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**TRANSCRIPT OF PROCEEDINGS  
TRANSCRIPT-IN-CONFIDENCE**

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**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**

**0930, WEDNESDAY, 19 JUNE 2024**

**DAY NINE**

**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**

<b>Signed</b>	.....	<b>Date</b>	.....	(Chair)
<b>Signed</b>	.....	<b>Date</b>	.....	(Recorder)
<b>Signed</b>	Epiq Australia Pty Ltd	<b>Date</b>	25/06/24	(Transcription)

# **EXHIBIT LIST**

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5 MS McMURDO: Just before we start, in light of some information I received overnight and this morning, I propose to make the following Direction: that there be no publication of any part of the evidence of MAJ Gallatly in cross—examination by Counsel for the Commonwealth until further order. Does anyone want to be heard on that?

UNIDENTIFIED SPEAKER: No, thank you.

10 MS McMURDO: It seems appropriate?

UNIDENTIFIED SPEAKER: Yes, thank you.

15 MS McMURDO: Thank you. All right. I direct that there be no publication of any part of the evidence of MAJ Gallatly in cross-examination by Counsel for the Commonwealth until further order. Yes, FLTLT Rose.

FLTLT ROSE: The Inquiry calls Senior Sergeant Ritchie Callaghan, and Mr Pratt will commence his evidence.

20 MS McMURDO: Yes, thank you, Mr Pratt.

MR PRATT: Good morning.

25 MS McMURDO: You seem to be battling the lurgy that is going - - -

MR PRATT: It's an occupational hazard – or a habit of a lifetime.

MS McMURDO: Has someone – yes, good. Thank you.

30

**<SENIOR SERGEANT RITCHIE PETER CALLAGHAN, Sworn**

**<EXAMINATION-IN-CHIEF BY MR PRATT**

35

MR PRATT: For the record, my surname is Pratt, P-r-a-t-t, initial C. I'm a solicitor with Gilshenan & Luton. I appear this morning on behalf of Senior Sergeant Ritchie Callaghan.

40

MS McMURDO: Yes, thank you, Mr Pratt.

MR PRATT: Senior Sergeant, could you state for us your full name, please?

45

SENIOR SERGEANT CALLAGHAN: Ritchie Peter Callaghan,  
C-a-l-l-a-g-h-a-n.

5 MR PRATT: And your current rank?

SENIOR SERGEANT CALLAGHAN: Current rank is Senior Sergeant  
with the Queensland Police.

10 MR PRATT: And your role currently with the Queensland Police Service  
is?

SENIOR SERGEANT CALLAGHAN: My current role is the State  
Disaster Victim Identification Coordinator.

15 MR PRATT: And at July 28 of last year, were you in that role?

SENIOR SERGEANT CALLAGHAN: I was.

20 MR PRATT: On that date, 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?

25 SENIOR SERGEANT CALLAGHAN: On the Saturday, I was tasked with  
that job, yes.

MR PRATT: And who was it that directed you to undertake this  
investigation?

30 SENIOR SERGEANT CALLAGHAN: I was contacted by Acting  
Inspector Tania Spiteri, who is the Forensic Manager for that area.

MR PRATT: And what did your role ultimately require that you do?

35 SENIOR SERGEANT CALLAGHAN: I bring together a team and we  
recover human remains from the crash, and we later on get that identified  
for the Coroner.

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

SENIOR SERGEANT CALLAGHAN: Yes, I did.

45 MR PRATT: And in response to that, did you prepare a statement for this  
Inquiry?

SENIOR SERGEANT CALLAGHAN: Yes, I did.

MR PRATT: Do you have a copy of that statement in front of you?

5 SENIOR SERGEANT CALLAGHAN: I have a copy of that statement.

MR PRATT: I'll hand you another copy. Thank you.

SENIOR SERGEANT CALLAGHAN: Thank you.

10

MR PRATT: Have you had a chance to review that statement?

SENIOR SERGEANT CALLAGHAN: I have reviewed this statement, yes.

15

MR PRATT: And are the contents of that statement true and correct?

SENIOR SERGEANT CALLAGHAN: Yes, they are.

20

MR PRATT: Do you wish to make any alterations or amendments or additions or explanations relevant to the material contained in that statement.

25

SENIOR SERGEANT CALLAGHAN: I have addendums to my statement. The first being, Forensic Register entries from the DVI Unit and the second one is the forms that we use within the Disaster Victim Identification process.

30

MR PRATT: Can I just clarify that? I believe that that's the Annexures, not addendums.

SENIOR SERGEANT CALLAGHAN: Sorry, Annexures.

35

MR PRATT: For the Inquiry, it's Annexures B and C you're speaking of. And what do those documents mean and how are those documents involved in the operations?

40

SENIOR SERGEANT CALLAGHAN: The Forensic Register entries are a procedural method of everything that we did, which I've placed onto my statement, and Annexure B are the documents that we use for an explanation for the Inquiry.

45

MR PRATT: And do those documents set out the stages which your investigation would normally undertake?

SENIOR SERGEANT CALLAGHAN: Yes, they do.

MR PRATT: And do those documents necessarily assist in terms of the timeframes around which – or just the processes which are undertaken?

5

SENIOR SERGEANT CALLAGHAN: Yes, the processes. We have five phases and there's four documents, one for each phase.

MR PRATT: Thank you. I might seek to tender that statement.

10

MS McMURDO: Yes, I think that's Exhibit 25.

**#EXHIBIT 25 - STATEMENT OF SENIOR SERGEANT RITCHIE CALLAGHAN**

15

MR PRATT: Thank you. That's the evidence-in-chief for this witness.

20

MS McMURDO: Thank you, Mr Pratt. Yes, FLTLT Rose.

**<CROSS-EXAMINATION BY FLTLT ROSE**

25

FLTLT ROSE: In addition to the section 23 Notice that you were sent by the Inquiry, can you confirm that you were also sent an extract of the Inquiry's Directions?

30

SENIOR SERGEANT CALLAGHAN: I believe so. It was my signature to say I'm willing to assist.

FLTLT ROSE: Do you mind if you lift your voice a little.

35

SENIOR SERGEANT CALLAGHAN: Sorry.

FLTLT ROSE: It's a little bit difficult to hear - - -

40

SENIOR SERGEANT CALLAGHAN: Yes. I signed a document to say I would assist in this Inquiry.

FLTLT ROSE: Is that the Privacy Notice you're referring to?

45

SENIOR SERGEANT CALLAGHAN: Privacy Notice, yes.

FLTLT ROSE: Did you also receive a Frequently Asked Questions Guide for Witnesses?

5 SENIOR SERGEANT CALLAGHAN: Yes, I did.

FLTLT ROSE: And a copy of LTCOL O'Brien's appointment as an Assistant IGADF?

10 SENIOR SERGEANT CALLAGHAN: Yes, I did.

FLTLT ROSE: And the Inquiry's Directions.

SENIOR SERGEANT CALLAGHAN: And the Inquiry's Directions, yes.

15 FLTLT ROSE: You've been the State Disaster Victim Identification Coordinator for QPS since 2016?

20 SENIOR SERGEANT CALLAGHAN: Yes. I held the role in '15. I was confirmed in 2016.

FLTLT ROSE: And you work within the Disaster Victim Identification Squad?

25 SENIOR SERGEANT CALLAGHAN: I do, yes. I'm the only full-time member, the Coordinator.

FLTLT ROSE: As the full-time officer, do you have other volunteer officers who assist you in your processes?

30 SENIOR SERGEANT CALLAGHAN: I do. I have 60 dedicated staff who work in a part-time role. They have other roles such as CIB, traffic, et cetera, and we teach them. And they have a voluntary role and be able to be called upon for when instances happen.

35 FLTLT ROSE: It's almost, in a sense, a secondary duty?

SENIOR SERGEANT CALLAGHAN: A secondary duty, yes.

40 FLTLT ROSE: Your qualifications are set out at paragraph 11 of your statement. You have a Bachelor of Life Sciences?

SENIOR SERGEANT CALLAGHAN: I do.

45 FLTLT ROSE: A Diploma of Forensic Investigation and Crime Scene Investigation?



5 SENIOR SERGEANT CALLAGHAN: Yes, I do.

5 FLTLT ROSE: A Diploma of Public Safety and Forensic Scene?

5 SENIOR SERGEANT CALLAGHAN: Forensic Science. Yes.

10 FLTLT ROSE: Science. That's my typo.

10 SENIOR SERGEANT CALLAGHAN: That's fine.

15 FLTLT ROSE: A Member of the Australian Disaster Victim Identification Committee as a Training Officer in the organisation. And you provide training scenarios and courses for all policing jurisdictions?

15 SENIOR SERGEANT CALLAGHAN: Yes, I do.

20 FLTLT ROSE: Is that around Australia or just in Queensland?

20 SENIOR SERGEANT CALLAGHAN: Around Australia.

25 FLTLT ROSE: And do you do this on an annual basis?

25 SENIOR SERGEANT CALLAGHAN: Yes. I'm a part of the training team and once a year, at the AGM, decide on what level of training we're going to do. So sometimes it may be a Practitioners' Course. Next time it might be a Scene Coordinators' Course or a Commanders' Course. It just depends on what the go is.

30 FLTLT ROSE: Are you also a Squadron Leader in the Royal Australian Air Force Reserves as a Specialist Capability Officer?

35 SENIOR SERGEANT CALLAGHAN: I am.

35 FLTLT ROSE: And in that role, do you teach disaster victim identification and act as a Forensic Liaison Officer and teach counter-terrorism Search Courses?

40 SENIOR SERGEANT CALLAGHAN: Yes, I do.

40 FLTLT ROSE: Is that to the Military Police?

45 SENIOR SERGEANT CALLAGHAN: It is. The JMPU, Joint Military Police Unit, yes.

45

FLTLT ROSE: Solely to that organisation?

SENIOR SERGEANT CALLAGHAN: Yes.

5 FLTLT ROSE: I'm going to ask you some questions now about your involvement in the search and rescue and recovery of Bushman 83. At paragraph 17 you state that the name of the QPS search and rescue efforts following the crash of Bushman 83 on 28 July 2023 was called Operation Victor Cloak?

10

SENIOR SERGEANT CALLAGHAN: Victor Cloak, that's correct. Yes.

FLTLT ROSE: Had that been established prior to your involvement on 29 July?

15

SENIOR SERGEANT CALLAGHAN: Yes, it had. Yes, it had.

FLTLT ROSE: Now, you've given evidence already this morning that it was Acting Inspector Tania Spiteri, the Forensic Manager for the central region, who notified you of the event?

20

SENIOR SERGEANT CALLAGHAN: She did, yes.

FLTLT ROSE: What time of day or night was this?

25

SENIOR SERGEANT CALLAGHAN: I believe it was mid-morning sometime. I can't recall, but it was mid-morning.

FLTLT ROSE: On the 29th?

30

SENIOR SERGEANT CALLAGHAN: Yes. I had to make arrangements to get staff up there that day.

FLTLT ROSE: Now, are you ordinarily based in Brisbane?

35

SENIOR SERGEANT CALLAGHAN: I am, yes. For clarification, all members of the DVI staff live and work within 100 kilometres of Alderley, our deployment centre, for that reason, so we can bring them together and then deploy them to whichever part of the state as required.

40

FLTLT ROSE: Excuse my ignorance, where's Alderley?

SENIOR SERGEANT CALLAGHAN: North Brisbane.

45 MS McMURDO: It's a northern Brisbane suburb.

5 FLTLT ROSE: Thank you. At paragraph 19, you then briefed Superintendent Bruce McNab, the DVI Commander for the QPS, and he authorised the deployment of the QPS members to assist in Operation Victor Cloak?

SENIOR SERGEANT CALLAGHAN: Yes, I did.

10 FLTLT ROSE: And that was you and five other officers that deployed to Proserpine?

SENIOR SERGEANT CALLAGHAN: Yes, it was.

15 FLTLT ROSE: And you've provided their names: SGT Mark Farnill, a Trained Safety Advisor?

SENIOR SERGEANT CALLAGHAN: Yes.

20 FLTLT ROSE: Senior Constable Warren Van Vuuren, and Senior Constable David Hysett, who were recorders and handlers?

SENIOR SERGEANT CALLAGHAN: Yes.

25 FLTLT ROSE: Senior Constable Jason Arnold and Senior Constable Elizabeth Castles, who were both Forensic Officers or Scenes of Crime Officers?

SENIOR SERGEANT CALLAGHAN: That's right.

30 FLTLT ROSE: And they are part of your volunteer network?

SENIOR SERGEANT CALLAGHAN: They are, yes.

35 FLTLT ROSE: And did they all report to you?

SENIOR SERGEANT CALLAGHAN: Yes. We worked together as a team.

40 FLTLT ROSE: At paragraph 37 you state that you arrived in the Whitsundays on the evening of 29 July 2023?

SENIOR SERGEANT CALLAGHAN: Yes.

45 FLTLT ROSE: Ms McMurdo, from this point on in the witness' evidence I am going to inevitably refer to human remains. I understand that that may

be distressing for some of the people in the hearing room today, but also for those watching on the live stream, and I'll just pause here for a moment if anybody wishes to remove themselves from the hearing room, or turn off the live stream.

5

MS McMURDO: Yes, thank you for that warning and that opportunity, FLTLT Rose. So there may be some distressing evidence given during the next part of this witness's evidence.

10 FLTLT ROSE: Thank you. At paragraph 29 of your statement you said – prior to your team arriving on site, you state that:

*some ADF members had already located some small pieces of human remains.*

15

SENIOR SERGEANT CALLAGHAN: Yes, that's correct.

FLTLT ROSE: And then at paragraph 30 you say that:

20

*They had been packaged and labelled, and brought to Shute Harbour barge dock, and then photographed by the Mackay Scenes of Crime Officer.*

SENIOR SERGEANT CALLAGHAN: That's correct.

25

FLTLT ROSE: Who was that officer?

SENIOR SERGEANT CALLAGHAN: I couldn't tell you, I'm afraid.

30

FLTLT ROSE: They weren't under your command.

SENIOR SERGEANT CALLAGHAN: No, they weren't. It would've been the Scenes of Crime Officer based out of the Cannon Hill or Whitsunday Police Station. He would've been tasked to go and photograph those items before they were taken to Mackay Base Hospital.

35

FLTLT ROSE: When you say they were taken to the Shute Harbour barge dock, is that where they still were by the time you arrived on 29 July?

40

SENIOR SERGEANT CALLAGHAN: No. No, they'd been taken to Mackay Base Hospital.

FLTLT ROSE: When you say the hospital, is it the understanding that they're actually stored in the morgue?

45

SENIOR SERGEANT CALLAGHAN: That's correct.

5 FLTLT ROSE: At paragraph 41 you state that you sent Senior Constable Cassells and Senior Constable Hysett to the Mackay Base Hospital on 31 July - - -

SENIOR SERGEANT CALLAGHAN: I did.

10 FLTLT ROSE: - - - to photograph and record the three human remains that had already been found.

SENIOR SERGEANT CALLAGHAN: Yes, that's correct.

15 FLTLT ROSE: Did the DVI, your team, need to re-photograph those remains yourselves?

SENIOR SERGEANT CALLAGHAN: Yes, they did. Yes, we have to allocate a number to each piece of human remains because that's part of the process.

20 FLTLT ROSE: At paragraph 42 you state that you were:

25 *unsure of the individual finders of these three pieces of human remains, but according to Senior Constable Cassells' notes they were packaged correctly.*

SENIOR SERGEANT CALLAGHAN: Yes, absolutely.

30 FLTLT ROSE: When the Mackay Scenes of Crime Officer first packaged and photographed those remains, did that Scenes of Crime Officer record who had found them?

35 SENIOR SERGEANT CALLAGHAN: He would've recorded them. He wouldn't have actually packaged them himself. They would've been – would have arrived from the ADF personnel packaged. He would've photographed them, and then moved them straight to the Mackay Base Hospital.

40 FLTLT ROSE: By the time they were taken to the Mackay Hospital, had they been repackaged in any way, or they remained in whatever was given to you by the ADF?

45 SENIOR SERGEANT CALLAGHAN: No, they would not have been repackaged. So there was a good chain of custody from when they were taken to the Mackay Base Hospital.

5 FLTLT ROSE: Is it the case that your officers then had to repackaging them in the way that your team packages human remains, or did you purposely leave them in the original packaging?

10 SENIOR SERGEANT CALLAGHAN: I believe they were in the original packaging. They're taken out, photographed with the DVI number as part of the process, and then repackaged.

15 FLTLT ROSE: In the original packaging?

20 SENIOR SERGEANT CALLAGHAN: In the original packaging, but then they are allocated a body bag, and the number is written on the body bag ready for transport down to Brisbane as part of our process.

25 FLTLT ROSE: Now, when you're saying that the human remains were given to you by ADF personnel, is it your understanding that the ADF found those human remains?

30 SENIOR SERGEANT CALLAGHAN: Yes, it is. Prior to us arriving, yes.

35 FLTLT ROSE: Could they have been remains that had been found by civilians?

40 SENIOR SERGEANT CALLAGHAN: I don't believe so. I believe it was declared a crime scene immediately, so civilians wouldn't have been allowed into that area.

45 FLTLT ROSE: So you weren't aware of any civilian Volunteer Marine Rescue personnel assisting in the initial search?

50 SENIOR SERGEANT CALLAGHAN: They may have assisted, but certainly I'm unaware of any location of human remains from their part.

55 FLTLT ROSE: At paragraph 44 you provide the actual identification numbers for these human remains, and you also provide a description of what was found.

60 SENIOR SERGEANT CALLAGHAN: Yes.

65 FLTLT ROSE: I'm not going to actually ask you to read that out. The Inquiry has that evidence before it.

70 SENIOR SERGEANT CALLAGHAN: Yes, there were three pieces there.

FLTLT ROSE: Those are the three pieces that you were referring to that had already been located before you arrived.

5 SENIOR SERGEANT CALLAGHAN: Yes, it is.

FLTLT ROSE: At paragraph 21 of your statement you state that:

*The DVI was the lead agency in relation to the identification of the deceased from Bushman 83.*

10 SENIOR SERGEANT CALLAGHAN: Yes, ma'am.

FLTLT ROSE: But while you were on site you actually reported to Acting Inspector Adam Dyer.

15 SENIOR SERGEANT CALLAGHAN: Yes, he was the SIO, or Senior Investigating Officer, for the mission.

FLTLT ROSE: Did you understand what his role was in relation to the search and rescue aspect of the police's involvement?

20 SENIOR SERGEANT CALLAGHAN: I believe he was the total Coordinator, and everybody briefed up to him, so that would include Water Police, Forensic Crash, the investigations side. So he was bringing everybody together, and then liaising with the ADF, as I understood it. Yes.

FLTLT ROSE: Did you have an understanding that there was a separate officer who was in charge of the actual investigation into the incident?

30 SENIOR SERGEANT CALLAGHAN: That would've been somebody from Forensic Crash. Yes, I believe it was SGT Webster to start off with.

FLTLT ROSE: Were you aware of anyone called Detective Inspector Emma Novosel?

35 SENIOR SERGEANT CALLAGHAN: Yes. Detective Inspector Novosel was in charge of the investigations side of things, so yes.

FLTLT ROSE: But your line of reporting, in your understanding, was to Acting Inspector Adam Dyer.

40 SENIOR SERGEANT CALLAGHAN: Yes, but I – as part of a team, we were often in the same room so I would let Emma know what was going on, but pretty much I directly dealt with Acting Inspector Dyer.

45

FLTLT ROSE: At paragraph 24 you state that you were also required to report to the Queensland Central Coroner.

5 SENIOR SERGEANT CALLAGHAN: In any case that we are brought in, we report to the Coroner of whatever area it is. In this case, it was the Central Coroner.

10 FLTLT ROSE: Did you personally report to the Coroner, or was that Acting Inspector Dyer?

15 SENIOR SERGEANT CALLAGHAN: No, it was usually through Inspector Novosel, and underneath each Coroner is a Queensland Police Coronial Support Officer, and that's Detective Senior Sergeant Tony Lee. So everything - - -

20 FLTLT ROSE: What was the last name, sorry?

SENIOR SERGEANT CALLAGHAN: Tony Lee.

25 FLTLT ROSE: Lee.

SENIOR SERGEANT CALLAGHAN: Everything goes through him, yes.

30 FLTLT ROSE: At paragraph 36 of your statement you state that:

*On the evening of 29 July 2023 –*

35 that's the first evening that you arrived in the Whitsundays – you and your team:

*had a briefing with the QPS and the ADF staff, and that CMDR Dominic Cooper from the DFSB discussed the necessity to understand the causation of the accident.*

40 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: Did you think there was anything unusual about that particular briefing?

45 SENIOR SERGEANT CALLAGHAN: Not really. I believed the DFSB would work the same way that the ATSB do. It's just the military version of that, and as with everything, we're trying to find out the causation of the accident.



FLTLT ROSE: Had you ever been in an investigation that involved the DFSB before?

5 SENIOR SERGEANT CALLAGHAN: Not that I can recall. I had met CMDR Cooper once before in a meeting when I started in my Reserve position maybe 18 months ago to explain what I did, and the inter-relationship that may occur. That's all.

10 FLTLT ROSE: Had you ever worked with ATSB before in the - - -

15 SENIOR SERGEANT CALLAGHAN: I have worked with ATSB people before, yes. Can I just clarify that the ATSB people will come in after the event that we've removed human remains from an accident. We don't want to cause any unnecessary trauma for them, but we will often take photographs that we will give to them under a Memorandum of Understanding so they can do their job.

20 FLTLT ROSE: So it was slightly unusual in the sense that you were actually working alongside, and together with, those that were recovering the aircraft, as opposed to your usual course, which is you and your officers would go in, identify and remove the human remains, and then hand over the aircraft to the ATSB.

25 SENIOR SERGEANT CALLAGHAN: This is different in the fact that it was a water recovery. So we've never had a water recovery before. As with everything, if it had been a civilian operation it probably would've been the same thing.

30 FLTLT ROSE: At paragraph 27 you said:

*DVI's role was to go out on the QPS vessel called the Damien Leeding.*

35 SENIOR SERGEANT CALLAGHAN: That's correct.

FLTLT ROSE:

*And attend the search area with the Whitsundays Water Police.*

40 SENIOR SERGEANT CALLAGHAN: That's correct.

FLTLT ROSE: And you went out when various divers were also searching the scene.

SENIOR SERGEANT CALLAGHAN: Yes, they were in, like, another boat. We were there for any human remains that were recovered, would come to us and we would package it and record it in the DVI manner. Yes.

5 FLTLT ROSE: So you were on the Damien Leeding for the course of the recovery.

SENIOR SERGEANT CALLAGHAN: Pretty much the entire time, yes.

10 FLTLT ROSE: Now, you state at paragraph 38 that your team actually started going out and performing these tasks on 30 July.

SENIOR SERGEANT CALLAGHAN: Yes.

15 FLTLT ROSE: Did the divers involve both QPS Dive Squad and ADF clearance divers?

SENIOR SERGEANT CALLAGHAN: Yes they did.

20 FLTLT ROSE: Do you remember how many divers there were in total?

SENIOR SERGEANT CALLAGHAN: No, not at all. I would say a max, well, maybe six to eight QPS divers. It would depend on how many people where available. Sergeant Andrew Bower would be able to answer that question.

25

FLTLT ROSE: Sorry, who?

SENIOR SERGEANT CALLAGHAN: Sergeant Andrew Bower from the Dive Squad would be able to answer that question.

30

FLTLT ROSE: Bower?

SENIOR SERGEANT CALLAGHAN: Yes.

35

FLTLT ROSE: Were you aware of the QPS divers and ADF clearance divers were diving at different depths?

SENIOR SERGEANT CALLAGHAN: Yes, very much so. In an effort to maximise the times down below, I think the ADF clearance divers were very much at a deeper level and the QPS stayed around six metres to stop decompression, maximise the time of dives per dive, so the amount of time that we were underneath the water, which I thought was a very good idea.

40

FLTLT ROSE: So when you were handed the human remains that you received, it was by the QPS divers that handed them to you?

5 SENIOR SERGEANT CALLAGHAN: Correct. It came to the boat, yes.

FLTLT ROSE: Because the QPS divers were the ones who were at the shallower level - - -

10 SENIOR SERGEANT CALLAGHAN: Shallow - - -

FLTLT ROSE: - - - depths.

SENIOR SERGEANT CALLAGHAN: Yes, that's right.

15 FLTLT ROSE: At paragraphs 38 and 39 of your statement you said your team were available, as you've just said, to receive the human remains and the wreckage from the aircraft, and that there were QPS Officers from the Forensic Crash Unit, they were also there to assist.

20 SENIOR SERGEANT CALLAGHAN: They weren't on board with us. Items were being brought to us. We were photographing and recording for them. They weren't actually on the boat with us.

25 FLTLT ROSE: You were, in a sense, assisting them in their role, which was photographing a wreckage.

SENIOR SERGEANT CALLAGHAN: Yes.

30 FLTLT ROSE: And then once the wreckage was taken on shore, did the FCU Officers then examine that wreckage?

SENIOR SERGEANT CALLAGHAN: Yes.

35 FLTLT ROSE: At paragraph 47 you state that:

*The debris, when it was recovered onto the Damien Leeding, was then taken to the Whitsundays Water Police secure holding area.*

40 SENIOR SERGEANT CALLAGHAN: Yes, where the boat came in every shift.

FLTLT ROSE: Whereabouts is that Whitsunday's Water Police secure holding area?

45 SENIOR SERGEANT CALLAGHAN: It would probably be five minutes

from the actual Cannonvale Police Station. It's where the boat is moored. You'd just go straight up the walkway and there's the Water Police Station.

5 FLTLT ROSE: The Water Police Station is different to the - - -

SENIOR SERGEANT CALLAGHAN: Cannonvale Police Station.

FLTLT ROSE: Different location?

10 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: You then state that the items were taken to the holding yard at the Whitsunday's Police Station for assimilation by DFSB staff.

15 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: What does "assimilation" mean in this context?

20 SENIOR SERGEANT CALLAGHAN: Just a collection. Just bringing it all together.

FLTLT ROSE: At paragraph 46 you said that you and some of your team deployed on the Damien Leeding again on 31 July.

25 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: But there were no human remains found that day?

30 SENIOR SERGEANT CALLAGHAN: No.

FLTLT ROSE: Was there debris still being located?

SENIOR SERGEANT CALLAGHAN: Yes, I believe so. Yes.

35 FLTLT ROSE: There's no information in your statement about what your team did on 1 August in your statement. Are you aware why that is?

40 SENIOR SERGEANT CALLAGHAN: We probably didn't recover anything or we weren't deployed that day.

FLTLT ROSE: At paragraph 49 you state that on 2 August you sent Senior Constable Cassells and Senior Constable Hysett to conduct visual examinations of all the debris pieces at the Whitsundays Police Station for quality assurance purposes.

45

SENIOR SERGEANT CALLAGHAN: That's correct.

FLTLT ROSE: What do you mean by "quality assurance purposes"?

5 SENIOR SERGEANT CALLAGHAN: I wanted to ensure there was no  
human remains in any of the pieces there because I knew, at one stage, that  
– at some stage those pieces will be transported to an area of investigation,  
whether it be Canberra or Sydney, and I didn't want any piece of human  
remains to leave Queensland. As you can see in the next stage,  
10 paragraph 50, one piece was located during that search.

FLTLT ROSE: Is that a visual search, or it involving black light or some  
other technology?

15 SENIOR SERGEANT CALLAGHAN: Usually visual. Both of those  
people are trained in forensic search so they are quite capable of looking  
through everything and checking everything.

FLTLT ROSE: As you said, that they did find one small piece of human  
remains during that search, and you have provided the identification  
number and the description of what that was at paragraph 50 of your  
20 statement.

SENIOR SERGEANT CALLAGHAN: Yes, I have.

25

FLTLT ROSE: At paragraph 51 you said that particular piece of remains  
was then transported and stored at the Mackay morgue?

SENIOR SERGEANT CALLAGHAN: Yes.

30

FLTLT ROSE: At paragraph 53 you state that you and some of your team  
were on the Damien Leeding again on 2 August.

SENIOR SERGEANT CALLAGHAN: We were.

35

FLTLT ROSE: And you were searching the area, but no human remains  
were found that day.

SENIOR SERGEANT CALLAGHAN: No, no human remains were found  
40 in the search area that day.

FLTLT ROSE: Was further debris found that day?

SENIOR SERGEANT CALLAGHAN: There was, yes.

45

FLTLT ROSE: In paragraph 55 you went out on the Damien Leeding again on 3 August.

5 SENIOR SERGEANT CALLAGHAN: We did.

FLTLT ROSE: Again, no human remains were found.

SENIOR SERGEANT CALLAGHAN: No, that's right.

10 FLTLT ROSE: And by this stage, you've said, "Only minimal debris was being located"?

SENIOR SERGEANT CALLAGHAN: Yes.

15 FLTLT ROSE: At paragraph 56 you state that, "There were no sea deployments for a few days", which you believe was due to weather and the safety of dive personnel.

SENIOR SERGEANT CALLAGHAN: That's correct.

20 FLTLT ROSE: And who made those decisions not to go out on the sea?

SENIOR SERGEANT CALLAGHAN: Somebody in a far different position than myself. It would have been a combination of the ADF divers and the Whitsunday Water Police. It's all about the safety of personnel.

25 FLTLT ROSE: At paragraph 59 you state that you took that opportunity, when you had to remain on land, to change out your team?

30 SENIOR SERGEANT CALLAGHAN: Yes, fatigue management.

FLTLT ROSE: Fatigue management?

SENIOR SERGEANT CALLAGHAN: Yes.

35 FLTLT ROSE: From 3 August you had Sergeant Mark Farnill, who was still assisting you?

SENIOR SERGEANT CALLAGHAN: Yes.

40 FLTLT ROSE: But then Senior Constable James McKenzie and Senior Constable Rebecca Miles came to replace those other officers as recorders.

SENIOR SERGEANT CALLAGHAN: Yes.

45

FLTLT ROSE: And you had Senior Constable Kirsty Gibson and Senior Constable Rebecca Jacks as the Forensic Officers.

5 SENIOR SERGEANT CALLAGHAN: Yes, I did.

FLTLT ROSE: And then on 4 and 5 August you were still not going out on the boats?

10 SENIOR SERGEANT CALLAGHAN: No.

FLTLT ROSE: You were involved in planning discussions about how to bring up the large pieces of airframe from the seabed?

15 SENIOR SERGEANT CALLAGHAN: That's correct.

FLTLT ROSE: At paragraph 62 you said that:

20 *The DVI's involvement in that particular process was to be onsite to record and examine any human remains that were located within those large items.*

SENIOR SERGEANT CALLAGHAN: Yes. Once again, quality assurance. The pieces would be coming up and we would go through them to ensure there was no human remains left – that side – and it would be recorded as per protocols.

25 FLTLT ROSE: At paragraph 65 you said that on 5 August you and Sergeant Farnill and Detective Inspector Novosel viewed some edited vision taken from the ADS remote-operated vehicle earlier that week which showed some human remains.

30 SENIOR SERGEANT CALLAGHAN: Yes, I did.

FLTLT ROSE: Where did you view that?

35 SENIOR SERGEANT CALLAGHAN: On the Australian Defence Vessel *Reliant*, ADV *Reliant*.

FLTLT ROSE: There was water activity again on 5 August?

40 SENIOR SERGEANT CALLAGHAN: That was just delivery to that, to have a look at it as a working platform. I don't believe there was any diving going on that day.

45 FLTLT ROSE: And you state that there were two items of human remains

that you were able to see in that video.

SENIOR SERGEANT CALLAGHAN: Yes.

5 FLTLT ROSE: Was this the first that you knew that this footage existed on 5 August?

SENIOR SERGEANT CALLAGHAN: I believe so, yes.

10 FLTLT ROSE: And who, from the ADF, showed it to you?

SENIOR SERGEANT CALLAGHAN: GPCAPT Pont was there. The Officer in Charge of the *Reliant* was there. And I think one of the major clearance divers, yes.

15 FLTLT ROSE: Did you know if that footage had been taken earlier than on the 5th?

SENIOR SERGEANT CALLAGHAN: I believe so, yes.

20 FLTLT ROSE: Do you know what date - - -

SENIOR SERGEANT CALLAGHAN: I don't know what date, no.

25 FLTLT ROSE: Did you or Detective Inspector Novosel ask when the footage had been taken?

SENIOR SERGEANT CALLAGHAN: I didn't ask for it. I believe Inspector Novosel did.

30 FLTLT ROSE: Do you recall the answer?

SENIOR SERGEANT CALLAGHAN: I don't. No, sorry.

35 FLTLT ROSE: Would you have liked to have been shown this footage earlier?

40 SENIOR SERGEANT CALLAGHAN: It's probably something we should have seen. However, whether or not a dive would've been possible when it was located, I don't know.

FLTLT ROSE: Did you see an edited version of the footage that was taken?

45 SENIOR SERGEANT CALLAGHAN: Yes, I did.



FLTLT ROSE: Did you ask to see the whole footage?

5 SENIOR SERGEANT CALLAGHAN: I think it was explained to me that these were only relevant to us in a part of human remains being seen. So rather than watching an hour and a half of the full vision, we maybe watched 15 minutes of what was respective to our job.

10 FLTLT ROSE: And did you or Detective Inspector Novosel ask for the entire footage to be delivered to the QPS?

SENIOR SERGEANT CALLAGHAN: I didn't. Detective Novosel may have, yes.

15 FLTLT ROSE: When you saw the human remains in the footage, was there also corresponding coordinates for where those remains were filmed?

SENIOR SERGEANT CALLAGHAN: Not on the vision. But I'm sure that would've been recorded. So yes.

20 FLTLT ROSE: Did you ask for the coordinates?

SENIOR SERGEANT CALLAGHAN: No, I didn't. No, ma'am.

25 FLTLT ROSE: What was the purpose then of them showing you the video?

SENIOR SERGEANT CALLAGHAN: To actually tell us that something had been located. And I'm pretty sure it was the next day that the dive occurred and they went down and located those human remains.

30 FLTLT ROSE: So it was your understanding that they were intending to recover those remains as soon as it was safe to do so.

SENIOR SERGEANT CALLAGHAN: Absolutely.

35 FLTLT ROSE: At paragraph 71 and 72 of your statement you stated that you and your colleagues, your DVI colleagues, went out on the Damien Leeding again on 7 August.

SENIOR SERGEANT CALLAGHAN: Correct, yes.

40 FLTLT ROSE: And that the divers were able to recover one of those human remains that was on the footage.

SENIOR SERGEANT CALLAGHAN: Yes.

45

FLTLT ROSE: But they were not able to recover the second item of human remains.

5 SENIOR SERGEANT CALLAGHAN: No, they were not.

FLTLT ROSE: Do you know why they were not able to?

10 SENIOR SERGEANT CALLAGHAN: I would say due to the amount of time and the tidal effects, that it was no longer there.

FLTLT ROSE: Did your team then record the remains that were recovered?

15 SENIOR SERGEANT CALLAGHAN: We did, yes. And allocated a DVI number.

FLTLT ROSE: At paragraph 75 of your statement you state that you and your team went out on the Damien Leeding again on 8, 9 and 10 August.

20 SENIOR SERGEANT CALLAGHAN: We did.

FLTLT ROSE: But no further human remains were found on those days.

SENIOR SERGEANT CALLAGHAN: No, they weren't.

25 FLTLT ROSE: Was debris still being recovered then?

SENIOR SERGEANT CALLAGHAN: Debris was still being recovered, yes.

30 FLTLT ROSE: And your team was still assisting them to photograph - - -

SENIOR SERGEANT CALLAGHAN: Still assisting in recording that, yes.

35 FLTLT ROSE: If you can recall, were any personal effects recovered from the site that belonged to the personnel, in terms of their watches, their wallets, things like that?

40 SENIOR SERGEANT CALLAGHAN: I believe so, yes. Certainly some identification, I believe. I think there were some Garmin watches. I can't exactly tell you at what stage they were. I think – I do believe there were some wallets. There was a couple of their Air Warrior – I think they're called ALSEs jackets. There was a few of those recovered as well.

45 FLTLT ROSE: Are they sort of vests?

SENIOR SERGEANT CALLAGHAN: Yes, Air Warrior, yes.

5 FLTLT ROSE: Who took custody of those personal effects? Was it the QPS?

SENIOR SERGEANT CALLAGHAN: They were brought onto the boat and then were taken back to Whitsunday Water Police and then went through the system there.

10 FLTLT ROSE: So they were photographed by QPS Officers?

SENIOR SERGEANT CALLAGHAN: Yes, they were.

15 FLTLT ROSE: And then eventually were taken to the Whitsundays Police Station holding yard?

SENIOR SERGEANT CALLAGHAN: Yes, they were.

20 FLTLT ROSE: At paragraph 79 of your statement you say the DVI returned to Brisbane on 11 August.

SENIOR SERGEANT CALLAGHAN: Yes.

25 FLTLT ROSE: At paragraph 78 you say that the decision was made by someone at a higher level than yourself that the second phase of searching would occur and that it would take time to prepare for that search.

SENIOR SERGEANT CALLAGHAN: Yes.

30 FLTLT ROSE: Was this second phase of searching to be for debris and human remains?

SENIOR SERGEANT CALLAGHAN: Yes, absolutely.

35 FLTLT ROSE: What did you understand the reason was they were concluding the first stage of searching?

40 SENIOR SERGEANT CALLAGHAN: I believe they were going to do a full larger scan of the area, whether or not it would be with ROV, but to make a more conclusive site plan than the immediate area to see what they could find. And they would come in with maybe heavier lifting equipment to raise parts of the airframe.

FLTLT ROSE: So you understood that there was an opportunity for your team to rest or pause, because you were waiting for the larger items of debris to be lifted up from the seabed before you could then return to continue your task?

5

SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: Did you disagree or agree with the rationale behind stopping the first stage of searching at that point?

10

SENIOR SERGEANT CALLAGHAN: I didn't disagree. I thought it was a fairly good call at that stage. We'd received nothing of, like, human remains for a number of days, so it was unlikely that we were going to catch too much more.

15

FLTLT ROSE: I'd like to ask you some questions now about the victim identification process.

20

SENIOR SERGEANT CALLAGHAN: Sure, yes. Would it be easier if I explain the process to you, ma'am and sir?

MS McMURDO: Sure, thank you.

25

SENIOR SERGEANT CALLAGHAN: In the disaster victim identification process there are five phases. The first phase, we use this document here, it's a Scene Recovery Recording Booklet. So we will go out to the site, whether it be on a road or on water, and we will record everything that we have, including all the details of what human remains we have. So that's the first stage.

30

The second stage is what we call a pink form, a post-mortem form. These are an INTERPOL internationally recognised form, so they're used all over the world. So we will record all the data of the human remains we brought back. We're using a pathologist, sometimes a dentist, anthropologist, to assist us in recording everything we do there. That's phase 3.

35

Phase 3 is what we call ante-mortem. That's also an INTERPOL document, internationally recognised. This is probably the hardest part of our investigation. This is where we have to go to the families and ask them for personal details about their loved one, including scars, medical operations, tattoos, et cetera.

40

Then the fourth phase is where we marry the pink form and the yellow form together. It's called reconciliation. And then we find a number of concurrencies, one of three primary identifiers – fingerprints, dental,

45

5 odontology or DNA – will be a conclusive identification, but there may also be what we call secondaries, tattoos or medical implants, et cetera. We put all that together and we put that into an identification form and, like a brief of evidence, we put that in front of the Coroner to say, “We believe this piece of human remains located at the scene, DVI number 12345, is this person, John Smith, for these reasons” – a primary identifier, et cetera.

10 So we supply this form to the Coroner. He weighs the evidence in front of him and then, if he believes there’s enough there, he’ll accept the identification. From that point on, in Queensland, he will sign what’s called a Form 30, which is, “I recognise this death”. And that goes to Births, Deaths and Marriages, and a death certificate is issued. Any other questions on that?

15 FLTLT ROSE: Those documents have all been annexed to your statement?

SENIOR SERGEANT CALLAGHAN: They have, yes.

20 FLTLT ROSE: They are templates because – they haven’t been filled in, the ones that you’ve provided us?

SENIOR SERGEANT CALLAGHAN: They are templates, yes.

25 FLTLT ROSE: Did you undertake to fill in some of these forms for each of the four deceased members of Bushman 83?

SENIOR SERGEANT CALLAGHAN: For three of them, yes.

30 FLTLT ROSE: Three of them because you had – human remains were located in respect of three of them.

SENIOR SERGEANT CALLAGHAN: Three of the airmen, yes.

35 FLTLT ROSE: Were you not able to complete the form – any of those forms for the fourth person?

SENIOR SERGEANT CALLAGHAN: That’s correct, yes.

40 FLTLT ROSE: Who was the fourth person?

SENIOR SERGEANT CALLAGHAN: Airman Nugent.

FLTLT ROSE: At paragraph 82 of your statement you state that the five pieces of human remains that had been stored at the Mackay Hospital, the

Mackay Morgue, were then transported to the Brisbane Morgue on 11 August.

5 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: That's for a post-mortem to be conducted?

10 SENIOR SERGEANT CALLAGHAN: That's for – yes, so we can complete this.

FLTLT ROSE: The pink form.

SENIOR SERGEANT CALLAGHAN: The pink form, yes.

15 FLTLT ROSE: What was your involvement in that process?

SENIOR SERGEANT CALLAGHAN: Just as a Coordinator, making sure everybody did their jobs.

20 FLTLT ROSE: So you're not hands-on at that point?

SENIOR SERGEANT CALLAGHAN: No.

FLTLT ROSE: There's a pathologist involved?

25

SENIOR SERGEANT CALLAGHAN: Yes, absolutely.

FLTLT ROSE: And a biology specialist?

30

SENIOR SERGEANT CALLAGHAN: And a biology specialist and an anthropologist, yes. We try and get all the experts around there so we can do the best we can to get some – get a result.

35 FLTLT ROSE: Paragraph 85 and 86 of your statement you say samples of the remains were taken to test for DNA.

SENIOR SERGEANT CALLAGHAN: Yes, that's correct.

40 FLTLT ROSE: And the identification details of these samples are included at paragraph 87 of your statement.

SENIOR SERGEANT CALLAGHAN: They are.

45 FLTLT ROSE: Was that DNA testing done elsewhere other than at the Brisbane Morgue?

5 SENIOR SERGEANT CALLAGHAN: No, it was done at the QHSS, which is the Queensland Health Scientific Section, which is where our biology section is. It's attached to the John Tonge Centre.

FLTLT ROSE: At paragraph 88 you said:

*Each sample provided a successful full profile for analysis.*

10 SENIOR SERGEANT CALLAGHAN: Yes, it did.

FLTLT ROSE: Does that mean you were able to identify whose remains they were?

15 SENIOR SERGEANT CALLAGHAN: We were, yes.

FLTLT ROSE: By this stage, had you or your DVI team had any contact with the next of kin of the deceased members of Bushman 83?

20 SENIOR SERGEANT CALLAGHAN: No, no. As I explained, the ante-mortem documents here, contact was made with the families, but the families were contacted by other policing agencies. Part of our role is to – some of the families are in New South Wales, I believe, or Victoria. So, through our police network, we get trained ante-mortem interviewers to go  
25 out and get those details.

FLTLT ROSE: So in this case you asked the members of New South Wales Police, who are trained in ante-mortem interview techniques, to go to each of the four families?

30 SENIOR SERGEANT CALLAGHAN: I believe so, yes.

FLTLT ROSE: And fill out the data for that form.

35 SENIOR SERGEANT CALLAGHAN: Get the data, yes. And this includes DNA reference samples from the family members. So we were able to tie in the DNA between the – the link of son to the parents, or the deceased to the child, things like that.

40 FLTLT ROSE: Were you aware if anyone in the Pathologist's Office – or, in fact, the Coroner's Office, or anyone else in QPS, had been in contact with the next of kin about the human remains that were recovered?

45 SENIOR SERGEANT CALLAGHAN: I believe Coronial Counsellor Sue Enfield from the QHSS was appointed contact. So her job was to try and

keep communication flowing, so we can let the people know what was going on.

5 FLTLT ROSE: In paragraph 89 of your statement you state that on 17 August 2023 you and some your DVI colleagues went back up to the temporary holding area that the ADF had set up for storing the debris of the aircraft.

10 SENIOR SERGEANT CALLAGHAN: Yes. So that was at Proserpine Airport, yes.

FLTLT ROSE: Was that because they'd already lifted up the larger items from the seabed?

15 SENIOR SERGEANT CALLAGHAN: There was quite a few other pieces that had been taken that we hadn't had a look at, yes.

FLTLT ROSE: And is it the case then that you did your quality assurance process once again?

20 SENIOR SERGEANT CALLAGHAN: Once again, yes.

FLTLT ROSE: And were any human remains - - -

25 SENIOR SERGEANT CALLAGHAN: No human - - -

FLTLT ROSE: - - - identified from that search?

30 SENIOR SERGEANT CALLAGHAN: No human remains were located then.

FLTLT ROSE: At paragraph 95 you state that you were then satisfied that those items could be transferred by the ADF back to Canberra?

35 SENIOR SERGEANT CALLAGHAN: Yes. Or wherever the examinations were going to conclude.

FLTLT ROSE: Was the ADF waiting for you to give your approval for that to occur?

40 SENIOR SERGEANT CALLAGHAN: I think there would've been a professional courtesy for us to go through. We had made that distinguishment that it wasn't to leave until we'd actually had a look. I would hate to, once again, have something delivered to Canberra and then



– and they locate human remains. It’s not a good look for Queensland Disaster Victim Identification.

5 FLTLT ROSE: So it wasn’t a clear directive for them not to transport it until you’d been there, it was just it worked out that way?

SENIOR SERGEANT CALLAGHAN: Yes.

10 FLTLT ROSE: Do you usually give directives to investigating agencies to wait until you’ve done that quality assurance process?

15 SENIOR SERGEANT CALLAGHAN: Not really. Usually, we’re not – this is a dual agency job. Normally, we will hold things ourselves within Queensland Police. So it may be the case, if we have a two-vehicle traffic accident and we have deceased on the side of the road, we will do that. But then we will both have a look at both the cars as well, to see if there’s any human remains in the cars as well. So it’s fairly standard operational procedure.

20 FLTLT ROSE: Would you find – would you think, in your experience, having worked now in this multi-agency investigation, that it would be beneficial to have some sort of procedure or Memorandum of Understanding that set out that requirement, that items are not to be removed from the scene until your officers/offices – DVI – have reviewed it for human remains?

25 SENIOR SERGEANT CALLAGHAN: I believe there’s a thing called PANS MOU, which is the Partnerships (sic) of Neighbouring States Memorandum of Understanding. I don’t know whether the ADF are a signatory to that document. But that pretty much would encompass, “This is the way that we operate”. So I’m unsure if there is an MOU.

30 FLTLT ROSE: If there isn’t one, would you think it would be beneficial - - -

35 SENIOR SERGEANT CALLAGHAN: Absolutely.

FLTLT ROSE: - - - to have one?

40 SENIOR SERGEANT CALLAGHAN: Yes.

MS McMURDO: What was the document you mentioned?

45 SENIOR SERGEANT CALLAGHAN: It’s called the Partnership of Neighbouring States Memorandum of Understanding. And it’s signed by

all Commissioners. Basically, that you can assist other policing agencies in times of need.

5 FLTLT ROSE: So this is a document signed by all police jurisdictions in Australia?

SENIOR SERGEANT CALLAGHAN: I believe so, yes – Royal Commissioners.

10 FLTLT ROSE: Including the Federal Police?

SENIOR SERGEANT CALLAGHAN: I would believe so, yes. Australian Federal Police, yes.

15 FLTLT ROSE: At paragraph 99 of your statement you say that Detective Sergeant Rebecca – is it McGahan?

SENIOR SERGEANT CALLAGHAN: McGahan, yes.

20 FLTLT ROSE: McGahan performed the role of the DVI Ante-mortem Coordinator to coordinate the interviews with each of the four victims' families that you referred to before.

SENIOR SERGEANT CALLAGHAN: Yes.

25

FLTLT ROSE: That you utilised New South Wales Police - - -

SENIOR SERGEANT CALLAGHAN: Yes, absolutely.

30 FLTLT ROSE: - - - and potentially Victoria Police?

SENIOR SERGEANT CALLAGHAN: So she would – she had a list of the airmen's families and she would say, "Well, this person is in New South Wales. We need to get those people interviewed". So it was her job to contact police to go and interview those people, and then get the document back so we had the information.

35

FLTLT ROSE: The Inquiry's heard evidence from a widow of one of the deceased that not only did the police collect a DNA sample from the deceased mother and his son, but they also collected a sample of her own DNA; that is, the wife of the deceased. And she was told they needed to be able to separate her son's DNA from his two parents. But she was confused by this because she doesn't share any DNA with her husband. Are you able to explain why that DNA was also needed to be collected?

45

5 SENIOR SERGEANT CALLAGHAN: In sort of layman's terms, if father is A and mother is B, and child, who's C, is a product of A and B, if you have – if you're looking for the DNA from A, it will be involved in C. You take C, and remove B, and you're left with A. Does that sort of work?

5 FLTLT ROSE: So it assists - - -

SENIOR SERGEANT CALLAGHAN: It certainly assists - - -

10 FLTLT ROSE: Assisted in the technician's - - -

SENIOR SERGEANT CALLAGHAN: Yes.

15 FLTLT ROSE: - - - processes?

SENIOR SERGEANT CALLAGHAN: Yes. If you're looking at a DNA that the triangle would be mother, father, child, or spouse and child, so you're able to eliminate. The further out you go, as in brother or cousin, the less chance of having a good result from DNA. I'm not a biologist, but

20 just – that's just in layman's terms.

FLTLT ROSE: So that's part of your general procedures, is it, to try and collect as much - - -

25 SENIOR SERGEANT CALLAGHAN: Absolutely.

FLTLT ROSE: - - - samples from family members as possible?

SENIOR SERGEANT CALLAGHAN: Yes. Try and get a result as quick

30 as we can, yes.

MS McMURDO: Well, it means that the DNA sample from the son will be more useful then in ascertaining whether the found DNA sample belongs to the father.

35 SENIOR SERGEANT CALLAGHAN: Absolutely, yes.

MS McMURDO: Yes.

40 FLTLT ROSE: At paragraph 102 of your statement you state that the process of identifying the victims was slow and took a long time?

SENIOR SERGEANT CALLAGHAN: Absolutely.

45 FLTLT ROSE: Why was that?

5 SENIOR SERGEANT CALLAGHAN: Due to the fragmentation of the bodies, unfortunately. It's one of these things. We do our utmost to get results as quick as we can. In this instance, there was a lot of fragmentation. So as you'll see later through the statement, each piece we decided had to be identified through DNA, and that process itself is very, very long.

10 FLTLT ROSE: As in it takes a long time for the results from DNA testing to eventuate?

15 SENIOR SERGEANT CALLAGHAN: Through the extraction, to go through the system. There may be inhibitors. In this instance, some of the human remains had been underwater for a long time, and seawater is a big inhibitor in the reclamation of DNA. And that's why we made a decision to send our bones to the Victorian Institute of Forensic Medicine, because they are highly experienced in this kind of extraction.

20 FLTLT ROSE: I'll ask you some questions about the Victorian Institute in a moment.

SENIOR SERGEANT CALLAGHAN: Sure.

25 FLTLT ROSE: During this slow and lengthy process of DNA identification, how were the families kept informed?

SENIOR SERGEANT CALLAGHAN: Through the Coronial Counsellor.

FLTLT ROSE: Through Sue Enfield?

30 SENIOR SERGEANT CALLAGHAN: Yes. I believe so, yes.

FLTLT ROSE: At paragraph 108 of your statement you state:

35 *On 11 September 2023, DVI presented the identifications of the DNA evidence to the Queensland Central Coroner, O'Connell.*

SENIOR SERGEANT CALLAGHAN: Yes.

40 FLTLT ROSE: And what did the Coroner do with this information?

SENIOR SERGEANT CALLAGHAN: He accepted those identifications that we'd presented to him of those first five samples.

45 FLTLT ROSE: The first five samples?

SENIOR SERGEANT CALLAGHAN: Yes.

5 FLTLT ROSE: And at paragraph 110 you indicate that you were able to positively identify Alex Naggs, Phil Laycock and Danniell Lyon from those remains.

SENIOR SERGEANT CALLAGHAN: Yes, we were.

10 FLTLT ROSE: But you were not able to identify Max Nugent's DNA.

SENIOR SERGEANT CALLAGHAN: No, unfortunately.

15 FLTLT ROSE: And then, who notified the families of the outcome of the Coroner's decision?

SENIOR SERGEANT CALLAGHAN: Through Sue Enfield, through the coronial process. Yes.

20 FLTLT ROSE: You then talk about the second search phase. And you mentioned earlier that there was a decision to conduct the second search and that they needed to do some preparations for that?

SENIOR SERGEANT CALLAGHAN: Yes.

25 FLTLT ROSE: Who was, in fact, conducting that second stage of searching? Was it QPS or ADF, or both?

SENIOR SERGEANT CALLAGHAN: I believe it was mainly led by ADF, but I'm unsure.

30 FLTLT ROSE: Do you - - -

35 SENIOR SERGEANT CALLAGHAN: I know it was – sorry – I know that it was fairly extensive and they had dredging machines and divers down there a lot.

FLTLT ROSE: Do you know when that second search started? Was it immediately after the first one finished on 11 August?

40 SENIOR SERGEANT CALLAGHAN: I - - -

FLTLT ROSE: Or was there some time in between?

SENIOR SERGEANT CALLAGHAN: I think there was a small delay of maybe a week or two weeks as they got everything prepared and they had their plans. But, once again, I wasn't there during that time.

5 FLTLT ROSE: Were any remains found during that second search?

SENIOR SERGEANT CALLAGHAN: That second phase? Yes, there were.

10 FLTLT ROSE: At paragraph 115 you refer to small sections of bones that were found and delivered to the Whitsundays Police Station.

SENIOR SERGEANT CALLAGHAN: Yes.

15 FLTLT ROSE: And in your statement you state that those remains were found on 22 September, 24 September, and 9 October.

SENIOR SERGEANT CALLAGHAN: That's correct, yes.

20 FLTLT ROSE: And then you provide the identification numbers at paragraph 116 of your statement.

SENIOR SERGEANT CALLAGHAN: Yes. They weren't the  
25 identification numbers. They're the DVI numbers that we allocate to the bones.

FLTLT ROSE: Where were these remains examined initially – the bone fragments?

30 SENIOR SERGEANT CALLAGHAN: They were brought to the Scenes of Crime Office where they were packaged, and they were sent down to Brisbane.

FLTLT ROSE: The Brisbane Morgue.

35

SENIOR SERGEANT CALLAGHAN: Brisbane Morgue, yes.

FLTLT ROSE: Did you examine them yourself there?

40 SENIOR SERGEANT CALLAGHAN: I had a team there, yes.

FLTLT ROSE: The same thing, the pathologist and the biologist again?

SENIOR SERGEANT CALLAGHAN: Yes, absolutely. Yes, and we had  
45 an anthropologist as well.

FLTLT ROSE: Now, are these the remains that you then said you decided to send to the Victorian Institute of Forensic Medicine?

5 SENIOR SERGEANT CALLAGHAN: We initially sent one piece, and we decided we knew that the search was – sorry, we knew the search was still being conducted, so we decided to wait to find out if there was any further pieces coming to us, which there was. And then we were going to put everything together to see if we could find any physical fits between the  
10 bones.

FLTLT ROSE: Why was it decided – you said before that the Victorian Institute had expertise in working – was it working with inhibitors, such as seawater? Was that the specific expertise?

15 SENIOR SERGEANT CALLAGHAN: They are recognised in their capability for getting DNA from bone samples.

FLTLT ROSE: You state that the ADF covered the cost of this.

20 SENIOR SERGEANT CALLAGHAN: Yes, they did.

FLTLT ROSE: Why is that?

25 SENIOR SERGEANT CALLAGHAN: Because it was an ADF incident.

FLTLT ROSE: In ordinary police, QPS, investigations, who would cover the cost of sending remains off to an external agency?

30 SENIOR SERGEANT CALLAGHAN: That would have to go through the police agency, and we'd have to get permission to do that. I found that this needed to be done as soon as possible, and the ADF were willing to pay for each examination.

35 FLTLT ROSE: I take it it's costly, this exercise?

SENIOR SERGEANT CALLAGHAN: It is quite costly, yes.

40 FLTLT ROSE: What were the results of the testing of these bone fragments? As in, were they identified to a particular person?

SENIOR SERGEANT CALLAGHAN: Yes, they were. Without jumping the gun, all the pieces that we sent down to the Victorian Institute of Forensic Medicine were examined, and of 13 pieces, we had 13 profiles.  
45 Every piece was – gave us a profile.

FLTLT ROSE: Particular items, they were – of those fragments, were connected to Danniell Lyon, at paragraph 121 of your statement.

5 SENIOR SERGEANT CALLAGHAN: Yes, correct. Yes.

FLTLT ROSE: Then at paragraph – you’ve already told us that the various pieces of fragments were located on different days, and you sent some down initially and then you decided to wait until there was a group of remains to send at once.  
10

SENIOR SERGEANT CALLAGHAN: Yes, we sent one sample down to see if it was possible for us to use that method, and we kept the other three together, and then we waited until we had all the pieces and there was a finalisation of the search, so we could go through everything and then we could do everything in one lot, so it would be less confusing for us. You know, stage 1, stage 2, stage 3. We’d rather keep it in two big stages and then we’re able to present that in evidence later on.  
15

FLTLT ROSE: And at paragraph 127 – sorry, paragraph 129, which is on page 15 of your statement, you have a list of the DVI numbers and the particular fragments that were found.  
20

SENIOR SERGEANT CALLAGHAN: Yes, I do.  
25

FLTLT ROSE: The further fragments, going from this list, were located on 19 October, 26 October and 27 October.

SENIOR SERGEANT CALLAGHAN: That’s correct, yes.  
30

FLTLT ROSE: If you look at 19 October, which is at the top of page 15, the third number in that table, it says – there’s an item, “Unknown. Maybe not human remains”.

SENIOR SERGEANT CALLAGHAN: Yes.  
35

FLTLT ROSE: Do you know whether that particular item that was located was ever confirmed to be human remains or not?

SENIOR SERGEANT CALLAGHAN: I can have a look.  
40

FLTLT ROSE: Just to let you know, I’ve looked at the identification number and I haven’t been able to find that (indistinct).



5 SENIOR SERGEANT CALLAGHAN: In that case then, it would not be human remains. Part of the process when we do the post-mortems is have the anthropologist there and the pathologist there, and it may come through that it may have been a piece of coral, or a piece of plastic. During the underwater search it may have looked like a piece of human remains, so they've brought it up. And it's best to have a look at that, and have an expert look at that before they say, "Yes, this is going to go further down the track". That hasn't appeared later on, and it wasn't a piece of human remains.

10 FLTLT ROSE: Sorry, I've just lost the paragraph number, but I understand the final search – you state that the final search of the seabed ended in November at some stage.

15 SENIOR SERGEANT CALLAGHAN: At some stage, yes.

FLTLT ROSE: You gave evidence before that there were 13 bone fragments that were found in that second search stage.

20 SENIOR SERGEANT CALLAGHAN: And all completely from that second stage. Yes, 13 bone fragments.

FLTLT ROSE: You say at paragraph 139 that there was – DNA profiles were able to be found from each of those fragments.

25 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: 100 per cent success rate, in essence.

30 SENIOR SERGEANT CALLAGHAN: Yes, which I believe validated the fact that we went to Victorian Institute of Forensic Medicine.

35 FLTLT ROSE: Obviously 100 per cent success rate, is that an unusual result to get from bone fragments that have been on the sea floor for that long?

40 SENIOR SERGEANT CALLAGHAN: I can't speak from experience. This is the first instance I've had in there, but certainly I was extremely pleased with the result, as the family should be.

FLTLT ROSE: How long did it take for the Institute to complete the task? If you started sending them down – was it the end of October, beginning of November that you sent the remaining batch?

5 SENIOR SERGEANT CALLAGHAN: Probably the end of November, yes. So we requested that it was sent down there securely. Victorian Institute of Forensic Medicine is a big organisation and it has a lot of jobs on nationally. It went into the system and then everything – each piece had to be done individually. You can't do a job lot of one piece. So it took until, I think, May until all the pieces had been finished, yes.

10 FLTLT ROSE: And was it Sue Enfield's job to keep the families updated during that process?

SENIOR SERGEANT CALLAGHAN: Yes. I apologise if that was not communicated properly. However, we were doing our best to try and make sure that we could get 100 per cent result.

15 FLTLT ROSE: At paragraph 143 of your statement you provide a table.

SENIOR SERGEANT CALLAGHAN: Yes.

20 FLTLT ROSE: It's from a report that you prepared for the Coroner with the results of this testing.

SENIOR SERGEANT CALLAGHAN: That's correct.

25 FLTLT ROSE: That's the Central Coroner?

SENIOR SERGEANT CALLAGHAN: That's the Central Coroner, yes.

30 FLTLT ROSE: And it states that DNA was found from these bone fragments that related to Phil Laycock, Danniell Lyon, and Alex Naggs.

SENIOR SERGEANT CALLAGHAN: Yes.

35 FLTLT ROSE: Did this form part of the Form 1 Supplementary Report that was prepared for the Coroner?

40 SENIOR SERGEANT CALLAGHAN: No, the Form 1 Supplementary Report went to the Coroner, outlining the fact that there was no part of Airman Maxwell Nugent recovered at all. He was undoubtedly a victim of this accident. He may have been ejected from the helicopter during the crash. We found no part of him. So we sent this report to the Coroner saying, "He was undoubtedly a victim that was involved; however, we've not recovered anything. Will you accept the circumstances of his death?", which he did.

45 FLTLT ROSE: What month was this?

SENIOR SERGEANT CALLAGHAN: I believe it was May.

5 FLTLT ROSE: Of this year?

SENIOR SERGEANT CALLAGHAN: Of this year, yes.

10 FLTLT ROSE: At paragraph 145 you did say that some of Max Nugent's DNA was identified off another source.

SENIOR SERGEANT CALLAGHAN: Yes, it was located on a mixed sample on a helmet.

15 FLTLT ROSE: Was that not sufficient, though, to initially - - -

SENIOR SERGEANT CALLAGHAN: I don't believe so. I mean, it's an indication, but you can't predicate when that would have occurred. It's likely to have happened at the accident, but it could be a combination of happening at any other time.

20 MS McMURDO: So, for example, from wearing the helmet on another occasion?

SENIOR SERGEANT CALLAGHAN: Yes, absolutely, ma'am.

25 FLTLT ROSE: The Inquiry has heard evidence from the Nugent family about the difficulties they faced not having a death certificate from the Coroner for their son, Max, for quite a long time.

30 SENIOR SERGEANT CALLAGHAN: Yes, absolutely.

FLTLT ROSE: Has the Coroner now accepted Max's death?

SENIOR SERGEANT CALLAGHAN: Yes, I believe so. Yes.

35 FLTLT ROSE: And that was in May of this year?

40 SENIOR SERGEANT CALLAGHAN: In May, yes. And once again, apologies for the delay, but we have to follow the whole process. If we'd have found one bone that contained Airman Nugent's DNA, that would have been excellent, but we didn't. So we have to put in a Form 1 explaining that, "We found nothing, but he is undoubtedly a victim".

45 FLTLT ROSE: Do you know if a death certificate has been issued now for Max Nugent?

SENIOR SERGEANT CALLAGHAN: I believe so. It would be a Form 30 from the Coroner to Births, Deaths and Marriages to say they're able to release a death certificate. I believe so.

5

FLTLT ROSE: But you haven't seen it yourself.

SENIOR SERGEANT CALLAGHAN: No, I haven't seen that.

10 FLTLT ROSE: Are you aware if any of the human remains that were located are large enough to be cremated?

SENIOR SERGEANT CALLAGHAN: I would believe so, yes. And now you're able to put all the pieces together in order. Of the 18 pieces you're able to say, "These five pieces are Mr Laycock. These five pieces are Mr Lyon", et cetera.

15

FLTLT ROSE: Do you know if the human remains have been returned to the families?

20

SENIOR SERGEANT CALLAGHAN: I don't know, no.

FLTLT ROSE: That's not part of your processes?

25 SENIOR SERGEANT CALLAGHAN: Repatriation isn't part of my process, but I'm pretty sure that it would have been done because everybody was notified.

FLTLT ROSE: Has the DVI's involvement in this incident now concluded?

30

SENIOR SERGEANT CALLAGHAN: It has, yes. Excuse me, unless there's a Coronial Inquiry later on, then we may be called to give evidence in that.

35

FLTLT ROSE: Understand. At paragraph 151 of your statement you state that the DVI can only wish that the families understand that you did your best to repatriate their loved ones with dignity and respect in this case, and you were able to get every piece of remains identified.

40

SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: At paragraph 153 of your statement, just turning to the issues of various equipment that the aircrew were wearing, you say that you

viewed the Aviation life support equipment and the helmets recovered from the site?

5 SENIOR SERGEANT CALLAGHAN: I did, yes.

FLTLT ROSE: Is the Aviation life support equipment what you referred to before as the vest?

10 SENIOR SERGEANT CALLAGHAN: Yes, I think they're called Air Warriors, the life vests, yes.

FLTLT ROSE: Is that something that you understood the aircrew were wearing at the time, or was it something that was stored in the aircraft as spares?

15 SENIOR SERGEANT CALLAGHAN: No, I believe they were wearing them at the time.

FLTLT ROSE: Paragraph 154, you state that:

*It was still buckled in position as worn.*

20 SENIOR SERGEANT CALLAGHAN: Yes.

25 FLTLT ROSE: What do you mean by that?

SENIOR SERGEANT CALLAGHAN: Well, once you put it on, you buckle it to secure it. So it was still in that position.

30 FLTLT ROSE: You give some evidence in your statement that you think the aircrew were exposed to a shockwave as the helicopter hit the water.

35 SENIOR SERGEANT CALLAGHAN: This is, once again, sort of layman's talk. But I believe that once the helicopter hit the water and the glass was broken, a shockwave much like an explosion went through the helicopter itself.

40 FLTLT ROSE: Is that something that was explained to you or is that what you've surmised from - - -

SENIOR SERGEANT CALLAGHAN: No, that's what I've surmised once I've seen videos of explosions, et cetera, in one of my other jobs. And I understand that shockwave can disrupt bodies very, very easily.

FLTLT ROSE: But I take it from your evidence that this is not your area of expertise.

5 SENIOR SERGEANT CALLAGHAN: It's not my area, no.

FLTLT ROSE: At paragraph 156 you state that there were some helmets recovered from the area of operations that had the names of some of the aircrew on them.

10 SENIOR SERGEANT CALLAGHAN: I believe they did, yes.

FLTLT ROSE: At paragraph 158 you said that you and COL Jeff Brock looked at the recovered parts of the airframe in March 2024 in Canberra?

15 SENIOR SERGEANT CALLAGHAN: I did.

FLTLT ROSE: Who's COL Brock?

20 SENIOR SERGEANT CALLAGHAN: I believe he's a survivalist expert with the Aviation Regiment or – I've known him from a DVI perspective. I think he's well-respected. He's been in the job a long time. So his role is to look at Aviation security/safety kind of position.

25 FLTLT ROSE: So were you invited down to Canberra to look at the recovered parts of the airframe?

SENIOR SERGEANT CALLAGHAN: I happened to be down there on a Mortuary Affairs Course and saw him.

30 FLTLT ROSE: So this wasn't directly related to your own DVI investigation?

SENIOR SERGEANT CALLAGHAN: No.

35 FLTLT ROSE: It was more a curiosity – career opportunity for you.

SENIOR SERGEANT CALLAGHAN: Yes. He just asked for some advice, and I gave him some advice.

40 FLTLT ROSE: So it wasn't a specific request from the DFSB for you to provide further expertise on this issue?

SENIOR SERGEANT CALLAGHAN: No.

FLTLT ROSE: You said that during your conversation with COL Brock you talked about examining the debris under black light conditions to look for any possible blood indications.

5 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: Do you know if that's occurred?

10 SENIOR SERGEANT CALLAGHAN: It did occur. I wasn't aware of it. So in doing that, they found some indications. So they asked me if I could put them in contact with the relevant agency to ensure that process was correct and take any samples.

15 FLTLT ROSE: Did you do that?

SENIOR SERGEANT CALLAGHAN: Yes, I did, I got them in contact with the Australian Federal Police.

20 FLTLT ROSE: Do you know what the results of that testing was?

SENIOR SERGEANT CALLAGHAN: No, I don't know the results of that testing.

25 FLTLT ROSE: So the DFSB had an expert do the black light search?

SENIOR SERGEANT CALLAGHAN: Yes, and go through all the pieces that they had.

30 FLTLT ROSE: And that was never provided to the QPS, the results of that testing?

SENIOR SERGEANT CALLAGHAN: No, not at this stage. I think it's still in the system.

35 FLTLT ROSE: Is that something that you would like to see, as part of your investigation, the results of that testing?

40 SENIOR SERGEANT CALLAGHAN: It won't take my investigation any further. So it may be just for information to say, "Well, yes, further samples have been found".

FLTLT ROSE: Does the QPS have its own ability to do black light searches?

45 SENIOR SERGEANT CALLAGHAN: Yes, we do.

FLTLT ROSE: Was there a reason why you chose or decided not to do the black light for you?

5 SENIOR SERGEANT CALLAGHAN: Because it was already in – all the pieces were in Canberra and I have contacts in the Australian Federal Police and it would be easier to let them do it with the proper equipment, with a proper biologist, than send somebody from Queensland and, if samples were found, bring it back to Queensland. It's a bit of a cross-border  
10 jurisdictional thing.

FLTLT ROSE: But there are, as you say, MOUs between the various police jurisdictions in Australia that would allow that kind of information-sharing to occur.

15 SENIOR SERGEANT CALLAGHAN: Absolutely, yes.

FLTLT ROSE: At paragraph 161 of your statement you state that MAJ Sarah Rosier from the ADF contacted you in April 2024 about some  
20 personal Garmin devices worn by the aviators in Bushman 83.

SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: And that she required help getting the data off those  
25 Garmins?

SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: Was that the first time you'd heard that Garmin watches  
30 had been recovered?

SENIOR SERGEANT CALLAGHAN: I believe we'd – there was some photographs earlier on in that personal equipment, but I didn't know there was any data or whether it was going to be checked. So she reached out to  
35 say could I assist her in getting the data from America, I believe it was.

FLTLT ROSE: Did you understand, when you were aware that Garmins had been recovered, that it was a QPS responsibility to obtain the data from those devices, or an ADF responsibility?  
40

SENIOR SERGEANT CALLAGHAN: I was unsure. But I advised MAJ Rosier to contact Joseph Cook from the Forensic Crash Unit and together they could work out how best to get that information, and I believe they did.  
45



FLTLT ROSE: But you have no further information about what was recovered from those devices?

5 SENIOR SERGEANT CALLAGHAN: No, I don't.

MS McMURDO: But you understood that something was recovered?

10 SENIOR SERGEANT CALLAGHAN: I understood something was recovered, yes, ma'am.

15 FLTLT ROSE: From paragraph 170 of your statement you make some recommendations; one of which is you state that you think the ADF members who actively participate in deployment or training exercises involving a risk of serious injury should be ordered to supply a DNA sample for uploading to the ADF database.

20 SENIOR SERGEANT CALLAGHAN: I believe so. "Ordered" is probably a strong word, but I would advise them that it's a capability that should be used. It stops the necessity for investigators to go and encroach on families' lives to take DNA. If it's already on the database, there's already a sample there. I believe there's legislation – already a database available. I think the confusion would be that some people think that it may go onto a criminal database, when this is a separate elimination database purely for ADF personnel.

25 FLTLT ROSE: So are you aware that there does already exist an ADF database for DNA?

30 SENIOR SERGEANT CALLAGHAN: I believe so. I think it's – specially some of the pilots in the jets would have their DNA taken, yes. But I think anybody that's involved in a training exercise, whether it be TALISMAN SABRE or any of the other ones, where there's a potential or risk for death, that they should supply a sample. Once they leave the ADF, they can ask for that to be destroyed.

35 Along with that, I believe that they should all fill out an ante-mortem form. In many instances some of our officers may not have been – may not have a family and may not have been home for a number of years, and in those times they may have an accident and have a scar, they may have several tattoos. So if they fill that up, we've got an up-to-date record of what goes on. Once again, that can be stored on the database and if something happens, you're able to pull it up and have a look at it. If they leave the ADF, then you can ask for that to be destroyed.

40

This is only my personal recommendation, but it's for some people to decide.

5 FLTLT ROSE: And you're saying that this ADF database is separate to any of the police agencies' criminal databases?

SENIOR SERGEANT CALLAGHAN: Absolutely, yes.

10 FLTLT ROSE: You said you've spoken to COL Brock about this proposal before?

SENIOR SERGEANT CALLAGHAN: I have.

15 FLTLT ROSE: And what was his view?

SENIOR SERGEANT CALLAGHAN: Yes, he agrees. As does the Provost Marshal of the ADF.

20 FLTLT ROSE: Who's the Provost Marshal?

SENIOR SERGEANT CALLAGHAN: I guess WGCDR Terrence Lewis.

FLTLT ROSE: Sorry, say the name again.

25 SENIOR SERGEANT CALLAGHAN: I think it's GPCAPT Terrence Lewis.

FLTLT ROSE: Tarryn?

30 SENIOR SERGEANT CALLAGHAN: Terrence Lewis.

FLTLT ROSE: Terrence Lewis?

35 SENIOR SERGEANT CALLAGHAN: Yes.

FLTLT ROSE: Was the Provost Marshal involved in the rescue and recovery operations - - -

40 SENIOR SERGEANT CALLAGHAN: No, I don't believe - - -

FLTLT ROSE: - - - in any way?

SENIOR SERGEANT CALLAGHAN: No, I don't believe so.

45 FLTLT ROSE: But you've had personal interactions with - - -

SENIOR SERGEANT CALLAGHAN: The Provost Marshal?

5 FLTLT ROSE: - - - him before?

SENIOR SERGEANT CALLAGHAN: Yes. I - - -

10 FLTLT ROSE: And you've spoken to him about your views, and about the ADF - - -

SENIOR SERGEANT CALLAGHAN: I spoke – I - - -

FLTLT ROSE: - - - DNA database?

15 SENIOR SERGEANT CALLAGHAN: I have. I spoke to him maybe two weeks ago and asked permission to bring this opportunity for recommendation, and he fully agreed. So yes.

20 FLTLT ROSE: What is the role of the Provost Marshal in the ADF?

SENIOR SERGEANT CALLAGHAN: He's the top police officer, like a Commissioner of Police, in the jurisdiction.

25 FLTLT ROSE: Did you ask to obtain dental records of any of the deceased as part of the investigation?

30 SENIOR SERGEANT CALLAGHAN: I didn't, personally. But through the AM Coordination Centre, they would have asked for medical records and dental records, yes, to assist in identification.

FLTLT ROSE: And do you know if that was collected directly from the ADF?

35 SENIOR SERGEANT CALLAGHAN: I believe so, yes.

FLTLT ROSE: Or did it have to go through civilian - - -

40 SENIOR SERGEANT CALLAGHAN: The ADF holds very good – they hold on to it. I don't – dentist records, yes.

FLTLT ROSE: At paragraph 174 of your statement you said that you think that the collected DNA data could be called "The Bushman Project" in remembrance of the lost aviators of Bushman 83?

45 SENIOR SERGEANT CALLAGHAN: Absolutely.

5 FLTLT ROSE: How would you describe the working relationship between DVI and the ADF at the various stages of your investigation; when you were in the initial search phase, the second search phase, and then afterwards?

10 SENIOR SERGEANT CALLAGHAN: Realistically, the only major interaction we had was at the very start, during that search phase. And from – procedurally, I only really dealt with the Queensland Police side of things, just going through Acting Inspector Dyer. I really didn't have a great deal to do with any other of the officers. I knew that they were around, but I didn't have a great level of interaction.

15 FLTLT ROSE: So, in your experience, there wasn't any particular friction between you and the ADF personnel involved in the recovery process?

SENIOR SERGEANT CALLAGHAN: No, not at all.

20 FLTLT ROSE: Whilst you were on the Damien Leeding, and in the Whitsundays, did you ever feel as if the ADF were more concerned with the recovery of parts of the airframe or the flight data recorder rather than human remains?

25 SENIOR SERGEANT CALLAGHAN: Not at all. To my understanding, they made dive operations as often as they could, and as many times they could, while they were there. The only limiting factor would've been the weather and the sweep underneath the water.

30 FLTLT ROSE: Sorry, I missed that. The weather and the?

SENIOR SERGEANT CALLAGHAN: And the sweep.

FLTLT ROSE: Sweep?

35 SENIOR SERGEANT CALLAGHAN: Underneath the water, yes. Every day that they could get out there, they were.

FLTLT ROSE: Those are my questions, Ms McMurdo.

40 MS McMURDO: Thank you. Just one question. If I could take you to – if you just look at your statement around about paragraph 68-69, and then over the page. So there was some searching for human remains on 5 August. On 6 August there doesn't seem there was any searching for remains. Do you remember why there was no searching on 6 August?

45

SENIOR SERGEANT CALLAGHAN: If we didn't – if we weren't out on the boat, ma'am, it was due to weather conditions.

5 MS McMURDO: Weather conditions?

SENIOR SERGEANT CALLAGHAN: Yes.

10 MS McMURDO: Yes. Thank you. That's all I've got. Thank you. AVM Harland, did you have anything?

AVM HARLAND: No questions.

15 MS McMURDO: Counsel representing? No cross-examination? No. Any re-examination, Mr Pratt?

MR PRATT: No, ma'am.

MS McMURDO: Anything from you, FLTLT Rose?

20 FLTLT ROSE: No, ma'am.

MS McMURDO: Thank you very much. You have been of great assistance to the Inquiry, and thank you for your important work in this investigation.

25 SENIOR SERGEANT CALLAGHAN: Thank you.

**<WITNESS WITHDREW**

30 MS McMURDO: Yes, COL Streit.

35 COL STREIT: Thank you, Ms McMurdo, and good morning. The next witness is scheduled to be D20. Can I ask an indulgence for a brief comfort break. A matter's been raised with me to address. I don't anticipate it would take terribly long, but it needs to be addressed before the witness is called.

40 MS McMURDO: Certainly. All right then. Well, we'll adjourn until – would it be better for you to let us know when you're ready to resume?

COL STREIT: If that's convenient.

45 MS McMURDO: Yes. All right then, we'll adjourn for a few minutes.

**HEARING ADJOURNED**

5 **HEARING RESUMED**

MS McMURDO: Yes, FLTLT Rose.

10 FLTLT ROSE: The Inquiry is going to call now a witness that has a  
pseudonym of D20. In line with the Inquiry's Direction made on 31 May,  
the camera that is facing the witness box has been disconnected so that no  
visual image of this witness will be seen on the live stream. However, I am  
15 informed that the audio of the witness's evidence will still be heard by those  
watching on the live stream.

MS McMURDO: Yes. And just to clarify, is it necessary to make a further  
Direction that no filming or photographs or visual images of this witness be  
taken or distributed?

20 FLTLT ROSE: I understand you've already made that Direction, but it's a  
good reminder.

MS McMURDO: Well, reminder that that's the position in respect of this  
25 witness. It's very important. Yes, all right then. Thank you.

FLTLT ROSE: I have the terms of that Direction in front of me,  
Ms McMurdo, if you wish me just to read out what you've already directed  
in terms of the particulars of - - -

30 MS McMURDO: I think it's pretty clear. I just wanted to - - -

FLTLT ROSE: And it's on the website, I understand.

35 MS McMURDO: Yes. And I've just given a reminder of it in layperson's  
terms. I don't think it'll be any clearer from reading it out in formal terms.

FLTLT ROSE: Thank you.

40 MS McMURDO: Thank you.

FLTLT ROSE: I'm not sure if the Inquiry Assistant's here, but I call the  
witness D20.

MS McMURDO: There were a lot of media out there. So if you could please make sure that there's no filming.

5 FLTLT ROSE: Okay.

MS McMURDO: Yes. D20. Thank you.

10 <D20, Affirmed

<EXAMINATION-IN-CHIEF BY FLTLT ROSE

15 FLTLT ROSE: Ma'am, in front of you there is an A3 laminated piece of paper. If you could please turn that over. Could you find your own name in that list.

D20: Yes.

20 FLTLT ROSE: Can you please confirm that you have a pseudonym, D20?

D20: Yes, I do.

25 FLTLT ROSE: And that you are of the rank of Major?

D20: Yes.

FLTLT ROSE: What current unit are you posted to?

30 D20: DACM in Aviation Command.

FLTLT ROSE: By "DACM", do you mean the Directorate of Aviation Capability Management?

35 D20: Yes.

FLTLT ROSE: You have a person sitting next to you at the moment. I take it that's your support person?

40 D20: Yes.

FLTLT ROSE: Could you please state – actually, I won't ask you to state the name of that support person because that would be identifying,

potentially, for you. The Inquiry will take down that person's name at a later date.

D20: Okay.

5

FLTLT ROSE: Can you please confirm that, prior to appearing today, you received a section 23 Notice requiring your appearance to give evidence?

D20: Yes, I did.

10

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

D20: Yes.

15

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

D20: Yes.

20

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

D20: Yes.

25

FLTLT ROSE: And a Privacy Notice?

D20: Yes.

30

MS McMURDO: If at any time you need a break during the course of you giving evidence, just let me know.

D20: Thank you, ma'am.

MS McMURDO: Thank you.

35

FLTLT ROSE: I'd also ask you to please be mindful of your security obligations at any stage during my questioning, or the questioning by the Inquiry, or any other Counsel that may ask you questions after I've completed your examination-in-chief, and just to let us know if anything arises that you consider is classified.

40

D20: Okay.

FLTLT ROSE: Did you prepare a statement for this Inquiry?

45

D20: Yes, I did.



FLTLT ROSE: I'll hand you a document.

D20: Thank you.

5

FLTLT ROSE: Can you please look through that statement and confirm to me that this indeed your statement, and then turn to page 27.

D20: Yes.

10

FLTLT ROSE: Is that your signature – it is redacted, but did you sign a version of this statement on 11 June 2024?

D20: Yes, I did.

15

FLTLT ROSE: And this is 152 paragraphs?

D20: Yes.

20

FLTLT ROSE: And you have some Annexures following – A and B – following your statement?

D20: Yes.

25

FLTLT ROSE: Do you wish to make any amendments or alterations to your statement?

D20: Just paragraph 5, the "S-70A-P", it should be "S-70A-9".

30

FLTLT ROSE: A "9" instead of a "P". Do you have a pen in the box with you?

D20: No, I don't.

35

FLTLT ROSE: I'll hand you a pen, if that could be changed? Or perhaps if she could use your pen.

D20: Thank you.

40

FLTLT ROSE: Did you just want to initial that next to where you've made that change? Other than that alteration, is there anything else you wish to amend in your statement?

D20: Not at this point.

45

FLTLT ROSE: I tender the statement.

MS McMURDO: That will be Exhibit 26.

5

**#EXHIBIT 26 - STATEMENT OF D20**

10 FLTLT ROSE: Major, I will ask you some questions now about your background and qualifications. At paragraph 3 and 4 of your statement you state that you enlisted in the Army in 2005 as a Royal Electrical and Mechanical Engineer, Aircraft Technician. Is that correct?

15 D20: Yes, it is.

FLTLT ROSE: And then you qualified as an Aeronautical Maintenance Engineer, Mechanical, on the Black Hawk in 2006.

20 D20: Yes, I did.

FLTLT ROSE: Then you posted into 171 Squadron in 2007 as a maintainer on the Black Hawk.

25 D20: Yes, I did.

FLTLT ROSE: And you remained in that Squadron until 2011?

D20: Yes, I did.

30 FLTLT ROSE: What rank did you obtain as a maintainer?

D20: Lance Corporal.

35 FLTLT ROSE: And in paragraph 7 you state you went to the Royal Military College Duntroon in 2011, where you commissioned as an officer in 2012.

D20: Yes, I did.

40 FLTLT ROSE: What rank was that at?

D20: Lieutenant.

45 FLTLT ROSE: And I take it that was with the intention of becoming a pilot?

D20: Yes, I'd passed my flight screening whilst I was at Duntroon and then commenced training at Basic Flight Training School.

5 FLTLT ROSE: What I might do is just ask you to raise your voice slightly, just so I can hear you a bit better.

D20: Sorry. Yes.

10 FLTLT ROSE: Thank you. In terms of your pilot training and the remaining of your posting history, at paragraph 8, you started your basic flying training in Tamworth in 2013?

D20: Yes, I did.

15

FLTLT ROSE: And which airframe was that on?

D20: The CT/4, which is a fixed-wing plane.

20 FLTLT ROSE: Fixed-wing. And then you took some time off from that particular course for personal reasons, but then you returned to complete that training in 2014?

D20: Yes, I did.

25

FLTLT ROSE: And in paragraph 9 you stated that you posted to Oakey to complete your Helicopter Conversion Course. Which airframe was that on?

D20: The Kiowa helicopter.

30

FLTLT ROSE: And you have a total of 127.4 hours on the Kiowa?

D20: Yes, I do.

35 FLTLT ROSE: In paragraph 11, in 2016 you completed your Black Hawk conversion training at Holsworthy?

D20: Yes, I did.

40 FLTLT ROSE: And then you posted into 173 Squadron?

D20: Yes.

FLTLT ROSE: And that was at the end of 2016?

45

D20: Yes.

FLTLT ROSE: You completed your Special Operations Qualification Course or your SOQC for co-pilots on the Black Hawk in 2018?

5

D20: Yes.

FLTLT ROSE: Were you an Aircraft Captain on the Black Hawk?

10

D20: Yes, I was for, I guess, conventional Army flying. I was only a co-pilot for Special Operations flying.

FLTLT ROSE: I take it you hadn't done the SOQC for Captains?

15

D20: Not for Black Hawk, no.

FLTLT ROSE: Not for the Black Hawk. And at paragraph 13 you state that you have a total of 801.5 flying hours on the Black Hawk.

20

D20: Yes, I do.

FLTLT ROSE: And that includes 691.1 hours in the aircraft with the remainder on the sim?

25

D20: Yes.

FLTLT ROSE: What category pilot were you on the Black Hawk?

D20: I was a Category C pilot.

30

FLTLT ROSE: At paragraphs 14 and 15 of your statement, a number of things happened in 2019. So you were posted into 172 Squadron as the Squadron Operations Officer.

35

D20: Yes, I was.

FLTLT ROSE: That was to assist with the introduction of the MRH-90 into 6 Aviation Regiment.

40

D20: Yes.

FLTLT ROSE: Were you still flying Black Hawk at this stage?

D20: Yes, I was.

45

FLTLT ROSE: But were your hours reduced? You weren't flying as much as you were before?

D20: That's correct.

5

FLTLT ROSE: Is that because of the time it took – being Squadron Operations Officer took you away from flying?

D20: Yes, in terms of the time I was required to do the role, but also the requirement for training for other members. So my priority of flying hours on the Black Hawk was not as high as others because I was transitioning onto a different aircraft type.

10

FLTLT ROSE: You hadn't yet done your conversion course for MRH-90, but the intention was that you would shortly.

15

D20: Yes.

FLTLT ROSE: And then you completed that MRH-90 Transition Course at Oakey later in 2019.

20

D20: Yes, I did.

FLTLT ROSE: Were you ever flying the Black Hawk and the MRH-90 at the same time?

25

D20: No, I was not.

FLTLT ROSE: At paragraph 16 you said that you flew regularly in 2020, when you were assisting with the bushfires.

30

D20: Yes, I did.

FLTLT ROSE: I take it that was on the MRH-90?

35

D20: Yes, it was.

FLTLT ROSE: Were you also the Second in Charge to the Troop Commander in 173 Squadron in 2020?

40

D20: Yes, I was.

FLTLT ROSE: At paragraph 18 you deployed for a portion of 2020.

45

D20: Yes, I did.

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FLTLT ROSE: Where did you deploy to?

D20: I deployed to Iraq.

FLTLT ROSE: And how long were you there for?

D20: Approximately six and a half months.

FLTLT ROSE: And what role did you have?

D20: I was an Executive Officer for the taskforce I was working for.

FLTLT ROSE: And that's a non-flying role?

D20: It was a non-flying role.

FLTLT ROSE: Did you have any leave whilst you were on deployment?

D20: I did not, due to COVID. We couldn't leave the area.

FLTLT ROSE: Was it the case that you were working every day in that 6.5 months?

D20: Effectively, excluding the time where we returned to Australia and were in quarantine pre and post the trip.

FLTLT ROSE: What role did you post into when you came back from deployment?

D20: When I returned, I was the Adjutant in 6 Aviation Regiment.

FLTLT ROSE: The Adjutant. And that was to the Commanding Officer?

D20: Yes. LTCOL Helen Mammino.

FLTLT ROSE: And what were your responsibilities as the Adjutant?

D20: I was basically in support of the CO. In the day-to-day duties supporting her in her role and then, effectively, a conduit from the Squadrons and the Regimental Headquarters up as required. It was probably a pretty varying role in terms of who I dealt with inside the Unit, Brigade Headquarters, the Career Management Agency. It just kind of depended on the different tasks that were required.

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

D20: I was in that role for 12 months.

5 FLTLT ROSE: And how many hours a day were you working, and days a week, in that role?

10 D20: It fluctuated quite a bit, but I would probably say on average between 12 and 16 hours a day. And then, to maintain the workload, probably between four and six hours on weekends at my busiest period.

FLTLT ROSE: Were you flying MRH-90 when you were the Adjutant?

15 D20: Yes, I was.

FLTLT ROSE: How often were you able to fly?

20 D20: I flew infrequently because I – my category had expired due to my deployment overseas, which required a series of assessment flights to return back to flying. And that took approximately eight months whilst I returned to the unit.

25 FLTLT ROSE: You weren't flying very much in that first eight months? Effectively, the only flying you were doing was actually assessments to try and get your categorisation back?

30 D20: Yes, with probably a few with flying instructors just to try and, I guess, keep some form of proficiency or currency, which it wasn't really enough but was enough to keep me in an aircraft when they could.

FLTLT ROSE: And at paragraph 20 you state that you became the Troop Commander for V Troop in 6 Aviation Regiment.

35 D20: Yes, I did.

FLTLT ROSE: When was that?

D20: So I commenced that at the start of 2022 until August 2023.

40 FLTLT ROSE: Did you complete your Regimental Officers' Intermediate Course before you became Troop Commander?

D20: Yes, I did.

45 FLTLT ROSE: When was that?

D20: I don't recall the exact date. I believe I completed it prior to my deployment in 2020.

5 FLTLT ROSE: You stated just then that you were the Troop Commander of V Troop until August 2023.

D20: That's right.

10 FLTLT ROSE: What role did you have from August 2023 to December 2023?

D20: I didn't have a role. I was medically downgraded and I guess being managed by the health system.

15

FLTLT ROSE: Were you officially still part of 6 Aviation Regiment at that point?

D20: Yes. In terms of a management function, yes.

20

FLTLT ROSE: You were promoted to Major at the start of this year, 2024; is that correct?

D20: Yes, it is.

25

FLTLT ROSE: And then you posted out of 6 Aviation Regiment early on, was it January this year?

D20: Yes, my posting order was with effect January.

30

FLTLT ROSE: And then you posted to the Directorate of Aviation Capability Management where you are now?

D20: Yes, I did.

35

FLTLT ROSE: And that's part of Aviation Command?

D20: Yes, it is.

40

FLTLT ROSE: And you're part of the Capability Implementation Team for Black Hawk?

D20: Yes, I am.

45

FLTLT ROSE: Is that a non-flying role?



D20: Yes, it's a non-flying role.

5 FLTLT ROSE: Do you anticipate converting back to Black Hawk and flying again?

D20: I'm not sure of my future plans post this role.

10 FLTLT ROSE: Understood. At paragraph 23 you state that you have a total of 495 – sorry, 469.5 flying hours on MRH and that includes live aircraft and simulation?

D20: Yes, it does.

15 FLTLT ROSE: And then you have 206.8 hours by night in the live aircraft?

D20: Yes, I do.

20 FLTLT ROSE: And 186.8 flying hours on NVDs?

D20: Yes, that's correct.

FLTLT ROSE: And 83 hours in formation?

25 D20: Yes.

FLTLT ROSE: What category pilot were you on the MRH?

30 D20: I was a C CAT pilot.

FLTLT ROSE: And did you have your Special Operations Qualification Course for co-pilots on the MRH?

35 D20: I did.

FLTLT ROSE: And when did you obtain that?

D20: 2022.

40 FLTLT ROSE: Does that mean you were an Aircraft Captain on the MRH?

D20: I was for non-special operations activities.

45 FLTLT ROSE: And you hadn't done your SOQC for Captains; is that correct?

D20: Correct, I'd not done that.

5 FLTLT ROSE: How often were SOQCs being run in 6 Aviation Regiment in '22 and '23?

10 D20: I believe there was only two per year, but I do recall we had looked at three. But I can't exactly recall if that was 2022 or subsequent. I'd have to check.

15 FLTLT ROSE: At paragraph 26 you state that you were hoping to complete your SO. I take it that's Special Operations, Air Mission Commander Qualification in 2023, but that never eventuated?

20 D20: That is correct.

25 FLTLT ROSE: Was that supposed to occur on Exercise TALISMAN SABRE '23?

30 D20: It was discussed as an opportunity for me to complete it during TALISMAN SABRE.

35 FLTLT ROSE: Were there various stages to that qualification that required a number of flights, or was it a single flight?

40 D20: We had discussed doing some development flights and then I would move forward and, I guess, effectively do the assessment flight with the Officer Commanding.

45 FLTLT ROSE: Paragraph 26, you state that when you posted out of 6 Aviation Regiment in 2023 – or at the end of '23, effectively January 2024, you were deficient in a number of training qualifications and had not met the minimum flying hours required in accordance with the Standing Instructions. But that had been since approximately 2018?

D20: That's correct.

50 FLTLT ROSE: Can you recall, off the top of your head, how many flying hours the Standing Instructions state a pilot should have per year?

55 D20: I believe it has been amended from when I first started. From memory, it was 150 hours and I believe 50 of those could be completed within the simulator. And then that increased to, I think it was 180 – I would have to double-check that figure – but I think it was 180 for general flying and then, depending on your role, it reduced if you were in a Headquarters

position or – yes, I think it was just Regiment Headquarters where they reduced – or a Staff Officer position.

5 FLTLT ROSE: It wasn't reduced for being Troop Commander?

D20: No, I don't believe so. I'd have to check.

10 FLTLT ROSE: I take it your chain of command were aware that you weren't meeting the requirement for flying hours?

D20: I believe I was flagged a number of times during standard audits that had occurred.

15 FLTLT ROSE: What does that mean, you were "flagged"?

20 D20: I know in 2021 there was discussion about my return to flying or lack thereof by the Standards Team visiting. And normally they will come through and assess the flying hours of the pilots and the aircrewman within the unit and I guess if we're meeting those SI requirements or Standing Instruction requirement, and then generally that's discussed. I have not sat in on those discussions, but it is normally then discussed who is sitting deficient in terms of that and if there's plans to address it. But that would be for, I guess, Regimental Standards and the chain of command to have a better understanding of what is actually - - -

25 FLTLT ROSE: The individual pilot who is effectively – these are my words – under-flying, that issue is not discussed with the individual pilot, it's at higher levels?

30 D20: The only time it was discussed with me was in 2021, when one of the visiting Standards Assessment Officers came in – who was also one of my previous instructors – and had a bit of a discussion with me about ways that I could move forward to try and get my flying, and that I probably had to be a bit more assertive to rectify some of the deficiencies. But in terms of  
35 anything post that, I don't recall, except for the potential chats in corridors of, "Your hours are pretty low. You need to stop prioritising work over flying", type things.

40 FLTLT ROSE: Were you able to take – be assertive and take some action to try and increase your flying hours?

45 D20: I did what I could but I was one of many, probably, in similar circumstances. And there is a point where I don't necessarily want to be that squeaky wheel that gets the oil. I've been on both sides of the complainer and listening to the complaints and I know it can be quite

draining when you have a number of people complaining about the system and issues. So I didn't probably do it as much as I could have.

5 I thought the thing that if it was raised, that should've been enough, to a certain extent. Could I have done more? Potentially. I don't know.

10 AVM HARLAND: Is the onus on the individual to manage their progression, or does the organisation give you a framework and drive you through an aircrew progression?

15 D20: There is a framework and the Standing Instructions have a list of things that need to be achieved. Normally, it would be the member's chain of command and the flying instructors that would help manage that progression. I guess, as I was moving into the position of managing other people and also trying to manage my own, there is probably a level of you don't want to prioritise yourself over someone else. And I guess the views and perceptions of – because you listen to the chat in the crew rooms and things where, “Oh, this person's doing this and this person's taking that, and we're not getting anything”.

20 So I was probably influenced a bit more about those kind of things. But normally it would be the chain of command and the flying instructors that help the development of the individuals. But there is an onus on the individuals to make the most of any sorties that they're allocated if they were in training area or something that wasn't wrapped up in, I guess, an exercise or mission context. They're fully within their remit to go out and do instrument flight training or confined area training or building their own mission scenario and going out and practising and executing.

30 It's just not to the point where you could tick off those achievements until, I guess, it was formally assessed.

AVM HARLAND: Okay. Thank you.

35 MS McMURDO: And do I understand that you were wanting to fly more and get your next lot of qualifications and - - -

D20: I was, ma'am, yes.

40 MS McMURDO: Yes. So the position was that there were not enough opportunities for the more junior pilots to do that?

45 D20: Yes. There were periods where we tried to achieve as much training as we could. And I do recall an exercise to Adelaide where we got a lot of training done for a lot of people. But some of that was probably, you know,

we could have done that earlier in their training continuum. And I know for some of us it became a, “Oh, you guys are getting close to posting out, so we need to get these things achieved”.

5 Unfortunately, I just had bad luck: different chains of command had different priorities, and wrong place, wrong time, whatever you want to call it, that didn't quite get everything done. So - - -

10 MS McMURDO: And did I understand you to say that once you were in a leadership position too, you found it difficult in a leadership position to put yourself forward before others who also needed to get flying time?

15 D20: Yes, that's correct, ma'am. Particularly if I – and more so in 2023, when I knew I was leaving the unit. I looked at it as well, “If this person gets this qualification, it's actually better for the unit because they're staying there and it creates more depth and more training opportunities. Whereas, if I'm getting something and leaving, yes, it might help me out down the track if I was to come back, but then it kind of leaves us in this cycle of just not having enough people with the qualifications to spread the load”.

20 I saw it from both sides, which is probably why it was difficult for me to fly more.

25 MS McMURDO: Thank you. Yes, thank you, FLTLT Rose.

FLTLT ROSE: I take it from your evidence then that it was a bit of a fight to get flying hours in terms of there were multiple personnel, aircrew wanting to get on flights at all times?

30 D20: Yes, that's correct.

FLTLT ROSE: At paragraph 22 of your statement you state that even though you were a Troop Commander in 2022, you only started receiving your additional pay for performing this role in 2023?

35 D20: That's correct.

40 FLTLT ROSE: Why is that?

D20: As a part of the Aviation Corps Officer Employment Specification Guide, there was a pay case that went to Tribunal – I can't remember all the exact wording – but effectively, aligned us with Navy and one of the outcomes was the Troop Commander pay for being in that role wouldn't commence until you were Captain Year 7.

45

5 So, effectively, you could do it any time prior – Captain 2, Captain 4, whatever it is – but until you’re a Captain 7, you wouldn’t basically be able to open that gate on a time base as opposed to a role base which meant, yes, I didn’t commence receiving that until 2023, when I was Captain 7.

10 FLTLT ROSE: If a Captain 2 was Troop Commander and perhaps fulfilled that role for two years before they posted out, and then went to another Unit, Regiment, whatever, they still wouldn’t be able to open the door to the pay that they effectively were being paid for for now Captain 2 and Captain 3, until they were Captain 7?

D20: Correct.

15 FLTLT ROSE: Even if they were in another unit, not performing the Troop Commander role at that point?

D20: Correct.

20 AVM HARLAND: Would they have been fulfilling the full role in expectations of a Troop Commander, as a Captain 2?

25 D20: So, Captain 2, unlikely that they would do that. There is a PTMB which is a – I can’t recall the acronym, but basically a Board. Nominations are put forward, once you’re kind of within that sort of Captain 4, Captain 5 ilk to either identify yourself as a flying instructor or if you’re looking to go the Command path, your submissions goes to a Board and then they determine if you are suitable to fill a Troop Commander role.

30 Generally, a Captain 2 would be knocked out based on seniority. But, yes, you would go to the Board, the PTMB, would then say, “Yes, they meet the requirements. We endorse them to become a Troop Commander”, or “Yes, they meet the requirements. We’re endorsing them to go down the Flying Instructor path”. So once you’ve cleared the Board, then you can move into that position, and they make sure our posting orders and position criteria are aligned so that it shows up in PMKeyS for personnel tracking to make sure that those entitlements then can be accessed, even if you do complete it, say, as Captain 5/Captain 6.

40 AVM HARLAND: If you go through the Board and get posted into a Troop Commander role, you would be expected to do the full role?

D20: Yes, sir.

45 AVM HARLAND: Yes. But you wouldn’t be paid for it until you reach

Captain 7?

D20: Correct, yes, sir.

5 AVM HARLAND: Is that the same for other corps in Army?

D20: I'm not 100 per cent sure on pay entitlements for positions in the other corps.

10 AVM HARLAND: Okay. Thank you.

FLTLT ROSE: Did that situation bother you in 2022, when you were performing the role?

15 D20: Look, it was frustrating. It didn't really bother me until 2023, when it took, I think, it might've been two, three, four months of trying to get the administration completed to then get paid correctly. So myself and Diesel were in the same boat. Luckily for me, Diesel was doing a lot of the legwork to get that rectified. But, yes, that was probably more what annoyed me,  
20 was it didn't happen. You then had to keep chasing this up, which consumed time.

MS McMURDO: Was that even after you were a Captain 7, seven years as a Captain?

25

D20: Yes, ma'am.

MS McMURDO: Still you weren't getting the pay for that role?

30 D20: (No audible reply).

MS McMURDO: Why would people take on the role if they weren't getting paid for it?

35 D20: Yes, I guess everyone's got different motivations.

MS McMURDO: Sure.

40 D20: I did want to be a Troop Commander. I've been wanting to do the Command path for a while. And I did enjoy trying to make things better for the guys in the Troop and, I guess, do things different that I've experienced, that I didn't enjoy. And, yes, the money is nice but it – like, I've just kind of come to accept that there are parts of the system that it is  
45 what it is.

5 And the pay piece is a long, protracted process and I know that we're going through another round of changes to the pay system and the Aviation structure and how things are going to move forward so that it's, I guess, better for the members and the individuals. But it's just one of those things, it's not something that we can just change.

MS McMURDO: Okay. So if you do this role unpaid, it is still on your record that you had that experience and - - -

10 D20: Yes, it is, ma'am.

MS McMURDO: - - - it helps in that respect.

D20: Yes, it does.

15 MS McMURDO: Yes. Okay, thank you.

FLTLT ROSE: You mentioned Diesel before. Were you referring to CAPT Danniell Lyon?

20 D20: Yes.

FLTLT ROSE: And you called him Diesel?

25 D20: Yes, I did.

FLTLT ROSE: I want to ask you some questions now about your experience flying the MRH-90. At paragraph 27 you didn't have a preferred side of the cockpit, but you said both sides were a little bit awkward for you to fly from. Why was that?

30 D20: Yes. I've got short arms – T-Rex – was probably one of the things. It was difficult for me to reach all of the switches on the opposite – either side, particularly high up. And I really had to lean over in order to touch the other co-pilot or the Aircraft Captain at the time, depending on what was happening.

35 But I also had a similar issue in the Black Hawk, but it just wasn't quite as exacerbated. It was a little bit more compact. But, yes, just proportionally I'm a little bit smaller so, yes, reaching things, it's – you kind of can only adjust your seat up so high and forward so much, and stuff.

40 FLTLT ROSE: At paragraphs 29, in terms of the roles of the Aircraft Captain and the co-pilot you state that:

45



*The co-pilot would normally fly the numbers.*

What does that mean?

5 D20: In the context of a Special Operations approach, we have a flight manual that stipulates clear guidance in the parameters that the aircraft needs to be in whilst you're conducting that approach. And if you move outside those parameters, i.e. you are going too fast, then you can't continue that approach.

10 So when we're flying that normally, the co-pilot is doing everything they can to keep the aircraft at the dictated height, at the correct speed, if you're in formation at the correct spacing, until there is the point when it changes. And that's effectively unloading the SO Captain or the Aircraft Captain, which is, yes, so we would just be flying the numbers which have all been tested and are very clear in our kind of training and in the flight manual.

15 FLTLT ROSE: And then is there a certain point that the Aircraft Captain takes over the flying role?

20 D20: Yes. It would generally be as you were getting closer to your target area. Every Aircraft Captain is slightly different. Some prefer to take over earlier to get comfortable. Some wait a bit longer just to get better visual of the target that we're flying to. But there is a point where the expectation is – or as a co-pilot you are waiting for the Aircraft Captain to take over, so you are expecting it to happen.

25 FLTLT ROSE: Did you experience any difficulties with the serviceability of the MRH-90 in 2022 and 2023?

30 D20: I don't recall a lot of issues. I know we had issues in terms of we would go out, prepare aircraft, start aircraft, one would go US. You would then have to move to the spare aircraft. Normally, we would try and have a team starting up the spare, so the changeover is quicker if we had requirements to be somewhere at a certain time.

35 I don't recall too many occasions where we couldn't complete the tasking that we needed to complete. And as a part of our briefing and planning process we would normally process, we would normally have a plan that determined what would happen if we lost X amount of aircraft.

40 So if we needed to do something and we were taking four, but someone said, "Look, in reality we only need two to achieve this activity", then we would have a plan in place so that if those other aircraft – if they became

unserviceable, we could move to them and know in our heads, “Okay, we only need 1 and 2”. So we would just move crews if we needed to.

5 FLTLT ROSE: Was it stressful, going to an aircraft and discovering it was unserviceable and having to move all the gear and the crew to the next aircraft?

10 D20: Yes, it was just – it just created friction and could compress timelines, depending on what was happening. There were times when it wasn’t, I guess, as stressful because we had a bit more flexibility. If you’re doing combined activities and training with other people, you want to be there at the right time because they’re waiting for you, particularly if it’s cold, or wet, or raining, or whatever. So, yes, bouncing between aircraft, and particularly for the aircrewman, having to unload aircraft – because they  
15 generally do a lot of the legwork while we went in and signed for aircraft and tried to start the next one to kind of keep everything moving forward.

20 Yes, there were times when it could be a lot of work. There were other times when it was kind of less stressful because it wasn’t moving towards a deliberate timing outcome to be somewhere. But those occasions when we needed to be there, the friction, yes, it could become stressful, particularly for the key planners or the flight lead, or the AMC who are now trying to work in how the delays are going to affect what we need to achieve.

25 FLTLT ROSE: You’ve obviously had experience as a pilot, as MRH, also pilot of Black Hawk, and being a maintainer of Black Hawk. Can you compare the serviceability levels of the MRH to Black Hawk when you were in 6 Aviation Regiment – for both?

30 D20: I probably can’t really quantify that because I had two very different perspectives. From a maintainer perspective, we would get the aircraft and we were working with an analogue – like, what was a analogue aircraft with rods and hydraulics and pneumatics that was easier to deal with if something went wrong. And for us, we kind of said, “Yes, we have this  
35 many aircraft and this one is serviceable”, and we just put them out.

40 But from the pilot perspective, when you’re planning in your head all the contingencies, it’s different. And sometimes you could turn an aircraft off and start it back up and it’s fine because it’s just – it’s digital and, I guess similar to a phone or a computer, sometimes the ones and zeros just don’t quite work. You turn it off and you turn it on again and whatever the problem was, it’s kind of sorted itself out.

5 So, yes, I don't know that I could accurately assess the differences in serviceability. There was times when Black Hawk was horrendous and we were struggling as tradies to do what we could. But there was times when it was amazing. You know, I recall times of flying back from activities, we would have aircrafts strewn all across the coastline.

10 But then the same thing was said with MRH. There was periods where it was great. There was periods when it wasn't. You know, you can't get parts, you can get parts, things happen. But – yes.

15 FLTLT ROSE: Paragraph 31 of your statement, you state that junior pilots did not have enough time to develop their flying skills when you transitioned away from being a green training Squadron. What does that mean?

20 D20: So when I went to 6 Avn Regiment, we – as a pilot in 2015/2016, we had 173 Squadron, which was not an SO Squadron, and you were able to finish your training and you moved across, you became a co-pilot, you would go out and do aircrewman training, you would support other training sorties. So you got an opportunity to basically just be a pilot, learn how to fly, learn how to use the hoist, go to confined areas.

25 It was a good learning ground for the first six months. And then after that, as the next cohort came through, you started getting a little bit more rope to go out and start being an Aircraft Captain, just doing basic flying, which was the expectation of you, to go out and fly.

30 When we moved across to MRH and there was the changing of platforms and Squadrons, my experience – well, 2022/23 is when we started to lose the guys coming from that sort of training environment. They probably didn't have the ability to consolidate those core basic skills. And I guess we were kind of transitioning to that place because Aviation is just in a state of flux at the moment. There's all the change happening and we're trying to keep people progressing, but I think we're losing that core ability to train people before they move on to the SO – I guess conducting the SO profiles, which can be a little bit more dynamic and little bit different than, yes, core Army flying.

40 FLTLT ROSE: So, by 2023, you're saying the new recruits or the junior pilots that were coming into 6 Aviation Regiment had not had the number of flying hours, potentially, that you or some other of your cohort would have had before you started special operations flying?

45 D20: Yes, that's correct. Not for all, but there were – yes, we were starting to get the junior guys come through.

FLTLT ROSE: At paragraph 32 you said your own proficiency and recency was low, or below average.

5 D20: Yes.

FLTLT ROSE: Was that – are you referring to 2023?

10 D20: So mine was more, basically, collectively from 2019 onwards. I did have a deployment, so I will note that that kind of was a hit. But, yes, I flew effectively 400 hours, so equating to 100 hours a year. If you're a Staff Officer, that's kind of the norm. I wasn't a Staff Officer and I don't think that was setting me or the team up as we progressed forward, and as I'm expected to continue progressing.

15 FLTLT ROSE: Is there an expectation that as a Troop Commander you were actually one of the more senior pilots?

D20: Yes, there is.

20 FLTLT ROSE: Would you consider yourself, in 2022 and '23, one of the senior pilots?

25 D20: I didn't consider myself, necessarily, a senior pilot from the flying perspective. But from the administrative governance ground-based side, then yes, that was probably where my strength lay.

30 FLTLT ROSE: How did you find the workload in the cockpit of the MRH compared to the Black Hawk?

35 D20: Different. I found Black Hawk easier to fly because I had the maintenance background, I understood the systems. It was an analogue aircraft, so when – I guess it was almost a little bit more rudimentary with the issues that popped up with that aircraft.

40 MRH I found more difficult from a systems' perspective because it was digital. I was probably not flying it as much to really get that full in-depth knowledge and understanding. But the differences in, I guess, unserviceabilities that come up, cautions and warnings, in the MRH required more thought and understanding of the checklists to know which checklist – like, which emergency checklist you needed to use.

45 But then, the MRH was easier in the context as an Aircraft Captain because the digital systems gave you more situational awareness, so the ability to have a moving map to enhance your understanding of where you are in time

and space, the navigation aids, and the ability to have the aircraft fly a dictated route, which gave you the opportunity to sit back and monitor systems and start planning ahead.

5 So from an Aircraft Captain perspective, and a flying perspective, I think you had more situational awareness. But from the systems' side, for me, personally, I found it more difficult.

10 AVM HARLAND: Did you have any situations when you were flying MRH where both pilots had their eyes in the cockpit, managing the systems?

15 D20: I can't say no. I don't have a definitive example coming to mind. I do know it is something that we talk about a lot, particularly in the context of MRH, and not falling into the trap of the aircraft can fly itself and do a lot of things, and then suddenly having both pilots looking in and focused on an issue or trying to change a navigation route and make the system work to what you need. It was something that was discussed a lot and we kind of had to consider that. And, yes, the Aircraft Captain would normally say, "Hey, my eyes are in. I'm doing something", or the co-pilot would.

20 Look, I think I probably fell into that trap a few times, but I know it was something we talked about a lot, was not having both pilots engrossed because it was very easy to do on that aircraft because it was a more stable platform. You had more functions with the autopilot for it just to fly.

25 AVM HARLAND: Yes. So is it fair to say, from your point of view, you understood that that was actually a hazard and potentially a situation you could get yourself into, and you're aware of that and tried to avoid that?

30

D20: Yes, sir.

AVM HARLAND: Yes, okay. Thank you.

35 MS McMURDO: So the practice would be, if that was happening, one pilot would say, "I've got eyes in", and then the other would then expect they'd have eyes out.

40 D20: Yes, ma'am. So we do have a – like, it is a part of our training if someone is going to be looking in the aircraft, that they will announce that to the crew, particularly in certain phases of flight. And the flying pilot is supposed to acknowledge that that person's eyes are in, and including the aircrewman. So that if the left-hand pilot is looking inside the aircraft, normally the left-hand aircrewman would then kind of increase their scan,

or become more observant to pick up that left-hand pilot now looking inside.

5 Generally speaking – and it’s all kind of very much situation-dependent – but you would normally announce that your scan is in, and what position. So, “Scan is in front left. Scan is in front right”. And there should be an acknowledgement from that other person so that you both know, and the crew knows.

10 MS McMURDO: And, of course, if you’re flying at night, in bad conditions, and the doors are shut, the aircrew in the back can’t do much with eyes out, can they?

15 D20: They’re pretty limited, yes, particularly depending on what seat they’re sitting in. But, yes, if they were sitting to the rear – I can’t remember the seating names, but effectively to the rear of the aircraft, up against the wall, with the doors forward, then their field of view is quite limited to outside those windows.

20 MS McMURDO: Thank you.

AVM HARLAND: So you’re effectively describing - - -

25 MS McMURDO: Excuse me. I’ve got a request that we pause proceedings. There’s been an issue. We’ll just have to pause proceedings for a moment to see what needs to be relayed out. Do we need an adjournment? We need to talk? Okay. We need to adjourn. Thank you.

30 **HEARING ADJOURNED**

**HEARING RESUMED**

35 MS McMURDO: Thanks FLTLT Rose. I understand we can continue as we were going head. There’s no problem.

40 FLTLT ROSE: I recall the witness, D20.

MS McMURDO: Please be seated. There’s no problem. We’ll just continue exactly where we were. Thank you.

45 FLTLT ROSE: Major, how often would you have flown the MRH in formation at night on NVDs, over water, at low altitude?

5 D20: I can recall a few specific events off the top of my head. There would have been periods where we've transited over water as well. I don't have an exact figure, but it's something I've done, in both aircraft types, more than five times. But I can't give an exact - - -

FLTLT ROSE: That's okay. Were you aware of a risk management plan that reduced the opportunities for pilots to fly over water from about 2021?

10 D20: I vaguely recall it. I don't recall the exact details. I know there was a period where we – the collective Army Aviation were weighing up the risk based off reports from, I think it was people trying to egress from the aircraft and the issues with the helmet cabling potentially becoming caught. And it was something that we also discussed when we conducted helicopter  
15 underwater escape training biannually – every two years, I think it was, or every year – however frequent it is. And I know there was a period where that was a topic of discussion.

FLTLT ROSE: So did you fly less over water because of that concern?

20 D20: I didn't fly a lot in 2021. I do recall moments where we were cautious about flying over things like Warragamba Dam because it's down the southern end of the training – it's near the training area. But, yes, I probably don't have a lot of context in that one because I probably wasn't flying as  
25 frequently as the other pilots.

FLTLT ROSE: Was it difficult to fly in those circumstances, when you were flying in formation at night on NVDs, over water, and at low altitude?

30 D20: I would say it's contextual. It wasn't as difficult if there was no cloud in the sky, there was the moon at an appropriate angle that wasn't kind of directly in your face, like you were driving into the sun. Yes, with good illumination and ability to kind of distinguish a horizon, it was okay. It was flying at night, but just over water. And if anything, probably less stressful  
35 because there's less obstacles.

It became stressful if it was overcast, if there's no illumination, if you don't have a landmass – so if you're flying away from the coastline, out over water – and then if it was raining. And I've been in that situation before. It  
40 is the most difficult flying I have done in formation.

FLTLT ROSE: Is it easier to fly over terrain instead of water in those situations?

D20: No, I found over water easier, purely because you know that there's no obstacles, apart from a random ship or something. But it's not going to be at the level that you're flying at. I, in a way, felt safer that we weren't going to suddenly run into a tower, power lines, terrain.

5

It's only, I guess, the safety level changes if you've suddenly got an aircraft emergency and now you're considering ditching in the water at night, when it's dark. That is the only thing that kind of always played in the back of my mind and I want to double-check emergency exits and my Air Warrior, and I could – I knew where my beads were and all those kind of things.

10

But once that was kind of set, you – there were moments where I was probably more comfortable over water, in those conditions – easier if you're not in formation – than I would have been over terrain, when you are, effectively, what they called scud running. That you were trying to find something that you can fly by and distinguish to get yourself out of the situation that you're in.

15

FLTLT ROSE: So you just said then that actually flying in formation is the added level of complexity to that sequence of events I described.

20

D20: Yes.

FLTLT ROSE: Would that be the most difficult part of those circumstances, is the flying in formation, as opposed to flying over water, or flying at low levels, or flying at night?

25

D20: Yes. So once you add the layer of formation, I find that more difficult, purely because you're now considering other aircraft and the conditions aren't the best and you're flying off, effectively, green dots in the sky and trying to stay close enough where you can make out them and you can almost kind of make out the shape of the aircraft – which can be difficult at times – but not fly too close, because you don't want to hit that aircraft.

30

FLTLT ROSE: Did you find it easy or difficult to see the formation lights on the MRH?

35

D20: In poor conditions, it was difficult. The aircraft could increase the intensity of the lighting so it became more obvious. But there was kind of a point where it almost went from, yes, it's dull and visible to, this is really bright and actually makes things more difficult and almost kind of flaring out the NVDs.

40

So there was – it was kind of a weird transition between trying to increase the illumination of the formation lights, but not have it too bright where it

45



actually is detracting and makes it more difficult. But in poor conditions, they were hard to fly with – yes.

5 FLTLT ROSE: What about flying the third ship in four-ship formation, was there anything particularly difficult about that position?

10 D20: Yes, I found aircraft 3 difficult to fly in form because you're sitting to the left-hand side of aircraft 1, aircraft 2 is off to the right, and you're trying to formate off an aircraft directly to your front but also the aircraft off to the right-hand side. I found it more difficult to maintain the spacing to make sure that I wasn't too far back, I wasn't too far forward. That if aircraft 2 needed to use what we call their arcs so they could move left or right for whatever reasons, that you didn't want to impinge on their ability to move through those arcs.

15 So, yes, position 3 can be more difficult, depending on the conditions. Sometimes it's more enjoyable because it's a bit of a test. But when you're doing stuff, yes, in comparison, 3 is probably the hardest position to fly out of the four, that I've found.

20 FLTLT ROSE: You did quite a lot of the crewing for sorties; is that correct?

D20: Yes, I did.

25 FLTLT ROSE: Did you try to put the more experienced pilots in aircraft 3?

30 D20: I don't recall specifically focusing on aircraft 3. I probably focus more on the crew composition. And I guess it would depend on the situation as to where we put different people. If we were conducting SO training and we had what we called a bunt plan – so, effectively, an aircraft would go US - - -

FLTLT ROSE: When you say "US", sorry, what does that mean?

35 D20: Unserviceable.

FLTLT ROSE: Yes.

40 D20: I'd actually probably – I may be veering on some levels of classification that I might not exactly be able to speak to. It was a consideration, but not in the context of, yes, "3 might be a bit harder, so I probably need to put the super experienced guys in".

FLTLT ROSE: From paragraph 38 and 39 of your statement, you recall two incidents when flying the MRH when you struggled to distinguish the horizon when you were flying at night - - -

5 D20: Yes.

FLTLT ROSE: - - - when it was overcast and with light showers.

D20: Yes.

10

FLTLT ROSE: One of these was an over water flight and the other wasn't. What were you trained to do in these circumstances, where you struggled to find or keep the horizon?

15

D20: So in the context of the one over water, we were flying in formation. I was flying with D2, who was the Aircraft Captain. We had commenced discussing this as a crew, about the conditions. It is harder if you're in aircraft 2, 3 or 4 than aircraft 1. And we were getting ready to discuss whether or not it was worth continuing the aircraft sortie, and the lead aircraft commenced a left-hand turn as we were moving towards the target, and we moved out of the rain shower and conditions cleared. So in that situation, we'd discussed stopping the training and trying to move ourselves away from the shower, and we were out over water.

20

25

The one that you referred to over land, it was a single aircraft. I was a trainee with an instructor, and my – I was quite cognisant that my comfort levels and experience were very different to my instructor's experience levels, and I guess therefore comfort levels within the aircraft. But normally in those kind of situations you would generally – I guess it depends on who the Aircraft Captain is – you would kind of cancel those kind of flying sorties.

30

35

If you go out and it becomes untenable, then yes, you're either landing in a paddock, or you're returning to where you are, or you're conducting an instrument flight back to wherever it was briefed as a recovery.

FLTLT ROSE: Was it standard then, if you were flying over water at night, in formation, and you run into showers, that it would become a discussion between the various ships, "Do we or do we not continue with this sortie?"

40

45

D20: Yes. And if it came to a point where, effectively, you lost visual, you would conduct what we would call an IMC recovery, which is basically every aircraft no longer has visibility – and every mission that required formation, you would have this briefed – the lead aircraft would climb to a set height, the second aircraft would turn in a set direction and climb to a

set height, the same for 3 and 4. So that you would all be separated vertically, and then ideally, in kind of time and space, in different areas, turning right and left, and then you would commence a recovery.

5 FLTLT ROSE: If one pilot or, essentially, I suppose both pilots in one ship lost visual, in effect the formation lost visual?

D20: You would announce it, and you would conduct your recovery actions. If the remainder of the formation still had visibility, then they would maintain visual, and yes, you would conduct the recovery actions for your specific aircraft because they were all different, and everyone would know what you were doing. But the intent for us was always you don't follow another aircraft into a situation where they'll lose visibility.

10  
15 MS McMURDO: You weren't in 6 Aviation Regiment when the MRH ditched into Jervis Bay in March 2023, were you?

D20: I was posted to the unit, but I was away on course.

20 MS McMURDO: Do you recall what the cause of this incident was deemed to be?

D20: I believe it was a failure of a component within one of the engines.

25 MS McMURDO: Had there been a Service Bulletin released, to your knowledge, about this engine issue?

D20: I think there may have been, but because I was away on course and had other things happening, yes, my kind of knowledge in that space is limited.

30  
FLTLT ROSE: Were you aware of any other Service Bulletins that had been released concerning the MRH?

35 D20: I believe there had been a number of – I can't confirm if they were specifically Service Bulletins or Special Flying Instructions, but there were a number of documents released, based off various issues. I think I recall the Townsville 5 Avn Regiment had a tail rotor issue on an activity whilst they were conducting operations to the LHDs. I believe – I know we had some for different things that went wrong with the aircraft. There were periods of groundings whilst they were conducting investigations to determine serviceability. I don't know that they were all Service Bulletins or not, but there have been, to my understanding, a number of documents released based around things that have gone wrong with the aircraft.

45

FLTLT ROSE: Were the aircrew briefed whenever, say, a Service Bulletin or an SFI was recognising a concern about the componentry of the MRH?

5 D20: Yes. We would generally have, it's called an FCI – I can't think of  
what the acronym stands for – within our Patriot Excalibur authorisation  
system. So everyone is on that system that's flying. You have to go  
through, and anything that was serious that required people to know and  
understand about it, it would be red, and you couldn't fly whilst that was  
10 red. You needed to effectively read, acknowledge that you had read that,  
and then, depending on the situation – I do recall when I came back from  
my course that there was a lot of discussion post the ditching, and then the  
main rotor gearbox planetary gear cracking, and that evolved to a lot of  
discussion within the Troop rooms, and I believe – let me just – I'll just find  
15 his name - I think, like, he was my co-signer, maybe that's quickest. Yes,  
D14 conducted some briefings in terms of the issues happening with the  
aircraft, and the understanding from a Standards perspective.

FLTLT ROSE: At paragraph 41 of your statement you refer to the main  
20 gearbox planetary gear cracking issue and that D10, who was the Officer  
Commanding of 173 Squadron, and you spoke to the Troops about this  
issue.

D20: Yes.

25 FLTLT ROSE: And you state that you said – and this is a quote:

*Look, if anyone's got any concerns, you're not comfortable flying,  
just let me know. We can try and get more information and  
education on what's happened. We can do that.*

30

D20: Yes.

FLTLT ROSE: Then D10 said:

35 *If anyone's got issues, come and chat to us. You have every right  
to question the systems and raise your concerns.*

D20: Yes, and I believe that was words to the effect of what he had said as  
well.

40

FLTLT ROSE: That was an example of the aircrew being briefed about an  
issue and being given the opportunity to raise concerns about flying,  
knowing that there was those issues with the gearbox in this instance.

45 D20: Yes.

FLTLT ROSE: Some quick questions about TopOwl.

D20: Yes.

5

FLTLT ROSE: You've used TopOwl, I take it, when flying at night.

D20: Yes, I have.

10

FLTLT ROSE: Do you remember there being two different versions of the software of TopOwl?

D20: Yes, I don't recall the version numbers, but I do recall the two versions that I flew on.

15

FLTLT ROSE: One was better than the other?

D20: Yes. So the latest version that was released was an improvement on the one that I believe that I flew on in training.

20

FLTLT ROSE: What NVDs did you use when you were on the Black Hawk?

D20: I don't – can I say the version of NVDs that I used?

25

FLTLT ROSE: Was it ANVIS-9?

D20: Yes. Well, actually I would have to check. Yes, I'm sorry.

30

FLTLT ROSE: Whatever you were using in terms of the NVDs in the Black Hawk, how did they compare to using TopOwl?

D20: I found TopOwl more difficult. The visual acuity was not as good, in my experience, and the differences between using the NVDs on Black Hawk compared to TopOwl was things like TopOwl your – the goggles effectively were on the side of your head, so your, I think it was visual focal point was further forward than what your normal eye reference points are. So as a result it felt like you were flying closer to objects, which I guess is kind of a safe thing, but if you felt like you were flying closer and then when you – I recall going through training, the aircrewman would go out and step out the distances so that you could actually see how far you were from the trees, or whatever it was we were moving towards, and I guess get comfortable that things were appearing like they were closer, due to using TopOwl.

45

FLTLT ROSE: At paragraph 46 you recall a flight with a QFI using the earlier version of TopOwl through low cloud and rain, and feeling super uncomfortable flying.

5 D20: Yes.

FLTLT ROSE: Was that due to this depth perception issue you just described?

10 D20: That was probably more - - -

FLTLT ROSE: Or the acuity?

15 D20: More the visual acuity. That's probably – I feel like probably one of the scariest flights that I've been on, where I was – yes, like I said, my experience on the system was nowhere near where his was, so my comfort levels were a lot lower. And there was the light rain coming through and we were probably dealing with some difficult conditions, and it was - yes, it was probably the most uncomfortable I've been in an aircraft. And, I  
20 guess, the most hyper alert as well.

FLTLT ROSE: What does the rain actually do when you're wearing TopOwl? How does that interfere with what you can see?

25 D20: I'm not quite sure of, like, the technical specifics, but I guess as the rain starts to build up on the windscreen it becomes a bit more difficult to look through, particularly when it's that light, misty rain. You could generally combat the build-up of kind of, like, the fog on the inside of the windscreens by using the demisters to help kind of get rid of that, but it just  
30 makes everything more difficult to see because you're already effectively – like, you've kind of got two toilet tubes on the side of your head. The picture's a little bit bigger than what it was with Black Hawk. But, yes, it just – like, I don't know if it's because it's darker and there's clouds, and then you're adding rain on it, but it is more difficult. Yes, I just - - -

35 FLTLT ROSE: Do you think that the junior pilots had a different experience using TopOwl than the more senior pilots?

40 D20: Yes, I guess – I don't know if their experience is different, but their experience levels would have been different. I think TopOwl was something – and it was the same with NVDs – the more time you get, the more comfortable you get with the system, the better you are at using the system and enhancing the various aids that you've got to help you. But I just know, yes, my experience in going from goggles on Black Hawk onto

TopOwl, yes, I was working pretty hard to get kind of back to the baseline that I thought I had found on Black Hawk.

5 FLTLT ROSE: I want to ask you some questions now about your role as Troop Commander. At paragraph 50 you said you were the Troop Commander of V Troop in 2022 and 2023. How many troops were there in 6 Aviation Regiment?

10 D20: So excluding the maintenance side, and 171 who, I believe, effectively were kind of only the size of – not even the size of one Troop, but you could consider one – we had two Troops in 173. So there was V Troop, which was mine, and then X Troop, which was the other Troop of aircrew.

15 FLTLT ROSE: How many aircrew were in each Troop in terms of V and X?

20 D20: So I did change. I started – so 2023, I had 19 crewmen and four pilots, including myself.

FLTLT ROSE: But there were other aircrew that you could use for flight taskings that weren't just in V and X Troop, I take it.

25 D20: That's correct. So I could use Squadron Headquarters' personnel, Regimental Headquarters' personnel, but with that comes obviously people that are in, I guess, what you would effectively call Staff Officer jobs, or in key positions, whether it's Command or ops.

30 FLTLT ROSE: In terms of the tempo in 6 Aviation Regiment in '22 and '23, at paragraph 52 you say:

*It was fairly constant, but it increased in the lead-up to exercises and activities.*

35 D20: Yes.

FLTLT ROSE: How many days a week were the Troops flying?

40 D20: So we tended to try and stick with the Monday to Thursday flying window. Friday, ideally no flying outside of things like maintenance test flights. And then the weekends, generally quarantined, unless you're actually on an exercise or doing an activity.

45 FLTLT ROSE: What about school holidays?

5 D20: So in school holidays, yes, the expectation was they were not a flying period, and they would be a reduced tempo period to allow for maintenance to conduct their work. Any maintenance test flights, and anything outside of that, I recall a period where it needed to go up, I think, to the Regimental OPSO and the CO in terms of endorsement. So there may have been some periods where we were doing FLOOD ASSIST or DACC-type taskings, so Defence Assistance to the Civil Community. But, yes, generally speaking, school holidays are a no-fly period.

10 FLTLT ROSE: What about December and January, were they generally no-fly or reduced flying periods?

15 D20: Yes, generally they will be a Regimental stand down period, but we – or I have done periods where we were recalled early in support of fires and floods.

20 FLTLT ROSE: In terms of your responsibilities as Troop Commander, at paragraph 54 you say that you managed the Troop in support of the OC, D10.

D20: Yes.

25 FLTLT ROSE: And you managed flying qualifications for those in the Troop, including under the UTAP and the Unit Mission Task List.

D20: Yes.

30 FLTLT ROSE: And that you also knew about the personal lives of the Troops under your command, and their strengths and weaknesses as aircrew.

D20: Yes.

35 FLTLT ROSE: You also completed their annual PARs.

D20: Yes.

FLTLT ROSE: You approved their leave.

40 D20: Yes.

FLTLT ROSE: And you managed their working and flying hours.

45 D20: Yes.



FLTLT ROSE: Who was the Troop Commander of X Troop?

D20: In 2022 – I don't believe he's on that list, or do you just want 2023?

5 FLTLT ROSE: Yes, if you could say 2023.

D20: 2023 was Diesel.

10 FLTLT ROSE: So he started effectively January 2023 as X Troop Commander.

D20: He did, yes.

15 FLTLT ROSE: I take it you worked closely with him.

D20: Yes. So our offices were effectively right next door to each other. We didn't have a door, but yes, we could just bang and yell, and then we'd spend time in each other's offices, so yes.

20 FLTLT ROSE: You were the senior of the two of you in terms of the Troop Commander role?

D20: As a Troop Commander, yes.

25 FLTLT ROSE: In terms of the crewing for sorties, you said that was part of your role. Did that also include the Troop Sergeants?

D20: Yes, it did. They generally would do the crewing of the aircrewman.

30 FLTLT ROSE: Did the aircrew have secondary duties other than flying?

D20: Yes.

35 FLTLT ROSE: Every aircrew had a secondary duty?

D20: Within my Troop and X Troop in 2022 and 2023, we all had a secondary duty in addition to flying.

40 FLTLT ROSE: Was your Troop Commander role actually considered your primary role, and flying your secondary role? Or was it still that your flying was meant to be your primary role?

45 D20: Good question. I probably – I viewed Troop Commander was my primary role, and flying was my secondary. But that actually might not be in line with the intent; that was my interpretation.

5 FLTLT ROSE: But it wasn't clear to you actually in terms of some sort of Standing Instruction or a Directive from the OC or the CO which you were supposed to give your priorities to?

10 D20: Yes, look, I don't recall us having that kind of discussion, but I think I tended just to go into jobs and do my job. There is a list in the Employment Category – the Corps Employment Category book, and I don't – I'd have to go back and re-read that to even see if that says this is primary, this is secondary, this is tertiary.

FLTLT ROSE: But, in your mind, it was your primary role.

15 D20: Yes.

FLTLT ROSE: And you state in paragraph 59 that you obviously weren't flying as much as you'd like to in 2022 and 2023, but when you did fly, it would be earlier in the week.

20 D20: That's correct.

FLTLT ROSE: And that was to help manage your own workload.

25 D20: Yes, that's correct.

FLTLT ROSE: And there were times that you elected not to fly because you assessed your own fatigue levels, attitude, and external factors, and assessed that you weren't conducive to flying operations on those occasions.

30 D20: That's correct.

FLTLT ROSE: Is that otherwise called FACEing out?

35 D20: Yes.

FLTLT ROSE: I think I've missed the "C". What does - - -

40 D20: Complacency.

FLTLT ROSE: Okay. Was managing your own Troop members' fatigue part of your role as Troop Commander?

45 D20: Yes.

FLTLT ROSE: What was the culture like about admitting that you were fatigued, or you had to FACE out?

5 D20: I personally felt like it was quite open, and D10 fostered that culture, and I don't want to put words in my subordinates' mouths because they all have their own views and opinions about that. I think internally within the Squadron it was something we were very cognisant of, and myself and Diesel and the two Troop Sergeants really tried to ensure that our members had as much time to recover as they could, outside of the last-minute taskings and the time away. So we did try to maximise that.

10 It was difficult when you're balancing priorities from the Regiment, and Regiment ops taskings, DACC, those kind of commitments. So I think in the Squadron, yes, it was 100 per cent our priority to manage and ensure the fatigue of our members.

15 FLTLT ROSE: You state at paragraph 63 you were concerned about how to manage fatigue levels in the Squadron, particularly the members in key command positions.

20 D20: Yes.

FLTLT ROSE: Who were the key command positions?

25 D20: So positions like the Officer Commanding, the Squadron QFI, or Flying Instructor, the Troop Qualified Flying Instructor, the Squadron and Troop Qualified Aircrewman Instructors, the Squadron OPSOs, which in 2023 was a pilot who was not flying at the time, but still people suffer from fatigue whether they're flying or not. They were probably some of the key ones. And then in addition, I guess, as a cohort, we tended to kind of worry about the maintenance side as well with the Maintenance Troop Commander and the Warrant Officer supporting them.

30 So I think, as a general, it was a team effort, but I was definitely concerned kind of across my peer cohort and up because I knew what I was experiencing, and it was likely that those above me were probably dealing with more than what I was.

35 FLTLT ROSE: Were you confirmed in your fears that those particular persons in those positions you just listed were fatigued, or was it that your impression was that you thought they're likely to be fatigued?

40 D20: I thought they were likely to be fatigued, particularly noting that a number of us had been in key positions for a long period of time, and conducting sustained, I guess, output and timings, and yes, it was just over

a sustained period, so for us to think that we weren't fatigued would probably be a little bit naive.

5 FLTLT ROSE: Is there any overall fatigue doctrine in Aviation Command or Army about how to handle aircrew fatigue?

10 D20: There is, and I don't recall off the top of my head the exact bits of document. We do do training as a part of Aviation Medicine, and Crew Resource Management – sorry, and as a part of the Aviation Risk Management piece. So we have currencies that we need to achieve, and they address those factors. And I know D14 and D2, D6, were always quite open and quick to discuss fatigue/fatigue management issues they'd dealt with, and trying to reinforce that it's okay to FACE out.

15 I know there is documentation within Standing Instructions in terms of how many hours we could work in terms of duty day, how long you could fly, the requirements for flying extensions if you were going to exceed a certain period. But I guess outside of that, some of it is kind of on the individuals to apply some, I guess, what you see as common sense. It might not be for  
20 others.

25 FLTLT ROSE: So what you're saying is that if someone was particularly fatigued and they had to go flying, then they would FACE out. There'd be no stigma attached to that, but overall everyone was generally just fatigued. Is that the impression – is that the evidence in summary?

30 D20: I wouldn't say everyone was fatigued. I would say the people that had been in key roles and conducting those kind of jobs for sustained periods, I would say yes. We tried really hard to ensure that the guys and girls in the Troops weren't feeling that full burden. I'm not saying that they weren't fatigued, and there was probably periods where they were. I just don't know if they had had that full level of potentially cumulative fatigue that some of us had been experiencing.

35 But, yes, there was definitely periods where the group as a whole, yes, I would say we were fatigued, and then there were other periods where it was just kind of the key staff, and we were trying to let the other guys recover. But they had – you know, guys have families, guys have young children. For me to say that they're not fatigued and not factor in their personal life  
40 would probably not be fair on them either.

45 FLTLT ROSE: At paragraph 65 you do give an example of a particular Troop member that posted out of 6 Aviation Regiment in 2022 due to burnout, but then later returned to flying in 2023 but in another unit, not in 6 Aviation Regiment, I understand your evidence.

D20: Yes.

5 FLTLT ROSE: Now, you state that you spoke to D10 and D19 about this particular member, and that you managed the issue of that person's burnout together.

D20: Yes.

10 FLTLT ROSE: Was there any particular protocol for you to follow when aircrew were suffering diagnosed burnout?

15 D20: So we relied on the support from the medical system. So his situation was managed by the Aviation Medical Officer at Holsworthy Health Centre in conjunction with a number of supporting assets, psychologists and the other levels of treatment that he needed. I'm not privy to those details. And as a result of our discussions, it was kind of agreed upon that he had reached the point where he needed to be removed from the situation that was causing him a lot of the issues, which is why the discussions with D10 and D19 were about posting that member out to kind of increase their ability to have some form of longevity within the organisation. It was probably the best option, even if it meant the unit took a hit losing that person because he was a very experienced, highly capable, effectively senior member that we were kind of going to lose from the organisation.

20  
25 FLTLT ROSE: At paragraph 67 you talk about speaking to D10 and D19 about your own burnout.

D20: Yes.

30 FLTLT ROSE: When was that?

35 D20: I don't recall exact timings. I do recall a discussion with D19. I believe it was at the start of 2023, and it wasn't specifically that I had it. He had raised that there were concerns that I probably was potentially suffering from burnout, or going down that path. And then with D10, I probably tried to be quite open, as much as I could be, noting that I was still trying to manage things myself. So we had had discussions, and I think he was aware that I was struggling, which is why he tried to offset some of my workload to reduce the burden.

40 FLTLT ROSE: You said that you tried to manage your potential burnout by only working five days a week.

45 D20: Yes.

FLTLT ROSE: So does that mean that you, prior to this, were working seven days a week?

5 D20: There were periods when I was working six, seven-day weeks.

FLTLT ROSE: How many hours per day?

10 D20: The weekend – sorry, during the week, between kind of anywhere from 12 to 18 hours, and then the weekends I’d kind of reached the point where it was pretty hard to sustain, but between four and six. I tried to avoid doing full days on weekends, but that was partly just out of exhaustion and just where I was at mentally.

15 FLTLT ROSE: What was it that – did you decide with D10 and D19 about them acknowledging that you were heading down the path of burnout?

20 D20: Look, I will admit I am my own worst enemy, and I was my own worst enemy. Yes, I didn’t make their lives easy by not wanting to step back, but I also feel like it was difficult to step back because by me doing that, it meant D10 had more work, Diesel had more work, all those other people in key positions had more work. So, you know, it’s just that - - -

25 FLTLT ROSE: There wasn’t anyone to replace you wholeheartedly? Your work would’ve been split over a number of different people?

30 D20: Yes, my 2IC at the time had course requirements and other training commitments, and probably wasn’t in a position to fully undertake the role as the Troop Commander. They would’ve been able to come in and support administratively, but yes, I don’t believe that anyone would have been identified within my troop to replace me, and it would have resulted in the movement of other personnel out of other positions potentially, if that was going to be the case.

35 FLTLT ROSE: Was Diesel doing the same sort of hours that you were as X-ray Troop Commander?

40 D20: I know Diesel was doing long hours. I know Diesel was doing weekends because we would chat to each other on the weekends and say, “Get off.” I tried really hard to not let Diesel get loaded up because I was single.

FLTLT ROSE: Do you want to take a short break?

5 D20: Dan was married and he had two young kids, and I thought it was really important that, you know, he didn't have to go through what I was going through. And, you know, he tried to look after me as well. So we kind of – we did what we could. But, yes, my goal was to make sure that he was not in a position to have to do what I was doing.

10 FLTLT ROSE: You mentioned before that you actually went on one of your Major's courses in March and April 2023, and when you came back you state at paragraph 68 that you went straight back to working 12 to 16-hour days after that course. Is that correct?

D20: Yes, to the best of my recollection. We were pretty busy.

15 FLTLT ROSE: At paragraph 69 you refer to a divisiveness between the Squadron and Headquarters, and the lack of trust between the two.

D20: Yes.

20 FLTLT ROSE: What was that based on?

25 D20: We'd had a lot of issues, that we felt at the Squadron level that there elements within the Headquarters that were not supportive, that they generated additional administrative requirements, that they weren't interested in supporting us and factoring in the human element, and it basically became a situation where D1, Diesel, myself, D15 were probably consistently doing in excess of the administration required for simple tasks because there were views and opinions about us as the Squadron, and what we were doing.

30 We did have a sit down at the start of 2023, which involved D19 as well, to address this, and we thought one of the key issues – we had reached an understanding as a collective to move forward, and in the end it basically – nothing really changed. Yes, and I did raise issues with D10, that it was becoming quite toxic, and it wasn't a good environment.

35 FLTLT ROSE: Just if I can understand what the issue actually was, was it a personality conflict between Headquarters and Squadron, or was it more there was particular burdens being placed on the Squadron that you didn't think were necessary?

40 D20: I think it was probably a combination. It was probably a combination of personality and the fact that people didn't appreciate being talked down to and kind of treated the way that they were treated by some individuals. And we weren't the only ones. I think there was also the feeling within the Squadron that there was a lack of understanding by elements within the

45

Headquarters who had not come through and experienced kind of what we had, of just how busy we were.

5 And, yes, some of that is self-generated, and I'm guilty of self-generating my own work and staying busy. But I think the perception of what we were doing when we were trying to manage fatigue, and ensure people had time at home with their families, that perhaps was viewed as, "Well, they're not physically here. They're just off skiving again, so they need to do these things. No, they need to show up, and they need to physically be here",  
10 even though they don't understand that there's another layer to the picture about why. Yes, sure, the guys may be taking Friday off, but they're working on Saturday or they're working on Sunday. Or we're about to do an exercise that involves us working a significant number of days for extended periods.

15 So I think it was a combination of a lack of understanding of personality, and then the lack of feeling like we were being supported, and the constant fights, like I said. Getting pay fixed was a fight. Getting recognised for doing FLOOD ASSIST. I am still fighting that, and that was back from  
20 2022, I think. So it is just – it was everything. Everything was a fight with them.

FLTLT ROSE: You also refer to fighting or battling to get members paid their Special Forces Disability Allowance for being on recall.

25 D20: Yes.

FLTLT ROSE: So being on recall, is that when aircrew have to be within a certain distance of Holsworthy just in case there's a tasking, an emergency  
30 tasking?

D20: There are specific timings that people need to meet, and as a result there are some pretty significant limitations and constraints placed on those people, and we would get paid Special Forces Disability Allowance  
35 retrospectively. So you could be on recall for a four-week period. The submission would go through, and the Element would decide, "No, you didn't meet requirements", or "We don't think this should have gone through", and they would remove that person, and that person would not get paid, even though they had done the job.

40 And that was probably one of the biggest issues we had, and what we tried to rectify at the start of 2023. And it came to a head with me where I reached the point where you couldn't pay me enough to deal with the rubbish that we were dealing with, and I did not want to be on recall anymore because I  
45 was like, "The money is not worth it, for the heartache and the hassle".



Like, I was happy to fight for everyone else, but I was, yes, fighting every month, and the time it took us to do that – and, look, you know, our perspective is very different to the Headquarters’ perspective, and I know they will have another take on this.

5

And, yes, there are times where we got it wrong, but every, single month – and you never know when the pay is coming through. It doesn’t come through every month. It might be four months, and then they back pay people, and then you’ve got to try and figure out how much it was worth, and what period have I actually been paid for.

10

I had guys calling 1800 Defence to confirm on their pay slips, “Do you know what period this is for?”, because they didn’t know what months they’d be paid for.

15

MS McMURDO: Was there an official or a semi-official means of recording – as you’ve mentioned, sometimes you’d work weekends and then you’d give – or one of your people would work weekends and then you’d give them Friday off to make it up. So sort of time off in lieu. Was there an official or a semi-official method of doing that?

20

D20: There is. So I know D19 and D10 tried to use, like, the mechanisms in policy to enable that, and they can, up to a certain extent, allow – they could have approved short duty or short leave, and there’s away on duty avenues. There’s some where we probably try to ensure that the member is covered and provided a bit more flexibility to that because it’s not always a one size fits all type situation, but there is elements in policy. And I do know D10 and D19 did try to use the mechanisms in policy as much as possible to kind of enable us to help the members have that kind of time.

25

30

FLTLT ROSE: I note the time, Ms McMurdo.

MS McMURDO: Yes. Should we have a shorter lunch break today?

35

FLTLT ROSE: Yes. Would 45 minutes be sufficient?

MS McMURDO: Yes. All right, we’ll resume at 1.45. Thank you.

40

**<WITNESS WITHDREW**

**HEARING ADJOURNED**

## HEARING RESUMED

5 FLTLT ROSE: Prior to recalling the witness, I seek to tender a blank page with the name of the support person that is sitting next to D20, and I will not read that name out.

MS McMURDO: Yes. Exhibit 26.

10 FLTLT ROSE: I note that the red lights are not on the Chair's and the Deputy Chair's microphones.

MS McMURDO: They are now. Exhibit 27, actually, that is.

15

**#EXHIBIT 27 - PAGE WITH NAME OF SUPPORT PERSON FOR D20**

20 FLTLT ROSE: I recall D20.

**<D20, recalled on former affirmation**

25

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

30 FLTLT ROSE: Major, before we broke for the lunch break you were talking about some issues between Headquarters and the Squadron. Were the Headquarters of 6 Aviation Regiment aware of the hours that you and your other executive officers in the Squadron were working?

35 D20: I'm not sure if they were aware of the exact specifics, but I think they were probably aware that we were working in excess of eight, eight and a half hours a day.

40 FLTLT ROSE: Is eight, eight and a half hours a day the mandated length of time that you are meant to work in some Standing Instructions, or other document?

45 D20: So a standard duty day in Defence is effectively 7.30 to 1600. That differs depending on the unit. And for us, our hours differed to cater for night flying or night activities so that we could remain within a crew endurance period. So we effectively wouldn't ideally start at 7.30 and then

finish at 2 in the morning. Our times would shift, but yes, if you're based office, it's standard 7.30 to 1600 hour day. Then I guess that would be the expected norm across the Army.

5 FLTLT ROSE: If Headquarters, in your understanding, were potentially aware of hours that you were working, was there an expectation from Headquarters that was passed down to those of you in the Squadron, particularly those of you with executive positions, to be working the hours that you were working, 12 to 16-hour days?

10

D20: I don't know if it was an expectation in terms of working those hours, but there probably was – there was an expectation to complete directed tasking. I guess one of the things we probably could have been better at doing is highlighting the issues and that in order to complete those tasks it came at the cost of increased hours or not being able to complete another task. And some of that is internal work as well, the management or personnel within the Squadron. So if you go flying and that takes out four to six hours of your day, you need to then somehow get that time back.

15

20 I'd love to say that we could sit around for half a day not having anything to do in a key position, but that's not really realistic of the role. So you add the flying on and you effectively lose those hours, you need to make them up somewhere.

25 FLTLT ROSE: I understand that you have been effectively posted to Aviation Regiment for most of your career in aircrew, so you may not have a comparison to compare it to, but is there an expectation that those of you in 6th Aviation Regiment will just work hard because that's the nature of Special Operations?

30

D20: Yes, I'm not 100 per cent sure on other people's, I guess, expectations or perceptions. Yes, I don't know if I could kind of comment on those specifics of what - - -

35 FLTLT ROSE: I want to ask you now about your relationship with the deceased members of Bushman 83. I'll start with Diesel. At paragraph 73 you state that you met Diesel at basic flying training in 2013.

D20: Yes, I did.

40

FLTLT ROSE: And that you kept in touch with each other once you were posted back to your respective units, until he posted into 6th Aviation Regiment in 2020.

45 D20: Yes.

FLTLT ROSE: I think you've said before, was he a more experienced pilot than you on the MRH?

5 D20: Yes, he had more hours than I did. He completed his Helicopter Conversion Course and moved on to the MRH-90, whereas I moved on to Black Hawk and spent the start of mine on Black Hawk, and then he had a significant level of flying experience that he'd also got flying the MRH-90 with his position over in New Zealand.

10

FLTLT ROSE: Was he a Special Operations Captain?

D20: Yes, he was.

15 FLTLT ROSE: Paragraph 76, you said you worked closely with Diesel as Troop Commanders and the plan was for him to become the senior Troop Commander when you posted out of the Regiment at the end of 2023.

D20: Yes, that's correct.

20

FLTLT ROSE: You said that he was also interested in going down the QFI route instead of the Command route.

D20: Yes, that was my understanding of his preference.

25

FLTLT ROSE: Paragraph 78, you said you noticed Diesel starting to forget things, like picking Noah up for Auskick training, and that you would sometimes have to remind him of the time so he could leave work to make those events.

30

D20: Yes, that is correct.

FLTLT ROSE: Was this in 2023?

35

D20: Yes, it was.

FLTLT ROSE: But you said this wasn't necessarily particular to Diesel, and that yourself and the Troop Sergeants also would lose track of time when you were in deep work. Is that correct?

40

D20: Yes, that's correct.

FLTLT ROSE: But that you and Diesel tried to help each other out by reminding each other of time to go, leave work.

45

5 D20: Yes. Yes, and there were a number of occasions where he came in, and he was generally pretty apologetic if he needed to go and do something, or leave early, and it was nothing that I had issue with. But he would let me know, and then I would try to make sure that, as a team, we all got him out the door.

10 FLTLT ROSE: At paragraph 80 you state that Diesel told you he was frustrated by the level of administration he had to do, and the fact that he did not feel that the Regiment cared as much about its members as they said they did.

D20: Yes, that's correct.

15 FLTLT ROSE: Was there anything specific that the Regiment did that concerned Diesel?

20 D20: I think it was just the management of members, and the different levels of administration they had. So things like people getting recognised with dependants. So going through the process of having a partner become recognised on the military system. I know I was not the only one who had issues trying to get that achieved. Simple things like re-crediting of leave, pay, which we had to deal with. It was just all those kind of additional things that required more output, constant monitoring, continued back and forth.

25 I guess passive-aggressive responses from other people when you're trying to rectify these sorts of things, and I know he – I don't know if I've still got copies of them, but we had a few when we were trying to sort the pay stuff out. It was literally as innocent as, "Hey, we're just checking in to see where things are at. Do we need to do anything?", and it was a pretty brash response about, "Yeah, we're on it. Leave us alone. We'll tell you when something's happened", type responses.

30 FLTLT ROSE: Are you talking about emails that Diesel sent to someone else chasing up these administrative issues?

D20: Yes, that's correct.

40 FLTLT ROSE: In your statement you said that he sometimes asked you to review the emails that he would send to Command for tone.

D20: Yes, that's correct.

45 FLTLT ROSE: And that you did that on occasion, helped temper potentially, what, his first draft of his email?

5 D20: Yes, we would – generally he would have something drafted up, and speak with myself or D15, and I guess we would kind of give each other a bit of back and forth on our thoughts, views and opinions. And then if we thought, yes, maybe we just needed to tone it down so we’re not straightaway potentially getting a defensive reaction from the email that we’re sending, to try and make it a little less emotional, effectively. It was probably pretty common, particularly in the latter stages. As our own frustrations grew, we’d try to offset each other, knowing that it doesn’t help when you’re kind of sending something that’s already potentially emotionally charged to someone else.

10 FLTLT ROSE: You said, “in the latter stages”. Was there a time when these responses were worse?

15 D20: I think it just depended on each situation, but Diesel had already been dealing with it as the Executive Officer for the Squadron prior to becoming the Troop Commander. I don’t know that I saw too many of his drafts when he was in that role, but I know he felt the need to want to have a second or third set of eyes just to, I guess, help with the approach on occasions when he felt he was being emotional. So, yes, I guess probably it was potentially increasing from that perspective.

20 FLTLT ROSE: At paragraph 83 of your statement you state that you met LT Max Nugent when he posted to the Regiment in 2023.

25 D20: Yes, I did.

30 FLTLT ROSE: And did you call him Max?

D20: Yes, I did.

FLTLT ROSE: Max was in Diesel’s Troop.

35 D20: Yes, he was.

FLTLT ROSE: But you had socialised with Max and his partner on occasion.

40 D20: Yes. So I’d met his partner previously when we had a combined activity, or social kind of activity that Dan or Diesel had pretty much organised, and then, yes, more so with Max, just within the work context and then in and around Holsworthy.

45 FLTLT ROSE: Had you ever flown with him in the MRH?

D20: I don't recall having flown with Max.

5 FLTLT ROSE: But from your observations in your statement, you state that he was a dedicated and highly committed junior officer.

D20: Yes, for everything that I observed, he was.

10 FLTLT ROSE: Paragraph 85 of your statement you state that you met WO2 Phil Laycock back in 2007 when you were a maintainer at 6 Aviation Regiment.

D20: Yes, I did.

15 FLTLT ROSE: And he was obviously an aircrewman at that time.

D20: Yes, he was.

20 FLTLT ROSE: Then you worked together again when Phil posted back into 6 Aviation Regiment in 2020 or 2021. You're not sure when.

D20: Yes, that's correct.

25 FLTLT ROSE: Was he the Regiment Standards Warrant Officer in 6 Aviation Regiment at that time?

D20: Yes, he was.

30 FLTLT ROSE: You state that you relied heavily on his views and opinions about aircrewman training, and that you were friends.

35 D20: Yes, we were, and I did. Phil was a very, very experienced senior not only aircrewman, but warrant officer, who I held his views, opinions in very high regard.

FLTLT ROSE: Did you fly with him in the MRH?

D20: I did. I flew with Phil multiple times.

40 FLTLT ROSE: And CPL Alex Naggs, did you call him Naggsy?

D20: Yes, I did.

45 FLTLT ROSE: Paragraph 88, you state that Naggsy was in your Troop.

D20: Yes, he was.

5 FLTLT ROSE: And that he was a fantastic soldier, reliable, proactive, and that you relied on Naggsy as one of your go-to people in the Troop, and you would seek his guidance on any task that involved shooting.

D20: That is correct.

10 FLTLT ROSE: And that's because of his background as an infantryman.

D20: Yes.

15 FLTLT ROSE: And you thought that he could be a QAI, or go down the Command path, and that you would support whichever direction he wanted to go.

20 D20: Yes, I did. He had excellent potential, and it was one of the conversations that we had started to have, to look at shaping, I guess, the direction he wanted his career to go to.

25 FLTLT ROSE: I'm going to ask you some questions now about Exercise TALISMAN SABRE, and starting with the preparations and the planning for it. After you were doing your Majors' course in March and April 2023, you came back into 6 Aviation Regiment, and is that when you started planning for Exercise TALISMAN SABRE?

30 D20: Yes. So we conducted very early planning. It wasn't as time-intensive as it was in the latter stages, but we had started commencing, I guess, a very rudimentary basic planning heading towards TALISMAN SABRE.

35 FLTLT ROSE: At paragraph 94 of your statement you state that you and Diesel and the QFIs and the OC, Officer Commanding, D10, had worked nearly every day in the two weeks prior to transiting up to Proserpine for Exercise TALISMAN SABRE.

D20: That's what I recall, yes.

40 FLTLT ROSE: And at paragraph 95, some of the tasks that you were doing in those two weeks were planning with the ground force, prepping the aircraft and equipment, loading the CONEXs to be shipped to Proserpine. A CONEX is containers.

45 D20: Yes, they are.



FLTLT ROSE: And planning on one of the weekends with the US contingent so you could sync your operating procedures for radio verbology, formation lighting and spacing.

5 D20: Yes, that's correct.

FLTLT ROSE: At paragraph 96 you said one of your responsibilities was planning the transit from Holsworthy to Proserpine on 24 July 2023.

10 D20: That is correct.

FLTLT ROSE: And that you'd been working on that for a few weeks in the lead-up to departure because it was going to be a long duty day, and you had to manage the Troop's flying hours.

15 D20: Yes, that's correct.

FLTLT ROSE: At paragraph 97 you state that you were at work on the weekend prior to the departure to Proserpine with a number of other colleagues from the Squadron, and that you were working on the Air Self-Deploy orders for the transit.

20 D20: Yes, that's what I recall.

FLTLT ROSE: Air Self-Deploy orders, is that basically in relation to the departure on 24 July?

25 D20: Yes, it is their Aviation-specific orders for those flying up in the aircraft.

30 FLTLT ROSE: At paragraphs 93 and 94 you state that you and your Troop members had been on afternoon or night-shift cycles for most of 2023.

35 D20: That is correct.

FLTLT ROSE: And that you were concerned that the aircrew were going to have to change their cycle to an early morning shift to transit up to Proserpine on 24 July.

40 D20: That's correct.

FLTLT ROSE: When was the first aircraft supposed to depart Holsworthy when you first started your planning for this transit?

D20: I don't recall the exact timing details. I feel like it was around the 9, 10 o'clock, but I would have to have gone back and seen the various versions of my orders to confirm that.

5 FLTLT ROSE: And you do state in your statement that Headquarters wanted you to shift that departure time to the left on a number of occasions.

D20: That is correct, yes.

10 FLTLT ROSE: Does that mean they wanted you to depart earlier and earlier?

D20: Yes, that is correct.

15 FLTLT ROSE: At paragraph 98 you state that you were in the first aircraft at a 7 am start.

D20: Yes, that is correct.

20 FLTLT ROSE: Is that 7 am when you had to get to work, or 7 am when you had to depart - - -

D20: I believe that may have been a 7 am – no, it was a 7 am start time, which meant we were potentially departing at 0800.

25

FLTLT ROSE: So crew duty essentially starts at 7 am and - - -

D20: Yes, I believe that was what occurred at that time.

30 FLTLT ROSE: And you state that you would have had to get up at 5 am to be able to get into Holsworthy for a 7 am start time?

D20: Yes, just to get my own personal administration completed, get up, get my bags packed and sorted, drive into work, change into gear so that I was ready to go from 7 am.

35

FLTLT ROSE: And you state that you found it difficult to move from a night shift to an early day shift.

40 D20: Yes, I did.

FLTLT ROSE: Is that based on your previous experience of having to do those – shifting those cycles?

5 D20: Partially from my experience of shifting cycles but also from where I was in terms of the hours I was working. I predominantly worked afternoons into late evening, potentially early morning, and as a result I was very heavily reliant on, I guess, being able to sleep up until a later point in the morning because that's naturally just where I tended to drift. So that movement, for me, was very, very difficult and I knew internally that it was going to be quite difficult for me because I didn't tend to get to sleep until later and had difficulty sleeping at that point in time as well.

10 FLTLT ROSE: Paragraph 99, you say that you raised your concerns about this early departure time with D15. You can remind yourself who D15 is from the list.

15 D20: Yes, I did.

FLTLT ROSE: In your statement, you said to him words to the effect of:

20 *Hey, look, we've been on this extended afternoon night shift and the current plan is probably pretty supportable for departing when we're departing. I prefer we don't move this, so we are not suddenly making everyone come in early to then get up there to then move into another cycle again and start night flying.*

25 D20: Yes. It would have been words to the effect of that, yes.

FLTLT ROSE: What was D15's role in the Squadron?

D20: He was the Squadron OPSO.

30 FLTLT ROSE: Operations Officer?

D20: Yes.

35 FLTLT ROSE: Was it the fact that he was essentially telling you what Headquarters – the new requirement was, that you wanted to shift the departure time to the left?

D20: Yes, and we were also planning in conjunction with each other.

40 FLTLT ROSE: Did D15 share your concerns about this early start time?

D20: My understanding was he supported my views on that and understood where I was coming from.

FLTLT ROSE: Was this on the Sunday before you departed on the Monday that you had this conversation?

5 D20: I don't recall the exact day, if it was the Saturday or the Sunday, but I do recall it occurred not long before we needed to depart.

FLTLT ROSE: Paragraph 100, you say you raised the concerns to D10 and had a robust discussion outside of your offices about the Air Self-Deploy timings?

10 D20: Yes, we did.

FLTLT ROSE: Was that the same day that you spoke to D15, you also spoke to D10?

15 D20: I believe it was, but I think D15 and I had had some conversations in the lead up, too, with potential timing changes.

FLTLT ROSE: You said that you were unfairly abrupt and brash with D10 because you were tired.

20 D20: Yes, I was.

FLTLT ROSE: In terms of what you said to him, from paragraph 101, you said words to the effect of:

25 *We've been on an extended afternoon/night shift cycle and it's a terrible idea to shift people onto an early cycle, to then get up to Proserpine, unpack aircraft, and then shift back to afternoon/night cycle the next day.*

30 And then D10 responded words to the effect of:

35 *I understand, but the taskforce are trying to link effects and get some joint training done with the US contingent here.*

You said words to the effect of:

40 *Okay, that's cool, but at the end of the day that's training and this is people. We have already been working long days and we are pre-fatigued people.*

D10 responded:

*That's the decision or direction we've been given. Look, if there's issues in the morning and people can't fly, they can just FACE out and we just won't fly the aircraft up that day.*

5 And you responded:

*I don't have spare aircrew to replace people if they can't fly aircraft up, but sure.*

10 D10 said:

*Look, we are in the military. We could be recalled at any point in time and we need to achieve this mission. It doesn't matter what time of day it is, and we need to be adaptable.*

15

And you said:

*I understand, but this is training and some of the guys have never been on exercise before, and we are sleeping in tents and they won't understand about sleep discipline in the field. We've also already had some realignment within the Troops about starting work too early and commencing duty days because that affects us with our planning and our ability to manage them and their fatigue levels. We should be able to just stick with the current plan we have. We've planned everything and everything's in place.*

20

25

D20: Yes, I believe that's words to the effect of how that conversation went, potentially with more back and forth.

30 FLTLT ROSE: Was the idea that the plan was the plan and D10 was suggesting, well, if any particular aircrew doesn't feel competent to fly on that early start, on the Monday, they can just FACE out?

35 D20: Yes, effectively, if they were not meeting the requirements for what they saw as the FACE checks, that they could FACE out of that flight.

FLTLT ROSE: What did you think about that as a management of fatigue plan?

40 D20: I understood where he was coming from because at the end of the day everyone has the right to FACE out of a flight. I thought, in that context, that people would be less likely to want to FACE out noting that they would feel like they would be, you know – if I looked at it from my perspective and I was in those shoes, I would be feeling like I would be letting my team down and I would feel some form of external pressure to not FACE out.

45

5 Noting that we had already lost a number of people due to illness and other things happening, we were basically pretty limited in who we had available. So from my perspective, I know I would be less likely to want to FACE out, and if that was the case for me, I've used that view in the case of the guys that I had crewed for flying.

10 FLTLT ROSE: Paragraph 105, you state that after this discussion you went back to your office and you closed the door because you didn't want the Troops to see how emotional you were.

D20: That is correct.

15 FLTLT ROSE: I take it then that you were upset after having this robust discussion with D10.

D20: Yes, I was.

20 FLTLT ROSE: And that D15, he came and checked on you?

D20: Yes, he did.

FLTLT ROSE: Did Diesel come and see you after this discussion?

25 D20: I don't exactly recall this particular event just because I know he needed to leave early because they had some friends visiting and he had already felt quite bad for still being at work. And I'm not sure if it was this day or a previous day, but I know he had also come in on a couple of other occasions and checked in on me to make sure I was doing okay. So I'm not  
30 quite sure if it was this one specifically or a different one.

FLTLT ROSE: At paragraph 106 of your statement you said that he – meaning Diesel – may have driven you to the train station at the end of that  
35 shift.

D20: Yes. I recall a period when I was getting ready to leave and I would generally run from the train station to work and back, and he told me he would drive me back. I just can't recall if it was that day specifically, but there was a day where he had picked me up and drove me from work to the  
40 train station.

FLTLT ROSE: Was D10 aware of how upset you were by the prospect of changing that shift cycle?

D20: Yes, but I think it was more not just about changing the cycle. It was probably most just of the accumulation of everything. Yes.

5 FLTLT ROSE: What time did you finish work on that Sunday before you departed for Proserpine?

10 D20: I don't know if I recall exactly, but if that was the day that this all occurred, I believe we left, or I left, in late afternoon. I don't know that it was quite dark yet, but I may have got home when it was dark. I'm not 100 per cent sure.

15 FLTLT ROSE: At paragraph 113 you state that you woke up at 5 o'clock, or 0500, on that Monday, 24 July. You were at work by 0700. Wheels up by 8.30 or 9 am. Was that because you were in the first aircraft?

D20: Yes, it was, and I think they would be pretty good for rough timings, from my recollection.

20 FLTLT ROSE: Were you one of the flying pilots on the transit in that aircraft?

D20: Yes, I was.

25 FLTLT ROSE: How many hours did you fly for?

D20: I would have to double-check how long the transit took. Yes, I can't recall the exact hours of what we flew, but I flew the full length from Sydney to Proserpine.

30 FLTLT ROSE: Did anyone FACE out in your aircrew?

D20: Not from my crew, no.

35 FLTLT ROSE: Did anyone FACE out from any other airframes?

D20: Not that I recall.

FLTLT ROSE: How many aircraft did you take up to Proserpine?

40 D20: We took six.

FLTLT ROSE: Did they all arrive on the Monday?

45 D20: I believe they all arrived on Monday. My aircraft had issues, and we diverted, turned the aircraft off. When we turned it back on the problem

was fixed, and the maintenance aircraft ended up departing with us, and I think we did get all six up there, but I would have to confirm that.

5 FLTLT ROSE: What did you do when you arrived at the airport in Proserpine on that Monday?

10 D20: So we arrived and were met by D34 and a work party to unload all the equipment from the aircraft. We were briefly shown where life support was located, where the main Headquarters planning briefing tent was located. And then we were pretty much waiting there for the Camp Commandant – who I believe is on that list but I just can't see it – to give us our, effectively, in-brief for what was happening within the confines off the camp. And then from there, we effectively moved all of our sleeping gear and equipment down to the tents that we were allocated for sleeping.

15 FLTLT ROSE: Did you do any planning then for your upcoming sorties?

20 D20: I think we might've had a few guys start planning for the next day. I don't recall the exact outline of the sequence of events for the week, but I know that there was a bunch of us that started jumping in to try and forecast ahead, and get ahead of things while we were waiting for the last aircraft to arrive.

25 FLTLT ROSE: Do you know what time you got to bed on that Monday?

D20: I don't recall, but it was sometime in the evening.

30 FLTLT ROSE: So you'd been awake from 5 am, and you went to bed sometime in the evening.

D20: Yes, that's correct.

35 FLTLT ROSE: Did you then shift back to a afternoon/night shift for the rest of the exercise?

40 D20: We did start pretty much from the following day onwards a – there was a later start date. I don't recall the exact timing, but it wasn't – I don't think it was anything before 0900 – and then, yes, we had started to transition to that later cycle. From 11, 12 o'clock, I think would've maybe been the earliest. But, yes, I would have to double-check orders and what we wrote on the mission briefing board.

45 FLTLT ROSE: You mentioned that you were sleeping in tents. What were the sleeping arrangements at the airport?



5 D20: So everyone staying at the airport, that I'm aware of, were all sleeping  
in tents. They opened at either end. They didn't have air conditioning or  
heating, but with the doors, or the flaps, open the breeze that went through  
was all right. They had mosquito nets on the end so you could keep them  
10 zipped up to keep the mozzies out. We had two tents allocated to us, and  
we'd split the Force between the two tents. So the junior guys and those  
not necessarily in key positions were in one tent so that they could go to bed  
earlier, because they would generally be knocked off earlier. And then the  
members, the key staff – flying instructors, planners, that kind of cohort –  
15 were then in a separate tent because we would tend to finish up slightly  
later. So that way, when we were going to bed, we weren't waking other  
people up that were trying to rest. So we tried to have the two different  
tents set up.

15 FLTLT ROSE: So you were in the senior exec tent?

D20: Yes, I was.

20 FLTLT ROSE: Where was Diesel?

D20: He was in the tent with me as well.

FLTLT ROSE: And Phil?

25 D20: He was in this tent as well.

FLTLT ROSE: And what about Naggsy and Max?

30 D20: So I believe Max and Naggsy were in the other tent.

FLTLT ROSE: At paragraph 103 of your statement you said you were  
usually accommodated in transit accommodation on a base when you were  
on exercise.

35 D20: That is correct. Generally our exercise, we would be based from  
another military barracks, and we would be in some form of transit  
accommodation, and, generally speaking, most of us would have our own  
room. There may have been occasions where we – there were occasions  
40 actually where there might be two of us sharing.

FLTLT ROSE: So this was unusual, that you were sleeping in the field, in  
tents?

D20: In my period at 6 Avn, I'd only done one other occasion where we did a night in a tent, but that was at Holsworthy Barracks, and I believe that was around 2016.

5 FLTLT ROSE: You said that D15 raised some concerns about this sleeping in tents during the planning stages for Exercise TALISMAN SABRE.

D20: My understanding is he did, and he spoke about it with Diesel and myself as well.

10

FLTLT ROSE: What were his concerns that he discussed with you?

D20: He didn't support the arrangement, and I think, from my understanding, he was looking to get some form of other accommodation where we wouldn't be subjected to noises of sleeping at an airfield and being surrounded by other elements of the Force that were kind of up first thing in the morning and then working. So he wanted something that was more conducive to a sleep/rest cycle.

15

20 FLTLT ROSE: Do you know who D15 spoke to in Command about his concerns?

D20: I don't recall specifics. I believe he said he may have spoken about this with D10, and potentially D13, but yes, he would probably be best placed to confirm.

25

FLTLT ROSE: I take it from the fact that you were sleeping in tents that his mission was not successful to find alternative accommodation for you.

30

D20: That is correct.

AVM HARLAND: Just a question, who in the Command chain makes the decision on the accommodation for aircrew?

D20: I believe that decision was higher than 6 Avn Regiment. My understanding is that the planning for TALISMAN SABRE 23 occurred, or commenced, one to two years prior, and this had been a subsequent planning cycle that had gone through. Where that decision sits, I'm not 100 per cent sure. Sorry, sir.

40

AVM HARLAND: But outside 6 Avn.

D20: That's my understanding.

45

AVM HARLAND: Thank you.

MS McMURDO: I think you said in the tent that you were staying in there were about 14 to 16 people; is that right?

5 D20: I believe so, ma'am. I think D34 will probably have a better breakdown, as well as D11. But there were quite a number of us in the tents, yes.

MS McMURDO: Were you the only woman in the tent?

10

D20: No, in my tent there was D37. She was not on my shift specifically, and another person that was in a key position working extended hours. I believe she was the only other female in my tent, but it would be worth checking with her if one of her subordinates was. I don't recall.

15

MS McMURDO: Was that usual, or unusual, for women and men, Service people, to be in the same tent on these exercises?

20

D20: I'm not 100 per cent sure, ma'am, because my previous experience has really been I've either had my own room or I've shared with one other – or another female. I generally haven't been in that situation of sleeping in mixed tents.

MS McMURDO: Was that discussed with you beforehand?

25

D20: I don't recall having a discussion about it. I didn't raise it as an issue for me personally because I was comfortable with the people that we were sharing the tents with. I knew them all quite well, and I considered – I would consider them all friends. But it did cause me issues subsequently, when the issue of sleep came up, and the opportunity to take sleeping tablets to enable us to sleep. I was not comfortable in that situation, based off previous experiences I've had in Defence.

30

FLTLT ROSE: Thank you. In your statement you said that there is some guidance that says aircrew must be accommodated somewhere they can effectively sleep?

35

D20: Yes, that's my understanding, but I can't recall the exact document or if I'm pulling that from a document that the Air Force uses as part of their policy for sleep management.

40

FLTLT ROSE: At paragraph 114 you said you had to speak to a number of junior aircrew about their own sleep hygiene on the exercise. What does that mean?

45

5 D20: So effectively a number of the senior personnel woke up and  
commenced kind of some form of morning routine and found a number of  
the junior personnel were up early and doing what most people do,  
conversing with US members that were there, talking about various stories,  
10 but they were up quite early. I guess they'd already been up and shaved  
and had showers and doing whatever else they were doing in the morning,  
which raised concern with me, with them being up so early, knowing that  
we were moving into a period of doing late afternoons into long nights,  
15 potentially as late as 2, 3 in the morning, depending on what the mission  
scenario dictated for that activity. And seeing them up anywhere from  
6 o'clock, 7 o'clock onwards to me was a concern, which is why I raised it.  
And D2 and D6 told me they'd also spoken with the members, I think  
subsequent to what I did, about the importance of trying to maximise that  
rest, and even if it means you're awake but lying in bed, it's still better than  
being out in the sun cooking. Yes.

FLTLT ROSE: To your knowledge, did yourself or any of the senior  
aircrew have to speak to Max or Naggsy about their sleep hygiene?

20 D20: I don't recall speaking to individuals. I generally spoke to the  
collective that were there. I can't recall who exactly was there on the  
occasion that I did talk to those guys. I think I would be second guessing  
myself if I said either were actually there.

25 FLTLT ROSE: Was D10 sleeping in the communal tent with all of you  
Senior Executive Officers?

30 D20: So initially he was going to and he brought, like, a hammock swag  
thing. He effectively set up directly next to the tent and from memory, I  
believe, D15 ended up doing something similar as well.

FLTLT ROSE: Was that to try and sleep better?

35 D20: I'm not 100 per cent sure of why they did, but it didn't raise any  
eyebrows or anything, from my perspective.

40 FLTLT ROSE: You mentioned before the issue of taking sleeping  
medication on the exercise. Were you aware that some aircrew were taking  
sleeping medication?

45 D20: So we were offered the opportunity for those that had completed the  
ground trial – and some had completed the ground trial, I believe – for  
Temazepam. The Aviation doctor that was on the trip with us then was able  
to get a hold of the medication and basically prescribe it to members. I  
don't know exactly who was or was not taking the sleeping tablets.

5 FLTLT ROSE: Are you aware if it was part of the planning to have aircrew taking sleeping medication because they were sleeping in tents, or was it something that arose because people were finding it difficult to sleep and it was a bit of an ad hoc request of the doctor?

10 D20: I don't recall I – we didn't – I know personally I don't – we did not plan to take sleeping tablets, and I don't know if that was just because it was an omission on our part in the planning cycle. I know that we were asked the question of who has done ground trials whilst we were transiting the aircraft up. So to me – from how I like to do my planning, to me that is ad hoc because we had not factored that in. If it had been planned in other areas and it just hadn't reached us, then yes, I'm not sure. But from my perspective, as the Troop Commander, it was ad hoc.

15 FLTLT ROSE: And you hadn't done the ground trial for Temazepam?

20 D20: I hadn't done it for Temazepam, but I had done a different sleeping tablet, which I still can't recall what it was, which meant the doc had a requirement to – like, he didn't have it on hand.

FLTLT ROSE: Did he acquire it whilst he was in Proserpine?

25 D20: Yes, he did, and I eventually approached him a couple days in. I believe he gave me one or – he gave me one or two tablets, but I didn't end up using them.

30 FLTLT ROSE: Paragraph 117, you started to worry about the lack of sleep that the executive team was getting, that included D10 and D15. Did that also include Diesel?

35 D20: That's correct for D10 and D15. I would say yes for Diesel, but it was probably yes for the key players, including people like Phil, but like, I probably could be a little bit strong-willed in the tents and I do remember on occasions – or at least one specific occasion where I told everyone there is a timing they need to go to bed, and when that time had kind of come and there were people still trying to plan, D14 got up and basically said, "Hey, guys, the Troop Commander's given you a direction. We need to stop planning. Let's get out of here", and everyone got up and subsequently left.

40 FLTLT ROSE: So the planning was taking part in, what, in the operations tent or the planning tent?

45 D20: Yes.

FLTLT ROSE: Separate to the sleeping tent?

D20: Yes, it was.

5 FLTLT ROSE: In your statement at paragraph 118 you state that you were often one of the last to go to bed so that you had a better understanding of everyone's crew duty hours.

D20: That's correct.

10

FLTLT ROSE: So were you getting enough sleep on the exercise?

D20: Initially I tried to make sure – no, I was making sure that I was meeting my requirements for crew duty so that I could fly. I did reach a point where I felt I wasn't able to manage both, which is why I wouldn't crew myself to fly a sortie, particularly if I was going to be working later, if it meant the other guys could go to bed and then commence their cycle the next day.

20 FLTLT ROSE: Were you staying up to see who was last to bed because that was part of your role as a Troop Commander, or was that because you'd been tasked specifically to do the crewing?

D20: I saw it as a part of my role as the Troop Commander managing the crewing, but it was also something I felt needed to be done in support of D10, who had – in his role had a number of things to deal with and manage during that exercise and it's unfair to expect one person to kind of do that. So I felt, personally, that that was a part of my role and it was one of my responsibilities, as the Troop Commander, to make sure that we were meeting the requirements that were outlined in Standing Instructions.

30

FLTLT ROSE: Does that mean that Diesel was also one of the last to go to bed, because he was the other Troop Commander?

35 D20: He would normally hang around until – and ask if there was anything else that needed to be done. If he was flying, I would normally say, "Hey, just make sure all of the guys that are flying tomorrow are in bed", and be like, "Look, cut yourself from this. You don't need to worry about it", because there would be a couple of us not flying and the intent was those not flying the next day would be focused on the planning and whatever other administrative requirements needed to happen so that they could then focus on what they were doing.

40

FLTLT ROSE: Did you fly when you were in Proserpine?

45

D20: Yes, I did.

FLTLT ROSE: Do you remember when that was? Was it earlier in the week?

5

D20: Yes. My understanding is I was – I flew earlier in the week, but I don't recall exactly what dates. I do remember one of the sorties but not everything.

10

FLTLT ROSE: At paragraph 120 you said you actually had to speak to one of the pilots about their own fatigue management and sleep hygiene and not starting duty before they had to.

D20: Yes, I did.

15

FLTLT ROSE: Do you remember specifically which pilot that was?

D20: That was D16.

20

FLTLT ROSE: At paragraph 122 you prepared the crewing for the mission on 28 July '23 you state that you were meant to fly with Diesel but then that changed because you were supposed to get your AMC qualification. Is that Air Mission Commander?

25

D20: Yes, it is, and that is my recollection of what happened.

FLTLT ROSE: So you were then going to fly with D10 in that sortie?

D20: Yes.

30

FLTLT ROSE: But in the end you were not programmed to fly because other people's training outcomes were prioritised above yours; is that correct?

35

D20: Yes, there was a number of different qualifications we were trying to achieve for the people that had come away on the activity, and I believe I was flying with D10 along with D9 so that we could both achieve that AMC qualification. I can't recall the exact reasons why things had changed, but they did change, and then as a result, in the end, I think because of based off where I felt I was, I ended up not putting myself back on the crewing board and left myself off and basically that day, for me, became an "I can stay up now and plan and manage everything else that's going on".

40

FLTLT ROSE: Were you doing the crewing for the 28 July sortie on 27 July, or was it on another day?

45

D20: I believe the final crewing was done the day before.

5 FLTLT ROSE: Who was it who made the decision about whose training needed to be prioritised?

D20: So that was done pretty much with D2 and D6, and I don't know the exact details of what discussions were had with D10 in terms of that. Yes, the training priority was not really my kind of lane.

10 FLTLT ROSE: How did that make you feel, that you were deprioritised for getting that qualification, AMC qualification?

15 D20: So I wasn't just – yes, it was basically one of the last kind of things that happened on that trip, where I – it effectively led to my culmination. It was kind of that and then subsequent training and qualifications that the expectation was were not going to be achieved before I posted out of the Regiment.

20 FLTLT ROSE: At paragraph 123 of your statement you said you eventually put Max with Diesel in Bushman 83 and that you were a little worried about this because both of them had only just completed their SOQCs – and that's Max for co-pilot and Diesel for Captain – but that you had a conversation with D2 and D6, who were QFIs, about this crewing and the conversation was words to the effect of you asked D2 and D6:

25 *Where is Max at? I haven't really flown with him. What's he like? I would rather have Diesel with someone a bit more experienced for his first hit out but we're running out of names on the board.*

30 And you said one of either D2 or D6, but you can't remember who, said words to the effect of:

35 *No, Max is a solid performer. Out of all the guys on the course from the co-pilots he performed better than the other trainees. Everything we've seen with him, there are no real issues. We are comfortable with those two flying together.*

40 And you replied with words to the effect of:

*All right. I haven't flown with him and all I know is that he has just done his SO Co-pilot's Course, so if you're comfortable, then I'm comfortable with that.*

45 D20: Yes, that is correct, with roughly those words to the effect of.



FLTLT ROSE: Then at paragraph 126 you made a decision to deliberately crew Phil and Naggsy on Bushman 83 with Max and Diesel.

5 D20: That is correct.

FLTLT ROSE: Why is that?

10 D20: So for me, Phil's experience – I kind of relied on him as a bit of a safety blanket and I regularly used him as an opportunity to go out and keep an eye on, I guess, the aircrew and he would come back and say, "Hey, look, you know, they might need more on this. They might need more on that", you know, "More experience here", or "More training here", or "Hey, they did this", or "They were a bit confused about this".

15 So putting Phil in there, from my viewpoint, was giving Dan a safety blanket. And then with Naggsy, he was a solid performer. You know, he was pretty reliable to go on the aircraft, and I knew when he was going to do these kind of things he would be pretty focused on the task at hand. So  
20 I kind of wanted to just supplement the crew a bit with someone who's done, or who's got thousands of hours of doing this kind of flying with another kind of senior/junior aircrewman, I guess, just to kind of help pick up anything that might not look right, or just give him that extra layer of safety. I don't know.

25 Yes, Phil's someone that you could fly with and it didn't matter if you made a mistake, he was there to help you. He wasn't there to punish or find some form of retribution. So having Phil with you was great because you know that he would speak up if something was wrong. Yes.

30 FLTLT ROSE: At paragraph 127 you said that although Diesel was a senior Aircraft Captain, he was in fact a junior SO Captain, and that you think the 28 July sortie was his first time flying with SO Captain, with Troops on board".

35 D20: That was my understanding at the time, yes.

FLTLT ROSE: Was there a rehearsal for this sortie on 28 July or the day before?

40 D20: I don't recall the exact details on 28 July, and I don't recall a – sorry, I don't know the ones on 28 July. I don't recall a rehearsal on the 27th. My understanding is we were still conducting elements of the planning.

FLTLT ROSE: So I take it from your evidence no one raised any concerns with you about crewing Diesel and Max together?

5 D20: No. From my understanding, I was the one who raised it.

FLTLT ROSE: And so you've already stated the QFI said, no, that that was – they were confident with that pairing?

10 D20: Yes.

FLTLT ROSE: Did the Authorising Officer raise any concerns about the pairing?

15 D20: Not at the time that it was done on the board, but it was late in the evening. I'm not sure if he raised anything on the day of the 28th.

FLTLT ROSE: Who was the Authorising Officer for that sortie?

20 D20: I believe it may have been D10, but I'm not sure.

FLTLT ROSE: I wasn't just sure with your evidence just before. Was there a moment when the Authorising Officer did raise an issue about the crewing?

25 D20: Not that I'm aware of, no.

FLTLT ROSE: At paragraph 128 you describe the sortie on 28 July as quite benign.

30 D20: That was my understanding from the planning phase, yes.

FLTLT ROSE: Why was it benign?

35 D20: Effectively, the formation was going to fly out to Lindeman Island, pick up some Troops who happened to be Special Forces Troops, and effectively conduct an extraction. From memory, I believe they were moving them back to Proserpine, but I don't recall the exact details or if they may have been moving them to another position on the island. I'm not  
40 100 per cent sure just based off my memory, but because they weren't flying to a building and conducting different insertion techniques – it was an extraction – we kind of viewed it more as, I guess, a conventional Army operation.

45 FLTLT ROSE: Paragraph 129, you said you went to bed sometime past midnight on 27 July, and that you did not sleep well as you were dwelling

on how much of your life you had given to 6th Aviation Regiment since starting as a maintainer in 2007 and then becoming a pilot in that Regiment in 2015, and that once again you had not been prioritised for qualifications and training.

5

D20: That is correct.

FLTLT ROSE: And then you asked yourself this question:

10

*Why am I doing this? Why am I literally burning myself into the ground for an organisation that does not care about me?*

D20: Yes, that's pretty much what was going through my head that night.

15

FLTLT ROSE: Then at paragraph 131 you said you woke up and you spoke to D10 on the morning of 28 July.

D20: Yes.

20

FLTLT ROSE: And you had a conversation with words to the effect of:

*Can I have a chat with you?*

D10 said:

25

*Sure.*

You said:

30

*I've culminated. I can't keep doing this anymore. I feel like I've constantly prioritised the unit, put my life on hold and given everything I possibly could, and it is never enough. I have worked myself into the ground and it still isn't enough to be seen as worthy to be progressed as a pilot. I need to get out of here today. I can't stay here and keep trying to put on a brave face.*

35

D20: Yes, that's correct.

FLTLT ROSE: And D10 said:

40

*Okay. But when you go back, you need to go to medical.*

And you said:

*Yes, I'll go to medical, and I'll probably look to post out early and get out of the unit because I can't do this anymore. And I don't want to be part of a place that has pushed me to this point. I've given everything and all it has done is get me to this point.*

5

D20: Yes, that is correct.

FLTLT ROSE: What did you do after that conversation with D10?

10

D20: So it was a pretty emotional conversation. He advised me that he would do what he could to get me out that day, and I basically just tried to hide from everyone because I was pretty embarrassed about where I was at. Yes, I basically just tried to avoid the guys so I was less of a distraction and, I guess, not have to face the fact that in my eyes I felt like I was kind of

15

quitting and leaving them. So - - -

FLTLT ROSE: You said at paragraph 133, D10 made arrangements for you to be flown back to RAAF Base Richmond on a Herc, or Hercules, that day.

20

D20: Yes, that's correct.

FLTLT ROSE: Did you speak to Diesel before you went?

25

D20: Yes, we briefly spoke, from what I recall.

FLTLT ROSE: Paragraph 133, you said you had a conversation with words to the effect of Diesel said:

30

*Are you okay?*

And you said:

35

*I need to go home, and I can't keep doing this and be made to feel like this. I need to get out of here so I can hide and decompress from everyone.*

And then Diesel said:

40

*Okay. Don't worry, I'll look after things. We will get you on a Herc out and Cait can come and pick you up from Richmond.*

By "Cait", did he mean his wife, Caitland?

45

D20: Yes, he did.

FLTLT ROSE: You said:

5                   *No, no, no, she has the kids. I'm fine. I'll get back home, but I'll catch up with her later. If you need me to swing by or if she needs anything, just let me know.*

D20: Yes, that's correct.

10                  FLTLT ROSE: Then you said you spoke to D3, who was a Sergeant in your Troop, and he said to you:

15                                 *Don't worry. We'll look after things up here. Head back and look after yourself.*

D20: Yes.

20                  FLTLT ROSE: At paragraph 135 you said you needed to leave because you did not think you could do your job anymore.

D20: Effectively, yes.

FLTLT ROSE: Effectively. So, effectively, you were FACEing out?

25                  D20: Yes, I was.

FLTLT ROSE: What time did you leave Proserpine on that day?

30                  D20: I don't recall the exact time, but it ended up being late afternoon, and I think it was not too long after we'd departed that, yes, it would have been pretty close to being sunset-ish, but quite late afternoon.

35                  FLTLT ROSE: Could you see what the guys were doing as you were heading out?

40                  D20: Yes. As I was moving across to the van that was taking us out, the guys had started prepping equipment and gear. So they were moving around doing things, but I don't exactly know what phase of preparation they were at.

45                  FLTLT ROSE: If you turn to Annex B, which is on page 29 of your statement. Did you and Diesel exchange some messages during the day of 28 July?

D20: Yes, we did.

FLTLT ROSE: And you see on page 29 there's a screenshot of the some of the messages you exchanged.

5 D20: Yes.

FLTLT ROSE: There are white bubbles and dark blue bubbles. Which one is you and which one is Diesel?

10 D20: I'm the dark blue, and Diesel is the white bubbles.

FLTLT ROSE: At 12.02 pm, Diesel sent you a message that says:

15 *Hey –*  
*your name –*

20 *have a safe flight back. Do you want me to organise Cait and Lily to come grab you from the airport? I feel so shit and guilty I haven't done more to help the situation. Miss you.*

D20: Yes.

25 FLTLT ROSE: Then at 1.35 pm you sent a message back to Diesel saying, "All G, man". Does "G" mean good?

D20: Yes.

30 FLTLT ROSE: "I'll get the DD to pick me up." What's DD?

D20: The Duty Driver.

FLTLT ROSE:

35 *Thanks, though, and it isn't a you thing. I'm not the type of person to continuously push my own agenda, and if no one is going to come in to bat for me, then this is where it ends up.*

40 D20: Yes.

FLTLT ROSE: And at 4.55 pm Diesel sends a message to you:

*Did you get on the plane? There is a weird vibe now you've gone.*

45 D20: Yes.

FLTLT ROSE: If you turn over the page, Diesel sent you a video?

5 D20: Yes, he did.

FLTLT ROSE: What was the video of?

D20: It was effectively just the Hercules taking off from the airport.

10 FLTLT ROSE: And he says, “Bye”, your name, with some sad emojis.

D20: Yes.

FLTLT ROSE: That was at 5.12 pm.

15 D20: Yes.

FLTLT ROSE: Then at 9.35 pm you send him a message that says:

20 *I did. Just driving into Holsworthy now. I’m sure I’ll be back to normal tomorrow morning. I hope you have fun tonight and FMP3.*

Smiley face, love heart, love heart.

25 D20: Yes. Yes, the “I’m sure it’ll be back to normal” was in reference to the guys up there on TS.

FLTLT ROSE: “It will be back to normal”, sorry.

30 D20: Yes.

FLTLT ROSE: I may have misread that and I said, “I will be back to normal”.

35 D20: Yes.

FLTLT ROSE: So it was actually you were referring to the guys?

40 D20: Yes.

FLTLT ROSE: Then at 9.57 pm Diesel sends you a message that says:

45 *Sitting on the P. Not logging fucken sucks.*

D20: Yes.

FLTLT ROSE: What's "P"?

5 D20: The auxiliary power unit. So it's an abbreviation.

FLTLT ROSE: What does he mean by "Sitting on the P. Not logging sucks"?

10 D20: Basically if we're waiting for a timing or a wording or something you could be sitting there with the aircraft in a state of preparedness, depending on requirements, but because you're not flying around, you're not logging so you could be there for hours.

15 FLTLT ROSE: And it's not counted as a flying hour?

D20: No, it's not.

20 FLTLT ROSE: There's no more messages that day, and then on 29 July 2023 at 8.50 am you send Diesel a text message saying:

*Fuck, fuck, fuck. Please message –*

m-s-g –

25

*me when you guys have phones.*

D20: Yes.

30 FLTLT ROSE: How did you hear about the crash of Bushman 83?

35 D20: So I was in bed, woke up, and had a bunch of messages and missed calls on my phone, and it was actually my partner's sister who called me around that time. She had seen it on the news, knew I had been up there and was calling to kind of make sure I was okay. And she'd been unable to reach my partner, who she tried to call first. And then, yes, it was the messages, the news feed, and then subsequently a phone call from D3 telling me what had happened.

40 FLTLT ROSE: At paragraph 142 you state that you reached out to Cait Lyon, Sarah Loft, and Chad Whyte at various stages after the crash.

D20: Yes, I did.



FLTLT ROSE: And at paragraph 143 you state that psychologists visited the unit one week after the incident to conduct initial screenings on all of you.

5 D20: Yes.

FLTLT ROSE: Is that meaning everybody in 6th Aviation Regiment had to have a psychological screen?

10 D20: My understanding was the people directly involved were strongly encouraged to do it, and anyone else in the unit that felt that they needed to were. I don't recall the exact details, but it was definitely, "Oh yeah, you weren't there so you can't see them". It was something available to everyone, but I believe the intent was to encompass as many people as possible.

15

FLTLT ROSE: And you had one? You had - - -

D20: I did, yes.

20

FLTLT ROSE: You state that you self-referred to a psychologist at the Holsworthy Health Centre and then you got a referral for an off-base psychologist.

25 D20: Yes, I did.

FLTLT ROSE: But you did not want to be made temporarily medically unfit for flying at that stage?

30 D20: Just not fit for duty.

FLTLT ROSE: Sorry. So you were effectively not fit for flying but you didn't want to be not fit for duty?

35 D20: Yes, that's correct.

FLTLT ROSE: Because you wanted to keep doing the Troop Commander role?

40 D20: Yes. Straight after the accident, I felt like I needed to be there.

FLTLT ROSE: And at paragraph 144 you then – two weeks later you returned to the psychologist and said you weren't coping and accepted that you weren't fit for duty.

45

D20: Yes, I did.

FLTLT ROSE: What were you diagnosed with after that?

5 D20: So I ended up being told I had burnout and acute stress and was medically downgraded as a result. I didn't end up doing any subsequent testing for PTSD or other issues, but yes, that kind of initial assessment that's come out of that was burnout and acute stress.

10 FLTLT ROSE: Was part of that that you didn't go in to work for a few months?

D20: Yes. I was being, I guess, administered by the health system, and with 6 Avn Regiment and certain people in the unit being triggers, they felt  
15 the best option was for me not to be there.

FLTLT ROSE: Did you hear anything about the crash and the investigation into the crash after you stopped going in to work?

20 D20: No, I did not.

FLTLT ROSE: Did you go to Cait Lyon's house a few weeks after the incident?

25 D20: I don't recall the exact time period, but yes, I did.

FLTLT ROSE: At paragraph 147 you state that she asked you why you left Exercise TALISMAN SABRE, because Diesel had told her that you'd been sent home and that he was going to take over as Troop Commander.

30 D20: Yes, that was my recollection of what we'd discussed – some of what we'd discussed.

FLTLT ROSE: You said that you didn't want to correct her version of events and anything that Diesel may have told her as you're not sure what  
35 D10 had told Diesel.

D20: That is correct.

40 FLTLT ROSE: So you didn't actually tell her at that time that you in fact asked to be sent home – or asked to go home rather than being sent home?

D20: Yes, I don't recall that I did. Yes, from memory I didn't want to change what had been said to her and I didn't think it was the time and  
45 place, but Cait could probably correct me if I'm wrong on that.

FLTLT ROSE: Are you back at work now?

D20: Yes, I am.

5 FLTLT ROSE: Is that at five days a week?

D20: Yes, it is.

10 FLTLT ROSE: As you've said before, you're working in DACM as the UH-60M Capability Implementation Team.

D20: Yes.

15 FLTLT ROSE: Is that Black Hawk?

D20: Yes, it is.

FLTLT ROSE: You attended Max and Phil's funerals in person; is that correct?

20 D20: Yes, I did.

FLTLT ROSE: You then state that with your psychologist's support you went overseas in late August 2023.

25 D20: Yes, I did. There was a trip planned with my partner, his family and friends. Yes, it was – yes.

FLTLT ROSE: So it was a pre-planned holiday that was already organised?

30 D20: Yes. We were going over there for a wedding, so the decision was either to not go myself or – and stay and do the funerals in person, or go over with my partner and his family.

35 FLTLT ROSE: And you were able to dial into Naggy's funeral whilst you were overseas?

D20: Yes, I was.

40 FLTLT ROSE: But the connection didn't work when you tried to dial in for Diesel's funeral?

D20: That's correct.

45

FLTLT ROSE: Was this a difficult decision for you to make, to go away?

D20: Yes.

5 FLTLT ROSE: Have you gone to any memorials that 6th Aviation Regiment has organised for the boys?

D20: No, and I wasn't aware of any that had occurred.

10 FLTLT ROSE: So you haven't been asked specifically to attend or notified that they were being held?

D20: No, not that I recall.

15 FLTLT ROSE: Have you been interviewed by the DFSB in relation to Exercise TALISMAN SABRE?

D20: Yes, I have.

20 FLTLT ROSE: When was that?

D20: The week after my interview with you guys, I believe on a Wednesday or Thursday – Thursday, I think. I don't recall the exact date.

25 FLTLT ROSE: So we're in June now. So it would have been, what, a few weeks ago?

D20: Yes.

30 FLTLT ROSE: Have you been interviewed by Comcare?

D20: Yes, I have.

FLTLT ROSE: When did you get interviewed by Comcare?

35

D20: I believe it might have been around February/March.

FLTLT ROSE: Of this year?

40 D20: Yes, of this year.

FLTLT ROSE: Those are my questions.

MS McMURDO: Thank you.

45

MS MUSGROVE: Ms McMurdo, I just raise, and I'm sorry to raise out of turn, but I'd just ask whether or not the witness would like a break. She's been going now for an hour and 15 minutes, and I just wanted to raise before any cross-examination as to whether or not she'd actually like a break.

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MS McMURDO: Thank you for that. I think - - -

D20: I'm okay, ma'am.

10 MS McMURDO: Yes. You understand, from what I said before, any time you want a break, you just have to ask?

D20: Yes. Thank you, ma'am.

15 MS McMURDO: Yes. Yes, thank you, Ms Musgrove. Yes, Lieutenant Commander.

**<CROSS-EXAMINATION BY LCDR TYSON**

20

LCDR TYSON: D20, my name is LCDR Matthew Tyson. I represent CPL Alex Naggs' interest. I want to ask you some questions about some background to the mission that took place on the evening of 28 July. You might not be able to answer some of the questions by reference to specific knowledge of things that had happened, but if you could explain what standard operating procedures were, that would be helpful.

25

D20: Yes, sir.

30

LCDR TYSON: First, just in relation to – so in relation to the mission on the evening of 28 July 2023, who made the decision that the four helicopters that were going to be deployed would be deployed in a heavy left formation as opposed to any other sort of formation?

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D20: Normally that kind of decision would sit with the Flight Lead and the Aircraft Captains in the planning phase, and heavy left is probably a – it's a standard formation that we use in conventional and in SO.

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LCDR TYSON: So it wouldn't necessarily be any of the pilots who were flying in the four helicopters themselves on that night who made that decision, or - - -

D20: Potentially it would have been, yes, but I can't confirm who.

45

LCDR TYSON: Okay. Would you assume that it would have been D10, or would that have been consistent with normal operating procedure that D10 would have made that decision?

5 D20: No. D10 wouldn't normally be the person making that decision. It would normally be a flight lead or a senior planner who is generally a flight lead. So it could have been D14 or D2, or even potentially D6's, the aircraft captains doing that planning.

10 LCDR TYSON: And this particular mission on the night, from a military point of view, was fairly routine, wasn't it?

D20: Yes, it was.

15 LCDR TYSON: And in fact you used the phrase "quite benign" in your witness statement.

D20: Yes, I did, sir.

20 LCDR TYSON: Was it actually necessary that a heavy left formation was used on this occasion?

D20: Yes, I can't answer that question, sir, I'm sorry.

25 LCDR TYSON: Does that mean that there could have been other alternatives, other alternative formations?

D20: Potentially, but heavy left, like I said, is a pretty standard formation for us to use.

30 LCDR TYSON: But if you had people who weren't necessarily experienced in flying at night over water at 200 feet, alternate formations could have been taken into account based upon the experience of the particular pilots flying?

35 D20: Look, I think that's difficult to answer because for us we are probably the most familiar with a heavy left formation. Changing that can create an element of change and uncertainty for someone who maybe isn't as experienced. If the majority of their flying has revolved around a heavy left formation, then that might be something that they're more used to and comfortable with. But, yes, without knowing the exact kind of ins and outs of how that mission and planning ended up happening, I would probably err on the side that us doing what we would normally do, which is a heavy left, is probably kind of the safer option because it is known and practised and  
40  
45 seen regularly.

LCDR TYSON: So it would have likely to have been selected almost as a default formation?

5 D20: Normally in the early stages of planning you would probably start with that, but once you've done your target analysis, that's when it will determine if you need to make changes to suit a target, depending on where aircraft are going.

10 Lcdr TYSON: Then within the formation itself, who makes the decision about who flies number 1, number 2, number 3, number 4?

D20: So that's normally done – so for me, I did that as the Troop Commander who was crewing the aircraft, but there is a requirement that they have the required qualifications. So I can't put anyone in aircraft 1 unless they have completed the SO Flight Lead course, and that is for every position, and every seat within the aircraft within that formation they need to have completed the qualification to fill that role.

20 Lcdr TYSON: Then the normal standard operating procedure would have been that before that mission on 28 July there would have been a rehearsal of concept, or ROC, or something like that before that mission?

D20: Yes. So there's normally a ROC drill, rehearsal of concept. It can be the day before, it can be the day of. I'd have to go back and look at exactly what was being done to confirm the specific requirements for that specific activity, because they do change a little bit based on what's happening.

30 Lcdr TYSON: So that could have been done – well, first you'd assume that one was done; correct?

D20: Yes, I would assume that.

35 Lcdr TYSON: But you don't know whether it was done on 27 or 28 July?

D20: Yes, I don't. I can't recall.

40 Lcdr TYSON: In terms of who was involved in the ROC, would it just be the 16 in the four helicopters who would have been involved in the ROC, or - - -

D20: Depending on the scenario, it would generally be – it will be the – you know, at a minimum, the Aircraft Captains and the senior. The juniors and the co-pilots will generally be there, and then potentially any safety

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staff, any kind of other key personnel, and then it just depends on what you're doing. You'll have ground force elements there. They have their own safety requirements and ROC requirements that need to be a part of that. But for that one specifically, yes, I can't recall and talk to that exactly.

5

LCDR TYSON: Thank you. I just want to ask you about some maintenance issues, again by way of background to the flight that took place on 28 July 2023. Would it have been normal procedure that an after flight or before flight would have been – a check would have been done by the aircraft technicians sometime before that evening?

10

D20: Yes. In terms of timeframes, I'm not sure, but the aircraft has always had a before flight, and then once maintenance have completed any requirements they are released on CAMM2, which is the aircraft data system, and then the aircraft will change colours. And then once it's kind of a different colour, then that's when the aircrew can actually accept the aircraft. And then maintenance is effectively telling them it is serviceable and ready for whatever it needs to be used for.

15

LCDR TYSON: But do you know, is it normally done – and I think it's actually called – even though the terminology doesn't sound right, it's called an after flight/before flight, even though it's done before flight; is that right?

20

D20: There's an after flight and then there is a before flight. My understanding is on the MRH they are different and they are signed off differently. But I wasn't a maintainer on MRH and I know there is some differences between my time on Black Hawk. But, yes, before the aircraft goes flying, and it could be an after flight is done at the same time that a before flight is, but they still are separate maintenance actions, is my understanding.

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30

LCDR TYSON: Are you able to say – again not specifically perhaps before the mission of 28 July '23 – but say with Bushman 83, before that flight, would the final maintenance checks have been done, what, two hours before, one hour before, three hours before? Do you know what the standard would have been, or - - -

35

D20: I can't tell you exactly what time it was done beforehand, and I know we were trying to work with a rough timing to help maintenance have aircraft prepped and ready to go, but there is a time limit on the servicings that they're doing anyway. So if it was done that day it, it would have been within the requirements for the aircrew to then accept it as being released and ready to go.

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45



LCDR TYSON: Does a Craftsman or a Maintenance Manager do that final check?

5 D20: In terms of the before flight or the - - -

LCDR TYSON: The before flight.

10 D20: Normally it would be a maintainer and the Maintenance Manager is generally, you know, two or three levels above the maintainer. The certification process has changed since I was a maintainer and they have different levels now that I'm not fully conversant with, and that would probably be, yes, better held for D47 or – he's probably the first one that I can see on that list, and D35 to speak to the specifics, but yes, my understanding from previous experience, generally it's the maintainer and the Maintenance Manager is the one who releases the aircraft to say it is ready for flying.

20 Lcdr TYSON: Can you just explain the process of how the aircraft is released by the Maintenance Manager to the pilot? Do they, for example, both go and look at CAMM2 or do they – is it a physical document that's handed over? How does the handover from Maintenance to the pilot work, please?

25 D20: So there is a separate area where Maintenance have the aircraft, or the digital documentation and also hard copy if it's required, in flight line, and we had a flight line established. The Aircraft Captain would go in, generally the Maintenance Manager or potentially one of the Sergeants, or whatever role they're filling, would then give the Aircraft Captain a brief on the aircraft - "It has this many hours clear", you know, if there was any issues like, "Oh yeah, this is not serviceable. We can't use this for whatever reason, but it doesn't affect the mission".

35 So basically you'll go in, they'll tell you what the aircraft is, how many hours clear you have so that you don't overfly any servicings, and then when you go to the computer you can't sign for it unless they've released it, and then you've effectively signed for it. Then once you've done that no one should be touching the aircraft because it's now under Aircraft Captain acceptance.

40 Lcdr TYSON: And it's actually handed over to the Aircraft Captain as opposed to the Aircraft Captain and the co-pilot?

45 D20: Look, the co-pilot can sign for it, but basically, yes, it's with the aircrew because you may have three or four people signing for an aircraft if – where planning contingencies of one aircraft breaks and we need to move

people into different aircraft. So once it's changed colour, it's under aircraft – like, it's under Aircraft Captain acceptance, or I can't – whoever it is, but maintenance don't generally touch the aircraft, and if they're going to do anything, they will speak to the appropriate person.

5

LCDR TYSON: Would it be normal in, say, July '23 that when the aircraft was being handed over from maintenance there would be a list of carried forward unserviceabilities and some maintenance issues that are recorded in the record?

10

D20: There could potentially be some. I don't specifically recall what aircraft had what issues, or any issues when we went away, but they are on the digital record and you can click through the various subtabs and see, "This is the carried forward unserviceabilities. This was the maintenance conducted before the aircraft was released to the aircrew". So you can actually see how many hours clear, any upcoming servicing. So you have the ability, as the pilot, to go in and see those things.

15

LCDR TYSON: Can you give an example of some types of things that were carried forward unserviceabilities, some of the types of issues that pilot would still accept that you'd fly the plane, notwithstanding that there were some maintenance issues?

20

D20: To be honest, it is situation-dependent because if you're going out to do flood assistance, you need a serviceable hoist. If the guys were just going out to do area training and they weren't planning on conducting any hoisting, then, you know, there is a time when you can accept that, "Okay, I don't need a serviceable hoist right now", or "We're not doing any external load training, so we don't need a serviceable hook", but, "Yep, we're going to do flood and fire assist and we need to move external stores, so we need a serviceable hook". So it's kind of situation-dependent, in terms of that.

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LCDR TYSON: And so you, as a pilot, would always be looking at the carried forward unserviceabilities and you'd just make an assessment, based upon your mission, whether or not it mattered or not?

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D20: Yes, you'd generally flick through them. But, to be honest, I don't remember seeing a whole lot where it raised my eyebrows. The tradies would generally be like, "Hey, can you still use this aircraft if you can't do a hoist?", or "Can you still use this aircraft if we couldn't do an external load, because we haven't done this servicing?", or "We're missing this part". It was probably a pretty collaborative thing, but we tried to tell them what we were doing, and they would manage the fleet around what our requirements were.

40

45

LCDR TYSON: Just in relation to Bushman 83, so that aircraft was flown up from Holsworthy to Proserpine on, I think, Monday 24 July. Is that correct?

5

D20: My assumption would be yes, it was.

LCDR TYSON: Between 24 July and 28 July, was Bushman 83 used on a sortie of some sort, or was it flown for any reason, do you know, between the Monday and the Friday?

10

D20: So I would have to check what the aircraft tail number was that was used for 83 and then I would probably need to defer to CAMM2 with the flying records. When we go flying, I don't physically track which aircraft within the fleet we're flying in. That's a maintenance function that – I just rely on them and the digital records and the system that logs all the maintenance to say, "This aircraft is or isn't serviceable".

15

LCDR TYSON: All right. So you don't have any recollection whether or not Bushman 83 was flown that week, or - - -

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D20: I don't recall the tail number and, yes, I couldn't tell you which tail number flew which sorties without going through Patriot Excalibur or through CAMM2.

25

LCDR TYSON: But let's assume, for example, on the Wednesday Bushman 83 was flown, then again you would expect that maintenance checks would have been done after that flight?

30

D20: Yes, or – it just comes down to the timing and how maintenance are managing their workforce and their fleet. I wouldn't necessarily say that as a hard and fast yes, because they may need to do an after flight until they've got a new shift on. If they don't have enough people to manage a shift, that's not really my role and job to tell them how to manage the aircraft and manage their personnel.

35

LCDR TYSON: But you, as a pilot, how do you have confidence in the maintenance of the aircraft? Do you just take it as a given? Do you just assume that the maintenance aircraft technicians have been professional and done their duty? Do you just assume that? And particularly with your background as an aircraft technician, did you take a particular interest in the maintenance of the aircraft or you just had too many other duties and responsibilities?

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5 D20: So everything the maintainers do and are taught to do is in accordance with the publications, and any deviation from that is a violation. So there was nothing that ever kind of flagged with me that had me concerned that the maintenance personnel at 6 Avn were potentially violating. All the maintenance that's required to be done on the aircraft is tracked within that CAMM2 system and it is flagged within that system to say, "This servicing is due", "This component needs to be changed", "This aircraft needs a rinse".

10 So if it's been done – if it flags in the system and then the maintenance team go forward and sign that off to say it's done, then I 100 per cent trust that they have gone and done that maintenance activity in accordance with the publications. And I've not felt the need to question that they have been signing off maintenance and not conducting it. That is not something that  
15 I've felt with the guys and girls that I've dealt with in the unit. I can wholeheartedly say that I trust that they are doing everything that they can to do the right thing. And some of them are highly, highly professional.

20 LCDR TYSON: Then after the aircraft is handed over from the Maintenance Manager, or maintenance, to the pilot, I just want to ask you some questions about pre-flight checks.

D20: Yes.

25 LCDR TYSON: So in terms of the pre-flight checks, when does that actually take place in terms of time elapsed between that and the moment the helicopter actually takes off?

30 D20: That one's – unfortunately, again, it's situation-dependent. There might be a time where you've accepted an aircraft and you might not be doing orders for another, you know – I'm just plucking out numbers here, they're not relative to anything – but you might not be doing orders for another three or four hours. So you have time to then go out, conduct your pre-flight, prep the aircraft, put your gear in it. The aircrewman will go out,  
35 do whatever preparation they need in the cabin. You'll have everything sorted and then you go off and you do your orders, and then you go to the aircraft.

40 There'll be other times, either in training or short notice activities, where you don't have the luxury of that kind of time and you'll go out, you'll pre-flight your aircraft and chuck your – and you get in the aircraft and go. So there's not a hard and fast it is done at X time, before you do X, Y, Z. Yes, it just depends on the situation. But before you go flying, the expectation and the direction is you do a pre-flight of the aircraft.  
45

LCDR TYSON: As part of the pre-flight check, do you check the autopilot function?

5 D20: Can you clarify in what - - -

LCDR TYSON: I can't really, because I don't understand the pre-flight check. So I'm just trying to understand what nature of things are checked in the course of that pre-flight check.

10 D20: So we have a checklist that runs through everything that needs to be completed as a part of the (1) pre-flight, and then (2) subsequent start-up. I guess without knowing the full kind of context of where that question's coming from, I don't know that I can really answer. In a pre-flight, if you don't have power on, yes, I don't recall us having a way to check the autopilot function.

15 LCDR TYSON: So you don't know one way or the other whether or not specifically the autopilot is checked that it's operating as it should before you go on the flight? It could be, but you just don't know?

20 D20: Not from a pre-flighting context, no.

LCDR TYSON: And what about things like the flight controls themselves, the collective, and things like that? Do you check that as part of the pre-flight?

25 D20: Not the pre-flight, but your – so we're kind of starting to move into start checks now. You'll check inside – as a part of a pre-flight, you'll check inside the aircraft and make sure there's no obstructions within there that could potentially stop you from effectively moving the tail rotor pedals, that there's kind of nothing that could get in and jammed under your collective. You do deeper checks once you commence your kind of start sort of checks once you're in the aircraft and getting ready to go. But pre-flight is you're physically walking around the aircraft and looking at issues.

30 The start checks is when you start to move into is the system reacting the way it is because you've now got power on the aircraft and you can see things?

35 LCDR TYSON: Well, just the process of checking the flight before you go, or checking the helicopter before you go, how long does that normally take?

D20: So a pre-flight, if it's the Aircraft Captain and the co-pilot, you can kind of knock that over together in about, you know, I guess, 10 minutes, depending on the aircraft and if you've just been flying or not.

5 Your start checks, I don't know, everyone's different, everyone's quicker – like, some people are quicker, some people are slower. Some people have issues and have to turn the aircraft off and turn it on again. So, you know, it could be 15 minutes, it could be 45, depending on what's happening. Yes, I'm not really sure I can give you a direct answer on that one.

10 LCDR TYSON: That text message between yourself and CAPT Lyon that Counsel Assisting took you to, what state is the helicopter at, at that point? Is that all the flight check has been done and the helicopter is sitting at the tarmac and, what, the engine's running? Or what's happening to the  
15 helicopter at that point, when he was saying to you he's sitting there on the tarmac for some time, effectively?

D20: Yes, so the engines aren't running and the blades aren't turning. The auxiliary power unit is supplying power to the aircraft, so all the systems  
20 are up, they have completed their start checks, the initial part before they reach the engine starts. So, yes, no engines and no blades is normally the configuration of the aircraft. And that is my understanding from his message, is they were just sitting on the "P". They were just on the auxiliary power unit, which is effectively like a small engine providing power to the  
25 aircraft and commencing some of the systems, but no engines, no blades turning. Yes, they couldn't pull the collective and suddenly enter flight type thing.

LCDR TYSON: I just want to ask you another miscellaneous question, and  
30 if you can't answer this question, please say so. Yesterday MAJ Gallatly, when he was giving evidence, said something, that one of the things that confused him about the MRH-90 were "engine limitations in the MRH-90". So that's his phrase and you don't necessarily know what he means by that. But were you aware of any engine limitations in the MRH-90?

35 D20: So there are limitations. There's limitations to how long you can have an engine working at, I guess, certain – basically if you think of it as a car and you're just absolutely hooning and you're not changing gears and you're in first gear, there's only so long that that car can kind of be in first  
40 gear before you start overheating an engine and potentially throwing a piston out the side and the car stops.

So if you translate to an aircraft, there are periods when the engine can only  
45 be working or should only, is recommended, to only be working at that kind of max peak period. And then there's other kind of phases where this is

normal operating procedures between this temperature and this temperature. Yes, so there are limitations on the engines as to when or what kind of times that they should be operating at different temperatures. I think there was another thing but I just can't recall off the top of my head.

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LCDR TYSON: Thank you, ma'am, they're my questions.

MS McMURDO: Thanks, LCDR Tyson. Yes, any other applications to cross-examine?

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**<CROSS-EXAMINATION BY SQNLDR GILES**

15 SQNLDR GILES: D20, my name is SQNLDR Giles. I represent the reputational interests of LT Max Nugent. So a number of my questions are going to relate to questions general in nature and then some are going to be more specific about the evening of 28 July and leading into it.

20 So from the evidence today, as I understand it, you're a C CAT qualified pilot on the MRH-90.

D20: Yes, I am, sir.

25 SQNLDR GILES: You have over 401 flying hours, with 469.5 hours including the sim – paragraph 23.

D20: I believe that's correct, yes, sir.

30 SQNLDR GILES: Paragraph 29, the co-pilot, you've indicated, would normally fly by the numbers. I understand that you've explained what that is today. So I can understand a bit better, would you be able to sort of explain it outside of just the pre-determined speed and flight, more in a layman's type of terms, "flying by the numbers" for me?

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D20: So everything we try and do, and we're in formation flying, we want it to be understandable and predictable. So as a result, we have these kind of gates, windows, whatever you want to call it, speed limit, effectively, that we want to be at so that everyone else in that formation knows exactly what we're doing. If a speed changes, it should only be changing because it's been briefed and we expect it to change.

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So when we're flying those numbers, if suddenly – you know, think of it as a car's driving down the road. You're in a 110 zone. You suddenly hit an 80 zone. You see the 80 sign and you see cars slowing down to 80. You

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go, “We’re slowing down to 80 because that’s what the speed limit sign is”. So when we’re flying by numbers, we’re effectively trying to create that kind of situation – and I’m trying to find an analogy so I don’t end up moving into classification-type terms.

5

You’re trying to create a situation so every single person in that formation knows exactly what’s happening and why it’s happening. Because if you understand the why it makes your life a lot easier. If someone is suddenly doing 60 k’s in a 110 zone, and you can’t see a sign and you can’t see anything in front of you, you get distracted and confused by what that person in front of you is doing because it’s not normal. And probably all experienced it on the road, someone does something different, that’s when you’re potentially going to have accidents happen.

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So we try to have those really clear delineations at points of time in a flight for any form of changes for people to understand. So if the co-pilots are flying those numbers, so they’re flying that speed limit of 110, everyone else behind them knows exactly why they’re doing it. They do something different, it creates confusion. You get distracted. People discuss it in the aircraft, “Why is that person doing that? That’s not normal. That looks different”. Then you wait and you kind of pause while you’re figuring out what’s happening. Then if it’s still different, then generally someone in the formation will say, “Hey, what’s going on?” And normally that person would announce it.

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SQNLDR GILES: Is this something that’s organised in a pre-flight briefing before you go on an operation?

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D20: Yes. So a lot of the stuff that we do is everyday training, it’s in our Standardisation Manual, and it’s within, I guess, the testing framework that we have, the assessment framework, that we fly within these delineated speeds or heights or whatever’s dictated in that assessment criteria so that everyone is doing the exact same thing. So everything that we do is something we would do every day of the week, and we would brief that.

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So every mission you do you would run through your briefs. Yes, we might have done it 10 times over, the inadvertent IMC, so the loss of visibility. We brief that every single time, and 99 per cent of the time it is exactly the same every time. The heights might change but the procedure is exactly the same. If it’s different, then yes, you will brief that. Then if it’s something that is different that could cause confusion or a misunderstanding, generally that is something that will be noted and focused on when you conduct a rehearsal of concept, which we would go down and then walk through as a crew, as a collective in the formation, to say, “Hey, look, let’s practice this

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thing because this is a bit different to what we would normally do”. And then you would practice that.

5 SQNLDR GILES: So if I said to you what is the SO approach linking to what we’ve just discussed, what is that? Paragraph 29.

10 D20: Yes. I can’t tell you the exact – that might be a classification piece. But it is an approach to a target with gates that we need to be with inside that is listed within our Standardisation Manual and within some of our standard operating procedures. That is written and that is what we conduct our SOQCs flying that standard and it is in the assessment criteria. So the expectation is the flying instructors are assessing people to that criteria. So there is no left or right. That is the approach. If it is faster, then you need to stop what you’re doing. And if it is slower, yes - - -

15 SQNLDR GILES: Referring to your statement, at paragraph 29, last sentence – and I’m not going outside of classification, only referring to this statement.

20 D20: Yes.

SQNLDR GILES:

25 *SO Captains could only fly this where the co-pilot flew by the numbers, unless they were flying with an SO QFI.*

Is that correct?

30 D20: So the SO Captain would be the one who would fly the kind of final stages of an approach. The co-pilot – effectively it’s up to the Captain what the co-pilot flies. The Captain can fly the whole sortie. The co-pilot is not able to fly the latter stages of the approach, unless they are with a flying instructor who has clearly said, “You will be flying this as a part of” – it’s generally for a development thing. It’s hard to fly something you’ve never flown before and then suddenly be expected to do it. So you would fly with the flying instructor as a part of a development package, to then help you when you transition to an SO Captain. If that makes sense, sir.

40 SQNLDR GILES: I’m just going to go through a number of parts of evidence from today and it links to your experience in flying in various conditions. Now, you’ve said, paragraph 35, that low flying at night in formation is some of the most difficult flying a helicopter pilot can do. Is that correct?

45 D20: Yes. That’s my belief, yes.

SQNLDR GILES: And you've found, paragraph 37, that flying the third position, as Bushman 83 would have been flying, in a four lift – four-ship heavy left formation was the hardest formation to fly. Is that correct?

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D20: It's the hardest position to fly within a formation? Yes.

SQNLDR GILES: Sorry, position within the formation. I correct myself.

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D20: And it would be the same as if you were heavy right because you're just swapping. Yes.

15

SQNLDR GILES: Swapped it over, yes. Previously, at paragraph 38, you've said that when it was overcast with light showers, that you struggled to delineate the horizon line between the sea and the sky. I'm assuming from your experience?

D20: Yes.

20

SQNLDR GILES: Yes. Going to the – around 28 July, so the reason for the inquiry and that we're here for today. At paragraph 123 – now, you had concerns that Max had only recently done his co-pilot course at the end of 2022 and that CAPT Lyon had only completed his SO Captain's qualification around the same time. Is that correct?

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D20: That's correct.

30

SQNLDR GILES: Could it have been that LT Nugent may have only completed his SO Co-pilot Course in early 2023?

D20: It could have been, sir, yes. I don't recall the exact - - -

SQNLDR GILES: That's okay.

35

D20: Yes.

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SQNLDR GILES: Now, you've also indicated para 126 that you put the senior aircrew, as it came out in your evidence today, Naggys as a junior aircrewman as well as WO2 Laycock as a safety blanket for those two pilots. Is that correct?

D20: That's correct, sir.

45

SQNLDR GILES: And in addition to that, it could have been Diesel's first time flying as an SO Captain with Troops on board; is that correct?

5 D20: Yes, as an SO Captain you're flying with Troops on board a number of times conventionally. But as an SO Captain, my understanding was we hadn't done a lot of SO roles, or SO training prior to that. Yes, my understanding was it was his first time with Troops as an SO Captain.

10 SQNLDR GILES: Now, we've spoken earlier before about flying by numbers. Now, at paragraph 128 – and we're talking about the evening of the planned flight – you've indicated that it was benign, and we've gone into depth with that and I won't go through it again. But you're flying through the Proserpine – from Proserpine, sorry, across to Lindeman Island, picking up some Troops. But there wasn't anything involving fast roping, repelling, anything like that, so it was a fairly benign trip from an operational, on paper, point of view. Is that correct?

15 D20: Yes, from my initial planning stages, I guess. In comparison to the SO flying kind of piece, I would say, yes, it was more benign. But I didn't factor in weather or anything like that in that kind of comment, just to - - -

20 SQNLDR GILES: So you didn't factor weather into the comment about this particular benign operation?

25 D20: Yes, that's correct, sir.

SQNLDR GILES: Now, I understand that you hadn't looked into the weather for 28 July because there was no need to; is that correct?

30 D20: Yes, I don't recall having much of an understanding in the latter stages because I was wrapped up in other things, and I didn't check what the weather was on that day.

35 SQNLDR GILES: No, that's fine. So if I put a scenario to you taking into account all of the different factors that we've just discussed – well, you're a co-pilot in Bushman 83 and you're flying with a qualified SO Captain. You're third in formation; however, you're also flying low but, with the weather, we can also add in that it's raining and the illumination is low. When would you, as a co-pilot, be flying during that flight, if at all?

40 D20: Generally, the co-pilot would conduct the departure and fly in formation to the target area and then depending on what the requirement was at the target, and I guess what had been discussed between the crew, would determine if that would change. So if it was an SO approach, the SO co-pilot wouldn't be flying, unless, you know, there were set reasons to fly – it being whether flying with a qualified flying instructor.

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5 So, yes, generally, the co-pilot would be the one flying the – if you want to call it, a transit – from the departure towards the target area. Where that changeover happens, it can be a bit different between Aircraft Captains. And if someone has been flying a lot and someone hasn't the Aircraft Captain could be flying the whole thing. It just kind of depends on the crew and what composition. My – yes.

10 SQNLDR GILES: If it was a junior pilot and it was conditions change, then it could be that the SO Captain could have been flying the flight the entire time?

15 D20: Potentially yes. And I think that's the – I guess that's the prerogative of the Aircraft Captain to make that decision. And they can be flying – and, like I said, I had a flight with D2. I do recall a number of – a few times where he was checking in to make sure I was doing okay, and I said, "Hey, look, I'm working really hard here, but I am okay to keep flying". He said, "All right, well if you need me to take over, I can."

20 So it was that crew discussion, where he was comfortable that I was still okay and I was still flying. And I know guys have had flights before where, as the Aircraft Captain, they have taken over from the co-pilot because they were uncomfortable with what was happening.

25 But, yes, I couldn't speak specifically about what was happening in the cockpit for 83. Just, I guess, the standard or the norm of what we would be doing. And like I said, I haven't flown with Max, so I don't know where that would kind of be at, if he was flying or if Dan was flying, what they discussed. If someone wanted to fly more because they hadn't flown much, I know we would do that at times and swap – say, "Hey, I'm going to fly this and then you can fly the next thing", or something.

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SQNLDR GILES: Thank you. I've got no further questions, ma'am.

35 MS McMURDO: Thank you. How many more applications to cross-examine are there? Three? Three. Would you like a break, five minutes to have a stretch or would you prefer to keep going?

40 D20: I'm happy to keep going, ma'am. Thank you.

MS McMURDO: Okay, thank you. Yes, who is next? Thank you.

**<CROSS-EXAMINATION BY SQNLDR THOMPSON**

5 SQNLDR THOMPSON: Major, my name is SQNLDR Christopher Thompson, and I'm representing the interests of WO2 Laycock here today. And I only have a few questions for you and they will relate more directly to your experiences with dealing with WO2 Laycock.

10 D20: Yes, sir.

SQNLDR THOMPSON: Are you more comfortable with me referring to him by rank and name or would you prefer that I refer to him as Phil? What is better for you?

15 D20: I'm happy either way, sir.

SQNLDR THOMPSON: Okay. In your experiences working with WO2 Laycock, did he ever compromise the safety of an aircraft or its crew that you observed?

20 D20: Not that I'm aware of, no.

SQNLDR THOMPSON: And did he ever compromise the – or did you ever see or hear him recommend a course of action that would compromise the safety of an aircraft or its crew?

25 D20: Nothing that I recall. No, sir.

30 SQNLDR THOMPSON: From your discussions with WO2 Laycock that you've described in your statement, your history of working with him, was he familiar with the strengths and weaknesses of the pilots that he flew with?

35 D20: I'm making an assumption, but I would say, yes, he was a pretty astute dude and we all were different, some more confident than others. So I would say, yes, he would be aware of those things.

40 SQNLDR THOMPSON: I only want you to answer that from your discussions with him. I don't want you to assume. But would you be confident making that statement from your discussions and observations of him.

D20: Yes, I would.

SQNLDR THOMPSON: If WO2 Laycock were crewed with more junior or inexperienced pilots, would you expect him to take a more active role within the aircraft, or simply do his job, what is required?

5 D20: He would be more active if there was a requirement for it, yes.

SQNLDR THOMPSON: And could you give us a description of that. In what way would he do so?

10 D20: If an Aircraft Captain or a co-pilot missed a checklist action, something as simple as confirming the configuration of the aircraft as they're moving to a target, he would raise that and say, "Hey, we haven't done this", or he would give the prompting trigger to do something like that. Or, if they were too fast, you know, he would be quite deliberate in, "Slow your approach", yes.

15 SQNLDR THOMPSON: Now, moving more specifically to 28 July 2023. Do you know if WO2 Laycock was regularly crewed with CAPT Lyon or LT Nugent?

20 D20: To be honest, I don't recall the specific people that he did or didn't fly with, no.

25 SQNLDR THOMPSON: If WO2 Laycock had any concerns regarding a crew of an aircraft, is it something that you, in your experience with him, would he raise it with you?

30 D20: Yes, he would, and particularly with the aircrewman. If there was perhaps a pairing that maybe wasn't quite right, or he'd done an assessment with a junior one and thought they needed a bit more development, he would say, "Hey, maybe put this person with this person", just to help, I guess, develop and mentor them from outside of a Qualified Aircrewman Instructor piece, because they're not an instructor. They can't teach, they can only kind of mentor. But he was – yes, he was quite comfortable, from my interactions with him, to come forward and raise those kind of issues, and even something as in, "Hey, can I fly in this aircraft because I just want to do X, Y, Z?"

40 SQNLDR THOMPSON: And it's the case that he didn't raise any concerns with you regarding the crew of Bushman 83 on 28 July.

D20: I don't recall him raising any issues with me, no.

45 SQNLDR THOMPSON: Nothing further. Thank you.

MS McMURDO: Thank you, SQNLDR Thompson. Yes.

SQNLDR THOMPSON: Thank you, ma'am.

5 MS McMURDO: COL Gabbedy.

**<CROSS-EXAMINATION BY COL GABBEDY**

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COL GABBEDY: Afternoon, Major. I'm COL Nigel Gabbedy. I appear for MAJGEN Stephen Jobson, the Commander of Army Aviation. Just a few things. With regard to your statement, at paragraph 19 – if you've got it in front of you – you give some evidence about the work pace back in 2021.

15

D20: Yes, sir.

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COL GABBEDY: And in that year you were the Adjutant at 6 Aviation Regiment, were you not?

D20: Yes, I was, sir.

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COL GABBEDY: And that's an important staff role, is it not?

D20: I believe in the Army construct and career development, yes, it is.

COL GABBEDY: It is. They normally give it to a senior Captain.

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D20: Yes, it would normally be a senior Captain.

COL GABBEDY: And somebody who is in the Command path for promotion, generally.

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D20: Yes, sir.

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COL GABBEDY: Now, you talk about in that you're at your peak working a certain number of days and hours. Just so I can better understand that, you're not saying that that's your load for the entire year, are you? You're saying that that's what was happening when things were very busy.

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D20: So initially my – I would say that my days were long, but five days a week. As 2021 progressed it became pretty much commonplace, and I know LTCOL Mammino spoke to me about it a couple of times, but I was very cognisant of her workload, and the workload within the Headquarters,

5 and the difficulties we were facing. So, yes, I probably – I’m just trying to think of how I can say this. It was recognised that I was working long hours, and they probably did try to pull the reins on me a little bit. It was just difficult because of the outputs required, and I think the position that I was put in with the requirement for the quick turnaround of documents, knowing full well that the CO has a pretty high workload. If something’s due tomorrow and I get it the night before, then I can’t exactly - - -

10 COL GABBEDY: You’ve got limited options in terms of what you do.

D20: Yes. Yes, and I know LTCOL Mammino 100 per cent was doing everything she could to look out for me, which probably made it easy for me to fall into the trap of working long hours. But, yes, I would say as the year progressed that became pretty much the norm for me.

15 COL GABBEDY: We’ve had some evidence, and I believe that you agree with this, that the Squadron’s working week was Monday to Thursday for flying.

20 D20: Yes, sir.

COL GABBEDY: Friday wasn’t a flying day.

25 D20: Yes, sir. That was the intent.

COL GABBEDY: School holidays were taken off.

D20: Yes, sir.

30 COL GABBEDY: And December and January taken off. And you said “that’s the intent”. I understand that that was the ideal.

D20: Yes, sir.

35 COL GABBEDY: I assume that there were times that would – or events sometimes that would impact on that, like a DACC task might impact on your leave.

D20: Yes, sir.

40 COL GABBEDY: 2021 when you were working as Adjutant, was it the case that in that year your duties as Adjutant were an overlay on your other duties, which caused these additional hours for you?

45 D20: Yes, that would be a fair assessment, sir.



COL GABBEDY: And things were perhaps not ideal, but a little bit easier for you in the Squadron.

5 D20: Yes, sir. Probably initially when I moved into the Troop Commander period at the start of the year it was pretty quiet, and I was excited to not have so many emails. As the year developed and everyone gets in their positions, then they get more comfortable with their jobs and what needs to be done, and the emails increase, but it was probably a bit of a break from  
10 being the Adjutant. Yes.

COL GABBEDY: And again, Troop Commander, I take it that was a position that you sought?

15 D20: Yes, it was the intent. I was actually going to be the Troop Commander in 2021, but LTCOL Mammino had requested that I be the Adjutant instead.

20 COL GABBEDY: Correct me if I'm wrong, but the Troop Commander is a step in the pathway towards Command. That's going down the Command, rather than the Flying Instructor role.

D20: Yes, sir. That's correct.

25 COL GABBEDY: And you were aware when you took that role on that there would be some additional hours involved in the job.

D20: Yes, I was, sir.

30 COL GABBEDY: In paragraph 30 you talk about challenges to achieving training missions, and not having enough aircrew to fly the available aircraft being one of them.

D20: Yes, sir.

35 COL GABBEDY: In other parts of your evidence you've talked about the priority of flying training. Do you think it's the case that priority was given to those pilots who were going to be remaining in the Squadron to basically improve, or increase, capability?

40 D20: There would definitely be occasions when that was the situation, and like I said, I fully understood that because I put myself in their shoes, and the unit's shoes as well, which made it so difficult when you're wrestling with you want to progress, but at the same time you want to do the best thing for the unit, and you hope the unit wants to do the best thing for you,  
45

and I feel like we diverged on those paths, but yes, that is a fair assessment, sir.

5 COL GABBEDY: And if that's the way they were going, that unfortunately was to your detriment.

10 D20: It was, and I would say that for 2023. But, you know, I was there for a number of years so, you know, yes, in 2023 I think that's fair. The years prior to that probably less so.

15 COL GABBEDY: Well, certainly in 2021, being Adjutant would have seriously impacted on your flying hours.

20 D20: That's correct, sir, and fully understandable that that's a part of the role.

25 COL GABBEDY: In paragraph 31 you talk about the junior pilots and their opportunities. Was one of the things that impacted upon that the phasing out of the MRH-90 airframe in 5 Avn and the transitioning over of those pilots earlier than they otherwise would have been?

30 D20: Yes, I believe that was probably a part of it, sir, and it is – like I said, I did understand that we need to keep pilots flying because pilots not flying end up in the situation where I'm in where, you know, you don't have a lot of collective experience. And that wasn't my risk or decision to make either. You know, it was a collective thing, and no doubt a lot of discussion had gone into the movement of people between Squadrons, and what they were going to do, and things like that.

35 COL GABBEDY: Thank you. In paragraph 33 you talk about the MRHs being easier to fly. In reading that paragraph, do I understand that it was a complex aircraft, but that once you'd taken the time, or once the time had been allocated to you to teach you how to fly it, it was an easier aircraft to fly?

40 D20: Yes, it was easier to fly. It was just the complexity with the systems, I think, is where the difficulty lay. And if you – I guess from my experience, coming from an analogue aircraft onto a digital aircraft, but then also filling these key positions, and not really having the ability to consolidate my flying skills, and I guess fly as regularly as I would like to, the maintenance of my knowledge on the systems was definitely more difficult than if it had been my first initial aircraft.

45 So if I remain in flying and moving on to Black Hawk, which is now a digital aircraft, some of the issues I've already kind of dealt with may not

be as prevalent on the next platform because I've now transitioned to a digital aircraft. So yes, from a systems perspective it's more difficult if you're not flying consistently, from my experience.

5 COL GABBEDY: And that makes perfect sense. It's a fairly steep learning curve, and unless you're consistently working on that it's hard to maintain the skills at the right level.

D20: Yes, it is, sir.

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COL GABBEDY: In paragraph 38 you're referring to challenges when you're flying, and one of those challenges is light showers.

D20: Yes, sir.

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COL GABBEDY: I think we know from information in relation to the sortie flown on 28 July that a decision was made to turn away from showers to fly a holding pattern out of the way of rain. Given what you're saying in paragraph 38, that would sound like a sensible decision, wouldn't it?

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D20: Yes, it would, sir.

COL GABBEDY: You talk about formation flying as being complex.

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D20: Yes, sir.

COL GABBEDY: Again, that's taught in a very stepped manner, isn't it, that starts with very simple types of formation flying, and gradually the level of complexity is increased to ensure that people competently progress through those levels and difficulties?

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D20: Yes, that's correct, sir.

COL GABBEDY: And I think you talked about things that are taught to you in terms of dealing with problems that arise in formation flying, like flying in your arc?

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D20: Yes, sir.

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COL GABBEDY: And drills if you lose visibility and need to do a recovery drill.

D20: Yes, sir.

COL GABBEDY: So everybody who would be flying in a formation, for example, on 28 July last year, would know those drills?

D20: Yes, they should know those drills, sir.

5

COL GABBEDY: In paragraph 41 you talk about some safety issues. It was the case, was it, that safety was a priority at 6 Avn?

D20: I believe it was, sir, and from my kind of position, I was also an Aviation Squadron Officer and I conducted Aviation Safety Officer initial, and the one after that – I can't remember off the top of my head – training and there was a number of us, I think from a collective, that we all prioritised safety.

COL GABBEDY: Thank you. Skipping forward to paragraph 70 – and that's part of a section where you're talking about some of the frustrations that you, and to an extent CAPT Lyon, were experiencing – you describe it as “a battle with Regimental Headquarters”.

D20: Yes, sir.

COL GABBEDY: Was the main issue you were dealing with there pay and allowances or were there other significant issues that were wasting time or causing you to work longer hours?

25

D20: So it wasn't just the pay and conditions. So another example was the FLOOD ASSIST. A number of us completed the paperwork to conduct – I can't remember the exact iteration because we did a few different bits for FLOOD ASSIST – and I was the Troop Commander for that one.

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Myself and all my team completed the paperwork. We went to complete the demounting paperwork and I went into the folder to do it, couldn't find mine. Went and found it in another folder, filled it out and noticed there was – I don't know, I'm pulling on memory – but another 10 to 14 people in this folder. And when I questioned it, they said, “No, you shouldn't have been doing it because you were” – I think I was J23 at the time – “so, yes, don't complete your demounting paperwork because you shouldn't have been doing it, so we're not recognising you for it”, which then has led to a battle. And, like I said, I'm still dealing with this, this has not been rectified.

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I get it, there's other priorities with BUSHFIRE ASSIST and floods and sorting out the Reservist side of the house, so it is taking time. But this has been going on since 2022. So this is the kind of things that we deal with. And it's great when you've got a problem and you can cross it off your list three or four weeks down the track. But when you're dealing with

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5 something monthly – so, you know, you have SFDA, now I’ve got floods, then we’ve got Dan and I not having the correct pay, then you’ve got another person who’s trying to get recognised as – they’ve got a member with dependants or de facto in Defence, another one who’s chasing up HPSEA or HPAS from selling a property. All of these things add up. And when you’re constantly monitoring where stuff is at, yes, it becomes a lot.

10 So sometimes you think, yes, you don’t have a lot of workload, but it’s the constant back and forth and chasing.

COL GABBEDY: Is there a Regimental Clerk or an Orderly Room that provides some assistance with this, or that of no assistance to you?

15 D20: There is an Orderly Room. They were also understaffed. They were doing the best that they could with what they had, and understanding that there are different priorities in the processing of paperwork. So, yes, you know, FLOOD ASSIST, sure, whatever, is not a priority when you’re comparing it to someone getting the correct pay, someone having a partner recognised as a dependant. As we’ve seen from the outcome of this, those things have serious consequences if they’re not done. So they were understaffed, they were dealing with similar issues.

20 You get to a point when you don’t want to load up the clerks because you see them and there’s one that’s crying in the background because she can’t deal with it, and there’s another one that’s just not enjoying the job and wants to get out. So everyone’s got pressures, it wasn’t just us. And, yes, I know a lot of this was pretty negative towards the Headquarters, but they were also doing what they could with what they had. It just meant it impacted us pretty negatively.

25 30 COL GABBEDY: I understand. If we go forward to TALISMAN SABRE itself. In paragraphs 118 onwards you talk about monitoring rest. I take it from your evidence that you had a redundancy plan in place. If somebody needed to FACE out, there were spare aircrew available that could fill vacant spots.

35 40 D20: I would normally try and have some form of capacity so that if someone got sick, something happened – and that was just from general experience, which I tended to do and it translated into TS – we would have some spare people, but we didn’t have a lot of spare people. Because the majority were working the afternoon/night shift, but if we needed to do maintenance test flying, that’s generally going to start from the morning and be a day function. So I needed people conducting duties purely just for day, which meant I had – we, the team – had less redundancy to deal with that, which is why – and I briefed the guys a number of times – why I was

really strict on them and why they needed to stick to timings. Because, yes, they think they're helping or they're starting early, but that impacts other things. And it's really hard to monitor 15 individuals' times as opposed to a group all starting at this time and knocking off at this time.

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COL GABBEDY: And I think, like you said, you had enthusiastic young crew members on their first exercise,

D20: Yes.

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COL GABBEDY: Who were enjoying time with the Americans.

D20: Yes.

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COL GABBEDY: And everybody's got their own obligation to monitor their own fatigue, but they perhaps weren't seeing the bigger picture that you were.

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D20: Yes. And I know Diesel was in the same boat. I know D10 was doing what he could as well. D2 and D6 and D14 were kind of those key senior elements that were helping to make sure that we were kind of all doing the right thing. But, yes, it was exciting. We were going away. We were getting out of the Regiment, we were getting away from the governance and the admin to go and do what we wanted to do, which the majority of us wanted to fly and train and do missions, so yes.

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COL GABBEDY: And just one last topic to finish up. At paragraph 128 – you've been taken to this by some of the other Counsel – you refer to the move that was being conducted as a "Normal AMO green move". Can you de-aviation that for me?

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D20: Yes. So I guess it was probably something you would consider more conventional Army. So 5 Avn Regiment going in and picking up 3 RAR, just as what you would deem a conventional ground force and moving them from one location to another location, without any fast roping and rappelling-type situation.

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COL GABBEDY: So not really an SO profile.

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D20: No, no. And that was my understanding from that kind of initial part. I wasn't fully involved in the planning, that was the planning team doing that. I was more focused on the crewing. But my understanding was they were going over and picking up some guys, and it was more of a conventional Army, air mobile type situation.

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COL GABBEDY: Just one last bit so that I can understand it. In that same paragraph you refer to the mission on that evening being quite benign. In earlier evidence you've talked about difficulties with formation flying and difficulties with flying low and at night. Do I understand that comment to relate to the abilities and the experience and the training of the people involved in that role and the sorts of flying they normally did, this particular serial wasn't that big a deal for them?

D20: I would say yes, in the context of that kind of mission profile, of you're flying from A to B to extract some soldiers and landing in these areas designated for you to land. And with those guys, who had a 5 Aviation background and had done a lot of flying and were experienced and were trained, yes, I would probably say it's more on the benign end of what we work ourselves up towards being able to do. Yes.

COL GABBEDY: Thank you very much. I have nothing further.

D20: Thanks, sir.

MS McMURDO: Just on that, does that change then when the weather gets bad and they're flying at 200 feet and you've got that combination of things, that is in formation, over water, bad weather?

D20: Yes. I would probably say that's when it becomes more difficult, ma'am. But I guess the level of complexity is still somewhat reduced in that, you know, you're not flying to a target in a city. So you're not going to a high-rise building or a stadium in a formation. And I don't recall the exact landing points of all four aircraft, but the weather definitely adds a layer of complexity to that and then you – yes, it would be offset by the skills and experience of the crew.

MS McMURDO: Yes. It's just different from something you said earlier in your statement out – you described flying in conditions of such as I've described and saying it was one of the toughest flights you'd done, in fact.

D20: Yes. So that was with – it was overcast, it was low illume, we were flying away from the coastline, out over water. So there was no landmass to help create the horizon. In that situation, there was no, I guess, external lighting or illumination from the build-up area being Sydney. And as soon as you added on the levels of illumination and then the rain, yes, that is the case.

MS McMURDO: So on this flight which led to the crash, if the weather conditions were such that you couldn't see the land because of the weather, well then, that would be – would that be similar - - -

D20: That would be a fair assessment, that it becomes more difficult, yes, ma'am.

5 MS McMURDO: Yes. Is there anything arising of that, COL Gabbedy.

COL GABBEDY: No.

MS McMURDO: Yes - - -

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AVM HARLAND: I just have one follow-on question from COL Gabbedy's cross there. With respect to getting more junior aircrew into 6 Aviation during your tenure there – and you said that, “Yes, that was something a little bit new because they generally had less experience” – were you aware of or involved in any risk assessment on them coming into the unit? And were any adjustments made to their training and progression plans?

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D20: I don't recall being involved in any form of risk assessments or the, I guess, support to the decision-making process for the movement of those aircrew. I do know, internally, within the Troops that we tried to give those guys more opportunity based off skills and experience. So we did have – I'm not sure if he's on the list – but we did have a member come down who was very experienced on the MRH and similar kind of flying hours to what Diesel had.

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It was a slightly different context because he'd already kind of done a lot of that stuff, just not in the Special Operations role which is probably more primarily focused on the planning as opposed to the flying. So, for him, it was more, “We need to focus more on the planning”. For the more junior guys it was, “Hey, let's just focus on the flying and when we can, you can just go out, if you get the opportunity to start captaining aircraft come up with some sortie profiles so you can start working on those skills”.

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But noting, like, we didn't have a lot of time, I guess, to work towards that and see the outcomes just based off when those guys posted in and where we're at now. Yes.

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AVM HARLAND: Yes, okay. Thank you.

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MS McMURDO: Yes.



**<CROSS-EXAMINATION BY SQNLDR NICOLSON**

5 SQNLDR NICOLSON: Good afternoon. My name is Michael Nicolson.  
I appear for D10 of these proceedings.

D20: Yes, sir.

10 SQNLDR NICOLSON: Can I just get you to have a look at the pseudonym  
list and we'll just confirm - - -

D20: Yes, sir.

15 SQNLDR NICOLSON: We've spoken about D10 this afternoon and this  
morning quite a bit.

D20: Yes, sir.

20 SQNLDR NICOLSON: I just wanted to clarify just a couple of questions  
with you, a lot of the things that have been traversed today. In your  
evidence you referred to the standardisation manual and the rules.

D20: Yes, sir.

25 SQNLDR NICOLSON: What do you mean by "the rules"? Are they the  
rules adopted by 6 Aviation to do with flying?

30 D20: That would be our overarching documentation. So things like  
Standing Instructions, whether they're Avn Command or 6 Avn. The 6 Avn  
ones are generally more restrictive than – or are more restrictive than the  
Avn Command ones. Any special flying instructions that are released is  
basically that overarching documentation that comes down that dictates  
what we can and can't do.

35 SQNLDR NICOLSON: And with the Standing Instructions or the SIs for  
6 Aviation, does that give you the rules in terms of how long you can fly  
for, how long you can fly at night-time?

40 D20: I can't recall – I don't believe it's the 6 Avn ones. I think they are  
held within the Avn Command ones.

SQNLDR NICOLSON: But there are rules in place about how long you  
can fly for daytime and night-time?

45 D20: Yes, there are, sir.

SQNLDR NICOLSON: And there are also rules about the formation flying?

5 D20: Yes, there is a page on it. I can't recall the exact details.

SQNLDR NICOLSON: You've spoken a bit about the heavy left formation, was that a standard formation that was flying at 6 Aviation at your time?

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D20: Yes, it was generally the default that we would go to. Yes, sir.

SQNLDR NICOLSON: And in the rules, were there some formations that you couldn't fly?

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D20: Yes, there were, sir. So a line abreast is one where basically you've got four aircraft directly next to each other. And that came out of the investigation into the 1996 Black Hawk crash.

20 SQNLDR NICOLSON: And the heavy left or heavy right formation is a formation that's approved within the rules?

D20: Yes, it is, sir.

25 SQNLDR NICOLSON: In terms of the taskings for 6 Aviation, if we can just deal with 23. There was training programs already set in place for the year to do with exercises and currently training?

D20: Yes, there was, sir.

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SQNLDR NICOLSON: And there was also what was referred to, I think, in your evidence, about the Defence Assistance to the Civil Community, the DACC?

35 D20: Yes.

SQNLDR NICOLSON: Was that planned or it came up when it was required?

40 D20: They came up as required.

SQNLDR NICOLSON: And so in terms of the tempo within 6 Aviation the exercises and training could be planned.

45 D20: Yes, sir.

SQNLDR NICOLSON: And when an exercise is preparing for, I take it the tempo goes up?

5 D20: Yes, sir.

SQNLDR NICOLSON: And when the exercise has completed the temp can go down, so it can move up and down?

10 D20: Yes, it can, sir.

SQNLDR NICOLSON: Depending on what the training cycle is?

15 D20: Yes, sir.

SQNLDR NICOLSON: In terms of the Defence assistant work, that really is something that you have to – you can't really counter for.

20 D20: Yes, that's correct, sir.

SQNLDR NICOLSON: It comes up infrequently and it can come a lot of times in terms of could there be concurrent exercises going on where you need to do some community work?

25 D20: There can be, yes, sir.

SQNLDR NICOLSON: Is there anything that can be done in terms of the tempo being managed during these periods where there's concurrent activity?

30 D20: There can be, sir. So, I guess we rely on the chain of command to support us in that. So the Officer Commanding or the Squadron Operations Officer would generally engage with the Regimental Headquarters, either the Regimental Operations Officer or the Commanding Officer, to discuss I guess priorities, tempos, risks if we don't conduct certain training.

35 And then from there, depending on whatever their assessment is, that would either then potentially go to 16 Brigade and then up to Aviation Headquarters or it would – I guess it just depends on the context, but ideally, we rely on the chain of command to support those decisions.

40 SQNLDR NICOLSON: In terms of the exercise, we're talking about today, that exercise was also requiring for training purposes for 6 Aviation?

45 D20: Yes, it was.

SQNLDR NICOLSON: There was competency tasks to be met?

D20: Yes, sir.

5

SQNLDR NICOLSON: And we talked about your evidence this morning, was about the trip from Holsworthy to Proserpine.

D20: Yes, sir.

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SQNLDR NICOLSON: That was considered part of a training exercise as well?

D20: As part of a joint activity, yes, sir.

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SQNLDR NICOLSON: Yes. And that was a joint activity with other elements?

D20: Yes, it was, sir.

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SQNLDR NICOLSON: And in terms of you're talking about the changes to the timing when you were going to depart from Holsworthy, that wasn't a 6 Aviation issue, it was a – elsewhere, the unit that was being tasked was meant to leave.

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D20: I don't know the exact details of that, sir, but I do know it was something that came down to us. So our ability to do much was – it was something that we would need to relay through the chain of command to change.

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SQNLDR NICOLSON: Yes. When these changes were happening on the Sunday, before you left on the Monday, it wasn't 6 Aviation deciding when you were going to leave, it was the other force elements were dictating when you were going to meet the other Force elements?

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D20: I'm not sure on what those discussions were if they could or could not be changed.

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SQNLDR NICOLSON: Are you aware in terms of the tasking for the exercise who was giving 6 Aviation the tasks? Was it the Regiment or was it higher up in the Regiment?

D20: Yes, I couldn't comment on that one, sir. Sorry.

5 SQNLDR NICOLSON: In terms of, particularly, with D10, you, in your statement, refer to a number of conversations that you had with D10 in his presence. If I could take you to paragraph 41? This was to do with the discussions in the troop rooms about the main gear box planetary gear cracking.

D20: Yes, sir.

10 SQNLDR NICOLSON: From paragraph 41, I take it that, particularly for D10, there was open and frank discussions with yourself as a Troop Commander and the Troops in terms of if there's any issues or concerns about safety?

D20: Yes, sir.

15 SQNLDR NICOLSON: People could raise it, and they had every right to question the system? That's the airframe?

D20: Yes, sir.

20 SQNLDR NICOLSON: And any concerns, they should raise those concerns?

D20; Yes, sir.

25 SQNLDR NICOLSON: Was that the philosophy adopted with the safety culture for 6 Aviation?

30 D20: I believe so, sir. At least in the Squadron level, it was something that D10 was 100 per cent supportive of and tried to enable it as much as possible.

SQNLDR NICOLSON: And in terms of D10, as the Officer Commanding, fatigue was a big issue?

35 D20: Yes, sir.

SQNLDR NICOLSON: Tempo, in terms of the transition from the airframes, was that a bit of an issue to do with fatigue as well in 2023?

40 D20: Sorry, just - - -

SQNLDR NICOLSON: There was talk about the transition going from the MRH-90 back to the Black Hawk.

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D20: Yes, I guess – yes, it was that whole concept of change again and the uncertainty that that created.

5 SQNLDR NICOLSON: Did that transition impact the amount of crew that were being provided to 6 Aviation?

10 D20: I'm not a hundred per cent sure on that, but I know we started to have to commence transitioning of members onto the UH-60M and that – for example, that involved my 2IC departing to do a course in the States for three months. So we were already starting to work through that, yes.

15 SQNLDR NICOLSON: So in terms of fatigue management, you've referred to the issue about FACEing out. Was there any other ways as a Troop Commander that you could deal with fatigue management in 2023?

20 D20: So I know from a Command perspective D10 was actively engaged in enabling us to do what we could to support the members. In terms of other ways of managing it, outside of support through the medical system, from a higher Headquarters Command piece, I'm not a hundred per cent sure, but definitely from D10's perspective, it was we would do what we could within the construct of what we had to manage that.

25 SQNLDR NICOLSON: In terms of – you've given some examples about FACEing out and fatigue management of certain individuals. Was that the norm within 6 Aviation in 2023?

D20: I would say it was the norm within the Squadron, yes, sir.

30 SQNLDR NICOLSON: You talk about in terms of the exercise at Proserpine. There was an Aviation Medical Doctor that was present at the exercise?

D20: Yes, there was, sir.

35 SQNLDR NICOLSON: How did the Aviation Medical Doctor deal with – or could be used for fatigue issues on the exercise?

40 D20: To be honest, it's not something I thought about. We had kind of relied on the med team to support us with the execution of the different full mission profile activities as a part of our kind of overarching requirements. But it's definitely an asset that could be used or relied upon to support and enable us. And I guess it started to occur when we were offered the opportunity to get access to sleeping tablets.

SQNLDR NICOLSON: So you mention sleeping tablets, for example, through the Aviation doctor. Could you think of any other ways or issues the Aviation doctor could assist with this fatigue management on exercise?

5 D20: Not off the top of my head, no, sorry.

SQNLDR NICOLSON: Moving forward, you recall the conversation you had, at paragraph 101, with D10? That was still at Holsworthy at 6 Aviation. Was that on the weekend before the transit on the Monday?

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D20: I believe that's when it was, yes.

SQNLDR NICOLSON: And in terms of that date, it's fair to say that D10 appreciated the feedback you were giving?

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D20: Yes, and, look, the difficulty with that is it kind of seems like he was fobbing me off. He wasn't. Which is why he wanted to discuss this. And I 100 per cent understood where he was coming from. But, yes, no, I think he understood and appreciated the reasoning behind why I was wanting to discuss this.

20

SQNLDR NICOLSON: In terms of the change that we discussed about the flight times, you accept that it wasn't an issue with D10 or the CO about when the flights were going to depart Holsworthy, it was above the Officer Commanding, D10 and the CO?

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D20: So I don't know exactly where the decision-making lay, but I knew that it wasn't D10's decision and that all we could do is try and raise this to see if we could get it changed or adjusted.

30

SQNLDR NICOLSON: Given the rules that you were adopting at the times in terms of flight times, provided you fitting in with the rules, would that be an acceptable way to deal with the flights?

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D20: Yes, so it was in accordance with the requirements of Standing Instructions. Whether or not it's the most effective way to manage sleep cycles is – you know, I'm not a specialist either. So I felt that it wasn't great, but we all got there.

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SQNLDR NICOLSON: But in that conversation you do recall D10 saying that, "If in the morning there's issues, people can't fly, they FACE out"?

D20: Yes, I believe that he did – actually, no, he did say that.

SQNLDR NICOLSON: Do you recall – you’ve said in your evidence about the conversation at paragraph 101, that was the best that you could recall, there were other conversations had between you and D10. Do you accept that?

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D20: Yes, I accept that.

SQNLDR NICOLSON: Do you recall D10 saying during this conversation words to the effect, “At the end of the day, we get tasked based on the rules which requires a minimum 10 hour reset. That is all we can hang our hat on as Commanders”?

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D20: I would probably say that that’s fair if that’s - - -

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SQNLDR NICOLSON: Do you recall that being said at all?

D20: Not exactly those words, but I feel like that is probably something that we did discuss, yes.

20

SQNLDR NICOLSON: In terms of that discussion, is that consistent with what you would understand as a Commander, as a Troop Commander?

D20: Yes.

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SQNLDR NICOLSON: As long as you did the minimum required by the rules, that’s what you’ve got to operate on, that’s the rules?

D20: Yes.

30

SQNLDR NICOLSON: If the rules are wrong, it’s for others to correct those rules and they’re the Standing Instructions directed by others higher above the CO and the OC.

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D20: Well, yes, we raise the issue. But at the end of the day, we were conducting what was written within the left and right of those rules, yes.

SQNLDR NICOLSON: There’s been a lot of discussion about aircrew FACEing out.

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D20: Yes.

SQNLDR NICOLSON: Apart from a refusal to do the mission, FACEing out, what other options do the aircrew or the aircraft captains have if they didn’t want to complete the mission or start the mission or sortie?

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5 D20: So normally this would be discussed, I guess, prior to. We have had a number of times where the Aircraft Captains or the Command Team have come together to determine whether or not the weather conditions are suitable, whether it's suitable for training and is something that the kind of conditions that a person under assessment should be experienced and exposed to, because there are set limits of what they can and can't deal with as a part of an assessment.

10 So that happened regularly and I was involved in those kind of conversations. So I think it would be fair to say that that would have also been a discussion.

15 SQNLDR NICOLSON: When you say – well, you've given an example just then, it's really a group discussion between Aircraft Captains, the CO/OC as to the mission or the sortie plan as to whether it can continue?

20 D20: If there's any concern, particularly – because weather is generally the big one – there will be discussions around whether or not it is worth pursuing that flight.

25 SQNLDR NICOLSON: So while there might be a chain of command, for example, in terms of a rank structure, Aircraft Captains or junior pilots still have a say – and the aircrew, do have a say as to whether the mission should continue or not.

D20: Yes, sir, they can a hundred per cent vocalise.

30 SQNLDR NICOLSON: In respect to the conversation you had with D10 on the morning of 28 July – that's at paragraph 131 – in respect to that conversation, do you recall after you raised with D10 that you wanted – that you'd had enough and you can't keep going.

D20: Yes.

35 SQNLDR NICOLSON: He, obviously, was happy for you to pull out and send you back to Holsworthy?

D20: Yes.

40 SQNLDR NICOLSON: He raised with you that you needed to go to medical?

D20: Yes, I believe that he did.

SQNLDR NICOLSON: You recall at 133 you say that D10 then made some arrangements with D13. Can I just get you to have a look at the pseudonym for D13.

5 D20: Yes.

SQNLDR NICOLSON: Was D13 the person in control of the exercise at the Proserpine Airport?

10 D20: D13 was the Camp Commandant, yes.

SQNLDR NICOLSON: Yes. And that was the person that would have been responsible to get you on an aircraft out of Proserpine?

15 D20: Yes, that was my understanding, was that they were managing the logistics piece.

20 SQNLDR NICOLSON: Do you recall that when you've had that conversation with D10, as you've identified at paragraph 131, do you recall D10 speaking to D13 at the time and raising with D13 to put you on a flight back to Holsworthy?

25 D20: I believe that was a subsequent discussion. So D10 and I had a discussion just between the two of us, away from everyone, and then I think once we'd completed that, I don't recall the exact sequence of events, but then there was probably a subsequent one with D13, and I think I do recall the three of us – or at least he said he was going to go and talk with D13.

30 SQNLDR NICOLSON: So you don't have any recollection of the time when you raised the concerns that you wanted to leave the exercise with D10 that he spoke to D13 at the time?

35 D20: If he did via mobile or something, that may have occurred as well, yes. I was pretty – I was in a – I was sleep-deprived and I was pretty emotional at that point. So - - -

SQNLDR NICOLSON: From that discussion that you had with D10, he was supportive for you leaving?

40 D20: Hundred per cent.

SQNLDR NICOLSON: Because of what you'd raised and what you – effectively, you FACE'd out?

45 D20: Yes.

SQNLDR NICOLSON: And he was supportive of your decision to leave?

5 D20: Yes, he was 100 per cent. It was about me as a person and less about maintaining me there in support of the exercise.

SQNLDR NICOLSON: Yes, thank you. Thank you.

10 MS McMURDO: Thank you. Any further applications for cross-examination?

15 AVM HARLAND: I just have a follow-on question. Just regarding FACE out, in respect of FACEing out of a sortie, do you consider that to be an effective risk control?

20 D20: I think it's difficult, sir, because it's probably person-dependent. It was easier for me because I was in a position where there was – it was probably easier for me to FACE out because I was in a – in the position I was in. I think based off assessments and observations in my time and experience as a junior pilot, it is more difficult to FACE out I found because you didn't want to create – I guess make people think that you weren't cut out for it or you couldn't fly or, you know, you were making excuses or – yes, I felt more pressure when I was junior to when I was senior. So it's probably something that I've sort of translated across which is why – and I hope the guys in the troop felt it, that it was okay, and we did have junior guys say, "Hey, look, I can't fly today". But, I don't know, I can't say that it's effective for everyone, without feeling those external pressures, to not FACE it.

30 AVM HARLAND: Yes. So it's available but it may not always be effective?

D20: Yes, I believe that's probably a fair assessment, sir.

35 AVM HARLAND: Okay, thank you.

40 MS McMURDO: And was it easier for you to FACE out that day because you weren't scheduled to fly and if you'd been scheduled to fly that day, would that have been more difficult?

45 D20: It would have been more difficult, yes, for that day. I think the difficulty I had admitting that I was – that I wasn't really functioning and I'd kind of reached my point, was more my kind of internal thoughts and views about myself as a person and what I needed to be doing and committing, and I almost felt like I was giving up, quitting type thing and

5 that is inherently against like everything that I kind of am. So, yes, if I had been flying and there was no one else that can fly – and not even if I was flying with Diesel, if I was flying with someone else, and me not flying meant they couldn't achieve a training thing, it would have been really, really difficult because I don't want someone to miss out on training because of the situation that I'd kind of let myself get into.

10 So, yes, I think from that context, it would have been difficult. But I have had a number of times and I did have one where I went and saw D6 and said, "Hey, look, I don't think I'm in a good place to fly today", and that was a training situation. So, yes, I think so, but I'm not 100 per cent sure, ma'am.

15 MS McMURDO: Okay, thank you. Any re-examination?

FLTLT ROSE: No.

20 MS McMURDO: Thank you very much, Major. You're free to go now. It's been a very long day for you. The Inquiry appreciates your help and understands how difficult it must have been for you to do this and thanks you for it. Thank you.

D20: Thank you, ma'am.

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**<WITNESS WITHDREW**

30 MS McMURDO: We'll continue in a moment. I think perhaps a five-minute break if you want to have a stretch. It would be good before we battle on until 5 o'clock.

FLTLT ROSE: Yes.

35 MS McMURDO: I think also we can recommence the ordinary streaming now, can't we?

FLTLT ROSE: Yes, I understand that the tech crew can do that in this short adjournment.

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MS McMURDO: Yes, all right then. So we'll just have a five-minute break now for everybody.

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**HEARING ADJOURNED**

**HEARING RESUMED**

5

COL STREIT: I call GPCAPT Jason Pont.

10

**<GPCAPT JASON ANDREW PONT, Sworn**

**<EXAMINATION-IN-CHIEF BY COL STREIT**

15

COL STREIT: GPCAPT Pont, can you please state your full name, please?

GPCAPT PONT: GPCAPT Jason Andrew Pont.

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COL STREIT: Where are you presently posted?

GPCAPT PONT: I'm currently the Director of Domestic Operations inside Headquarters, Joint Operations Command in Canberra.

25

COL STREIT: Thank you. Now you received, did you, a section 23 Notice to appear here today?

GPCAPT PONT: I did.

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COL STREIT: And as part of that section 23 Notice, did that require you to answer some questions and address some issues in the form of a statement?

GPCAPT PONT: It did.

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COL STREIT: Did you also receive, with the section 23 Notice, an extract of the Inquiry's Directions?

GPCAPT PONT: I did.

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

GPCAPT PONT: I did.

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COL STREIT: And did you also receive a copy of a Privacy Notice?

GPCAPT PONT: I did.

5 COL STREIT: And did you receive a copy of either my Instrument of Appointment or FLTLT Alexandra Rose's Instrument of Appointment?

GPCAPT PONT: I did.

10 COL STREIT: Now, I'm just going to show you a document.

GPCAPT PONT: Thank you.

15 COL STREIT: I might just alert the Inquiry Assistant that he might need to gather his pen for a matter in a moment. But can I just ask you to look at the documents that I've provided to you and then I'll ask you some questions. The documents that I provided to you, the first document, does that comprise a statement signed by you on 7 June 2024?

GPCAPT PONT: It does.

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COL STREIT: And that statement comprises 17 pages; is that correct?

GPCAPT PONT: That is correct.

25 COL STREIT: Attached to your statement are Annexes A through to F; is that right?

GPCAPT PONT: That's correct.

30 COL STREIT: And those Annexures form part of your statement; is that correct?

GPCAPT PONT: They do.

35 COL STREIT: Now, is there an amendment you wish to make to your statement?

GPCAPT PONT: There is, if I - - -

40 COL STREIT: Yes. What I would ask you to do – and I understand that amendment concerns paragraph 1; is that right?

GPCAPT PONT: Yes, it is.

COL STREIT: I ask that you make that amendment now in writing and then initial where you've made that amendment?

GPCAPT PONT: That is complete.

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COL STREIT: And I will ask you now to read out paragraph one, complete which will incorporate the amendments you've made.

GPCAPT PONT: Great, thank you very much.

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*Before I make my statement I would like to offer my deepest condolences to the families of the four aviators who tragically died during this accident. All actions during the recovery effort were completed with the highest level of respect for CAPT Danniel Lyon, LT Maxwell Nugent, WO2 Joseph Laycock, and CPL Alexander Naggs, their families, friends, and colleagues.*

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*The impact of this event was always front of mind for all ADF members involved in the recovery operations.*

20

COL STREIT: Thank you, Group Captain. I tender the statement.

MS McMURDO: The statement and Annexures will be Exhibit 27. Thank you.

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**#EXHIBIT 27 - STATEMENT OF GPCAPT JASON ANDREW PONT, WITH ANNEXURES**

30

COL STREIT: Group Captain, the curtain will come down on us at 5 o'clock, so I will be keeping an eye on the clock before the live stream is terminated. We'll get partway through your evidence today and you'll be recalled first thing in the morning.

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GPCAPT PONT: Understood.

COL STREIT: In terms of your background and qualifications which you address in paragraph 5 of your statement on page 1 and over onto page 2, can you just explain, in short compass, the key features of your background?

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GPCAPT PONT: Sure. So my involvement with the ADF started in 1993 when I joined the Navy as an Observer which is, effectively, the same as an Air Force Navigator. Very similar. Transferring to the Army in – sorry, in 1996. Transferred to the Australian Army. Completed Army pilot's

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5 training. Completed 10 years in Army Aviation, flying both rotary and fixed-wing, prior to transferring to the Air Force in 2006, where I am still currently employed. Started there as a pilot on mainly VIP aircraft, so special purpose aircraft based out of Canberra, which was the majority of my flying time in the Air Force.

10 During that time, I've had numerous postings to staff-type roles, initially in regards to Aviation safety activities in 84 Wing. I've also been a Deputy Director of projects when it comes to replacement of aircraft. Additionally, during that time I've completed 10 operational tours overseas, in theatres such as Bougainville, East Timor, the Middle East, including being Commander of Air Mobility Task Group in the Middle East Area of Operations.

15 Completed Command and Staff Course. Most recently, prior to this posting, was over in Canada, did the National Security Program, which is the same as our Defence Senior Security Course. And I have been the Director of Domestic Operations at Headquarters JOC since mid-22.

20 COL STREIT: In August of 2023, you were appointed the Joint Task Force Commander of 1116; is that correct?

GPCAPT PONT: That is correct.

25 COL STREIT: Is that the first time you'd undertaken a Joint Task Force Command?

30 GPCAPT PONT: It is the first time I've undertaken a Joint Task Force Command, noting that I have completed Air Mobility Task Group operations, which were multinational operations in the Middle East.

35 COL STREIT: Can I just take you back to immediately prior to your appointment as the Task Force Commander. When were you first alerted to the situation that you were likely to be asked to undertake – or directed, rather – to undertake that appointment?

GPCAPT PONT: Twenty-four hours before the appointment.

40 COL STREIT: Can you just explain when you were appointed the Task Force Commander?

GPCAPT PONT: The date?

45 COL STREIT: Yes.



GPCAPT PONT: 2 August.

COL STREIT: What particular Directions, if you can describe in broad compass?

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GPCAPT PONT: Sure. So as per the Annexure that was provided in the statement, it's the CJOPS TASKORD to stand up the JTF1116, in that document appointed as Commander JTF1116 by Commander of Joint Operations.

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COL STREIT: Did you receive any background information – and I'm looking at paragraph 6 of your statement – some background briefing information about what your specific role was to be on the taskforce?

15

GPCAPT PONT: Not prior to arriving in any formal arrangement, other than what's in that task order, which provides me a mission statement. I did have some conversation with Command inside of Headquarters Joint Operations Command, so I didn't go in there unfamiliar. But the only formal instruction that was provided was in that TASKORD.

20

COL STREIT: So you were appointed the Commander of the Joint Task Force on 2 August 2023 by the Chief of Joint Operations; is that correct?

GPCAPT PONT: That is correct.

25

COL STREIT: You then flew from Canberra to Proserpine via commercial airline on 3 August 2023?

GPCAPT PONT: That's correct.

30

COL STREIT: And then on arrival at Proserpine Airport you – you flew together with some other members of your Headquarters; is that right?

GPCAPT PONT: That is correct.

35

COL STREIT: And upon arrival at Proserpine Airport, you were flown from Proserpine Airport to HMAS *Adelaide*; is that right?

GPCAPT PONT: That is correct.

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COL STREIT: And can you just describe – might be an obvious question, but can you just describe what HMAS *Adelaide* is?

GPCAPT PONT: So HMAS *Adelaide* is a Landing Helicopter Dock. Effectively a large ship from the Royal Australian Navy. On board that ship

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was the Site Commander at the time for the ADF component to the search and rescue activities which were undertaken.

5 COL STREIT: Who was that?

GPCAPT PONT: CAPT Phillipa Hay.

10 COL STREIT: And HMAS *Adelaide*, do you know how long HMAS *Adelaide* had been in the vicinity prior to your arrival?

GPCAPT PONT: No, not specifically. I'd have to take that question on notice and get back to the Inquiry.

15 COL STREIT: You travelled to HMAS *Adelaide* on board a CH-47 Chinook helicopter?

GPCAPT PONT: That's correct.

20 COL STREIT: And you received a briefing on board HMAS *Adelaide* from CAPT Phillipa Hay; is that right?

GPCAPT PONT: That is correct.

25 COL STREIT: Can you just explain in broad compass what that briefing comprised?

30 GPCAPT PONT: Yes. So obviously there are introductions to start with, as you would expect. Then we went through a summary of events to date, what had occurred, the interactions which had occurred that I was particularly interested in between the Australian Amphibious Force and the local interagency taskforce, noting that I was going to take over a significant element or responsibility for those ongoing interactions, the roles of Queensland Police Service, Australian Maritime Safety Authority, how the search and rescue had been going to date, the roles of Defence Flight Safety Bureau, Joint Military Police Unit and the Australian Transport Safety Board (sic), in the broad.

40 I also received a summary of diving conditions from Commander of the Mine Clearance Task Group, which was CMDR Ryan Post. The medical officer then advised on the ADF health assets that were available, what the casualty evacuation plan was, and most importantly for me, the Critical Incident Mental Health Support services which are available for ADF, which would become useful for me when I took over command.

5 The legal officer also advised, from HMAS *Adelaide*, evidence-handling procedures, what they had done to date, how they had collected documentation, the reporting in support of the investigation inquiries and liaison with both Queensland Police, the Queensland Coroner, Defence Flight Safety Bureau and Defence Legal in that time.

COL STREIT: Thank you. Can you remember who the legal officer was?

10 GPCAPT PONT: No, I'd have to take that on notice and get back to you.

COL STREIT: Following your briefing on HMAS *Adelaide*, you were flown back to Proserpine Airport and then transited to the Whitsunday Police Station; is that correct?

15 GPCAPT PONT: That's correct.

COL STREIT: That's on the same day, I take it?

20 GPCAPT PONT: It is.

COL STREIT: You arrived at the Whitsunday Police Station and you had an informal meeting with Queensland Police Service members; is that correct?

25 GPCAPT PONT: That is correct.

COL STREIT: You discussed with them the establishment of the Joint Task Force and you introduced key staff, or there were introductions concerning key staff; is that right?

30 GPCAPT PONT: There were. That's correct, yes.

COL STREIT: Did you have any of your staff with you at that time, that you recall?

35 GPCAPT PONT: I did. So the same four members that I went out to HMAS *Adelaide* with were there, along with some of the other people that were becoming my staff that had already been established inside the Whitsunday Police Station.

40 COL STREIT: Was Acting Inspector Adam Dyer one of the persons you met at the Whitsunday Police Station?

45 GPCAPT PONT: He was.

COL STREIT: And what did you understand his role to be?

5 GPCAPT PONT: So his role was Officer in Charge of Operation Victor Cloak, was my understanding. I've since come to learn he was the Forward Incident Commander, which is a particular specific term within Queensland Police Service, but effectively the same thing. So he was the Officer in Charge of the QPS element that worked directly with myself in the JTF1116.

10 COL STREIT: To the extent you can recall, what were some of the key points you were making to the Queensland Police Service members you met on that first occasion?

15 GPCAPT PONT: It was mainly just opening up the lines of communication between the two agencies, discussing how the incident has progressed to date, a very quick, rough understanding if there was any issues or concerns that needed to be considered, how we were going to work together, working out schedules, notification times, those kind of elements. It was fairly administrative initially in topic, but we did discuss the incident and some other specific operational components of that.

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COL STREIT: Was there any particular raising by any QPS member of any concerns at all that they wanted you to address?

25 GPCAPT PONT: Not during that meeting, no.

COL STREIT: Was there subsequently a tempo of operations that were established or a pattern of life that was established that you engaged in?

30 GPCAPT PONT: There was a pattern of life. It had already been established prior to my arrival, primarily by the Queensland Police Service Officers that were there. I can describe that if you wish.

COL STREIT: Yes, thank you.

35 GPCAPT PONT: So in the morning we would have a morning briefing at around 7.30, by memory. I'll just reconfirm with the statement.

COL STREIT: On page 9.

40 GPCAPT PONT: Thank you. Sorry, it was 8 o'clock in the morning, my apologies. We arrived at 7.30 for an 8 o'clock meeting. It was a morning synchronisation to discuss what either had developed overnight, if there had been any developments, what the schedule was, the plan was for the next day, how the operation was going to unfold, what interagency measures

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5 were required, levels of support, those kind of things. Then at 1300 we would have an internal synchronisation meeting inside the Headquarters JTF. That did develop later on to include members of the QPS, only when the morning and afternoon meetings were seen as less required as the tempo of the operation started to reduce, towards the end, towards culmination. So the 1300 meeting was primarily between us and our headquarters back at Joint Operations Command to keep them involved and up to date with what's going on.

10 We'd also then run, at 1700 in the afternoon, a synchronisation meeting to talk about how the day progressed, how we could improve the operations we were doing, what it looked like, what the next day's weather events were if diving was going to happen or otherwise and plan operations for the next 24 hours. And then at 1800 there was a requirement for us to reply with a Situation Report, which was a daily Situation Report that had to go back to Headquarters Joint Operations Command, which covered things like last 15 24 hours and the next 24 hours of operations.

20 COL STREIT: The accident occurred on 28 July 2023 and rescue/recovery operations commenced immediately.

GPCAPT PONT: So search and rescue activities is how I'd define it.

25 COL STREIT: You accept that?

GPCAPT PONT: Yes, I do.

30 COL STREIT: And wreckage and some human remains started to be recovered as of 29 July 2023. Your appointment occurs on 2 August 2023. Was it ever explained to you why there wasn't an immediate appointment of a JTF on 29 July 2023?

35 GPCAPT PONT: My understanding was that that was already being covered or the roles were being covered by the immediate on-site Commander, who was CAPT Phillipa Hay at the time.

COL STREIT: Subsequently, obviously the JTF was established and then you were on the ground.

40 GPCAPT PONT: Yes.

COL STREIT: Just one final question before I seek an adjournment of your evidence. On page 9, in the second paragraph, you say this:

*I note that during the initial stage of the recovery operation I was briefed on concerns held by some QPS members initially involved in the incident regarding Army post-incident actions.*

5 You say:

10 *I'm of the understanding these concerns were as a result of Aviation Headquarters relocating members involved in the incident back to Sydney prior to finalising statements to attending QPS Officers.*

Were you aware – you identify one area of concern expressed by QPS. Do you recall whether there were others?

15 GPCAPT PONT: No, I don't recall others, other than that specific one, which seemed to be problematic in some of the minds of some of the QPS members involved. I would suggest that once I had an open dialogue with both Acting Inspector Dyer and Inspector Emma Novosel, who would fill in for Adam when he was not available, there was an understanding of how the process was occurring, what was continuing on, and those concerns were suppressed – or, sorry, were met. So there was no concerns after that discussion.

20 COL STREIT: No, thank you, Group Captain. I might leave it there, Ms McMurdo.

MS McMURDO: Yes. Well, thank you. Sorry we haven't been able to finish your evidence today.

30 GPCAPT PONT: Ma'am.

MS McMURDO: But I think the weather's better here in Brisbane than in Canberra at the moment.

35 GPCAPT PONT: That is true. There is no doubt.

MS McMURDO: All right then. We'll adjourn till 9.30 tomorrow morning.

40

**<WITNESS WITHDREW**

45 **PUBLIC INQUIRY ADJOURNED UNTIL THURSDAY, 20 JUNE 2024 AT 0930**