



**INQUIRY INTO THE DEATHS OF FOUR AUSTRALIAN DEFENCE FORCE MEMBERS
IN THE CRASH OF A MRH-90 TAIPAN HELICOPTER ON 28 JULY 2023**

DIRECTION No.3 of 2024

Direction:

Pursuant to Sections 21(1)-(2) and 28M(1)-(2) of the *Inspector-General of the Australian Defence Force Regulation 2016*, and upon the ground that it is necessary to do so in the interests of the defence of the Commonwealth, I direct that:

1. Direction No. 1 of 2024 that I made on 9 April 2024 and Direction No. 2 of 2024 that I made on 22 April 2024 assigning pseudonyms to certain persons listed in those directions be set aside and replaced with this Direction No.3 of 2024
2. there be no publication or other disclosure of the real names of the persons listed in the first column of the table in Annex A;
3. the persons listed in the first column of the table in Annex A be referred to in this Inquiry by the pseudonyms assigned to them in the second column of the table in Annex A; and
4. this Direction applies throughout the Commonwealth for a period of 50 years.

Reasons:

I have read the applications made by Special Operations Command on 26 February 2024 and 24 April 2024 and the applications made by Aviation Command on 12 March 2024 and 23 April 2024, and noted the pseudonyms they used for specified Defence personnel.

I am satisfied it is necessary to make this Direction to protect the identities of Defence personnel currently posted to 6 Aviation Regiment and Special Operations Command, or who were posted to 6 Aviation Regiment and Special Operations Command at the time of the incident the subject of this Inquiry, who are or were associated with sensitive capabilities. This direction is to protect against unauthorised disclosures of the personal information of the persons whose real names are listed in the first column of Annex A, information regarding their association with a sensitive capability, and the sensitive capability itself.

This Direction is consistent with the Defence Security Principles Framework, Control 42.1 *Protected Identities*.

Definitions:

“publish” means disseminate or provide access to the public or a section of the public by any means, including by –

- (a) publication in a book, newspaper, magazine or other written publication, or
- (b) broadcast by radio or television, or
- (c) public exhibition, or
- (d) broadcast or publication by means of the Internet.

“disclose” means referring to the real names of the persons listed in the first column of Annex A in public, whether that be orally or in writing and includes during any of the public hearings conducted by the Inquiry. This direction, however, does not prevent a person from disclosing the real names of the persons listed in the first column of the table in Annex A if the disclosure is not by publication and it is made in the course of performing functions or duties or exercising powers in a public official capacity-

- (a) in connection with the conduct of the Inquiry or the recovery or enforcement of any penalty imposed under Sections 21(3) or 28M(3) of the *Inspector-General of the Australian Defence Force Regulation 2016*, or
- (b) in compliance with any procedure adopted by the Inquiry for informing a news media organisation of the existence and content of this Direction.

This Direction, does not prevent the disclosure of the real names of the persons listed in the first column of the table in Annex A to the Australian Defence Force if the disclosure is not by publication and the disclosure is made for the purposes of assisting the ADF to properly implement any recommendations that the Inquiry may make.

“*news media organisation*” means a commercial enterprise that engages in the business of broadcasting or publishing news or a public broadcasting service that engages in the dissemination of news through a public news medium.

Note:

Pursuant to s 21(3) of the *Inspector-General of the Australian Defence Force Regulation 2016*, a person commits an offence if the person contravenes a direction given under Section 21(1). The penalty is 10 penalty units.

The Honourable Margaret McMurdo AC
Assistant Inspector-General ADF

24 April 2024

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