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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**

COL J STREIT, with FLTLT A ROSE, Counsel Assisting

**LCDR M GRACIE, representing CAPT D Lyon
SQNLDR J GILES, representing LT M Nugent
LCDR M TYSON, representing CPL A Naggs
SQNLDR C THOMPSON, representing WO2 J P Laycock
COL N GABBEDY, representing MAJGEN Jobson
SQNLDR M NICOLSON, representing D10
MR C PRATT, with MS M ROLOGAS, representing
Senior Sergeant R Callaghan, Detective Inspector E Novosel,
Acting Inspector A Dyer and Senior Sergeant C Troeger
MS K MUSGROVE representing the Commonwealth**

1000, MONDAY, 17 JUNE 2024

DAY SEVEN

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	20/06/24	(Transcription)

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MS McMURDO: I respectfully acknowledge the traditional owners, the Jagera and Turrbul people, who, for tens of thousands of years before European settlement, prospered here on these lands beside Maiwar, this part of the Brisbane River. They held meetings here to find answers to problems and to work out ways to do things better in their communities, as we are doing today. It's a unique privilege for all Australians to draw on that ancient wisdom and tradition as we in this IGADF Inquiry are proud to do in this hearing block.

10 There have been some applications for leave to appear since we last adjourned. Mr Pratt is, I think, appearing for – Mr Pratt and Ms Rologas of Gilshenan & Luton Legal Practice have been granted leave to appear for all QPS, Queensland Police Service, witnesses during this hearing block.

15 Mr Berger KC and Ms Musgrove and Mr Dighton, instructed by the Australian Government Solicitor, have been given leave to appear throughout all our hearings on behalf of the Commonwealth, representing the Army, the Air Safety Investigation Authority and the Defence Flight Safety Bureau. And I'll add, if the Commonwealth wishes to have leave to appear for other Commonwealth entities or individuals during this Inquiry, it may apply for further leave, either in writing or orally.

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25 Now, I understand there is a Commonwealth application for an adjournment. Yes.

MS MUSGROVE: May it please, my name is Musgrove and I appear for the Commonwealth. The application is for the deferral of some witnesses that would be impacted by the DFSB final report. So the Commonwealth is seeking to make an application that only some witnesses be deferred. My instructions are to request that that deferral application be adjourned until tomorrow morning so that Mr Berger KC can be available to address the Inquiry.

35 I'm in the Inquiry's hands as to whether or not that is suitable. I can indicate that none of the witnesses this morning would be impacted by that application by the Commonwealth, and I can indicate that should the application be granted this hearing block, it would only be two witnesses, D15 and D20, that the Commonwealth would seek to have their evidence adjourned.

40 MS McMURDO: Ms Musgrove, certainly the application is much broader than two witnesses. The application the Commonwealth has brought would relate to a very large number of witnesses that the Inquiry is planning to call. You say it only affects two witnesses, but if you in fact took the application as it has been made to the Inquiry, it would certainly affect more

witnesses than that in the current hearing block, including an expert witness, Dr Adrian Smith who's speaking about fatigue and he's a medical expert in Aviation Medicine and is dealing with a number of issues including fatigue. So I would have thought it would certainly affect his evidence as well.

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But apart from that too, I think the application is much broader than simply two witnesses in this hearing block. As I understand the application, it would affect many more witnesses in – you may limit it to two witnesses in this hearing block, but it would affect many more witnesses beyond this hearing block in our investigation and in future hearings.

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MS MUSGROVE: That's correct, Ms McMurdo. It is only – as I said, it's two witnesses in this hearing block. My instructions do not extend to the expert in relation to this hearing block at this point in time. I'm in the Inquiry's hands as to whether or not you'd like to hear that application this morning or whether you are content for King's Counsel to address you tomorrow.

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Unfortunately, King's Counsel is unavailable today and he would otherwise be here to address you today.

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MS McMURDO: Yes, all right. Well, of course, you notified – that is, your solicitors notified the Inquiry I think on Thursday that you wanted it adjourned until Tuesday and that Mr Berger KC was not available on Monday and you were told that you'd have to formally apply for an adjournment and that you should be ready to proceed if in the event that that adjournment was not granted.

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If you wanted to have a silk in the application, which is not unduly complicated, you could have obtained another silk to appear in the matter, could you not?

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MS MUSGROVE: Certainly. I'm ready to proceed if you're not minded to grant the application for it to be heard tomorrow.

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MS McMURDO: Yes. And I think you've had served on you the responses of the families of the deceased to the substantive application?

MS MUSGROVE: That's correct, yes, thank you.

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MS McMURDO: You know that they are very distressed about delay and they're keen for things to proceed?

MS MUSGROVE: I certainly acknowledge their distress in relation to the delay, and it's certainly understandable. I'd like to indicate to the Inquiry,

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and to all present, that it's not the Commonwealth's position to come in here and cause any disruption to this Inquiry. It's also the Commonwealth's position that we absolutely respect the independence and the integrity of this Inquiry and we are seeking to assist the Inquiry to bring about the best findings that are available to this Inquiry.

5 MS McMURDO: If we could just stick with the adjournment application for the moment.

10 MS MUSGROVE: Certainly.

MS McMURDO: We'll get on to the other one if the adjournment application is not granted.

15 MS MUSGROVE: The Commonwealth is highly cognisant that any delay could have a negative impact upon the families and other serving members and friends of those who passed away in the tragedy. In terms of the adjournment, in my submission, adjourning till tomorrow will not have any great impact upon the families, with respect, or how this matter can proceed today, because it's not our intention that any of the witnesses scheduled for today would be impacted, and so we wouldn't lose today.

MS McMURDO: No, but it's another day of uncertainty for them.

25 MS MUSGROVE: I hear what you say.

MS McMURDO: Thank you. I'm sure you can hear what I say. Is there anything else you wanted to say at this point?

30 MS MUSGROVE: Not in relation to the adjournment till tomorrow, thank you.

MS McMURDO: Thank you, Ms Musgrove. COL Streit?

35 COL STREIT: Thank you, Ms McMurdo. The application for an adjournment is opposed. The matter is not complex. The Commonwealth, through their solicitors, filed submissions and an application essentially seeking deferral of what would amount to, in my submission, a substantial proportion of the matters that the Inquiry is investigating.

40 The Commonwealth furnished its submissions on the Inquiry on Friday, 7 June. Monday was a public holiday. On Tuesday, 11 June the Commonwealth were informed of two things. First, your ruling on the papers in relation to their application for leave to appear in the terms that you have just indicated. And second, they were informed that their

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application to defer a substantial portion of the Inquiry's investigations pending delivery of the Air Safety Investigation Report – which is not anticipated, even on an estimate, until December of this year – they were informed that their application was listed to be heard at 10 am today.

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It's unfortunate Senior Counsel is not available. That must have been known to the Commonwealth last week. On Thursday of last week the Inquiry Counsel Assisting was informed that the Commonwealth would be seeking to apply to adjourn its application to Tuesday.

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Steps had already been undertaken by Counsel Assisting to quickly furnish the Commonwealth's application – which, in my submission, was late, given to us on 7 June – furnish that application and associated documents to interested parties, including counsel representing the interests of the deceased, counsel representing affected persons, and members of the deceased's families, so everyone who has an interest in the matter had an opportunity to consider the Commonwealth's position as well as Counsel Assisting's written submissions, which were put together in quick time.

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For all of those reasons, the matter has reached a precipice, which is today, and I understand my learned friend, Ms Musgrove, is ready to proceed if you were to decline their application to adjourn. As I said earlier, at the start, it's not a complex matter. The Commonwealth's submissions have been reduced to writing. My submissions have been reduced to writing. We understand what three of the four families of the deceased think because they've already made written submissions. No doubt other counsel at the Bar table may have things to say as well.

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So for all those reasons, my submission and for certainty of everyone in the room, the matter should proceed.

MS McMURDO: Thank you. Are there any other – do any other counsel wish to be heard on this adjournment application? Yes, LCDR Gracie.

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LCDR GRACIE: Thank you, ma'am. I support the Commonwealth's application for an adjournment. It's not going to impact on the calling of witnesses today. I appreciate that there is a level of uncertainty between today and tomorrow, but in the context of the application itself, I think it's exceptionally important that it be heard in the way that the Commonwealth wishes, by King's Counsel.

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It's not, in my respectful submission, a simple application. It's an application that goes to the very heart of the Inquiry. It's an application that seeks to defer matters dealing with technical and subject-matter experts. As far as I'm aware, Counsel Assisting did not have an independent

airworthiness expert, so it's wholly reliant upon the cause of the accident, so far at least to the findings in the DFSB report.

5 I envisage that if witnesses are called now that touch upon matters in that DFSB report, they will have to be recalled once the outcome is known. There is not just D15 and D20 this week, there's also AIRCDRE Medved as the Director of Aviation Safety. He goes to issues of certifications.

10 I don't know what certifications are relevant to the cause of the accident and I have no way of asking any questions relevant to the cause of the accident and those certifications until we know the cause of it. At the heart of this Inquiry, the families' and my client's interests are dependent upon the findings of the DFSB. And until that is known, the ability to cross-examine witnesses about matters of relevance to that cause is almost
15 impossible.

So I would support the application to adjourn, ma'am. And in due course I would support the application to defer the hearing of those witnesses that go to the cause of the accident.

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MS McMURDO: But what more can you say tomorrow that you couldn't say today?

LCDR GRACIE: Well, I can, but I would like to hear from King's Counsel. I think it's a - - -

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MS McMURDO: Well, they've put in their written submissions, settled by three counsel. The more senior junior counsel is here today and able to proceed. She's obviously very capable. What more is going to be done tomorrow than would be done today?

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LCDR GRACIE: Well, the Commonwealth seeks to have King's Counsel, that's their decision, I'm just supporting it. If that's - - -

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MS McMURDO: I'm just asking you that. I mean, this is - - -

LCDR GRACIE: Well, if the Commonwealth saw fit to have King's Counsel briefed on this, in my respectful submission, the delay between now and tomorrow will not impact on the running of the Inquiry. The families' level of uncertainty in the context of fairness to those witnesses that the Commonwealth is making this application on behalf of is a very important matter, and also it may obviate the need for recalling witnesses.

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In my respectful submission, it does no prejudice to the Inquiry or to the families in a proportionate sense to adjourn the application until tomorrow. Those are my submissions, ma'am.

5 MS McMURDO: Thank you. Yes. So would you just remind me?

COL GABBEDY: Morning, ma'am. Nigel Gabbedy, counsel for MAJGEN Jobson.

10 MS McMURDO: Yes, thank you.

COL GABBEDY: Ma'am, I support the comments of my colleagues. I'm not going to rehash them. I want to deal with two points only in supporting the application of the Commonwealth, and they're points that you raised in response to LCDR Gracie. One of the questions you asked him is what will be achieved by delaying a day to enable King's Counsel to appear.

20 One of the areas of potential confusion that was raised in your interchange with Ms Musgrove this morning was the scope of counsel's application. You indicated, quite properly, that the application made by the Commonwealth appeared to be quite wide. Ms Musgrove indicated to you in reply that it may not be as wide as is perceived by this Board.

25 One day may assist in narrowing the scope of the Commonwealth's application to better enable you to determine whether or not it's an application that you could support. And it may well be that by interchange between Counsel Assisting and the Commonwealth as to the potential witness list, those particular witnesses that might be affected by this application could be identified so that a proper decision could be made in relation to the Commonwealth's application.

35 The second point's been covered already, but I will cover it again for certainty, and that is we're talking about a one-day delay to have King's Counsel address you in relation to the application, which I expect extends beyond the written submissions. The written submissions encapsulate it, but there are other issues that have already been identified by you that need greater examination.

40 So I will support the application for an adjournment of a day and when the application is heard, I will be supporting the application for an adjournment of certain parts of the evidence. If it please you.

MS McMURDO: Thank you. Anybody else, any other counsel representing individuals wish to be heard on the application? Thank you.

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Yes, Ms Musgrove.

MS MUSGROVE: Thank you. Would you like me to make the substantive application?

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MS McMURDO: No. No, I just wondered whether you had any submissions in reply.

MS MUSGROVE: Thank you. On the issue of why the Inquiry would be assisted by King's Counsel, I note my friend's submissions in relation to the scope of the areas that are articulated in our submissions and also in the statement of GPCAPT Smith, and it may be that with some discussions with Counsel Assisting, that that could be further clarified. And I'm not necessarily indicating narrowed, but there could be some further discussions that would assist the Inquiry and Counsel Assisting and the Commonwealth to find a path that may be of assistance to all concerned.

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Obviously a day, now that we're here and we're able to have face-to-face discussions with Counsel Assisting, that would perhaps facilitate the narrowing of the scope and further clarity. I understand that the families want this matter to proceed as quickly as possible and to get the outcome that they want, to know the facts and to know the details.

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In my submission, there is no great prejudice to taking a day to consider, to discuss and for King's Counsel to address you so that you've got the most articulate and the best submissions that can assist this Inquiry in quite a difficult decision, in my submission.

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MS McMURDO: I expect you're underselling yourself, Ms Musgrove.

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MS MUSGROVE: It's my job as junior counsel.

MS McMURDO: Counsel Assisting, COL Streit, I suppose I wasn't expecting the Commonwealth's application to be supported by three of the counsel representing. Is there some prospect that the whole issue could be clarified, perhaps limited in scope? And one of the things that frightens me about the submissions that have been made by LCDR Gracie is that I think one of the beauties of an Inquiry like this is that hearing evidence from witnesses such as we're going to be hearing from during this hearing in public leads to further material, further evidence, coming forward.

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And that evidence wouldn't be coming forward if we delayed those witnesses until after receipt of the DFSB report. I think that's a very big issue here. So I was surprised that the application for the adjournment is supported. But it has been, and I'm listening to those views. And so I really

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5 wanted to canvas the views of Counsel Assisting, given the opposition to the adjournment from a number of counsel representing the interests of the deceased, and the suggestion that if it is put off until tomorrow, the width of the Commonwealth's application could be narrowed or clarified in some way.

LCDR GRACIE: Yes.

10 MS McMURDO: What I'm asking you is, is your submission that there is some merit in that suggestion or not?

15 COL STREIT: There's certainly merit in not wasting the Inquiry's time. If the Commonwealth's submission has moved from what it's articulated in writing, particularly at paragraph 14 of its submissions, where it lists categories A through to K of the areas that it would seek an order – or a declaration, rather, ruling that the Inquiry would not further examine, for example, crew or individual actions, helmet-mounted sighting display, night-vision illumination system, human factors, aviation fatigue management, flying supervision, flying authorisation, aviation risk management, aircrew training and standardisation, aircraft design certification, engineering and maintenance, and crash survivability.

20 Quite a sizeable shopping list of areas that, on the present application, the Commonwealth is seeking a declaration or ruling that the Inquiry cease its examination of those matters pending delivery of the Flight Safety report at some point in the future. Then it perhaps would be of assistance for the Commonwealth to assist Counsel Assisting in understanding if its application has changed. And if so, in what terms.

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30 Second, I should indicate that LCDR Gracie represents the interests of CAPT Lyon. He is the only counsel representing the deceased's interests. COL Nigel Gabbedy represents the interest of MAJGEN Jobson, the Commander of Aviation Command. So I just wanted to clarify those two matters.

35 MS McMURDO: Yes.

40 COL STREIT: Because, importantly, three other families of deceased aircrew – LT Nugent, WO2 Laycock and CPL Naggs families – have made submissions that the application be rejected and the Inquiry proceed. So that needs to be balanced. But having regard to what my learned friend, Ms Musgrove, has indicated to you is that if the Commonwealth's application has narrowed in some way – and I was surprised to hear the Commonwealth say that it's really only two witnesses in these hearings that
45 it has a concern about calling evidence, because there are several other ADF

witnesses giving evidence, including an expert touching on the issue of fatigue. And I note that 14(e), aviation fatigue management, is in the area the Commonwealth, at the moment, is seeking that this Inquiry not further examine potentially for six months or longer, pending delivery of the safety report.

But, look, having said all of that, if the application has shifted, rather than take up the Inquiry's time further, it may be better to afford the Commonwealth an opportunity to explain to Counsel Assisting what's changed and then it can be properly raised before the Inquiry tomorrow. That's the concern I have. Because it seems their written submissions are departing now – or the oral submissions may well depart now from what the written submissions say.

MS McMURDO: Yes.

COL STREIT: And it's unclear from me what then I would have to respond to. Because my written submissions are based on what their written application and submissions addressed.

MS McMURDO: Exactly. It's very unsatisfactory actually. Very unsatisfactory. All right. Well, this matter has some history. The Commonwealth seeks the following declaration or ruling from this Inquiry:

Until further Direction of the Inquiry, the hearings held by the Inquiry prior to the receipt by it of the DFSB report into the MRH-90 Taipan crash will not seek to obtain or adduce evidence relating to any or all of the following: crew or individual actions, helmet-mounted sighting display, night vision illumination systems, human factors, aviation fatigue management, flying supervision, flight authorisation, aviation risk management, aircrew training and standardisation, aircraft design certification, engineering and maintenance, and crash survivability.

The matter was first raised in the Chief of Army, LTGEN Simon Stuart AO DSC's letter to the Inspector-General of the ADF Force dated 17 April 2024 and received by the IGADF on 23 April 2024. And that was a very wide-ranging request that the IGADF Inquiry significantly limit its investigation prior to the delivery of the DFSB final report, which was originally understood to be received at the end of July this year but which we have now been told will not be received until the end of December this year.

The IGADF responded inviting the Chief of Army to raise the matter at an Inquiry hearing in a formal manner, together with any submissions and

material, supporting evidence, it wished to have as soon as feasible. That was back in April. We have had another hearing session since then and nothing further happened. But we then were informed by the Commonwealth that they would be making this application to ask for the declaration or ruling that I have read out.

Then on Thursday last week, we were told that they would be requesting an adjournment of the application from Monday, today, because of the lack of availability of Senior Counsel, but that the application could proceed on Tuesday. They also indicated that they would not be objecting to any of the witnesses that the Inquiry had listed to give evidence on Monday, 17 June.

So written material was received by the Commonwealth on Friday, 7 June, with submissions relying on a statement from GPCAPT David Smith, the Director of the DFSB currently. The Inquiry told the Commonwealth that if they wished to apply for an adjournment, they would need to do so on Monday with any supporting material but that they should be in a position to proceed with their application. And, indeed, today, Ms Musgrove, whose name appears on the written submissions, indicated that she was asking for an adjournment on behalf of the Commonwealth, but that she was in a position to proceed if the application went forward.

Counsel Assisting initially resisted the adjournment. Two counsel representing the interested parties in this Inquiry supported the Commonwealth application for an adjournment: LCDR Gracie, on behalf of the interest of the deceased, CAPT Danniell Lyon, and COL Nigel Gabbedy, appearing on behalf of MAJGEN Stephen Jobson. They supported the application for an adjournment so that King's Counsel could appear and put the Commonwealth's best case forward, emphasising that this application goes to the heart of the work of the Inquiry. And at the heart of that work, the DFSB report is very significant and essential, and that if the Inquiry would proceed, a number of witnesses would have to be recalled.

COL Gabbedy also supported the Commonwealth's application, adding that if the application was adjourned until tomorrow, the Commonwealth might be in a position to clarify or limit the extent of its application. And Ms Musgrove, in reply, also indicated that there was a prospect that if the matter was adjourned until tomorrow, the application might be clarified and that there may be matters that Senior Counsel could add that may strengthen the position of the Commonwealth, in essence.

Given what, I have to say from my perspective, was unexpected attitudes from some of the counsel representing – particularly, CMDR Gracie – given that the other family members have provided submissions on the

substantive application that indicate that they are very keen to proceed and avoid any further delay, I invited Counsel Assisting to provide further input as to whether there was any prospect of the Commonwealth application being clarified and limited in respects of it, particularly as to its width. And he indicated that, having heard what was said before the Inquiry, that that remained a possibility if it was put off until tomorrow.

Look, it is very unsatisfactory. If the Commonwealth wanted a KC, they have had plenty of time to brief a different KC. Obviously, a very capable junior counsel is here today on behalf of the Commonwealth and is in a position to argue the matter. I have grave doubts whether anything will be achieved by adjourning the application until tomorrow but, given the importance of the application, I am finally persuaded that I should adjourn it until tomorrow morning at 10 o'clock.

So we will adjourn it until 10 o'clock, and we will proceed with our first witness for the day. Thank you.

COL STREIT: Ms McMurdo, can I indicate by way of just very brief opening remarks - - -

MS McMURDO: Yes. I've got some other things I need to say too – that I was distracted – before I let you start.

COL STREIT: Thank you.

MS McMURDO: COL Streit, just bear with me for a moment while I – there are some preliminary matters I need to discuss. There has been a non-publication Direction made in relation to witnesses who will be giving evidence during this block of the public hearing. And that will be in force when they give their evidence publicly.

At that time, the video feed for the live stream of the hearing will not show their image and only the audio of their evidence will be live streamed, and no images of those people are to be published in connection with this Inquiry.

There's also a non-publication Direction from the previous hearing which remains in force as to those people. And so those people cannot be referred to by anything other than their previously assigned pseudonym during the public hearing. I remind you, and everyone watching the live stream, that it is an offence to publish the name of a person assigned a pseudonym; that is, to publish the real name of the person assigned the pseudonym.

5 During this block, apparently without objection from the Commonwealth, Dr Adrian Smith, an expert aviation medical witness, will be giving evidence later in the hearing. As an expert witness, I consider it desirable that he sit in on the evidence of some relevant witnesses and I will give him permission to do so unless there are any submissions to the contrary.

10 Does anyone want to make any submissions to the contrary? No, thank you. So I would now invite Counsel Assisting to make some opening remarks about the purpose of this hearing phase and witnesses being called that he knows are being called at the moment.

COL STREIT: Thank you.

15 MS McMURDO: There are some that, apparently, have a question mark over them until we determine this application which will be heard tomorrow.

COL STREIT: Thank you.

20 MS McMURDO: Thank you, COL Streit.

25 COL STREIT: Thank you, Ms McMurdo. I make these opening remarks, subject to of course what might be the outcome of the Commonwealth's application to be heard tomorrow. The witnesses scheduled for this week are as follows. First will be CHAP Bruce Hammonds. He's the chaplain in 6 Aviation Regiment at the relevant time. He'll be giving evidence about his involvement in the notification process, and engagement with families. Then we have Senior Sergeant Adam Dyer, who is a Queensland Police Serving Officer, who was involved in the recovery operation. Then we have
30 Senior Constable Christian Troeger, also a QPS Officer involved in the recovery operation.

35 Tomorrow, the proposed witnesses are MAJ Michael Gallatly, who is a former MRH-90 pilot, and in 2020/2021 was the 6 Aviation Regiment Operations Officer. He'll be giving evidence about his experiences, being the Operations Officer and an MRH-90 pilot in that period I mentioned. Next is Senior Sergeant Richard Callaghan, or Richie Callaghan, who is a Queensland Police Serving Officer. He is involved in the Disaster Victims Identification Squad, and he was involved in the recovery operation, and
40 will give evidence about the recovery of human remains. He will be followed by Detective Inspector Emma Novosel, who is the most senior Queensland Police Serving Officer being called to date by the Inquiry. She will give evidence about her involvement essentially heading up, from a Queensland Police Service perspective, their involvement in the recovery
45 operation.

5 On Wednesday, which is 19 June, we have scheduled D20. D20 is a former MRH-90 pilot and Troop Commander in 6 Aviation Regiment 2022/2023. D20 will give evidence about her experiences as an MRH-90 pilot and Troop Commander, and also her experiences when deployed in Exercise TALISMAN SABRE to Proserpine, and also her engagement with families, in particular Ms Caitland Lyon, following the incident on 28 July 2023. Her evidence will be followed by GPCAPT Jason Pont. He was the Commander of the Joint Task Force 1116, which was the Task Force established by Joint Operations Command to engage in the rescue and recovery operation following the crash. He will be followed by CMDR Ryan Post. CMDR Post, at the relevant time, was the Commander of Navy Clearance Divers, and was involved in the recovery operation, directing Navy Clearance Divers in the search.

15 Following, on Thursday, it is proposed that CAPT Campbell Rogan is called. He is presently the Adjutant of the 5th Aviation Regiment in Townsville. He is a CH-47 Chinook pilot, and it is anticipated he will give evidence about being on course with CAPT Lyon, and his observations of certain things CAPT Lyon said to the chain of command, in particular in relation to fatigue and workload as an MRH-90 pilot, and performing other administrative functions. That will be followed by D15, who is a former MRH-90 pilot and Squadron Operations Officer at 6 Aviation Regiment in 2022/2023. He will also give evidence about his involvement and the things he did during deployment on Exercise TALISMAN SABRE, and his involvement at the time he was notified of the incident concerning Bushman 83. D15's evidence will be followed, it is intended, by Dr Adrian Smith, who is a human machine expert from the Royal Australian Air Force Institute of Aviation Medicine. It is intended that he will give evidence in relation to an expert report that has been obtained by him which focuses, to some extent, in relation to fatigue, and situational awareness, and things that can affect a pilot's situational awareness, and the impact of fatigue on those matters.

35 On Friday, there is one witness listed. AIRCDRE Joseph Medved. He is presently the Director-General of the Defence Aviation Safety Authority. It is anticipated he will give evidence in relation to the role of the Defence Aviation Safety Authority in the framework of aviation airworthiness, and also in relation to matters concerning MRH-90 and the operation of Airworthiness Boards in that particular space.

40 That is the proposed witness list, subject to what might be the outcome of the Commonwealth's application tomorrow, and with your permission, Ms McMurdo, I call CHAP Hammonds.

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MS McMURDO: Thank you, COL Streit.

<CHAP BRUCE LESLIE HAMMONDS, Sworn

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<EXAMINATION-IN-CHIEF BY COL STREIT

10 COL STREIT: CHAP Hammonds, could you please state your full name?

CHAP HAMMONDS: Do I stand?

COL STREIT: Please, be seated. Thank you.

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CHAP HAMMONDS: Bruce Leslie Hammonds.

COL STREIT: Can I just ask you to bring the microphone a little bit closer to you?

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CHAP HAMMONDS: Sorry.

COL STREIT: Thank you very much. Now, you have somebody seated with you at the moment. Who is that person?

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CHAP HAMMONDS: CHAP Michael Folland.

COL STREIT: CHAP Folland, you're present there as a support person?

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CHAP FOLLAND: Correct.

COL STREIT: All right, thank you. Can I just ask that although as a support person you can be present, you're not able to otherwise participate in the Inquiry's proceedings.

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CHAP FOLLAND: I understand.

COL STREIT: Thank you.

40 CHAP Hammonds, did you receive a section 23 Notice requiring your appearance to appear today?

CHAP HAMMONDS: I did.

COL STREIT: With that Notice, did you receive an extract of the Inquiry's Directions?

5 CHAP HAMMONDS: I did.

COL STREIT: Did you receive a copy of a Frequently Asked Questions Guide for Witnesses in IGADF Inquiries?

10 CHAP HAMMONDS: I did.

COL STREIT: Did you receive a copy of a Privacy Notice for Witnesses to Give Evidence in Inquiries?

15 CHAP HAMMONDS: I did.

COL STREIT: Now, in relation to the section 23 Notice that you received, that contained a list of questions and issues for you to address in the preparation of a statement. Is that correct?

20 CHAP HAMMONDS: That's correct.

COL STREIT: I'll show you a document.

25 CHAP HAMMONDS: Thank you.

COL STREIT: Just take a moment to look through that document, then I'll ask you some brief questions. Is that a copy of your statement made to this Inquiry?

30 CHAP HAMMONDS: It is.

COL STREIT: And on the back page does it bear your signature?

35 CHAP HAMMONDS: It does.

COL STREIT: Does it comprise 90 paragraphs?

CHAP HAMMONDS: It does.

40 COL STREIT: Twelve pages?

CHAP HAMMONDS: Correct.

45 COL STREIT: And did you sign – is it dated 27 May 2024?

CHAP HAMMONDS: It is.

COL STREIT: Is that the date you signed your statement?

5 CHAP HAMMONDS: It is.

COL STREIT: Are there any amendments you wish to make to your statement?

10 CHAP HAMMONDS: No, sir.

COL STREIT: Thank you. I tender CHAP Hammonds' statement dated 27 May 2024.

15 MS McMURDO: I think we're up to exhibit 20 now; is that correct? Exhibit 20.

20 **#EXHIBIT 20 - STATEMENT OF CHAP HAMMONDS DATED 27/05/24**

COL STREIT: Thank you.

25 CHAP Hammonds, what I propose to do is, you can keep your statement in front of you and I'll take you through parts of your statement chronologically. So if I ask a question and you don't understand that question, please let me know. Or if you haven't heard what I've asked, please let me know. So can I just begin with your background and
30 qualifications. You have a Bachelor of Arts from the University of New England in 1989; is that correct?

CHAP HAMMONDS: That's correct.

35 COL STREIT: You studied nursing at Lidcombe Hospital, but you didn't complete those studies at that time; is that correct?

CHAP HAMMONDS: That's correct.

40 COL STREIT: You then obtained a Bachelor – sorry, in relation to your Bachelor of Arts, you majored in Psychology; is that right?

CHAP HAMMONDS: Correct. That's correct.

COL STREIT: And you have a Licensure of Theology through the Australian College of Theology, what is now known as the Presbyterian Church. Is that right?

5 CHAP HAMMONDS: Presbyterian Church does its studies under the umbrella of the Australian College of Theology.

COL STREIT: That was acquired in – that is, that Licensure was acquired in 1992; is that right?

10 CHAP HAMMONDS: Correct.

COL STREIT: Now, at paragraph 4 of your statement you say that your denomination is that of the Presbyterian Church of Australia since 1986; correct?

15 CHAP HAMMONDS: Correct.

COL STREIT: That denomination remains current as of today?

20 CHAP HAMMONDS: It does.

COL STREIT: You also say you've not undertaken any other religious training or work prior to joining the Army, and that's at paragraph 4 of your statement. When did you join the Army?

25 CHAP HAMMONDS: 20 December 2010.

COL STREIT: And that was as a Reservist?

30 CHAP HAMMONDS: Correct.

COL STREIT: Was that in your capacity as a Chaplain?

35 CHAP HAMMONDS: I joined to become a Chaplain.

COL STREIT: I see. So did you then have to undergo training in the Army to qualify as a Chaplain?

40 CHAP HAMMONDS: I did. We had a Special Service Officers' Course, and then the Chaplains' – Support Chaplain's Course.

COL STREIT: Do you remember how long the course was for?

45 CHAP HAMMONDS: Thirty-two days for the Special Service Officers'

Course, and 19 days at the Initial Chaplains' Course.

5 COL STREIT: At paragraph 7 of your statement you list the postings you've had in the Service – that is, the Army – since 2010. All of those postings, I take it, were in your capacity as a Reserve Chaplain, a Reserve Officer?

CHAP HAMMONDS: That is correct.

10 COL STREIT: Have you ever served as a full-time Army Officer?

CHAP HAMMONDS: No, only CFTS during BUSHFIRE ASSIST and COVID.

15 COL STREIT: I see. CFTS is continuous full-time service?

CHAP HAMMONDS: That is correct, sir.

20 COL STREIT: So in paragraph 7 you identify initially you were posted to the 21st Construction Regiment, which became the 5th Engineer Regiment, 2010 to 2016.

CHAP HAMMONDS: Correct.

25 COL STREIT: You then said you were invited to work two days per week at the Trainee Rehabilitation Wing from July 2013 until December 2022. What was the Trainee Rehabilitation Wing?

30 CHAP HAMMONDS: When our young soldiers, full-time soldiers, receive injuries at Kapooka during their basic training, or in their initial employment training at their training schools, principally the School of Infantry at Singleton, when they receive musculoskeletal injuries, they come to the Trainee Rehabilitation Wing for surgery and rehabilitation so that they can either return to their training or transfer to a non-combat corps
35 which is going to be less demanding on them physically, or if the injury is serious enough, they need to transition out of the Army.

40 COL STREIT: You then posted to the Sydney University Regiment from 2017 to 2022; is that correct?

CHAP HAMMONDS: That is correct.

45 COL STREIT: Then following that, 6 Aviation Regiment from January 2023 to present time?

CHAP HAMMONDS: Correct.

COL STREIT: When you commenced at 6 Aviation Regiment in January 2023, how many Reserve days were you performing a week?

5

CHAP HAMMONDS: For the last few years I've been allotted 200 days, but generally I work between 150 and 200 days a year.

COL STREIT: I think subsequently in your statement you identify you are working about three days a week - - -

10

CHAP HAMMONDS: Correct.

COL STREIT: - - - in Reserve Service. And in terms of those days, are they fixed in place or it's just any three days in any seven-day period?

15

CHAP HAMMONDS: By agreement, I work Wednesdays, Thursdays, and Fridays.

COL STREIT: Now, are you the only Chaplain at 6 Aviation Regiment?

20

CHAP HAMMONDS: I am.

COL STREIT: And when you're not there, and if somebody wanted chaplaincy services, what do they do?

25

CHAP HAMMONDS: I make myself available. I'm the Presbyterian Minister in Liverpool, and so if there is need, I'm ready, willing and able to go and service those needs as appropriate.

30

COL STREIT: But your expectation is they would contact you.

CHAP HAMMONDS: Correct.

COL STREIT: Now, at paragraph 9 you deal with your role and function as the Chaplain in Aviation Command, and in operational units. You say:

35

40 *My role and function as a Chaplain in Aviation Command and in the operational units such as Richmond were foundational. The functional role of Defence Chaplaincy is to bring support to all, hopes to those in distress, comfort to the sick, and to honour the dead.*

45 So are you just able to explain, in terms of a working week, what that might look like for you?

5 CHAP HAMMONDS: Generally it means going around and visiting the men and women within the unit. I support the Command Team as well. Where there are relational and other difficulties, I often deal with those. We do have Bible study once a week, so there's a religious part of that as well. But it's just basically building rapport with relationships with bringing counselling and support to the men and women that serve within 6 Aviation Regiment.

10 COL STREIT: If you turn the page of your statement to page 2, you identify at paragraph 12 the roles and responsibilities that you hold, and they go from (a) through to (kk); is that correct?

15 CHAP HAMMONDS: That is correct.

COL STREIT: In relation to those roles at 12(h), you have the role to offer personal support and pastoral care; is that right?

20 CHAP HAMMONDS: That is correct.

COL STREIT: And 12(i), individual and family welfare support; is that correct?

25 CHAP HAMMONDS: That is correct.

COL STREIT: What does "individual and family welfare support" mean? What's your role there?

30 CHAP HAMMONDS: Where individuals and families find themselves in financial difficulty, or relational difficulties, we try to engage the services that are available within the Army to support them, whether it's Defence Member Family Services, or Open Arms, or whatever the needs are. We try to provide support to each individual soldier and their family.

35 COL STREIT: Paragraph 13, you give some evidence about training as provided by Defence to Chaplains about communicating with bereaved persons. What is the training that Defence provides to Chaplains about communicating with bereaved persons?

40 CHAP HAMMONDS: Army basically – depends on the experience of Chaplains, as part of our normal ministry is dealing with death and grief and bereavement. We perform funerals, and dealing with families through the process of performing those funerals. We did the Initial Chaplains' Course, in which case we were introduced to the notification process that

the Army employs. And we are trained to support the Notification Officer whenever we're called on to perform a notification.

5 COL STREIT: So that's training you receive early on, when you were commissioned?

CHAP HAMMONDS: That is correct.

10 COL STREIT: That's correct. And so do I understand your evidence correctly – if I have this wrong tell me – but do I understand your evidence correctly that the actual training Defence provides is simply reliance upon Chaplains' experience in performing other roles?

15 CHAP HAMMONDS: That is correct. The training that we receive in training for ministry across our different denominations prepares us for dealing with people, with grief, the processes of what happens when families face death and other misadventure. Part of that is hospitals and just the full gamut of what ministry involves.

20 COL STREIT: All right. But to be clear – and just – I'm focussing on your evidence, to be clear, Defence – when you say in your evidence at paragraph 13:

25 *Insofar as any training is concerned, that is provided by Defence to Chaplains about communicating with bereaved persons –*

if I understand your evidence correctly, there's actually no training Defence provides to Chaplains. Rather, there's a reliance by Defence on Chaplains' training and experience in their civilian occupation. Is that fair?

30 CHAP HAMMONDS: That is correct. And in that sense, we are the subject-matter experts within our respective unit.

35 COL STREIT: And the training that you have received as a Presbyterian Chaplain is from that church; that is, the Presbyterian Church. Is that right?

CHAP HAMMONDS: That is correct.

40 COL STREIT: And other denominations – that is, Chaplains of other denominations would be relying upon their denomination training in the same way you relied upon Presbyterian training. Is that your understanding?

45 CHAP HAMMONDS: That is correct.

MS McMURDO: Sir, could you just clarify, CHAP Hammonds, what training you did have in terms of your training as a Chaplain in the Presbyterian Church; that is, in respect of bereaved persons?

5 CHAP HAMMONDS: We did our ministry training, but we also work within churches. And part of our training there was to deal with things like weddings and funerals. And prior to having been to college, I was four years at Gyra where I was the – known as a home missionary, which is a non-ordained minister. And I dealt with funerals during that time as well.
10 And so it's something that we do reasonably often.

MS McMURDO: So that's your practical experience, but in terms of actually being trained to do that, that's what we're trying to get at and that's
15 - - -

CHAP HAMMONDS: That was part of what we did at college, that part of the practical side of our training at college.

MS McMURDO: Yes. Can you give a little bit more detail as to what that
20 involved?

CHAP HAMMONDS: Each denomination tends to have their own liturgy, their own form of service for funerals. We were taken through basically what to expect, how to conduct a funeral, relationship with funeral directors, families, those that are involved, and we were supervised in conducting our
25 first funerals.

MS McMURDO: That was back in '92, was that right, that you - - -

30 CHAP HAMMOND: I finished college in '92.

MS McMURDO: Yes. That was, well, prior '92 then?

CHAP HAMMONDS: Mm.
35

MS McMURDO: And was there any ongoing training you did in terms of dealing with bereaved persons?

CHAP HAMMONDS: No.
40

MS McMURDO: Thank you. Yes, thank you, COL Streit.

COL STREIT: Can I just turn to paragraph 14 of your statement where you say:
45

In addition to the skillset Chaplains bring to Defence, Chaplains receive notification training as described below.

You identify (a), (b) and (c)?

5

CHAP HAMMONDS: Yes.

COL STREIT: What I couldn't discern – and it may just be me – but what I was not able to discern from paragraphs 14(a), (b) and (c) was the actual notification training you received. So can I begin by asking have you received notification training; that is, training to assist in the notification to next of kin of the loss of their loved one?

10

CHAP HAMMONDS: Yes, sir. At the Initial Chaplains' Course, we were taken through notification training. We were given scenarios that we role played and we were assessed on that by people of other denominations so that there's an objective standard. And there have been several times that notification training has been offered by Army since that Chaplains are a part of. And so I've been involved in ongoing notification training ever since.

15

20

COL STREIT: So the initial notification training you received was when you undertook your chaplaincy course in 2010; is that right?

25

CHAP HAMMONDS: 2011.

COL STREIT: 2011.

CHAP HAMMONDS: Because I only joined on 20 December 2010.

30

COL STREIT: But since 2011, you haven't undertaken any – the Army hasn't required you – or Defence hasn't required you to undertake any formal notification training?

35

CHAP HAMMONDS: No, but be in support of notification training that the Army offers to Notification Officers.

COL STREIT: And does that include – that in fact is you effectively instructing sometimes on notification training courses; is that right?

40

CHAP HAMMONDS: I assist with instruction. The instruction across is given to Notification Officers and there's – a part of that training, there is the expectation of what the Chaplain will offer during a notification. And so I am part of that, and part of it of course is assisting and supporting the Notification Officer in the process of delivering a notification.

45

COL STREIT: Right. So in terms of the assistance that you provide as a Chaplain in notification training of other officers, what is the assistance? What do you do?

5

CHAP HAMMONDS: The Notification Officer delivers the notification. The Chaplain is there to support the family at that point because often it is expected the Notification Officer then goes out and reports the notification has been done and receives further instruction. The Chaplain stays with the family to support them and assist them with the initial grief, obviously. The shock of what they've just heard and support them with – if they need that with contacting others, significant others, so that they're advised as well.

10

COL STREIT: I know later in your statement you give some evidence about attending Mrs Lyon's home as part of the notification process.

15

CHAP HAMMONDS: Mm.

COL STREIT: Prior to that though, how many notifications have you otherwise attended since 2011?

20

CHAP HAMMONDS: I haven't.

COL STREIT: That was your first one?

25

CHAP HAMMONDS: Yes. I'm a Reservist, so there's less opportunity for a Reservist than the full-time Chaplains.

COL STREIT: Now, can I just turn to paragraph 15 and 16. You've been on one familiarisation flight with an MRH-90; is that right?

30

CHAP HAMMONDS: That is correct.

COL STREIT: Do you know when that was?

35

CHAP HAMMONDS: It was just an MRH-90 flight from Holsworthy. It was offered and we went down to Scarborough where we turned around and came back.

40

COL STREIT: Sure. But do you know when that occurred? Are you able to say by - - -

CHAP HAMMONDS: No, I can't tell you what - - -

45

COL STREIT: - - - a year?

CHAP HAMMONDS: It would've been last year, early – in the early part of last year.

5 COL STREIT: Because you started, didn't you, at 6 Aviation Regiment in January 2023?

CHAP HAMMONDS: That is correct.

10 COL STREIT: And did the familiarisation flight, therefore, occur after you had been posted to 6 Aviation Regiment?

CHAP HAMMONDS: Correct.

15 COL STREIT: Do you recall who was flying at the time?

CHAP HAMMONDS: No, I don't.

20 COL STREIT: Now, at paragraph 18 you give some evidence about what your role is as the unit Chaplain at 6 Aviation Regiment. You say that you were employed three days a week and that since 28 July 2023 your role's been more visible in meeting the significant ceremonial, pastoral and spiritual needs of unit members following the disaster; is that correct?

25 CHAP HAMMONDS: That's correct.

COL STREIT: Did that mean the number of days you were spending in the unit increased or it's just simply it's the same three days, but your role was more visible?

30 CHAP HAMMONDS: In the lead-up to and the conducting of the funerals and the memorial service that followed, I did 17 extra days, apart from the three per week. After that, my role returned to three days per week. But obviously there was a greater demand on time in preparing for and
35 conducting funeral services and the memorial.

COL STREIT: And in terms of the – and the unit, the person you report to in 6 Aviation Regiment, that's the Regimental Executive Officer; is that
40 right?

CHAP HAMMONDS: That is correct.

COL STREIT: And the Commanding Officer?

45 CHAP HAMMONDS: That is correct.

COL STREIT: You also have a technical chain of responsibility to the Chaplain of the 16th Aviation Brigade; is that right?

5 CHAP HAMMONDS: That is correct.

COL STREIT: What's the distinction between your direct reporting to the Executive Officer and the Commanding Officer, without mentioning their names because they have pseudonyms? But what's the distinction between
10 reporting directly to them and then having a technical line to report to the chaplain at 16 Aviation Brigade?

CHAP HAMMONDS: My role within the unit is to support the members, the men and women of the unit, and I report to the Executive Officer and
15 the Commanding Officer within that role and function. But as a Chaplain, I also report to my Chaplain chain of command in my chaplaincy responsibilities, and the 16 Brigade Co-ord Chaplain obviously looks after all the Aviation Regiments, and so I report to him directly.

COL STREIT: If you're dealing with a particularly difficult situation involving a 6 Aviation member, who do you go to to seek some assistance as a sounding board in terms of pastoral care?

CHAP HAMMONDS: My coordinating chaplain.

25 COL STREIT: At 16 Aviation Brigade?

CHAP HAMMONDS: That's correct.

COL STREIT: That's an example, is it, of how the technical line – or the technical reporting line is utilised?

CHAP HAMMONDS: That is correct. And every week I submit a report on what's happened during the week to him and each month we have what's
35 known as the Chaplain Reporting Tool that is submitted to our Coordinating Chaplain and onto Objective for wider statistical purposes.

COL STREIT: Now, have you deployed – I'll start again. You haven't deployed on exercise, have you – sorry, have you deployed on exercise as
40 a Chaplain since you've commenced your role in 2011?

CHAP HAMMONDS: No, sir.

COL STREIT: When 6 Aviation Regiment, for example, deploys on an exercise, you don't accompany them on that exercise?

45

CHAP HAMMONDS: No, sir. I'm - - -

5 COL STREIT: Does anyone else – any other Chaplain accompany them on an exercise?

10 CHAP HAMMONDS: Generally, on exercises such as TALISMAN SABRE there are Chaplains who are on the ground who support the men and women who are on that exercise. But as a Reserve Chaplain, I also have responsibilities back here at Holsworthy.

COL STREIT: I haven't given you a moment, I apologise, to pour yourself a glass of water.

15 CHAP HAMMONDS: That's all right. I've been doing it in between. Thank you, sir.

20 COL STREIT: Thank you. Can I just ask you about this. I appreciate you have a civilian role as a Chaplain. You deal with that at paragraph 22 of your statement. Are you aware as to why – or the reasoning as to why 6 Aviation Regiment has a Reserve Chaplain and not a full-time Chaplain?

25 CHAP HAMMONDS: It's not my place to ask that question. I simply have been posted into that position, so I need to fulfill that role as to the best of my ability.

COL STREIT: Sure. Do you know whether 6 Aviation Regiment has ever had a full-time Chaplain?

30 CHAP HAMMONDS: I'm unaware. I don't believe they have, but I couldn't say that definitively.

35 COL STREIT: Are you able to assist the Inquiry – and it's not a memory test – but are you able to assist the Inquiry which parts of the – or organisations in Army actually have permanent Chaplains?

40 CHAP HAMMONDS: My understanding is, generally it's the size of the unit. But there are historical reasons that some units have full-time Chaplains, others have Reserves. Reserve units obviously tend to have Reserve Chaplains. Full-time units tend to have full-time Chaplains, but that is way beyond me to comment as to why.

45 COL STREIT: I'll just turn now to ask you some questions about your role as the 6 Aviation Regiment Chaplain prior to the accident on 28 July and your interaction with any other services that Defence provides in terms of

family assistance. Are you able to indicate the extent to which you, as the 6 Aviation Regiment Chaplain, would engage with other support services that Defence offers to assist a Defence member?

5 CHAP HAMMONDS: In the past, I have employed legal, psych, medical, Defence member family support, Open Arms, RSL support. There's a full range – the BGIS Group, base support. One of the advantages of having been posted at Holsworthy since, effectively, the end of 2010 is that I have a lot of relationships with the services that are available at Holsworthy. And
10 different units obviously require greater support in various areas, but I have a good rapport right across the services that especially are at Holsworthy.

COL STREIT: Have you ever been asked to – in relation to that aspect, have you ever been asked to assist or complement chaplaincy services for
15 another unit that might be dealing with a significant event that their resources can't cope with?

CHAP HAMMONDS: Not in that sense. Occasionally, I do on-call which means that during Halt A or standdown periods I can be called on as the
20 on-call Chaplain. But I'd generally refer them then to their own Chaplain. But occasionally somebody with whom I have a relationship from a previous unit will call on me because of that pre-existing relationship. But I've never been involved in something like this, where I've been called in to be part of a wider team.

25 COL STREIT: Perhaps we'll now turn to your role in the notification process. On 29 July 2023 – and this begins at paragraph 27 of your statement, so if you're able to turn to that aspect.

30 CHAP HAMMONDS: Yes.

COL STREIT: And what you note at paragraph 27 is that at or about 0403 hours on 29 July 2023 you were telephoned and appointed to support the Notification Officer, MAJ Jay Douglas, to notify Ms Caitland Lyon. Is
35 that correct?

CHAP HAMMONDS: That is correct.

40 COL STREIT: Who called you at 4.40 in the morning, do you recall?

CHAP HAMMONDS: Staff Chaplain Andrew Robinson.

COL STREIT: And is he the 16 Aviation Brigade Chaplain?

45 CHAP HAMMONDS: No, sir. He's the Staff Officer – Staff Chaplain.

COL STREIT: All right. So where does he work?

5 CHAP HAMMONDS: Out of – it's either Victoria Barracks – I think it's Victoria Barracks that he works from.

COL STREIT: In Sydney?

10 CHAP HAMMONDS: In Sydney. I couldn't be sure of that, but I'm – I think that's where he works from.

COL STREIT: Now, the intent was, as I understand what you say at paragraph 27, that you would attend Mrs Lyon's home at 0730 hours with MAJ Jay Douglas; is that right?

15 CHAP HAMMONDS: That is correct.

COL STREIT: At paragraph 28 you say:

20 *Notification training requires a Notification Officer – in this case MAJ Douglas – to deliver the news. My role is then to provide pastoral support to the persons being notified.*

Is that correct?

25 CHAP HAMMONDS: That is correct.

COL STREIT: So at a point in time was MAJ Douglas provided the words that she was required to use in the notification?

30 CHAP HAMMONDS: He; and yes.

COL STREIT: Sorry, he. I'm sorry.

35 CHAP HAMMONDS: Yes, sir, he was provided.

COL STREIT: I see. And - - -

40 CHAP HAMMONDS: Do you want me to elaborate?

COL STREIT: Yes. I was about to ask. So paragraph 29 you deal with this in part, but could you just explain how that process came about?

45 CHAP HAMMONDS: I was phoned at approximately 0430 on Saturday, 29 July. I was told that I was being stood up as Notification Support Officer.

5 I had to get ready and when I was told to meet MAJ Douglas, I was told where that was at Holsworthy. I went in and I met him in his office and he received – he'd also received notification to stand up as Notification Officer and he received instructions from Sydney about what we were to do, exactly what we were to say, and we were to basically get ready to go to Mrs Lyon's home.

10 COL STREIT: At paragraph 30 you say that you believe the instructions provided to MAJ Douglas came from a LTCOL Nicole Cook; is that right? Is that your belief?

15 CHAP HAMMONDS: I didn't speak with LTCOL Cook, but I understood it was she who delivered those instructions by phone while I was standing next to MAJ Douglas in his office.

COL STREIT: So he was on the phone? MAJ Douglas was on the telephone?

20 CHAP HAMMONDS: He's the Notification Officer, so yes.

COL STREIT: So he was on the telephone and you understood he was speaking with LTCOL Nicole Cook. Is that correct?

25 CHAP HAMMONDS: That is correct.

COL STREIT: Did he tell you that?

CHAP HAMMONDS: He did.

30 COL STREIT: In terms of the words that were provided for MAJ Douglas to use, were they jotted down by him or did it come in some other form?

CHAP HAMMONDS: He wrote down what she told him over the phone into his notebook.

35 COL STREIT: That was in your presence?

CHAP HAMMONDS: That was in my presence.

40 COL STREIT: What did you understand your role was to be with MAJ Douglas when you went to Mrs Lyon's home?

45 CHAP HAMMONDS: I was to support him. We rehearsed exactly what the words that he would use, how he would deliver the news, the manner in which we would deliver them. It's fairly well prescribed how we approach

the front door and deliver the news that we have to give, and we actually drove past the property and awaited a phone call that it was time to go. That was prior to 7.30, and so we had to wait until we received that call to go to the front door.

5

COL STREIT: Now, I think you said earlier that this was the first time you've assisted in a notification to a bereaved next of kin; is that right?

CHAP HAMMONDS: Within the Army, yes, sir.

10

COL STREIT: Within the Army. And do you know if that was also MAJ Douglas's first time to be the Notification Officer?

CHAP HAMMONDS: I believe it was.

15

COL STREIT: Was there any magic in it occurring at 7.30? Was there a reason explained to you why it would be 7.30?

CHAP HAMMONDS: The Army goes to great efforts to inform the family before media and other means get hold of the news. We want to give the family the exact facts as we know them and not embellish or change them in any fact. That's why it's so clear that we give only the instructions that we are given. And there is a – it was a coordinated effort so that all four notifications were being done at exactly the same time.

20

25

COL STREIT: Did MAJ Douglas ever show you the words that he wrote down as to what he was required to say to Mrs Lyon?

CHAP HAMMONDS: No.

30

MS McMURDO: You said this was the first time you'd done it for the Army. Had you given a notification of death to people in other circumstances outside the Army?

35

CHAP HAMMONDS: It's one of the things that we do in ministry. It's not a notification as such, but dealing with the process of delivering news happens from time to time. When somebody is sick in hospital, for example, and they pass away, we, on occasion, have to deliver that news to the family.

40

MS McMURDO: Thank you. Yes, thanks, COL Streit.

COL STREIT: Can I turn now to you attending Mrs Lyon's home? Now, you went there – I think in your statement you address that you actually

arrived in the vicinity of Mrs Lyon's home a little earlier than 7.30; is that right?

5 CHAP HAMMONDS: That is correct. The reason is we want to know exactly where we're going and so if we drive past and identify the address and then park somewhere that's quiet at a short – at some distance, but then we are ready and we know exactly where we're going.

10 COL STREIT: Now, at paragraph 37 you deal with this in relation to what you say your recollection was attending Mrs Lyon's home. You say that you knocked at 7.30 hours and Mrs Lyon answered the door.

CHAP HAMMONDS: That is correct.

15 COL STREIT: Was there a delay before she answered the door?

CHAP HAMMONDS: Short delay.

20 COL STREIT: You say that she saw the two of you; that is, you and MAJ Douglas. You say that she'd asked in a shocked state what had happened. Is that right?

CHAP HAMMONDS: That is correct.

25 COL STREIT: That MAJ Douglas, following a procedure, spoke with Mrs Lyon and said some words; is that right?

CHAP HAMMONDS: That is correct.

30 COL STREIT: And asked Mrs Lyon if you could come inside?

35 CHAP HAMMONDS: It was important that he identified that she is Mrs Caitland Lyon. We'd hate to give the news to the wrong person, obviously. So it was important to identify she is Mrs Caitland Lyon and then we asked to come inside.

COL STREIT: Mrs Lyon, you say in paragraph 37, invited you and MAJ Douglas inside; is that right?

40 CHAP HAMMONDS: That is correct.

45 COL STREIT: Then at para 37, in the fourth line, you say that MAJ Douglas checked again if she was Mrs Caitland Lyon and then delivered the message that there'd been a catastrophic failure of an MRH-90 off the Queensland coast and CAPT Danniell Lyon was missing, but search

and rescue had been deployed. Is that your recollection of what MAJ Douglas actually said; that is, those are his exact words, or is that just your summary of what he said?

5 CHAP HAMMONDS: That is my recollection of what he said. I didn't write down word for word what he actually said. That is my recollection.

COL STREIT: You then go on to say that:

10 *Mrs Lyon indicated that she knew what that meant, but we were not able to say anything beyond that which we were briefed.*

That's in paragraph 37 of your statement. Does that mean Mrs Lyon asked you or MAJ Douglas questions about getting – effectively she's asking you questions about getting further information?

15 CHAP HAMMONDS: I think for any pilot and crew, they will discuss with their families this type of scenario. And my reading of Mrs Lyon on the morning is that she knew what a catastrophic failure of an MRH-90 meant, the implications of what such a catastrophic failure could well be.

COL STREIT: Are you saying that MAJ Douglas said the words "catastrophic failure"? Are you certain that he said that?

25 CHAP HAMMONDS: That is my recollection. As certain as I can be.

COL STREIT: Now, my question to you earlier was the last sentence at paragraph 37 you say:

30 *Mrs Lyon indicated that she knew what that meant, but we were not able to say anything beyond that which we were briefed.*

My question to you was, does that mean that Mrs Lyon actually asked you other questions, or MAJ Douglas other questions, about what happened but you couldn't tell her?

35 CHAP HAMMONDS: Mrs Lyon obviously had other questions, but we could only tell her what we had been briefed to tell her because anything else would have been speculation.

40 COL STREIT: Sure. So what did she ask, can you remember?

CHAP HAMMONDS: I can't remember. I can't recall, I'm sorry.

45 COL STREIT: At paragraph 38 you say that:

MAJ Douglas and I asked Mrs Lyon if she wanted us to contact anyone for her. She declined the offer and then phoned her parents in Wollongong.

5

Is that right?

CHAP HAMMONDS: That is correct.

10 COL STREIT: You then, at paragraph 38, say:

When her son Noah awoke, she gently told Noah that Daddy was missing.

15 Is that right?

CHAP HAMMONDS: That is correct.

COL STREIT: Did you hear what – did Noah say anything to his mother?

20

CHAP HAMMONDS: She got down on her knees at his eye level, which – and she told him, as any good mother would, and said that, “We can’t find” – something to the effect of, “We can’t find Daddy. He’s missing”. And he said, “Well, phone him. He’ll tell you where he is”, which was what you’d expect from a five-year-old. And he obviously hadn’t grasped the gravity of the news that he was receiving at that point.

25

COL STREIT: Just a moment, thanks. Mrs Lyon gave some evidence before the Inquiry. I’m just going to draw your attention to aspects of that and ask you some questions whether it assists your memory or not. She says that – and this is at transcript page 454, commencing at about line 35, that:

30

Jay –

35

or MAJ Douglas –

said, “There’s been a terrible accident. Dan’s aircraft is missing off the coast of Proserpine”, and went missing at about 11 pm that night.

40

Do you recall MAJ Douglas saying those words?

CHAP HAMMONDS: Not exactly those words.

45

COL STREIT: Mrs Lyon says that she responded to Jay, “That’s not possible because I just spoke to him”. And then Jay then says, “We can’t find the aircraft or personnel”. Do you recall that exchange?

5 CHAP HAMMONDS: Mrs Lyon said that she had only spoken with CAPT Lyon the previous evening. She did indicate that.

COL STREIT: Do you recall whether or not MAJ Douglas said, “We can’t find the aircraft or the personnel”?

10 CHAP HAMMONDS: We weren’t privy to that information at that point.

COL STREIT: Yes, but do you recall him saying those words?

15 CHAP HAMMONDS: No, I don’t, sir.

COL STREIT: Mrs Lyon says at transcript page 455, continuing her evidence about her recollection of the discussion with MAJ Douglas, she says, “You need to tell me my husband’s okay”. Do you remember whether she said those words?

20

CHAP HAMMONDS: It was probably something similar, but we couldn’t give her that assurance.

25 COL STREIT: Mrs Lyon recalls MAJ Douglas saying, “Is there anyone you can call who can be with you?” Do you recall MAJ Douglas saying that?

CHAP HAMMONDS: I do, sir.

30

COL STREIT: Mrs Lyon gives evidence to the Inquiry that she said in response, “No, no, no. You need to tell me my husband’s okay. Oh my God, who else was on board?” Do you remember her asking those two questions?

35

40 CHAP HAMMONDS: I know right throughout the process the one thing that Mrs Lyon wanted us to do was to bring her husband home to her, and that is perfectly understandable. She was in a state of profound shock. That’s the worst news that she’s ever received and she was obviously – it was obviously very emotional and emotionally charged. The one thing that she wanted was for CAPT Lyon to come home to her, but we were restricted in what we were able to say simply because we didn’t have much – any more information than what we had.

COL STREIT: Look, I understand all of that. I'm just asking your recollection. So do you recall Mrs Lyon saying to MAJ Douglas, "No, no, no. You need to tell me my husband's okay. Oh my God, who else was on board?" Do you remember anything of that nature?

5

CHAP HAMMONDS: That sounds right, even though I don't remember the exact specifics.

COL STREIT: Mrs Lyon tells the Inquiry at transcript 455, about line 19, that, "Jay" – MAJ Douglas – "said, 'We can't tell you that'. Mrs Lyon said she in effect said to MAJ Douglas, "How many people were on board? They were picking people up. How many people were on board?" Do you remember anything in relation to that exchange? Does that assist your memory?

10

15

CHAP HAMMONDS: My recollection is that, yes, he was able to confirm there were four on board because they had been picking up and dropping off others, but at the time of the tragedy there were four personnel on board.

COL STREIT: Mrs Lyon tells the Inquiry at about transcript page 455, line 26, she says MAJ Douglas – or Jay says:

20

We can't tell you that. Not until the notification teams have gone out.

25

Do you remember that exchange?

CHAP HAMMONDS: That is correct. That would be inappropriate to give other names until the notifications had been confirmed.

30

COL STREIT: Just in relation to your recollection of what Mrs Lyon said to Noah when he woke up, Mrs Lyon has given some evidence about this before the Inquiry at transcript page 456, line 9, where she says:

35

And then Noah woke up and I had to tell Noah that his Daddy was missing, and he was so calm. He said, "It's okay, Mummy. They'll find Daddy".

Do you remember whether Noah said words to that effect to his mother?

40

CHAP HAMMONDS: That sounds right. That's when she (sic) said, "You can call him and he'll tell you where he is".

COL STREIT: You stayed at Mrs Lyon's house for a period of time before being relieved by other personnel; is that right?

45

CHAP HAMMONDS: That is correct.

COL STREIT: Can you just remember who those other persons were?

5

CHAP HAMMONDS: There were several from – Mrs Lyon’s parents obviously came straight from Wollongong and they’ve been a big support for her, but there were several from the unit, as the news got out, who came to support Mrs Lyon.

10

COL STREIT: Now, were you involved in any of the other notifications concerning any other of the deceased aircrew?

CHAP HAMMONDS: The notifications were all done at exactly the same time, so I was only involved with Mrs Lyon.

15

COL STREIT: So you didn’t go from Mrs Lyon’s home to another home of a next of kin on the same day?

CHAP HAMMONDS: No, sir.

20

COL STREIT: Now, you subsequently had involvement post the notification process in providing chaplaincy support to members of 6 Aviation Regiment; is that correct?

25

CHAP HAMMONDS: That is correct.

COL STREIT: Can you just describe basically what you did, and your role at that time, for the 6 Aviation personnel?

30

CHAP HAMMONDS: On the following day, on the Sunday, we all met in a hangar at 6 Aviation. We had some senior officers there and the unit was briefed as much as we were able to, because early on we – information was limited. And my role was to – everybody was in a state of shock, obviously – and my role was to support each family member – sorry, each member of the unit as I was able.

35

COL STREIT: Did you have any support in performing that role, another Chaplain or several Chaplains?

40

CHAP HAMMONDS: Several Chaplains from – mainly from Holsworthy, were there. And we’ve had very good chaplaincy support all the way through the whole process. They mainly involve the other Chaplains who have been involved in doing the other three notifications.

45

COL STREIT: And could you just expand on that if you could?

5 CHAP HAMMONDS: Obviously, with four notification teams – I was notification Chaplain for Mrs Lyon, but there were three other Chaplains who did each of the other three notifications. And two of those are local Chaplains. It was Staff Chaplain Andrew Robinson did the fourth. And so we supported the families – sorry, the unit and subsequently the families all the way through.

10 COL STREIT: Just a moment, Ms McMurdo.

You have a document in front of you. If you could just turn that over. Can you just look down the bottom right of that table without saying anything out loud. You'll see a name and pseudonym D53.

15 CHAP HAMMONDS: Yes, sir.

COL STREIT: Can I just ask you to be mindful that if at any point in your evidence subsequently or in due course you need to refer to that person as the pseudonym D53, that you use the pseudonym D53.

20 CHAP HAMMONDS: Yes, sir.

COL STREIT: Thank you. I just want to now turn to, if I may, your involvement in either participating in the conduct of, or in actually conducting funerals concerning each of the deceased aircrew members. Paragraph 40, you identify that you were involved in the funeral concerning LT Max Nugent where you supported Reverend Peter Tong; is that correct?

30 CHAP HAMMONDS: That is correct.

COL STREIT: And that LT Nugent's funeral was held on 19 August 2023; is that right?

35 CHAP HAMMONDS: Correct.

COL STREIT: And that was a Baker College in Sydney?

40 CHAP HAMMONDS: Barker. Yes, sir.

COL STREIT: Barker College in Sydney. In paragraph 41 you prepared for and conducted WO2 Phillip Laycock's funeral at Holsworthy on 25 August 2023; is that right?

45 CHAP HAMMONDS: That's correct, sir.

COL STREIT: And that the third funeral was CPL Alexander Naggs whose funeral you conducted with CHAP D53 on 2 September 2023; is that right?

5 CHAP HAMMONDS: Correct, sir.

COL STREIT: And at all of those three funerals, did members of 6 Aviation Regiment attend in uniform?

10 CHAP HAMMONDS: Absolutely.

COL STREIT: And was there an Honour Guard in relation to those funerals?

15 CHAP HAMMONDS: Absolutely.

COL STREIT: And that was coordinated, was it, by the Regimental Sergeant Major of 6 Aviation Regiment?

20 CHAP HAMMONDS: It was, sir. It was, sir. Sorry.

COL STREIT: In relation to your preparation for each funeral, including CAPT Lyon, did you visit the families to discuss what their wishes might be?

25 CHAP HAMMONDS: I did, sir.

COL STREIT: What else did you do in relation to events after each funeral, in terms of your engagement with the family?

30 CHAP HAMMONDS: After each funeral?

COL STREIT: If you look at paragraph 46 of your statement, you identify that:

35 *Following each funeral, and apart from arranging delivery of Aussie Hero quilts, it's appropriate for me to step back and allow each family to move forward, other than if I'm asked.*

40 My question is, after each of the funerals, did you have any further engagement with any of the families?

45 CHAP HAMMONDS: Minimally. Normally a funeral is an opportunity for closure. And families – once the funeral is done, generally they don't need the minister's, or Chaplain in this case, involvement because it is a

sense of closure and they need to move on and adjust to life post the death and funeral. The funeral is an important point of saying farewell. And so my involvement generally ceases with the funeral, unless I have an ongoing relationship with the family concerned.

5

COL STREIT: In terms of – apart from arranging delivery of Aussie Hero quilts – what was the Aussie Hero quilts for? What was that?

10 CHAP HAMMONDS: Aussie Heros provide quilts and laundry bags for men and women who are on deployment. When we did COVID, they made thousands of laundry bags for the men and women who went out and supported with COVID ASSIST, and it was something that is a sign of appreciation from the Australian community to the men and women that are helping them.

15

Quilts are provided to soldiers who are on deployment, to whole ship's companies when they're on deployment, and it's something that is very personal for the person that receives it. And often they bring it back sort of as an heirloom and present it to their children or to their families, or keep it forever.

20

It's often presented as a keepsake for a period of honoured service, of valued Service and it's something that Aussie Heros Quilts do. And in this case they presented to the immediate family of all of those involved in Bushman 43 - 83, sorry.

25

COL STREIT: But were you involved in the delivery of those quilts to the family members?

30

CHAP HAMMONDS: To Sydney? In Sydney.

COL STREIT: And at the funerals, was any other – was anything else provided to the family?

35

CHAP HAMMONDS: Each family were presented with two cased Australian flags, folded. Those who required more received additional Australian flags, folded. Each significant family member received a beret, the 6 Aviation beret, with badge. They received replica medals.

40

COL STREIT: Can I turn to paragraph 51 of your statement. You say you also liaise with the BGIS and Defence Base Services to ensure the Chapel was prepared. That's a reference to the Chapel at Holsworthy; is that right?

CHAP HAMMONDS: That is correct.

45

COL STREIT: What does BGIS stand for?

CHAP HAMMONDS: I don't actually - - -

5 COL STREIT: I've put you on the spot, sorry.

CHAP HAMMONDS: We've got a – we say it's Big Girls in Skirts. But I don't know what BGIS actually stands for.

10 COL STREIT: But what's its function?

CHAP HAMMONDS: They do maintenance, maintenance in and around the base.

15 COL STREIT: I see. CAPT Lyon's funeral was conducted at HMAS *Creswell*; is that right?

CHAP HAMMONDS: That is correct.

20 COL STREIT: In paragraph 58 of your statement you say that following the notification with Mrs Lyon you met each of the families at The Hub and their homes. First of all, what's The Hub?

25 CHAP HAMMONDS: The Hub was a collection point at the Chapel where the Commando Welfare Trust and support services, Defence Member Family Services, were able to give support to the families. And, as they were needed, it was somewhere for the families to go to, to be able to contact one another – be in contact with one another, and to be in touch with a social worker and other support services throughout obviously the process
30 of grief. There were Chaplains there at the time, but it was a place for them to go.

COL STREIT: Just excuse me for a moment?

35 CHAP HAMMONDS: Certainly.

COL STREIT: I just want to ask you some questions in relation to the preparation for CAPT Lyon's funeral. Did you attend Mrs Lyon's home to discuss any arrangements for CAPT Lyon's funeral?
40

CHAP HAMMONDS: On a number of occasions.

45 COL STREIT: Turn that - while you've got that document over, can you just go to the pseudonym for D15? You see the name next to D15?

CHAP HAMMONDS: I do.

COL STREIT: You know D15, don't you?

5 CHAP HAMMONDS: Not well.

COL STREIT: But you recognise him?

10 CHAP HAMMONDS: I do recognise it.

COL STREIT: Turn that back over now. Thanks very much. Now, do you recall whether D15 was present on an occasion – whether or not D15 was present on an occasion when you spoke with Mrs Lyon about the funeral arrangements for CAPT Lyon?

15 CHAP HAMMONDS: I don't recall him being there.

COL STREIT: Do you recall whether Mrs Lyon wanted to make a eulogy for Dan, for his funeral?

20 CHAP HAMMONDS: I do.

COL STREIT: What did you say to her in relation to her desire to make a eulogy for Dan?

25 CHAP HAMMONDS: When I arrange funerals, I generally get the outline of the person's life, and I ask those who are there who the significant – the partners, whatever. Who they'd like to give – deliver the eulogies – who they'd like to deliver eulogies. Sometimes it's me who delivers it on their behalf. Sometimes it's members, close friends, children, whatever, who deliver those eulogies. It is very rare for a spouse to deliver the eulogy of a husband or wife. It's very rare because of the emotional nature of delivering such a eulogy.

35 COL STREIT: Sorry, Chaplain, that's not really my question.

CHAP HAMMONDS: Sorry.

40 COL STREIT: Do you - - -

CHAP HAMMONDS: I do recall.

COL STREIT: Sorry, to be fair to you, you gave some evidence that you recalled Mrs Lyon wanting to make a eulogy for Danniell, CAPT Lyon. My

question is simply, what did you say, if anything, in response to her desire to do that?

5 CHAP HAMMONDS: That it would be very hard for her to do that, but if she really wanted to do it, that was fine.

COL STREIT: Did she ultimately give you a reading to read out at CAPT Lyon's funeral?

10 CHAP HAMMONDS: She did.

COL STREIT: Did you read out that reading?

15 CHAP HAMMONDS: I did. No, I didn't, sorry. I didn't read that. She had somebody else nominated to give that reading at the funeral.

COL STREIT: To your recollection, did that person give that reading at the funeral?

20 CHAP HAMMONDS: They did. It was in the Order of Service, and it was presented.

COL STREIT: Do you remember what that reading was?

25 CHAP HAMMONDS: John 15, verse 13, I think it is.

COL STREIT: Now, paragraph 58 you say:

30 *All the funeral arrangements, apart from the homily for each presented by me, were made through the RSM, the Unit Welfare Officer, and appointed members of the Defence Member Family Support.*

That's correct?

35 CHAP HAMMONDS: That's correct.

40 COL STREIT: Could you turn that document over again, and just identify if there's the person who is the Unit Welfare Officer that you're referring to – paragraph 58 – appears in that list? And if they do, just identify their pseudonym to me, please.

45 MS McMURDO: Maybe you could help him, if you – is there someone there that you're aware of?

COL STREIT: I'm not sure, Ms McMurdo.

MS McMURDO: (Indistinct). Okay.

5 COL STREIT: I'm just - - -

CHAP HAMMONDS: No, the Unit Welfare Officer is not listed there.

10 COL STREIT: All right. And who is that person?

CHAP HAMMONDS: WO1 Maria Leetham.

COL STREIT: Thank you.

15 MS McMURDO: Sorry, what was the last name? Maria?

CHAP HAMMONDS: Leetham, L-e-e-t-h-a-m for Mary.

20 MS McMURDO: Thank you.

COL STREIT: Now, at paragraph 71 and 72 you describe what involvement you had, if any, in the arrangements made by Army for Anzac Day 2024 at Holsworthy Base. Did you have any involvement in those arrangements?

25 CHAP HAMMONDS: Not in the arrangements. I simply attended.

30 COL STREIT: Was it your understanding that at the Anzac Day service at Holsworthy the names of the four members of Bushman 83 would be read out during the service?

CHAP HAMMONDS: Yes, sir.

35 COL STREIT: When did you become aware – prior to Anzac Day, when did you become aware that that was what was intended?

40 CHAP HAMMONDS: I was at that service the previous year, last year, and I was very much aware of how they conduct the reading of the names of those who've died in operations, and that was the practice that was performed this year as well, but including those who died in training.

45 COL STREIT: My question was, when did – prior to Anzac Day this year, when did you become aware that it was intended that the names of the aircrew of Bushman 83 would be read out at the Anzac Day service?

CHAP HAMMONDS: Only when I heard them read out.

COL STREIT: So you weren't aware beforehand?

5 CHAP HAMMONDS: No, sir.

COL STREIT: Paragraph 72, you say you attended the Anzac Day service at Holsworthy but had no involvement in its conduct. The names of all four members of Bushman 83 were read out during that service. To your
10 recollection, at what point in the service were they read out?

CHAP HAMMONDS: When the Honour Roll was read, the four members, plus LCPL Jack Fitzgibbons, names were read as those who had died in training, and then those who died in operations were read.
15

COL STREIT: You say in paragraph 72 of your statement:

However, there is a distinction between those who died in training and those who have been killed in action.

20 Why did you say that in your evidence?

CHAP HAMMONDS: Simply because those who'd died in training were mentioned first, and those that had died in operations, by unit, were read out.
25

COL STREIT: Was this the Anzac Day service at Holsworthy conducted by the 2nd Commando Regiment?

30 CHAP HAMMONDS: That is correct.

COL STREIT: Were there any other Anzac Day services conducted at Holsworthy?

35 CHAP HAMMONDS: There were.

COL STREIT: The one you attended though was at 2 Commando Regiment; is that right?

40 CHAP HAMMONDS: That is correct.

COL STREIT: To your knowledge, did 6 Aviation Regiment conduct its own Anzac Day service at Holsworthy this year?

45 CHAP HAMMONDS: No, sir.

COL STREIT: Where did 6 Aviation Regiment personnel – where were they directed to go to attend the Anzac Day service?

5 CHAP HAMMONDS: The majority were at the 2 Commando service.

COL STREIT: Ms McMurdo, I note the time. I'm not sure when lunch is scheduled for. I'll probably be a few more minutes with CHAP Hammonds. Certainly, a bit longer than maybe 15 or 20 minutes. I'm in your hands if
10 your wish to proceed or take the luncheon adjournment now.

MS McMURDO: Thank you. Is there likely to be any cross-examination or very extensive cross-examination? It would be good to finish him. I'm sure he'd be - - -
15

COL STREIT: Yes.

MS McMURDO: - - - pleased to get away.

20 COL STREIT: Thank you.

CHAP HAMMONDS: Thank you.

COL STREIT: Now, in your statement at paragraphs 76 onwards, you deal with some engagement with Ms Chadine Whyte; is that correct?
25

CHAP HAMMONDS: That's correct, sir.

COL STREIT: Now, you're aware, aren't you, that Ms Chadine Whyte gave some evidence to the Inquiry in relation to a matter she said – or words that she attributed you saying to her. Is that right? Or you're aware, aren't you?
30

CHAP HAMMONDS: I'm aware, sir, yes.

COL STREIT: Ms Whyte gave some evidence to the Inquiry at transcript page 335 of having a conversation with you at The Hub in Holsworthy, 2023 after the accident. Do you remember having a conversation with her at The Hub?
40

CHAP HAMMONDS: I do, sir.

COL STREIT: She says that you said to her words to the effect – I'll start again. She says:
45

I don't remember when, but he sat me down to have a conversation with me and that I'm young and I'll find somebody new, which is an incredibly cruel thing to say because he's not replaceable.

5 So in your evidence to the Inquiry – she says that you said those things to her, the effect of which is that she's young and that she'll find somebody new. What do you say in relation to what Mrs Whyte says?

10 CHAP HAMMONDS: I would never have said those words.

COL STREIT: “Would never have said those words”. Does that mean there's a possibility you did say it or what do you say?

15 CHAP HAMMONDS: Will I give the context?

COL STREIT: Certainly.

20 CHAP HAMMONDS: We were at The Hub. I met a number of the family, especially within the Nugent family, and Chadine was by herself. I spoke with her. I wanted to ascertain who she is and – because I hadn't met her before and what her relationship with LT Nugent was. And so I tried to empathise with her, get where she fitted in to the picture, and I discovered very quickly that they'd been in a relationship for 12 months and she'd suffered that significant loss. And I was certainly not dismissive of her or
25 minimised the pain and grief that she was feeling.

COL STREIT: Could you have, inadvertently, said those words, “Don't worry, you're young, you'll find somebody new”, in attempting to be sympathetic to her position?

30 CHAP HAMMONDS: I don't remember the exact words that I spoke to her, but I would never have used those words because I was there to provide support and empathy to her and understand the loss – the catastrophic loss that she'd just experienced.

35 COL STREIT: Is that the first time you'd spoken with Ms Whyte?

CHAP HAMMONDS: It was.

40 COL STREIT: You'd not previously met her?

CHAP HAMMONDS: No, sir.

45 COL STREIT: And did you approach her and sit down with her?

CHAP HAMMONDS: I did.

COL STREIT: Did somebody tell you who she was before you approached her?

5

CHAP HAMMONDS: Somebody told me who she was. They pointed out – because there had been other notifications and there was support, there were others in the room who knew the members of the Nugent family, including Ms Whyte.

10

COL STREIT: Do you remember how long you spent at The Hub on that particular day you spoke for the first time with Ms Whyte?

CHAP HAMMONDS: I was there for some time at The Hub but the conversation with Ms Whyte certainly wasn't the whole time I was there.

15

COL STREIT: You spoke with other family members?

CHAP HAMMONDS: I did.

20

COL STREIT: Do you recall specifically who you spoke to?

CHAP HAMMONDS: I spoke to Mr and Mrs Nugent, and with Sami, and I spoke with other family members as well. It wasn't just the Nugent family.

25

COL STREIT: Is it fair to say you had a number of conversations on that day with family members at The Hub?

30

CHAP HAMMONDS: That is correct.

COL STREIT: And would it be fair to say you would not have an accurate memory of all the conversations you had with family members on that day?

35

CHAP HAMMONDS: That would be correct.

MS McMURDO: Prior to this incident, had you dealt with young women – young widows, young women who've lost their partners, husbands, before?

40

CHAP HAMMONDS: Yes.

MS McMURDO: In tragic circumstances?

45

CHAP HAMMONDS: Yes, ma'am.

MS McMURDO: And in your efforts to empathise with them and trying to get them to look beyond their immediate grief, have you ever used expressions like that?

5

CHAP HAMMONDS: Never.

MS McMURDO: No?

10 CHAP HAMMONDS: I deal with people that lose babies through cot death, through stillbirths, through to 100-year-olds. I deal with the full gamut of people's losses and I never minimise the grief and pain that people are feeling.

15 MS McMURDO: Yes. Thank you.

COL STREIT: Thank you, Ms McMurdo.

20 Just in relation to what Ms Whyte recalls of that conversation and she attributes to what you said to her, just in relation to that only, has anyone in your chain of command at 6 Aviation Regiment, or higher chain of command in Army, addressed with you the allegation made by Ms Whyte that you'd said those things to her?

25 CHAP HAMMONDS: Not within the chain of command, no, sir.

COL STREIT: So somebody within Army has addressed with you what Ms Whyte alleged that you said to her?

30 CHAP HAMMONDS: Only within the confines of this Inquiry.

35 COL STREIT: Has anyone in your chain of command at 6 Aviation Regiment, or higher chain of command in Army, taken any adverse action against you in relation to what Ms Whyte alleges you said to her at The Hub?

CHAP HAMMONDS: No, sir.

40 COL STREIT: Can I just turn now to paragraph 81 of your statement? Paragraph 81, in part you say:

45 *I've been requested to outline any reflections that I may have on my instructions with Ms Whyte following the death of LT Max Nugent. As stated above, Ms Whyte was alone. I spoke with her and, at one stage, LT Nugent's sister, Sami, joined us. I've*

nothing but admiration for Ms Whyte and remember stating in a homily that I could understand why Max had fallen in love with her.

5 That's correct?

CHAP HAMMONDS: That is correct.

10 COL STREIT: I'll just turn now to paragraphs 82 onwards in your statement in relation to a matter Ms Caitland Lyon has given evidence to the Inquiry about. Now, you're aware, aren't you, that Ms Lyon gave evidence to the Inquiry to the effect that you attended her home to discuss Danniell's funeral when she was contemplating having the funeral on Father's Day. Is that right?

15

CHAP HAMMONDS: I'm aware, sir, yes.

COL STREIT: Now, at paragraph 83, you say, second sentence:

20

I tried throughout the process to guide the families honouring their wishes. We honoured Mrs Lyon's wishes as far as we could, and I did not pressure her at any point but we were aware she needed the closure the funeral would provide. I was told she was considering Father's Day for the funeral and I visited her at her home.

25

First, can I ask you that that's your evidence, isn't it?

CHAP HAMMONDS: That is correct.

30

COL STREIT: Who told you that Mrs Lyon was considering Father's Day for Danniell's funeral?

35

CHAP HAMMONDS: I can't recall, but it was somebody within the chain of command.

COL STREIT: At 6 Aviation Regiment?

40

CHAP HAMMONDS: At 6 Aviation.

COL STREIT: And having received that information, what did you then do?

45

CHAP HAMMONDS: I felt it was best to go and see Mrs Lyon. My role was to guide and give advice. Maybe to pre-empt – I wanted to encourage

5 her not to have that date because of the implications that Father's Day has, not just for her and her family, but for the whole of the Regiment and everyone who needed after – this was a loss that all of 6 Aviation were feeling profoundly, and especially with the immediate Father's Day needed to spend with fathers and children.

COL STREIT: What do you recall saying to Mrs Lyon at this time, when you've gone to visit her?

10 CHAP HAMMONDS: I encouraged her not to have it on Father's Day.

COL STREIT: What do you recall saying to her?

15 CHAP HAMMONDS: Mrs Lyon was very much aware that that time of year was significant for her own wedding anniversary and for Noah's birthday and so the dates were important for her throughout that period. And I encouraged her to not have the funeral on Father's Day because that would take that day forever with – it would always be the date that everyone would remember was CAPT Lyon's funeral.

20 COL STREIT: Mrs Lyon has given – well, sorry, is that the extent of your recollection of what you said to Mrs Lyon?

25 CHAP HAMMONDS: I wasn't pressuring her, but she was – because it was the fourth of the four funerals, there was the inevitability that we needed to conduct CAPT Lyon's funeral after the three had – two had been completed and one was about to happen and we needed to – and she was looking at a date and I simply encouraged her not to have it on Father's Day.

30 COL STREIT: Now, I'm just trying to exhaust your memory about what you recall saying to Mrs Lyon. What do you recall saying to her about anything concerning her own father about having the funeral on Father's Day?

35 CHAP HAMMONDS: Her father had been incredibly supportive to Mrs Lyon. And I wanted her to be able to honour him on Father's Day, and the grief of having a funeral on Father's Day would simply detract from what is a celebration of fatherhood.

40 COL STREIT: Did you say anything else to her?

CHAP HAMMONDS: I was very careful what I said. And it was to honour him. He had been very supportive of her and also the implications of that,

of having Father's Day as the day of the funeral, would impact the family for many years to come.

5 COL STREIT: Now, you recall saying that to her, do you, that, "It would impact the family for many years to come"?

CHAP HAMMONDS: I do.

10 COL STREIT: At paragraph 86 of your statement, on page 12, the last sentence, you say:

I don't use the word "disrespectful", but wanted Mrs Lyon to consider honouring her dad and I also had no idea what would happen in the future.

15 What do you mean when you say, "and I also had no idea what would happen in the future"?

20 CHAP HAMMONDS: At the point of grief, it is as if there is no tomorrow. With the passage of time, the immediacy of that pain diminishes and life does go on. For example, when you deal with a death of a child or a baby, it is as if life stops completely. And yet it does go on, eventually. And you live with a new normal. And there would be a tomorrow and a next year and 10 years from now, and I wanted her to – I was encouraging her to not
25 make a decision that would impact negatively into the future. And I don't know what the future holds; nobody does.

30 COL STREIT: Is that a reference in your evidence to you contemplating the possibility, down the track, for Mrs Lyon that she might find somebody else to share her life with?

CHAP HAMMONDS: I didn't suggest that she would find somebody, but the chances are life will move forward. I don't know what the future holds.

35 COL STREIT: No, my question was, having regard to what you've written in your statement where you talk about her considering honouring her dad, also had no idea what would happen in the future, was that a reference to you contemplating in your mind that at some point in the future Mrs Lyon might find somebody else to share her life with? Is that what was in your
40 mind at the time when you wrote your statement?

45 CHAP HAMMONDS: The inference is we were dealing with the immediacy of grief. And I don't – none of us knows what's going to happen down the line – but I wasn't thinking about her finding somebody else so much and remarrying as basically marking the traditional Father's Day as a

day of when we remember CAPT Lyon's funeral forever.

COL STREIT: Mrs Lyon has given some evidence to the Inquiry, and it was drawn to your attention prior to you giving evidence today, and you've dealt with it in your statement. I'm just going to ask you directly now, Mrs Lyon gave evidence at transcript page 476, effectively, that you attended her home, that she said:

10 *Well, I'm actually thinking about having it on Father's Day.*

That's a reference to Danniell's funeral.

CHAP HAMMONDS: Yes.

15 COL STREIT: She says:

I thought that would be really special for our children to remember the magical man that their Daddy was.

20 She then says you gave the following response. It was that she – the effect of which was she needed to think about her dad and how disrespectful that would be to the most important man in her life, being her father and that she alleges you then said – she says:

25 *And then he said I needed to be thinking about how that would affect my future husband and future children.*

30 So, first, in relation to the first aspect of what Mrs Lyon gives evidence to the Inquiry about her recollection of what you said, she says that you told her she needed to think about her dad. Is that correct?

CHAP HAMMONDS: That's correct.

35 COL STREIT: And how disrespectful that it would be to the most important man in her life? Did you say that?

CHAP HAMMONDS: That's incorrect.

40 COL STREIT: What part's incorrect?

CHAP HAMMONDS: I didn't put things in the negative. I put it – I wanted to honour him. I didn't use the word "disrespect". I wanted him to be honoured because it was very clear that he was very, very supportive of his daughter, especially during what was a very stressful time for her.

45

COL STREIT: So apart from you denying using the word “disrespectful”, do you accept that you told her that her father was the most important man in her life?

5 CHAP HAMMONDS: I would not have said the most important man in her life.

COL STREIT: In terms of the second aspect of what Mrs Lyon recalls you saying, that you told her she needed to be thinking about how that would affect her future husband and future children, what do you say?
10

CHAP HAMMONDS: The reference – the reason that the children came up was that Noah and Lily would always have Father’s Day associated with their father’s funeral and that was what I was trying to communicate to her.
15

COL STREIT: Why would Father’s Day be associated for the children - - -

CHAP HAMMONDS: Because Father’s Day would always be the day that we buried Daddy.
20

COL STREIT: So why would Father’s Day be associated with any other person for the children?

CHAP HAMMONDS: Well, when they grow up, it will always be the day that they had their father’s funeral.
25

MS McMURDO: But it was always going to be a sad day for them, anyway, wasn’t it - - -

30 CHAP HAMMONDS: Absolutely.

MS McMURDO: - - - because they would be thinking about the father that they lost?

35 CHAP HAMMONDS: That’s true, ma’am, but also dates were important: anniversary date, Noah’s birthday date. And obviously 28 July is always going to be there, but if the funeral was on Father’s Day, Father’s Day would always be associated with their father’s death. I was doing everything I could not to be – to cause offence.
40

COL STREIT: Chaplain, I just want to ask you this. It’s the last thing I’m going to ask you. Having regard to your experiences in providing chaplaincy services to 6 Aviation Regiment for families conducting funerals and noting that you’re a Reserve Chaplain, is there anything you want to say about whether this Inquiry should consider whether or not a
45

permanent Chaplain or somebody who provides pastoral care should be part of 6 Aviation Regiment?

5 CHAP HAMMONDS: The job is manageable on three days a week. No one person, full-time or part-time, is going to be able to manage a situation like happened on 28 July last year. It would always require a team of Chaplains, as it required significant military support with RSMs and others to do what we were called to do with the four funerals. Whether a Chaplain is part-time or full-time is not my call, but the situation is as it was and I was free to free up extra time to be able to do all the tasks that were required of me.

15 So whether the Army, in its wisdom, appoints a full-time Chaplain in future or a part-time is really be on them. But I can say without any doubt whatsoever, chaplaincy, the Regiment and the Army as a whole, we did everything we possibly could to support all four families, to provide everything that we were able to provide and, for a non-infantry unit where military drill and all those sort of things are secondary to our main task of flying helicopters, the unit was flawless.

20 COL STREIT: Just in relation to that same vein, what about the support provided to you whilst you were discharging this particular function?

25 CHAP HAMMONDS: It has been - - -

COL STREIT: Were you happy with that support?

30 CHAP HAMMONDS: It's been without fault, and I thank all of those who have been supportive.

COL STREIT: Thank you, Chaplain. I have nothing further.

CHAP HAMMONDS: Thank you, sir.

35 MS McMURDO: Could I just ask you, CHAP Hammonds, I have noticed in ADF personnel giving evidence in this Inquiry that a lot of them, perhaps the majority, have been taking an affirmation rather than the oath. Is there support available for those who are not religious? Are people given an option as to which – do they indicate which Chaplain, which religion, which denomination, or whether they don't have a denomination? Does that affect the pastoral care they get? I'm thinking, too, these days we're very multicultural. We have Buddhists in our community. We have people of the Islam faith in our community. How are those people dealt with for their pastoral care in the army?

45

5 CHAP HAMMONDS: Ma'am, we have a Religious Advisory Committee
to the Defence Forces which have members who are not only Christian, but
also Buddhist, Sikhs, Muslims, and if I have a member who is of another
religion, I refer them to that Chaplain. 5 Aviation Regiment currently has
an Islamic Chaplain and so I am more than happy to refer them to where
they're going to get the help. For those who have no religion, I help
everybody as is appropriate to them, but in conducting for funerals, I do
them as a Christian minister because that's who I am and that's the role that
I'm fulfilling. Obviously, if the Islamic Chaplain were conducting the
10 funerals, he would do it differently.

MS McMURDO: So for people of no faith – atheists, agnostics – their
options are still only to use a Chaplain?

15 CHAP HAMMONDS: We would use whoever they choose. For
LT Nugent's funeral, his family elected to use Barker College and they used
the Chaplain at Barker College. However, if it was somebody else or they
wanted a civil celebrant, then we could have used a civil celebrant. But I
would still have done everything I can to support them and to help it happen
20 according to their wishes.

MS McMURDO: Okay, thank you. Thank you. Anything arising out of
that, COL Streit?

25 COL STREIT: I have one more question and apologies for backtracking.
It goes to the conversation we discussed between yourself and Mrs Lyon
relating to the future and Father's Day. Was there anyone else present at
that conversation?

30 CHAP HAMMONDS: Her father was there, but I don't actually recall
anybody else being there because we were standing in front of the fridge
with the calendar on it and she was looking at the appropriate dates – or an
appropriate date to choose for the funeral and while we didn't prescribe any
dates, I simply encouraged her not to choose Father's Day.

35 COL STREIT: Okay, thank you.

CHAP HAMMONDS: Thank you, sir.

40 MS McMURDO: Thank you. Are there any questions? No questions.
Thank you very much, CHAP Hammonds. You're free to go now.

CHAP HAMMONDS: Thank you, ma'am.

45

<WITNESS WITHDREW

MS McMURDO: We'll adjourn till 1.30.

5

HEARING ADJOURNED

HEARING RESUMED

5 MS McMURDO: Yes, FLTLT Rose.

FLTLT ROSE: Ms McMurdo, the Inquiry is intending to swap the order of witnesses for this afternoon, and we'll be calling Senior Constable Troeger now, followed by Senior Sergeant Dyer, and Senior Constable Troeger is appearing via the video link, and his image will appear on the screen above you. So I call - - -

MS McMURDO: I hope that it will also appear on the screen in front of us.

15 FLTLT ROSE: Excellent. So he'll be everywhere. I call Senior Constable Troeger, and Ms Rologas will commence the evidence-in-chief.

20 <SENIOR CONSTABLE CHRISTIAN WERNER TROEGER,
Affirmed

<EXAMINATION-IN-CHIEF BY MS ROLOGAS

25 MS McMURDO: Yes, Ms Rologas.

MS ROLOGAS: Good afternoon, Ms McMurdo and Air Vice-Marshal. My surname is Rologas, R-o-l-o-g-a-s, initials M V. I'm a solicitor at Gilshenan & Luton. I've previously submitted a written application for leave to appear.

MS McMURDO: It's already been granted, Ms Rologas.

35 MS ROLOGAS: Thank you, Ms McMurdo.

MS McMURDO: You weren't here earlier in the day, when that was done.

MS ROLOGAS: Thank you. Senior Constable Troeger, can you hear me okay?

40 SENIOR CONSTABLE TROEGER: Yes, I can.

MS ROLOGAS: Senior Constable, can you please state your full name?

SENIOR CONSTABLE TROEGER: My full name is Christian Werner Troeger.

5 MS ROLOGAS: Your current rank?

SENIOR CONSTABLE TROEGER: Senior Constable.

MS ROLOGAS: Your current role within the Queensland Police Service?

10 SENIOR CONSTABLE TROEGER: I'm a Crash Investigator attached to the Brisbane Forensic Crash Unit.

MS ROLOGAS: And were you in that role as at 28 July 2023?

15 SENIOR CONSTABLE TROEGER: Yes, I was.

MS ROLOGAS: And at that time, and in that role, were you tasked to assist in the investigation into the incident involving the crash of an MRH-90 Taipan helicopter off the coast of Queensland?

20 SENIOR CONSTABLE TROEGER: That's correct.

MS ROLOGAS: Was that with another officer from the Forensic Crash Unit?

25 SENIOR CONSTABLE TROEGER: Yes, Senior Constable Joseph Cook.

MS ROLOGAS: What did your role ultimately require you to do?

30 SENIOR CONSTABLE TROEGER: Well, we flew up to Proserpine, to Airlie Beach, to investigate more so from the technical aspects on behalf of the Coroner in relation to the helicopter crash.

MS ROLOGAS: And prior to coming to the Inquiry today, did you receive a section 23 Notice requiring you to appear and give evidence?

35 SENIOR CONSTABLE TROEGER: That's correct.

MS ROLOGAS: Did that Notice also require you to prepare a statement for the Inquiry?

40 SENIOR CONSTABLE TROEGER: Yes, it did.

MS ROLOGAS: And is that statement in front of you, Senior Constable?

45

SENIOR CONSTABLE TROEGER: I have a copy in front of me, yes.

MS ROLOGAS: And what is the date that you signed that statement?

5 SENIOR CONSTABLE TROEGER: That is 11 June 2024.

MS ROLOGAS: Thank you. And have you reviewed that statement today, Senior Constable?

10 SENIOR CONSTABLE TROEGER: Yes, I have.

MS ROLOGAS: Are the contents true and correct?

15 SENIOR CONSTABLE TROEGER: They are.

MS ROLOGAS: And do you wish to make any alterations, amendments or additions?

20 SENIOR CONSTABLE TROEGER: I'd just like to make one addition. Obviously, leading up today I have been thinking of the events and I'd like to add one more thing, thank you.

MS ROLOGAS: Yes, please proceed.

25 SENIOR CONSTABLE TROEGER: It was the appointment of a Provost Marshal towards the end of my stay up there which appeared to break basically a communications impasse between the ADF, police and the Coroner.

30 MS ROLOGAS: Is there anything else you wish to add, Senior Constable?

SENIOR CONSTABLE TROEGER: No, thank you. Apart from that, everything's in my statement before me.

35 MS ROLOGAS: Thank you. Ms McMurdo, I seek to tender the statement of Christian Troeger dated 11 June 2024.

MS McMURDO: Yes. That will be Exhibit 21.

40 **#EXHIBIT 21 - STATEMENT OF SENIOR CONSTABLE
CHRISTIAN TROEGER DATED 11/06/24**

45 MS ROLOGAS: That's the evidence of that witness.

MS McMURDO: Yes, FLTLT Rose.

5 <CROSS-EXAMINATION BY FLTLT ROSE

FLTLT ROSE: Senior Constable, in addition to the section 23 Notice that you were sent via your representatives from the Inquiry, can you please also confirm that you were sent an extract of the Inquiry's Directions, which is the scope of the issues?

SENIOR CONSTABLE TROEGER: I believe so.

FLTLT ROSE: Were you sent a copy of COL Jen Streit's appointment as an Assistant IGADF?

SENIOR CONSTABLE TROEGER: I believe so.

FLTLT ROSE: Were you sent a Frequently Asked Questions Guide For Witnesses Appearing in IGADF Inquiries?

SENIOR CONSTABLE TROEGER: Excuse me, can you say again, please?

FLTLT ROSE: Were you sent a Frequently Asked Questions Guide For Witnesses Appearing in IGADF Inquiries?

SENIOR CONSTABLE TROEGER: It's in summary, correct.

FLTLT ROSE: And were you sent a Privacy Notice for witnesses giving evidence?

SENIOR CONSTABLE TROEGER: In (indistinct), correct.

FLTLT ROSE: You mentioned before that you are a member of the Brisbane Forensic Crash Unit?

SENIOR CONSTABLE TROEGER: Correct.

FLTLT ROSE: And that's sometimes referred to as the FCU?

SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: And you've been in that unit since 2008; is that correct?

SENIOR CONSTABLE TROEGER: That's correct.

5 FLTLT ROSE: Is it fair to say that the majority of your investigations since 2008 until now involve road accidents?

SENIOR CONSTABLE TROEGER: The majority are road crashes, correct.

10 FLTLT ROSE: At paragraph 6 of your statement, if you have that in front of you, you state that in 2010 you completed a course conducted by - - -

SENIOR CONSTABLE TROEGER: Yes.

15 FLTLT ROSE: - - - the Air Transport Safety Bureau called, "On-site Accident Investigation Fundamentals". Do you see that? In the third bullet point?

SENIOR CONSTABLE TROEGER: Yes.

20 FLTLT ROSE: Was that a course on investigating air crash investigations?

SENIOR CONSTABLE TROEGER: A very basic course run by the ATSB, yes, correct.

25 FLTLT ROSE: Prior to the incident on 28 July 2023, had you been involved in many or any air accident investigations?

SENIOR CONSTABLE TROEGER: No, not at all.

30 FLTLT ROSE: I'd like to ask you some questions now about your involvement in the search and rescue of the Bushman 83 crash. Paragraph 7 of your statement you state that on 29 July 2023 there was an office-wide email that was sent out seeking expressions of interest for people to attend
35 Airlie Beach to be part of the QPS response to the incident? Do you recall that?

SENIOR CONSTABLE TROEGER: Correct.

40 FLTLT ROSE: By "office-wide", do you mean officers – they were seeking interest from officers in the FCU in Brisbane?

SENIOR CONSTABLE TROEGER: Yes.

45 FLTLT ROSE: And the incident that you're referring to is specifically the

crash of Bushman 83 in the waters near Lindeman Island?

SENIOR CONSTABLE TROEGER: Correct.

5 FLTLT ROSE: At paragraph 8 you state that a two-man team was required because the local Mackay FCU, or Forensic Crash Unit, were not in a position to provide a dedicated team to the investigation?

SENIOR CONSTABLE TROEGER: That's correct.

10 FLTLT ROSE: Why was that? Why were they unable to provide those personnel?

15 SENIOR CONSTABLE TROEGER: I missed that last bit. Say again, thank you?

FLTLT ROSE: Why was the Mackay FCU unable to provide that personnel?

20 SENIOR CONSTABLE TROEGER: Well, I believe there was some leave issues, sick and rec leave issues and they couldn't provide a two-man team and core service their local area during that period.

25 FLTLT ROSE: Is it the case that the QPS prefers to have a two-man team from an FCU, whatever office that is, to be part of an investigation of this size?

SENIOR CONSTABLE TROEGER: I would say so, yes. Absolutely.

30 FLTLT ROSE: And you said earlier that it was you and Senior Constable Joseph Cook that were accepted to be part of this team to travel to Airlie Beach. Is that correct?

SENIOR CONSTABLE TROEGER: That's correct.

35 FLTLT ROSE: At paragraph 9 of your statement, you state that you and Senior Constable Cook arrived in Airlie Beach on 31 July - - -

SENIOR CONSTABLE TROEGER: Yes, that's correct.

40 FLTLT ROSE: Why did you arrive on 31 July and not the 30th, which is the day before?

45 SENIOR CONSTABLE TROEGER: We arrived on Monday the 31st, I believe.

5 FLTLT ROSE: Yes. Yes, you did. At paragraph 9 you stated you arrived on the 31st. And I'm asking – the office-wide email seeking expressions of interest was sent out on 29 July. I'm wondering – the question is, why is it that you didn't arrive in Airlie Beach on 30 July? Why did you wait until 31 July?

10 SENIOR CONSTABLE TROEGER: Whether it was a logistical issue with staffing, I cannot answer that with any great certainty. Please accept my apologies.

FLTLT ROSE: Who was leading the QPS investigation?

15 SENIOR CONSTABLE TROEGER: In relation to the two-man team, it was Senior Constable Joseph Cook.

FLTLT ROSE: And then once you arrived in Airlie Beach, who had overall responsibility for the QPS investigation into the crash?

20 SENIOR CONSTABLE TROEGER: That would be Detective Inspector Emma Novosel.

25 FLTLT ROSE: Was she from the Whitsundays Criminal Investigation Branch?

30 SENIOR CONSTABLE TROEGER: I don't think she was from the Whitsundays Investigation Branch. She has a more – I believe a more overarching substantive position up there outside the scope of the Whitsundays CIB.

FLTLT ROSE: Sorry, do you know what the scope of her remit is?

35 SENIOR CONSTABLE TROEGER: Well, it goes beyond, I think the Whitsunday CIB. I can't, like, be certain of that, but I think her scope goes beyond just Whitsunday CIB.

FLTLT ROSE: At paragraph 11 you said there was also a QPS Coordinator on scene, Acting Inspector Adam Dyer?

40 SENIOR CONSTABLE TROEGER: That's correct.

45 FLTLT ROSE: You gave some evidence earlier that you – about your role in the investigation. Can you just clarify for me what specialist advice you and Senior Constable Cook were tasked to provide to the investigation?

SENIOR CONSTABLE TROEGER: More so I suppose technical data from a technical aspect that the local investigators may not be fully abreast of in relation to such things as data interpretations and what have you.

5 FLTLT ROSE: What kind of data are you referring to?

SENIOR CONSTABLE TROEGER: Whether it's from a flight data recorder, similar as they are on a vehicle in relation to crash data recordings. Vehicle dynamics involved in the crash. Along those sorts of lines of which
10 the local CIB may not be fully abreast of.

FLTLT ROSE: Are you aware did Senior Constable Cook have any specialist experience in air crash investigations?

15 SENIOR CONSTABLE TROEGER: I'm not aware.

FLTLT ROSE: At paragraph 14 you refer to –

20 *providing specialist advice and preparing technical advice or interpretations to local investigators and Central Coroner.*

Do you see that?

SENIOR CONSTABLE TROEGER: Yes, I do.
25

FLTLT ROSE: Is that what you're referring to in terms of analysing data recorders from the aircraft, that's what you were referring to the technical advice - - -

30 SENIOR CONSTABLE TROEGER: Yes, there was a team dedicated – yes, there was a team there from the CIB that were tasked to get as many statements as possible. So normally we'd do an investigation probably like this in relation to a crash. We are responsible for statements and what have you but the local CIB there were involved, taking that aspect, and Senior
35 Constable Cook and myself were, I suppose, more focused on the technical aspects of the crash.

FLTLT ROSE: Was it part of your role to inspect and record the debris that had been located from the crash site?
40

SENIOR CONSTABLE TROEGER: I'm sorry, you broke up there.

FLTLT ROSE: Was it part of your role to inspect and record the debris that was located from the crash site?
45

SENIOR CONSTABLE TROEGER: Parts of the debris, that's correct.

FLTLT ROSE: Where was that debris stored?

5 SENIOR CONSTABLE TROEGER: That was stored in a secure facility behind the Whitsunday Police Station.

FLTLT ROSE: Is that near – so where is the Whitsundays Police Station?

10 SENIOR CONSTABLE TROEGER: It's at Airlie Beach. And there's a secure compound behind, I believe it's a designated property plot in between the station and the police house.

15 FLTLT ROSE: At paragraph 18 you state that parts of the debris from the wreckage had been recovered prior to your arrival by QPS recovery units, commercial vehicles and members of the public?

SENIOR CONSTABLE TROEGER: That's correct.

20 FLTLT ROSE: At paragraph 19 you say you're unable to recall any further details about what was recovered and when and from where?

SENIOR CONSTABLE TROEGER: That's correct.

25 FLTLT ROSE: Did you have access to your notes or your records from the incident when you prepared your statement?

SENIOR CONSTABLE TROEGER: Yes, I did.

30 FLTLT ROSE: And even with access to your notes and your records from the incident, you weren't able to confirm where that debris had been recovered from, by whom and when?

SENIOR CONSTABLE TROEGER: That's correct.

35 FLTLT ROSE: Is that because you didn't have access to the records of what was located prior to you arriving on the scene?

40 SENIOR CONSTABLE TROEGER: I was given no notification exactly where or what was discovered when or who by.

FLTLT ROSE: Are you aware if the QPS, another person, another officer in the QPS had been keeping records of where the debris had been located and when and by whom?

45

SENIOR CONSTABLE TROEGER: Well, whoever takes possession of the property and lodges that particular property there's an audit trail in relation to the person that has found it.

5 FLTLT ROSE: Is it your understanding that such an audit trail does exist, it's just that you haven't seen it?

SENIOR CONSTABLE TROEGER: I have not seen it, that's correct.

10 FLTLT ROSE: Was it important to you and Senior Constable Cook, when you arrived, to look at that audit trail to see what had actually been recovered prior to you arriving on scene?

15 SENIOR CONSTABLE TROEGER: I think questions were asked and we were just focused on the actual exhibits that had been lodged.

FLTLT ROSE: What do you mean by that?

20 SENIOR CONSTABLE TROEGER: We weren't in possession of a list of what item had been found where. I believe that some exhibits were found by potentially members of the public, I believe, in a day or two after the crash. And exactly where those exhibits were found in the water, I have not been privy to.

25 FLTLT ROSE: At paragraph 21 you state that you attended a briefing conducted by Acting Inspector Dyer on 1 August 2023?

SENIOR CONSTABLE TROEGER: Yes.

30 FLTLT ROSE: You also attended a briefing from the Disaster Victim Identification Coordinator? That's in the same paragraph 21?

SENIOR CONSTABLE TROEGER: Yes.

35 FLTLT ROSE: Was that a QPS Officer?

SENIOR CONSTABLE TROEGER: Yes.

40 FLTLT ROSE: Do you remember his or her name?

SENIOR CONSTABLE TROEGER: It would be Richie Callaghan or Callaghan, I believe.

45 FLTLT ROSE: Do you remember the rank of Richie Callaghan?

SENIOR CONSTABLE TROEGER: Senior Sergeant.

FLTLT ROSE: So QPS?

5 SENIOR CONSTABLE TROEGER: That's correct, yes.

FLTLT ROSE: You also stated an ADF representative presented at one of these briefings on 1 August. Do you remember who that was?

10 SENIOR CONSTABLE TROEGER: It may have been CMDR Dominic Cooper, I think.

FLTLT ROSE: So do you remember someone wearing a Navy uniform?

15 SENIOR CONSTABLE TROEGER: Well similar to a Navy uniform, correct. Yes.

FLTLT ROSE: At paragraph 22 you state that there were briefings twice a day while you were in the Whitsundays; is that correct?

20 SENIOR CONSTABLE TROEGER: For the first few days, yes.

FLTLT ROSE: Where were they held, those briefings?

25 SENIOR CONSTABLE TROEGER: At the – I suppose the best way to describe it is the common room at the Whitsundays Police Station.

FLTLT ROSE: Did you attend each of those briefings? So if there were two briefings per day, you attended those two briefings every day that you were in the Whitsundays?

30 SENIOR CONSTABLE TROEGER: Probably most but probably not all. But I'd say the majority.

35 FLTLT ROSE: At paragraph 23 you talk about some of the day-to-day activities. You state that Senior Constable Cook delegated taskings to you that included taking photos of wreckage, particularly the tail section? Is that correct?

40 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: Why particularly the tail section?

45 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: Why is it that you had a particular interest in the tail section?

5 SENIOR CONSTABLE TROEGER: Well, that was part of the wreckage. I didn't have much particular interest. I had interest in the whole aircraft.

FLTLT ROSE: Is it the case that that was the largest item of debris that had been recovered at that stage?

10 SENIOR CONSTABLE TROEGER: Yes, that was the largest bit of debris, correct.

FLTLT ROSE: And was that also being held in this holding yard at the back of the Whitsundays Police Station?

15 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: At paragraph 24 you refer to Scenes of Crime Officers. Do you see that?

20 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: What is the difference between what the Scenes of Crimes Officers do in the QPS and members - - -

25 SENIOR CONSTABLE TROEGER: Yes, I do.

FLTLT ROSE: - - - of your unit, the FCU?

30 SENIOR CONSTABLE TROEGER: Scenes of Crime – well, the FCU in Brisbane, we do our own photographs. Scenes of Crime are responsible for photographs. They are responsible for swabs for DNA and responsible for fingerprints and the like.

35 FLTLT ROSE: Then is it the case the FCU doesn't do fingerprints and DNA, but they do do photographs?

SENIOR CONSTABLE TROEGER: That's correct.

40 FLTLT ROSE: So you were working with the Scenes of Crimes Officers, were you, when you were looking at the recovered debris items?

SENIOR CONSTABLE TROEGER: On this particular day there was a team of DVI examining one part of the wreckage. And this was, I think,

45 my first occasion looking at the whole of the wreckage in its entirety.

5 FLTLT ROSE: At paragraph 25 you state that Senior Constable Cook and Detective Inspector Novosel told you on 1 August 2023 that there had been issues between the Coroner and the head of the DFSB. Do you see that?

SENIOR CONSTABLE TROEGER: Yes.

10 FLTLT ROSE: Who was the Coroner? Which Coroner are you referring to?

SENIOR CONSTABLE TROEGER: Who was the Coroner?

FLTLT ROSE: Yes, which Coroner are you referring to?

15 SENIOR CONSTABLE TROEGER: I believe it's Mr O'Connell.

FLTLT ROSE: Is that the Central Coroner?

SENIOR CONSTABLE TROEGER: Central, my apologies. Yes, it is.

20 FLTLT ROSE: No, do you mean the Central Coroner then? And do you remember the Central Coroner's name?

SENIOR CONSTABLE TROEGER: Mr O'Connell.

25 FLTLT ROSE: Mr O'Connell.

SENIOR CONSTABLE TROEGER: I believe so.

30 FLTLT ROSE: Who are you referring to as the head of the DFSB?

SENIOR CONSTABLE TROEGER: That would be CMDR Cooper, I believe.

35 FLTLT ROSE: Can you recall what Senior Constable Cook and Detective Inspector Novosel told you the issues were between the Coroner and the head of the DFSB?

40 SENIOR CONSTABLE TROEGER: There was one meeting that I wasn't privy to. But there was no – there appeared to be no willingness or priority given to what the police needed to do to fulfil their reporting obligations to the Coroner.

45 FLTLT ROSE: So is this a – you're saying this is what was relayed to you by Senior Constable Cook and Detective Inspector Novosel? Or are you

saying that you were privy to conversations that included the head of the DFSB?

5 SENIOR CONSTABLE TROEGER: No, I wasn't privy to those conversations. That was in a meeting that I was not included in.

10 FLTLT ROSE: Your evidence is that you were told that Senior Constable Cook and Detective Inspector Novosel didn't think the DFSB were paying particular importance to what the Coroner wanted. Is that your evidence?

15 SENIOR CONSTABLE TROEGER: That is my evidence.

15 FLTLT ROSE: Can you expand on that and just provide some specifics about what they told you was what of the Coroner's wishes were being ignored?

20 SENIOR CONSTABLE TROEGER: I believe that they have attended with their own agenda in relation to get their flight data recorder. And despite what our Coroner required to facilitate this, they really weren't interested and didn't pay much – given it much priority whatsoever.

FLTLT ROSE: What was it that you understood the Coroner wanted to be collected during the investigation?

25 SENIOR CONSTABLE TROEGER: Primarily witness statements.

30 FLTLT ROSE: What was it that was – as you understood from what Senior Constable Cook and Detective Inspector Novosel told you, what was impeding the ability of the QPS to get witness statements?

SENIOR CONSTABLE TROEGER: The ADF.

FLTLT ROSE: In which way?

35 SENIOR CONSTABLE TROEGER: From my understanding, is that the witnesses were basically removed from the area within a few days of the incident.

40 FLTLT ROSE: Had the witnesses been removed prior to you arriving at Airlie Beach?

SENIOR CONSTABLE TROEGER: I can't give a great degree of certainty, but I believe so.

45 FLTLT ROSE: And by - - -

SENIOR CONSTABLE TROEGER: But I cannot recall accurately if that did occur.

5 FLTLT ROSE: By “witnesses”, what kind of witnesses did you understand the QPS wanted to interview but there was some sort of impediment to that occurring?

SENIOR CONSTABLE TROEGER: Which particular witnesses?

10

FLTLT ROSE: Yes.

SENIOR CONSTABLE TROEGER: Well, if you’ve got the formation of four helicopters, the incident helicopter was number 3. It was the witnesses in helicopter number 4, directly behind the incident helicopter, that saw its movements prior to the crash.

15

FLTLT ROSE: Are you aware if any of those other aircrew in those other helicopters were interviewed by QPS?

20

SENIOR CONSTABLE TROEGER: As in, in front of a computer and a statement taken? No.

FLTLT ROSE: Were they interviewed in some other way, a less formal way?

25

SENIOR CONSTABLE TROEGER: I believe there was some body-worn – maybe some body-worn camera, and I believe there were some handwritten notes as well done by the CIB prior to our arrival.

30

FLTLT ROSE: Was it the case that – did Senior Constable Cook and Detective Inspector Novosel talk to you about other ways in which you might get those witness statements? Flying down to Sydney, for instance?

35

SENIOR CONSTABLE TROEGER: I can’t recall that being discussed. That would be very unusual. But given the circumstances, that could be quite plausible. I cannot recall any other options being on the table at the time.

40

FLTLT ROSE: Would it be the case that even if that was to be proposed, that wouldn’t be your – you wouldn’t be tasked with that particular activity?

SENIOR CONSTABLE TROEGER: No, I doubt it. Not for this particular investigation, no.

45

FLTLT ROSE: Was there anything else that the Coroner wanted that they said was not being easily obtained due to some impediments put in your way by the DFSB?

5 SENIOR CONSTABLE TROEGER: There were some other, I suppose, less priority conditions. However, as a Forensic Crash Investigator, we had concerns that once the technical information from the flight data recorder had been surrendered or given to the ADF, that – and the data, that that
10 information would not have been received by us once it had been interpreted.

FLTLT ROSE: Had the flight data recorder been obtained or recovered at this point, when you were having this conversation on 2 August?

15 SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: So was it a fear that you had, that you discussed with your colleagues, that if it was recovered and retained by the ADF, that the QPS wouldn't get the information it required from it?

20 SENIOR CONSTABLE TROEGER: Correct.

FLTLT ROSE: What gave you that fear?

25 SENIOR CONSTABLE TROEGER: The lack of cooperation so far.

FLTLT ROSE: Was there a discussion in any of the briefings that you were involved in about what would happen if the flight data recorder was recovered?

30 SENIOR CONSTABLE TROEGER: There were issues in relation to corruptions that – are you talking about specifically what had to be done to the flight data recorder to – for the information not to be compromised, or - - -

35 FLTLT ROSE: No, not yet. The question is more had there been discussions between the two agencies, QPS and ADF, about what was the protocol that was going to occur if the flight data recorder was recovered?

40 SENIOR CONSTABLE TROEGER: I don't think that was discussed in the general meetings. That would have more than likely been discussed in a meeting just between the two parties, not privy to everybody else.

45 FLTLT ROSE: Does the QPS have the technology to recover information from a flight data recorder that's been in salt water?

SENIOR CONSTABLE TROEGER: No, and I don't think the QPS has got the technology to extract flight data recordings per se.

5 FLTLT ROSE: So what was the fear then? Your evidence before was that you feared that if the ADF retained the flight data recorder and obtained or retrieved information off it, it wouldn't then be given to the QPS. I'm just trying to understand where that fear came from.

10 SENIOR CONSTABLE TROEGER: Just the lack of information-sharing altogether. I mean, the – for any investigation, the witness versions and accounts are crucial early on in an investigation. And the more we, as in the QPS, tried to get this information, the less it was going to occur. So it's very easy to believe there is a lack of trust across all gambits of the
15 investigation.

FLTLT ROSE: Did you have any direct interactions with CMDR Cooper during the investigation?

20 SENIOR CONSTABLE TROEGER: There were some off-the-cuff discussions here and there, but nothing of a formal nature that – or directives or what have you. I had very minimal discussions with CMDR Cooper.

FLTLT ROSE: Are you aware if there's any Memorandum of
25 Understanding or some other protocol that exists between QPS and the ADF about information-sharing during investigations?

SENIOR CONSTABLE TROEGER: No.

30 FLTLT ROSE: Have you, in your time at the FCU, ever been involved in an investigation into a road accident involving a Defence vehicle?

SENIOR CONSTABLE TROEGER: Yes, I have.

35 FLTLT ROSE: Does that include obtaining data from a vehicle data recorder?

SENIOR CONSTABLE TROEGER: No.

40 FLTLT ROSE: So you've never had the instance occur before that you wanted to obtain information in an investigation and the ADF didn't cooperate in that investigation?

45 SENIOR CONSTABLE TROEGER: No, this is unique. I haven't had to try and extract data from an ADF vehicle before.

5 FLTLT ROSE: At paragraph 31 you state that Senior Constable Cook told you that he had told CMDR Cooper that the DFSB needed to start to take note of the Coroner's expectations or he may struggle to get the aircraft back.

SENIOR CONSTABLE TROEGER: Yes.

10 FLTLT ROSE: What were the Coroner's expectations that needed to be met, in your understanding, when you wrote this part of your statement?

SENIOR CONSTABLE TROEGER: Primarily, again, the witness statements as a matter of priority.

15 FLTLT ROSE: When you say the Coroner's – was it the Coroner that said the ADF may struggle to get the aircraft back? Is that what you understand?

20 SENIOR CONSTABLE TROEGER: Well, that was Senior Constable Cook's words. Whether they were the words from the Coroner – I wasn't privy to that meeting.

25 FLTLT ROSE: Had you been privy to any conversations about the QPS retaining the debris from the aircraft as a way of encouraging the ADF to cooperate with the QPS investigation?

SENIOR CONSTABLE TROEGER: No.

30 FLTLT ROSE: At paragraph 37 you state that you were advised on 2 August 2023 that the flight data recorder had been located, and extracted from the ocean floor. Do you see that?

SENIOR CONSTABLE TROEGER: What paragraph number, sorry?

35 FLTLT ROSE: 37.

SENIOR CONSTABLE TROEGER: Yes.

40 FLTLT ROSE: And that it would be conditionally provided to the Australian Transport Safety Bureau to be examined.

SENIOR CONSTABLE TROEGER: Yes.

45 FLTLT ROSE: When you say "the Australian Transport Safety Bureau", the ATSB, do you mean the ATSB or did you mean the DFSB, which is the Defence Flight Safety Bureau?

SENIOR CONSTABLE TROEGER: No, no. The ATSB.

5 FLTLT ROSE: What did you understand they were going to do with the data, or attempt to do with the flight data recorder?

SENIOR CONSTABLE TROEGER: To extract this information into interpretable data.

10 FLTLT ROSE: Then who were they going to provide that data to, in your understanding?

SENIOR CONSTABLE TROEGER: The ADF.

15 FLTLT ROSE: Were they also going to provide it to QPS?

SENIOR CONSTABLE TROEGER: I believe there was an understanding that – there was an understanding that it was going to be provided to the QPS, or the Coroner – and/or the Coroner.

20 FLTLT ROSE: Do you know if that occurred?

SENIOR CONSTABLE TROEGER: I do not know.

25 FLTLT ROSE: At paragraph 39 you state that on the same day, 2 August 2023, personnel from the ADF gave you a walkthrough of an exemplar of a Taipan helicopter that was identical to Bushman 83.

SENIOR CONSTABLE TROEGER: Yes.

30 FLTLT ROSE: When you say “personnel from the ADF”, do you recall who that was?

SENIOR CONSTABLE TROEGER: No. Well, there’s one person we met at the airport. That person’s name, I do not have.

FLTLT ROSE: Do you know if they were an officer, or if they were a mechanic or someone else? A pilot in relation - - -

40 SENIOR CONSTABLE TROEGER: They weren’t – this particular gentleman wasn’t a mechanic. He led us to aircraftman at the site, but I do not know what rank this particular liaison was.

45 FLTLT ROSE: In the same paragraph you state that you took photographs of that exemplar Taipan helicopter.

SENIOR CONSTABLE TROEGER: Yes.

5 FLTLT ROSE: Were you with Senior Constable Cook at the time?

SENIOR CONSTABLE TROEGER: Yes, I was.

FLTLT ROSE: Anyone else from QPS with you?

10 SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: And what was the purpose of taking photographs of this exemplar Taipan helicopter?

15 SENIOR CONSTABLE TROEGER: Look, to get a basic understanding of the aircraft, and how it works, and just to give – portray some images to Coroner, almost as if being inside the cockpit of the helicopter.

20 FLTLT ROSE: Did you provide those photographs to the Coroner?

SENIOR CONSTABLE TROEGER: Via a Sup Form 1, yes.

25 FLTLT ROSE: By “Sup Form 1”, you’re referring to a Supplementary Form 1.

SENIOR CONSTABLE TROEGER: Yes.

30 FLTLT ROSE: That was a document that you assisted in creating for the Coroner.

SENIOR CONSTABLE TROEGER: That’s correct.

35 FLTLT ROSE: Did you do that in collaboration with Senior Constable Cook?

SENIOR CONSTABLE TROEGER: I commenced it. I imported a lot of the photographs, and I suppose raw information, and it was left to Senior Constable Cook to complete it and arrange it in a way that he was satisfied.

40 FLTLT ROSE: So you commenced it, but you weren’t involved in the finalisation of that Supplementary Form 1.

SENIOR CONSTABLE TROEGER: That’s correct.

5 FLTLT ROSE: At paragraph 42 you said that you and Senior Constable Cook were looking at the Taipan for a couple of hours, and that the ADF personnel answered your questions about the operation of the Taipan and the componentry, and then you state that the personnel were very good at that time, and they welcomed you to the facility.

SENIOR CONSTABLE TROEGER: They were fantastic.

10 FLTLT ROSE: So they answered any question that you posed to them about how the Taipan operated.

SENIOR CONSTABLE TROEGER: Yes.

15 FLTLT ROSE: At paragraph 43 you state that:

Despite the level of cooperation, it did feel as though the ADF did not know what we were talking about, and did not respect our expertise on particular issues.

20 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: What do you mean by that?

25 SENIOR CONSTABLE TROEGER: We deal with data and information from not just motor vehicles, but heavy vehicles, on a regular basis, and despite dealing with the technical aspects of the crash and the vehicles, and their dynamics, the ADF basically didn't feel like they were recognising our skill base whatsoever.

30 FLTLT ROSE: When you say "they", is there any particular people that you are referring to? Was it when you were talking to the officer that was showing you the Taipan that you felt this, or was it - - -

35 SENIOR CONSTABLE TROEGER: No, no. This is coming back to CMDR Cooper was in charge of that unit.

FLTLT ROSE: Was it during the briefings, the twice daily briefings? Is that where you felt that your expertise wasn't being respected?

40 SENIOR CONSTABLE TROEGER: No, it was more so conversations that CMDR Cooper had with Senior Constable Cook, and some of those, again, I weren't privy to.

45 FLTLT ROSE: So some of them you were though?

SENIOR CONSTABLE TROEGER: From the background, yes.

5 FLTLT ROSE: Do you recall exactly what CMDR Cooper was saying to Senior Constable Cook that made you think that his expertise wasn't being respected?

10 SENIOR CONSTABLE TROEGER: Specifically, no, but again, we were not given, I believe, the credit that our presence not so much demanded, but as a mutual respect of investigators of this nature.

FLTLT ROSE: Whilst you were in Airlie Beach attending these briefings and looking at the exemplar Taipan, were you also inspecting the debris that was being recovered during the days of the – in early August 2023?

15 SENIOR CONSTABLE TROEGER: I'm not aware of much additional debris being located after we arrived. The very vast majority had been located prior to our arrival.

20 FLTLT ROSE: Did you go on to any vessels to inspect the site, the area of operations, at all?

25 SENIOR CONSTABLE TROEGER: Yes, we were on the – I think it's called the – it's the Marine Vessel Reliant, which is – it's not a Navy ship. It's a – I suppose it's a joint Navy/commercial enterprise, and we went to the scene of the crash.

FLTLT ROSE: On those expeditions on the *Reliant* vessel, you didn't find much debris?

30 SENIOR CONSTABLE TROEGER: No, there was no debris that had been in a salvage phase at that stage.

35 FLTLT ROSE: And was it your job to photograph the debris that had already been recovered?

SENIOR CONSTABLE TROEGER: Yes. As in you're talking about the *Reliant* or in general?

40 FLTLT ROSE: Was there debris on the *Reliant* as - - -

SENIOR CONSTABLE TROEGER: No. No, there was not.

FLTLT ROSE: No. It was at the Whitsundays Police Station?

45 SENIOR CONSTABLE TROEGER: That's correct.

FLTLT ROSE: And was it your job to photograph the debris that was at the Whitsundays Police Station?

5 SENIOR CONSTABLE TROEGER: Well, as part of my taskings, correct.

FLTLT ROSE: At paragraph 52 of your statement, you refer to inspecting vests that were recovered from the scene. Do you recall how many vests there were?

10

SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: And by “vests”, are you referring to life vests, flotation devices?

15

SENIOR CONSTABLE TROEGER: Well, I think it’s the actual crewmen vests themselves that they wear inside the helicopter in the air. I think there may be some flotation device attached to them, but I am led to believe that they’re supposed to wear them always when they’re in the chopper in the air.

20

FLTLT ROSE: When you said you were “led to believe”, were you led to believe that they were the vests that the actual aircrew were wearing, or spare vests that were stored - - -

25

SENIOR CONSTABLE TROEGER: No, no. I - - -

FLTLT ROSE: - - - in the aircraft.

30 SENIOR CONSTABLE TROEGER: They’re vests that they were wearing.

FLTLT ROSE: At paragraph 54 you refer to the Aeronautical Life Support Logistics Management Unit, or the ALSLMU. Do you see that?

35

SENIOR CONSTABLE TROEGER: Yes. Yes, I do.

FLTLT ROSE: Who are they and what do they do?

40 SENIOR CONSTABLE TROEGER: (Mobile phone ringing) Excuse me. My apologies. So there were flotation devices attached to the helicopter that were still full of, I believe, helium, helium gas. And they had to be drained, so to speak, as a matter of safety.

45 FLTLT ROSE: Are they a civilian unit or an ADF unit?

SENIOR CONSTABLE TROEGER: No, they were an ADF unit.

5 FLTLT ROSE: So they removed the helium from the tanks; is that your understanding?

SENIOR CONSTABLE TROEGER: I believe so, yes.

10 FLTLT ROSE: You didn't see them do that, I take it?

SENIOR CONSTABLE TROEGER: I was there for the removal of the gas with the helium tanks.

15 FLTLT ROSE: At paragraph 55 you state that:

Senior Constable Cook returned to Brisbane on 4 August for a few days.

20 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: Did you stay in Airlie Beach to continue the investigation?

25 SENIOR CONSTABLE TROEGER: Yes. When I was on the *Reliant*, Senior Constable Cook was back in Brisbane.

FLTLT ROSE: What is it that you did in those few days when you were without Senior Constable Cook?

30 SENIOR CONSTABLE TROEGER: Well, that was – I went on the *Reliant* with DI Novosel and some of the DVI members.

FLTLT ROSE: And when you say you “went on the *Reliant*”, what was the purpose of being on the *Reliant*?

35 SENIOR CONSTABLE TROEGER: Look, we'd become aware of a video that had been captured by an underwater robot of an exhibit.

FLTLT ROSE: And who was the owner of the robot, the underwater robot?

40 SENIOR CONSTABLE TROEGER: The ADF.

FLTLT ROSE: And did you view the footage?

45 SENIOR CONSTABLE TROEGER: Yes, I did.

FLTLT ROSE: What was the footage of?

SENIOR CONSTABLE TROEGER: It was – to be crude, it was of a boot
- - -

5

FLTLT ROSE: Okay. And - - -

SENIOR CONSTABLE TROEGER: - - - at the bottom of the ocean.

10 FLTLT ROSE: How long was this video that you viewed?

SENIOR CONSTABLE TROEGER: It may have been a couple of minutes.

15 FLTLT ROSE: Did you understand that this was the full extent of the video that was captured by the ADF?

SENIOR CONSTABLE TROEGER: I'd take it on face value.

20 FLTLT ROSE: You weren't told that it was an edited version of the footage that was recorded?

SENIOR CONSTABLE TROEGER: Look, I'm sure there was more
25 footage of debris. But as far as I'm aware, and to this day, I believe that was the majority of the footage of the actual boot itself.

FLTLT ROSE: And was it the case that the purpose of this video was to look for human remains?

30 SENIOR CONSTABLE TROEGER: Yes. And I believe the flight data recorder as well.

FLTLT ROSE: And you said that Detective Inspector Novosel saw that as well?

35

SENIOR CONSTABLE TROEGER: Yes, she did.

FLTLT ROSE: Do you remember the names of any of the ADF Officers that were showing you the video?

40

SENIOR CONSTABLE TROEGER: Commander, not Commander – maybe a COL or GEN Pont was there. He arrived a couple of days before that and took control. Everything went through Pont.

FLTLT ROSE: And what was the purpose of showing you and Detective Inspector Novosel this footage?

5 SENIOR CONSTABLE TROEGER: I suppose it was – maybe there was some obligation he felt that this information had to be shared with QPS and report back to the Coroner.

10 FLTLT ROSE: And what, if anything, occurred after you saw the video. Did QPS direct certain activities to occur to recover those remains?

15 SENIOR CONSTABLE TROEGER: Look, I believe there was – our QPS Dive Team or our divers were going to be involved in that recovery. However, the divers can only dive to a certain limit. The ADF divers can go to the sea floor.

20 FLTLT ROSE: Were you aware if those operations were conducted to recover that particular item?

25 SENIOR CONSTABLE TROEGER: I wasn't there at the time. That happened after my departure.

FLTLT ROSE: Are you aware if Senior Sergeant Richie Callaghan also viewed that footage?

30 SENIOR CONSTABLE TROEGER: Yes, he was there.

FLTLT ROSE: At paragraph 57 you state that:

35 *The recovery started stagnating due to bad weather.*

40 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: But at paragraph 56 you also say that:

45 *It was stagnating because the ADF were either hindering the Coroner's investigation or giving it a low priority because of their continued unwillingness to cooperate with the QPS for the Coronial investigation.*

50 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: Did you have any personal interaction with any members of the ADF during these few days when the investigation was stagnating?

SENIOR CONSTABLE TROEGER: No, not really. That was left to Senior Constable Cook, who was the lead investigator.

5 FLTLT ROSE: He was back in Airlie Beach by then?

SENIOR CONSTABLE TROEGER: No, this is before he left. So he arrived back at Airlie Beach after I'd left – like, the day before I was leaving back to Brisbane.

10 FLTLT ROSE: I think you state at paragraph 72 that:

Senior Constable Cook arrived back in Airlie Beach –

was it the 5th - - -

15

SENIOR CONSTABLE TROEGER: Yes, it was the day before I was due to go back to Brisbane.

FLTLT ROSE: So you had a day to handover?

20

SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: When you say you didn't have any personal interaction with members of the ADF in respect of this, as you say, the stagnation that was caused by the ADF hindering the Coroner's investigation, who told you that this was occurring?

25

SENIOR CONSTABLE TROEGER: It was a daily – if you excuse the vernacular – banging your head against the wall, of trying to get some sort of information/evidence-sharing occurring. There appeared to be this – it was like a wall there we were trying to break down.

30

FLTLT ROSE: So when - - -

SENIOR CONSTABLE TROEGER: With the hierarchy, that is. The Troops on the ground were fantastic. The interactions we had with the Troops on the ground were fantastic.

35

FLTLT ROSE: So when Senior Constable Cook was back in Brisbane, who was it from the QPS that you were having these discussions with?

40

SENIOR CONSTABLE TROEGER: I had discussions with DI Novosel, predominately, and very limited discussions with Acting Inspector Adam Dyer.

45

FLTLT ROSE: At paragraph 59 you state that:

5 *One of the ADF divers spoke to one of the QPS divers outside the chain of command about the level of mistrust between the parties involved in the dive efforts.*

SENIOR CONSTABLE TROEGER: Yes.

10 FLTLT ROSE: Is this because the QPS diver spoke to you about this conversation?

SENIOR CONSTABLE TROEGER: Well, I believe I did hear that from the QPS divers at one – the ADF has basically spoken out of school.

15 FLTLT ROSE: Who was the QPS diver that told you this?

SENIOR CONSTABLE TROEGER: I can't recall. I can't recall.

20 FLTLT ROSE: Are you not on first-name basis with the QPS divers that were involved in the investigation?

SENIOR CONSTABLE TROEGER: No.

25 FLTLT ROSE: You hadn't worked with them before?

SENIOR CONSTABLE TROEGER: No.

30 FLTLT ROSE: And what is it that the QPS diver said the ADF diver said to him or her?

35 SENIOR CONSTABLE TROEGER: No. I think there was this mistrust in relation to the ADF divers' ability to go to the bottom of the sea floor. Whereas there was this said number of metres that the QPS divers couldn't go down to that level. Whether there was still a little bit of mistrust going on between the ADF and QPS, I can't be overly too sure.

FLTLT ROSE: So you're not sure of the details of what the QPS diver was concerned about, just that he or she had concerns?

40 SENIOR CONSTABLE TROEGER: Well, it's not so much the concerns of the QPS, but the ADF – it was an ADF diver that, I believe, reached out to the QPS diver.

45 FLTLT ROSE: Sorry, I misunderstood. And so the ADF diver was saying – what did the ADF diver say to the QPS diver?

5 SENIOR CONSTABLE TROEGER: There was obviously discussions between the ADF and the QPS divers, okay? But one of the ADF divers has spoken out of school in relation to the operation. In fact, there were no joint operations, procedures or policies, in relation to doing a joint dive, between the ADF and the QPS.

10 FLTLT ROSE: I understand that, but what exactly – I’m not sure from your evidence what it is that the ADF diver – he spoke “out of school”, but what words did he speak?

15 SENIOR CONSTABLE TROEGER: It’s only a story that I’ve heard. I wasn’t privy to the actual conversation between the ADF diver and the QPS diver, but I’ve been made aware that there was a conversation took place.

MS McMURDO: We understand that, Constable Troeger, but can you tell us what the gist of it was? We know it’s hearsay, but what was the gist of it? What was the - - -

20 SENIOR CONSTABLE TROEGER: I know. Well, specifically I cannot recall, ma’am, but there was an issue arose between the ADF and the QPS divers, and exactly what that issue was, I’m afraid, ma’am, I can’t answer.

25 MS McMURDO: Was it about the ADF not wanting the QPS divers to get in their way? Or was it - - -

30 SENIOR CONSTABLE TROEGER: I think there was – there’s a bit of that as well. I think both divers – in relation to their levels of expertise. Maybe it was a question of actually having to work together. But when I – I became aware of this once on board the *Reliant*.

FLTLT ROSE: Did it have something to do with - - -

35 SENIOR CONSTABLE TROEGER: All that conversation was in passing.

FLTLT ROSE: Was it anything to do with the flight data recorder and who would - - -

40 SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: - - - handle it?

45 SENIOR CONSTABLE TROEGER: Not specifically about the flight data recorder, no. It was more generally speaking.

MS McMURDO: Was it to do with a distrust of the ADF towards the QPS divers' competency?

5 SENIOR CONSTABLE TROEGER: Not so much the divers' competency. I think there was more distrust on the side of the QPS side. Because as – the few days that I was there, there really was no cooperation, or very – no willingness to be very forthright with what they discovered. Everything had to be cleansed or sanitised at their level before it could actually be released to us.

10 MS McMURDO: So were the QPS divers then concerned that if the ADF divers found something of interest, that they would share it?

15 SENIOR CONSTABLE TROEGER: Possibly.

MS McMURDO: Was that the concern?

SENIOR CONSTABLE TROEGER: Yes.

20 MS McMURDO: That was the nature of the concern. Okay, thank you.

SENIOR CONSTABLE TROEGER: Yes.

25 MS McMURDO: Thank you.

FLTLT ROSE: Was there also any concerns about the process to be followed in terms of the handling of certain items? You said before there was no Memorandum of Understanding that you were aware of, or procedure – “joint procedures” I think was your turn of phrase, between QPS and ADF. Was it an issue with which procedure to follow and when?

30 SENIOR CONSTABLE TROEGER: I don't think the ADF had anything in place to do a joint operation per se with an agency like the QPS. Not specific to the task at hand, but in general. And those issues were being looked at, as a matter of urgency, from the ADF side.

FLTLT ROSE: From your experience on the investigation, do you think that it would be helpful if in the future there were any other incidents involving ADF aircraft or vehicles in Queensland, that it would be helpful to have that sort of joint procedure in place?

40 SENIOR CONSTABLE TROEGER: Absolutely.

FLTLT ROSE: When you watched this footage that was taken by the ADF from the remote camera, were you allowed to retain a copy of the video?

45

5 SENIOR CONSTABLE TROEGER: No, we were not.

5 FLTLT ROSE: Did QPS ask for a copy of the video?

5 SENIOR CONSTABLE TROEGER: Yes, we did.

5 FLTLT ROSE: And what was the response?

10 SENIOR CONSTABLE TROEGER: I don't think it was a blanket no, but it never happened. Not that I'm aware, anyway. We got to the point, after the video, where we didn't want to leave the *Reliance* until we had a copy of the actual video.

15 FLTLT ROSE: Were you given a reason why you weren't allowed to have a copy of a video that you've just viewed?

20 SENIOR CONSTABLE TROEGER: I'm not aware of the reason. DI Novosel may be able to expand on that, but I'm not privy to that.

20 FLTLT ROSE: At paragraph 72, that's when you refer to Senior Constable Cook arriving back in Airlie Beach on 5 August and that you – along with your replacement, Senior Constable Tompkins?

25 SENIOR CONSTABLE TROEGER: That's correct.

25 FLTLT ROSE: And that you said before that you gave a handover to Senior Constable Cook?

30 SENIOR CONSTABLE TROEGER: Yes.

30 FLTLT ROSE: And then that you left Airlie Beach on 6 August; is that correct?

35 SENIOR CONSTABLE TROEGER: It might've been 7.

35 FLTLT ROSE: Or you left Airlie Beach the next day, which - - -

40 SENIOR CONSTABLE TROEGER: That's right. They arrived back on the 6th.

40 FLTLT ROSE: They arrived on the 6th. And then did you leave on the 7th?

45 SENIOR CONSTABLE TROEGER: I would've left on the 7th. That's correct, yes.

FLTLT ROSE: Did you have anything further to do with the investigation after you left on 7 August?

5 SENIOR CONSTABLE TROEGER: No, I did not.

FLTLT ROSE: Did you have any further assistance in creating the Form 1 that Senior Constable Cook finalised?

10 SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: I'm going to ask you some questions – some further questions now about some other challenges that you had in conducting the investigation. At paragraph 80 you state that there seemed to be a lack of
15 coordination or leadership within the ADF until Jason Pont arrived?

SENIOR CONSTABLE TROEGER: Yes, correct.

FLTLT ROSE: I think you said before you couldn't remember what rank he was. Do you remember what Service Jason Pont was in, whether that's
20 Army, Air Force, Navy?

SENIOR CONSTABLE TROEGER: I think he could've been the Air Force, but again, I'm only – I'm having a bit of a stab at that one.
25

FLTLT ROSE: And did he arrive on the scene whilst you were still in Airlie Beach?

SENIOR CONSTABLE TROEGER: Yes. Yes, he arrived – it could've been the Wednesday or the Thursday.
30

FLTLT ROSE: And do you know what his role was, his official role?

SENIOR CONSTABLE TROEGER: Well, he was the overall Commander of the ADF investigation.
35

FLTLT ROSE: And what seemed to improve once he arrived on scene?

SENIOR CONSTABLE TROEGER: I think at – above my level, there was
40 a great degree of confidence in relation to the ADF providing some of the things that we needed for a – to answer some questions for the Coroner. But when some very – confidence came in is when that Provost Marshal was appointed. He was a direct liaison, I'm led to believe, from the ADF, direct to the Coroner's Office.
45

FLTLT ROSE: Did that occur whilst you were in Airlie Beach?

SENIOR CONSTABLE TROEGER: Yes, it did.

5 FLTLT ROSE: And did the Provost Marshal come on site?

SENIOR CONSTABLE TROEGER: No.

10 FLTLT ROSE: To the Whitsundays?

SENIOR CONSTABLE TROEGER: No. Not that I'm aware of, when I was there, no.

15 FLTLT ROSE: So there was – were you given a briefing by someone that a Provost Marshal was now to be the liaison between the ADF and the Coroner and the QPS?

SENIOR CONSTABLE TROEGER: Yes. I think more so the Coroner than the QPS, I believe.

20

FLTLT ROSE: And do you know why that came about? Who asked for that to occur?

SENIOR CONSTABLE TROEGER: No, I can't say.

25

FLTLT ROSE: And you don't know the name of the Provost Marshal?

SENIOR CONSTABLE TROEGER: No.

30 FLTLT ROSE: Did you notice an improvement after the Provost Marshal had been appointed?

SENIOR CONSTABLE TROEGER: There was a lot more confidence, from the QPS perspective, that the Coroner's Office was being satisfied.

35

FLTLT ROSE: And when you say "from the QPS", from higher-ups, are you talking about Detective Inspector Novosel - - -

SENIOR CONSTABLE TROEGER: Yes.

40

FLTLT ROSE: - - - or someone else? At paragraph 85 you state that:

There should be a more coordinated approach between the ADF

and local police and the Coroner's Office if something like this ever happens again.

5 SENIOR CONSTABLE TROEGER: Yes.

FLTLT ROSE: You've already given evidence that you think there should be some sort of joint procedure in place. Is there anything else you think could improve relationships in future?

10 SENIOR CONSTABLE TROEGER: Even bringing the likelihood of, like, a Provost Marshal from the very first day, if not dealing with if there's any issues between the ADF and police, if not between the ADF and the Coroner's Office. Having one person, high in command, that it was their sole role to act as liaison between the two parties. Not so much in charge
15 of the ADF investigation, but satisfying this relationship moving forward.

FLTLT ROSE: I take it that you didn't have any direct discussions with the Coroner, did you, during this investigation.

20 SENIOR CONSTABLE TROEGER: No, I did not.

FLTLT ROSE: Did you have any contact with the next of kin?

25 SENIOR CONSTABLE TROEGER: No, I did not.

FLTLT ROSE: Do you know if anyone in the QPS notified or had any contact with the next of kin of the families?

30 SENIOR CONSTABLE TROEGER: I'm personally not aware of who had contacted next of kin from the QPS.

FLTLT ROSE: Do you know if the ADF were contacting the next of kin?

35 SENIOR CONSTABLE TROEGER: I recall that Mr Pont, on the media channels, was saying that he was contacting the next of kin to say that remains had been found. So I took it upon that that he, or his office, were personally contacting next of kin.

40 FLTLT ROSE: Paragraph 86 of your statement you state that, "The QPS always prioritises the next of kin", and your Officer in Command, "is adamant that we should regularly make contact with the next of kin". Who do you mean when you say your "Officer in Command"?

45 SENIOR CONSTABLE TROEGER: Her name is Senior Sergeant Nicole Fox.

FLTLT ROSE: Is she the Officer in Command of the FCU in Brisbane?

5 SENIOR CONSTABLE TROEGER: She's the Officer in Charge of FCU Brisbane, and the State Coordinator of FCUs across the state.

FLTLT ROSE: Is it the case that when you're doing your road accident investigations that you, as part of the FCU, the Officer, will contact next of kin, or is it another QPS Officer that takes on that responsibility?

10 SENIOR CONSTABLE TROEGER: No, we take that role on specifically.

FLTLT ROSE: So when you volunteered to assist in the investigation into the crash of Bushman 83, did you think that it would be your responsibility to contact next of kin?

SENIOR CONSTABLE TROEGER: Mine personally?

FLTLT ROSE: Yes.

20 SENIOR CONSTABLE TROEGER: No.

FLTLT ROSE: Within the QPS team that you were working with, was it someone else's responsibility to contact next of kin?

25 SENIOR CONSTABLE TROEGER: Whether it was DI Novosel or Sergeant COB may have contacted the next of kin, I'm not privy to that information.

30 FLTLT ROSE: You just knew it wasn't your responsibility in this investigation.

SENIOR CONSTABLE TROEGER: No, I wasn't reaching out to next of kin at that stage.

35 FLTLT ROSE: Had there been any discussions with you and your QPS colleagues that you were happy to leave it to the ADF to liaise with the next of kin in this instance?

40 SENIOR CONSTABLE TROEGER: Again, I haven't been involved in any conversations in relation to notifying next of kin.

FLTLT ROSE: At paragraph 87 you state that you –

hope that the QPS and ADF can find a better way of working together in the future so that we can operate as a singular unit, as opposed to different organisations pulling in different directions and not achieving the desired goal.

5

What do you mean by that?

10 SENIOR CONSTABLE TROEGER: We're all part of a – we should be all part of a team, working together. We all want the same outcome, to know exactly what happened, sure, in relation to moving forward and identifying any issues with the helicopter. But providing the next of kin, you know, what's actually happened here, we were basically moving – we weren't coming together. We - - -

15 FLTLT ROSE: So in – sorry, you said you weren't coming together?

SENIOR CONSTABLE TROEGER: No. The more it felt like QPS were trying, the more we were being pushed apart.

20 FLTLT ROSE: Were you aware after you left – you said you left on 7 August. Had you had any conversations with Senior Constable Cook about how the investigation progressed after you left?

25 SENIOR CONSTABLE TROEGER: There was some general conversations in the office. I was aware of when the actual report had been submitted to the Coroner, but nothing of specifics.

FLTLT ROSE: Those are my questions, Ms McMurdo.

30 MS McMURDO: Thank you, FLTLT Rose. Yes, are there any applications to cross-examine? Yes, all right. Would you mind going to – because there are so many counsel representing now, for the sake of the transcript, but also for my sake, and that of AVM Harland, could you please give your names and who you're appearing for when you come up to the
35 microphone to ask questions. Yes, thank you.

<CROSS-EXAMINATION BY COL GABBEDY

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COL GABBEDY: Certainly, ma'am.

Good afternoon, Senior Constable. My name is Nigel Gabbedy. I appear for MAJGEN Jobson, the Head of Army Aviation.

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SENIOR CONSTABLE TROEGER: Yes, hi.

COL GABBEDY: Hi. As I understand, your training and experience, it's
in motor vehicle crash investigation. Is that right?

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SENIOR CONSTABLE TROEGER: That's correct.

COL GABBEDY: And from the evidence you've already given, you did
one course that you described as basic in air traffic investigations in 2010.

10

SENIOR CONSTABLE TROEGER: Correct.

COL GABBEDY: Nothing since that date.

15

SENIOR CONSTABLE TROEGER: Nothing, no.

COL GABBEDY: And this was the first aviation accident that you'd
attended.

20

SENIOR CONSTABLE TROEGER: Yes.

COL GABBEDY: You were aware that the Defence Force Safety Bureau
also attended the accident.

25

SENIOR CONSTABLE TROEGER: Yes.

COL GABBEDY: And they had relevant experience in aviation accidents.

30

SENIOR CONSTABLE TROEGER: They have had, I believe, minimal
experience in aviation accidents.

COL GABBEDY: What are you basing that comment on?

35

SENIOR CONSTABLE TROEGER: I don't know – I don't think they've
had much experience in doing actual investigations into aircraft crashes.

COL GABBEDY: Why do you believe that?

40

SENIOR CONSTABLE TROEGER: I know there was a helicopter crash,
it was in Jervis Bay a couple of years ago, where there were no fatalities.
I'm not aware of too many crashes like this, historically, for the ADF that
they've investigated.

COL GABBEDY: So if I try and break that down for you, Senior Constable, you're basing that comment on your knowledge of past aviation accidents. Is that right?

5 SENIOR CONSTABLE TROEGER: Yes, I'm not aware they've had much experience in aviation crashes.

COL GABBEDY: In your statement you said at paragraph 77 that you had "minimal engagement with ADF members"; is that right?

10

SENIOR CONSTABLE TROEGER: On a formal basis, correct.

COL GABBEDY: And in both your statement and the evidence you've given today, you were somewhat critical about the cooperation and communication between the ADF and the QPS. Is that right?

15

SENIOR CONSTABLE TROEGER: That's correct.

COL GABBEDY: Were you largely basing those comments on things that were told to you by, amongst other people, Senior Sergeant – or Acting Inspector Dyer and Detective Inspector Novosel?

20

SENIOR CONSTABLE TROEGER: And Senior Constable Joseph Cook.

COL GABBEDY: Are you aware that both Senior Sergeant Dyer and Detective Inspector Novosel have given statements for this Inquiry?

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SENIOR CONSTABLE TROEGER: I believe – I assume they have, yes.

COL GABBEDY: What Senior Sergeant Dyer said at paragraph 223 of his statement, for those people that have that statement, is:

30

I felt that the working relationships between QPS and ADF were excellent throughout.

35

Do you accept - - -

SENIOR CONSTABLE TROEGER: I don't agree with that.

COL GABBEDY: You don't agree with that?

40

SENIOR CONSTABLE TROEGER: No.

COL GABBEDY: And you would say that's not what he told you?

45

SENIOR CONSTABLE TROEGER: No, that's – I don't agree with his summarisation there. I believe it could've been a lot better.

5 COL GABBEDY: You believe it could've been a lot better, but aren't you forming that opinion based on what's been told to you by others?

10 SENIOR CONSTABLE TROEGER: I know, for example, there was an email sent by Senior Constable Cook in relation to CMDR Cooper, that these are our reporting obligations to the Coroner, and they were given no priority, almost no acknowledgment whatsoever.

COL GABBEDY: So Senior Constable Cook had some concerns about the priority that certain information was given.

15 SENIOR CONSTABLE TROEGER: Absolutely.

20 COL GABBEDY: But in your evidence today, wasn't Senior Sergeant Dyer one of the people that you named as providing you with information that you used to form the opinion that cooperation between QPS and the ADF was substandard?

25 SENIOR CONSTABLE TROEGER: Well, not so much in the briefings that Acting Inspector Dyer gave at the time, but communications from other parties during those briefings as well.

COL GABBEDY: Do you accept that you might be mistaken about that, given the statement made – or statement that may well be made this afternoon by Acting Detective Inspector Dyer?

30 SENIOR CONSTABLE TROEGER: No.

COL GABBEDY: You also said that you were forming your opinion on information passed on to you by Detective Inspector Novosel; is that right?

35 SENIOR CONSTABLE TROEGER: Yes.

COL GABBEDY: In her statement at paragraph 122, Detective Inspector Novosel says this:

40 *A strong, transparent relationship built on trust and collegiate spirit between the QPS IC Team and the JTF116 was instrumental in achieving this outcome.*

45 And the outcome she was talking about was the coordination of the investigation into the accident.

SENIOR CONSTABLE TROEGER: From my - - -

5 COL GABBEDY: How do you reconcile that statement with what you've been saying to us today?

10 SENIOR CONSTABLE TROEGER: My interactions in the days I was there, especially the first four or five days, was stagnation and non-cooperation.

COL GABBEDY: And again, you had minimal engagement with ADF members.

15 SENIOR CONSTABLE TROEGER: Yes. On a formal basis, that's correct, yes.

COL GABBEDY: Thank you. I've nothing further.

20 SENIOR CONSTABLE TROEGER: Thank you.

MS McMURDO: Any other applications to cross-examine? Any re-examination? No. Anything from Counsel Assisting? No.

25 Thanks very much, Senior Constable Troeger. You are free to go.

SENIOR CONSTABLE TROEGER: Thank you, Ms McMurdo.

30 <WITNESS WITHDREW

MS McMURDO: Yes, COL Streit.

35 COL STREIT: Ms McMurdo, the next witness is Senior Sergeant Adam Dyer, who is outside. I've not had an opportunity to introduce myself to him. I also note the time and wonder whether you would be minded for a short comfort break, so we can reconvene the Inquiry room. This witness will give evidence in person. Thank you.

40 MS McMURDO: Thank you. All right, we'll adjourn until 3.05.

HEARING ADJOURNED

45

HEARING RESUMED

5 MS McMURDO: Yes, COL Streit?

COL STREIT: Thank you, Ms McMurdo. I call Senior Sergeant Adam Dyer.

10 <ACTING INSPECTOR ADAM DYER, Affirmed

<EXAMINATION-IN-CHIEF BY MS ROLOGAS

15 COL STREIT: Senior Sergeant, please feel free to pour yourself a glass of water if you would like. Can I begin by first asking you your full - - -

20 MS McMURDO: I think Ms Rologas was going to – or seems to want to - - -

COL STREIT: Yes, of course. I jumped ahead, Ms McMurdo. I apologise.

25 MS McMURDO: Yes.

COL STREIT: I move away from my learned friend.

MS McMURDO: Thank you.

30 MS ROLOGAS: Again, for the record, Rologas, R-o-l-o-g-a-s, initials M V, solicitor at Gilshenan and Luton.

Acting Inspector Adam Dyer, can you please state your full name?

35 ACTING INSPECTOR DYER: My full name is Adam James Dyer.

MS ROLOGAS: And your current rank?

40 ACTING INSPECTOR DYER: I'm Acting Country Patrol Inspector for Mackay District.

MS ROLOGAS: And your current role within the QPS?

45 ACTING INSPECTOR DYER: Substantively, I'm Officer in Charge of Moranbah Police Station.

MS ROLOGAS: And were you in that role as at 28 July 2023

5 ACTING INSPECTOR DYER: Yes, on that date I was Acting Inspector for the Country Patrol Group in Mackay District.

MS ROLOGAS: At that time, and in that role, were you tasked to assist in the investigation into the incident involving the crash of an MRH-90 Taipan helicopter off the coast of Queensland?

10 ACTING INSPECTOR DYER: Yes, I was.

MS ROLOGAS: And who was it that directed you to undertake that investigation?

15 ACTING INSPECTOR DYER: The first phone call that I received was from the Mackay District Duty Officer for the night, Senior Sergeant McDowell.

20 MS ROLOGAS: What does your role ultimately require you to do?

ACTING INSPECTOR DYER: Initially, with an incident like that, I was on the On-call Commissioned Officer for Mackay District that night. When such an incident occurs, the District Duty Officer would brief the On-call Commissioned Officer. My job, initially, is to overview the QPS response at that stage and then also brief the Mackay District Officer, Superintendent Paine.

25 MS ROLOGAS: And prior to coming to the Inquiry today, did you receive a section 23 Notice requiring you to appear and give evidence?

ACTING INSPECTOR DYER: Yes, I did.

MS ROLOGAS: Did that same Notice require you to prepare a statement for the Inquiry?

35 ACTING INSPECTOR DYER: Yes, it did.

MS ROLOGAS: Is that statement in front of you?

40 ACTING INSPECTOR DYER: It is.

MS ROLOGAS: What date did you sign that statement?

ACTING INSPECTOR DYER: That statement was signed on 10 June 2024.

5 MS ROLOGAS: Have you reviewed that statement today?

ACTING INSPECTOR DYER: Yes, I have.

10 MS ROLOGAS: Do you wish to make any alterations, amendments or additions?

ACTING INSPECTOR DYER: I would like to add at the end of the statement that when we talk about contact with the next of kin, I did have contact with Caitland Lyon. I didn't mention that in my initial statement. That occurred in November and was facilitated through a third party. My recollections of that were that I went over the initial response to the incident with Caitland, and also how the investigation progressed from there.

20 MS ROLOGAS: Do you know why you had that conversation with Ms Lyon?

ACTING INSPECTOR DYER: I believe that Caitland Lyon wanted to speak to someone from the QPS in relation to, I guess, the ongoing investigation and I think, in particular, the initial response to the incident.

25 MS ROLOGAS: And do you know why it was you that had that conversation with Ms Lyon?

ACTING INSPECTOR DYER: I think once we finalised the Incident Room at Whitsunday Station, I became the key point of contact, in particular, for anything to do with the ongoing investigation.

MS ROLOGAS: Is there anything else you want to add to your statement, Acting Inspector?

35 ACTING INSPECTOR DYER: No, I don't believe so.

MS ROLOGAS: Due to a non-publication order, has that statement been redacted in any way?

40 ACTING INSPECTOR DYER: Yes, it has.

MS ROLOGAS: And prior to today, have you had a chance to compare your original statement and the redacted statement?

45 ACTING INSPECTOR DYER: Yes, I have.

MS ROLOGAS: Are you satisfied that there has been no other amendments to your statement?

5 ACTING INSPECTOR DYER: Yes, I am.

MS ROLOGAS: Are you satisfied that the statement has been redacted using the pseudonyms that are contained within the list that is in front of you? I believe it's that laminated list. And, therefore, it's consistent with
10 your unredacted statement?

ACTING INSPECTOR DYER: Yes, that's correct.

MS ROLOGAS: I seek to tender the redacted statement of Adam Dyer
15 dated 10 June 2024.

MS McMURDO: Exhibit 22.

20 **#EXHIBIT 22 - REDACTED STATEMENT OF ACTING INSPECTOR ADAM DYER DATED 10/06/24**

MS ROLOGAS: That's the evidence of that witness.
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MS McMURDO: Thank you, Ms Rologas. Yes, COL Streit.

30 **<CROSS-EXAMINATION BY COL STREIT**

COL STREIT: Thank you, Ms McMurdo.

Acting Inspector, can I just first clarify your rank? Is it Acting Inspector or
35 Senior Sergeant?

ACTING INSPECTOR DYER: My substantive rank is Senior Sergeant, Officer in Charge of Moranbah Police Station. At this time, I'm acting as
40 the Country Patrol Group Inspector for Mackay District.

COL STREIT: I see. So referring to you as Acting Inspector, if I do that, that's accurate?

ACTING INSPECTOR DYER: Yes, sir. Thank you, sir.
45

COL STREIT: All right, thank you. Now, just in relation to some other documents concerning the section 23 Notice, did you receive, at the same time as the section 23 Notice, a Frequently Asked Questions Guide for Witnesses in IGADF Inquiries?

5 ACTING INSPECTOR DYER: Yes, I did.

COL STREIT: Did you receive an extract of the Inquiry's Directions?

10 ACTING INSPECTOR DYER: Yes.

COL STREIT: And a Privacy Notice for witnesses giving evidence?

ACTING INSPECTOR DYER: Yes.

15 COL STREIT: Now, just in terms of your evidence, what I propose to do is take you through parts of your statement. I'll do that chronologically. Beginning firstly – or first, with your background and qualifications. So you commenced life as a Serving Police Officer in Scotland; is that correct?

20 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: And you were there from 2003-2008 in that role?

25 ACTING INSPECTOR DYER: Yes.

COL STREIT: You've then transferred to the Queensland Police Service in 2008?

30 ACTING INSPECTOR DYER: Correct.

COL STREIT: And you commenced life, did you, in 2008 as a Queensland Police Officer?

35 ACTING INSPECTOR DYER: That's correct.

COL STREIT: 2017 you were promoted to Sergeant?

ACTING INSPECTOR DYER: Yes.

40 COL STREIT: And in 2020 you were promoted to Senior Sergeant Officer in Charge.

ACTING INSPECTOR DYER: That's correct.

45

COL STREIT: And you're presently in that role as Officer in Charge at Moranbah Police Station?

ACTING INSPECTOR DYER: Yes, that's correct.

5

COL STREIT: Now, Moranbah is – well, can you just describe where Moranbah is in the State of Queensland?

ACTING INSPECTOR DYER: Yes, Moranbah is in Central Queensland. It's approximately two and a half hours west of Mackay, inland. So approximately 1000 kilometres from Brisbane.

COL STREIT: Now, you say, at paragraph 90 of your statement, that between 2020 and 2024 you have, on various occasions, taken on the role of Acting Country Patrol Inspector for Mackay Police District. What does that mean? Or what is the role of Acting Country Patrol Inspector?

ACTING INSPECTOR DYER: The role of Acting – Mackay District is – well, it's into, I guess, a City Patrol Group, the Country Patrol Group and Crime and Support Services, each of which have a substantive inspector. The inspector, I guess, is the Officer in Charge of those areas. So responsible for a number of police stations and divisions within those separate areas.

Mackay Country Patrol Group, to give you an idea, goes from Carmila in the south, at St Lawrence in the south, it comes out west as far as Clermont, Moranbah, Middlemount, Dysart, Glenden and Nebo, and then goes as far north as Bowen, including Collinsville as well, and some smaller stations like Calen and Seaforth on the way up as well. So there's a number of stations in that patrol group and quite a large distance to cover as well.

COL STREIT: Paragraph 10 of your statement, on page 2, you say that you've –

also taken on the role of Police Forward Commander at a number of major incidents, including severe weather events, industrial incidents with a number of casualties, fatal traffic accidents with multiple victims and other police response incidents.

So just explain, what is the role of a Police Forward Commander in a major incident?

ACTING INSPECTOR DYER: The role of a Police Forward Commander in a major incident is to coordinate the resources. Very often in these instance you require specialist units and it's, I guess, the coordination of

45

5 those units to ensure that they can do the job to the best of their abilities. It can also be, for example, with severe weather events and also this instance, it can also be the liaison with and coordination with external agencies as well to ensure that everyone can do the jobs that they need to do. So I would say that the role of a Police Forward Commander is coordination.

COL STREIT: And would you describe that as a leadership role?

10 ACTING INSPECTOR DYER: Yes.

COL STREIT: Would that also mean in relation to, for example, a motor vehicle accident and if persons were deployed from the Forensic Crash Unit to the location of the accident, would that mean that you're responsible for providing coordination and oversight over what they're doing?

15 ACTING INSPECTOR DYER: Yes, that would – they're obviously the experts in that role. But, for example, for an incident like that, as the Police Forward Commander, I would be calling for Forensic Crash to attend that incident and then also coordinating what they were doing when they get there, but they're very much the experts in that role.

20 COL STREIT: Can I turn now to paragraph 12 where you deal with how you became involved in the investigation? You received a phone call at 2320 hours on 28 July 2023 by the Night Shift District Duty Officer, Senior Sergeant Tony McDowell. Is that correct?

ACTING INSPECTOR DYER: That's correct.

30 COL STREIT: At the time that you received that call, you were the On-call Commissioned Officer for the district and it was not unusual, for an incident such as an aircraft accident, for you to be briefed. Is that right?

ACTING INSPECTOR DYER: That's correct, yes.

35 COL STREIT: What's the On-call Commissioned Officer? What is the significance of that?

40 ACTING INSPECTOR DYER: Obviously Monday to Friday, during the day the Commissioned Officers are all working. And then over night shift and over the weekend, there will, weekly, in Mackay, be an On-call Commissioned Officer. The District Duty Officer, Senior Sergeant McDowell, his job's to overview all the incidents that are currently happening in Mackay District and, I guess, ensure that the jobs are being done correctly, or if there's any need for approvals or anything like that.

45

5 The District Duty Officer would escalate to the On-call Commissioned Officer, depending on the type of incident. And an incident such as this, a helicopter crashing, would always be briefed up to the On-call Commissioned Officer. I guess, again, that's another layer of overview of what is going on and the response that we make to that incident. And then my job as well would be to brief further up to Superintendent Paine.

10 COL STREIT: I see. Now, in relation to the phrase "commissioned officer", in the context of the Queensland Police Service, is that a particular – at a particular rank level?

ACTING INSPECTOR DYER: That's correct.

15 COL STREIT: And if so, what's the rank where you become a Commissioned Officer?

ACTING INSPECTOR DYER: So within the Queensland Police Service, Commissioned Officers start from Inspector up through to Commissioner.

20 COL STREIT: So were you then engaged as the On-call Commissioned Officer because you had the rank of Acting Inspector at that time?

25 ACTING INSPECTOR DYER: That's correct. And it was also the week that I was doing that role as well.

COL STREIT: At paragraph 14 of your statement you say during the phone call you were briefed by Senior Sergeant McDowell. And then subsequently in your statement you addressed the briefing from Senior Sergeant McDowell and we'll turn to that shortly. But as a result of what Senior Sergeant McDowell told you, what did you then do?

30 ACTING INSPECTOR DYER: Basically, from the briefing from Senior Sergeant McDowell, I also brought the incident up on the computer screen as well so that I could see what was happening with the job at the time. Although Senior Sergeant McDowell is briefing – giving me a briefing of the incident, there are also other crews that are attending, et cetera, so I could get a complete overview of that incident.

40 From there, very quickly I briefed Superintendent Paine. Just given the nature of the incident, I felt it was something that he needed to be briefed on immediately. So that's what I did from there.

COL STREIT: Superintendent Paine, what role does she have in QPS?

45 ACTING INSPECTOR DYER: Superintendent Paine, he's the - - -

COL STREIT: He, sorry.

5 ACTING INSPECTOR DYER: - - - District Officer. So he's the Officer in Charge for Mackay District.

COL STREIT: I understand. At paragraph 17 you say that given you were some distance away from the incident, you left for Proserpine the next morning. That was 29 July; is that right?

10 ACTING INSPECTOR DYER: That's correct.

COL STREIT: You then drove from Moranbah to Proserpine Airport in the early hours of 29 July; is that correct?

15 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Approximately how long is the drive from Moranbah to Proserpine Airport?

20 ACTING INSPECTOR DYER: At that time of night, the drive takes about four, four and a half hours.

COL STREIT: Is there a particular reason for that?

25 ACTING INSPECTOR DYER: Just given the night-time hours and the fact that we're driving through rural areas, and the distance is approximately 300 kilometres as well.

30 COL STREIT: And mindful of the wildlife.

ACTING INSPECTOR DYER: Yes, absolutely.

35 COL STREIT: Can I just turn to your briefing from Senior Sergeant McDowell, which commences at paragraph 23 of your statement. This is in relation to the phone call that you received from Senior Sergeant McDowell. At paragraph 24 you note that Senior Sergeant McDowell gave you a brief summary of what had occurred. Advised a helicopter containing four ADF personnel had crashed into the ocean between Dent Island and Lindeman Island. Further advised that the nature of the crash was catastrophic with the likelihood of any survivors being extremely low.

40 Did Senior Sergeant McDowell tell you at any time during the conversation where the information he was giving you – where that had come from?

45

ACTING INSPECTOR DYER: The information he was receiving was from Acting Sergeant Brett Norris, who was at that time Officer in Charge of the Whitsundays Water Police and also one of the lead Search and Rescue Officers for Mackay District as well.

5

COL STREIT: At paragraph 26 you say:

I was made aware that the search and rescue was being run by the Australian Defence Force, with assistance from QPS.

10

Did Senior Sergeant McDowell identify any part of the Australian Defence Force that was conducting the search and rescue?

ACTING INSPECTOR DYER: No, he didn't.

15

COL STREIT: At paragraph 27 you say:

I was also made aware that the ADF was responsible for the provision of SAR for all ADF and visiting military ships, personnel and aircraft as outlined in the National SAR Manual Intergovernmental Agreement on National SAR Response Arrangements.

20

First, SAR is short for search and rescue?

25

ACTING INSPECTOR DYER: That's correct.

COL STREIT: Were you aware of the existence of this manual prior to your discussion with Senior Sergeant McDowell?

30

ACTING INSPECTOR DYER: No, I was not.

COL STREIT: So in the context of your discussion with Senior Sergeant McDowell, he's telling you about the existence of this arrangement?

35

ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: Can I just turn to paragraph 29 and onwards. So this is the point where you actually arrive at Proserpine Airport on 29 July 2023. First, can I ask, why was it that you headed straight to Proserpine Airport and not somewhere else?

40

ACTING INSPECTOR DYER: Proserpine Airport had been identified at that time as the Police Forward Command Point. So that's why I went straight there.

45

COL STREIT: And prior to arriving – so the Police Forward Command Point was at Proserpine Airport; is that correct?

5 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: And prior to arriving there, in your mind's eye, what did you anticipate seeing at that Forward Command Point?

10 ACTING INSPECTOR DYER: At the Forward Command Point I felt that there would obviously be a lot of military personnel there, and quite possibly military personnel that had had some involvement in the incident the night before. But I also felt that in terms of a Forward Command Point for this incident, it was the best place to have it because it allowed QPS and
15 ADF to work closely together right from the start. But that's what I thought I was going to.

COL STREIT: Prior to arriving at Proserpine Airport, what did you understand would be your role when you arrived at Proserpine Airport?

20 ACTING INSPECTOR DYER: My understanding was I would take over from Senior Sergeant McDowell as the Police Forward Commander. He was night shift, so finishing shift that morning.

25 COL STREIT: So you would effectively take over the leadership and coordination role as the Police Forward Commander?

ACTING INSPECTOR DYER: That's correct.

30 COL STREIT: For the search and rescue operation.

ACTING INSPECTOR DYER: That's correct.

35 COL STREIT: When you arrived at Proserpine Airport, did you receive any further briefings from Senior Sergeant McDowell?

40 ACTING INSPECTOR DYER: Senior Sergeant McDowell did advise me at that time that there was a search underway involving, in particular, Volunteer Marine Rescue vessels, ADF vessels and also the Central Queensland helicopter, and I believe an ADF aircraft as well. Senior Sergeant McDowell also briefed me that the ADF had already notified the next of kin of the incident as well and that they were taking the lead in that area as well.

COL STREIT: Did he, in the briefing to you, explain why that had occurred; that is, why the ADF had taken the lead in notifying the families?

5 ACTING INSPECTOR DYER: No, he didn't. But it seemed – from my perspective, it seemed like the natural thing for the ADF to take the lead in that particular role.

10 COL STREIT: Did you understand – or was any information given to you at that time to indicate where the next of kin of the aircrew might be located?

ACTING INSPECTOR DYER: I did have the indication. I didn't know exact details, but none of the next of kin were in Queensland at that time.

15 COL STREIT: Just in relation to the conversation with – or the briefing, rather, with Senior Sergeant McDowell when he first rang you, and then the second one that you received when you arrived at Proserpine Airport, did he mention at all any involvement by any civilian marine voluntary organisation in the initial search and rescue?

20 ACTING INSPECTOR DYER: Yes, he did, and that would be the Volunteer Marine Rescue Units. They're units that we regularly use to assist us with marine incidents. So our water police, particularly in the Whitsundays, are very used to working with them, and vice versa. They're used to working with us, and also taking direction from QPS as well in
25 regards to incidents. There are a number of times when we may not initially have a police vessel available to respond, and we would then look to use a Volunteer Marine Rescue vessel.

30 COL STREIT: And was that the case here, in the sense of there wasn't an initial police vessel that was available?

35 ACTING INSPECTOR DYER: The QPS vessel, Leeding, that is normally at Whitsundays, was currently stationed at Bowen because of the TALISMAN SABRE Exercise, and I was aware – and I don't want to jump ahead, but I was aware from Acting Sergeant Brett Norris that that vessel was being redeployed immediately to the Whitsundays, but obviously there would be a time frame for it to arrive there. So that's why Volunteer Marine Rescue were used at the time for a quick response.

40 COL STREIT: Thank you. Can I just ask you, in relation to the Volunteer Marine Rescue organisation at Airlie Beach, which is referenced in paragraph 30 of your statement, had you personally, yourself, worked with that volunteer organisation?

45 ACTING INSPECTOR DYER: No, never.

COL STREIT: How did you have an awareness that that Volunteer Marine Rescue organisation worked with the Whitsunday Police?

5 ACTING INSPECTOR DYER: So I have in the past relieved in the role of District Duty Officer, and have been involved in incidents where we have utilised them. Now, that has always come through liaison with the Officer in Charge of the Whitsundays Water Police.

10 COL STREIT: Can I just ask you to go to paragraph 33 and 34 of your statement? So this is in relation to a briefing from Acting Sergeant Norris that you received. So when does this briefing occur?

15 ACTING INSPECTOR DYER: I did speak to Acting Sergeant Norris on the night of the 28th briefly, and then had several conversations with him through the early hours of the morning of the 29th, being aware that he was the lead search and rescue officer for Mackay District.

20 COL STREIT: So at paragraph 35 you note that in terms of Acting Sergeant Norris, the information he provided to you, that pursuant to the search and rescue agreement the ADF was the lead agency in the incident in respect of search and rescue, with assistance from QPS.

25 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Did you obtain any further information or clarity in relation to what QPS's role really was then to be?

30 ACTING INSPECTOR DYER: Sergeant Norris said that our role was to assist the ADF with the initial search and rescue, and to my knowledge and understanding from the start of the incident through into the morning of the 29th, that's exactly what was occurring.

35 COL STREIT: Is there a distinction – and if there is, please say so – but is there a distinction between the QPS role in assisting the ADF in the search and rescue, and the QPS role in the conduct of an investigation as to why the accident, or the crash, happened?

40 ACTING INSPECTOR DYER: Yes, that would be my understanding, is they're two completely separate things. And the search and rescue is one part of the incident, but then any report in relation to that incident, or if it's a report for the Coroner, that would be done separately to those doing the search and rescue.

COL STREIT: Did you have any role or function as the Forward Commander, Police Forward Commander, in the actual investigation itself into why the crash occurred?

5 ACTING INSPECTOR DYER: I wasn't involved in the investigation. That was led by Detective Inspector Novosel, Whitsunday CIB, Forensic Crash Unit, and the Disaster Victim Identification with Senior Sergeant Callaghan. Again, as Forward Commander, I have an overview, and I am involved in the coordination of that response, but the in-depth
10 investigation I had no part in that.

COL STREIT: So the delineation in QPS, if I understand your evidence correctly – and if I haven't, please correct me – the delineation is you're responsible for, in the assistance of QPS, assistance to the ADF for search
15 and rescue - - -

ACTING INSPECTOR DYER: Yes.

COL STREIT: - - - as the Police Forward Commander. Detective
20 Inspector Novosel is responsible for the conduct of the investigation, or QPS investigation, into why the aircraft crashed.

ACTING INSPECTOR DYER: That's correct.

25 COL STREIT: And at some point, I suspect – or did it occur, that those two things, search and rescue, and the assistance you were providing, and the conduct of an investigation – they're occurring concurrently, aren't they?

30 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: At paragraph 40 you describe that:

35 *The initial search area was decided using local knowledge from WWP Officers, along with the Australian Search and Rescue water movement data.*

First, WWP is that Whitsundays Water Police?

40 ACTING INSPECTOR DYER: Yes, apologies. Yes, that's Whitsundays Water Police.

COL STREIT: When you're describing, "The initial search was decided using local knowledge from the Whitsundays Water Police, along with

Australian Search and Rescue water movement data”, how did you come by that information, that that’s how the initial search was being conducted?

ACTING INSPECTOR DYER: From Acting Sergeant Norris.

5

COL STREIT: Did you understand at the time that Acting Sergeant Norris is telling you this is what Australian Search and Rescue water movement data actually was?

10 ACTING INSPECTOR DYER: No.

COL STREIT: At paragraph 41 you say:

15 *The initial search area was also very close to the ultimate location of the cockpit and the helicopter resting place on the sea floor.*

How did you come by that information, can you recall?

20 ACTING INSPECTOR DYER: That again, the initial search, Sergeant Norris said was essentially where the splash point was, which my understanding is from the initial debris and the oil slick, and that’s where the initial search started. But I also know, as time went on, that is where the cockpit and the major parts of the helicopter were located as well, or close to that area.

25

COL STREIT: At paragraph 44 you say – well, I’ll paraphrase, but it’s the Whitsundays Water Police were the experts in the area, and briefed the Police Commander accordingly in relation to weather, tides and currents – as detailed above, the Police Commander was initially Senior Sergeant McDowell until you took over.

30

ACTING INSPECTOR DYER: Yes.

35 COL STREIT: Did they then brief you – that is, the Whitsunday Water Police brief you – about any issues concerning weather, tides and currents?

ACTING INSPECTOR DYER: That’s correct. And it would always have been Acting Sergeant Norris that briefed me on that, yes.

40 COL STREIT: I see. At paragraph 46 you say:

45 *I was made aware by Acting Sergeant Norris that at the time of the crash the tides in the area were rising to a new moon phase. This increased the amount of water and flow rate in the area.*

Can I just ask, do you have any qualifications or experience – or qualifications, rather, in relation to tidal flows and currents in the ocean?

5 ACTING INSPECTOR DYER: No, none.

COL STREIT: So you're relying upon the information that's been provided to you from other individuals.

10 ACTING INSPECTOR DYER: That's correct.

COL STREIT: At para 47 you say:

15 *I was also advised by Acting Sergeant Norris that the search conditions, both above and below the water, would be difficult in the area due to strong tidal currents.*

It might be an obvious question, but did he explain to you why that would affect the search?

20 ACTING INSPECTOR DYER: The main effect that would have for search, my understanding, was to do with diving in particular, to do with the currents. But also just to do with the drag of the debris as well. It would be moving debris through that. It's sort of like a channel through there and it would be moving debris in a lot of different directions.

25 COL STREIT: You also were told by Acting Sergeant Norris the searching conditions were difficult given the main cockpit was located in approximately 40 metres of water. Is that right?

30 ACTING INSPECTOR DYER: That's correct.

COL STREIT: At 48 you say:

35 *QPS divers can only go to a maximum of 30 metres. Accordingly, further searches would require ADF Clearance Divers, [REDACTED]*

Do you recall where you obtained that information from?

40 ACTING INSPECTOR DYER: That information, again, came from Acting Sergeant Norris. And, yes, my understanding is that the QPS divers can go to 30 metres but no further. But we did have ADF Clearance Divers [REDACTED].

COL STREIT: You then deal with other persons involved in the investigation, including identifying Senior Constable Joe Cook from the Forensic Crash Unit.

5 ACTING INSPECTOR DYER: Yes.

COL STREIT: Did you have much to do with Senior Constable Cook whilst he was in the location?

10 ACTING INSPECTOR DYER: Yes, I did.

COL STREIT: At 51 you say:

15 *The QPS investigation into this incident was led by Detective Inspector Emma Novosel and Detective Luke –*

is it Scells?

20 ACTING INSPECTOR DYER: Scells.

COL STREIT:

Scells from the Whitsunday Criminal Investigation Branch.

25 Did you have much to do with either of those two officers?

ACTING INSPECTOR DYER: Yes, I did.

30 COL STREIT: You, also at 52, say you're –

aware that they were supported by the Disaster Victim Identification Unit led by Senior Sergeant Richard Callaghan. And the investigation was conducted at the Direction of the Coroner.

35 So the reference there, "investigation conducted at the Direction of the Coroner", is the investigation into why the aircraft crashed?

ACTING INSPECTOR DYER: What happened, yes. That's correct.

40 COL STREIT: Into what happened. Did you have much to do with Senior Sergeant Richard Callaghan while you were there?

ACTING INSPECTOR DYER: Yes, I did.

45 COL STREIT: Paragraph 54 you say:

I'm aware that the overall protracted investigation of the incident was carried out by the DFSB and also at the Direction of the Coroner.

5

So DFSB is the Defence Flight Safety Bureau?

ACTING INSPECTOR DYER: That's correct.

10 COL STREIT: Did you have much to do with the Defence Flight Safety Bureau?

ACTING INSPECTOR DYER: I did, in particular with CMDR Dom Cooper, or Dominic Cooper, yes.

15

COL STREIT: And what was your role in relation to engaging with CMDR Cooper?

20

ACTING INSPECTOR DYER: Again, it was a role of coordination. When an incident like this happens, there are a lot of moving parts to that incident and there are also a number of different organisations that have a role in that incident as well. So I guess my main job was that coordination and ensuring that everyone was working together to get the best possible outcome from this incident. But also meet the requirements that their organisation had as well.

25

COL STREIT: I'll just take you to paragraph 59, 60 and 61. Paragraph 59 you say:

30

The Whitsundays CIB and the QPS FCU were responsible for reporting to the Coroner and ensuring that the Directions from the Coroner in relation to the initial investigation and longer-term investigation were met.

35

Do you recall what any of those Directions were, the Directions from the Coroner?

40

ACTING INSPECTOR DYER: There were a number of Directions from the Coroner. And quite often those Directions would come from – for example, when we first removed debris from the sea, we had to relocate that to Whitsundays Police Station. Now, we needed a Direction from the Coroner to say that they were happy for these items to be stored and documented at Whitsundays Police Station.

So almost everything – every step along the way is almost – almost everything’s reported to the Coroner or was seeking a Direction from the Coroner that they are happy with the way the investigation is proceeding.

5 COL STREIT: In terms of getting a Direction from the Coroner or seeking a Direction, was that something that you did?

ACTING INSPECTOR DYER: No.

10 COL STREIT: Was that something some other QPS Officer did and then relayed to you the information?

ACTING INSPECTOR DYER: We call it a Supplementary Form 1 that is sent through to the Coroner. And in the vast majority of cases these were
15 done by either Senior Constable Joe Cook, Detective Sergeant Luke Scells, or Senior Sergeant Ritchie Callaghan. I’m also aware that Detective Inspector Novosel submitted a couple of Supplementary Form 1s to the Coroner as well.

20 COL STREIT: The Coroner would, on occasion, send back Directions. Would those Directions then be reported to you?

ACTING INSPECTOR DYER: Absolutely, yes. The Directions would come back to say that, yep, we could store the property at the Whitsundays
25 Police Station or that the process we had in place for the location of human remains was – the Coroner was happy with that process.

COL STREIT: In terms of Directions from the Coroner in relation to the initial investigation, you note at paragraph 60:

30

This included the obtaining of initial witness statements and the process involved for the recovery of items and the release of same to the Defence Flight Safety Bureau.

35 Are you aware whether there was any challenges in QPS obtaining initial statements from witnesses?

ACTING INSPECTOR DYER: My understanding is there was a delay in receiving the statements from the witnesses. But I also know that that was
40 then subject of a Direction from the Coroner, whereby the Coroner said that the witnesses had four to six weeks to provide those statements to the QPS. So that would be my understanding of that.

COL STREIT: And that’s something that was reported to you. It’s not
45 something you’re necessarily involved in?

ACTING INSPECTOR DYER: No.

5 COL STREIT: I'll turn now to your involvement in the crash investigation, which is what the subject heading just above paragraph 63 of your statement says. So you were the Acting County Patrol Group Inspector at the time of the incident?

10 ACTING INSPECTOR DYER: That's correct.

COL STREIT: For the purposes of your role in the investigation, you were the Police Forward Commander. That's right?

15 ACTING INSPECTOR DYER: That's correct.

COL STREIT: In paragraph 67 you say:

The ongoing investigation into the cause of the helicopter crash was to be done by the DFSB, who are the experts in the area.

20 How did you form the view that they were the experts?

25 ACTING INSPECTOR DYER: I'm aware that there's obviously a sort of Memorandum of Understanding with regards to DFSB and ATSB to do with aviation incidents. And again, through Direction from the Coroner, the long-term investigation was to be carried out by Defence Flight Safety Bureau, the DFSB. Again, they have the expertise in that area. So from a QPS perspective, we submitted a 28-day report to the Coroner outlining what we believed happened. But that long-term investigation into why it
30 happened was to be conducted by DFSB.

COL STREIT: When you make a reference to "ATSB", that's a reference to the Australian Transport Safety Bureau?

35 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: Do you understand that that is the Australian civilian organisation that undertakes aircraft investigations domestically in Australia?

40 ACTING INSPECTOR DYER: Yes.

45 COL STREIT: Was there anyone that you can recall from the Australian Transport Safety Bureau that was present at Proserpine during the time you were there?

5 ACTING INSPECTOR DYER: I am aware that there were representatives from ATSB who came to two or three of the initial briefings. I don't believe that they were at Proserpine Airport when I got to Proserpine Airport. But going forward from there, when we moved the Incident Command to Whitsundays Police Station, certainly for the first few briefings ATSB were there as well. I don't recall exactly who was there, but they were present.

10 COL STREIT: I'm just going to turn now chronologically to the major steps of your involvement in the investigation. You've dealt with what occurred on 28 July, and in part on 29 July. I just want to take you now to paragraph 76 of your statement, if I can.

15 ACTING INSPECTOR DYER: Yes.

COL STREIT: There you say:

20 *The investigators obtained brief versions from the three witnesses who were in the fourth helicopter, in the formation behind the helicopter crash.*

When you say "the investigators" at that paragraph, who is that a reference to?

25 ACTING INSPECTOR DYER: That's to two detectives from Whitsundays CIB, and the third one was Acting Sergeant Aaron Webster from Forensic Crash Unit in Mackay, who also attended the Police Forward Command Point on the 29th.

30 COL STREIT: Paragraph 78 you say you recall –

that we were advised by BRIG Thompson that they have welfare protocols in place that prevent statements being taken that day.

35 Were you present when you say BRIG Thompson provided that advice?

ACTING INSPECTOR DYER: Yes, that's correct.

40 COL STREIT: Can you just provide some context around that discussion? So how did that come about, that discussion?

45 ACTING INSPECTOR DYER: That came about because the witnesses, or those that I believe were involved in the exercise on the 28th, were already getting on to planes to be flown out of Proserpine Airport. So we obviously had our investigators go there and speak to them briefly, obtain brief

5 versions from them as to what had happened. But we were advised that ADF protocols did not allow us to take statements then. And to be honest as well, they were flying – they were literally about to fly out at that time as well, so an arrangement was made that those statements would be taken in the following days.

COL STREIT: Did BRIG Thompson explain what the purpose of the welfare protocols were or he simply made reference to welfare protocols?

10 ACTING INSPECTOR DYER: I don't recall a deeper meaning to that, but I took it to mean that they'd been involved in a fairly horrific incident and that they were looking after their welfare as a result of that.

15 COL STREIT: At paragraph 80 you say:

BRIG Thompson also confirmed that the ADF had already contacted the next of kin of the crewmen of the incident, and that they would be maintaining that point of contact with the next of kin going forward.

20 Is that correct?

ACTING INSPECTOR DYER: That's correct.

25 COL STREIT: Is that something he said to you in the same conversation you just gave some evidence about?

30 ACTING INSPECTOR DYER: That was said to me, but it was also briefed to me by Senior Sergeant McDowell, who had had the same conversation as well.

COL STREIT: Sure.

35 MS McMURDO: Just taking you back for a minute to paragraph 79:

Arrangements were to be made for the statements to be obtained in the following days.

40 Was the arrangement also that they would then be forwarded to Queensland Police?

ACTING INSPECTOR DYER: That's correct. At that stage that was the understanding, yes.

COL STREIT: Just to clarify one thing, Acting Inspector, when – in paragraph 80, when you say:

5 *BRIG Thompson also confirmed that the ADF had already contacted the next of kin of the crewmen of the incident, and that they would be maintaining that point of contact with the next of kin going forward –*

10 is that something you recall BRIG Thompson saying to you, or is that something you were told by somebody else?

15 ACTING INSPECTOR DYER: No, that was what we discussed on the day, was that that long – the long-term contact with the next of kin would be done through the ADF. I’m aware that if the next of kin resided in Queensland, the initial contact with the next of kin would always involve a QPS Officer. But given that the next of kin did not live in Queensland, the decision was made that we felt it best that we have one point of contact for the next of kin, which naturally would be the ADF.

20 I think in an instance like this, if people are being contacted by various different organisations, that can itself be quite traumatic as well, and it’s far better to have that one point of contact, and given that the ADF had started that, we felt it best for the ADF to maintain that.

25 COL STREIT: And you were comfortable with that?

 ACTING INSPECTOR DYER: Yes.

30 COL STREIT: And in your role as the Forward Police Commander, if you hadn’t been comfortable with that, I take it you would’ve spoken up and done something about it?

 ACTING INSPECTOR DYER: That’s correct.

35 COL STREIT: Can I take you to paragraph 82, 83 and 84. The effect of those paragraphs is that Superintendent Paine received an email from LCDR Rob Graham, which the email was subsequently forwarded to you at a later stage.

40 ACTING INSPECTOR DYER: That’s correct.

 COL STREIT: And this was on 29 July 2023 at 12.17 pm, in which the email provided – that Superintendent Paine received the email. The effect of that email was that, given the incident involved an ADF aircraft and ADF

personnel, the ADF were the responsible authority for search and rescue in accordance with the Search and Rescue Agreement. Is that right?

5 ACTING INSPECTOR DYER: That's correct.

COL STREIT: And at 85 you say:

10 *The email further articulated that the ADF also have responsibility for the provision and coordination of air search and rescue assets, land search and rescue assets, and maritime search and rescue assets.*

Is that right?

15 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Did the email itself contain a copy of this Search and Rescue Agreement, do you know?

20 ACTING INSPECTOR DYER: Yes.

COL STREIT: Did you have reason to open it and look at the agreement, that you can recall?

25 ACTING INSPECTOR DYER: Yes, I had a look at it. It's a very thick document, but I did have a look, and I saw the part that outlines the ADF's responsibility in regard to the search and rescues.

30 COL STREIT: Can you recall who is a signatory to that agreement off the top of your head?

ACTING INSPECTOR DYER: No.

35 COL STREIT: Now, can I take you to paragraph 87 and 88? You say at approximately 2 pm later that day, which is 29 July 2023, you were briefed by Acting Sergeant Norris to the effect that an American dive team from the US Navy had been deployed. Is that correct?

40 ACTING INSPECTOR DYER: That's correct.

COL STREIT: And that a large area of fuselage and tail of the helicopter that was floating at the crash area had been located.

45 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Did he provide you any further information about how the American dive team had been engaged?

ACTING INSPECTOR DYER: I have no - - -

5

COL STREIT: How did they turn up on the scene?

ACTING INSPECTOR DYER: No, he didn't provide any details.

10 COL STREIT: Did he say where he had obtained the information from about the American dive team?

ACTING INSPECTOR DYER: My understanding is that Sergeant Norris was in contact with the ADF vessel that was there, and therefore getting information from them, but as to exact details of who, I don't have that.

15

COL STREIT: You were also advised by Sergeant Norris that a helmet containing some human remains was also found in that area at that time.

20 ACTING INSPECTOR DYER: That's correct.

COL STREIT: On the evening of 29 July 2023, Police Forward Command Point moved from Proserpine Airport to the Whitsundays Police Station, Major Incident Room.

25

ACTING INSPECTOR DYER: That's correct.

COL STREIT: The Whitsundays Police Station is located at Airlie Beach; is that right?

30

ACTING INSPECTOR DYER: That's correct.

COL STREIT: And can you just explain what led to the Police Forward Command Point being moved?

35

ACTING INSPECTOR DYER: I think the Whitsundays Police Station was more central logistically. In terms of an ability to hold the Major Incident Room, we had the facilities there. But also, we had facilities for the recovery of property for property points. That sort of thing as well, which we didn't have any of that at Proserpine Airport at that time. So logistically it made far more sense to be based at Whitsundays Police Station.

40

COL STREIT: For those who are not Queenslanders, Proserpine Airport, is that the airport that supports Airlie Beach?

45

ACTING INSPECTOR DYER: That's correct, yes.

5 COL STREIT: Are you able to say approximately how long it takes to drive from Proserpine Airport to Airlie Beach?

ACTING INSPECTOR DYER: From Proserpine Airport to Airlie Beach would be around the 45-minute mark.

10 COL STREIT: Now, turning to your evidence from 30 July onwards at paragraph 94, you say:

On the morning of 30 July, a multi-agency briefing was held at the Whitsundays Police Station.

15

Is that correct?

ACTING INSPECTOR DYER: That's correct.

20 COL STREIT: At 95 you say you typically ran the briefings, as in you opened them and went around to each agency for an update and to introduce anyone that needed to be. What was the purpose behind those morning briefings?

25 ACTING INSPECTOR DYER: Those morning briefings, I guess, were for everyone to have an understanding of what we were doing. A facility for communication between different agencies as well. And basically it allowed for the planning. So we would – at those morning briefings would be outlined what we were doing for the day with regards to initially the SAR
30 response, but obviously each organisation would have different requirements, different priorities. So it facilitated that communication so that when you have an incident like this that occurs, certainly in the early days it can be – there can be teething problems. And I think the briefings allowed everyone to discuss what was going on, and start to open the
35 channels of communication, and that was a priority for us, but it also allowed us to plan, on a daily basis, as to what we were doing.

40 COL STREIT: In terms of the delineation between the QPS assistance to the ADF on the search and rescue and the QPS responsibility to investigate what happened in the crash, how was it determined that you would lead these morning meetings?

45 ACTING INSPECTOR DYER: I think, as Police Forward Commander, that's a natural thing, for me to lead them. And, very much, that was a facilitating rule, more than anything else. And, really, it was an opportunity

to go around – an incident like this, you have a number of experts involved, and it was an opportunity to go around to each different unit or group and identify what they were doing, what they needed to do. And again, as I said, it very much facilitated communication as well.

5

COL STREIT: At paragraph 96, at least insofar as the 30 July 2023 meeting's concerned, in attendance were a number of ADF personnel, Whitsundays CIB, Mackay FCU, DFSB, DVI, and WWP. So to break that – or expand that: it was the Whitsundays Criminal Investigation Branch?

10

ACTING INSPECTOR DYER: That's correct.

COL STREIT: Mackay Forensic Crash Unit?

15

ACTING INSPECTOR DYER: That's correct.

COL STREIT: Defence Flight Safety Bureau?

ACTING INSPECTOR DYER: Yes.

20

COL STREIT: The Whitsunday Water Police?

ACTING INSPECTOR DYER: Yes.

25

COL STREIT: And DVI?

ACTING INSPECTOR DYER: Is Disaster Victim Identification.

30

COL STREIT: And so representatives of those organisations were present in the meeting on 30 July. And, to your observation over several days that you were involved in this particular matter, were the same faces or same organisations represented in the morning meetings?

ACTING INSPECTOR DYER: That's correct.

35

COL STREIT: How long did the meetings run for, approximately?

40

ACTING INSPECTOR DYER: Certainly, initially, they could go for between half an hour to an hour. But as time went on – and I think as roles – people were aware of what we were doing and the planning that was in place – the briefings did become shorter. And they certainly – initially, in the first couple of days, the briefings were probably, you know, half an hour to an hour in length.

COL STREIT: In relation to the meeting on 30 July, you say at paragraph 98 that it planned that a surface search would be conducted consisting of three ADF vessels, two QPS vessels, as well as air assets. Can you recall what the three ADF vessels were?

5

ACTING INSPECTOR DYER: No, I can't.

COL STREIT: What about the QPS vessels?

10 ACTING INSPECTOR DYER: The QPS vessels would've included Leeding. And, from memory, I don't recall the second vessel.

COL STREIT: Paragraph 99, you say that:

15 *At 10.06 am a further email was received by Superintendent Paine from LCDR Rob Graham, attaching the Memorandum of Understanding between the Australian Transport Safety Bureau and DFSB. The memorandum outlines that DFSB would be responsible for investigation in respect of the incident.*

20

And then you say at paragraph 100 that:

The email was subsequently forwarded to you by Superintendent Paine.

25

Just in relation to that aspect of your evidence, do you recall whether you had cause to examine the Memorandum of Understanding?

30 ACTING INSPECTOR DYER: I did examine. Again, similar with the SAR Manual, not at depth. But I did look through it, yes.

COL STREIT: And did that confirm to you what you were being told: effectively, that the DFSB would conduct the investigation into the incident?

35

ACTING INSPECTOR DYER: That's correct. And that was backed up by a conversation I had with Superintendent Paine as well.

COL STREIT: At paragraph 102 you say:

40

Also on this date –

which was 30 July –

further ADF and QPS divers arrived to assist with the search and rescue.

5 Do you know who provided that information to you?

ACTING INSPECTOR DYER: That was Sergeant Norris.

10 COL STREIT: And that you were also advised by Acting Sergeant Norris that further wreckage was recovered close to the shore at Hamilton Island in about one metre – the wreckage was about one metre in length and belonged to the relevant incident?

ACTING INSPECTOR DYER: That's correct.

15 COL STREIT: At paragraph 105 you say:

It was agreed, by all involved –

20 ADF, QPS and DFSB –

that we would have morning and afternoon briefing every day, and it would be held at the Whitsundays Police Station Major Incident Room.

25 ACTING INSPECTOR DYER: Yes.

COL STREIT: Was there a time set for those meetings?

30 ACTING INSPECTOR DYER: The times varied, dependent, again, on what was happening. The morning briefing would generally be half past 6, 7 am, and the evening briefing at 1700. But again, that was flexible as well, depending on what was going on each day.

35 COL STREIT: How would people know what the time of the meeting was?

40 ACTING INSPECTOR DYER: Again, just through communication. Whether that's your phone, email, or, for example, someone from the QPS speaking to a member of the ADF, who would pass on to the ADF units. But my feeling is that, from very early in the piece, there was good communication between the different organisations/different agencies there. So it wasn't a difficult thing to facilitate.

45 COL STREIT: Do you recall whether any QPS Officer communicated to you satisfaction with their engagement with the Australian Defence Force?

5 ACTING INSPECTOR DYER: I am aware that there was some frustrations on the part of the Forensic Crash Unit Officers, just with regards to some delays and things that were happening. My feeling on that is that the Forensic Crash Unit Officers are experts in their field, and they're very focused on that.

10 As a Forward Commander, my responsibility is to look at the whole incident, and realise that there is a bigger picture than just the Forensic Crash Unit Report. And I think their frustrations were born out of – which they're very good at doing – but just staying very much in their lane. It's not their job to look at the bigger picture.

15 So I do understand that there were frustrations there. But in any incident like this, involving multiple agencies, right at the start it's always difficult. There are always going to be teething problems. But that's where, I guess, my role as a Forward Commander is to work through these with the other agencies involved, and also with the specialist units from the QPS as well. And that's what we did.

20 And, as time went on, communication and sort of relationships, I think, were excellent, and particularly, from my perspective, on the arrival of GPCAPT Pont, for the Joint Taskforce Command. Communication between everyone became a lot better upon the arrival of the Joint Taskforce.

25 COL STREIT: So GPCAPT Pont was the Commander of the Joint Taskforce established by the ADF?

30 ACTING INSPECTOR DYER: That's correct.

COL STREIT: And, subsequent to his arrival – if I'm understanding your evidence correctly – communication and coordination improved between QPS and the ADF?

35 ACTING INSPECTOR DYER: I think so, yes.

MS McMURDO: Did you get the statements from QPS, in the following days, that you were hoping to get?

40 ACTING INSPECTOR DYER: From the witnesses?

MS McMURDO: Mm.

ACTING INSPECTOR DYER: I believe – my understanding is, that was subject to Direction from the Coroner, which gave the witnesses four to six weeks to provide those statements, at which point they were provided.

5 MS McMURDO: Thank you. And when did GPCAPT Pont arrive?

ACTING INSPECTOR DYER: GPCAPT Pont arrived on the evening of the 2nd. I think the first briefing he was at was 3 August – from my statement.

10

MS McMURDO: Thank you.

COL STREIT: Just in relation to 31 July, if I can.

15 ACTING INSPECTOR DYER: Yes?

COL STREIT: So there was a briefing at 7.30 in the morning, a multi-agency briefing?

20 ACTING INSPECTOR DYER: That's correct.

COL STREIT: From QPS's perspective, in attendance was: Assistant Commissioner Gutteridge, Superintendent Paine, Detective Inspector Novosel, Inspector Spiteri. Just in relation to Assistant Commissioner Gutteridge, what is the Assistant Commissioner's role?

25

ACTING INSPECTOR DYER: The Assistant Commissioner was Assistant Commissioner for Central Region – Central Police Region, and that incorporates Mackay District. But it's a far bigger area, obviously, going from Rockhampton in the south, and it goes out as far as Longreach. But he's the Assistant Commissioner – he was the Assistant Commissioner for Central Police Region.

30

COL STREIT: And is his attendance – sorry, is it him or her?

35

ACTING INSPECTOR DYER: It's Kevin Gutteridge, so "him".

COL STREIT: Thank you. So his attendance, was that simply a reflection of the magnitude of - - -

40

ACTING INSPECTOR DYER: Absolutely, yes.

COL STREIT: - - - what had happened?

45 ACTING INSPECTOR DYER: Yes.

COL STREIT: At paragraph 109 you say:

5 *It was agreed that the diving operation with the ADF and QPS
divers would commence. However, the diving conditions were
made very difficult due to the depth of debris and strong currents
in the aera, and made visibility very difficult.*

10 Do you know where that information came from?

ACTING INSPECTOR DYER: That came from Sergeant Norris.

COL STREIT: At paragraph 112 you say:

15 *Any human remains that were located were taken to Leeding –
that's the QPS vessel Leeding?*

20 ACTING INSPECTOR DYER: That's correct.

COL STREIT:

25 *For examination and recording by DVI –
Disaster Victims Identification.*

*Thereafter they were brought to shore to be collected by
Local Government undertakers and taken to the Mackay Morgue.*

30 Is that right?

ACTING INSPECTOR DYER: That's correct.

35 COL STREIT: Do you know who provided that information to you, that
that's what was happening?

ACTING INSPECTOR DYER: That was put in place in consultation with
Senior Sergeant Callaghan, who was the lead representative of the Disaster
Victim Identification.

40 COL STREIT: At paragraph 116 you say – and this is in terms of wreckage
recovery:

Larger items would be brought to the shore by a commercial vessel. They would be brought to the Whitsundays Police Station again for examination and recording by DVI and FCU.

5 Where did the commercial vessel come from, do you know?

ACTING INSPECTOR DYER: The commercial vessel was initially organised by QPS. So the Officer in Charge of Whitsundays Police Station, which is Senior Sergeant Nathan Blain, through local contacts he organised that commercial vessel to start with. That commercial vessel further, through the operation, was replaced by the ADF's LCM-8. I do apologise, I don't know exactly what type of vessel that is, but I know it's a barge that's capable of carrying debris on it, similar to this commercial vessel.

15 COL STREIT: At paragraph 119 you say you –

recall that every day smaller parts of wreckage and equipment were being found in the water and on the shoreline across the area.

20 Paragraph 120:

At this stage, a Direction was being sought from the Coroner as to what was to happen to the property and wreckage that was located.

25 What ultimately was the outcome of that?

ACTING INSPECTOR DYER: The long-term outcome was that all property initially came to Whitsundays Police Station. So we had sought initially a Direction from the Coroner to extend the property point. The official police property point of Whitsundays Police Station was extended to be able to – for us to house the wreckage at the Whitsundays Police Station. Ultimately, what happened was the Coroner provided a Direction whereby we could then take all property, all wreckage that was recovered straight to Proserpine Airport where there was far more room. And that would become a property point for the Queensland Police Service as well, to allow FCU and DVI to examine these items there as well.

COL STREIT: Do you know where in Proserpine Airport the wreckage was placed? Was it in sort of a warehouse or was it somewhere else?

40

ACTING INSPECTOR DYER: It was in the – at the time for TALISMAN SABRE there was a military compound at the back of the airport, which is where it was stored. My understanding is the ADF had facilities to house the wreckage there as well.

45

MS McMURDO: Was there a log kept of all the pieces of wreckage that were brought in and who found them and where they were found?

5 ACTING INSPECTOR DYER: Yes. That log is on our computer system and it has been provided to the Inquiry. I'm not sure whether that is at the Inquiry yet, but we've certainly provided that information. And every item that came into QPS custody, if you want, is fully documented there.

10 MS McMURDO: Was that on the CD disc? Do you know if that was on the CD?

ACTING INSPECTOR DYER: I'm not sure what format. I provided it in a hard copy.

15 MS McMURDO: Okay.

COL STREIT: I can indicate, Ms McMurdo, that we're still waiting for some items to be provided to us by the relevant authority within Queensland Police.

20 MS McMURDO: So it hasn't got here yet but it should be on its way; is that right?

25 COL STREIT: Yes, anticipate receiving - - -

ACTING INSPECTOR DYER: Sorry, ma'am, it has been provided to them. I do know that it can take a period of time for them to approve it to be sent on, but it will be coming.

30 MS McMURDO: It's coming.

ACTING INSPECTOR DYER: Yes.

35 MS McMURDO: Thank you.

COL STREIT: Sorry, Ms McMurdo. My instructing solicitors provided clarification. We have received the log. There are other items that we're presently waiting for.

40 MS McMURDO: Thank you.

COL STREIT: Thank you. Can I turn now to 1 August on your statement, which is paragraph 123. At paragraph 123 you say:

45 *On 1 August there were discussions with a MAJ Scott Moon –*

and you –

5 *and a Superintendent Paine and Detective Inspector Novosel and
Acting Sergeant Norris about bringing the ADV Reliant vessel to
the crash site for more protracted ongoing recovery.*

So ADV, Australian Defence Vessel?

10 ACTING INSPECTOR DYER: Yes, that's correct.

COL STREIT: So that was an Australian Defence ship and the discussion was to bring it to the crash site. What generated the discussion?

15 ACTING INSPECTOR DYER: I think it was for the ability – it was a far
bigger vessel than anything we had there and it was for the ability to bring
larger items of debris directly onto the deck of that vessel, which would
then mean that they could be examined by both DVI, FCU and DFSB on
the deck before being transported to land. So there was no – I guess, with
20 that, no opportunity for any further damage or anything to be lost there. So
it was just a far better vessel for what we were looking to do.

COL STREIT: What was happening at that time, given there was a
discussion about getting *Reliant*? What vessel was being used?

25 ACTING INSPECTOR DYER: At that time, I believe it was
HMAS *Adelaide*, and we also had the QPS Vessel Leeding there as well.
But at that time we were not recovering large items. There had been a
couple of larger items recovered initially, but at that time, mainly due to
30 weather conditions, there was a lot of surveying of the site going on but we
weren't actually recovering. And the decision was eventually made that
until the ADV *Reliant* came, we probably couldn't recover the larger items
until that was in place.

35 COL STREIT: HMAS *Adelaide* is a helicopter carrier vessel; is that right?

ACTING INSPECTOR DYER: Sorry, sir, I don't – yes.

40 COL STREIT: That's all right. I'm sure somebody will tell us from the
Navy shortly. I just want to ask you about weather conditions. At
paragraph 126 you say:

45 *Furthermore, the weather conditions were a problem from
2 August. Whether conditions were to worsen, which would
hamper surface and underwater recovery.*

And that also had an impact on dive operations; is that right?

5 ACTING INSPECTOR DYER: That's correct.

COL STREIT: At paragraph 129 you say:

10 *Dive operations at this stage were very much to focus on surveying the wreckage, in particular the two larger pieces of wreckage, being the rotor head and cockpit area. These had been located near the initial crash site using sonar from one of the ADF vessels in preparation for the arrival of the ADV Reliant.*

15 In terms of the impact of weather, did that – and this is 1 August – did that impact 1 August and subsequent days in terms of surface and dive operations?

20 ACTING INSPECTOR DYER: That's correct. The weather did impact those pretty much from 2 and 3 August right through to 7 August was when we did the dive that located the flight data recorder and also the boot as well.

COL STREIT: Can I take you to 2 August. Paragraph 136, you say:

25 *The weather conditions deteriorated, meaning dive operations were unlikely to recommence until 4 August at the earliest.*

Is that correct?

30 ACTING INSPECTOR DYER: That is correct, yes.

COL STREIT: At paragraph 137 you say:

35 *I recall that preparations were ongoing at this stage for the arrival of ADV Reliant with regards to recovery wreckage and items.*

So is it fair to say – is it accurate to say that at least in the early stages of August the impact of weather was affecting the conduct of dive operations?

40 ACTING INSPECTOR DYER: That's correct.

COL STREIT: That essentially the recovery operation was waiting for Australian Defence Vessel *Reliant* to arrive?

45 ACTING INSPECTOR DYER: For the larger items, yes, that's correct.

COL STREIT: To collect the larger items.

5 ACTING INSPECTOR DYER: Yes, that's correct.

COL STREIT: And the larger items include part of the cockpit located in 40 metres of water.

10 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Close to what was understood to be the impact site of the crash.

15 ACTING INSPECTOR DYER: That's correct, yes. That's correct.

COL STREIT: And the impact site of the crash was identified as a result of where an oil slick was early on in the search and rescue?

20 ACTING INSPECTOR DYER: It was – from Sergeant Norris's description to me, he described it as the splash point, which is where there was an oil slick and initial debris in that very close area.

COL STREIT: Now, can I take you to 3 August. You say that, at 143:

25 *The preparations for the arrival of ADV Reliant on 4 August was still ongoing.*

That's right?

30 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: You then say at 145:

35 *At this time GPCAPT Jason Pont arrived and took command of ADF operations and the Joint Task Force.*

Is that correct?

40 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: So his arrival, you got there on the 29th. That's right?

ACTING INSPECTOR DYER: That's correct, yes.

45 COL STREIT: 30, 31, 1, 2 and 3 August, and he's there at that time?

ACTING INSPECTOR DYER: That's correct.

5 COL STREIT: To your observation, what then occurred in terms of your engagement with the ADF? How did things change?

10 ACTING INSPECTOR DYER: I think that the communications and the engagement with the ADF became much better – a lot easier as well. I think there was more of an understanding of actually what the QPS role was, which was obviously to report the four deaths to the Coroner. And I think engagement with the ADF from that point, it did become a lot better. Prior to that, I'm not saying it was bad, but there were obviously teething problems. And as I said, when you have a major incident like this and you have different organisations involved, you're always going to have them happening. But GPCAPT Pont certainly improved our liaison with the ADF.

COL STREIT: 4 August, at 146 of your statement you say:

20 *The ADV Reliant arrived on 4 August as planned to take over as the primary recovery vessel from HMAS Adelaide.*

Do you know when HMAS *Adelaide* arrived in the search and rescue area?

25 ACTING INSPECTOR DYER: Not exactly, no, sorry.

COL STREIT: Was HMAS *Adelaide* there when you arrived or, to your recollection, was there when you arrived at Proserpine on the 29th?

30 ACTING INSPECTOR DYER: I don't recollect. I know that there were ADF vessels, I don't know the exact names of them.

35 MS McMURDO: So the ADF was very keen to – naturally enough, to find the flight data recorder and it wanted to find that and then immediately take control of it because it was key to their investigation, and that required a Direction from the Coroner to do that?

ACTING INSPECTOR DYER: That's correct, ma'am.

40 MS McMURDO: Was that all done seamlessly?

45 ACTING INSPECTOR DYER: Yes, I believe so. Once we had spoken to CMDR Cooper in relation to how important the flight data recorder was to their investigation, we submitted a Supplementary Form 1 to the Coroner outlining that DFSB had requested the flight data recorder be handed over

5 to them immediately so it could be transported I believe to Canberra. And there were processes that they had to do which were quite important to keep the flight data recorder in as good condition as possible. So that was all reported to the Coroner and that Direction – apologies, but it’s in my statement – that we got that Direction from the Coroner that that could happen.

10 MS McMURDO: Did that happen before or after the flight data recorder was found?

ACTING INSPECTOR DYER: I would have to check my statement just to - - -

15 MS McMURDO: You’re welcome to. That emerges – perhaps it will emerge. Maybe I should just wait till COL Streit’s finished to ask these questions.

20 COL STREIT: Perhaps we can turn to 5 August, if this assists you. At paragraph 156 you say that:

Direction was received from the Coroner in respect to the wreckage and the flight data recorder. The Direction was to allow the recovered helicopter parts to be released to the ADF and Defence Flight Safety Bureau.

25 Is that your understanding?

ACTING INSPECTOR DYER: That’s correct, yes.

30 COL STREIT: At 157 you say:

It also allowed for the flight data recorder, once recovered, to be provided to the ATSB to retrieve the recorded information from it.

35 Where did you receive the information that the flight data recorder would be provided to the Australian Transport Safety Bureau as opposed to the Defence Flight Safety Bureau?

40 ACTING INSPECTOR DYER: That would have come from CMDR Cooper, but the flight data recorder was handed over to DFSA and, my understanding, then transported to Canberra where it was going to be examined. My understanding of that was that would involve the ATSB.

45 COL STREIT: You then, at 158, had a discussion with Detective Inspector Novosel, who you say advised you:

5 *That as a result of a Coroner’s Direction, the property point at the Whitsundays Police Station was no longer required and that the recovered items could be transferred straight to the secure area at Proserpine Airport under the control of the ADF.*

That’s correct?

10 ACTING INSPECTOR DYER: That’s correct.

COL STREIT: And Detective Inspector Novosel, at 159 of your statement, also advised you on 5 August 2023 that she had viewed footage from a dive on 2 August 2023 captured on remote-operated vessel – captured by footage taken from a remote-operated vessel and that the footage showed human
15 remains. Is that correct?

ACTING INSPECTOR DYER: That’s correct.

COL STREIT: And that at that stage, at least on 5 August, noting
20 paragraph 160, the weather conditions continued to prevent recovery activities and diving operations. Is that right?

ACTING INSPECTOR DYER: That’s correct.

25 COL STREIT: On 6 August, at paragraph 165 you say:

30 *On this day, Acting Sergeant Norris advised that diving operation should commence on 7 August due to better weather conditions. These diving operations would focus on surveying and recovery of any items, including any human remains.*

Is that right?

35 ACTING INSPECTOR DYER: That’s correct.

COL STREIT: Turning now to the location of the flight data recorder. This is dealt with in your statement at 166 to 171 concerning events on 7 August 2023. So dive operations commenced on 7 August 2023; is that correct?

40 ACTING INSPECTOR DYER: That’s correct.

COL STREIT: And at paragraph 167 you say that:

The FDR was located from the cockpit wreckage by divers and brought to a QPS vessel. The FDR was described as being in good condition by CMDR Cooper.

5 Is that correct?

ACTING INSPECTOR DYER: That's correct.

COL STREIT:

10

The FDR was photographed and documented by FCU and then handed over to the DFSB for immediate transport to Canberra.

ACTING INSPECTOR DYER: Correct.

15

COL STREIT: And so that's occurring on 7 August?

ACTING INSPECTOR DYER: That's correct.

20

COL STREIT: You say at 169 that:

A further dive was conducted on this day which located the human remains that had been earlier seen by the remote-operated vehicle footage.

25

ACTING INSPECTOR DYER: That's correct.

COL STREIT: At paragraph 170:

30

The human remains were taken to a QPS vessel with a DVI on it.

That is Disaster Victim Identification member?

ACTING INSPECTOR DYER: That's correct.

35

COL STREIT:

Then examined and documented before it was taken to shore and collected by undertakers.

40

Is that correct?

ACTING INSPECTOR DYER: That's correct.

COL STREIT: To your recollection, where does that – who provided you that information, that that's what happened?

5 ACTING INSPECTOR DYER: In regards to the human remains?

COL STREIT: Yes.

10 ACTING INSPECTOR DYER: That information was provided by Senior Sergeant Callaghan.

COL STREIT: To your knowledge, Senior Sergeant Callaghan was the person who effectively was coordinating and responsible for the Disaster Victim Identification role that QPS had?

15 ACTING INSPECTOR DYER: Absolutely. My understanding is Senior Sergeant Callaghan is a hugely experienced officer in that field and he led that side of things at this incident.

20 COL STREIT: At paragraph 173 you say:

We received Directions from the Coroner relating to the personal belongings and equipment, advising they could be returned to the next of kin and ADF.

25 And at 174:

The property consisted of two personal mobile phones that were located, four helmets, and ADF equipment such as harness and military clothing.

30 Are you able to say where those items – or who took those items?

ACTING INSPECTOR DYER: From the QPS?

35 COL STREIT: Yes.

ACTING INSPECTOR DYER: My understanding is they were returned to the ADF to be returned to the next of kin.

40 COL STREIT: On 9 August, dive operations were again hindered by weather; is that correct?

ACTING INSPECTOR DYER: That's correct.

COL STREIT: You then encounter an individual by the name of COL Jeff Brock; is that right?

5 ACTING INSPECTOR DYER: That's correct.

COL STREIT: Are you able to say who he was?

10 ACTING INSPECTOR DYER: COL Brock? My understanding is COL Brock is a qualified Aviation Medic and he's part of the Aviation Command. And I'm also aware that, I guess, his role and his expertise is in relation to survivability in an incident like this. I also know that he's worked in the past with Senior Sergeant Callaghan and they've worked quite closely on other incidents before.

15 COL STREIT: I see. At paragraph 180 of your statement you say:

20 *COL Brock advised myself, Senior Sergeant Callaghan and GPCAPT Pont that due to the catastrophic nature of the crash and the time that had already elapsed, the likelihood of finding further human remains was limited.*

ACTING INSPECTOR DYER: That's correct.

25 COL STREIT: This is on 9 August 2023?

ACTING INSPECTOR DYER: Yes.

30 COL STREIT: In relation to your evidence concerning events on 10 August 2023, at paragraph 186 you say:

35 *At this time, plans were put in place in respect of the recovery of the larger items of wreckage. I understand that the ADF did not have the capability to bring larger items of wreckage up from the seabed and therefore a commercial company was used to recover these items.*

ACTING INSPECTOR DYER: That's correct.

40 COL STREIT: Can you recall where you received that information?

ACTING INSPECTOR DYER: That would have been from GPCAPT Pont.

45 COL STREIT: Do you know what the civilian commercial company was that was engaged?

ACTING INSPECTOR DYER: No, I don't.

5 COL STREIT: Do you know if they – are you able to say whether they had a particular ship or vessel?

10 ACTING INSPECTOR DYER: They did have a ship or a vessel that they were using and I was in conversation with GPCAPT Pont and the Joint Taskforce Command in relation to them looking for a commercial entity to do that, but the exact details of the company that did it, I don't know.

15 COL STREIT: I turn now to 11 August 2023. You give some evidence there concerning an exclusion zone being in place covering the water and air. Was that an exclusion zone concerning the search area?

20 ACTING INSPECTOR DYER: That's correct. Initially it was quite a large area, certainly in the initial days after the incident, and then it remained a large area until around 11 August, when discussions were held about whether we needed that exclusion zone to be as large as it was because it effectively excluded vessels from going in the channel where the helicopter had crashed.

25 COL STREIT: How is the exclusion zone, if you can assist the Inquiry to understand this – and if you can't, please say so – but how is the exclusion zone communicated and/or enforced?

30 ACTING INSPECTOR DYER: So again, we had the QPS vessel Leeding was in that exclusion zone, certainly through the day, but anything – Maritime Queensland, my understanding were out messaging to all vessels that there was an exclusion zone in this area.

35 Any breaches of that exclusion zone would be picked up either by the QPS vessel or the ADF vessel in there and would be reported to Whitsundays Water Police, who could then follow that up. My understanding is that we had very few incursions into that exclusion zone. It was maintained really well and I think we only had a couple of vessels that actually transferred through it.

40 COL STREIT: Paragraph 191, again an event on 11 August 2023:

The helicopter tail rotor was lifted from the ocean floor on to ADV Reliant.

45 Is that correct?

ACTING INSPECTOR DYER: That's correct.

COL STREIT: Turning to 13 August, paragraph 195, you say this:

5 *Based on the advice from COL Brock in respect of the likelihood
of further recovery, we were confident we had exhausted all efforts
and opportunities to recover human remains. This was also in
consideration of the ROV footage which showed that the wreckage
was barely held together.*

10

Is that correct?

ACTING INSPECTOR DYER: That's correct.

15 COL STREIT: At 196 you say:

*It was decided by JTF116 that the focus would now be on the next
stage of the recovery process, which was lifting the larger items off
the ocean floor, which was to be led solely by the ADF.*

20

Is that right?

ACTING INSPECTOR DYER: That's correct.

25 AVM HARLAND: Excuse me. Just a quick question regarding
paragraph 194:

On 13 August 2023, diving operations ceased.

30 Is that QPOL diving operations or diving operations in total?

ACTING INSPECTOR DYER: That was certainly QPS diving operations
ceased. The ADF dive operations, I'm not sure whether they continued at
that point.

35

AVM HARLAND: Okay, thank you.

40 COL STREIT: Thank you, sir. Can I just clarify one thing? Is there a
connection between paragraph 195 and 196 of your evidence in this sense:
that is, was there some reluctance to lift up the heavy items of the aircraft
until recovery operations – that you were satisfied that efforts to obtain
human remains had been exhausted?

45 ACTING INSPECTOR DYER: That's correct, yes.

COL STREIT: And was that to avoid the risk of perhaps disturbing whatever human remains might be where the heavy items of the wreckage were?

5 ACTING INSPECTOR DYER: That's correct.

COL STREIT: But once the decision had been made based on advice from COL Brock that the likelihood of further recovery – that you were confident that it exhausted all efforts and opportunity to recover human remains, it was then decided by JTF116 that the focus now would be on the next stage, with the lifting of heavy items from the ocean floor.

ACTING INSPECTOR DYER: That's correct. That's correct.

15 COL STREIT: That was a function solely – that is, the lifting of those heavy items, that was to be solely led by the ADF?

ACTING INSPECTOR DYER: That's correct.

20 COL STREIT: That was done by HMAS *Huon*, the lifting of heavy items, at paragraph 197 of your statement?

ACTING INSPECTOR DYER: Sorry sir, the mapping of the site with the larger items was done by HMAS *Huon*.

25 COL STREIT: I apologise, yes.

ACTING INSPECTOR DYER: Any heavy lifting was done with the commercial vessel.

30 COL STREIT: Apologies. Just from 16 August onwards, can you just explain what QPS's involvement was in the investigation process?

ACTING INSPECTOR DYER: Yes. So from 16 August onwards we moved the key points of contact, which obviously is outlined in my statement, with people like myself, Senior Sergeant Callaghan from DVI, Detective Sergeant Scells from Whitsundays CIB. We put a plan in place with regards to if items of wreckage were found, they would be taken to Proserpine Airport where they would be – where our FCU would come and document them, photograph them, examine them at Proserpine Airport.

40 At the same time, if there were any further human remains found, Senior Sergeant Callaghan from DVI put in place that the Scenes of Crimes Unit at Whitsundays Police Station would follow the DVI process. So nothing would change there, the items would still be brought to shore. Scenes of

Crime would do the documenting and those items would then still follow the process to Mackay Morgue, and then down to John Tonge in Brisbane. So those processes were put in place once we closed the Incident Room at Whitsundays Police Station.

5

COL STREIT: Just turning to paragraph 209 of your statement, you didn't obtain any information from any witnesses yourself at Proserpine Airport?

ACTING INSPECTOR DYER: No.

10

COL STREIT: You're aware at paragraph 210 of your statement that detectives from the Whitsundays CIB attended and obtained brief versions from the pseudonym persons D12 and D10?

15 ACTING INSPECTOR DYER: That's correct.

COL STREIT: You didn't have any contact with next of kin; is that right?

20 ACTING INSPECTOR DYER: That's correct, other than I did speak to Caitland Lyon in November, and that was facilitated through a third party then.

MS McMURDO: Sorry, who was the third party? You might as well tell us. If you don't recall - - -

25

ACTING INSPECTOR DYER: Sorry, ma'am, I can't recall.

MS McMURDO: You don't recall. Okay.

30 COL STREIT: Just while we're talking about witness statement and reflecting on the comment you made before about the Coroner giving a Direction that the initial witness statements could be given in a period of four to six weeks - - -

35 ACTING INSPECTOR DYER: That's correct. That's my understanding.

COL STREIT: Yes. Were Senior Constables Cook and Troeger aware of that timeline?

40 ACTING INSPECTOR DYER: My understanding is they would have been because they would have been part of the briefings where that was discussed.

COL STREIT: Yes. Okay, thank you. Thanks, sir. In terms of your statement, and “Final Comment” is the heading of the subparagraph, you say at paragraph 222 that:

5 *It was a very complex incident with lots of moving parts.*

Correct?

ACTING INSPECTOR DYER: That’s correct.

10

COL STREIT: You felt that the working relationship between QPS and ADF was excellent throughout. Was that right?

ACTING INSPECTOR DYER: Yes, that’s correct.

15

COL STREIT: Does that have to be militated a little bit in the sense of some challenges in the initial establishment of the search and rescue?

ACTING INSPECTOR DYER: Absolutely, sir. I think in 224 I’ve sort of highlighted that, you know, at an incident like this there are a lot of moving parts. You’ve got different organisations. You all have requirements at that incident and it can take time for people to understand the other organisation’s requirements and what they’re looking for.

25 These things, to my mind, were teething problems which didn’t cause any long-term impact on the investigation or recovery, and they were things that we worked through. And when I say “the relationship was excellent”, it was that ability to work through these things and not let them become long-term problems.

30

COL STREIT: Do you see – I mean, things become perhaps clearer in retrospect or in hindsight, but in terms of your own experiences in this particular matter and the role that you had in coordinating to some extent QPS’s involvement, is there any utility in the Inquiry considering whether or not there might be some benefit to a protocol or an MOU between QPS and the ADF for investigations of these types of matters?

35

ACTING INSPECTOR DYER: Apologies, sir. Are you asking if I think that would be - - -

40

COL STREIT: Yes.

ACTING INSPECTOR DYER: I think, with hindsight, that would be beneficial going forward, yes.

45

COL STREIT: The reason I ask you that question, because in your evidence you've talked about the assistance of MOUs between the Australian Transport Safety Bureau and Defence Flight Safety Bureau and other MOUs, but what seems to be missing is an agreement or some
5 protocol between Queensland Police and the ADF for what each respective role is for the conduct of an accident where there's a fatality. And so that's why I'm interested in your experiences. Is there anything you wish to say further about this matter I just raised?

10 ACTING INSPECTOR DYER: Sir, in honesty, probably not at this stage.

COL STREIT: Yes.

15 ACTING INSPECTOR DYER: I do think that there is some scope for that, but that's probably not a decision for me to make.

COL STREIT: Sure.

20 ACTING INSPECTOR DYER: But I think it might make an incident like this from the start, a little bit easier. But, yes, I wouldn't want to add anything further.

25 COL STREIT: All right. No, thank you. I understand. Nothing further, thank you.

MS McMURDO: Thank you. Your statement ultimately was it was a good working relationship with the ADF and QPS, I think was qualified earlier by exceptions you mentioned with the Forensic Crash Unit Senior Constables. So there were some issues there that - - -

30 ACTING INSPECTOR DYER: My understanding is that there were some frustrations on their part as about how things were working. But again, these were a part of the processes that we worked through and I do not believe they impacted any long-term reporting requirements that we had or
35 any long-term outcomes in regard to - - -

MS McMURDO: Okay.

40 ACTING INSPECTOR DYER: - - - the operation.

MS McMURDO: Okay, thank you. Did you ever gain the impression or concern that the ADF, in their prioritising finding the flight recording device, they prioritised that over, say, searching for human remains?

45 ACTING INSPECTOR DYER: No, certainly not.

5 MS McMURDO: No. Okay. And then just taking you back to paragraph 174 of your statement, about the items that were located that were returned. There was some ADF equipment, such as harnesses and military clothing. Vests – could the term “vests” have come within that description?

ACTING INSPECTOR DYER: Yes, that would be correct. Yes.

10 MS McMURDO: That would be correct?

ACTING INSPECTOR DYER: Yes.

15 MS McMURDO: Do you remember how many vests were found?

ACTING INSPECTOR DYER: No, sorry, ma’am.

20 MS McMURDO: No. Okay, thank you. Yes, anything further? No. Any cross-examination?

COL GABBEDY: Just briefly, ma’am.

MS McMURDO: Yes, COL Gabbedy.

25

<CROSS-EXAMINATION BY COL GABBEDY

30 COL GABBEDY: Thanks, ma’am.

30

Acting Detective Inspector - - -

MS McMURDO: Would you just say your name for the record, please, and who you’re representing?

35

COL GABBEDY: Certainly, I was getting to that, ma’am.

40 Acting Inspector Dyer, my name is Nigel Gabbedy. I appear for MAJGEN Jobson, who’s the Commander of Army Aviation. I’ve just got a few questions for you. My understanding of your evidence is that you were on site from 29 July to 16 August. Is that right?

ACTING INSPECTOR DYER: That’s correct.

45 COL GABBEDY: And you were the Police Forward Commander so you

had a coordination role?

ACTING INSPECTOR DYER: That's correct.

5 COL GABBEDY: You were asked questions at the conclusion of Counsel
Assisting's questioning of you about an MOU role or an MOU between the
ADF and QPS. Wouldn't that effectively be your role though,
coordination? Wouldn't that coordination role grip up what would be
10 encompassed in an MOU?

10 ACTING INSPECTOR DYER: Quite possibly it could, yes. But I think
then it might put an actual structure in place around it as well.

15 COL GABBEDY: So it may add something?

15 ACTING INSPECTOR DYER: Yes, I think it could. But I think the big
thing would be that it would actually be – there would be a structure around
everything there. So yes.

20 COL GABBEDY: All right, thank you for that. And in your evidence, you
confirmed that the DFSB carried on the ongoing investigation into the
crash?

25 ACTING INSPECTOR DYER: That's correct.

25 COL GABBEDY: Do you have any concerns in your mind that the DFSB
aren't the experts in the area empowered to do that?

30 ACTING INSPECTOR DYER: No.

30 COL GABBEDY: And as I understand your evidence, the DFSB went on
to deal with the Coroner directly?

35 ACTING INSPECTOR DYER: That's correct.

35 COL GABBEDY: Do you have any knowledge of any issues or concerns
that existed in relation to communication between DFSB and the Coroner?

40 ACTING INSPECTOR DYER: Not that I'm aware of.

40 COL GABBEDY: And, look, the Counsel Assisting took you to some
issues and you talked about frustrations between the Queensland Police,
FSU and the ADF.

45 ACTING INSPECTOR DYER: Yes.

COL GABBEDY: Were those frustrations, frustrations experienced by the FSU Officers?

5 ACTING INSPECTOR DYER: By the Forensic Crash Unit Officers, I believe so, yes. As I said earlier, my feeling is that Forensic Crash Unit have – the officers we had were extremely experienced in the role they performed and they're very detailed and dedicated to their job. But I think in the initial days of this incident, as I said, there were a lot of moving parts and that ability to look at the bigger picture sometimes has to come into it as well.

15 And I understand that's my role and that was my job to, I guess, speak to the Forensic Crash Unit Officers and sort of guide them through that, and I think we did get through that. It was just, as we said, some initial teething problems and frustrations on their part.

20 COL GABBEDY: So it was an initial teething problem. Did you form the picture that your FSU Officers, being very professional and dedicated officers, were a bit task-focussed and not aware of the bigger picture?

ACTING INSPECTOR DYER: They have to be task-focussed, that's their job.

25 COL GABBEDY: Prior to you giving evidence today, we had evidence from a Senior Constable Troeger.

ACTING INSPECTOR DYER: Yep.

30 COL GABBEDY: My noting of his evidence may well be inaccurate, and I apologise for that, but he indicated that concerns were being passed to him from you and others about the relationship with the ADF. Is that correct or was it the other way around? Was he relaying his concerns to you?

35 ACTING INSPECTOR DYER: I think that – I know the Forensic Crash Unit Officers had concerns but, from our perspective, as I said, to start with there were teething problems and, you know, that could have been around communication as well between QPS and ADF, but we worked through those things and we worked through them very quickly.

40 As I said, when GPCAPT Pont arrived, that communication between QPS and ADF became really good. But again, nothing that happened, I think, impacted any long-term investigation or any long-term anything to do with the search and recovery that was going on either.

45

COL GABBEDY: So any problems didn't impact on the work that was being done?

ACTING INSPECTOR DYER: No.

5

COL GABBEDY: No. And any problems were - - -

ACTING INSPECTOR DYER: And worked through.

10 COL GABBEDY: And were resolved?

ACTING INSPECTOR DYER: Yes, that's correct.

15 COL GABBEDY: And if an MOU were to be considered in the future, that may deal with those initial problems?

ACTING INSPECTOR DYER: I would suggest so, yes. Yes.

20 COL GABBEDY: All right. Thank you very much. I have nothing further, ma'am.

MS McMURDO: Thank you. No other applications to cross-examine? Ms Rologas, do you have any re-examination?

25 MS ROLOGAS: None, thanks.

MS McMURDO: COL Streit?

30 COL STREIT: No, thank you, ma'am.

MS McMURDO: No. All right then.

Thank you very much, Acting Inspector Dyer, you're free to go.

35 ACTING INSPECTOR DYER: Thank you, ma'am.

<WITNESS WITHDREW

40

MS McMURDO: And we will adjourn shortly. I think this is probably a convenient time to mention the hearing times. I take it you don't want to start a new witness now?

45 COL STREIT: No, not - - -

MS McMURDO: COL Streit? No. The hearing times: we will sit until 5 o'clock each evening if required, but not beyond 5. And we'll start normally at 10 o'clock. On Friday, we'll have a later start, 11 o'clock. I
5 have a ceremonial attendance at the Court that I have to go to, but I hope to be free of that and here to start at 11. So people can organise their week around those starting times. We'll adjourn now until 10 o'clock tomorrow morning.

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**PUBLIC INQUIRY ADJOURNED UNTIL
TUESDAY, 18 JUNE 2024 AT 1000**