



**INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE (IGADF) INQUIRY INTO THE  
CRASH OF A MRH-90 TAIPAN HELICOPTER IN WATERS NEAR LINDEMAN ISLAND  
ON 28 JULY 2023**

**GUIDE FOR MEMBERS OF THE PUBLIC – FREQUENTLY ASKED QUESTIONS**

**What is the scope of the Inquiry?**

One of the tasks of the IGADF is to inquire into the deaths of members of the Defence Force where the tragedy appears to have arisen out of, or in the course of, the member's Defence service.

The IGADF has set out the scope of the Inquiry in a document referred to as "the Directions", which sets out the matters which the Assistants IGADF are to examine. You can access the Directions [here](#).

The key reason for the Inquiry is to investigate what caused the MRH-90 helicopter, with Captain Danniell Lyon, Lieutenant Maxwell Nugent, Warrant Officer Class Two Joseph (Phil) Laycock CSM and Corporal Alexander Naggs on board, to crash into the sea near Lindeman Island on 28 July 2023.

To do this, the Assistants IGADF will gather information about the circumstances of their deaths and evaluate whether Defence policies and procedures were followed and, if not, why not. The Assistants IGADF can then make recommendations on how policy and procedures within the Defence Force can be improved, to ensure that a similar tragedy does not occur again.

**Who are the Assistants IGADF and what is their role?**

The IGADF has appointed the Honourable Margaret McMurdo AC, a former President of the Court of Appeal, Supreme Court of Queensland, to lead the Inquiry with help from Air Vice-Marshal Geoff Harland AM CSC DSM, a senior Air Force officer with considerable aviation and air safety experience who has recently retired from full-time service. Together, they will be making the findings and recommendations in the Inquiry.

Please note that the Inquiry is not conducting a criminal or disciplinary investigation nor can it determine civil liability.

The IGADF has also appointed Colonel Jens Streit and Flight Lieutenant Alexandra Rose to the role of "Counsel Assisting". They are both barristers and Reserve Legal Officers and are responsible for presenting the evidence in the Inquiry.

Other Assistants IGADF appointed to the Inquiry include Captain Jo Bastian RAN, who is the Inquiry's family and witness support officer, and Group Captain Simon Braun MBE, who is in charge of the administrative arrangements required to run the Inquiry.

**Are any other agencies inquiring into the same incident?**

Yes. There are other inquiries being conducted into the same incident that occurred on 28 July 2023. Those inquiries are separate to, and distinct from, the IGADF Inquiry.

While this Inquiry may refer to evidence and findings in those Inquiries, it will make its own findings on the evidence it receives.

**How will the Inquiry be conducted? Will any of it be conducted in public?**

Parts of the Inquiry might be conducted in private, which means members of the public will probably not be able to observe certain evidence being given to the Inquiry. One reason for this is because that part of the evidence refers to Australian Government classified documents. Other parts of the Inquiry will be conducted in public, which means there will be public hearings where witnesses are called to give evidence.

The Inquiry's hearings are not like going to court and will not be adversarial. The hearings will follow an investigative process which means that Ms McMurdo and Air Vice-Marshal Harland may be actively involved in asking questions of witnesses during hearings.

The rules of evidence do not apply in the Inquiry which means the usual restrictions on the admission of evidence that apply in court cases in Australia do not apply to the Inquiry.

A rule that does apply is "procedural fairness". This rule means that the Assistants IGADF will act fairly to all parties throughout the Inquiry and if the Inquiry thinks a person may have done something wrong, that person will have a chance to put their side to the Inquiry.

The Assistants IGADF, Counsel Assisting, Inquiry staff and legal representatives will be in business attire throughout the Inquiry. They will not be wearing their uniforms even if they are members of the Defence Force.

Some witnesses may choose to wear their Defence uniforms. There is no expectation for any witnesses or observers to be dressed in uniform.

It is courteous to stand (if able) when the Assistants IGADF enter or leave the hearing room. ADF members in uniform should salute. Everyone else may briefly bow their heads.

If you are addressing the Inquiry, Ms McMurdo should be addressed as 'Ms McMurdo' or 'Ma'am' and Air Vice-Marshal Harland as 'Air Vice-Marshal' or 'Sir'.

**Can I watch the public hearings?**

Yes. The public hearings will be held in various places around Australia at different times throughout 2024.

The first hearing day will be at the Brisbane Convention Centre on Tuesday, 27 February 2024 starting at 0930

The location and dates for the remaining hearing blocks are yet to be determined. More information will be given at the conclusion of the hearing on 27 February 2024.

Members of the public can attend to watch the hearings in person.

Alternatively, members of the public can watch the public hearings via the live stream from home or another location with other people.

A “live stream” means that the hearings will be video recorded and then uploaded, in real time, onto the IGADF’s website where you can access them on your device.

Viewers cannot record, transmit or distribute the audio or video of the live stream without the permission of the Inquiry, in line with the direction in the Inquiry’s Practice Note No 1/2024, which can be found [here](#). It is an offence to do so.

You can access the live stream [here](#).

### **What if I find watching the public hearings distressing?**

The IGADF is aware that watching the evidence during the public hearings may be stressful or distressing.

Below is a list of support services you can contact, which will differ depending on whether you are an Australian Defence Force member, a family member of an Australian Defence Force member or neither.

If you are an Australian Defence Force member then you can contact the following services:

- **Lifeline Australia** – call 13 11 14 (available 24/7). Lifeline is a national charity providing all Australians with access to 24-hour crisis support and suicide prevention services. [www.lifeline.org.au](http://www.lifeline.org.au).
- **Employee Assistance Program** – call 1300 OUR EAP (1300 687 327). Free, confidential and professional counselling for Defence APS employees, Australian Signals Directorate employees, ADF Reservists, ADF Cadets, Officers and Instructors, including immediate families, and workplace supervisors/managers.
- **Defence Family Helpline** – call 1800 624 608 (available 24/7) to speak to human services professionals, including social workers and psychologists. For Defence APS employees, ADF members and their families. [www.defence.gov.au/adf-members-families](http://www.defence.gov.au/adf-members-families). Links also to the **ADF Health and Wellbeing Portal**.
- **Open Arms** – call 1800 011 046 to access for counselling for current ADF members, veterans and families including a free-call all-hours crisis telephone service as well as face to face support. Open Arms is not part of Defence. [www.openarms.gov.au](http://www.openarms.gov.au). You can also call **Safe Zone Support** on 1800 142 072 (available 24/7) for free, anonymous counselling.
- **Department of Veterans’ Affairs** – call 1800 555 254. For current or former serving ADF members and families.
- **All-hours Support Line** – call 1800 628 036 (available 24/7) for mental health advice and referral. For ADF member and their families.
- **1800IMSICK** for nursing level triage and advice for injuries or illnesses.
- **Chaplaincy services** on 1300 DEFENCE.

If you are a family member of an Australian Defence Force member then you can contact the following services:

- **Lifeline Australia** – call 13 11 14 (available 24/7). Lifeline is a national charity providing all Australians with access to 24-hour crisis support and suicide prevention services. [www.lifeline.org.au](http://www.lifeline.org.au).
- **Employee Assistance Program** – call 1300 OUR EAP (1300 687 327). Free, confidential and professional counselling for Defence APS employees, Australian Signals Directorate employees, ADF Reservists, ADF Cadets, Officers and Instructors, including immediate families, and workplace supervisors/managers.
- **Defence Family Helpline** – call 1800 624 608 (available 24/7) to speak to human services professionals, including social workers and psychologists. For Defence APS employees, ADF members and their families. [www.defence.gov.au/adf-members-families](http://www.defence.gov.au/adf-members-families). Links also to the **ADF Health and Wellbeing Portal**.
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- **All-hours Support Line** – call 1800 628 036 (available 24/7) for mental health advice and referral. For ADF member and their families.

If you are neither an Australian Defence Force member nor a family member of an Australian Defence Force member, then you can contact:

- **Lifeline Australia** – call 13 11 14 (available 24/7). Lifeline is a national charity providing all Australians with access to 24-hour crisis support and suicide prevention services. [www.lifeline.org.au](http://www.lifeline.org.au).

#### **What if I have information that I want to give to the Inquiry?**

If you think you have evidence that would be helpful to the Inquiry or would like to make a submission to the Inquiry, you can fill out a form via this [link](#): [insert]

The Assistants IGADF will consider your evidence or submission and then contact you if they require any further information.

You can choose to provide your evidence or submissions confidentially or anonymously.

#### **What happens after the public hearings are completed?**

After all the evidence has been produced to the Inquiry and everyone has made their statements about how the Assistants IGADF should interpret the evidence, Ms McMurdo

and Air Vice-Marshal Harland will draft a report setting out their preliminary findings and recommendations.

If the Assistants IGADF think they may make adverse findings against someone they will give that person or their lawyer, if they have one, the opportunity to make submissions about their draft findings. The Assistants IGADF will consider any material and submissions received and, if they agree with the submissions or parts of it, will make changes to the Inquiry's report. The Assistants IGADF will then present the Inquiry's final report to the IGADF.

The IGADF will provide a copy of the Inquiry's final report to the Chief of the Defence Force.

**Can I read the Inquiry's final report?**

A person who is adversely affected by the findings, family members of the deceased members, the legal representatives for the deceased members and certain persons and entities in Defence who are responsible for implementing the recommendations may receive a copy of the final report or relevant parts of it.

The IGADF will decide if anyone else can read all or part of the report.

The IGADF will also consider whether to publicly release all or part of the report. If he decides to publicly release the report, a redacted copy of it will be published on the IGADF's website.

**Where can I go for more information?**

Further information about the Inquiry may be found on the Office of the IGADF's website: [here](#) or in the *Inspector-General of the Australian Defence Force Regulation 2016* which can be viewed on the internet at: <https://www.legislation.gov.au/Series/F2016L01558>