquiry is complex or serious or likely to affect the character or reputation of any person.*

*The record of proceedings and any evidence is not admissible in evidence against any person in any other proceedings, judicial or otherwise, unless charged with specific offence of making a false statement or perjury; or where a declaration has been made of desertion/absence without leave.*



## UNDERSTANDING WHO IS RESPONSIBLE

Where there is an allegation of offending by a person subject to the Armed Forces Discipline Act 1971 (AFDA), a disciplinary inquiry is conducted to determine whether the allegation is well-founded. If the commanding officer does determine that there is a well-founded allegation then it is mandatory to either record it as a charge or refer it to the Police or other civil authority.



## OTHER INQUIRIES

### Command investigation

The officer in command of any part of the Armed Forces may order a command investigation into any matter within his or her command.

Command Investigations would normally occur for less serious matters that do not require a COI.

The investigation is a simple, informal process with the aim of ascertaining what has occurred in a particular situation, without the expenditure of resources or the formality inherent in a COI.