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TRANSCRIPT OF PROCEEDINGS TRANSCRIPT-IN-CONFIDENCE

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

PUBLIC INQUIRY

**THE HONOURABLE M McMURDO AC
AVM G HARLAND AM CSC DSM**

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COL N GABBEDY, representing MAJGEN Jobson

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SQNLDR M NICOLSON, representing D10

1000, TUESDAY, 30 APRIL 2024

DAY THREE

TRANSCRIPT VERIFICATION

**I hereby certify that the following transcript was made from the sound recording of the
above stated case and is true and accurate**

Signed	Date	(Chair)
Signed	Date	(Recorder)
Signed Epiq Australia Pty Ltd	Date 15/05/24	(Transcription)

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5 MS McMURDO: I understand yesterday there was a little confusion about the order that was made in respect of Mr Nugent and so it was, if I could just read the essence of it again, that there be no publication by any person or news media organisation of the footage – that is, the video footage – of the livestreaming of Mr Daniel Nugent's evidence to this Inquiry. Unfortunately, it was understood apparently by some people that there was to be no streaming. So there is streaming and the streaming will continue today. Mr Nugent's evidence wasn't streamed yesterday because of a misunderstanding, but nobody is to use that video footage in any way or to record it or transmit it in any way, and to do so is an offence. So I think 10 that should make it clear now beyond doubt.

Yes, thanks, Ms Rose. Would you continue with Mr Nugent's evidence.

15 FLTLT ROSE: Yes, I recall Mr Daniel Nugent.

<DANIEL JOHN NUGENT, recalled on former affirmation

20 **<EXAMINATION-IN-CHIEF BY FLTLT ROSE, continuing**

25 FLTLT ROSE: Mr Nugent, before we adjourned yesterday, you'd given evidence about Max's time in 5 Aviation Regiment in Townsville.

MR NUGENT: Yes.

30 FLTLT ROSE: You gave evidence that he was there for about six months on that posting.

MR NUGENT: Correct.

35 FLTLT ROSE: I'd like to ask you some questions now about Max's posting to 6 Aviation Regiment.

MR NUGENT: Yes.

40 FLTLT ROSE: Do you remember the month and year that Max posted to 6 Avn?

MR NUGENT: It was after the Christmas break, so it was January 2023.

FLTLT ROSE: Did you assist him to move down to Sydney?

MR NUGENT: Yes. So I flew up to Townsville and we drove his car back to Sydney over three days.

FLTLT ROSE: Which suburb did Max move to?

5

MR NUGENT: He moved to Miranda in Sydney.

FLTLT ROSE: Was he renting there?

10 MR NUGENT: Yes.

FLTLT ROSE: Was it a Defence Housing unit?

15 MR NUGENT: No. His rent was assisted obviously by Defence. He needed to live within reasonable proximity of the base for purposes of on-call and whatnot.

FLTLT ROSE: So that's near Holsworthy Base?

20 MR NUGENT: It's within a reasonable distance of Holsworthy, yes.

FLTLT ROSE: I take it that's still a fair distance, Miranda is still some fair distance from where you live in Sydney?

25 MR NUGENT: Yes, we live on the north side, the far side north side of Sydney, and that's effectively the far south side of Sydney. So the family joke was that we saw more of him in person when he was actually in Townsville.

30 FLTLT ROSE: How often do you think you did get to see Max once he'd moved to Sydney?

35 MR NUGENT: Probably once or twice a month. We certainly maintained communication, like we spoke on the phone consistently. It was a thing where when I was particularly driving to night shift, he would be coming home from work. So it would be a perfect opportunity for us to chat when we both commuted, so it was fairly consistent.

40 FLTLT ROSE: Did Max ever talk to you about his work at 6 Aviation Regiment in the sense of how it differed to the work he was doing at 5 Aviation Regiment?

MR NUGENT: Yes, Max, he talked about that there was a different tempo to it and there was a lot more planning. He sort of described it as an

environment that's not really suited to, you know, a family man. It's sort of a young man's game just because of the tempo of the work.

FLTLT ROSE: Did that relate to the hours he was working?

5

MR NUGENT: A combination of the hours, the night flying, the planning that goes into it and whatnot.

FLTLT ROSE: When you say the night flying, was it fairly consistent for 10 him to be doing night flying?

MR NUGENT: The bulk of his flying at 6 Aviation was at night-time.

FLTLT ROSE: Do you know whether he worked Monday to Friday? Did 15 he work weekends?

MR NUGENT: Yes, so a normal work week would be Monday to Friday, unless they were doing some training exercise that went over a weekend, or whether they were away from base.

20

FLTLT ROSE: Did he talk to you at all about the culture at 6 Avn?

MR NUGENT: Yes, he actively sought 6 Avn out. That was his goal to move to and because it had an attitude, I suppose, of anywhere, any time 25 for the soldier. So if the job was on, the job was on and they got it done.

FLTLT ROSE: Was he on call?

30

MR NUGENT: At various times, yes.

FLTLT ROSE: Did Max talk to you about how he coped with this higher tempo?

35

MR NUGENT: He did. He asked my advice on how to manage sleep and whatnot if he was working overnight. Obviously, I've had the best part of 30 years of managing shift work and overnight work so we did talk about that. But the actual work itself, he really enjoyed, and so I think he was comfortable with the tempo.

40

FLTLT ROSE: So what sort of hours was he sleeping? Was he sleeping during the day?

MR NUGENT: If required. So if they finished sort of night flying and they 45 got home at, say, 11 o'clock at night, it depended on when they were next required to be on duty, but obviously they've got their competing

necessities such as their own personal fitness and whatnot that comes into play. But, yes, I think he was getting enough rest. He was a good sleeper as a kid, so I don't think that changed as an adult.

5 FLTLT ROSE: So he never talked to you specifically about, "I'm feeling fatigued by the work"?

10 MR NUGENT: No, he never said he was tired or there was too much of it or anything like that. He enjoyed it and he seemed to have enough time for social activities as well.

FLTLT ROSE: Did he ever talk to you about the nature of the flying that he was doing in 6 Aviation Regiment?

15 MR NUGENT: Yes, because it was moving into the counterterrorism space or the Special Operations space that it was at night-time, it was low, it was in formation, and it was fast. I think that would be the way he would describe it.

20 FLTLT ROSE: So from your conversations with Max, it was quite common for him to be flying in those circumstances you described: in formation at night and low flying?

25 MR NUGENT: Yes. So he said it's the most demanding type of flying you can do. He goes, "You're really concentrating and working really, really hard at the controls".

FLTLT ROSE: Was he the flying pilot often on those sorties?

30 MR NUGENT: Yes, as the junior pilot, he sort of indicated to me that to gain the experience and whatnot, he predominantly was at the controls and that the aircraft Captain was managing radios and the – the mission, I suppose.

35 FLTLT ROSE: Did Max ever talk to you about any flying incidents he was involved in at 6 Aviation Regiment?

40 MR NUGENT: Yes, Max was the pilot of the second aircraft at Jervis Bay when the first aircraft had the engine failure with Troops on cable ladders or on a cable underneath the helicopter. So Max was there when that aircraft went into Jervis Bay. He had at the time divers connected underneath his aircraft, so he wasn't able to immediately assist in a rescue or recovery. He had to take those soldiers and drop them safely on ground. He then refuelled and they stayed on standby for a search and rescue but by that stage they

were aware that there were rescue boats already available and that all the crew had been recovered.

5 FLTLT ROSE: So you're talking about an incident involving MRH-90s at Jervis Bay in the south coast of Sydney?

MR NUGENT: Yes.

10 FLTLT ROSE: Do you recall when that incident was?

MR NUGENT: I haven't got my statement here, but it was early 2023.

FLTLT ROSE: In your statement you state that it was March 2023.

15 MR NUGENT: Yes, that would be correct.

MS McMURDO: Would you like the witness to have his statement?

20 FLTLT ROSE: Yes, sorry. Could Mr Nugent have his statement.

MS McMURDO: Thank you, that's Exhibit 9.

FLTLT ROSE: That's paragraphs 67 and 68.

25 MR NUGENT: Thank you.

FLTLT ROSE: Sorry, paragraph 67.

30 MR NUGENT: Yes.

FLTLT ROSE: You said before that Max was in the second aircraft, was it the fact that he was flying in a formation on that mission?

35 MR NUGENT: That's my understanding, yes.

FLTLT ROSE: How many aircraft were in the formation?

40 MR NUGENT: Two aircraft and they were doing their methods of insertion or extraction training.

FLTLT ROSE: He was the flying pilot of his aircraft?

MR NUGENT: Yes, he was being assessed on skills, yes.

45 FLTLT ROSE: Was this a night flight?

MR NUGENT: Yes.

FLTLT ROSE: I think you said he had divers attached to ladders, was it?

5

MR NUGENT: Yes.

FLTLT ROSE: Underneath his aircraft.

10 MR NUGENT: That's correct.

FLTLT ROSE: What was the mission in that sense, where was he picking the divers up from?

15 MR NUGENT: So they were collecting clearance divers or soldiers from the water and so they were extracting them out of the water. The way Max described it to me, or certainly the way the photos depicted it, it's like picking up a tea bag really. They're dangling off the cable underneath the helicopter and then they fly away to a safe location to put them down.

20

FLTLT ROSE: So did Max see what happened to the other aircraft?

25 MR NUGENT: He said he saw a flash and that the helicopter attempted to climb or to lift and then it just sort of sunk down on top of the soldiers that were underneath, sort of sunk down on top of them. He had to try and pull away to avoid getting involved in that aircraft.

FLTLT ROSE: Your evidence was that he took the divers that were on his ladders back to land to safely return them.

30

MR NUGENT: Yes, that's correct.

FLTLT ROSE: So he wasn't involved in the search and recovery?

35 MR NUGENT: No, so once they had got their divers and passed them safely to ground, they refuelled and they stayed on standby for a recovery. But because of the nature of the exercise, there was already safety boats on station or available in case something went wrong.

40 FLTLT ROSE: Is it your understanding that there were no fatalities involved in that?

MR NUGENT: No, all the crew were recovered and Max was – they were advised of that reasonably quickly.

45

FLTLT ROSE: Did Max talk to you how he felt about that incident in the aftermath?

5 MR NUGENT: Yes, he said if that engine had failed while they were over land, he has no doubt that the soldiers underneath them would likely have been killed as the chopper came down on them because just the nature of the way it just sunk straight down that they would have had no opportunity to get out of the way. He was fairly – I wouldn't say he was rattled, but he was certainly concerned by witnessing something like that take place. But 10 then reasonably shortly afterwards, they were made aware, or he was made aware of the nature of that issue being the engine failure and that that was a potentially known fault and that the aircraft that he was going to fly in the future will have had that engine rectified. So that put his mind at ease, but certainly that night, as one would expect, that he was a bit rattled by the 15 incident.

FLTLT ROSE: Did he tell you if the aircraft was grounded for a period of time after the incident?

20 MR NUGENT: Yes, they were grounded after the incident and that was to ensure, obviously, from his words, to work out what exactly happened or confirm the nature of what happened, and then to make required changes to the aircraft they were going to fly in the future.

25 FLTLT ROSE: Did he talk to you about any investigation? You said before that he was given some assurances about the cause of the incident.

MR NUGENT: Yes.

30 FLTLT ROSE: Did Max talk to you about being involved in the investigation?

35 MR NUGENT: He said that he went back to Holsworthy and he did provide a statement to the investigators about what he saw and his involvement. FLTLT ROSE: You can't recall how long that he told you the aircraft were grounded for?

40 MR NUGENT: No, I can't recall exactly but it was several weeks while they made the modifications and completed their investigations. And during that time, he wasn't flying.

45 FLTLT ROSE: He was satisfied it was safe to return to the air after the grounding concluded?

MR NUGENT: Yes, he sort of – he made it clear that that was a known issue with the engine and that there was a known fix for that and he was happy to fly again, yes.

5 FLTLT ROSE: Did Max mention having any secondary duties when he was at 6 Aviation Regiment?

10 MR NUGENT: Yes, he was often the log – not often, but he was the log keeper or the duty officer that were involved in staying on base overnight, and again, that would be just to take the phone calls, I assume, that if there was an incident required a callout or an activation of the unit, then he would be the duty officer to do that.

15 FLTLT ROSE: Do you know how often he was the duty officer?

MR NUGENT: No, I don't, but I think it was possibly monthly – maybe a little bit more.

20 FLTLT ROSE: What plans did Max have for his career in the Army?

25 MR NUGENT: Max, he was a career soldier, I suppose. His goal was to – I'll put it this way – hasten slowly in his rank progression so he could maintain as much flying as possible. He saw himself as progressing with 6 Avn, and he was looking at Command roles. He certainly wasn't there to gain qualifications and then leave Defence. He saw it as his long-term career.

30 FLTLT ROSE: Do you recall who Max's Troop Commander was at 6 Aviation Regiment?

MR NUGENT: I do. It'll be one of the numbered people, I suppose.

FLTLT ROSE: Paragraph 75, you state that it was CAPT Dannie Lyon.

35 MR NUGENT: Yes, sorry, it was.

FLTLT ROSE: Did he refer to him as Diesel?

MR NUGENT: He did, yes.

40 FLTLT ROSE: Did you ever meet CAPT Lyon?

MR NUGENT: No.

45 FLTLT ROSE: Did Max ever talk to you about flying with CAPT Lyon?

MR NUGENT: He talked about flying with a lot of the other pilots and I can't remember if he specifically mentioned flying with Danniel, but people have said that he really actually enjoyed flying with Diesel.

5

FLTLT ROSE: You mean people after Max had died?

MR NUGENT: Yes, (indistinct), yes.

10

FLTLT ROSE: Colleagues of his told you that?

MR NUGENT: Yes.

15

FLTLT ROSE: Did Max ever talk to you about the number of senior pilots in 6 Aviation Regiment?

MR NUGENT: Yes, he did.

20

MR NUGENT: He said that it was heavy in regards to the number of senior pilots and the amount of experience, just because of the nature of that Regiment, that, you know, pilots tended to transition through 5 Aviation so they gained a number of years' experience prior to doing their Special Operations qualifications with 6 Avn.

25

FLTLT ROSE: I think there's that fresh water for you.

30

MR NUGENT: Yes, I do apologise, I'm battling. I don't normally sound like this, I'm battling a sinus issue.

MS McMURDO: You don't have to apologise, Mr Nugent.

35

MR NUGENT: No.

MS McMURDO: But we'll make sure we change the glass after you've finished.

40

MR NUGENT: Yes, I think that would be wise, ma'am. Yes, so Max, he certainly indicated it was a senior environment and just due to the nature of the way they cycle through their career progression, I suppose.

FLTLT ROSE: Did he ever talk to you about his position as one of the junior pilots? Was he one of the most junior or did he fit in - - -

45

MR NUGENT: He was very junior, junior in age and junior in experience. That's just the nature of how it occurred with the drawdown of the MRH out of Townsville.

5 FLTLT ROSE: I want to ask you some questions now about Exercise TALISMAN SABRE 2023.

MR NUGENT: Yes.

10 FLTLT ROSE: What, if anything, did Max tell you about the preparations for that exercise?

15 MR NUGENT: He was looking forward to that exercise. He understood it's the big biannual exercise, so he was looking forward to that and they did some build-up training in the lead up to that and that was also around the time where he gained his Special Operations qualification. So he did do some training in flying in that particular formation and whatnot in the lead up to TALISMAN SABRE.

20 FLTLT ROSE: Do you know if he did that training at night or during the day?

25 MR NUGENT: He definitely did it during the day and he did it also at night. The reason I can attest to that is that it flew over where we live at home.

FLTLT ROSE: I take it Max let you know that was occurring so you could look up?

30 MR NUGENT: Yes, he definitely scared his grandparents. They were right over their house.

FLTLT ROSE: Were you aware at that time what day Max was going to leave Sydney to start the exercise?

35 MR NUGENT: No, he said, "Look, I don't know exactly the day I'm going to be leaving for TALISMAN SABRE", but he knows that the exercise runs through a finite period and that it was a simulation, if you like, of everything from the callout of the crews to the launch from Sydney to the transit to 40 Proserpine. So he would have known within a day, I suppose, of when it was going to occur.

FLTLT ROSE: Did he tell you that he was going to Proserpine?

45 MR NUGENT: Yes.

FLTLT ROSE: Did you communicate with Max while he was on the exercise?

5 MR NUGENT: Just by text message, not by direct phone call.

FLTLT ROSE: If I can take you to Annexure B of your statement.

MR NUGENT: Yes.

10 FLTLT ROSE: These are text messages that you provided to the Inquiry.

MR NUGENT: Yes.

15 FLTLT ROSE: Are they text messages between you and Max?

MR NUGENT: They are.

20 FLTLT ROSE: I see, if your printing is in colour, there's some messages in black bubbles and then there's some messages in blue bubbles.

MR NUGENT: That's correct.

25 FLTLT ROSE: Can you identify which ones are yours and which ones are Max's?

MR NUGENT: The blue ones are mine.

30 FLTLT ROSE: At the top of the page of Annexure B it says, "Wednesday, 26 July".

MR NUGENT: Correct.

FLTLT ROSE: Is that 2023?

35 MR NUGENT: Yes.

FLTLT ROSE: It says "7.42 pm".

40 MR NUGENT: Yes.

FLTLT ROSE: So I take it that's Max saying, "Happy Birthday for yesterday".

45 MR NUGENT: Correct.

FLTLT ROSE: Your response is, “Thanks, mate. How are you going?”

MR NUGENT: Correct.

5

FLTLT ROSE: He says, “Got a ride in a chook this arvo. That was cool”.

MR NUGENT: Yes.

10 FLTLT ROSE: What did you understand Max to mean by “chook”?

MR NUGENT: He was referencing a Chinook helicopter, an American one, I believe.

15 FLTLT ROSE: You said, “Nice”.

MR NUGENT: Yes.

20 FLTLT ROSE: He said, “What have you guys been up to?”, and you respond, “Not much. You been busy?”

MR NUGENT: Yes.

25 FLTLT ROSE: Then on the next page Max replies, “Flew around the coast a bit yesterday doing some random stuff, but it’s only day three”.

MR NUGENT: Correct.

30 FLTLT ROSE: You said, “How was the flight up?”

MR NUGENT: That’s right.

FLTLT ROSE: He said, “Long. Weather was a bit shit, but it wasn’t too bad”.

35

MR NUGENT: Yes.

FLTLT ROSE: Your response was, “Would have kept it interesting”.

40 MR NUGENT: Correct.

FLTLT ROSE: Then he said, “Yeah, something to think about at least”.

45 MR NUGENT: That’s right, yes.

FLTLT ROSE: This was all on 26 July 2023, which is, as we just said, the Wednesday.

MR NUGENT: Yes.

5

FLTLT ROSE: So he said he was day three.

MR NUGENT: Yes.

10 FLTLT ROSE: So by that, did you understand he had been in Proserpine - - -

MR NUGENT: Three days, yes.

15 FLTLT ROSE: Three days, so he'd arrived on the Monday.

MR NUGENT: Yes.

20 FLTLT ROSE: Was this the only set of text messages you exchanged?

MR NUGENT: That's the last communication with Max.

MS McMURDO: Are you tendering that?

25 FLTLT ROSE: Yes, it's part of the statement. Should I tender it separately?

30 MS McMURDO: Well, it's up to you. I guess if it's tendered it will be on the website, won't it? No?

FLTLT ROSE: That's not my understanding.

35 MS McMURDO: Okay, all right. No, it's all right. Well, you've read it into the transcript anyway so that's fine. Thank you.

FLTLT ROSE: Yes. Your evidence you just gave then was that this was the last time you communicated with Max.

MR NUGENT: That's correct.

40

FLTLT ROSE: I'm going to turn now to this topic which is notification of Max's death.

MR NUGENT: Yes.

45

AVM HARLAND: Excuse me.

FLTLT ROSE: Yes.

5 AVM HARLAND: If I could just ask one question. Were you aware of or did you talk to Max about the lead up to the exercise and whether that was really a peak period of busyness for him?

10 MR NUGENT: So he'd only just completed his Special Operations qualification, so he was working really hard during the previous weeks, obviously, to pass a lot of those requirements. So I'd say he was match fit.

AVM HARLAND: Yes, okay. Thank you.

15 MR NUGENT: Yes.

FLTLT ROSE: When were you informed about Max's aircraft crash?

MR NUGENT: On the morning of Saturday 29 July.

20 FLTLT ROSE: 2023.

MR NUGENT: Correct.

25 FLTLT ROSE: Where were you?

MR NUGENT: Home.

FLTLT ROSE: Who were you with?

30 MR NUGENT: Marianna was there.

FLTLT ROSE: You don't need to provide any specific names but who informed you about the crash?

35 MR NUGENT: There was an Army Chaplain and an Army Major.

FLTLT ROSE: Did they come to your house?

40 MR NUGENT: Yes, they did.

FLTLT ROSE: What time of day was it?

45 MR NUGENT: It was early in the morning; it was about 7.15.

FLTLT ROSE: Are you listed as Max's next of kin in Army's records?

MR NUGENT: I am, yes.

5 FLTLT ROSE: When the Chaplain and the Major came to your house - - -

MR NUGENT: Yes.

FLTLT ROSE: - - - I take it you let them in?

10 MR NUGENT: We live in an apartment, so Marianna answered our video door bell and then we let them in, yes, obviously.

FLTLT ROSE: What did they tell you?

15 MR NUGENT: They just asked if they could come in and sat down and they said they had to formally read something to us which the Major took out of his hat and he read a document to us.

20 FLTLT ROSE: Do you recall - - -

25 MR NUGENT: Yes. I suppose the simplest way I can put this is it's – if you've seen any death message delivered in a military movie, that's exactly the way it occurred. So on the path of, "The Chief of Army regrets to inform you that your son, Max, has been involved in an accident", and they then went into the detail.

FLTLT ROSE: How long was the Major and the Chaplain with you that morning?

30 MR NUGENT: It was pretty – probably about an hour and then we had some issues in regards to Samantha was at the gym so we needed to get her home and Chadine, Max's partner, was in Miranda by herself. So we basically asked if they could go and collect her, as she was by herself, 35 and bring her up to us. So they were with us for about an hour while they explained that, explained the process and that the search and rescue was underway.

FLTLT ROSE: Did they explain those details once you had Samantha and 40 Chadine with you?

MR NUGENT: No, they explained it to us first.

FLTLT ROSE: Then those two officers went to collect Chadine?

45

MR NUGENT: That's right.

FLTLT ROSE: Who was the next, if anyone, who from Army next came to visit you?

5

MR NUGENT: I'll use the phrase, they were the notification team, and then from there we got contacted by a bereavement officer who was going to take over the next phase.

10

FLTLT ROSE: What I'll do is, before you mention any names from this point on, if I need to, I will refer you to the document in front of you which has a list of pseudonyms.

15

MR NUGENT: Thank you.

FLTLT ROSE: I understand from paragraph 85 of your statement, you've said that you've had to deliver a number of messages similar to this in your line of work?

20

MR NUGENT: I have.

FLTLT ROSE: And that you think that the initial notification team when they told you about the crash, that they did a fine job in explaining it to you?

25

MR NUGENT: Yes, there is no way to deliver those sorts of messages and my experience is to be direct with what you know, or the known knowns. It makes it much easier for the people to process, and I think those two gentlemen did a – they did a fine job.

30

FLTLT ROSE: I take it Samantha arrived back home?

MR NUGENT: Yes.

FLTLT ROSE: Then Chadine arrived as well?

35

MR NUGENT: Yes.

FLTLT ROSE: How long did she stay with you?

40

MR NUGENT: She stayed with us for a number of days, Chadine, she moved in with us just while we were getting – coming to terms with the incident.

45

FLTLT ROSE: You mentioned before there was a bereavement team?

MR NUGENT: Yes, there was. So they come out of the family welfare or the welfare support, I suppose, and they did a – they sort of assisted us through the next phase of the process.

5 FLTLT ROSE: What day did they arrive at your house? Was it the same day after you were notified of the incident?

MR NUGENT: Yes, it was. So they were from Max's Regiment, so there was a Captain and a Warrant Officer came out and that was the same day.

10 FLTLT ROSE: How long did they remain in contact with you?

15 MR NUGENT: Every day. So they were sort of our contact in regards to the search operation and just trying to be the ones that directed information to us prior, sort of as the main pathway; however, at times we were getting information from other members of Max's Regiment.

20 FLTLT ROSE: Were there any other assigned teams to assist you after the bereavement team's job was done?

25 MR NUGENT: Yes, so that's when we got our – I think his name is there. I think that's right, is it? I can use that?

FLTLT ROSE: Which paragraph are you referring to?

25 MR NUGENT: Paragraph 88. It's not redacted.

FLTLT ROSE: If it's not redacted, then you can say it.

30 MR NUGENT: Yes, so we reported MAJ David Long and also a civilian welfare person to really help us with the funeral arrangements going forwards.

FLTLT ROSE: When was Max's funeral?

35 MR NUGENT: So that was held 19 August 2023.

FLTLT ROSE: Where did you have it?

40 MR NUGENT: At Barker College.

FLTLT ROSE: Did Army assist you in making those arrangements?

45 MR NUGENT: Yes, they did.

FLTLT ROSE: What updates, if any, has Army provided to you since that initial notification in those first few days?

5 MR NUGENT: Max's Commanding Officer has kept us in the – has been in relatively constant contact with us and he's provided us with information that he's been allowed to provide. I would sum it up that way. Then from there we've received a couple of official briefings from Army in regards to the specifics in and around the investigation.

10 FLTLT ROSE: When you say "official briefings", what does that mean?

15 MR NUGENT: So formal briefings at an offsite location where we were provided with information in regards to the lead up to the accident and the known issues, I suppose – or the known things, I suppose, such as where Max was seated in the aircraft, the weather conditions, the light conditions, the changing of the mission because of the weather conditions, the flight path, all of those sorts of things.

20 FLTLT ROSE: What side of the aircraft were you told Max was sitting on?

MR NUGENT: Max was seated in the left-hand seat.

FLTLT ROSE: Did that surprise you at all?

25 MR NUGENT: On reflection, yes. Every photo I have of Max flying MRH-90, or even EC135, he is in the right-hand seat. Even when I had the opportunity to fly in a simulator with him at Oakey, he took the right-hand seat and it was my understanding that the co-pilot normally flew in the right seat, although he did say, and I'm aware that he flew ambidextrous. He 30 could fly in both seats.

FLTLT ROSE: Did he ever specifically tell you he had a preference for a certain side?

35 MR NUGENT: I think he preferred to fly on the right side.

FLTLT ROSE: In these official briefings that you had, I'm about to ask you who gave them to you but I would just direct you to, if you look at D19 on your pseudonym list, if that is a person that was involved, could you just 40 refer to that pseudonym.

MR NUGENT: Yes.

FLTLT ROSE: So D19 gave you the official briefing?

45

MR NUGENT: Yes.

FLTLT ROSE: Was anybody else there from Army?

5 MR NUGENT: Yes, there was.

FLTLT ROSE: If it's not redacted in the statement in paragraph 92, you can name that person.

10 MR NUGENT: Yes, MAJGEN Jobson gave the primary briefing.

FLTLT ROSE: Who else was at the briefing in terms of family members?

15 MR NUGENT: There was – from Army?

FLTLT ROSE: From family members?

MR NUGENT: From family members, Marianna was there as well, and also – and Samantha and the parents of Phill Laycock.

20 FLTLT ROSE: Were there any other people from Army there or was it just D19 and MAJGEN Jobson?

25 MR NUGENT: There were other personnel there, but they were – they're in the assistant role to those two gentlemen.

FLTLT ROSE: When they gave you this briefing and the information you said they gave you about illumination levels, weather, that sort of thing, how was that presented?

30 MR NUGENT: Yes, PowerPoint and verbal.

FLTLT ROSE: So you saw some images?

35 MR NUGENT: Yes.

FLTLT ROSE: What were the images of?

40 MR NUGENT: So the images, there was a number of images. One was sort of a time line of how the investigation would take place, so they gave us a broad overview of how the investigation into the crash would work; so, effectively, the gathering of information, the studying of that evidence and then formulating the report. They gave us information on the weather conditions in a highly technical manner, and levels of illumination that night. They also mentioned the plan, the flight path plan, and the

adjustments that were made due to the change in the weather conditions that evening.

5 FLTLT ROSE: Were you given any documents to look at in your hands?

MR NUGENT: Not that I recall. There may have been.

10 FLTLT ROSE: Were you given anything to take home with you?

11 MR NUGENT: No.

MS McMURDO: Mr Nugent, you were given a time line for the report. Do you recall what the time line was?

15 MR NUGENT: That report, ma'am, wasn't for this investigation; it was the technical crash investigation.

MS McMURDO: Yes, sure.

20 MR NUGENT: We were basically told to expect a year.

MS McMURDO: Right, thank you.

25 FLTLT ROSE: Have you had any updates since that briefing? Sorry, I should ask you, do you recall when that briefing was?

MR NUGENT: So the first briefing – I'll have to check dates, I'm sorry. I can't remember the specific date, but we have had two briefings.

30 FLTLT ROSE: Was it after Max's funeral?

MR NUGENT: Yes, both of them were well after Max's funeral.

FLTLT ROSE: Was it in 2023.

35 MR NUGENT: 2023 and 2024.

FLTLT ROSE: So there was one sometime between August and December 2023?

40 MR NUGENT: Yes, that's my recollection of it.

FLTLT ROSE: There was another one in 2024?

45 MR NUGENT: Yes, I'd have to check my diary.

FLTLT ROSE: What was the second briefing about?

5 MR NUGENT: That's where they gave us a little bit more detail in regards to the positions of the pilots, information regarding the black box and the state of the engines and transmission and their performance at the time. That would be really the only additional information, other than the progress of the crash investigation itself.

10 FLTLT ROSE: What did they tell you about the black box?

15 MR NUGENT: They said that the engines were performing within their normal parameters and that the transmission was also performing normally, and that they had recovered some voice data from the flight recorder but it was quite limited and they couldn't tell us who it was who said what.

FLTLT ROSE: Did you have any specific questions for them during this briefing?

20 MR NUGENT: No, none that they were going to be able to answer.

FLTLT ROSE: You haven't had any update since that official briefing sometime in 2024?

25 MR NUGENT: No, no further official briefings where we met offsite for something like that. I have had some conversations with – reasonably regular conversations with D19.

30 FLTLT ROSE: When you say reasonably regular, does that mean D19 calls you on the phone?

MR NUGENT: Yes, he normally would send me a text message to check on my availability and then we would talk on the phone.

35 FLTLT ROSE: What kind of information does D19 update you about?

MR NUGENT: Well, it's not particularly around the crash per se, it's more around how we're going, things like if they've got further property of Max's to hand – deliver to us, that sort of thing.

40 FLTLT ROSE: Sorry, I missed that. Can you repeat that?

MR NUGENT: Just in regards – so, for instance, during the search operation they recovered one of Max's dog tags.

45

FLTLT ROSE: You got those returned to you?

MR NUGENT: One of them, yes.

5 FLTLT ROSE: Has anything else been returned to you of Max's?

MR NUGENT: So his property that was – his personal property that was in – sorry, in Proserpine at the time, and items through Holsworthy.

10 FLTLT ROSE: When you say “personal property”, I take it that's not Army-issued equipment? Uniform?

MR NUGENT: No, there's uniform, sleeping bags, anything that I suppose wasn't accountable equipment was being – was returned to us.

15 FLTLT ROSE: In terms of personal items, like his wallet or phone?

20 MR NUGENT: His phone was returned to us via D19. That was because they don't obviously – sorry, I won't say obviously – they don't fly with their phones. They secure them before they fly, so his phone was obviously recovered. His wallet washed ashore, so we got that returned.

25 FLTLT ROSE: Have any of Max's colleagues – this is other than D19 – who were flying in the mission at Proserpine, come to speak to you about the incident?

MR NUGENT: Yes.

30 FLTLT ROSE: This is the moment – if you'd like to turn to the pseudonym list – if you can have a look and use the pseudonyms where possible.

MR NUGENT: Yes.

35 FLTLT ROSE: If you need some assistance, I can provide it.

MR NUGENT: Yes, that's fine - D4, D10, D18, D24, obviously D19. There will be some people on this list that I only know them by their nickname – D7. So, yes, there'll be some others on this list that, as I said, I only know them by their nicknames or that I have met during – at funerals or at wakes.

FLTLT ROSE: Can you recall any specific conversations that any of those people had with you about the incident?

45 MR NUGENT: I can.

FLTLT ROSE: Could you tell the Inquiry?

MR NUGENT: Sorry, the persons or what they've actually said to me?

5

FLTLT ROSE: Well, if there's a particular conversation that you recall of any of those persons telling you about what happened on the incident, you can take them one by one if they were all different conversations.

10

MR NUGENT: Yes, there's different conversations at different times. So I suppose I can start with D10. He explained he was in the aircraft – I'm allowed to say this, I assume?

15

FLTLT ROSE: Where he was seated in the mission? Yes.

15

MR NUGENT: Yes. So he was flying in 84 and he was the mission Commander and he saw the incident completely and he sort of talked us through what happened to Max's aircraft.

20

FLTLT ROSE: Can you recall what information D10 gave you?

25

MR NUGENT: Yes, he said that they were flying – you know, they're flying along. They've gone around the point of Proserpine, as opposed to going through the saddle of Proserpine. That was their change of flight path. And that they were entering their holding pattern and that they'd completed one turn normally, and then during the second turn Max's aircraft suddenly gains altitude and then turns over and goes into the water at high speed. And his words to us, he's never seen an aircraft do that.

30

FLTLT ROSE: You said before that he was the mission Commander.

35

MR NUGENT: Yes.

FLTLT ROSE: Did he also have a specific role in the Squadron, that you recall?

35

MR NUGENT: Yes, he was Max's Officer Commanding.

40

FLTLT ROSE: When you say he saw the incident, was he able to tell you who was flying 83?

45

MR NUGENT: He couldn't tell me who was flying 83, but he indicated, you know, that he only had enough time to say over the radio three times, "Pull up. Pull up. Pull up".

FLTLT ROSE: Did he say he had a response to that direction?

MR NUGENT: No response.

5 FLTLT ROSE: Has anyone been able to tell you who was flying 83?

MR NUGENT: No.

10 FLTLT ROSE: Is that because they don't know, or they haven't told you, in your understanding?

15 MR NUGENT: They haven't – I would assume they know. People would've seen them walk to the aircraft, and – but then the actual flying components I would assume would have been briefed. But, no, no one's told us.

FLTLT ROSE: When did D10 tell you this?

20 MR NUGENT: I think it was the day after he came to our house.

FLTLT ROSE: The day after the incident.

25 MR NUGENT: Yes, either the – it might've been two days, but it was very, very soon after the incident.

FLTLT ROSE: How did D10 seem to you in terms of responding?

MR NUGENT: Not good.

30 FLTLT ROSE: Have you heard from D10 since that meeting?

MR NUGENT: Only limited.

35 FLTLT ROSE: Sorry, only?

MR NUGENT: Only limited. Had some calls and whatnot. So he is clearly deeply affected.

40 FLTLT ROSE: You said that there were some other people that came to speak to you; for example, D4, D7, D24. Do you recall any information either of them have given you about the incident?

45 MR NUGENT: D4 was a good friend of Max's, and he came down to Holseworthy at the same time, and he was aircrewman.

MS McMURDO: If you'd like to have a break, say so.

MR NUGENT: Just a couple of minutes, please.

5 MS McMURDO: Yes. We'll have a 10-minute break and a cup of tea or coffee. Thank you.

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10

HEARING RESUMED

15 MS McMURDO: Yes, Ms Rose.

FLTLT ROSE: Thank you, Ms McMurdo.

20 Mr Nugent, you were about to give some evidence about what D4 told you about the incident on 28 July 2023.

MR NUGENT: Yes.

25 FLTLT ROSE: Do you feel comfortable continuing with that evidence?

MR NUGENT: I do.

FLTLT ROSE: What did he tell you?

30 MR NUGENT: He was a crewman in, I believe, 82 on the mission, and he explained that – you know, he talked to us about the weather conditions and the actual mission itself, and that during the flight he saw a bright flash that he believed was possibly a flare from one of the aircraft going off, and then he realised that that was Max's aircraft hitting the water.

35 FLTLT ROSE: When you say it was 82, was he in front of 83?

MR NUGENT: That's right, yes.

40 FLTLT ROSE: You said he was an aircrewman.

MR NUGENT: Yes, he was.

45 FLTLT ROSE: Did he tell you he saw that through the window, or through the open door?

MR NUGENT: I don't recall. He just said that he saw a flash that he actually thought was potentially a flare coming from one of the aircraft.

5 FLTLT ROSE: Was it the case when you said he told you that actually it was the aircraft hitting the water - - -

MR NUGENT: Yes.

10 FLTLT ROSE: - - - is it your understanding that he didn't then think it was a flare?

MR NUGENT: No, because the radio communication was that an aircraft had gone in.

15 FLTLT ROSE: Did D4 tell you this at your home?

MR NUGENT: Yes, in person.

20 FLTLT ROSE: Were there any other aircrew involved in the mission that have talked to you about the incident?

MR NUGENT: No, not directly.

25 FLTLT ROSE: I'm about to turn to another topic. Before I do, is there anything else you want to share with the Inquiry about what you understand occurred during the incident that someone may have told you, or you heard during a briefing, that you haven't already mentioned?

30 MR NUGENT: No, the only – I suppose I can go through the incident as I know it to be, and that is that they had planned to take off from Proserpine to go and pick up Special Forces soldiers from Lindeman Island. That they were held in a holding position on the ground for an extended period of time until they launched. Their plan was to go over the saddle at Proserpine, or 35 over the Proserpine Point, and to enter a holding pattern over the water, waiting for the ground element to call them in to be extracted. However, due to the weather conditions and the cloud conditions, they weren't able to go over that point. They had to go around it and into their holding pattern in the opposite direction to which they'd planned. And that they were in 40 that holding pattern that was on the second turn when the crash occurred.

FLTLT ROSE: Were you told which direction they were turning?

45 MR NUGENT: We were, and it was my understanding that they were turning in the plan. They were to be turning to the right, and that due to the

way they entered the waters between the Whitsunday Island and the mainland, because of the change of plan, they were forced to turn left.

5 FLTLT ROSE: You mentioned before you were given a briefing about the weather. What were you told about the weather conditions?

MR NUGENT: That the illumination was marginal for their night-vision system, and that the weather was deteriorating.

10 FLTLT ROSE: Deteriorating?

MR NUGENT: Yes.

15 FLTLT ROSE: What kind of weather?

MR NUGENT: So it was raining; sort of squally-type rain. And again, it was on the limits of – the parameters for them to launch.

20 FLTLT ROSE: Did they tell you how fast the sortie was travelling at the time?

MR NUGENT: Yes, they did, but I can't recall what that number was.

25 FLTLT ROSE: Do you recall what they said about heights above sea level?

MR NUGENT: That it was low. It was 200 feet.

30 FLTLT ROSE: I'm going to ask you some questions about other investigations that are occurring into Max's death.

MR NUGENT: Yes.

35 AVM HARLAND: Could I just ask one question before we move on from that. Just for my clarification, have you had any updates since MAJ Jobson's original presentation on what he knew about the accident? Have you had any other sort of formal presentation since then?

40 MR NUGENT: No. We've had two presentations from MAJGEN Jobson, but no further (indistinct), so it wasn't any new information effectively from the first briefing. It was more about the timeline of how long the investigation would take.

AVM HARLAND: Can you recall when the last briefing was?

45 MRS NUGENT: December.

MR NUGENT: You're not supposed to say that, Marianne. I'll go December.

5 AVM HARLAND: December. Great, thank you.

MR NUGENT: Thank you.

10 FLTLT ROSE: Just for the transcript, that was a member of the audience that provided that evidence.

MS McMURDO: Is that your wife?

15 MR NUGENT: It was. It is.

MS McMURDO: Mrs Nugent provided that evidence of December.

MR NUGENT: She's the manager of the family calendar.

20 MS McMURDO: But are you confident with that?

MR NUGENT: I am, yes.

25 MS McMURDO: Having had that reminder, are you confident with - - -

MR NUGENT: I am confident with that, ma'am, yes.

MS McMURDO: Thank you.

30 FLTLT ROSE: At paragraph 95 of your statement you refer to the Queensland Coroner's investigation into Max's death.

MR NUGENT: Yes.

35 FLTLT ROSE: Has the Coroner's Office issued you with a death certificate for Max?

MR NUGENT: No.

40 FLTLT ROSE: Have you been told why?

45 MR NUGENT: None of Max's remains were recovered from the crash site. There are some remains that were still being – pending DNA analysis, and that still remains outstanding. They've been very poor in their communication unless I have prompted that communication.

FLTLT ROSE: When you say “they’ve been poor”, did they initially reach out to you as the next of kin?

5 MR NUGENT: So their initial communication was what I would expect in that type of scenario; that there’d be a Coroner’s investigation and, you know, their processes to it. You know, and I’m aware through experience, you know, the Coronial processes, Coronial investigations, and the notifications in regards to death certificates and the like.

10 10 We’re here today because my son is dead. That is not in question. And for them to – what appears to be bureaucracy dragging out to not provide a death certificate is cruel.

15 FLTLT ROSE: Has the Army issued you with a death certificate for Max?

MR NUGENT: Yes, they have.

FLTLT ROSE: How quickly, or when did they issue that?

20 20 MR NUGENT: That was quite quickly after the incident. Certainly after it had moved into a recovery phase, then we were issued with a certificate from the Department of Defence.

25 FLTLT ROSE: What inconveniences or repercussions have occurred because you don’t have a death certificate from the Coroner?

30 30 MR NUGENT: So the New South Wales Supreme Court will not accept the ADF Defence Department death certificate. They require a death certificate from Queensland for us to be able to progress to probate. That of course then limits or inhibits applications for Max’s insurances under superannuation and the like. I’ve been able to deal with some financial institutions using the Defence death certificate, but the primary hold-up is accessing probate in New South Wales in the absence of that certificate.

35 35 FLTLT ROSE: Has anyone from the Coroner’s Office contacted you in respect of the death certificate and - - -

40 40 MR NUGENT: Yes, it’s been extremely frustrating in that I was initially told that a death certificate would be issued, and that I had to contact Queensland Births, Deaths and Marriages and make application for a death certificate. As no doubt ma’am is aware, that would normally be done by a funeral home, but in the absence of that it’s been left up to myself to do. So I went through that process and paid the appropriate fees, to then only being bounced around what I would assume are people working from home, and

so to get any sort of traction with some senior people or management in that area has been impossible, and it has bounced back to, “We can’t supply anything because we’re waiting on the Coroner to issue a cause of death”.

5 FLTLT ROSE: You mentioned before that there are some remains that’s been sent off for testing and you haven’t had the results of that yet. Do you know the details of that?

10 MR NUGENT: So Queensland doesn’t have the capacity to analyse DNA at that level, and it has been sent to a forensic laboratory in Victoria for that to take place. Bone fragments and body parts that have been recovered from salt water are notoriously difficult to gain DNA from, so it needs a specialised lab for that to occur.

15 FLTLT ROSE: Do you know when those remains were sent down to the Victorian testing lab?

MR NUGENT: Several months ago.

20 FLTLT ROSE: And you haven’t heard anything since?

MR NUGENT: Sporadically, and that is again normally prompted by myself contacting the Queensland’s Coroner’s Office.

25 FLTLT ROSE: I take it when you say you contacting, is it just yourself who is managing that in your family, or are they contacting someone – Marianna, for instance?

30 MR NUGENT: No, I – that is my responsibility.

FLTLT ROSE: What interactions have you had with the Queensland Police?

35 MR NUGENT: I had initial contact with the Queensland Police virtually immediately after the accident, and that was from a Detective Sergeant up in the northern part of Queensland, and that was for the purposes of gaining a PIN code to Max’s phone, and that there would be – obviously the Queensland Police would be doing an investigation on behalf of the Coroner. I supplied them with what I believed was the PIN code to Max’s phone, which was – we always knew to be his sister’s birthday. We’ve since received the phone back via Army with the phone locked, the data corrupted, and nothing was recoverable.

45 FLTLT ROSE: When you say the data was corrupted, how were you able to assess that if the phone was locked?

5 MR NUGENT: So I've got detailed experience in the use of Cellebrite systems, which is the ability for law enforcement to download a phone in its entirety for the purposes of evidence. That normally requires the phone to be in an open – so unlocked – condition, and then when the phone is returned to you in the locked – so effectively the passcode has been used so many times, or attempted so many times, that the phone locks, that Apple – there is no way to recover that data.

10 FLTLT ROSE: I take it he had an iPhone?

MR NUGENT: Yes.

15 FLTLT ROSE: When you say “there’s no way to recover that data”, what specific data were you hoping to find on it?

20 MR NUGENT: So I’ll preface that. There’s no way to open the phone, or unlock the phone. You can access iCloud information, provided you supply Apple with relevant identifications and whatnot. We were hoping to be able to get obviously his photos from his phone. Once we got – I gained access to his iCloud – and this is a trap for young players – please pay for the additional iCloud storage. Max didn’t do that. So iCloud has a hierarchy of the information that it stores, so it’s primary thing that it stores is text messages, which are end-to-end encrypted. So if you don’t, again, have the 25 passwords and access to the iCloud, you can’t access those messages. And then because of the limited amount of iCloud storage, there were no photos available.

30 FLTLT ROSE: Do you know if Max wore an Apple watch or some sort of Garmin on his wrist?

MR NUGENT: He wore a Garmin smartwatch. Yes.

35 FLTLT ROSE: Has that been recovered?
MR NUGENT: No.

FLTLT ROSE: When you - - -

40 MR NUGENT: Sorry, just in regards to the Queensland Police.

FLTLT ROSE: Yes.

45 MR NUGENT: I’ve had no further contact with them.

FLTLT ROSE: That was going to be my next question.

MR NUGENT: Okay. Sorry.

5 FLTLT ROSE: So you're saying they contacted you within days of the incident to ask you for the PIN code for Max's phone.

MR NUGENT: Yes.

10 FLTLT ROSE: Then you haven't heard from them since?

MR NUGENT: No.

FLTLT ROSE: Is that unusual in your line of work?

15 MR NUGENT: Extremely.

FLTLT ROSE: What did you expect to occur?

20 MR NUGENT: So even in the absence of professional courtesy, but victim care would be a significant driver in those sorts of scenarios, and particularly when they are going to have to prepare a brief of evidence for the Coroner. I would expect that they speak with the next of kin, certainly to gain context on the deceased, to gain context on their mental state, on the 25 last time that you have contacted that person, your relationship to them, persons that may be relevant to the investigation that they might like to speak to. These are fairly basic policing investigation techniques that I would have expected would've been directed towards me. That hasn't occurred, and my personal assumption to that, and feeling to that, is that 30 they will rubber stamp the findings of this Inquiry. They will put a bow on it, and they will submit that as their investigation to the Coroner.

FLTLT ROSE: You outlined some things then in terms of you expected 35 someone to ask you about your last contact with Max and his mental state. Has anyone asked you those questions prior to this Inquiry?

MR NUGENT: No.

FLTLT ROSE: Is this the first time you've spoken about those factors?

40 MR NUGENT: Yes.

FLTLT ROSE: Have you had any contact from any other agency in respect 45 of their investigations into the incident?

MR NUGENT: Yes, from Comcare, I think. It's the Commonwealth insurance – sorry, WorkCover – equivalent of WorkCover.

FLTLT ROSE: What contact has that been?

5

MR NUGENT: We just had a personal meeting with the investigator in regards to that, and they just outlined what their functions would be. They did ask me if there was any sort of lines of inquiry that they would like me to investigate, or to – that I could provide them to assist in their investigation. So after speaking with them once in person, I haven't been in further contact with them, other than one phone call after the 60 Minutes episode last Sunday.

10

FLTLT ROSE: And what was that - - -

15

MR NUGENT: That was from a welfare perspective, more than regarding the investigation per se.

20

FLTLT ROSE: I'd like to ask you some questions now about - - -

25

MS McMURDO: Just before you move on. You mentioned, you know, your disappointment with the behaviour of Queensland Police over this.

MR NUGENT: Mm.

30

MS McMURDO: How would you have liked them to – how do you think they should have handled the phone business?

35

MR NUGENT: So it is difficult. I will say it is difficult if you don't have access to the passcodes. And no doubt you're aware, ma'am, from arrested persons, we supply them with, you know, orders to supply access to those things, or passcodes.

40

MS McMURDO: Were you confident that you'd given them the right passcode?

MR NUGENT: That was the code that we knew he would use. We don't know if he'd changed that in the past. But normal prudence would've been try it twice, and stop.

45

MS McMURDO: Yes.

MR NUGENT: So the phone only gets locked after multiple attempts to open it. Because there may have been, you know, on his computer or somewhere at home amongst his belongings, you know, passcodes or

something similar. It is possible – I'm not giving away any trade secrets here – but it is possible to send the mobile phone to Israel, to where Cellebrite comes from, and they will provide you with evidence, if required. I'll leave it at that.

5

MS McMURDO: Yes, thank you. So if the phone hadn't been locked, you could at least have explored that possibility yourself.

MR NUGENT: I could've, yes.

10

MS McMURDO: Thank you.

FLTLT ROSE: You gave evidence earlier that you'd never met CAPT Lyon.

15

MS McMURDO: No.

FLTLT ROSE: Had you ever met WO2 Phill Laycock?

20

MR NUGENT: No.

FLTLT ROSE: Had you ever met CPL Alex Naggs?

MR NUGENT: No.

25

FLTLT ROSE: Did you attend each of their funerals?

MR NUGENT: I did.

30

FLTLT ROSE: Did Max ever talk to you about working with Phill Laycock or Alex Naggs?

MR NUGENT: No, not that I recall.

35

FLTLT ROSE: Is there anything else you would like to tell the Inquiry?

MR NUGENT: I suppose to put on the record, I suppose, that Max was exactly where he wanted to be, both from a career perspective and that night.

40

FLTLT ROSE: Thank you, Mr Nugent. I have no further questions.

MS McMURDO: Do you have any questions, Geoff? Thank you, FLTLT Rose. Are there any applications to cross-examine? No.

45

Thank you very much, Mr Nugent, for your leadership, and strength, and courage.

MR NUGENT: Thank you.

5

MS McMURDO: Do you think we need another break, FLTLT Rose, before the next witness?

10 FLTLT ROSE: The witness is suggesting she's content to begin, but if you think it's appropriate at this point - - -

MS McMURDO: No. Well, if she's up to beginning, we'll begin, and then we can always have a break partway through.

15 Thank you, Mr Nugent. And we better remember to change the glass. I hope the sinus improves.

<WITNESS WITHDREW

20

<MS CHADINE MADIE WHYTE, Affirmed

25 <EXAMINATION-IN-CHIEF BY FLTLT ROSE

FLTLT ROSE: Can you please state your full name.

30 MS WHYTE: Chadine Madie Whyte.

FLTLT ROSE: And you were the partner of LT Max Nugent.

MS WHYTE: Correct.

35

FLTLT ROSE: Did you call him Max?

MS WHYTE: Yes.

40 FLTLT ROSE: Could you please confirm that you were sent the following documents by the Inquiry: a section 23 Notice requiring your appearance today to give evidence?

MS WHYTE: Yes.

45

FLTLT ROSE: An extract of the Inquiry's Directions?

MS WHYTE: Yes.

5 FLTLT ROSE: A copy of my appointment as an Assistant IGADF?

MS WHYTE: Yes.

10 FLTLT ROSE: The Frequently Asked Questions Guide for Witnesses in
IGADF Inquiries?

MS WHYTE: Yes.

FLTLT ROSE: And a Privacy Notice for witnesses.

15 MS WHYTE: Correct.

FLTLT ROSE: I'll hand you a document.

20 MS WHYTE: Thank you.

FLTLT ROSE: Could you just look through that document for me, and
confirm whether that's your statement dated 16 April 2024?

25 MS WHYTE: Yes, this is my statement.

FLTLT ROSE: Is it 11 pages?

30 MS WHYTE: Yes.
FLTLT ROSE: 70 paragraphs?

MS WHYTE: Yes.

35 FLTLT ROSE: Is that your signature on the back page?

MS WHYTE: Correct.

FLTLT ROSE: Do you wish to make any amendments to that statement?
40 MS WHYTE: Not now. No, I don't think so.

FLTLT ROSE: I tender that statement.

45 MS McMURDO: That will be Exhibit 10.

#EXHIBIT 10 - STATEMENT BY MS WHYTE DATED 16/04/24

5

FLTLT ROSE: Ms Whyte, I'll start by asking you some questions about your background. How old are you?

MS WHYTE: I am 26.

10

FLTLT ROSE: What's your occupation?

MS WHYTE: I am a law graduate undertaking my Practical Legal Training with a law firm in Sydney.

15

FLTLT ROSE: I take it that you wish to become qualified as a solicitor.

MS WHYTE: Eventually.

20

FLTLT ROSE: Is it your hope that that will happen at some stage this year?

MS WHYTE: Yes.

FLTLT ROSE: Where did you study law?

25

MS WHYTE: In Townsville, at James Cook University.

FLTLT ROSE: Where do you live in Sydney?

30

MS WHYTE: I live in our apartment in Miranda.

FLTLT ROSE: When you say "our apartment", are you referring to yours and Max's apartment?

35

MS WHYTE: Yes.

FLTLT ROSE: How long did you live there together?

40

MS WHYTE: I think we moved in mid-January, until he died. He wasn't living there, but I still reside there.

FLTLT ROSE: When you say "January", do you mean January 2023?

MS WHYTE: Yes, sorry.

45

FLTLT ROSE: Can I take it that you lived there together for about six months?

MS WHYTE: Mm.

5

FLTLT ROSE: Do you live with anyone now?

MS WHYTE: No.

10 FLTLT ROSE: Are you originally from Sydney?

MS WHYTE: No, I was born in Darwin, but I grew up in North Queensland mostly.

15 FLTLT ROSE: You said before that you studied in Townsville.

MS WHYTE: Mm.

FLTLT ROSE: Is that where you met Max?

20

MS WHYTE: Yes.

FLTLT ROSE: How did you meet?

25 MS WHYTE: We met on Hinge.

FLTLT ROSE: I take it that your relationship was fairly serious from the beginning.

30

MS WHYTE: Yes.

FLTLT ROSE: Did you live together when he was in Townsville?

MS WHYTE: No, but might as well have.

35

FLTLT ROSE: Do you recall what Regimental unit Max was in when he was in Townsville?

MS WHYTE: 5 Aviation.

40

FLTLT ROSE: Did Max ever talk to you about what his job was like in 5 Aviation Regiment?

MS WHYTE: Yes, but he was also incredibly humble in that regard. He didn't use the fact that he was an officer or a pilot as his personality. So, yes, he talked of it, but it wasn't his main thing to speak of.

5 FLTLT ROSE: Did he enjoy his job?

MS WHYTE: From what I can tell, yes.

10 FLTLT ROSE: Did he ever talk to you about the culture at all at 5 Aviation Regiment, and the tempo of work?

MS WHYTE: I wouldn't say he mentioned anything about the tempo, but he definitely enjoyed what he was doing, yes.

15 FLTLT ROSE: Did Max go on any exercises or deployments whilst he was in Townsville?

20 MS WHYTE: Yes, sometime after his birthday in September, he was gone for two months in Asia.

FLTLT ROSE: Did you communicate frequently when he was away?

MS WHYTE: Yes, we would talk as often as he could.

25 FLTLT ROSE: You said before that Max enjoyed being in 5 Aviation Regiment.

MS WHYTE: Yes.

30 FLTLT ROSE: Did he enjoy being a pilot, generally?

MS WHYTE: Yes, he loved it.

35 FLTLT ROSE: Did he mention any incidents he was involved in when he was flying at 5 Aviation Regiment?

MS WHYTE: The only one that I knew of was him hitting a bat, or the bat hit him, and performing an emergency landing in Proserpine.

40 FLTLT ROSE: Was he the flying pilot in that incident?

MS WHYTE: Yes, but he was – yes, he apparently handled it like a pro and he was not rattled by that. He found it funny, if anything.

FLTLT ROSE: Did Max ever talk to you about having secondary duties when he was at 5 Aviation?

MS WHYTE: Not at 5 Aviation, no.

5

FLTLT ROSE: Do you recall how long he was posted to Townsville for?

MS WHYTE: It was about six months. It wasn't – it was quite short.

10

FLTLT ROSE: Where did he get posted to after that?

MS WHYTE: Sydney, in 6 Aviation.

FLTLT ROSE: How did he feel about that posting?

15

MS WHYTE: He was very excited, and it was a very big deal for him, but he – yes.

20

FLTLT ROSE: Whose idea was it that you would come to Sydney with him?

MS WHYTE: Max's. He was very excited about me saying yes to coming with him.

25

FLTLT ROSE: Did you go down at the same time as him, or did you go a little bit later?

30

MS WHYTE: I went shortly after he did. He had to go to work in January 2023, so I met him eventually. My plans got a bit backed up because I got broken into, and it was this whole thing, but I eventually met him and we moved in January. Yes.

FLTLT ROSE: And that's to the apartment in Miranda?

35

MS WHYTE: Yes.

FLTLT ROSE: What was the situation in terms of that apartment in relation to any assistance by Defence for - - -

40

MS WHYTE: Yes, rental assistance.

FLTLT ROSE: Did you meet Max's family when you moved to Sydney?

45

MS WHYTE: Yes, I had met Marianna and Dan prior to moving to Sydney, but – yes.

FLTLT ROSE: Did you get to see them very often?

5 MS WHYTE: I feel it was monthly or so. As soon as – as much as we could, I guess.

FLTLT ROSE: What was your relationship status recorded as through Army?

10 MS WHYTE: I feel as if it was about a month out or so from him passing away that he registered us as de facto. Yes.

15 FLTLT ROSE: I take it when you say “de facto”, was there any repercussions that flowed from you being registered as his de facto in terms of benefits?

MS WHYTE: I received help from DVA. Is that what you’re referring to?

20 FLTLT ROSE: It’s your evidence in terms of – well, did anything change in the eyes of the Army when that occurred, did you notice?

MS McMURDO: You can have a look at your statement, if you want to.

MS WHYTE: Thank you.

25 MS McMURDO: Paragraph 35.

MS WHYTE: Thank you. Is it 35, because that is not about - - -

30 MS McMURDO: Sorry, 15.

MS WHYTE: Okay.

MS McMURDO: I beg your pardon. My eyesight.

35 MS WHYTE: I remember him very vividly talking to me about wanting to register our relationship, and I remember sitting him down and explaining the seriousness of that because it was as good as marriage, and he brushed me off to say, “Obviously, because that’s where we’re going anyway”. I don’t – he didn’t discuss next of kin with me, but I learnt after the fact that he had completed paperwork to have me as next of kin. I learnt that after he passed away. I didn’t know he did that. But it wasn’t processed in time.

40 FLTLT ROSE: Who do you understand is Max’s next of kin?

45

MS WHYTE: Daniel Nugent.

FLTLT ROSE: You said before that you had a conversation about “this is as good as marriage”.

5

MS WHYTE: Yes.

FLTLT ROSE: And Max said, “That’s where we’re heading”.

10

MS WHYTE: Yes.

FLTLT ROSE: Had you talked about getting married?

15

MS WHYTE: Yes.

FLTLT ROSE: Had you talked about starting a family?

15

MS WHYTE: Yes.

20

FLTLT ROSE: Were you officially engaged?

MS WHYTE: No, but he wanted to.

25

FLTLT ROSE: In paragraph 16 of your statement you state that you are eligible for the widow’s pension.

MS WHYTE: Correct.

30

FLTLT ROSE: And that’s a result of the de facto status of your relationship.

MS WHYTE: Yes, which I’m incredibly grateful for because it’s helped a lot.

35

FLTLT ROSE: Are you currently working?

MS WHYTE: I am. Yes, with a law firm in Sydney, with my practical legal training.

40

FLTLT ROSE: How helpful has the pension been in terms of assisting you financially?

45

MS WHYTE: It aided in the burden of everything else at the time. It was nice to not have finances as a stress on top of everything, particularly as I didn’t know where I would go. Yes, so it helped a lot.

FLTLT ROSE: I'm going to ask you some questions now about Max's posting to 6 Aviation Regiment. Did he ever talk to you about how he felt working in that Regiment?

5

MS WHYTE: He loved it. He felt very supported, and I feel as if he had a great group of friends around him, and yes, he loved it there.

FLTLT ROSE: Did he have friends that had posted to 6 Aviation Regiment
10 with him from Townsville?

MS WHYTE: I feel like he did, but I don't recall. It was a very busy month, that one, so – but he definitely knew a lot of people down there that he had done flight school with, and everything like that.

15

FLTLT ROSE: Did he talk to you about flying the MRH-90?

MS WHYTE: Yes.

20

FLTLT ROSE: What did he say to you about that?

MS WHYTE: He enjoyed the Taipans. I feel he gave me another – a different example to Dan, but he did refer to it as a Ferrari, and Black Hawks as a Land Rover, a reliable Land Rover. But he did love flying the Taipans.

25

FLTLT ROSE: Did he ever mention any incidents that he was involved in when he was flying in 6 Aviation Regiment?

MS WHYTE: Yes, the incident in Jervis Bay.

30

FLTLT ROSE: What can you recall that he told you about that incident?

35

MS WHYTE: I remember it was before I got up before work, so it was quite early. I can't remember when, but he had called me because I listen to the news every day, and he didn't want me to listen to it because there was an accident, and he didn't want me to be upset, and he was okay.

FLTLT ROSE: Did he tell you later what had occurred?

40

MS WHYTE: Yes, he did. There was a training exercise. He was flying. He told me that he was facing away from the other helicopter, so I'm assuming he was in the front of the formation, and he was carrying people and with – attached to a ladder, and that he heard everything, but he – I don't recall him saying he saw it, but he definitely heard what happened.

45

FLTLT ROSE: Do you mean that he heard it through the - - -

MS WHYTE: Communications. Yes.

5 FLTLT ROSE: Do you know if that incident – when that incident occurred?

MS WHYTE: March 2022, I think.

10 FLTLT ROSE: You gave evidence before that he posted to 6 Aviation Regiment in January 2023.

MS WHYTE: Yes. Oh, 2022? Sorry, no, 2023. Dates and I are not friends at the moment. Yes.

15 FLTLT ROSE: Just to clarify, your understanding is that the Jervis Bay incident occurred in March 2023?

MS WHYTE: Yes.

20 FLTLT ROSE: How was Max affected by this incident?

MS WHYTE: I feel as if he put on a brave face about it, but he did – he was rattled at home. He was – I wouldn't say it shook his confidence in flying, but it definitely put things into perspective. He carried a lot of – a large weight of responsibility for everyone, because that's who he was – rather than himself. But, yes, he was quite rattled for a few weeks.

25 FLTLT ROSE: What do you mean “he felt a large amount of responsibility for everyone”?

30 MS WHYTE: That he needed to be – do his best in situations like that to make everyone okay, and make sure he did everything safely and diligently, and it – yes, that was the – he realised – well, he already knew that responsibility, but it was definitely another, I don't know, like, wake-up call, but he already knew that.

FLTLT ROSE: Did Max talk to you about having concerns or anxieties about him having not done the right thing?

40 MS WHYTE: No. He just wanted to make sure, if there was an accident next time, he would be okay and everyone would be okay.

FLTLT ROSE: Paragraph 28 of your statement you suggested that he go and see a psychologist about that incident?

45

5 MS WHYTE: Yes. I wasn't sure if that was mandated by the Defence. But I thought it would be a good idea. He was fine; I just didn't want it to be a development into PTSD or anything like that. I just wanted him to make sure he was all good. But he did anything in his power to be okay. He was very diligent about ensuring he had enough rest and all of that. But I don't recall if he ever saw anyone, yes.

10 FLTLT ROSE: I think you said before you thought it might be mandated by Defence?

15 MS WHYTE: Yes.

15 FLTLT ROSE: What's your recollection of whether or not he was supposed to see a psychologist?

15 MS WHYTE: I don't recall. But I'm sure it would be part of a safety briefing or something like that at the minimum.

20 FLTLT ROSE: Did he ever talk to you about what the cause of that incident was?

MS WHYTE: I believe so, but I don't know if I'll get it wrong. I think an engine failure or something, I can't remember.

25 FLTLT ROSE: Do you recall if the aircraft was grounded for a period of time?

MS WHYTE: I think briefly, but I don't remember how long.

30 FLTLT ROSE: Did Max ever talk to you about any misgivings about returning to flying after that incident?

35 MS WHYTE: No, he loved flying, so he was okay. He just needed a lot of downtime when he was home. He didn't watch any action movies or explosions for a while. It was definitely Hamish & Andy Euro trip for weeks.

FLTLT ROSE: Was that his choice? He didn't want to watch any actions movies or explosions?

40 MS WHYTE: Yes, he just needed a lot of downtime and he would call them pity parties.

FLTLT ROSE: Pity parties?

45

MS WHYTE: Yes.

FLTLT ROSE: Did he have a pity party?

5 MS WHYTE: He had a pity party. But, yes, he just wanted to regroup, I guess, in a way. Not have anything triggering and just wanted to keep focusing on getting back to flying as best as he could. But I don't believe it rattled his confidence with flying.

10 FLTLT ROSE: I take it that Max was a co-pilot; is that your understanding?

MS WHYTE: For the Jervis Bay incident?

FLTLT ROSE: In general, his role in 6 Aviation Regiment?

15 MS WHYTE: I mean, he was junior, so yes, I – yes.

FLTLT ROSE: So did he talk to you about whether he was flying during the incident in Jervis Bay?

20 MS WHYTE: Yes, I believe he was flying. But I might – I'm not sure if I've muddled that up with other conversations, external to him.

25 FLTLT ROSE: Did he ever mention the investigation and his involvement in the investigation into that incident?

MS WHYTE: I know he had to provide a statement, but I don't remember the specifics or – that's about – I think that's all I recall.

30 FLTLT ROSE: Did he mention talking to other colleagues about any concerns he had in relation to that incident or returning to flying?

35 MS WHYTE: Not any concerns about that incident or returning to flying, but I think his friends and himself would talk about what they could do to improve and anything like that. But not related to the incident, but just in general. Always trying to, yes, progress and do it well.

FLTLT ROSE: Do you recall who Max's Troop Commander was?

40 MS WHYTE: Yes, it was Dannie Lyon.

FLTLT ROSE: Did he call him by a nickname?

MS WHYTE: Diesel.

45

FLTLT ROSE: Did Max ever mention being fatigued by the work that he was doing at 6 Aviation Regiment?

5 MS WHYTE: No. It would take some adjusting for him to go back and forth as the night flying and night shifts and changing to day shifts. But he did everything in his power to facilitate that healthily and diligently. So not during his time in 6 Aviation, he just did what he could.

10 FLTLT ROSE: Did Max mention having any secondary duties when he was at 6 Aviation?

15 MS WHYTE: Yes, he would spend a night on call on base, like, once a month or so. He explained it to me like “guard”. But, yes, that he would do that. And paperwork, which he hated.

15 FLTLT ROSE: The paperwork he hated?

MS WHYTE: Yes.

20 FLTLT ROSE: Was there a lot of paperwork?

MS WHYTE: Well, he dramatised it, so any paperwork was a lot of paperwork. That's all I can recall.

25 FLTLT ROSE: Did he ever talk to you about the night-vision devices that he used in flying the MRH-90?

30 MS WHYTE: I feel as if I'm not sure if I am confusing a conversation after the accident with a conversation with him. He explained to me what his vision would look like; I remember that was our conversation. But I'm not sure if I'm confusing a TopOwl conversation with somebody after his death, speaking of it needing to be adjusted and not fitting correctly. But I can't remember if it was Max or not.

35 FLTLT ROSE: So your evidence is that you can't remember whether Max mentioned any misgivings about the TopOwl?

MS WHYTE: Yes.

40 FLTLT ROSE: I'm going to turn to a different topic in respect of Exercise TALISMAN SABRE. Did Max talk to you about going on Exercise TALISMAN SABRE?

MS WHYTE: Yes.

45

FLTLT ROSE: What did he say?

MS WHYTE: He was really excited. If you're not already aware, he was a super nerd, so it was a dream for him to do things like that. He was very 5 excited for it. There was no negative emotion towards that exercise.

FLTLT ROSE: When did he leave to go on that exercise?

MS WHYTE: It was the Sunday morning, I don't know what date. But it 10 was a Sunday morning before – a week out before he died. Whatever date that was.

FLTLT ROSE: Was that the last time you saw him in person?

15 MS WHYTE: Mm-hm.

FLTLT ROSE: On that Sunday?

MS WHYTE: Yes.

20 FLTLT ROSE: Did you communicate with each other while he was on the exercise?

25 MS WHYTE: Yes, we did, over Messenger and Facebook, and I think we had about two calls that week. He would talk to me as much as he could when he could. I can't remember if there was a reception issue, but there definitely was a power issue. So having a charged phone made that difficult. But he would call or message when he could.

30 FLTLT ROSE: Did he talk to you about what the accommodation was like?

MS WHYTE: Yes. A stretcher and in a tent that he didn't fit because he was too tall. And the weather conditions being rainy and not ideal. But he was happy.

35 FLTLT ROSE: Did he talk to you what type of missions he was flying that week?

40 MS WHYTE: He didn't. I think mostly he wouldn't talk to me about any possibly scary or intense missions because he didn't want me to be worried. We – yes, we didn't really discuss his – much of his flying.

FLTLT ROSE: Did you know if he was night flying or day flying?

45 MS WHYTE: Mostly night flying that week.

FLTLT ROSE: Paragraph 39 of your statement you refer to a certain conversation you had with a person about one of Max's flights during that week. That person has a pseudonym.

5

MS WHYTE: Yes.

FLTLT ROSE: If you want to look at that laminated piece in front of you, and also your statement should have the pseudonym on top of it.

10

MS WHYTE: Mm-hm.

FLTLT ROSE: Can you recall - - -

15

MS McMURDO: Are we talking about D50?

FLTLT ROSE: Yes, correct.

MS McMURDO: Yes.

20

FLTLT ROSE: Without giving D50's name, what role did D50 have?

MS WHYTE: He was the RSM – I'm allowed to say that? Okay, yes, he was the RSM at the time. I don't know if he still is.

25

FLTLT ROSE: But that's of 6 Avn, was it?

MS WHYTE: Yes.

30

FLTLT ROSE: What did D50 tell you at Max's funeral?

MS WHYTE: He said that he flew with Max on the Thursday the 27th and he was in less than ideal conditions and he did really well and – as far as he was concerned. I believe he also said that was probably his toughest night flying and he did excellent.

35

FLTLT ROSE: That was Max's toughest night of flying?

MS WHYTE: Yes. According to D50, yes.

40

FLTLT ROSE: And he said that he flew well?

MS WHYTE: Yes.

FLTLT ROSE: Did you communicate with Max in any form on 28 July 2023?

5 MS WHYTE: Yes. I don't believe we were able to call that day and speak over the phone, but we were messaging each other.

FLTLT ROSE: Do you know what time you were messaging each other up until?

10 MS WHYTE: Up until? It was the afternoon; I don't remember the time.

FLTLT ROSE: At paragraph 41 of your statement you said that you were out with a friend that night?

15 MS WHYTE: Yes, we – yes. With one of Max's friends, Tash, and we – yes.

FLTLT ROSE: Did you exchange any messages with Max whilst you were out?

20 MS WHYTE: Yes. Yes, I did. I was giving him updates of everything we were getting up to.

FLTLT ROSE: Did you send him some photos?

25 MS WHYTE: Yes.

FLTLT ROSE: Did he react to those photos?

30 MS WHYTE: Yes, that was the last time I spoke with him. He heart-reacted to a photo and usually that would mean with us that he would get back to me, but he had to run, so he would just do that and I knew I would have heard from him when he finished work.

35 FLTLT ROSE: When you say "heart-reacted", is that that he sends an emoji of a heart?

MS WHYTE: Yes.

40 FLTLT ROSE: In your statement you say that he sent that heart at 6.49 pm?

MS WHYTE: Yes.

FLTLT ROSE: Is that because you have that message on your phone?

MS WHYTE: Yes.

FLTLT ROSE: And you know the time from there?

5 MS WHYTE: Yes, I don't think it's in here, but yes.

FLTLT ROSE: That was the last time you heard from Max?

MS WHYTE: Yes.

10 FLTLT ROSE: I'm going to ask you some questions about the notification of Max's death.

15 MS McMURDO: Just before we go on to that topic, could I just ask you something please, Ms Whyte. You told us that after the Jervis Bay incident you noticed that Max was not himself and wasn't wanting to watch action movies and just, you know, really wasn't quite himself after that?

20 MS WHYTE: Mm-hm.

MS McMURDO: He seemed to be rattled?

MS WHYTE: Yes.

25 MS McMURDO: So did that continue all the way up until the Exercise TALISMAN SABRE time?

30 MS WHYTE: I feel as if it was a couple of weeks, and then he seemed to be himself again.

MS McMURDO: Go back to his old self. So you'd feel he was at his old self again at the time of the - - -

35 MS WHYTE: Yes. But for a little while there it was definitely "handle with care".

MS McMURDO: Yes, I understand. Thank you.

MS WHYTE: Thank you.

40 MS McMURDO: Thank you, FLTLT Rose.

FLTLT ROSE: When were you notified about Max's accident?

5 MS WHYTE: I couldn't sleep that night and I stayed up to hear from Max because I knew he would finish around 2 am. So I was sleeping in that morning when I finally got to sleep and I woke up to the doorbell. And we have an intercom so I just saw two officers in uniform and I asked if Max was okay, because I knew what that might have meant.

FLTLT ROSE: Did you let them up?

10 MS WHYTE: No, I was in a panic and in pyjamas, so I went down. I wasn't thinking.

FLTLT ROSE: Did you then speak to them in your apartment?

15 MS WHYTE: Let them up, yes. Yes, and they read – one of the officers – there was a Padre and an officer. I don't recall their names and I don't recall seeing them after that day. I think they might have come to the Nugent's that following week after the accident, but I don't – it's a bit unclear to me. But, yes, they came up to inform me that there had been an accident and they were in a recovery phase and that Max was missing.

20 FLTLT ROSE: Did they then offer to take you anywhere?

25 MS WHYTE: Yes. They said that the Nugents had requested for me to come up to be with them, and I did that.

FLTLT ROSE: So is it that you arrived at the Nugent's sometime that morning on Saturday the 29th?

30 MS WHYTE: Correct.

FLTLT ROSE: What information were you provided once you'd arrived at the Nugent's?

35 MS WHYTE: That there had been an accident, there was – I believe they were still in the recovery phase. I can't remember how long that was for. There was a bit of a – the days blurred. But then we were eventually told that it – sorry, a rescue phase. And then it was a recovery. Sorry.

FLTLT ROSE: How many days were you at the Nugent's for?

40 MS WHYTE: I feel as if it was just shy of a week or so. I didn't stay with them the Wednesday after the accident, I think, or Thursday night. But I was with them most of that week because we wanted to get the news together and the updates together and just be together.

45

5 FLTLT ROSE: Did anyone come to speak to you about the mission – this is after the Padre and the officers that gave you that initial notification. Did anyone from the Defence Force come and give you updates whilst you were at the Nugent's? And if you do wish to use a name, just check if there's a pseudonym?

MS WHYTE: Yes, so there were his workmates who were given permission to speak with us about what they had seen that night.

10 FLTLT ROSE: If you want to look at the list, yes.

15 MS WHYTE: Names, okay. D24. Again, the nicknames aren't here, but I believe it was D18 as well, I think. Possibly not. The nicknames need to be added.

15 FLTLT ROSE: That's okay. D4 – do you remember D4?

MS WHYTE: Yes. Yes, he was there. D7, D10.

20 FLTLT ROSE: When did D10 come to speak to you?

25 MS WHYTE: It was in a separate group. So there was multiple people on one day and then there was D10 on a Thursday or something like that. I can't remember which day; it was all blurred into one day that week.

25 FLTLT ROSE: Do you remember what D10 told you about the incident?

30 MS WHYTE: Yes. He told us his version of events and that in the space of saying “Pull up. Pull up. Pull up”, they were down and there was a fallen angel.

FLTLT ROSE: You said it was a fallen angel?

35 MS WHYTE: Correct.

FLTLT ROSE: Is that what D10 told you it's called when a helicopter falls, crashes?

40 MS WHYTE: Yes.

40 FLTLT ROSE: Was there any issue with D10 or anyone else giving you this information, even though you weren't the next of kin?

45 MS WHYTE: Is this in regard to the scope of information?

FLTLT ROSE: When you were at the Nugents' house, did anyone say to you, "Sorry, we can't speak to you, you're not the next of kin"?

MS WHYTE: No, not that I can recall.

5

FLTLT ROSE: So you were included in all the discussions that Dan - - -

MS WHYTE: We were together.

10

FLTLT ROSE: - - - and Mariana were having with Defence?

MS WHYTE: Yes, in that week we wanted to be together and receive updates together that week.

15

FLTLT ROSE: Were you ever spoken to separately by Defence or was it always as a group, that week when you were at the Nugent's?

MS WHYTE: That week it was as a group. I don't recall being spoken to separately, no.

20

FLTLT ROSE: Do you think that you missed out on being provided with any updates in those first few days?

MS WHYTE: First few days, no, because we were all together.

25

FLTLT ROSE: When were you told that – you said before there was a difference between the rescue mission and the recovery mission.

MS WHYTE: Mm-hm.

30

FLTLT ROSE: Do you recall when you were told it moved from rescue to recovery?

35

MS WHYTE: I can't remember if it was a day or two or three after. I don't remember.

FLTLT ROSE: Was there a period of time that you thought Max might be found alive?

40

MS WHYTE: Yes. The whole trip up to North Sydney to see the Nugents, I was planning on going up there so I could visit him in hospital. I don't know, I was just hoping for the best.

FLTLT ROSE: You mean up to Queensland?

45

MS WHYTE: Mm-hm, to Airlie.

FLTLT ROSE: When did you realise that he'd died?

5 MS WHYTE: I think after a few days there's not much hope of someone being rescued from out at sea. So that realisation struck me a few days after but it's an interesting thing, our brain just can't grapple with that reality. I still feel like he's coming home.

10 FLTLT ROSE: Since you left the Nugent's house and went back to your own apartment - - -

MS McMURDO: Could I just ask, could you have a look at paragraph 52.

15 MS WHYTE: Yes.

MS McMURDO: Just have a read of that, what you say there and if you could tell me whether that's still the position.

20 MS WHYTE: What was the question in regards to 52, sorry?

25 MS McMURDO: Yes. So I'm just wondering, you didn't seem, when you answered questions from FLTLT Rose, you didn't seem to be concerned about the fact that you weren't next of kin or there was a communication problem, but in your statement, you seem to be more concerned about that. So I just wondered if you'd clarify what the position was?

30 MS WHYTE: During that week, I wasn't concerned because we were being informed together and it was together, but the weeks, months following, it was difficult because I don't believe the burden should be all on Dan Nugent to keep me informed. I think that's an incredibly difficult task. He just lost his son. It shouldn't all be on him to also keep me informed. So here I believe that the scope of information should be broadened, means tested, or something like that to keep partners, family members informed if they wish.

35 MS McMURDO: Thank you.

40 MS WHYTE: Yes, thank you.

FLTLT ROSE: Ms Whyte, is it the case that after you left the Nugent's house and went back to your apartment, that it became more difficult for you to receive updates about Max's accident and the recovery?

45 MS WHYTE: Yes, because I wasn't next of kin.

FLTLT ROSE: So what, if anything, were you told by Defence during this period?

5 MS WHYTE: It wasn't until – I'm not sure if he's redacted or not - - -

FLTLT ROSE: Is it D19?

10 MS WHYTE: Yes, correct. It wasn't until he thought it was best to, I guess, in the interim broaden that scope. It's not – I don't believe it's part of the policy of informing more than one member of family but he did do that.

15 FLTLT ROSE: Do you remember when that started happening that you started getting updates directly from D19?

20 MS WHYTE: In terms of the recovery and how they were going about retrieving parts of the helicopter, that was what was discussed but I don't remember when, unless I have written it in here. I don't remember though at the moment.

25 FLTLT ROSE: Was that as a result of you telling Army that you wanted the updates?

MS WHYTE: Yes.

30 FLTLT ROSE: Did you proactively reach out to them and say you wanted the updates?

MS WHYTE: To D19, yes.

35 FLTLT ROSE: Prior to that, if I understand your evidence to Ms McMurdo, you were relying on Dan Nugent to give you updates about the investigation?

40 MS WHYTE: Yes, but I also didn't want to burden him because it shouldn't – the onus shouldn't be all on him to keep me informed. That's unfair and that's a difficult task, let alone for a dad who lost their son. It shouldn't be all on him.

45 FLTLT ROSE: Have you been allocated any sort of welfare team or bereavement team yourself?

MS WHYTE: Yes. The bereavement team with the funeral arrangements and any assistance we needed external to the arrangements we were doing at the time.

FLTLT ROSE: Did you have your own bereavement team or was this the same people that were assisting the Nugents.

5 MS WHYTE: The same. I feel as if it would be a bit confusing if we had different ones organising the same funeral.

FLTLT ROSE: So they were reaching out to you, you think, in equal measure to reaching out to the Nugents?

10 MS WHYTE: Yes, we were all kind of working together with the funeral.

FLTLT ROSE: In terms of a welfare team, have you been assigned a welfare team?

15 MS WHYTE: Yes. Are they redacted?

FLTLT ROSE: The welfare team refer to – I don't think you refer to them by name.

20 MS WHYTE: (Indistinct).

FLTLT ROSE: There's no need to. You were assigned a welfare team which comprises of how many people?

25 MS WHYTE: That I met were two but I'm sure there were more. But I met two.

30 FLTLT ROSE: In terms of the funeral, do you recall when Max's funeral was?

MS WHYTE: 19 August 2023, I think.

FLTLT ROSE: Where was it held?

35 MS WHYTE: At Barker College, his school.

FLTLT ROSE: At paragraph 61 of your statement, you refer to a Padre who spoke to you before Max's funeral. Do you remember who that was?

40 MS WHYTE: Yes.

FLTLT ROSE: You can say that person's name.

45 MS WHYTE: Padre Hammond.

FLTLT ROSE: Padre Hammond.

MS WHYTE: From 6 Aviation – Aviation Regiment.

5

FLTLT ROSE: What did Padre Hammond say to you?

MS WHYTE: This was at the community – the family and loved ones' hub on Holsworthy, they had put together for family to come and we attended that facility. I don't remember when but he sat me down to have a conversation with me that I'm young and I'll find somebody new, which is an incredibly cruel thing to say because he's not replaceable.

10

FLTLT ROSE: Were you alone when you had that conversation?

15

MS WHYTE: For that part, yes, and I was very uncomfortable.

20

FLTLT ROSE: Did you have any words to say to Padre Hammond in response?

MS WHYTE: I was shocked. You'd think that someone wouldn't say that at the best of times, but so recently after he'd passed.

25

FLTLT ROSE: This was a few weeks after Max had died?

30

MS WHYTE: I believe so. I believe so, yes.

35

FLTLT ROSE: Have you seen or interacted with Padre Hammond since that conversation?

40

MS WHYTE: I attempted not to at funerals following Max's. I don't believe I had much to do with him after that.

35

FLTLT ROSE: Have you been given any official briefings in respect of what occurred on 28 July?

40

MS WHYTE: There were two, I believe. The first one I attended with Sarah Loft, but I don't remember what date that was. That was – that was a difficult day. The information we received that day wasn't categorically devastating. It was very just factual; the location where the pilots and crew member were seated. But we weren't allowed a support person into that meeting, only family, which I find interesting when you don't have family. So we weren't allowed support people for that meeting.

FLTLT ROSE: Did you have a support person that had come to that meeting with you?

MS WHYTE: Yes, she was told to wait outside.

5

FLTLT ROSE: So you went into the official briefing on your own?

MS WHYTE: Yes, with Sarah. Luckily, we had each other, but it shouldn't have been like that. But I think they learnt from this with the next time I 10 had a meeting with D19, who's been fantastic through all of this, and I was allowed a support person that day. I believe I was in hospital the last time there was a debrief, so I missed that. So we had a separate one.

FLTLT ROSE: You've had two official briefings from D19, I take it?

15

MS WHYTE: Correct, and updates throughout and he's been wonderful to speak with. I can't express how grateful I am for his compassion.

FLTLT ROSE: You mentioned that at one of these briefings you were told 20 where the pilots were sitting.

MS WHYTE: Correct.

FLTLT ROSE: What can you recall you were told about that?

25

MS WHYTE: He was seated on the left of the aircraft.

FLTLT ROSE: Max was seated on the left?

30

MS WHYTE: Correct.

FLTLT ROSE: Did that information surprise you at all?

MS WHYTE: I don't think so. I think – no.

35

FLTLT ROSE: Were you told whether Max was the flying pilot for that mission?

40

MS WHYTE: No. Well, he was – I don't know if he was actively flying in control of the aircraft, no.

FLTLT ROSE: Is there anything else that you recall in those official briefings that you were told in terms of what happened, why it happened?

MS WHYTE: Why, no. The specifics of the formation and the location to where they were flying. But no.

5 MS McMURDO: Would you have a look at paragraph 56 of your statement, please?

MS WHYTE: Yes.

10 MS McMURDO: Just have a read of that and could I ask you, having refreshed your memory from that, if there's anything you wanted to tell us about the way you think the Army could have done things better for you.

15 MS WHYTE: We were allowed family, but I don't have a family and Max was my family. And I – it makes it incredibly more difficult to be in that position because your support person's not there. And I had a Special Operations family counsel representative as my support person. And that particular meeting I don't believe included crucial information. So I feel as if support members would have been appropriate, support persons and to be denied that is just another – another kick to the gut.

20 MS McMURDO: So there was a meeting where you were given information, but you were told your support person had to wait outside?

25 MS WHYTE: Correct.

MS McMURDO: And you went in without your support person?

MS WHYTE: Yes, and that we were allowed family, but I think – yes.

30 MS McMURDO: You have no family. Thank you.

FLTLT ROSE: Is that Special Operations support person still supporting you?

35 MS WHYTE: Yes, she's been incredible.

FLTLT ROSE: You talked about a welfare team before, is there anyone else in Defence that continues to offer you support?

40 MS WHYTE: I guess D19, but that's all I can think of right now.

FLTLT ROSE: How often does D19 contact you with updates?

45 MS WHYTE: Well, it was different from end of last year to now. It was maybe weekly for a while at the end of last year to give us information about

what they were recovering, anything to do with the helicopter parts, but not any human remains or personal effects. So I wasn't privy to that information. It was just the recovery of the helicopter.

5 FLTLT ROSE: You said you weren't privy to information about the recovery of remains and personal effects. Was somebody else kept up to date in Max's family about that?

10 MS WHYTE: Yes, Daniel Nugent. But again, it shouldn't be all on him to keep me updated.

FLTLT ROSE: Was that Defence that was updating him or a different agency?

15 MS WHYTE: Yes, the Queensland Police and the Coroner's Office, but I have not been contacted by them because I am not next of kin.

FLTLT ROSE: So you've never received a phone call from Queensland Police?

20 MS WHYTE: No.

FLTLT ROSE: You've never received a phone call from the Coroner's Office?

25 MS WHYTE: No.

FLTLT ROSE: Has Comcare contacted you?

30 MS WHYTE: Yes. I was called over the phone while they attended the Nugent's household and that's basically the only communication I've had with them, but I don't feel like it's been necessary at the moment for myself to be in contact with that organisation specifically.

35 FLTLT ROSE: Would you have liked to have received updates from the Coroner's Office?

MS WHYTE: I suppose it would have been nice to know if they'd found anything of him.

40 FLTLT ROSE: What's your understanding in respect of that?

MS WHYTE: Only that remains have been sent, because they haven't been identified, to – not in Queensland but sent down south to be tested but that's all I know.

FLTLT ROSE: So at this stage, your understanding is there have been no remains identified of Max?

5 MS WHYTE: Correct.

FLTLT ROSE: What have you been told, if anything, about the investigation into the cause of the crash?

10 MS WHYTE: I don't think I've been told anything of the cause of the crash other than what we know from the media and this investigation so far.

FLTLT ROSE: Is it your understanding that Defence is investigating that aspect?

15 MS WHYTE: I'm not sure. Well, of course they will be, but I'm not sure if that has begun yet.

20 FLTLT ROSE: So that's not part of what D19 keeps you informed about?

MS WHYTE: Not that I can recall at the moment, no.

25 FLTLT ROSE: You gave evidence before that the Padre and the officer that first came to your apartment on the Saturday morning, 29 July, came because the Nugents asked them to?

MS WHYTE: Yes.

30 FLTLT ROSE: Do you think anyone from Defence would have contacted you personally if the Nugents hadn't asked them to come?

35 MS WHYTE: I'm not sure because that is – it's a very good question. I don't know because I wasn't next of kin. I don't know what the protocol is for informing a partner. I'm not sure and I don't think I've been told that, so I don't know.

FLTLT ROSE: You mentioned before that you're still living in the apartment in Miranda. Have there been any difficulties with you staying in that apartment since Max has died?

40 45 MS WHYTE: I informed the landlord that Max had passed away and they later asked for a rent increase. But other than that, no. I asked a social worker on our bereavement team if I could extend the rent assistance because I have no idea where I can go and I have nowhere to go, and that was a difficult conversation. I just didn't know who to talk to about that,

so I contacted her and I was told, "There's no living serving member in your household. I don't think it's possible". And I said, "I'm aware of that. I just need to know who to ask or if you could ask for me", because I had heard that had been done for Caitland and Sarah Loft. So I just wanted to know if I'd be okay for a little bit. And that was – yes, that was a hard conversation.

FLTLT ROSE: So is this in relation to you – when Max was still alive, was he receiving rental assistance as a Defence member?

10 MS WHYTE: Yes.

FLTLT ROSE: For the apartment in Miranda?

15 MS WHYTE: Yes.

FLTLT ROSE: And when he died, did that rental assistance continue for a period of time?

20 MS WHYTE: It did. I think I've recently been told that that had already been in place, but I don't believe I was made aware of that last year. I just wanted to make sure that that could be a possibility and that I didn't know that that had already been put in place.

25 FLTLT ROSE: So was Max paying the rent?

MS WHYTE: Yes.

30 FLTLT ROSE: So when he died, you had to suddenly work out who was paying the rent?

35 MS WHYTE: Yes. At the time I was unemployed and Max and I, we had a plan for me to begin my studies in August of last year. When he originally asked me to move in with him, he wanted to take care of me so I could do my studies, But I didn't want that. I wanted to work, and I did, and then that contract ended. I was unemployed at the time of Max's passing and, yes, I was unsure how I was going to deal with everything.

FLTLT ROSE: Are you still receiving rental assistance through Defence?

40 MS WHYTE: Yes.

FLTLT ROSE: How long's that until?

MS WHYTE: I'm not sure if it's until July or January next year, because I extended the lease for six months, so I'm not sure if it's – I'm not sure. I need to check that.

5 FLTLT ROSE: That's because you proactively asked for it to be continued?

MS WHYTE: Extended.

10 FLTLT ROSE: Extended.

MS WHYTE: Or the lease to be extended, yes. Because (a) I don't want to leave because it's our space and that's another thing to grieve, and also, yes, I don't know where I will go.

15 FLTLT ROSE: I'm just going to ask you some questions about the other deceased men?

MS WHYTE: Mm-hm.

20 FLTLT ROSE: Had you ever met CAPT Lyon?

MS WHYTE: I did, once. He was lovely.

25 FLTLT ROSE: What was the situation?

MS WHYTE: It was at an RSL in Cronulla and, yes, I met him there with Max.

30 FLTLT ROSE: Did Max talk about Diesel?

35 MS WHYTE: He did. Max – Max's goal was to be in command one day, whether it be Troop Commander or – he looked up to Diesel, not only professionally but – Max would say he would talk about his children very often and he wanted to be like Diesel in that regard; that he could prioritise family. Because we spoke about starting a family a lot.

FLTLT ROSE: Did Max want to be a dad?

40 MS WHYTE: Yes. He wanted to be like his dad and have a little mate.

FLTLT ROSE: You said in paragraph 68 that when you met Diesel, Max stood a little taller when Diesel walked in the room?

MS WHYTE: Yes. He told me not to embarrass him, because I had already befriended the other Troop Commander at that stage and we got along way too well for his liking. So, yes, he did stand a little taller and I could tell he really looked up to him.

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FLTLT ROSE: If you just look at that list, is the other Troop Commander D20?

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MS WHYTE: I don't think it's - - -

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FLTLT ROSE: The laminated list.

MS WHYTE: Sorry. Yes. She's wonderful.

15

FLTLT ROSE: You're friends with her?

MS WHYTE: Well, that day we were. We only met that day and we got along way too well for Max's liking. Yes.

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FLTLT ROSE: Had you ever met CPL Alex Naggs?

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MS WHYTE: No, I was supposed to meet him at an F1 watch party. But I don't remember if I was sick or – I don't know why I didn't go. I think I had a headache, which I usually do. But, yes, I unfortunately couldn't make it. But I – yes.

FLTLT ROSE: And had you ever met WO2 Phill Laycock?

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MS WHYTE: No.

FLTLT ROSE: Did Max ever talk about Phill or Alex?

MS WHYTE: Not that I can recall.

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FLTLT ROSE: Did you go to any of CAPT Lyon, CPL Naggs or WO2 Laycock's funerals?

MS WHYTE: I went to all of them.

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FLTLT ROSE: Is there anything else you would like to tell the Inquiry?

MS WHYTE: I don't think so. I'm not sure.

FLTLT ROSE: Those are my questions.

45

MS McMURDO: Thank you. Do you have anything? Is there any cross-examination application? No. Thank you very much, Ms Whyte.

MS WHYTE: Thank you.

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MS McMURDO: Appreciate your courage and your efforts in coming forward, thank you.

MS WHYTE: Thank you.

10

<WITNESS WITHDREW

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FLTLT ROSE: Ms McMurdo, the intention is for to call another witness, Sarah Loft, today. Perhaps – I note the Inquiry time, would it be appropriate to have an early - - -

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MS McMURDO: I'm just wondering whether the lunch will be ready for the family. Yes, she suggests we have lunch now.

FLTLT ROSE: I would appreciate that.

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MS McMURDO: And perhaps resume at 1.30.

FLTLT ROSE: Thank you.

MS McMURDO: All right. We'll adjourn now and resume at 1.30.

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HEARING ADJOURNED

35

HEARING RESUMED

MS McMURDO: Yes, FLTLT Rose?

FLTLT ROSE: The Inquiry calls Sarah Loft.

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< SARAH BETTY LOFT, Affirmed

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< EXAMINATION-IN-CHIEF BY FLTLT ROSE

MS LOFT: Just to clarify, this isn't Dan Nugent's glass?

5 MS McMURDO: I think it's a clean glass. Is that right? Is this a clean glass?

UNIDENTIFIED SPEAKER: Yes. Sorry.

10 FLTLT ROSE: Can you please state your full name?

MS LOFT: Sarah Betty Loft.

FLTLT ROSE: And you were the partner of CPL Alex Naggs?

15 MS LOFT: I was.

20 FLTLT ROSE: Could you please confirm that you were sent the following documents prior to giving evidence today: the section 23 Notice requiring your appearance to give evidence?

MS LOFT: Yes.

FLTLT ROSE: The extract of the Inquiry's Directions?

25 MS LOFT: Yes.

FLTLT ROSE: A copy of my appointment as Assistant IGADF?

30 MS LOFT: Yes.

FLTLT ROSE: The Frequently Asked Questions Guide for Witnesses?

MS LOFT: Yes.

35 FLTLT ROSE: And a Privacy Notice?

MS LOFT: Yes.

40 FLTLT ROSE: If I hand you a document, can you please check through that document and confirm to me whether that's your statement dated 17 April 2024?

MS LOFT: Yes.

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FLTLT ROSE: And is it 14 pages?

MS LOFT: Yes.

5 FLTLT ROSE: And 115 paragraphs?

MS LOFT: Yes.

FLTLT ROSE: That's your signature on that back page?

10 MS LOFT: It is.

FLTLT ROSE: Do you wish to make any amendments to this statement?

15 MS LOFT: Not at this time, no.

FLTLT ROSE: And there are annexures behind there, from A through to F?

20 MS LOFT: Yes, there are.

FLTLT ROSE: I tender that document.

MS McMURDO: Exhibit 11.

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#EXHIBIT 11 - STATEMENT OF MS LOFT DATED 17/04/24

30 FLTLT ROSE: Did you call CPL Alexander Naggs Alex?

MS LOFT: No.

FLTLT ROSE: What did you call him?

35 MS LOFT: Honey.

FLTLT ROSE: Do you mind if I refer to him as Alex?

40 MS LOFT: I mean, you can call him Honey if you really want, but I suppose for the purpose of this, we can call him Alex.

FLTLT ROSE: How old are you, Sarah?

45 MS LOFT: I'm 34.

FLTLT ROSE: And what is your occupation?

5 MS LOFT: So technically I'm a registered nurse. My registration is pending. I've just completed my degree.

FLTLT ROSE: Where did you complete that degree?

10 MS LOFT: Western Sydney University.

FLTLT ROSE: Are you currently working?

MS LOFT: No, not at the moment.

15 FLTLT ROSE: Where do you live?

MS LOFT: I live in Holsworthy.

20 FLTLT ROSE: That's in Sydney?

MS LOFT: Yes.

FLTLT ROSE: Do you live alone?

25 MS LOFT: Yes.

FLTLT ROSE: Are you Alex's next of kin?

30 MS LOFT: I am.

FLTLT ROSE: Did you and Alex live together in the same residence you're living in now?

35 MS LOFT: Yes.

FLTLT ROSE: How long were you in that residence for?

MS LOFT: Maybe three weeks.

40 FLTLT ROSE: Before he passed away?

MS LOFT: Yes.

45 FLTLT ROSE: Prior to that, you were living in another residence in Sydney?

MS LOFT: We were in another Service residence in Elderslie in Sydney.

FLTLT ROSE: Elderslie is on the outskirts of Sydney, is it?

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MS LOFT: Yes, near Camden.

FLTLT ROSE: What was your relationship status in terms of how it was registered with Defence?

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MS LOFT: We were de facto. We were recognised de facto.

FLTLT ROSE: Were you planning on getting married?

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MS LOFT: Yes.

FLTLT ROSE: Were you engaged?

20

MS LOFT: No, we were – he was saving for a ring, so we just ran out of time.

FLTLT ROSE: Can I ask you some questions about Alex's background?

MS LOFT: Yes.

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FLTLT ROSE: What year was he born?

MS LOFT: 1990.

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FLTLT ROSE: How old was he when he died?

MS LOFT: He was 32.

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FLTLT ROSE: Could you just map Alex's family for me in terms of parents, stepparents, siblings, just who they are?

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MS LOFT: Yes. So his dad David is here today. David is married to Kim. That was Alex's stepmum. His mother is Beverley. And he has a maternal half-brother named Sean. He also has a sister, Aimee, who is roughly 18 months older than Alex was.

FLTLT ROSE: How old was Alex when he joined the Australian Army?

MS LOFT: He was 18.

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FLTLT ROSE: What role did he qualify for at that initial stage of his career?

MS LOFT: Initially he was a rifleman.

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FLTLT ROSE: That's in the Infantry?

MS LOFT: Infantry, yes.

10 FLTLT ROSE: Did he discharge from the Army?

MS LOFT: He did.

FLTLT ROSE: When was that?

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MS LOFT: So this was all prior to us meeting. He told me that he kept getting passed over for the deployment cycles, and so he decided to get out and attempt to be a civilian, in 2015, roughly.

20 FLTLT ROSE: How long did that experiment last?

MS LOFT: About eight months.

FLTLT ROSE: Didn't like it?

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MS LOFT: I don't know if it's appropriate if I said what he said, but he said there was no mateship, and that he wanted to get back in.

FLTLT ROSE: So when did he rejoin the Army?

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MS LOFT: Not long after that. So he was out for less than a year, I believe. And I believe it was 2016 when he came back.

FLTLT ROSE: Did he go back into the Infantry as a rifleman?

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MS LOFT: He did.

FLTLT ROSE: So when did he then transfer to aircrew?

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MS LOFT: He must've passed selection roughly 2019.

FLTLT ROSE: Why did he want to make that move?

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MS LOFT: Originally, he wanted to go out for sniper, but he was passed over for sniper selection. Snipers are kind of insular, so if a friend comes

through, they tend to get priority. But he just wanted to be involved in Special Operations, in any way, shape, or form.

5 FLTLT ROSE: Can I ask you some questions about his aircrewman training?

MS LOFT: Yes.

10 FLTLT ROSE: Where did he do his initial training?

MS LOFT: Initial training, he did at HATS in Nowra.

FLTLT ROSE: Then after there?

15 MS LOFT: Then he went to Oakey, and that was where I met him.

FLTLT ROSE: How long into his course at Oakey was Alex when you met him?

20 MS LOFT: He was waiting for it to start.

FLTLT ROSE: Did you live in Toowoomba?

25 MS LOFT: So I had qualified with my Diploma in Brisbane, and I was commuting to work in Toowoomba, and we met maybe a day or two after he arrived back in Toowoomba from Nowra. And it was during COVID, it was just as COVID kicked-off, and so his course was delayed, so he was waiting for his course to start when we met.

30 FLTLT ROSE: Do you remember what month or year that was? You mentioned it was the beginning of COVID.

MS LOFT: That was 23 March 2020.

35 FLTLT ROSE: You describe at paragraph 28 that your relationship was a whirlwind romance.

MS LOFT: Yes.

40 FLTLT ROSE: How soon did you start living together after you met?

MS LOFT: About a week.

45 FLTLT ROSE: You said before he was living in a Service residence near Oakey.

MS LOFT: Yes.

FLTLT ROSE: Is that correct?

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MS LOFT: Yes, that's right.

FLTLT ROSE: And you moved in there, I take it?

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MS LOFT: Unofficially, yes.

FLTLT ROSE: Okay. How long was Alex's training, his course at Oakey?

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MS LOFT: In Oakey, so they were delayed because of COVID, they weren't sure how they were going to run the course because of the initial lockdown rules. I think it was maybe five or six weeks after we met that he actually started training. He qualified as an aircrewman in September. He completed tactics in October and posted to 6 Avn.

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FLTLT ROSE: So he graduated, you said, in September. Then there was a short tactics course he had to do. Is that correct?

MS LOFT: Yes.

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FLTLT ROSE: Then he posted to 6 Aviation?

MS LOFT: Yes.

FLTLT ROSE: And that's all in 2020?

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MS LOFT: Yes.

FLTLT ROSE: Did Alex expect to be posted to 6 Aviation Regiment immediately after finishing the course at Oakey?

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MS LOFT: Yes.

FLTLT ROSE: He'd applied for 6 Aviation?

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MS LOFT: So originally, they had told two out of the five that were in his course that they would be sent to 6 Aviation, which wasn't common practice then. It was standard that you would go up to Townsville, do your time at 5 Avn, and then come down. But they had opted from that time to start to send people out of Oakey to 6 Avn. So somebody that was selected requested to stay in Townsville, he and his family had settled in Townsville,

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and so Alex put his hand up because 6 Avn was where he wanted to be.

FLTLT ROSE: Did you go with Alex when he posted to 6 Aviation Regiment?

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MS LOFT: No, I stayed in Oakey, Toowoomba. It was a closed border at the time. My grandparents are elderly; I wanted to be able to spend Christmas with them. And I'd be moving knowing that I wouldn't have a job on the other side, so I remained in Toowoomba to save some more 10 money until the end of my contract at the hospital, and then I came down in January '21.

FLTLT ROSE: Did you start living together at that point?

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MS LOFT: Yes.

FLTLT ROSE: You said you moved down in January 2021. Did you have a friendship circle in Sydney already, or is that something you had to build?

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MS LOFT: I had to build that.

FLTLT ROSE: You mentioned at paragraph 34 of your statement that you became acquainted with various persons through the Defence family organisation called the Holsworthy Community Group.

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MS LOFT: Yes, that's correct.

FLTLT ROSE: Can you tell me what services they offer?

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MS LOFT: So they're a tri-service platform made up of – well, comprised of spouses supporting people within the Holsworthy area, and I suppose the greater southwestern Sydney area. They organise weekly events. They do monthly outings. They have playgroup as there's so many people that are posting with young children. It's just a nice way to meet people that understand what you're going through.

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FLTLT ROSE: And you connected with them in 2021?

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MS LOFT: No, it would've been the end, later part of 2022.

FLTLT ROSE: If I can ask you some questions now about Alex's role at 6 Aviation Regiment? What sort of hours was he working?

45

MS LOFT: It varied from the – season to season. So whilst daylight savings was in effect, or whilst it was summertime, their hours would be

pushed back because it was standard practice to do a day flight and a night flight. So obviously, the longer the days are, the later the sun sets, so the later that they're going to work.

5 But in saying that, that also meant that their shifts would start a bit later. It wasn't unusual for him to leave sort of 11 am, and be home at maybe midnight, because he'd go to the gym or go do PT, and then he would make his way to work.

10 FLTLT ROSE: Did he work Monday to Friday?

MS LOFT: They would fly Monday to Thursday, and Friday was always sort of a half day.

15 FLTLT ROSE: Did he work weekends?

MS LOFT: On occasion. He could be recalled. There were some occasions he was away for floods, but outside of that, no.

20 FLTLT ROSE: Did he do any deployments whilst he was at 6 Aviation Regiment?

MS LOFT: He went over to Papua New Guinea. Otherwise it was mainly just trips within Australia.

25 FLTLT ROSE: Did he complete his Special Operations qualification course whilst he was at 6 Aviation Regiment?

MS LOFT: Yes.

30 FLTLT ROSE: Do you know what year that was?

MS LOFT: 2022.

35 FLTLT ROSE: So what category – if I asked you what category aircrewman Alex was, are you aware?

MS LOFT: Mm.

40 FLTLT ROSE: Which category was he?

MS LOFT: He qualified as a C CAT in June of 2023.

FLTLT ROSE: So that was about a month before the accident?

45

MS LOFT: Yes.

FLTLT ROSE: Did Alex ever talk to you about having any safety concerns while flying the MRH-90s at 6 Aviation?

5

MS LOFT: Not particularly, no.

FLTLT ROSE: Did he ever talk to you about trainings he went to in regards to safety, or the culture around safety at 6 Avn?

10

MS LOFT: Sorry, could you just point me to which paragraph where - - -

FLTLT ROSE: Paragraph 41.

15

MS LOFT: Paragraph 41. Yes, so there were at least one safety day a year, because as I've described in my statement here, Alex and I always had very open conversations about the seriousness of his job and what it meant for him to be flying in Sydney. I suppose I'd always been quite strong in everything, and he didn't really think – he was quite flippant – just came home and started telling me about this safety day where they'd had somebody who'd survived a helicopter crash come in and talk to the guys and share their experience, and they would examine, you know, reports from other crashes. He came home and he just started telling me about it, and I just broke down and, yes, he said to the effect of, you know, "I should've thought about what I was saying. I really didn't mean to make you cry. I don't want you to worry", and I said to him, "That could be you", and he reassured me.

20

25

And I knew this, because I spend a lot of time with people he worked with, that they worked really hard to mitigate risk. Risk is always a part of their job, and there's no way to completely eliminate risk, but they worked very hard to mitigate what they could.

30

35

FLTLT ROSE: Did he ever mention any flying incidents that he was either involved in, or had occurred in 6 Avn whilst he was there?

MS LOFT: He mentioned things that had occurred. He wasn't involved in anything until the crash.

40

FLTLT ROSE: What incidents had he mentioned to you?

MS LOFT: Sorry?

FLTLT ROSE: What incidents had he mentioned to you?

45

MS LOFT: So there was early on, because the Black Hawks were still flying, there was a mast strike I believe it was, from one of the Black Hawks, with no injuries or fatalities. Then there was the – the ditching in Jervis Bay.

5

FLTLT ROSE: Was Alex on that mission in Jervis Bay?

MS LOFT: No, he'd had a skin check and so he wasn't working that day; he took a day off. So he woke me up the next morning and just said, 10 "Honey, I have to tell you that an aircraft ditched last night, but everyone is okay. I'm just going to be very busy for the next few weeks".

FLTLT ROSE: Did he ever talk to you about what the cause of that ditching was?

15

MS LOFT: I went with him to everything that I could, any sort of outside-of-work gathering and so on after that, so I heard, you know, people's experiences. But it wasn't until after Alex passed away that I sort of got more details as to what had happened.

20

FLTLT ROSE: So colleagues of Alex have since told you what the cause of the Jervis Bay ditching was?

MS LOFT: Yes.

25

FLTLT ROSE: What did they tell you?

MS LOFT: That there was a minute part of the engine that had fractured off, I believe. I mean, this could be incorrect, but that a minute part of the 30 engine had fractured off and flown up into the engine, which caused the engine failure.

FLTLT ROSE: As you understand it, there were no fatalities involved in that incident?

35

MS LOFT: Yes, that's correct.

FLTLT ROSE: Did Alex talk to you about grounding of the fleet after that incident?

40

MS LOFT: Yes.

FLTLT ROSE: How long was it grounded for, from your understanding?

45

MS LOFT: A few weeks; maybe five to six. I can't remember exactly.

FLTLT ROSE: Did Alex want to return to flying after that incident?

5 MS LOFT: Yes, he was quite bored not flying. He got cranky if the fleet was grounded because he just wanted to fly.

FLTLT ROSE: So he didn't express any concerns to you about getting back in the air in the MRH-90?

10 MS LOFT: No. If I ever got upset about anything, if I said that I was homesick or anything to that effect, his instant response was, "Do you want me to get out?", and I would say, "No".

15 FLTLT ROSE: To get out of aircrew?
MS LOFT: To get out of Defence.

FLTLT ROSE: Out of Defence.

20 MS LOFT: But he just loved his job. He was never worried, and if he wasn't worried, then I had no reason to be worried.

FLTLT ROSE: Did Alex ever talk to you about secondary duties that he had at 6 Avn?
25 MS LOFT: Yes.

FLTLT ROSE: In fact, he had some text messages about that, if you want to turn to Annex C of your statement. Do you have that in front of you?
30 MS LOFT: Yes.

FLTLT ROSE: So these are text messages between you and Alex?
35 MS LOFT: They are.

FLTLT ROSE: There's writing in white bubbles, and writing in blue bubbles.

40 MS LOFT: Yes.

FLTLT ROSE: Which one is you speaking, and which one is Alex?
45 MS LOFT: I'm in the blue bubbles, and Alex is in the – you can't really see it, it's usually grey, but the white bubbles, I suppose.

FLTLT ROSE: It doesn't say what date it is in that, but in your statement you do say that this was 11 June 2022.

5 MS LOFT: Yes.

FLTLT ROSE: Because these came from your phone.

MS LOFT: Yes, they did.

10 FLTLT ROSE: And it's not the full text, but it starts off with Alex saying:

An officer and everyone has secondary duties, they're not just pilots.

15 And you respond:

Oh, I didn't know about the secondary duty. How did I not know about the secondary duty? What do they normally involve?

20 And Alex responds:

Yeah, everyone has them. I have two. Gunnery and role equipment.

25 And that's role spelt r-o-l-e?

MS LOFT: Yes.

30 FLTLT ROSE: Then you say:

Oh right, how interesting. Guess I never heard you call it that; I just knew you did it.

35 Then Alex responds:

It depends on rank and job. So the officers will either be in operations, planning exercises and booking ranges. Sergeants will get posted in there as well. That's what Claydon is now. Then there is the OC and so on.

The higher you go in rank, the more admin and planning you do, on top of flying.

45 And you say:

Oh, there you go.

MS LOFT: Yes.

5

FLTLT ROSE: So what did you understand he meant by “gunnery” and “role equipment”?

10 MS LOFT: Alex was ex-Infantry, and so he had quite a handle on weapons. So they still have to maintain. They’re still soldiers, they still have to maintain currencies with weapons, and so he would often run range days. Role equipment, he had a deep love for maintaining the ladders of 6 Avn.

15 FLTLT ROSE: Is that sarcasm, I take it?

MS LOFT: That is most definitely sarcasm. It was a painful role for him, but he did it.

20 FLTLT ROSE: So in terms of your understanding, was it that he had to make sure there were no snags in the ladders and they were safe?

MS LOFT: Yes. So he was responsible for making sure that they were up to standard.

25 FLTLT ROSE: Did Alex ever talk to you about any issues he had in terms of being an aircrewman in the MRH-90; things that concerned him in the aircraft?

30 MS LOFT: Not particularly, no. There was more so ergonomical issues. There is a gunner’s window. The Black Hawk has a seat near the gunner’s window, whereas the MRH doesn’t. And so often people talk about the pain that they would have if they were at that window because you’re either kneeling or hunching over to complete that role.

35 FLTLT ROSE: A gunner’s window, from your understanding, is that the same window that they look through on the doors - - -

MS LOFT: No.

40 FLTLT ROSE: - - - or is it a different window?

MS LOFT: A different window, I believe.

45 FLTLT ROSE: And you said that in MRH the aircrewman, when they were at the guns, they had to – was it crouch whilst holding the gun?

MS LOFT: Essentially. There was no seat there, as there would be in a Black Hawk. And Alex used to complain it used to give him ergonomic issues, yes.

5

FLTLT ROSE: Did he ever talk to you about having to convert to the Black Hawk in the future?

MS LOFT: Yes.

10

FLTLT ROSE: And was he looking forward to that?

15

MS LOFT: Yes, he was looking forward to it. He was disappointed he was passed over to go over to America to do the Black Hawk conversion. He thought that he'd put forth a lot of hard work and should have been selected, and he was quite disappointed that he wasn't. But he just took everything in his stride, and he just accepted that when he converted, he would convert.

20

FLTLT ROSE: If you could turn now to Annex A of your statement. This is some further text messages that you provided the Inquiry from your phone between you and Alex.

MS LOFT: Yes.

25

FLTLT ROSE: Is it the same case again, that he is the white bubbles and you are the blue bubbles?

MS LOFT: Yes, that's right.

30

FLTLT ROSE: And midway through it says he says to you:

It's good. I good a really good PAR from Chewy and the boss. Just on our way back to the accommodation. How was your day?

35

Sorry, I should establish what date this was sent. In your statement, you state it was 30 August 2022.

MS LOFT: Yes, if that's the – I made sure that I correlated them. So, yes, if that's the date in my statement then that would be correct.

40

FLTLT ROSE: What's a PAR, in your understanding?

MS LOFT: Performance review, annual performance review.

45

FLTLT ROSE: And Chewy?

MS LOFT: Chewy was Alex's Sergeant at the time.

5 FLTLT ROSE: So he, in this text, is telling you he's just had a really good performance review from his Sergeant and his boss.

MS LOFT: Yes, his Troop Sergeant. Yes, and boss.

10 FLTLT ROSE: And then you exchanged some other messages around a ring you were intending to buy.

MS LOFT: Yes.

15 FLTLT ROSE: He was intending to buy you.

MS LOFT: Yes.

20 FLTLT ROSE: Was this the engagement ring that you talked about before?

MS LOFT: It ended up being a different one, but yes.

FLTLT ROSE: And then you say:

25 *Oh, that's awesome, honey. I'm so proud of you. What did they say?*

You talk about some other things in relation to friends, your friends. And on the next page, Alex responds:

30 *Basically, that I'm doing really well, and I've showed a lot of maturity; more than some of the senior pilots, even though I've been dealt the shittest hand out of everyone. Also, that I would be recommended for either an instructor position or Regimental position in the future, depending on the stream I want. Also, that they would fight to work with me because I bring a lot more than most other crewmen because of my background.*

40 What did he mean, he's had the shittest hand out of everyone?---Alex didn't have the smoothest run when he got to 6 AVN. I suppose the best way to put it is that 6 AVN wasn't really equipped to take on people straight out of Oakey at the time that he and the other person who had posted down to 6 AVN with him arrived. 6 AVN is known to be a Special Operations unit and so it was going to take time for them to be able to fly and really accumulate hours, just because of the nature of what they were doing. At 45 the time that they arrived, they were also still operating Black Hawks and

5 people were starting to come across from Black Hawk to MRH. So Alex was never one to kick up a fuss. He was very quiet, reserved, and he just took things in his stride. So it was a matter of if somebody else will have spoke up to get a flight, then they would because they would push. But he would just accept that, "Okay, maybe it will take me a little bit longer, but I'll just work harder to get that respect and to get on a flight".

10 He ended up accumulating a large amount of hours. I'm sorry, I couldn't tell you as to how many. But because there was some downtime, he also had a couple of medical procedures. So he had laser eye surgery. He was sick of flying with glasses or having to fly with different goggles. So he ended up with better than 20:20 vision. But because of that surgery, he ended up unable to fly. He was temporarily medically unfit for flight for three months. And during that time – he was told previously, sorry, that he 15 wouldn't be going on course any time soon for SOQC, the Special Operations - - -

FLTLT ROSE: That's Special Operations Qualification Course.

20 MS LOFT: - - - Qualification, yes. And so he opted to have that procedure done and then once everything was organised, he was then asked if he would like to go on course and he said, "Well, it's too late now".

25 FLTLT ROSE: So he did do the course though later on.

MS LOFT: He did do the course later on, but the initial sort of year there wasn't as many opportunities for juniors as there are now.

30 FLTLT ROSE: Was Alex still considered a junior at the time of the accident?

MS LOFT: Yes.

35 FLTLT ROSE: Junior aircrewman?

MS LOFT: Technically, yes.

40 FLTLT ROSE: And in terms of that message there, he talks about potentially becoming an instructor or a Regimental position. What was Alex's aspirations for his career in the Army?

MS LOFT: He would have loved to have been an instructor. I think he would have made an amazing instructor. He was so patient and tolerant. He was very good at keeping calm and just breaking things down into a way

that people could explain them. I'm not sure if a Regimental position would have been for him; whereas I think he would have much rather be out flying.

5 The only other thing he ever spoke about was going to work for Toll Helicopters, the rescue helicopters. Just because once he had experience there, it would give us greater flexibility to move. Eventually, when he got out of Defence, we would have liked to have settled in southeast Queensland somewhere. We'd spoken about the Sunshine Coast, but we hadn't made too much of a decision because we knew we were going to be
10 in Sydney until 2026.

FLTLT ROSE: Was that how long his posting to 6 Avn was?

15 MS LOFT: Yes. But the only thing that he ever spoke about was being a fireman. But Alex said – because I left my job to move to Sydney with him and so he offered to support me, which he did, and he allowed me to go back to study full-time. And he just told me – I'm sorry.

20 MS McMURDO: Just take your time. And if you want a break, just let me know. You're doing very well.

25 MS LOFT: So he told me just to cover my own bills and do well at uni and he'd take care of the rest. And I ended up graduating from the degree with distinction because that's all he ever asked of me.

FLTLT ROSE: And that was after Alex had passed away, you graduated. Had you intended to have children together?

30 MS LOFT: Yes. We'd been trying and it just didn't happen. And so we'd started to go through the process of IVF, but because I was studying it was quiet expensive and we just didn't have the means to do so at the time. I'm sorry, I completely sidetracked off your original question.

35 FLTLT ROSE: No, that - - -

MS LOFT: If I've missed something, take me back.

40 FLTLT ROSE: No, I was going to move to a different topic. I was going to move now to Exercise TALISMAN SABRE. What, if anything, did Alex tell you about the preparation he was doing for Exercise TALISMAN SABRE? This is from paragraph 60 of your statement.

45 MS LOFT: So he was busy planning. He did have to go into work over a few weekends in the lead up, but I did manage to grab him in a bit of time off in between because SOQC had just finished and then they went straight

into planning TALISMAN SABRE. And so I managed to get a week off and we went up to Brisbane – or came up to Brisbane, I should say. But, yes, he was quite busy. There was a lot of planning that went into it.

5 FLTLT ROSE: What did he tell you about the exercise in terms of did he tell you where it was going to be?

MS LOFT: No. He was - - -

10 FLTLT ROSE: Did he tell you what kind of missions it would involve?

MS LOFT: No. He was quite a goody two shoes. And it was sort of the unspoken rule between us that if he could tell me then he would offer up the information, and if it was something that he couldn't tell me, he'd just tell me when he got home.

15 FLTLT ROSE: And was this Alex's first TALISMAN SABRE as an aircrewman?

20 MS LOFT: As aircrewman, yes. He'd been previously with Infantry.

FLTLT ROSE: So how often did you communicate with each other when he was on the exercise?

25 MS LOFT: Daily.

FLTLT ROSE: Which form of communication did he have?

30 MS LOFT: It was majority text. We had one phone call that week.

FLTLT ROSE: In paragraph 62 you state that you had a pattern with Alex where he'd message you every day to say "Good morning" and each night to say "Good night".

35 MS LOFT: Yes. He would start every morning with, "Good morning. I love you. Have a great day". And every night he would say, "Good night. I love you. Have a great sleep".

FLTLT ROSE: And that continued on the exercise?

40 MS LOFT: Yes, without fail.

FLTLT ROSE: If you could turn to Annex D of your statement. Do you see at the bottom of the page it says, "Tuesday, 25 July"?

45

MS LOFT: Yes.

FLTLT ROSE: So this is when he's on Exercise TALISMAN SABRE.

5 MS LOFT: Yes.

FLTLT ROSE: And these are text messages you exchanged with you and Alex.

10 MS LOFT: Yes.

FLTLT ROSE: And there's a light blue and a darker blue bubble. Which one is you, which one is Alex?

15 MS LOFT: I'm the dark blue, he's the light blue.

FLTLT ROSE: Now, halfway down the page he says – you're having a conversation and then he says:

20 *I'm lying on a stretcher, watching the grand tour on my phone.*

MS LOFT: Yes.

25 FLTLT ROSE: What did you understand the sleeping arrangements or accommodation was on the exercise?

MS LOFT: That they were on stretchers in a tent.

30 FLTLT ROSE: Was it a communal tent - - -
MS LOFT: Yes.

FLTLT ROSE: - - - or a single tent?

35 MS LOFT: A communal tent.

FLTLT ROSE: Did that surprise you?

MS LOFT: Yes.
40 FLTLT ROSE: Why so?

45 MS LOFT: Because I knew the rules around aviation and rest were quite firm and that was the first time that he'd been away with Aviation that he was on a stretcher and not in a hotel.

FLTLT ROSE: So at other times he'd been away he'd stayed in hotels.

5 MS LOFT: He'd been away quite a lot, particularly through 2022, and at no other time were they on stretchers.

FLTLT ROSE: Did he explain to you why they were on stretchers in tents for this particular exercise?

10 MS LOFT: No.

FLTLT ROSE: And you haven't been told by colleagues later what the reasons for that were?

15 MS LOFT: No.

FLTLT ROSE: Did Alex talk to you about being tired on that exercise?

MS LOFT: He said that it was difficult to change between sleep cycles.

20 FLTLT ROSE: Because? What sleep cycle was he at and what was he changing to?

25 MS LOFT: So he'd been on days leading up to it and then he had a day – sorry if I'm a bit all over the place for this.

FLTLT ROSE: I can assist you. I think it's in the following text messages that continue on 25 July on the next page.

30 MS LOFT: Yes, so they were just on a day on the Tuesday and they went onto night flying on the Wednesday because, yes, he had told me:

I won't be able to talk much tomorrow. I'll be asleep for most of the day and working all night.

35 So then Wednesday, Thursday, Friday they were onto a night cycle.

FLTLT ROSE: So he was texting you, I see, on Wednesday, 26 July at 31 minutes past midnight.

40 MS LOFT: Yes. Roughly, yes.

FLTLT ROSE: And then he texted you on that morning at 9.10 am.

45 MS LOFT: Yes.

FLTLT ROSE: That's when he said:

Good morning, my love. How are you doing today?

5

MS LOFT: Yes.

FLTLT ROSE: And then if you keep turning over the page, it's Wednesday the 26th. These are messages you exchange at 2 minutes past midday.

10

MS LOFT: Yes.

FLTLT ROSE: And he says:

15

How are you going, honey?

And then you talk about you're tired, you're going to classes. And his response was:

20

*I'm tired, but it's too hot and it's hard to change a cycle in a day.
I napped for a bit.*

You say:

25

Name, my honey bunny, that's not nice at all.

He says:

Yeah, it's going to be tricky to stay awake.

30

And you said:

What time do you start?

35

And he says:

4 pm.

And you said:

40

You poor thing.

I think that's what it says under that arrow.

45

MS LOFT: Yes, it continues on the next - - -

FLTLT ROSE: Yes, I see. You said:

Oh God, you poor thing.

5

And he responds:

Loads of coffee is the answer. Ha-ha.

10 And you say:

Yeah, coffee will be your life saver. Are you flying tonight?

15 And that's the messages for that portion. So did you understand by him saying, "It's tricky to stay awake", and "coffee is the answer", that he was finding it difficult to adjust to that night cycle?

MS LOFT: Yes, conditions weren't fabulous; they were very hot, everyone was in the same tent, and it was loud. And so they had difficulty sleeping.

FLTLT ROSE: Had Alex ever complained to you before on other exercises about having trouble sleeping?

MS LOFT: No.

25

FLTLT ROSE: So this was the first time?

MS LOFT: He had no trouble sleeping.

30

FLTLT ROSE: Generally, he's a good sleeper.

MS LOFT: Generally, yes.

FLTLT ROSE: So this was a surprise to you, that he was struggling with staying awake?

MS LOFT: Yes. Yes, that wasn't normal.

FLTLT ROSE: Annex F, there are some further messages. So it's on the next page. If you can turn to Annex F.

MS LOFT: Yes.

FLTLT ROSE: That's on 27 July 2023. He, at 32 minutes past 2 am, writes to you:

Oh, what a haul. That is definitely needed. I love you more, babe. I just got back. Man, what a long day. I miss you and the babies so much.

5

“Babies”, is that reference to your dogs?

MS LOFT: Mm.

10 FLTLT ROSE: And he said:

You guys must have killed it at trivia. How many of you were there?

15 MS LOFT: There was three.

FLTLT ROSE: Three dogs?

MS LOFT: No, two dogs. Three of us at trivia.

20

MS McMURDO: Is that the dogs, too?

MS LOFT: They'd probably answer better than half the people at the pub.

25

FLTLT ROSE: So we take that from on 27 July he was at least working until roughly 2.30 am.

MS LOFT: Yes.

30

FLTLT ROSE: And then it continues on the next page. At 8.58 am he writes to you:

There's a fire station about 400 metres away and they were testing their alarms and sirens.

35

MS LOFT: Yes, because he had messaged me and I asked why he was awake so early, when I knew that he had worked till late and that he hadn't had the best sleep the day before and that he could sleep for eight hours no problem.

40

FLTLT ROSE: So, essentially, you understood from the text messages he was sending you, he was at least awake until 2.30 that morning and he was already texting you again by 8.30 - - -

45

MS LOFT: By 9 am, yes.

FLTLT ROSE: - - - or 9 am. And he'd explained to you it was because there was some fire station testing their alarms nearby.

5 MS LOFT: Yes.

FLTLT ROSE: And then if you keep turning over the page, we're still on 27 July, and he sends you a message at 2306, which is 6 minutes past 11 pm.

10 MS LOFT: Yes.

FLTLT ROSE: He says:

I've finally finished for the day.

15 And then he did his usual sign-off:

I love you so much, baby. I hope that you have the best sleep. I miss you so much.

20 MS LOFT: Mm.

FLTLT ROSE: Did you communicate with him on 28 July?

25 MS LOFT: I did.

FLTLT ROSE: You mentioned before you had a phone call with him. When was that?

30 MS LOFT: That was Thursday afternoon.

FLTLT ROSE: Do you remember what you talked about?

35 MS LOFT: I told him that the missing him had really kicked in because we did everything together. We were best friends. And he told me that he was sorry, that it would go quickly, and that he loved me, and that he would be home soon.

FLTLT ROSE: And that was the last phone call you had with Alex.

40 MS LOFT: That was the last phone call we had.

FLTLT ROSE: Do you remember when you last communicated with him via message?

45

MS LOFT: It was the afternoon, on the 28th – maybe 4 pm.

FLTLT ROSE: Did you know he was going on a flight that night?

5 MS LOFT: I just assumed he would fly every night. It was normal for him to have two flights a day: a day flight, night flight.

10 FLTLT ROSE: I'm going to ask you some questions on another topic now, which is the notification of this – of the accident. When were you informed about the aircraft crash?

MS LOFT: Just before 8 am on the 29th.

FLTLT ROSE: Is that the Saturday?

15 MS LOFT: The Saturday, yes.

FLTLT ROSE: Where were you?

20 MS LOFT: I was in bed.

FLTLT ROSE: How were you notified?

MS LOFT: By a telephone call.

25 FLTLT ROSE: Did somebody – you don't have to mention their names, the persons you referred in that paragraph 71 have pseudonyms, D52 and D53.

30 MS LOFT: Yes.

FLTLT ROSE: Is it D52 that called you?

MS LOFT: Yes, it was D52.

35 FLTLT ROSE: That was on the phone?

MS LOFT: Yes.

40 FLTLT ROSE: What did D52 say?

MS LOFT: Something to the effect of, "I need to tell you the" – oh my gosh, give me a moment.

45 FLTLT ROSE: It's paragraph 71?

MS LOFT: So he asked if – if it was Sarah. I said, “Yes”. And he said, “Sarah Loft?” And I said, “Yes”. He introduced himself and said, “I need to inform you that there’s been an incident off the coast of Lindeman Island.
5 Search and rescue commenced straightaway, but Alex is still unaccounted for”.

FLTLT ROSE: Is that the first you understood he was near Lindeman Island?
10 MS LOFT: Yes.

FLTLT ROSE: Were you surprised to receive that information via phone call?
15 MS LOFT: Yes.

FLTLT ROSE: What had you expected?
20 MS LOFT: It’s common knowledge if something happens, you get a knock at the door. And I didn’t understand why I didn’t. I thought it was a prank.

FLTLT ROSE: A prank phone call?
25 MS LOFT: Until he kept talking. And then I realised that it was real. For some reason that day – I always start just by flicking over the news, just to see what the headlines are, and for some reason that day I didn’t, and I don’t know why. And I thought it was really strange that Alex hadn’t sent me a good night text, but that wasn’t unusual if he was working late. But then I
30 had no good morning text either and I thought that was really strange. And for some reason I didn’t look at the news, because it’s common knowledge if there’s an incident, until everyone’s notified, it’s lockdown, no communication out. And so if I’d have looked at the news that day and seen there’d been an incident but I hadn’t heard from him, I would have thought he was safe.
35

FLTLT ROSE: Were you ever given an explanation by D2 as to why you were told over the phone and not in person?
40 MS LOFT: They had attended the wrong house.

FLTLT ROSE: Your old house?
MS LOFT: Yes.

45

FLTLT ROSE: You mentioned before that you'd only moved into your current residence three weeks prior to the accident?

MS LOFT: Three weeks prior to Alex transiting for TS.

5

FLTLT ROSE: And so that hadn't been updated in the Defence system, the new address?

10

MS LOFT: No.

FLTLT ROSE: How did they eventually find – did they come to your address after that?

15

MS LOFT: They did. On the phone they told me that they were going to stay on the phone with me until they got to my house. And I said no, that I needed to hang up because I needed to get somebody to me.

25

FLTLT ROSE: Who did you call to come and support you?

MS LOFT: My beautiful friend Kat. And for context, Kat has four small children, she was supposed to visit a relative in hospital, and she dropped everything and ran. She was at my house. She beat the notification team there.

30

FLTLT ROSE: When you say "the notification team", is this D52 and D53?

MS LOFT: Yes.

35

FLTLT ROSE: So they came to your house?

MS LOFT: They did.

40

FLTLT ROSE: And did they repeat the same information they had over the phone?

MS LOFT: They did.

FLTLT ROSE: In your statement you say that you called your dad and brothers and they came down to Sydney?

45

MS LOFT: I did. I just – I called my dad, screaming, and all he could understand was, "Alex is missing". And he's – that's when I found out that it was already on the news, because he said to me, "Oh no, is that what's on the news?" I haven't seen the news. And he just said, "We're coming".

FLTLT ROSE: And they did, they flew down to – from Brisbane, is it down to Sydney?

5 MS LOFT: Yes, from Brisbane to Sydney, my dad and two of my brothers were on a flight that afternoon.

FLTLT ROSE: You said in your statement you also had your best friend Brendan and his fiancé Lachlan come?

10 MS LOFT: Yes, so Brendan came first. So I called Brendan and I was on loudspeaker, so Lachlan had heard me as well. And all they could understand was, “Alex’s missing. I don’t think he’s coming home”. And so Brendan – I think people didn’t really grasp the seriousness of what was happening and so he’s like, “I’m sure they’ll find them, we’ll be okay”.
15 And then he sent me a text and said, “Do you want me in Sydney?” And I just said, “Yes”. And so Lachlan had to work that afternoon. Lachlan works for Qantas, and Lachlan had a shift that afternoon. So Brendan timed his shift so they could travel together, because it was going to take a little bit of time for them to get to the airport. So Brendan came first and Lachlan flew in a couple of days after.
20

FLTLT ROSE: On that first day, on the Saturday, did D52 or D53 tell you who else was on the aircraft?

25 MS LOFT: No.

FLTLT ROSE: How did you find out who was on the aircraft with Alex?

30 MS LOFT: One of the boys’ partner’s told me.
FLTLT ROSE: Was there a reason why they wouldn’t tell you who was on the aircraft?

35 MS LOFT: I’m not sure. I asked. Because I know so many of these men and - - -

FLTLT ROSE: So you found out at about midday on the Saturday who the other crew were?

40 MS LOFT: Yes.

FLTLT ROSE: In your statement you state that other people from the ADF came to your house throughout that first week to give you some information about the incident?

45

MS LOFT: Yes.

FLTLT ROSE: Can you remember what you were told in those first few days about the – was it a rescue mission?

5

MS LOFT: Initially that it was a search and rescue. I went with Alex to everything that I could after Jervis Bay happened. I knew that the second that they were in the water, that search and rescue started straightaway and they got them out. They called me – sorry, I'll correct what I said earlier 10 with what I was told over the phone. They gave me the time of the impact. So they had said the previous night at 2238, or whatever it was, and that search and rescue had been commenced straightaway, that they were still unaccounted for. And at that stage it was 8 o'clock. So I knew they weren't coming home. If search and rescue started straightaway, they would have 15 found them. And for the first three days, it was – it was a search and rescue.

FLTLT ROSE: Were you told in those first few days that Alex was presumed dead?

20

MS LOFT: No.

FLTLT ROSE: What were you told instead?

MS LOFT: That they were unaccounted for.

25

FLTLT ROSE: And in your statement you say that gave you some false hope that he would be found?

30

MS LOFT: I knew they weren't coming home. But – because I know those – the people that were with them wouldn't have stopped until they found them.

35

FLTLT ROSE: At paragraph 83 of your statement you state that you only slept about 20 hours that whole first week and that you were in a manic state, you didn't eat, you were in survival mode?

40

MS LOFT: Yes. It was – it was cruel. They knew that it was a violent crash and that they were gone. And we were told for three days that they were missing. And it just created – you know that they weren't coming home, but you had to have hope. And I was very insistent that until they say otherwise, Alex is an "is", not a "was".

FLTLT ROSE: "Alex is an 'is', not a 'was'"?

45

MS LOFT: Yes.

FLTLT ROSE: So who told you in the end that it had moved from a rescue to a recovery mission?

5 MS LOFT: I can't even remember now, I'm sorry. There was so many visits and phone calls and I can't remember who. I think – I think after sort of three days we got an official phone call to say that hope was lost. And I believe that it may have been D52.

10 FLTLT ROSE: Part of the notification team?

MS LOFT: Yes, part of my notification team that had called to tell me that.

15 FLTLT ROSE: You mentioned earlier in your evidence the Holsworthy Community Group and that you've made friends through them. Did they come and support you during that first week?

20 MS LOFT: They were incredible. They were absolutely incredible. I made one phone call to Kath, and from there people just descended. They showed up with blow up mattresses, blankets, food, wine, anything you could think of. They started a food roster, they had people that were on doorbell duty. Because once the names were released – they said, "Once it's out there, the media can track you down." And so I didn't want to answer the door because I was exhausted and it was the last thing that I was prepared to deal with. And so they had doorbell duty. So any time the door went off, one of them would go and check, because you knew that it was somebody that hadn't been to the house before, if they rang the doorbell. Everybody else – my door wasn't locked that week. Everybody else just knew to sing out and walk in.

25 30 FLTLT ROSE: Those people from the Holsworthy Community Group are all family of serving members?

35 MS LOFT: Yes.

FLTLT ROSE: Did anyone who was flying the mission with Alex come and see you that week?

40 MS LOFT: Yes.

FLTLT ROSE: If you could just look at the pseudonym list again, was it D10?

45 MS LOFT: Yes. D10 as well as D34. And D10's wife.

FLTLT ROSE: What did D10 tell you about what happened?

5 MS LOFT: At that stage I really wasn't ready to know. It was just checking in, seeing how I was, being able for me to put a face to the name and yes, they were lovely.

FLTLT ROSE: Did any politicians call you that week?

10 MS LOFT: Yes.

FLTLT ROSE: Who was that?

15 MS LOFT: I hung up on Richard Marles three times. Sorry about that. But it was an unknown number. All of my phone calls were being screened because I didn't know who had reached my number. So, yes, I rejected Richard Marles's call three times before I actually answered.

FLTLT ROSE: And what did he say to you?

20 MS LOFT: I can't remember now. Passing on condolences and so on and so forth.

25 FLTLT ROSE: Reflecting back now that there's been about nine months or more – or almost 10 months, how do you feel about the fact that you were notified about the accident over the phone as opposed to having that knock on the door?

30 MS LOFT: I really don't know what would have been better or what would have been the worst, to be honest. I still think about this a lot. I think if I had have had the knock at the door, I never would have gotten that image out of my mind and any time that that door had knocked, I would have just felt fear. I've had a million phone calls since then. But then to know that they went to another service residence and knocked on a serving member's home, thank God he was the one that answered the door. Apparently, he 35 was getting ready to go and walk the dogs. I cannot imagine the unnecessary distress that that would have added onto a partner of somebody who was serving, to get that knock at the door, just to find out that it wasn't for you.

40 FLTLT ROSE: In your statement you talk about the colleagues of Alex's who were still at Proserpine going to great lengths to try and find where he and you had moved to, to assist in the notification?

45 MS LOFT: That's right. Yes.

FLTLT ROSE: Where did they manage to find his address from?

MS McMURDO: Let me know if you want a break?

5 MS LOFT: They knew that we'd moved into Holsworthy and they knew
that I was in proximity to a couple of the others, and they were trying to
find me on Google Maps, trying to zoom in to remember what the front of
our house looked like. And administration wasn't Alex's strong point, and
so when we moved I made him sit down and update all of his addresses on
10 everything. And so one of the girls at work told me that in between me
making him do that and them transiting, she'd also been told off by him for
not updating her address on her licence. So I made him put the sticker on
his licence. And when they found out that the notification team had gone
to the wrong house, eventually she remembered that they had the sticker.
15 And so his friends – his friends, who watched this happen, had to – they
dug through his belongings to find his wallet so that they could check – so
that they could check the address so that they could find me so I could be
notified, because it was already on the news. His friend, who he and his
partner have just been incredible supports to me, told me – he said, "Sarah,
20 I found his wallet. I saw the licence and I couldn't even look at it. I just
had to pull it out and just show one of the others, because if I'd have looked
at that photo, I would have just broken down".

FLTLT ROSE: Is that one of his friends that has a pseudonym?

25 MS LOFT: Yes, and that would be D7. But if I could stop anyone from
having to go through their dead friend's belongings, then so be it. Because
no one should have to experience that.

30 FLTLT ROSE: I'm going to move to a different topic now, which is about
information that you may have received since that initial first week. Has
anyone from Army been able to give you updates about the investigation
into the crash or anything else about the recovery process?

35 MS LOFT: I've had two official updates.

FLTLT ROSE: Do you remember when they were?

40 MS LOFT: I had one maybe either late September, early October 2023, and
another one in December 2023.

FLTLT ROSE: In paragraph 92 of your statement you refer to the one in it
says October 2023, but is your evidence that it could have been the end of
September?

45

MS LOFT: I would have gone back to check my calendar, so yes, that would have been October 2023.

FLTLT ROSE: There's a person with a pseudonym D19?

5

MS LOFT: Yes.

FLTLT ROSE: And it says "Stephen Jobson"?

10 MS LOFT: Yes.

FLTLT ROSE: So this is a briefing that you were called into by D19 and Stephen Jobson?

15 MS LOFT: Yes.

FLTLT ROSE: Where was the briefing held?

20 MS LOFT: It was at Holsworthy Barracks.

FLTLT ROSE: Who else was there with you?

MS LOFT: I was there with my dad, Caitland Lyon and her parents.

25 FLTLT ROSE: What information did D19 and Stephen Jobson give you at that briefing?

30 MS LOFT: That was an overview of the Defence Flight Safety Bureau 30-day report. So from that, they broke down a timeline of the events, they put a timeline up that showed us the events of the day. They had camera footage, photos of the different weather – of the weather from different points from fixed weather cameras. And they went into great depth as to what had happened.

35 FLTLT ROSE: Can you recall in terms of what they told you about the incident?

40 MS LOFT: So they broke it down from planning, how the original plan was to go up and over the mountains, but because the clouds were low, that the plan had changed, that they were to go down and around the point before heading out into the holding pattern. So originally they were to be in a holding sort of race track pattern, turning to the right, but due to the change of going down and around the point, when they reached the holding pattern, they were to be in a left-hand turn whilst waiting to go in to extract the 45 Special Operations office – operators, I guess. They made the first turn

successfully, they'd reached the second turn when they were travelling at 80 knots, 200 feet. They rose up to 356 feet before coming down.

5 FLTLT ROSE: Did they tell you in that briefing what side of the aircraft Alex was on?

MS LOFT: No.

10 FLTLT ROSE: Did they tell you at that briefing what side of the aircraft the pilots were on?

MS LOFT: No.

15 FLTLT ROSE: Did they tell you that they had recovered the black box, or the flight data recorder?

MS LOFT: I believe – I believe so. I believe that had happened by then, yes.

20 FLTLT ROSE: Did you have a presumption on what side of the aircraft Alex would have been on?

25 MS LOFT: I assumed because he was the junior aircrewman that he would have been on the left, but he liked to fly on the right. Everyone liked to fly on the right because that's where the action was for aircrewman. The person on the right's the one that's calling the distances as they're coming in to an obstacle, or coming in to land, operating the winch, if they're doing external loads, hoisting, anything like that. The person on the left for aircrew exists as a backup for the right, but also because the person on the right can't see out the left. And so for them it's a matter of wherever the obstacle is, the major obstacle is, is usually where the senior aircrewman would be. And so it wouldn't have surprised me, with Alex flying with Phill, that Alex would've been on the left, if the obstacle was on the right.

30 35 FLTLT ROSE: Because Phill was the senior aircrew?

MS LOFT: Yes.

40 MS McMURDO: Ms Loft, you said you don't think you were told where the pilots were sitting. Could you just have a look at your statement, paragraph 95.

MS LOFT: So I apologise.

MS McMURDO: No need to apologise. I just wondered if you could clarify because that seems to be different to what you said in your statement.

5 MS LOFT: Yes. So we weren't told at that initial briefing that happened in October. We were told who was sitting in which seat at the briefing in December. So, yes, I apologise. That's an oversight when I was putting this together.

10 MS McMURDO: No need to apologise for it. I just wanted to ask you about clarifying that. Thank you.

FLTLT ROSE: At that briefing in December, what side of the aircraft were you told the pilots were sitting on?

15 MS LOFT: That Diesel was on the right and that Max was on the left.

FLTLT ROSE: Did you get any update in that December briefing about which side Phill and Alex were sitting on?

20 MS LOFT: Yes. That Phill was on the right and that Alex was on the left.

FLTLT ROSE: Have you been given any more updates, even if it's not an official briefing, but any more updates about the incident, or the investigation into the incident, since that December briefing?

25 MS LOFT: No. We were told to expect an update sort of earlier this year, maybe February/March, because I believe the Defence Flight Safety Bureau had reached sort of a collating data phase, so we were told that the next update would be quite a long one, but we haven't heard anything further as yet.

30 FLTLT ROSE: So you haven't received the official briefing, but have you been called at all by D19?

35 MS LOFT: Yes, D19 calls to check. Yes, he'll call, say "Hello", give me updates. If they hear that something's going to hit the media, they'll usually give us a heads-up.

40 FLTLT ROSE: So is your evidence that as at today's date, 30 April, you've not had any further update from Army about the – you said the DFSB investigation?

MS LOFT: Yes, that's correct.

FLTLT ROSE: Have they given you a date on when you will have that briefing?

5 MS LOFT: No. No, we were just told to expect – to expect the final report within roughly 12 months.

FLTLT ROSE: 12 months of the incident?

10 MS LOFT: Yes.

FLTLT ROSE: So is your expectation that it was meant to be July 2024?

MS LOFT: That it should be completed, yes.

15 FLTLT ROSE: You mentioned before that you had this notification team. Is it the case that after the notification team had spoken to you in those early weeks, it transitioned to a welfare team?

20 MS LOFT: So the same day, the Saturday the 29th, I received a text or a phone call – I can't remember which – to say, you know, "Hi. We're your welfare team. Is it all right if we pop in?" And they came and stayed for a few hours – introduced themselves. They were lovely.

25 FLTLT ROSE: Those persons don't have pseudonyms. You mention their names in paragraph 97. There's a social worker, Jackson Porter, and a Military Support Officer, WO1 Brendan Johnson.

MS LOFT: No. So that's my bereavement team. My welfare team was - - -

30 FLTLT ROSE: They may have a pseudonym. I'll just - - -

MS LOFT: I'm not sure if they – no, here they are. So it was CAPT Will Roosens and WO1 James Hellyer.

35 FLTLT ROSE: What's the difference between the bereavement team and the welfare team?

40 MS LOFT: So the welfare team was with me for the initial phases. They were with me sort of the first two weeks. We were in a bit of an odd position with receiving a bereavement team post-notification because initially they were deemed as unaccounted for. So technically we didn't fall underneath the bereavement team, and so there was a bit of a delay before actually engaging with the bereavement team versus the welfare team. But the welfare team came in that afternoon. They stayed with us for the afternoon.

They then became my go-between for communication I needed to make with the Army. They would help with updates, things like that.

5 FLTLT ROSE: And currently, now, do you still have the assistance of the bereavement team?

10 MS LOFT: Yes. So the bereavement team sort of take us past that initial phase. The last time that I would have sort of had a strong interaction with my welfare team was the memorial that 6 Avn did for the boys. But yes, it's been my bereavement team since then, and they're with me for sort of up to 12 months.

FLTLT ROSE: When was the memorial for the boys?

15 MS LOFT: So Alex's funeral was 2 September. It would've been maybe three weeks after that.

FLTLT ROSE: Was that at Holsworthy?

20 MS LOFT: Yes.

FLTLT ROSE: In paragraph 100 you talk about the bereavement team assisting you in relation to your housing situation.

25 MS LOFT: Yes.

FLTLT ROSE: Now you say that – is it the case that you were in Defence housing, was it?

30 MS LOFT: Yes, I'm in a Service residence.

FLTLT ROSE: A Service residence, and how long were you told you could stay there after Alex died?

35 MS LOFT: Six months from the time of the accident.

FLTLT ROSE: Who told you that?

MS LOFT: My bereavement team, two months after the accident.

40 FLTLT ROSE: So by that stage you had four months left before you would've had to exit that accommodation.

45 MS LOFT: Yes. So they told me that I had six months, but I could apply for an extension for a further six months, and so they were very good in

supporting me to do that. I have an amazing bereavement team. I couldn't speak any higher of them. They've just gone above and beyond for me.

FLTLT ROSE: Did you apply for that extension?

5

MS LOFT: I did.

FLTLT ROSE: Was it granted?

10

MS LOFT: It was.

FLTLT ROSE: How long can you stay in the Service residence for?

MS LOFT: Until 25 January '25.

15

FLTLT ROSE: As Alex's de facto, are you eligible for any other benefits through Defence?

MS LOFT: Yes, so I receive support through DVA.

20

FLTLT ROSE: You say in your statement that you've got a Gold Card.

MS LOFT: Yes.

25

FLTLT ROSE: And an acute support package for two years.

MS LOFT: Yes.

FLTLT ROSE: That's through DVA.

30

MS LOFT: Yes. So that's to help me to gain capacity for everyday life again, and there's also funding there to help with if there was something that Alex did around the house that I now need to learn how to maintain again, that that's what it's there for.

35

FLTLT ROSE: Are you the beneficiary of Alex's will?

MS LOFT: No.

40

FLTLT ROSE: Why is that?

MS LOFT: Alex's will was outdated. It pre-dated me.

FLTLT ROSE: What date – do you recall what date he made that will?

45

MS LOFT: 2016.

5 FLTLT ROSE: In your statement you make some suggestions as to what should change in respect of Defence members to assist them to keep their wills updated.

MS LOFT: Yes.

10 FLTLT ROSE: Do you want to talk about that?

15 MS LOFT: So I had discussed with a former Sergeant of Alex's about the will, and why it wouldn't have been updated, especially since moving to a Special Operations Regiment, and he essentially told me that the requirement was to ask if Alex had a will, not if it was an updated will, and that you were required to update a will prior to deploying. And in the last nine months we've had five people die on exercise.

20 FLTLT ROSE: In your statement you suggest that instead of solely having the requirement for Defence members to update their wills on deployments, that they should also be encouraged to update them for exercises.

25 MS LOFT: Yes, within a reasonable time frame because a lot can happen, and I know Alex, he would've just thought, "Oh, it'll be fine. I'll do it later". And now later's come.

FLTLT ROSE: And he hadn't been deployed since 2016.

MS LOFT: No.

30 FLTLT ROSE: At paragraph 105 of your statement you refer to being Alex's next of kin, and that you found this being a burden in certain ways.

MS LOFT: Yes.

35 FLTLT ROSE: Can you explain why?

MS LOFT: In the initial days my welfare team were only able to provide updates to me.

40 FLTLT ROSE: So they weren't allowed to update Alex's parents or siblings?

45 MS LOFT: No, and so the onus fell on me to provide this terrible information. A workaround was then made that – sorry, I should also clarify. I live in Sydney. All of my family are in Brisbane, and Alex's

family, aside from his brother, are in Melbourne, and his brother is on the Gold Coast. So we weren't in close proximity. Things had to happen over the phone, and the workaround was given that the welfare team could speak to Alex's family if I was in proximity and the phone was on loudspeaker.

5

FLTLT ROSE: So they would give you the information about the rescue, or the recovery, as it was.

MS LOFT: Yes.

10

FLTLT ROSE: Then they would call each of Alex's mum, dad - - -

MS LOFT: So we would call Alex's dad, his mum and his brother.

15

FLTLT ROSE: So you'd have to hear the information four times.

MS LOFT: Four times.

FLTLT ROSE: How did that make you feel?

20

MS LOFT: It's horrific. I was already in a very delicate state. I couldn't sleep. I could not eat. And the only reason that my friends didn't try to lug me off to hospital to put me on a drip is the fact I was carrying my water bottle around because I was just in pure survival mode.

25

FLTLT ROSE: What is it that you wish had occurred instead, or been able to occur?

30

MS LOFT: I don't understand why people couldn't get the answers directly. I don't understand why it had to go through me, when it was their family, and if I had given the go ahead. I remember just being hysterical. I'd just received some awful news. I was completely over-tired, and I saw a phone call coming in from a family member, and I was just crying, and I was just begging for help, and they wanted to help me, and they couldn't.

35

FLTLT ROSE: So your welfare team told you they were restricted from being able to contact anyone else about the updates.

MS LOFT: Initially, yes.

40

FLTLT ROSE: Then did that change?

MS LOFT: It did after, I think, two days. That's still a very long time when somebody is unaccounted for.

45

FLTLT ROSE: Yes.

MS McMURDO: Sorry, I didn't catch that. It changed after how many days?

5

MS LOFT: From memory, it was two days.

MS McMURDO: Thank you.

10 MS LOFT: It may have been one. I can't quite remember, I'm sorry.

MS McMURDO: Thank you. That's all right.

15 FLTLT ROSE: Is it your understanding now that, say, for example, when D19 calls you with an update, he's also calling the other members of Alex's family?

MS LOFT: I'm not sure.

20 FLTLT ROSE: You mentioned before that Alex's funeral was on 2 September 2023.

MS LOFT: Yes.

25 FLTLT ROSE: Where was it?

MS LOFT: It was at the chapel at Holseworthy Barracks.

30 FLTLT ROSE: Did Army help you organise that?

MS LOFT: Yes.

FLTLT ROSE: At paragraph 109 you also mention that the Prime Minister, Anthony Albanese, called you at this time.

35

MS LOFT: Yes.

FLTLT ROSE: Was that to pass on his condolences as well?

40 MS LOFT: Yes, and then he got stuck on the phone to me for 45 minutes. Well, you know, how often does the opportunity come up? I may as well make the most of it. He was quite lovely, actually. I offered to take him ice-skating. He still hasn't taken me up on the offer, but that's fine.

FLTLT ROSE: I'm going to turn to another topic now, which is other investigations.

5 MS McMURDO: Just before we move on to that, could I just ask you to clarify something, the confusion about the addresses.

MS LOFT: Yes.

10 MS McMURDO: You and Alex had moved into Holsworthy in Defence accommodation.

MS LOFT: We had.

15 MS McMURDO: So someone in Defence knew that you lived there.

MS LOFT: Defence Housing.

20 MS McMURDO: Defence Housing knew, and you said Alex – administration wasn't his strong point; that's pretty clear.

MS LOFT: Yes.

25 MS McMURDO: Should he have let someone know in the Army as to the change of address, or had he done that?

MS LOFT: I'm not sure.

MS McMURDO: You don't know?

30 MS LOFT: I'm not sure.

MS McMURDO: Thank you. Thank you, Flight Lieutenant.

35 MS LOFT: But I should also say that they were away a lot, and they looked at this as just another trip.

MS McMURDO: Yes, sure. I understand.

MS LOFT: It was just another trip, and so - - -

40 MS McMURDO: I understand. I'm just trying to work out how the systems could be done better and things could be done better.

45 MS LOFT: Because it's just a separate operation. I believe (indistinct) intended to contact them, but it was no good.

MS McMURDO: Thank you.

5 FLTLT ROSE: Have you spoken to anyone from the Queensland
Coroner's Office?

MS LOFT: Yes.

10 FLTLT ROSE: Have they been able to identify Alex?

MS LOFT: He was identified, yes.

FLTLT ROSE: Does that mean you've been issued with a death certificate?

15 MS LOFT: A death certificate was issued.

FLTLT ROSE: Have you also received a death certificate from the Army?

20 MS LOFT: Yes.

FLTLT ROSE: In paragraph 110 of your statement you refer to the fact that
they recovered a fleshy 20 cent piece of his body.

25 MS LOFT: Yes.

FLTLT ROSE: And that's what they were able to identify him from.

MS LOFT: From the DNA, yes.

30 FLTLT ROSE: And that there's some bone fragments which they've sent
to Melbourne for testing. Is that your understanding?

35 MS LOFT: My last communication with the Coroner's Office was that
bone fragments have been found when the search was completed, but due
to the condition and the time that it had been, that they would be sent to
Melbourne in a couple of months – sorry, sent to Melbourne and that they
would call me in a couple of months.

40 FLTLT ROSE: Have you had any response in relation to the updates about
that testing?

MS LOFT: No, and I would say I received that phone call in late
November, early December, and I've received nothing further.

45 FLTLT ROSE: Have you heard from anyone from Comcare?

MS LOFT: Yes.

FLTLT ROSE: What have they told you about their investigation?

5

MS LOFT: Nothing. That it's ongoing. Christie is – sorry, Christie, the support person, has been very kind, but I will check in from time to time just to ask, you know, how things are sort of progressing, and it's just things are progressing.

10

FLTLT ROSE: I take it from your evidence then that since you're Alex's next of kin there's been nobody from the Coroner's Office that's contacted you to speak to you about Alex.

15

MS LOFT: No.

FLTLT ROSE: Anyone from QPS?

20

MS LOFT: I received a phone call to ask for the PIN for Alex's phone, and I received a phone call to say that the investigators wanted to complete some paperwork with me, and so they sent people from one of the units that specialise in crashes to my house to fill out – I believe it was the missing persons form, but I couldn't remember now.

25

FLTLT ROSE: You mentioned Alex's phone. Have you received that phone back?

MS LOFT: Yes.

30

FLTLT ROSE: How did it get to you? Who gave that phone back to you?

MS LOFT: It ended up coming back with his personal effects.

FLTLT ROSE: From Army?

35

MS LOFT: From the Army, yes.

FLTLT ROSE: Did Alex wear a Garmin watch?

40

MS LOFT: He did.

FLTLT ROSE: Was that returned to you?

MS LOFT: No.

45

FLTLT ROSE: Do you know if they've managed to retrieve that?

MS LOFT: No, I don't believe so.

5 FLTLT ROSE: Would he have been wearing that during the mission?

MS LOFT: I'd say so, yes. There was only one other trip that he didn't wear that watch, and it was when they went to Papua New Guinea.

10 FLTLT ROSE: Was it a requirement for them to wear Garmin watches?

MS LOFT: I don't believe so. I couldn't answer that, I'm sorry.

MS McMURDO: The phone, was it in working order when you got it back?

15 MS LOFT: Yes.

MS McMURDO: Thank you.

20 FLTLT ROSE: I'm turning to another topic now. It's in relation to the other aircrew.

MS LOFT: Yes.

25 FLTLT ROSE: Have you ever met CAPT Dannie Lyon?

MS LOFT: I met him briefly, yes.

FLTLT ROSE: Had you met Phill Laycock?

30 MS LOFT: Once, yes.

FLTLT ROSE: Had you met Max Nugent?

35 MS LOFT: Yes, I had, just the once.

MS McMURDO: Was this all in the same event?

MS LOFT: No, all various times.

40 FLTLT ROSE: Did you go to each of their funerals?

MS LOFT: I did.

45 FLTLT ROSE: Did Alex ever speak to you about flying with Phill?

MS LOFT: Yes.

FLTLT ROSE: What did he say?

5

MS LOFT: He greatly respected Phill. He looked up to what Phill did, and he was always happy to fly with Phill.

FLTLT ROSE: Did he ever speak to you about Dannie Lyon?

10

MS LOFT: He loved flying with Diesel.

FLTLT ROSE: He called him Diesel?

15

MS LOFT: He did, and it wasn't until after everything happened that I actually found out that his name was Dan.

FLTLT ROSE: Did he ever speak to you about Max Nugent?

20

MS LOFT: Max was newer to the unit. In a lot of the conversations that Alex and I had, if it wasn't somebody that I knew specifically, he would just say, "Oh, the pilot", or "one of the seniors", or something to that effect. But I had met Max.

25

FLTLT ROSE: Is there anything else that you wish to tell the Inquiry?

30

MS LOFT: I just want to reinforce how cruel I believe it is that they knew that they were gone, and we were still forced to endure three days of their faces plastered all over the news saying that they're searching, and I know that they were searching. They wouldn't have stopped until they found them, but they knew hope was lost long before we were told hope was lost, and what we suffered through that was awful. Again, I want to reinforce that I don't want anyone to ever have to experience something like this to then have to go and dig through their dead friend's possessions and the people who did that, are the first people to come running when I need help.

35

FLTLT ROSE: You say in your statement that Alex's colleagues have now become your friends?

40

MS LOFT: Yes, unlucky for them, isn't it? I can't talk highly enough of how his friends have embraced me. He's not here to look after me any longer, but they are.

45

FLTLT ROSE: You have one of those friends here with you today?

MS LOFT: I do.

FLTLT ROSE: I have no further questions. Turn to paragraph 118, please.

5 MS McMURDO: 118?

FLTLT ROSE: Sorry, 113.

10 MS McMURDO: It's like my failing eyesight. I think it's the glare on the paper. This is about the Comcare investigation. You said that someone from Comcare has contacted you and there's a support person called Christie.

15 MS LOFT: Yes.

FLTLT ROSE: What have they told you about how long their investigation might take?

20 MS LOFT: He said it could take up to 18 months but there was potential for it to extend, depending on what their findings were.

FLTLT ROSE: Have they given you any details about the extent of what their investigation will be looking into?

25 MS LOFT: Looking into – I guess the best way that I could put it is if Defence is in compliance with the Occupational Health and Safety legislation.

30 FLTLT ROSE: Have they talked to you about any of the evidence they've gathered for that?

MS LOFT: No.

FLTLT ROSE: Did they take a statement from you?

35 MS LOFT: They invited me to, and I have not.

FLTLT ROSE: Those are my questions.

40 MS LOFT: Sorry, there was also something else that I did want to raise, just if there was anything else to discuss was that it has been quite difficult to have the onus fall on just one person when I am passing on information.

MS McMURDO: This is as being next of kin? Yes.

45

MS LOFT: Yes. When I'm asking for help and yet the onus may still fall on me or it has to go through me in some way, shape or form because it is so hard when you're passing on a piece of information to then receive a number of questions that you have no answers for and it is – no person should have to bear that burden on top of everything else and just trying to learn how to live life again without their loved one. It's – it's just not fair because it adds a lot of unnecessary stress and strain where there shouldn't be any, when family should be just as able to access information as the next of kin, especially when I, as the next of kin, am asking for it.

That being said, D19 has been – has been very good to me. He has been very kind and if I need something clarified, he will clarify that for me.

MS McMURDO: Thank you. Is there any applications to cross-examine?

No.

Thank you very much for your courage in giving evidence. Thank you for the perspectives you've given; some very valuable perspectives. And congratulations on your graduation with distinction.

MS LOFT: Thank you, ma'am.

MS McMURDO: I'm sure you're going to be a wonderful nurse.

MS LOFT: Thank you.

<WITNESS WITHDREW

MS McMURDO: I think we'll have a short adjournment before we call the next witness. Thank you. Fifteen minutes, that will give everyone time for a cup of tea.

HEARING ADJOURNED

HEARING RESUMED

MS McMURDO: Yes, COL Streit.

COL STREIT: Thank you, Ms McMурdo. Before I call the next witness, I just wanted to indicate for the benefit of the Inquiry that I propose to recall

5 Mrs Caitland Lyon to give evidence. I note that the Inquiry can sit for about an hour or a bit longer and so I was proposing to take the witness to a point that the witness is comfortable with, given it's been quite a long day, and then that may be around the 4 or quarter past 4 mark, and see how things are travelling as to whether we push on.

MS McMURDO: Yes, of course. If at any time Mrs Lyon wants to pause and adjourn for the day, we can do it. If she wants to go on, we'll go on.

10 COL STREIT: Thank you.

MS McMURDO: Whatever is convenient to her.

15 COL STREIT: The practical reality is Mrs Lyon's evidence will go on for some time and will continue tomorrow. Thank you.

MS McMURDO: Yes, that's right. But perhaps if we could let her decide that but we'll finish at 4.30 because it has been a long day.

20 COL STREIT: Yes.

MS McMURDO: So we certainly won't go beyond 4.30 and if at any time Mrs Lyon wants to stop for the day, we'll do so.

25 COL STREIT: Thank you very much. With the Inquiry's permission, I call Caitland Lynette Lyon.

30 **<MRS CAITLAND LYNETTE LYON, Sworn**

<EXAMINATION-IN-CHIEF BY COL STREIT

35 COL STREIT: Mrs Lyon, I'm not sure if somebody has poured a water for you.

MS McMURDO: Have we got a clean glass?

40 MRS LYON: It's all new.

COL STREIT: Given the vagaries of the glass today and potential consequences of drinking somebody else's water.

45 MRS LYON: Thank you, that's very thoughtful.

COL STREIT: So have we confirmed that that's a clean glass?

MS McMURDO: Yes.

5

COL STREIT: That's all right. We won't take evidence on that point. Thank you. Mrs Lyon, can you please state your full name?

MRS LYON: Caitland Lynette Lyon.

10

COL STREIT: Where do you presently live?

MRS LYON: We live in Wattle Grove.

15

COL STREIT: How old are you?

MRS LYON: I'm 31.

20

COL STREIT: In preparation for your appearance here today, did you receive some documents from the Inquiry?

MRS LYON: Yes, I did.

25

COL STREIT: Was one of those documents a section 23 Notice requiring your attendance to give evidence?

MRS LYON: Yes, it was.

30

COL STREIT: Was another document an extract of the Inquiry Directions?

MRS LYON: Yes, it was.

35

COL STREIT: Another document, was that a copy of my appointment as an Assistant IGADF?

MRS LYON: Yes, it was.

40

COL STREIT: Did you also receive a Frequently Asked Questions Guide for Witnesses in IGADF Inquiries?

MRS LYON: I did.

COL STREIT: Finally, last but no means least, did you receive a Privacy Notice for witnesses to give evidence?

45

MRS LYON: Yes, I did.

COL STREIT: Mrs Lyon, you have prepared a statement in relation to your evidence today; is that right?

5

MRS LYON: That's correct.

COL STREIT: Can I show you a copy of the document.

10 MRS LYON: Thank you.

COL STREIT: Mrs Lyon, what I have shown you is a document that, would you accept from me, comprises 55 pages?

15 MRS LYON: Yes, it does.

COL STREIT: Just take a moment to scan through the document and then I will ask you some questions.

20 MRS LYON: Yes.

COL STREIT: Now is that your document – sorry, is that document your statement?

25 MRS LYON: It is.

COL STREIT: Does it comprise 197 paragraphs?

MRS LYON: It does.

30

COL STREIT: You signed it on 27 April 2024; is that right?

MRS LYON: That is correct.

35

COL STREIT: There are also some annexures attached to your statement; that's correct?

MRS LYON: Yes.

40

COL STREIT: Those annexures are marked A through to F; is that right?

MRS LYON: That's correct.

45

COL STREIT: Are the annexures – they depict, do they, text message and Facebook exchanges between you and Dan?

MRS LYON: Yes, they are.

COL STREIT: Yes, thank you. I tender that.

5

MRS LYON: Exhibit 12.

#EXHIBIT 12 – STATEMENT OF MRS LYON DATED 27/04/24

10

COL STREIT: Thank you. Mrs Lyon, you can have the statement remain in front of you for now. Now just to explain some mechanics to help you, when I take you through your evidence, I anticipate some of your evidence 15 will deal with names that have a pseudonym. So when we reach that part in your statement or those parts in your statement, I will simply ask you to pause. I will take you to the paragraph in your statement that has the pseudonym number and then I will ask you to look at that laminated document in front of you, just to confirm that the pseudonym number 20 accords with the name of the person that spoke to you or you had some engagement with that you referred to in your statement.

MRS LYON: Okay.

25 COL STREIT: All right, thank you. Now, Mrs Lyon, you're a qualified teacher; is that right?

MRS LYON: I am, a primary school teacher.

30 COL STREIT: What years do you teach?

MRS LYON: At the time of the accident, I was teaching year 2.

COL STREIT: Are you presently working?

35

MRS LYON: No, I am not.

COL STREIT: You have two children?

40

MRS LYON: I do.

COL STREIT: Who are they?

MRS LYON: Liliana is two – sorry, Liliana, who's two and Noah is six.

45

COL STREIT: Thank you. They're your two children with Dan?

MRS LYON: They are.

5 COL STREIT: Now, also you have some family here with you today in the hearing room.

MRS LYON: Yes.

10 COL STREIT: Can you just tell me who they are?

MRS LYON: Yes, I have my dad, Ron, and I have Dan's stepmum, Sue.

15 COL STREIT: Thank you. Now, I just want to ask you a little bit about Dan's background. So if you just turn to that part of your statement which commences at paragraph 10. So he was born in Dubbo; is that correct?

MRS LYON: That is correct.

20 COL STREIT: He was born on 28 March 1990?

MRS LYON: Yes.

25 COL STREIT: His parents are Mary and Andrew?

MRS LYON: That's correct.

COL STREIT: Now, does Dan have any siblings?

30 MRS LYON: So Dan has a half-sister, and he has two stepsiblings.

COL STREIT: Now, Dan's father, is there something about his sporting ability?

35 MRS LYON: Yes. So Dan's father was a keen golfer. So when he passed in 2017. Dan took up golf as a way to honour his dad. He didn't have the natural hand that his father did, but that didn't stop him from giving it a go.

COL STREIT: Was Dan's hands good at another sport?

40 MRS LYON: Every other sport, yes.

COL STREIT: Was there one sport in particular?

45 MRS LYON: He loved surfing, and he loved AFL.

COL STREIT: Right. And is he a die-hard St Kilda supporter?

MRS LYON: Unfortunately, he is.

5

COL STREIT: Is that superimposed on your son?

MRS LYON: It is, yes. And now myself, unfortunately.

10

MS McMURDO: They have to win a premiership sometime.

MRS LYON: That was his theory.

COL STREIT: Did Dan play AFL within the Australian Defence Force?

15

MRS LYON: He did, yes. He was a part of the Army team.

COL STREIT: We've heard some evidence in the Inquiry that Dan had a nickname, Diesel.

20

MRS LYON: Yes.

COL STREIT: Do you know anything about the origin of that name?

25

MRS LYON: Yes. So I believe that he got that nickname as a young boy because he played like Greg Williams, whose nickname was Diesel. But if you asked his mates that he grew up with how he got that nickname, they enjoyed telling everyone that he made it up himself and that caused a lot of banter that was very well-received, and everyone loved that.

30

COL STREIT: Well, whatever technique he employed, it was successful because it seems to have stuck with him.

MRS LYON: Yes, very much so.

35

COL STREIT: So you've heard evidence before the Inquiry where he was – the nickname referring to him as Diesel; is that right?

MRS LYON: That is correct.

40

COL STREIT: Now, Dan's father passed away in 2017; is that right?

MRS LYON: That is correct.

COL STREIT: You mentioned earlier that Dan was a keen surfer, but there was also something else he had a fondness for; in particular, a yellow vintage HJ Holden Sandman.

5 MRS LYON: Yes, we would say that was his first love.

COL STREIT: Right. So that was something that he had when he first met you?

10 MRS LYON: No, he didn't. He purchased it after we had met.

COL STREIT: Can I just turn to that. When did you and Dan first meet?

15 MRS LYON: In 2012.

COL STREIT: Can you just briefly describe the initial stages of how you came to be together?

20 MRS LYON: Yes. So we met on a blind date on 15 June. I was studying at the University of Canberra and Dan was at ADFA, and yes, we met on a blind date.

COL STREIT: Was there something that particularly struck you about Dan and his desire to be a pilot?

25 MRS LYON: It was very, very clear from the first time I met him that that is what he wanted to be. He was very determined. I could see that he was very passionate.

30 COL STREIT: Now, can I just turn to that part of your statement which is headed "Dan's Pilot Training", which commences at paragraph 17. So you say that in 2013 he finished his degree at ADFA. Do you recall what he studied?

35 MRS LYON: I believe he studied science.

COL STREIT: Then he was posted to the Royal Military College. That was to complete his officer training, was it?

40 MRS LYON: Yes, it was.

COL STREIT: During that time at Duntroon, he was selected for Army Pilots Course?

45 MRS LYON: Yes, he was.

COL STREIT: Do you have any appreciation as to where Dan's love of flying initially came from?

5 MRS LYON: Yes, so it came from his Auntie Heather. His Auntie Heather was a remarkable pilot herself. I do believe that she was one of the first female pilots here in Australia and she was also in the police force. She is a truly remarkable woman and has paved the way for so many women who have come after her. And she took him for a flight and he was sold. He
10 loved it.

COL STREIT: Did Dan move in with you after he had finished at Duntroon?

15 MRS LYON: He did, yes.

COL STREIT: What happened next, did he have to go off and do some training?

20 MRS LYON: He did, yes. So he went to Oakey next.

COL STREIT: And did you understand - - -

MRS LYON: Sorry, he went to Tamworth and then Oakey, I'm sorry.
25

COL STREIT: That's okay. Do you understand what he was to do at Tamworth?

30 MRS LYON: Yes, he was to learn to fly fixed wing before converting to rotor blade.

COL STREIT: So when he went to Oakey, that was to undertake helicopter training?

35 MRS LYON: It was.

COL STREIT: Was there something particular that Dan would do at home on the kitchen table or somewhere in the house in relation to flying?

40 MRS LYON: Yes. Dan called it chair flying. So he had set up in the middle of our living room a desk with posters and the cockpit all laid out and he would imagine the flight. So he would talk it through. He would press all the dials and he would chair fly and that he is how he prepped for every flight for every test. He did it over and over again.

45

COL STREIT: Did he at any time rope you in to helping him with his pilot training?

MRS LYON: With every opportunity he could, yes.

5

COL STREIT: How did he do that?

MRS LYON: So being a keen surfer, we spent a lot of time driving to the coast or to my parents' house further up the coast a little bit, and we would run checks. So Dan would drive, and I would hold his checklist and we would run through those checklists. So say it was the emergency landing checklist, and he would tell me what they were and that's how we ran it. I would read it to him and then he would recite it back.

15

COL STREIT: Was he a good student?

20

MRS LYON: Yes, he was. I do recall him one day saying, "I paused on that checklist in the flight school today", and I went, "Oh come on, like we practised this. You know what to do", and I had almost memorised them to the point that he had, we did it so often.

25

COL STREIT: Was that something that continued throughout your time with Dan?

30

MRS LYON: Yes, there was always checklists in his bag, everywhere we went. It's just what he did. He was always studying. He was always learning.

35

COL STREIT: Now there came a time when Dan went away to learn how to fly an MRH-90. Do you know when approximately that was?

MRS LYON: At 5 Avn, is that what you mean?

COL STREIT: In Oakey.

40

MRS LYON: In Oakey, 2016, I believe it was.

45

COL STREIT: So you mention at paragraph 21 that on the face of it he was initially interested in being a Chinook pilot, but he didn't get that position, but he was happy to be assigned to the MRH-90?

MRS LYON: That's correct. There was only one position available for the Chinook that intake and he didn't get it, but he was more than happy to fly the 90 instead.

45

COL STREIT: Did he express to you initially why he wanted to be a Chinook pilot?

5 MRS LYON: I think that's because that was the aircraft that was being used overseas at the time. He wanted to be deployed. He wanted to be a part of that.

COL STREIT: So in 2016 he was posted to Oakey and learnt on the MRH-90, but he came back to you for a brief time, didn't he, in Canberra?
10 MRS LYON: He did, yes.

COL STREIT: What was the reason for that?

15 MRS LYON: They were holding. They were waiting for their course. There was a bit of a backlog and delay so there was about six months where he got to come home for a little bit.

20 COL STREIT: So it was about six months, wasn't it, that he was in Canberra with you?

MRS LYON: I believe so.

25 COL STREIT: Before he then returned back to Oakey to do his training on MRH-90?

MRS LYON: Yes.

30 COL STREIT: What happened after he completed his training? What happened next?

35 MRS LYON: After he completed his training, he spent some time in Canada with his dad. His dad was diagnosed with lung cancer, so he went and was able to spend some time with his dad. And then when he returned, we moved to Townsville.

COL STREIT: Did you attend his graduation at Oakey, do you recall?

40 MRS LYON: I did, yes.

COL STREIT: So you travelled up from Canberra and attended the graduation?

45 MRS LYON: Yes, I did.

COL STREIT: Then Dan went overseas to be with his dad.

MRS LYON: Yes, yes.

5 COL STREIT: Then came back.

MRS LYON: Yes.

COL STREIT: Then what happened?

10 MRS LYON: Then he posted first, and we were pregnant with our first child at that point, and I followed up not too far behind him once everything was settled.

15 COL STREIT: All right. So this is Noah.

MRS LYON: Yes, Noah.

COL STREIT: Or Noah to be.

20 MRS LYON: Yes, Noah to be.

COL STREIT: So when you go up to Townsville to live with Dan, he arrives there a bit earlier than you but you follow him up?

25 MRS LYON: Yes.

COL STREIT: Now, just can we turn now then to your statement where you deal with Dan's posting to 5 Aviation Regiment. How long were you 30 in Townsville for before you went somewhere else?

MRS LYON: We were there almost 12 months to the day.

35 COL STREIT: At paragraph 28, you describe Dan working long hours at 5 Aviation Regiment. Was there any reason that you're aware that that was necessary?

MRS LYON: My understanding was that they were busy.

40 COL STREIT: Now at some point in time did he tell you that he was going to be posted to New Zealand?

MRS LYON: He asked what my thoughts were around a possible exchange to New Zealand.

45

COL STREIT: Yes.

5 MRS LYON: In which I laughed because we hadn't even finished unpacking the boxes. So, "We just got here". He's like, "But what are your thoughts?", and I said, "I don't mind, as long as we're together".

COL STREIT: So going to Townsville whilst pregnant with Noah and being there for 12 months, I was never good at maths, but I presume Noah was born in Townsville?

10 MRS LYON: He was, yes.

COL STREIT: When was Noah born? What was his - - -

15 MRS LYON: He was born on 2 October 2017.

COL STREIT: When did you post to New Zealand or when did you go to New Zealand?

20 MRS LYON: I believe it was just before Anzac Day the following year.

COL STREIT: Right. Did Dan go first?

25 MRS LYON: No, we went together.

COL STREIT: Whilst Dan and you were in Townsville, did he have to go away for work?

30 MRS LYON: Yes. He was away most of the time that we were in Townsville.

COL STREIT: Was there anything particular that you know of that he went away to do?

35 MRS LYON: He was deployed to Papua New Guinea for the elections.

COL STREIT: Do you know how long away he was for that?

40 MRS LYON: I think four or five months.

COL STREIT: Did he have to do any courses, military courses that year that also took him away from Townsville?

45 MRS LYON: Yes, he did his Captaincy as well.

COL STREIT: So that's at paragraph 29 of your statement, you refer to he did a six-week Captain's course at Canungra?

MRS LYON: Yes. He got home two weeks before I gave birth to Noah.

5

COL STREIT: At paragraph 30 you say that:

In terms of availability of aircraft at 5 Aviation Regiment, Dan and I used to joke about how often the MRH-90s would be grounded.

10

That's something Dan told you, that the aircraft were grounded?

15

MRS LYON: Yes, I guess "grounded" is the word that he would have used. They had serviceability issues was my understanding. So they were broken a lot of the time.

20

COL STREIT: So when he's having these conversations with you did he say anything about what they then did at 5 Aviation Regiment when the aircraft weren't available?

25

MRS LYON: No, he didn't.

COL STREIT: Did he mention at all that they used the simulator?

30

MRS LYON: Yes. Yes, he did.

COL STREIT: Paragraph 31 you say that you think there was an incident at 5 Aviation Regiment when Dan was still there or shortly after he posted out involving a near miss of two MRH-90s.

35

MRS LYON: Yes.

COL STREIT: You say in your statement you don't know the details of this, because Dan used to shield things from you. But you recall Dan telling you there'd be an investigation into that matter, is that correct?

40

MRS LYON: That is correct. He shielded me because he didn't want me to be worried.

COL STREIT: Did he ever tell you what the outcome of that investigation was or any further information about it?

MRS LYON: No, he didn't.

COL STREIT: You posted to New Zealand in 2018. If we could just turn to that part of your statement beginning at paragraph 32. So can you just describe your experiences during that posting to New Zealand with Dan?

5 MRS LYON: Yes. So we moved onto the base at Ohakea there, just in Palmerston North. And we had an incredible experience. We arrived to quite an older-style home on the base, we had this beautiful community of people around us. We still have the most incredible relationships with the people that we were there with at the time. Everyone cared for each other, 10 it was a family. We became everyone's family and they were so welcoming, they just took us in.

COL STREIT: Paragraph 30, you say that in terms of the aircraft, the Royal New Zealand Air Force fly NH90s.

15 MRS LYON: Yes.

20 COL STREIT: And that they didn't have the helmet-mounted sight display systems that the Australian Army uses. You referred to the New Zealand pilots just used the image intensifying tubes for their night-vision devices. You then say Dan would sometimes come home and tell you he couldn't see very well after flying at night due to being on the image intensifier tubes for so long.

25 Can I just ask you, how long did it take him to get over that experience? So if he'd been out flying for a while and he came home and said these things to you, how long did it take?

30 MRS LYON: He was fine by the next morning. It was just when I'd ask him how his flight had gone. They did a lot of – they held the NATCON phone and got call outs for different emergencies quite regularly. And that would become quite a long flight, depending on what the task was, until those people had been rescued or whatever it was. So when he'd come back and I'd ask him how that went, he would often say, he's like, "Just tired. 35 My eyes hurt from looking through" – and he'd say, "From looking through the tubes".

40 COL STREIT: Just in terms of the role that Dan had flying with the New Zealand Air Force, can you just describe what his actual day job was? What did he do?

MRS LYON: So we went over with the plan that New Zealand needed co-pilots. So the exchange was for co-pilots and his role was to support them and learn as much about them and their culture and the way they did

things as possible so that he could then bring that knowledge back to Australia.

5 COL STREIT: If you think about the role that Dan had at 6 Aviation Regiment, which we'll come to in a little while, was there something that was different to his role with New Zealand, the New Zealand Air Force?

10 MRS LYON: New Zealand were very family-orientated. They really did believe that if we were happy and well cared for, then their crew was happy and well cared for. Dan came home every day for lunch. If he was there, he would be able to come home. Everyone broke for lunch, everyone got together. Yes.

15 I knew his boss very well, the base Commander and his wife, we knew them, they were there, they lived as a part of our community. And Dan cherished that. He absolutely loved it and it showed him a different way of doing things and a different perspective. So when he came back, he wanted to share that with everyone.

20 20 He was so elated to know that this was possible and that family and work could be at the same level and balance and priority. He just wanted to share that.

25 COL STREIT: Was there something about his role in the New Zealand Air Force flying NH90s that was different to his experiences to that time in the Australian Army?

30 MRS LYON: They were responding to real life call outs, real life mission – the job was there, they had to respond. They had to be on their best game every single day, because people's lives depended on that. It was real life, and he loved that. He felt like it was contributing and making a difference.

35 COL STREIT: So did the New Zealand Air Force have essentially a civilian support role in rescue and recovery?

MRS LYON: Yes, they did. The Royal New Zealand Air Force responded to a lot of their call outs. They do have Westpac and Westpac now do a little bit as well. But yes.

40 COL STREIT: Was there a particular event that Dan had to respond to in terms of a rescue and recovery operation?

45 MRS LYON: Yes. So Dan was part of the first team to respond to the White Island volcanic eruption and they were there at the time, and he was there with the families on the ground and then was part of the task force in

removing the bodies off the island. And that was something that deeply affected Dan. They'd gone over the site, he had – they'd been able to identify people and he really wanted to bring them home to their families.

5 COL STREIT: In terms of the rest of his posting, were there any other notable rescue/recovery operations that you can recall?

10 MRS LYON: They did respond to the Christchurch massacre. They lifted – they took off and then were held back and waited, and then they didn't need to end up going in in the end and they got to come home. He also did quite a few really intense rescues of people off the sides of mountains, lost hikers, that sort of thing. In some really treacherous weather.

15 COL STREIT: Did he say anything particularly about doing that type of work? Did he find it rewarding?

MRS LYON: Really rewarding, yes. He really loved being able to help people and be a part of that.

20 COL STREIT: You say at paragraph 37:

Dan loved flying in New Zealand. He loved making a difference and saving people's lives. He told me that he was most proud of his time flying in New Zealand.

25 25 How long did he perform that job for?

MRS LYON: We were there for two years.

30 COL STREIT: Did he gain a further categorisation as a pilot?

MRS LYON: He did, yes. So he became aircraft Captain in New Zealand and he was also category upgraded to a B CAT.

35 COL STREIT: Was there something particularly special about that for him in gaining that qualification?

MRS LYON: Yes. It was a co-pilot exchange, so that upgrade to Captaincy was quite a big deal. He was the first Australian at the time to receive that.

40 40 COL STREIT: I just want to ask you some questions about the culture that you experienced with the Royal New Zealand Air Force. You deal with this in part at paragraph 39 of your statement. Just explain to the Inquiry what you mean by your experiences?

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5 MRS LYON: So for example every Wednesday night they did family night at their mess and the mess would put on dinner for everyone. And that would include everyone who lived on the base, but that also included everyone who worked there. So we would often be having dinner with his
10 boss and his boss's family and their children, yes. And it was a big gathering of people all together. We were – it wasn't just Dan who went, it was me and Noah, and the cook would often laugh that Noah was always in the kitchen with her and the girls behind the bar who were serving. Noah was on their hip, he was a part of their family as well. And it's like nothing I've ever experienced before.

COL STREIT: So for you, being deployed with Dan, did you have a level of support provided by anyone other than Dan?

15 MRS LYON: Yes, a significant amount of support. Whether it be from
Dan's boss and his wife, but also our next-door neighbours, we like
basically raised our children together. We could go for a bike ride around
the base and there was a playground on the base. And everyone was always
there, everyone was there supporting each other. And I guess because they
went away a lot, but because it's a small place, they got to come home quite
regularly. And in between that, we had each other. It was – you would
think an overseas exchange could be lonely, and it was far from that.

COL STREIT: Did something special happen in Queenstown?

25 MRS LYON: Yes. So we loved New Zealand so much we decided we would be married in Queenstown. We spent a lot of our time in the North Island holidaying and exploring New Zealand. And then we started on the South Island, we started at the top and we reach Queenstown and we were completely in love. It was everything that we'd hoped for, and we then decided that rather than be married in Queensland like we had planned, we would be married in Queenstown.
30

35 COL STREIT: Just in terms of Dan's training and maintaining currency on the aircraft, did he have to return to Townsville at some point in time?

MRS LYON: He did, yes.

COL STREIT: What was that for?

40 MRS LYON: That was a sim trip. They needed currencies upgraded.
New Zealand don't have their own simulator, so they do use Australia's.
And again, they knew we'd come from Townsville, they knew that's where
our – a lot of our support was, and they were completely supportive of Noah
and I coming on that sim trip. So we got to fly with them. We stayed in
45

the same hotel. Someone more senior to Dan gave up his room so that Noah and I would have space there during that time.

5 COL STREIT: Now, I'm just going to move to Dan's posting to 6 Aviation Regiment. But is there anything else you'd like to say about your experiences in New Zealand?

10 MRS LYON: We were just very grateful for that opportunity. I would say that I wanted to stay. I did want to stay and Dan was offered a position to transfer, and I would have loved to have taken that. We would joke that I was going to stay and I would say, "There's nothing they can about it." He was like, "They can deport you". "They won't do that." He's like, "They will". We just loved it. It was home. It was such a special part of our memories. And when we came home, we would often talk about returning, 15 because it was so great.

20 COL STREIT: Can I just turn now to coming back to Australia and Dan's posting to 6 Aviation Regiment, which is at paragraph 47 of your statement, or commences there. So you say there at paragraph 47 that:

Dan was adamant that when he came back to Australia he would be posted to the 6 Aviation Regiment.

25 Was there any reason for that?

30 MRS LYON: He believed that would provide him a similar opportunity to make a difference, to respond to real incidents like New Zealand. Whereas he didn't feel like he would have that same opportunity at 5 Avn. He wanted those real missions, that real response, helping people. And he felt like 6 Aviation would be the perfect fit.

35 COL STREIT: Paragraph 48, that you give some evidence about when Dan returned – sorry, I'll start again. When Dan was posted to 6 Aviation Regiment and he had to get a head mould done for his TopOwl helmet?

MRS LYON: He did.

40 COL STREIT: Did Dan say anything – you go on to give some evidence in relation to that paragraph about what Dan told you. So what did Dan express to you about TopOwl?

45 MRS LYON: He was excited for the helmet. He was excited for the visor. He thought it was incredible technology. It was very different to what he had been used to. Yes, so he had told me how – how amazing that technology was.

COL STREIT: Was he a bit of a nerd?

MRS LYON: Absolutely, yes.

5

COL STREIT: At paragraph 49 you start to give some evidence about some challenges that Dan experienced. You say that he first struggled when posted to 6 Avn because the culture was so different. Was there anything in particular that you identified that he was telling you about?

10

MRS LYON: He was talking about how 6 Aviation viewed family.

COL STREIT: And what are the things he was telling you, that you can recall?

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MRS LYON: That they didn't deem family as a priority. That the job and the mission was the priority. Yes.

COL STREIT: Did he try to do something about that?

20

MRS LYON: Yes. He worked very hard for the next three years to try and change that. He was desperate to show a different perspective of we can maintain capability and we can have this incredible unit, that also cares for their family.

25

COL STREIT: Paragraph 49, the second sentence, you say:

Dan worked with the wellbeing unit at 6 Aviation Regiment.

30

What did you understand the wellbeing unit to be?

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MRS LYON: Unit might not be the correct word. I'm not a hundred per cent sure. It was a wellbeing Board, I take it, where different people who had different medical, health issues, family, crisis, and they'd bring it to the Board. And they would talk through how the unit could support that person.

COL STREIT: Could that have been a welfare Board?

40

MRS LYON: Very possibly, yes. He – that was a lot of work to take on I think emotionally for Dan as well, because he genuinely really wanted to help people and sometimes he found it a little bit frustrating the red tape around that. But I have had people reach out to me since to thank me for Dan and the impact that he had on them at those really challenging times.

45

COL STREIT: Thank you. Now, transition from New Zealand moving back to Australia wasn't initially smooth. You had some difficulties with the house, is that right?

5 MRS LYON: Yes. Our house wasn't ready when we arrived so we spent six weeks in a hotel. And then when we got there, the pictures didn't match the house. So the backyard was overgrown with very large trees, it had ripped up the back pavement, there was no grass, it was all dirt. So Dan said – he said, "My wife and son can't live here, this isn't acceptable." So
10 DHA was very supportive in making that a home for us. It took a little bit of work, but Dan had a really great way of persuading people.

COL STREIT: At paragraph 51 you describe Dan settling into the fast pace at 6 Aviation Regiment. When you say "fast pace", what do you meant by that, I suppose?
15

20 MRS LYON: Dan works, he is a hard worker, and he's got no problem with working hard. But there – when we first moved, we were told he would be away for most of the year, and that was the nature of the beast. So we'd come from New Zealand, where we really enjoyed that time together, to anticipate that he would be away for most of the time. There was a lot of work there. There were long hours, long days, and then COVID happened.

25 COL STREIT: So I was just about to ask you about that. So the impact of COVID, what happened in terms of Dan's work and his time at home, as a result of COVID?

30 MRS LYON: Yes, so they did shifts. So I think they were, like, A and B. So if one crew got COVID, then the other crew would be able to step in. And they had a roster, sort of a week on, a week off of physically being at work. Then the rest of the time he was able to work from home with Noah and I.

35 And I understand that it was a global pandemic and that there was big consequences for that, but for our family, that was a really special time. We were able to really enjoy that. And Dan got lots of precious time with Noah, he was able to teach him to ride a bike. He was able to be there for those really special moments.

40 COL STREIT: Did Dan deploy somewhere to deal with some floods in 2021? If you look at para 52.

MRS LYON: He didn't deploy. They were still here at 6 Avn, if I remember correctly, but they were given sort of a notice to move, to respond to those floods.

5 COL STREIT: I see, so eventually, although prepared for , that resulted in him not going to Queensland?

10 MRS LYON: My memory, I'm not a hundred per cent sure. He could have, at that time, gone to Queensland for the floods. There was a few floods over the last three years, that he was able to respond to.

15 COL STREIT: In para 53 you say it was during 2021 Dan started to complain to you about how much administration he had to do for his job at 6 Aviation Regiment. Can you just explain a little bit more about that?

20 MRS LYON: Yes. Dan was starting to feel like the admin was the priority, well over flying, and it was more important to have – he didn't feel this way, but he felt like the pressure was that the admin and the emails were the priority, over his flying.

25 COL STREIT: Did he have a particular command function at 6 Avn?

MRS LYON: In 2022, he was the XO.

30 COL STREIT: I see. Did he become a Troop Commander at some point?

MRS LYON: He did, in 2023.

35 COL STREIT: 2023.

30 MRS LYON: And that's when the admin become – became quite - it was almost to the point of not being sustainable in 2023.

35 COL STREIT: Paragraph 54, you say Dan would describe his emails as "relentless". He would tell me that he regularly came in from flying a night mission, and would then start dealing with emails until midnight or 1 am in the morning. You discussed that with him?

40 MRS LYON: We did, yes.

40 COL STREIT: And what did he, in effect, say to you?

45 MRS LYON: He said, "No, I've got a job to do and it needs to be done". He worked hard, he knew what his job was. But that came at a cost, and that cost sort of felt like it was his wellbeing as well.

COL STREIT: What was your observation, broadly speaking, of Dan when he was at 5 Avn, in terms of his wellbeing and his level of enjoyment?

5 MRS LYON: I think 5 Avn, he enjoyed. It was a lot of work leading up to our exchange to New Zealand. But again, he liked hard work, he liked to work, he loved to fly. I think the happiest that he'd ever been was when we lived in New Zealand.

10 COL STREIT: So New Zealand was a peak in terms of his happiness?

MRS LYON: Yes.

15 COL STREIT: He wanted to go to 6 Aviation Regiment, and that's where you did - - -

MRS LYON: Yes.

20 COL STREIT: But was it the case over time, what you were seeing was an increase in the requirement for him to undertake administration?

MRS LYON: Yes. I think he was disappointed that that's what it was; it wasn't what he thought it was going to be.

25 COL STREIT: What was your observation about the effect on him of having to do that administration, as well as the flying?

30 MRS LYON: It was a lot of pressure. It was a lot of pressure to put on someone to maintain currencies and maintain your own flying skills, as well as that administration burden. He did it, he absolutely did it, there was no question about that, but it did take a toll over those three years, as it increased.

35 COL STREIT: What became the norm on the home front with Dan coming home after work, with the family?

40 MRS LYON: Yes, so Dan would always say that he was coming home for dinner; Dan very rarely ever made it home for dinner. He would get home about sort of 6 to 7 o'clock mark when the kids were going to bed; he'd be there just long enough to stir them right up, so that I found it hard to put them to sleep. Because that was his time with them, he didn't get it otherwise because he was gone before they woke.

45 And then sometimes he would have the time to help me clean up the kitchen from dinner, and then he would sit on his laptop and he would do admin

until – until I said it was enough and he needed to get some sleep. And by 2023, we were both in the same boat on that; I would work and he would work until the late hours of the night.

5 COL STREIT: During that three-year period at 6 Aviation Regiment, are you able to describe whether he was away a lot for work?

MRS LYON: No, I don't feel like he was away a lot.

10 COL STREIT: The COVID period, you've given some evidence about. Did the administration keep him at work after hours, or was that something he just did at home after dinner?

MRS LYON: No, it kept him at work as well, yes.

15 COL STREIT: To your observation, did he move through any patterns of day work and then having to do on-call night work?

20 MRS LYON: Yes. So it wasn't uncommon that they flew during the day and at night. The expectation was if you'd been night flying you started later the next day, but in 2023 that wasn't the case. Dan would be there first thing in the morning to ensure that he was on top of those administration tasks, so that then he could fly that afternoon or night.

25 COL STREIT: Paragraph 55 of your statement, you say this:

30 *From discussions with Dan at this time, I became aware that he was concerned that new pilots entering 6 Aviation Regiment were not of the same standard of competence that was previously required of him and his peers.*

Do you recall when he started expressing that to you?

35 MRS LYON: Probably when he was Troop Commander; I think that's when it was starting to be most significant. It was partially in 2022; he could see that the people who were arriving weren't at the same standard that he was when he had arrived, with his colleagues at that time. And he put that down to the changing of different – there were different changes to the requirements to get in to being a pilot, so he was unsure why, I guess. Basically, the product wasn't the same.

40 COL STREIT: And did that mean – at paragraph 55, in terms of the second sentence, you say:

45 *There was a lot of emphasis on the job training.*

So is that Dan telling you that the fix to these pilots coming into 6 Aviation Regiment, to cover any gaps in training, was to do more on-the-job training?

5 MRS LYON: Yes, that was the plan, and that's what they were trying to do, was trying to train people up to be at the standard. But it was on-the-job training, it was during the missions.

10 COL STREIT: You then say, at the same paragraph:

I got the impression from Dan that he was frustrated and losing confidence in the pilot training process.

15 Do you remember him saying anything specific about that?

15 MRS LYON: It was hard on the senior pilots, to maintain their own currencies and their own qualifications, as well as ensuring that the junior pilots were learning at the same pace, and learning what they needed to learn. And I think he didn't have a problem with that, he loved sharing his knowledge of flying, and he loved sharing how to do things; and – and if that was his only job, I don't believe he would've felt the same way, but the flying seemed to come second to the admin.

25 COL STREIT: I see, so it's not an expression of frustration with junior pilots individually?

MRS LYON: No.

30 COL STREIT: It's an expression of frustration about the pilot training process given to junior pilots; is that fair?

35 MRS LYON: That would be fair. I think he just found that the standard that pilots were arriving at the unit wasn't the standard that they had been in previous years.

35 COL STREIT: You say at paragraph 56 – well, just finishing off paragraph 55, the last sentence, you say Dan told you that screening for pilots was not as rigorous or lengthy, as he went through training, and pilots were spending much less time being trained at 5 Aviation Regiment, before they posted to 6; is that correct?

MRS LYON: Yes. So when Dan went through, you had to go to 5 Avn first, and then you completed your course and you had to prove yourself as a pilot there first, and that was normally a three-year posting. And then you

were chosen to go to 6 Avn. It was a great privilege. You weren't just posted there for a standing cycle, you were chosen.

5 COL STREIT: I just want to take you to paragraph 57 of your statement. You say there in the second sentence that Dan told you:

He wanted to institute practices that he learned in New Zealand, about working with teams, families and merging the two together, to achieve a better work-life balance.

10 Did he express to you why he was focused on that? What was it about that issue that captured his attention?

15 MRS LYON: I think what he learnt in New Zealand was that if your family is happy and they're doing well, and they're thriving, then you yourself are happy and thriving. He wanted to know that everyone he worked with was doing well, that they were okay in their home life, that they were okay, their kids were doing well at school.

20 You know, he did take it upon himself to make a phone call to our children's daycare, to get a child into daycare, because he wanted to support that family. He – he took a lot – he was invested, he was invested in his work colleagues' lives, so he did what they had in New Zealand. They had a beer fridge and they called it the Frothy Princess, and - - -

25 COL STREIT: The what, sorry?

MRS LYON: The Frothy Princess.

30 COL STREIT: Froggy?

MRS LYON: Frothy.

COL STREIT: Frothy?

35 MRS LYON: Yes. So after someone did really well or passed a qualification, or if they'd had a tough week or, you know, if there was a reason, he got everyone in, you have a beer, you take a breath, celebrate the wins. Yes, be there together, have each other's backs and go home and be present for your family. And that's – that's what he thought would be a positive.

40 COL STREIT: When you say "be present for your family", what does that mean? What do you mean when you say that?

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MRS LYON: I guess not – trying not to take the job home. Trying to leave it at work so that you can go home and just enjoy your kids' soccer practice or dance class, or whatever it be, and just leave the job there, sign it off, come home, and – yes.

5

MS McMURDO: So you've told us that Dan had this vision of changing the culture really within 6 Aviation. Did he ever tell you that there were difficulties in doing that, in a hierarchical structure like the Army in Australia?

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MRS LYON: Yes, he did find that hard. It wasn't – the hierarchy didn't value that as much as Dan did, and he did find it hard to try and bring those things into place.

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MS McMURDO: Thank you. Thanks, COL Streit.

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COL STREIT: Paragraph 59, you indicate or you give evidence that Dan told you he was disappointed by what he felt was 6 Avn's resistance to changes he was trying to implement, to improve wellbeing and morale in the unit. You indicate you're not aware of the specific types of changes he was proposing, but you go on in that paragraph to identify two individuals, D15 and D14, who would be able to provide details of this, that is, Dan's efforts to provide change.

25

Can you just have a look at that laminated document and tell me whether D15 and D14 accurately refer to the individuals?

MRS LYON: Yes, they're correct.

30

COL STREIT: Thank you.

MRS LYON: They shared the same beliefs as Dan, they wanted the same things. They were also working hard at creating more of a work-life balance.

35

COL STREIT: At paragraph 60, you identify another – my word – frustration that Dan had in relation to the approach to training at 6 Aviation Regiment. So can you just describe what you mean at paragraph 60 of your statement?

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MRS LYON: Yes. So there was a lot of planning for potential scenarios, and he was frustrated that there was so much emphasis and time spent on that, when he was used to the way that New Zealand did it, which was: "You know your job, you know what to do, get in and do it". And they

responded at very short notice to things, whereas 6 Avn's approach was a lot longer.

5 And then they would do – call in is not the right word I'm sorry, it's escaped my mind. But basically, they would do a hypothetical situation and call them in on the weekend, first thing in the morning, have them plan for this hypothetical situation all day, and then send them home late at night.

10 Sometimes they would end up with an extra day off on the Monday, and Dan also found that very frustrating because you know, I'm back at work then, our kids were back at school, that wasn't the day off that he wanted, you know? He wanted to go to Auskick and be there for the kids, so he found that very frustrating.

15 MS McMURDO: So you couldn't see any reason why the hypothetical emergency couldn't be done during the weekdays?

MRS LYON: Yes, and during those standard work hours.

20 COL STREIT: So was it the impact to essentially Dan's time with you and family on the weekend, that was the source of frustration, where the exercise could've been done during the week?

25 MRS LYON: Yes, and I do understand that you do have to practise and plan for emergencies, of course, you know? Dan wanted to be prepared, he wanted to be the absolute best at his job; he just believed that it should've been done in work hours, during work time.

30 COL STREIT: Over time, did you start to observe a decline – well, if we start on the basis that I take it Dan had a positive attitude, as somebody you met and spent time with and have married, would you accept that?

MRS LYON: Yes.

35 COL STREIT: At 6 Aviation Regiment, did you observe a decline in that positive attitude, that you were familiar with, with Dan?

MRS LYON: By 2023, yes, I was noticing changes with Dan.

40 COL STREIT: Were there any particular frustrations that you can identify?

45 MRS LYON: Dan was really good at saying no. He was really good at saying, "No, that's enough. No, I can't attend that meeting. I've got a prior commitment". Those prior commitments were always our children. If he'd promised Noah something, he was there for Noah. We're really big on

promises and by 2023, closer towards the accident, he had started to cancel on Noah and that was really out of character.

5 COL STREIT: So when you say started to cancel, did I hear you correctly, cancel?

MRS LYON: Yes.

10 COL STREIT: Does that mean that things that he had arranged to do with Noah were impacted by what he needed to do for work and so then he didn't do those things with Noah?

15 MRS LYON: Yes. So we had – one of the examples that I say in my statement is that we had the book parade at school and Dan had promised Noah that he would be there. It was his first one and we got all the way to school for Dan to then say, “I’m really sorry, mate, I’ve got to in. There’s a brief on, I have to go”, and Noah had said, “But you promised”, and he said, “Yes, and there’ll be lots more and daddy’s really sorry”. He was. He was sincerely so deeply sorry. He wanted to be there for Noah and it was the first time that I’d really seen that Dan couldn’t say no. I said, “Well, we have known about this for a little while”. He’s like, “It’s my job. I’ve got to do my job”. It turns out he didn’t get another book parade.

20 25 COL STREIT: Paragraph 69, you’re saying Dan would come home from work after Lily was born. When was Lily born?

MRS LYON: She was born on 24 February 2022.

30 COL STREIT: You say he’d come home from work after Lily was born and help you – well, “Help me get the kids to bed. Then he would sit up late doing administrative tasks”. Did that effectively become the norm for Dan in 2022?

35 MRS LYON: It had started in 2022. It was definitely normal by 2023.

COL STREIT: You say in the last sentence, that paragraph, you’re worried about Dan because the long hours were not sustainable. What do you mean by that?

40 MRS LYON: I just believed that he couldn’t keep doing that for long periods of time, that there would be something that would falter. So whether it’s his relationship with the children and the breaking of the promises or he couldn’t keep being everything for everyone at 110 per cent. That at some point he was going to have to stop. And I just wasn’t sure what he would give in because he liked to fly. It was his job.

COL STREIT: Did your discussions with Dan turn to contemplating a life after Army?

5 MRS LYON: Yes.

COL STREIT: Do you know when that – that roughly started; are you able to say?

10 MRS LYON: It did start when we got back to Sydney so when we moved to Sydney. We would often refer to going back to New Zealand because we felt like as a family we were much happier there. We were committed to Sydney. We had said, “We’ve got to really give this a go. Let’s give this a go”. But we could see that we wanted more out of life, so we started 15 talking about what Dan could do outside.

20 We spoke about maybe him working for Toll instead. Those jobs are highly sought after though, especially in the location that we would have liked to have been in. We – I make reference in my statement. We talked about a much quieter life.

25 We – Dan had hoped that he would be able to post down to Nowra and be an instructor down on the Seahawk. That was probably his dream. There we thought we might get a better life – work-life balance in that role. He had been told though that that might not be possible, that 6 Avn might want to keep him and then we started talking about maybe buying a little beach house and opening a surf shop and making coffees and artisan breads and just – we just wanted to be together and Dan loved – he loved Noah and Lily and he just wanted to be with them, and be with me.

30 30 MRS LYON: Yes.

COL STREIT: Just at paragraph 70 of your statement, if you could just turn to that.

35 COL STREIT: You talk about that Dan applied for an opportunity to deploy on Operation MAZURKA which is the ADF’s contribution to the multinational force and observers in the Sinai overseas, a peacekeeping deployment. Was that something he wanted to do just to break the cycle of work/fly/admin?

40 MRS LYON: Dan always wanted to deploy. I knew that from the moment I met him, he wanted to deploy. He explained it to me as if – he’s like if you studied to be a primary school and never got to teach children in a school, that’s what not having a deployment felt like to Dan. It was all of 45

the hard work but not the actual – the actual job of helping people. That's where he wanted to be. That's what he wanted to do, and he felt like that would finally give him that opportunity. He was – he was really looking forward to it. He earnt that. It was based off merit. He was chosen. It was
5 quite a significant thing to earn. I was very, very proud of him. I knew that meant that he would be gone for a while and that was hard with a new baby. But you can't help be proud of someone who's earnt such an incredible position.

10 COL STREIT: Was that potential deployment put in some jeopardy?

15 MRS LYON: Yes, it was. It had started to become the rumour of you might be pulled from this because we think we need you here more, and Dan had said there was absolutely no way that he would accept that and that 6 Avn would have to work it out because he earnt it and he was going, and he was quite determined.

COL STREIT: At paragraph 73 you identify – or you say rather:

20 *By 2023, Dan told me he was finding it difficult to fit in all his category checks and currency tasks as he was already at capacity for filling all of his missions. Dan started to become frustrated with working long days to complete everything.*

25 How did that frustration manifest? Was it things you were observing in him or was it things he was saying to you or was it a combination?

30 MRS LYON: It was probably a combination. I think he was starting to feel the fatigue of our family. So there was a lot of pressure then on me to just fill that space because his job did come first, and I reiterated with him that it was most important that he was safe and successful at work. And I would – I would fill in the space of that. But he didn't want that, he wanted to be there for the school pickups. He wanted to be a part of our lives and that was becoming quite hard for him to be there for everything.

35 COL STREIT: Paragraph 76 you say that Dan missed Noah's parent-teacher interview on 4 April 2023. Was that unusual for Dan?

40 MRS LYON: Yes, it was.

COL STREIT: You say he dialled into the meeting instead, but you later learnt from him that he had you on mute while he was having another work meeting simultaneously.

45 MRS LYON: Yes.

COL STREIT: What did he say to you about that that you can remember?

5 MRS LYON: He was apologetic, but the priority was the work conversation or the work brief that he had. He also knew I'm a very forgiving person. I don't hold a grudge. So he knew that I would be okay with it. He knew that I was there for Noah and I had it under control. But I did feel like, you know, you want to be a part of your children's life and be there for them and be a part of those conversations.

10 15 Noah was in the process of being diagnosed with ADHD. So we wanted to support him and that meeting was about that and what impact that was having on Noah at the time. But Dan, he didn't show and when I rang him, he was able to put me on speaker and be a part of that conversation, but he wasn't actually. We were just on mute.

COL STREIT: Paragraph 77, you say:

20 *Dan never wanted to let anyone down and he tried to do everything for everyone all at once. He cared so deeply for everyone, but it was starting to become a very difficult balance.*

MRS LYON: Yes.

25 COL STREIT: So when you're saying that, if you can pinpoint that within a year or a month of a year. When did you say that that was becoming self-evident to you?

30 MRS LYON: It was sort of before – it was before the accident it was starting to really peak. That was when it was starting to get very difficult. Dan was everyone's best friend. Everyone who met him felt like they were the most important person to him, and he was incredibly kind and he did, he genuinely cared and was there for each and every person. So it was starting to be hard to be that for everyone whilst maintaining the workload.

35 MS McMURDO: So you said it started in 2023. How long before the accident were you conscious of it being a real problem?

40 45 MRS LYON: Yes, probably for the – it was, yes, probably a real problem about two months before the accident. You know, we were starting to see some sort of cracks, I guess, showing with possibly more in the people around him being upset or distressed in him trying to be there for them to support them through it. And it just seemed really unsettling to me that this many people could be fatigued or this many people felt like they weren't

valued. Dan was at a bit of a loss on how to start helping these people because there was no changes coming. The pace was only going to get faster.

5 MS McMURDO: Thank you.

AVM HARLAND: You talked about Dan being very concerned for other people. Was there a time in that 2023 time frame where he told you that he'd spoken to his seniors about where he was and the fact that he was really 10 struggling to keep up?

MRS LYON: I'm not sure if there was a time where he ever said directly that he was struggling to keep up. I think he was on top of the work. But I think that socially and our family were starting to feel the effects of that.

15 AVM HARLAND: Yes.

MRS LYON: He was quite vocal about trying to make changes at work about working less hours or reducing that admin burden for people which 20 D14 and 15 were working with him on that and were witnesses, I guess, to what they were all trying to do. But I'm not exactly sure what that looked like.

AVM HARLAND: Okay, thank you.

25 MRS LYON: Not a problem.

COL STREIT: Ms McMurdo, I was going to move to another area if that's a convenient time.

30 MS McMURDO: I think this is the perfect time to adjourn. I think it's been a very long and (indistinct) day for everybody in the hearing room, but especially those who've given evidence. Thank you very much. Will you be right for 10 o'clock tomorrow morning?

35 MRS LYON: 10 o'clock, not a problem. Thank you.

MS McMURDO: All right, we'll adjourn until 10 o'clock tomorrow morning. Thanks, Mrs Lyon.

40 MRS LYON: Thank you.

<WITNESS WITHDREW

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**PUBLIC INQUIRY ADJOURNED UNTIL
WEDNESDAY, 1 MAY 2024 AT 1000**