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

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

PUBLIC INQUIRY

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

COL J STREIT, with MAJ L CHAPMAN, 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
COL S THOMPSON, representing BRIG D Thompson
MAJ M BARNES, representing LTCOL A Norton
MR T SCHMITT, representing COL D Lynch
FLTLT S SEEFELD, representing D10
LCDR M HAY, representing D19
MS K MUSGROVE, representing the Commonwealth**

0930, MONDAY, 18 NOVEMBER 2024

DAY 27

TRANSCRIPT VERIFICATION

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

Signed	Date	(Chair)
Signed	Date	(Recorder)
Signed Epiq Australia Pty Ltd	Date 22/11/24	(Transcription)

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MS McMURDO: I warmly acknowledge the traditional owners of this land which they knew as Meanjin, the Turrbal and Yuggera peoples. I pay my respects to elders past and present. For tens of thousands of years before colonisation they held meetings after tragedies to work out ways to do things better. We're uniquely privileged as Australians to reflect on this ancient tradition as we hold this week's hearing in this Inquiry.

Since the last hearing, I've granted leave to appear to Mr Adam Mason, instructed by QPS Legal to appear for Assistant Commissioner Guteridge while he gives evidence tomorrow.

As in previous hearings, some witnesses giving evidence in this hearing, because of the nature of their work, will be giving evidence using a pseudonym and with an order that no images of them be broadcast. For that reason, I have issued non-publication order 17, which will now be published on our website. That brings the number of people subject to these orders to 143. While these witnesses give their evidence, the livestream will be stopped and only the audio will be streamed. It is an offence to breach these orders.

At the last hearing I stated the Inquiry, at the request of the Commonwealth, would be visiting Holsworthy Barracks for a view. The Inquiry has decided that a decision as to whether such a view would be productive should be delayed until after witness [REDACTED] D137 has given his evidence later this week.

As foreshadowed at the last hearing, the Inquiry has conducted an instructive view of the Exercise TALISMAN SABRE '23 camp site near Proserpine Airport and obtained a helpful video of the flightpath of Bushman 83 leading up to the fatal crash site. These videos may be played, time permitting, later in these hearings, or otherwise in the February/March hearing.

As I mentioned during the August hearings, under the IGADF Regulation anyone who prevents or dissuades someone from providing information to the Inquiry commits an offence, as does anyone who victimises, penalises or prejudices someone for giving information to the Inquiry. That might include, for example, someone spreading rumours about a witness who has given evidence to the Inquiry so as to prejudice their career advancement, whether inside or outside the ADF.

Finally, I remind anyone who is distressed after hearing evidence in this Inquiry that help is always available through the fine organisations whose contact details appear regularly on the livestream and also on the Inquiry

website. Members of the ADF also have the option of seeking assistance from their chain of command who can assist with support services.

5 Last week the Commonwealth informed the Inquiry that there is to be a further delay to the finalisation of the DFSB Report into the crash of Bushman 83 and that their report will no longer be delivered by the end of December 2024. Ms Musgrove, I understand you are able to provide an update and some further information about this?

10 MS MUSGROVE: Thank you, Ms McMurdo. As you're aware, the final Air Safety Incident Report by DFSB was previously anticipated to be completed in December 2024. There has been an adjustment to the timeframe for completion. It is anticipated to be finalised in quarter one 2025. I cannot provide a precise date in quarter one 2025.

15 As you're aware, the investigation is large and complex and, in accordance with international air safety standards, a draft ASIR has been provided to various stakeholders for significant and substantiated feedback on factual evidence. As noted, that is in accordance with ICAO, Annex 13, Aircraft
20 Accident Incident Investigation Standards.

Once that feedback is reviewed, there will be further review of the material and further feedback. I acknowledge that this may have an impact on witnesses scheduled for next year for this Inquiry. However, a thorough
25 and robust report is in accordance with international standards is in the best interests of true finding.

Unless I can assist further, that's what I'd like to inform the Inquiry.

30 MS McMURDO: So at this stage, the worst scenario is that the final report will be available by 31 March. Is that the position?

MS MUSGROVE: At this stage, the final report is due at sometime in quarter one 2025. I can't give you a precise date.

35 MS McMURDO: But by 31 March, being that's the last date of the first quarter of 2024?

MS MUSGROVE: It's anticipated it will be within that timeframe. I
40 cannot give you a specific date.

MS McMURDO: No. Thank you, Ms Musgrove.

MS MUSGROVE: Thank you.

45

MS McMURDO: COL Streit.

5 COL STREIT: Thank you, Ms McMurdo. And good morning to you and AVM Harland. With the Inquiry's permission, I'll make some brief opening remarks as to the purpose of this hearing phase, including identifying witnesses to be called. It's important, in my submission, to recall my previous submissions in previous hearings regarding some brief background factual matters.

10 First, Bushman 83 is the call-sign of the MRH-90 Taipan aircraft in which CAPT Lyon, LT Nugent, WO2 Laycock and CPL Naggs were flying in at night on 28 July 2023.

15 Second, the Inquiry is required to examine issues before the crash of Bushman 83 to find out what happened at the time of the crash and what happened after the crash. The Inquiry's Directions describe these broad areas as pre-incident issues, the incident, post-incident issues, and other issues.

20 The term "incident" refers to the crash of Bushman 83 on 28 July 2023. Continuing the Inquiry's examination of those matters, in the October hearing phase the Inquiry heard evidence from some aircrew of Bushman 81, 82 and 84 involved in the sortie with Bushman 83 on 28 July 2023, and other members of 6 Avn Regiment.

25 The Inquiry heard evidence about search and rescue for Bushman 83 conducted by members of the Volunteer Marine Rescue organisation based in the Whitsundays occurring in the early hours of 29 July 2023, and then later by Royal Australian Navy vessels when they arrived in the search areas.

30 The Inquiry heard evidence about the engagement between Queensland Police Service and ADF Military Police concerning the investigation of the crash.

35 The Inquiry also heard evidence from Dr Smith in relation to an expert report he prepared using a biomathematical modelling tool used by the Department of Defence called SAFTE-FAST to assess the risks of fatigue on ADF personnel.

40 The Inquiry also heard evidence about the benefits, limits and issues arising from the use of night-vision devices by MRH-90 aircrew, including the use of TopOwl, the helmet-mounted sight display used by MRH-90 pilots in July 2023.

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The Inquiry's consideration of these important pre-incident issues, and incident, and post-incident issues will continue this week.

5 Today, the Inquiry will hear from MAJGEN Garth Gould CSC DSM, who, at the relevant time in 2023, was the Chief of Staff of Army Headquarters. He, together with others, made decisions in relation to the notification process to the families of the deceased aircrew.

10 The Inquiry will also hear from D11, who is a senior aircrewman in Bushman 84, and that will conclude the last witness in relation to the aircrew for Bushman 81, 82 and 84, save for D10.

15 The Inquiry will hear from CAPT Daniel Szczudlo who is a Medical Officer who was posted to the Forward Operating Base at Proserpine Airport for Exercise TALISMAN SABRE.

20 The Inquiry, lastly today, will hear from LTCOL Vanessa Jordan, who is the Staff Officer, Grade 1, Aviation Psychology, at Headquarters Aviation Command. And she will be giving evidence in relation to matters concerning fatigue and matters that she was involved in in that regard.

25 Tomorrow we will see BRIG Dean Thompson CSC, Commander of 16 Aviation Brigade in 2022/2023, give evidence. The Inquiry will also hear from D137, who is the current Commanding Officer of the 6th Aviation Regiment. And, finally, the Inquiry will hear from Queensland Police Service Assistant Commissioner Kevin Guteridge regarding Queensland Police Service's investigation into the crash of Bushman 83, and its engagement with the ADF and the Coroner.

30 On Wednesday, the Inquiry will hear from BRIG John Fenwick in relation to matters concerning TopOwl version 5.1, COL David Lynch CSC in relation to matters concerning TopOwl version 5.1, and MAJ Peter Scullard in relation to TopOwl version 5.1.

35 On Thursday, that evidence will continue with LTCOL Andrew Langley giving evidence concerning TopOwl version 5.1. The Inquiry will then hear from BRIG Fern Thompson CSC, the current Commander of 16 Aviation Brigade. The day will conclude with evidence from Mr Philip Swadling of Thales Australia in relation to MRH-90 TopOwl version 5.1, and an application will be brought for Mr Swadling to give evidence via video-link. He's presently overseas.

40 The last day is Friday, 22 November. That evidence on that day will see AIRCDRE David Strong give evidence. He's the Commander of the Air Force Training Group. AIRCDRE Steven Pesce AM. He's the Deputy Air

Commander Australia. Combined, their evidence will provide assistance to the Inquiry in understanding how Air Force approaches its training of junior aircrew, including pilots and the extent to which they're given command responsibilities.

5

The Inquiry will then hear, finally, and by no means least, from CAPT Samuel Dale CSM of the Royal Australian Navy, presently the Deputy Commander Fleet Air Arm. And he, likewise, will give evidence concerning Navy's processes and procedures concerning the training of aircrew, including pilots.

10

In terms of future hearings, can I make some brief observations? As I've previously remarked in earlier hearings, an Inquiry such as this is a fact finding process. It is necessarily dynamic, in the sense that unlike a case before a Court or a Tribunal, an Inquiry follows an investigative process to find evidence to answer questions in its Directions. Where the evidence may lead is not always clear, nor anticipated.

15

During my opening and closing remarks in the October hearings, I made brief submissions that the Inquiry would not conduct hearings in December of this year and January of next year due to a Defence Reduced Tempo Period, and to afford everyone a break. I also provided some information about the plan to conduct two hearing phases in February and March of next year, which would conclude the Inquiry's hearings.

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I note the Commonwealth's submission concerning the change as to when it's anticipated the DFSB final Aviation Safety Investigation Report will be completed, namely during the period between 1 January to 31 March next year.

30

The independence of this Inquiry by the Inspector-General of the Australian Defence Force was emphasised by the Inquiry Chair, I recall, in opening remarks at the commencement of the Inquiry's public hearings on 27 February this year. Chair, you observed this:

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Importantly, this Inquiry is independent of other ADF and Commonwealth, state or other agencies. Agencies like the Defence Flight Safety Bureau Air Safety Investigation Team and the Queensland Coroner are also investigating the events of 28 July 2023, as they are required by law to do. The Inquiry may take note of the evidence and reports produced to or by such agencies, but we will make our own independent findings based on the evidence that is placed before us. We're not bound by the laws of evidence, but this Inquiry will be conducted applying the laws of procedural fairness.

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5 I have previously made submissions about the independence of the IGADF Inquiry in response to the Commonwealth's application for the Inquiry to cease a large part of its investigations pending completion of the Aviation Safety Investigation. That application by the Commonwealth was heard and determined in the June hearings.

10 Receiving a copy of the final Aviation Safety Investigation Report prior to completion of the Inquiry's planned hearings for February and March 2025 would be of assistance, but it is not necessarily critical. Despite the delay to the final Aviation Safety Investigation Report – and I say that with no criticism of the DFSB; they are conducting their own independent Inquiry – but I observe that the Inquiry work will continue.

15 On 3 May 2024, in hearing phase 2, I made the following observations, appearing at transcript page 835, line 31:

20 *Can I say something briefly about the Aviation Safety Investigation final report? As I mentioned in my opening at the start of this week, and echoed my comments in my opening on 27 February, an Aviation Safety Investigation Team from the DFSB was appointed to investigate the crash of Bushman 83. It's important to understand that the Aviation Safety Investigation is a separate and independent investigation in its own right. It's presently Counsel Assisting's intention to call representatives of the DFSB to give evidence to the Inquiry after their investigation is completed. That intention may change, subject to what happens in the future.*

30 Further submissions about the Inquiry's hearings for February and March 2025 will be made at the conclusion of this hearing phase.

35 Can I say something briefly about security? I note, Madam Chair, your previous guidance concerning security matters and the delineation between public and private hearings. Counsel Assisting is available to assist Counsel representing with those matters and will, at appropriate times, foreshadow to the Inquiry and Counsel representing if it is considered necessary for a witness's evidence to be taken in a private hearing. That concludes my opening remarks.

40 I do propose at this juncture, subject to your permission, to tender some documents.

MS McMURDO: Yes, certainly.

COL STREIT: First, the Inquiry received an email communication with a submission from Ms Sarah Loft on 17 October 2024, and I propose to – before I tender that submission, I propose to read it onto the record, with one caveat. There’s one aspect of the submission where I’ll provide a short summary of what’s contained in a particular sentence. The submission
5 reads as follows:

Good afternoon.

10 *We’ve heard extensive evidence from witnesses as to what occurred the evening of 28 July 2023 and that the likelihood of the MRH-90 crash being survivable was negligible.*

I depart from the submission and say this. Ms Loft then briefly refers to a
15 particular aspect of a witness’ evidence in her submission that apparently supports the contention she seeks to make.

I return to the submission and say this. Ms Loft says:

20 *I want to express my severe disappointment in what I was forced to endure by Defence and being told that my partner, Alexander, was unaccounted for three days.*

25 *Upon thorough reflection, although more difficult, it would have been easier to accept if we had been told the crew were deceased. To be given false hope your loved one is coming home, when eyewitnesses had already informed relevant parties that the aircraft exploded on impact and remains had been discovered and/or recovered is a torture I hope no one else is forced to suffer.*

30 *For 72 hours I existed in a fragile state. I could not eat, sleep or function for fear of missing any critical update of Alexander’s recovery. I had also had numerous important meetings and phone calls that had to be attended to.*

35 *I am forever grateful to everyone who was involved in both the initial search and rescue and further recovery of our men, for I have no doubt that they tried their best. To have heard of the utmost respect that they showed will stay with me through my life.*

40 *I appreciate the Inquiry’s thorough review of events that unfolded and wish to share my reflection of my experience for hope of preventing comparable suffering to grieving loved ones in the future.*

45

Thank you, Sarah Loft.

Chair, I tender the email submission of Ms Sarah Loft dated 17 October 2024, received at 2.22.17 pm.

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MS McMURDO: Exhibit 89.

#EXHIBIT 89 - EMAIL SUBMISSION OF MS LOFT

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COL STREIT: Next, I seek to tender the statement of Ms Chadine Madie Whyte of 16 October 2024, signed by Ms Whyte on 16 October 2024, comprising 13 pages.

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MS McMURDO: Exhibit 90.

#EXHIBIT 90 - STATEMENT OF MS WHYTE

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COL STREIT: Next, I seek to tender the addendum statement of Senior Constable Joseph Cook dated 2 October 2024.

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MS McMURDO: Exhibit 91.

#EXHIBIT 91 - ADDENDUM STATEMENT OF SENIOR CONSTABLE COOK

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COL STREIT: Next, I have three documents, two of which have a security classification attached to them. I propose to have the three documents tendered as a bundle, and I will describe those three documents, with the Inquiry's permission, in this way. The first is a decision brief of 22 July 2023 to Commander 16 Aviation Brigade.

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MS McMURDO: That will be 92A.

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#EXHIBIT 92A - DECISION BRIEF OF COMMANDER 16 AVN BRIGADE (PROTECTED)

COL STREIT: It comprises, for completeness, and to distinguish it from other materials, two enclosures. Next, I, as part of that bundle, seek to tender a minute to Commander 16 Aviation Brigade of 28 February 2023 containing one enclosure.

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MS McMURDO: That minute and enclosure will be 92B.

10 **#EXHIBIT 92B - MINUTE AND ENCLOSURE TO COMMANDER
16 AVN BRIGADE (OFFICIAL: SENSITIVE)**

COL STREIT: Last, as part of that bundle, I seek to tender a document titled, "Command Correspondence Coversheet", with a date received of 15 1 March 2023 and action required by 10 March 2023.

MS McMURDO: That will be Exhibit 92C.

20 **#EXHIBIT 92C - DOCUMENT TITLED, "COMMAND
CORRESPONDENCE COVERSHEET"**

MS McMURDO: So two of those documents are "Sensitive"?
25

COL STREIT: The first was "Protected", the second was "OFFICIAL: Sensitive".

MS McMURDO: Thank you. Yes.
30

COL STREIT: Next, I seek to tender two additional documents in respect of the evidence of D9. D9 was an MRH-90 pilot. He gave evidence in the August hearings in Sydney. The first document is a statement he prepared, which is his initial statement. It is not dated. It is headed, "Statement from", and then PMKeyS number, "██████ D9 on the incident that occurred near Lindeman Island". It contains four paragraphs, which are typed, with additional words inserted in two of the paragraphs.
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MS McMURDO: That will be 93A.
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#EXHIBIT 93A - INITIAL STATEMENT OF D9

COL STREIT: Last, I seek to tender an email provided by D9 to D19, with a copy to D16 on 1 August 2023 at 3.39.05 pm. The email contains D9's responses to questions asked by the Queensland Police Service.

5 MS McMURDO: 93B.

#EXHIBIT 93B - EMAIL OF RESPONSES TO QPS QUESTIONS PROVIDED BY D9 TO D19, CC'D TO D16

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COL STREIT: I have one further matter to address, which I'll deal with just after the lunch adjournment, Inquiry Chair. It concerns the substitution of Exhibit 41, which is necessary as a result of the identification of another person who has a pseudonym.

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MS McMURDO: This is the statement of LTCOL Brendan Reinhardt.

COL STREIT: That's right, and it concerns an annexure to his statement. I just alert the Inquiry to that matter.

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MS McMURDO: Thank you.

COL STREIT: That concludes the matters that I have.

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MS McMURDO: COL Streit.

COL STREIT: With your permission, I call our first witness, MAJGEN Garth Gould.

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<MAJGEN GARTH CAMERON GOULD, Affirmed

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<EXAMINATION-IN-CHIEF BY COL STREIT

MS McMURDO: Major General, help yourself to water and if you'd like a break at any time, just let me know.

40

MAJGEN GOULD: Thank you.

MS McMURDO: Thank you. Yes, COL Streit.

45

COL STREIT: Thank you, Ms McMurdo.

Sir, could you please state your full name?

5 MAJGEN GOULD: My full name is Garth Cameron Gould.

COL STREIT: What is your current position in the ADF?

10 MAJGEN GOULD: I'm currently the Special Operations Commander Australia.

COL STREIT: Sir, whilst you pour yourself a water, I'll ask the Inquiry Assistant to provide some documents to you.

15 MAJGEN GOULD: Thank you.

COL STREIT: Sir, just take a moment to satisfy yourself as to your knowledge of those documents, and then I'll ask you some questions. Sir, first, the document that I have provided to you, through the Inquiry Assistant, is that a copy of your statement in these proceedings?

20 MAJGEN GOULD: It is.

COL STREIT: Your statement contains Annexures A through to F, does it?

25 MAJGEN GOULD: That's correct.

COL STREIT: Annexures A, B, C, D and F are all at the "OFFICIAL: Sensitive" classification; is that right?

30 MAJGEN GOULD: That's correct.

COL STREIT: And Annexure E is the "Official" classification; is that correct?

35 MAJGEN GOULD: That's correct.

COL STREIT: Sir, your statement reflects that it was digitally signed by you on 4 November 2024; is that right?

40 MAJGEN GOULD: That's correct.

COL STREIT: Having had the opportunity to go through your statement, sir, are there any amendments or additions you wish to make?

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MAJGEN GOULD: No, there are not.

COL STREIT: Thank you.

5

Ms McMurdo, I tender the statement of MAJGEN Gould dated 4 November 2024, together with Annexures A through to F, inclusive.

MS McMURDO: That will be Exhibit 94.

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#EXHIBIT 94 - STATEMENT OF MAJGEN GOULD AND ANNEXURES

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COL STREIT: Sir, what I propose to do shortly is to move chronologically through your statement, and ask you some questions. I will not, however, ask you questions in relation to Annexures A, B, C, D, and F, given their level of classification. If, at any time during my questions, or any other person's questions, should you consider that in order to respond to the question you would need to respond in a way that would move above the "Official" classification, could you please indicate that, and a decision will be made as to whether or not we need to move to a private hearing.

20

25 MAJGEN GOULD: I understand.

COL STREIT: Sir, can I ask you some preliminary matters? First, did you receive a section 23 Notice to answer questions in the form of a statement and then appear here today to give evidence?

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MAJGEN GOULD: I did.

COL STREIT: When you received that section 23 Notice, did you also receive an extract of the Inquiry's Directions?

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MAJGEN GOULD: I did.

COL STREIT: A copy of a Privacy Notice?

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MAJGEN GOULD: Yes.

COL STREIT: A copy of my Appointment as an Assistant IGADF?

MAJGEN GOULD: Yes.

45

COL STREIT: A document which is titled, “Frequently Asked Questions Guide for Witnesses in IGADF Inquiries”.

MAJGEN GOULD: Yes.

5

COL STREIT: Thank you. Sir, can I begin your evidence by asking you some questions about your background, qualifications and postings, which commences at paragraph 4 of your statement? You enlisted in 1993 through the Australian Defence Force Academy, graduating as an Infantry Officer in ‘96. Is that correct?

10

MAJGEN GOULD: That’s correct.

COL STREIT: You have then, following that, undertaken selection as a Commando Officer in 2021, and you’ve served in multiple appointments within the Regiment – that is, 2 Commando Regiment – from 2002 to 2008?

15

MAJGEN GOULD: Just a correction to your read-back there. I did selection in 2001, not 2021.

20

COL STREIT: Sorry. Thank you for that. You attended Staff College in 2009?

MAJGEN GOULD: Yes.

25

COL STREIT: And following, a posting as a Military Assistant to Special Operations Command in 2010; is that right?

MAJGEN GOULD: That’s right.

30

COL STREIT: You have then, in summary – turning the page – undertaken various postings specific to your role in Special Operations; is that right?

MAJGEN GOULD: That’s right.

35

COL STREIT: Ultimately, you were also a student at the United States Army War College in 2019 to 2020, and you returned to Australia and you fulfilled another role in Special Operations. And subsequently, in late 2022, you were appointed and took up the role as the Chief of Staff at Army Headquarters.

40

MAJGEN GOULD: That’s correct.

COL STREIT: In July of this year, you were appointed as the Special Operations Commander, Australia?

MAJGEN GOULD: That's correct.

5

COL STREIT: As a consequence of your experience in Special Operations, you say at paragraph 4(b), last sentence of your statement, that you are very familiar with the planning and conduct of Aviation operations in support of Special Operations.

10

MAJGEN GOULD: That's right.

COL STREIT: And just finally, at (c) you identify you have two Master's degrees in fields of Strategy and Public Policy, and a distinguished graduate of the United States Army War College.

15

MAJGEN GOULD: That's correct.

COL STREIT: Sir, just briefly in relation to your role as the Chief of Staff of Army Headquarters, you set that out in detail in paragraph 5 of your statement. Just in relation to your subsequent involvement in the notification process concerning the aircrew of Bushman 83, is it a function of the Chief of Staff to be involved, on behalf of Army Headquarters, in that process?

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MAJGEN GOULD: In the notification process?

COL STREIT: Yes.

30

MAJGEN GOULD: That's right. Ma'am, the Chief of Staff at Army Headquarters runs the notification process on behalf of the Chief of Army at Army Headquarters.

COL STREIT: Now, you did not know CAPT Lyon, LT Nugent, WO2 Laycock, or CPL Naggs. Is that right?

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MAJGEN GOULD: That's correct.

COL STREIT: And you had no role in Exercise TALISMAN SABRE?

40

MAJGEN GOULD: Correct.

COL STREIT: Paragraph 8 of your statement, which is on page 3, you say, in terms of when you became aware of the crash of Bushman 83, that shortly after 2300 hours on Friday, 28 July, a Brigadier that you identify

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there called you at home. He was the Commander of Special Forces Group at the time, and involved with Exercise TALISMAN SABRE.

5 He informed you there'd been an Aviation incident during one of the training events, and that an MRH-90 helicopter was missing overwater, presumed crashed. He told you the crew were unaccounted for, and search and rescue operation had commenced. That's correct?

10 MAJGEN GOULD: That's correct.

COL STREIT: What actions did you take, after receipt of that phone call?

15 MAJGEN GOULD: I called the Chief of Army immediately and let him know what I knew of the situation. I texted the Deputy Chief of Army and the RSM of the Army. I then also got in touch with a few other fellow Chiefs of Staff; the Chief of Staff at Joint Operations Command, and the Chief of Staff for the CDF.

20 COL STREIT: Were you told – and it's not a memory test – but do you recall whether or not you were told anything by the brigadier you've identified at paragraph 8, about the likely survivability of the crash?

25 MAJGEN GOULD: No, not at all. It was a – sorry, I was not told anything about the likelihood of the crash. The details were very scant at that point in time, simply that there'd been an Aviation incident. I enquired about the whereabouts of the crew; he said it was unknown at this point in time.

30 COL STREIT: When that call finished, was that the end of your communication with that Brigadier, or did he call you back at a later stage?

35 MAJGEN GOULD: He called me back, repeatedly. He was providing updates to me, as the senior Army Officer with knowledge of what was happening on the ground at that point in time; reporting to me as the conduit of information to the Chief of Army; and Army's incident management enterprise.

40 COL STREIT: And as a result of those further calls by that brigadier, did you obtain a greater understanding about what had happened?

45 MAJGEN GOULD: Not in the initial hours that followed the incident. The reports simply were that the aircraft was missing. I understood some other facts around the circumstance, but in terms of the whereabouts of the crew, the likelihood of survival and so forth, those details weren't apparent in the first few hours.

COL STREIT: Now, just turning to the subsequent paragraphs in your statement. You did not travel to Proserpine Airport during that period concerning the search and rescue, or subsequent recovery operation.

5 MAJGEN GOULD: That's correct.

COL STREIT: And you had no involvement in the search and rescue operation, and no role in the on-water recovery operation.

10 MAJGEN GOULD: That's correct.

COL STREIT: So is it safe for the Inquiry to infer that your role as the Chief of Staff of Army Headquarters was essentially the recipient of information coming via operational channels?

15 MAJGEN GOULD: That's right.

COL STREIT: And then digesting that information and briefing the Chief of Army and other senior members?

20 MAJGEN GOULD: That's right.

COL STREIT: Then engaging in what subsequently became the notification process?

25 MAJGEN GOULD: That's right. I would add one other element to that, if I could? I was also working in coordination with other Chiefs of Staff to ensure that the delineation of responsibilities around Defence's response to this incident were understood and managed.

30 COL STREIT: Now, at paragraph 11 you say you played no role in the decision to transition from a search and rescue operation to a search and recovery operation. You say you believe that decision was taken in Joint Operations Command.

35 MAJGEN GOULD: Correct.

COL STREIT: And from your experience over many years, is that an accepted practice in the context of an exercise being run by Joint Operations Command?

40 MAJGEN GOULD: What I would say is that in the military context, the Joint Operations Command is the lead agency for Aviation incidents, and search and rescue operations. They work in concert with civilian

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authorities – AMSA and so forth – to coordinate a military response to search and rescue operations. Joint Operations Command are the authority for making those kind of operational decisions about the transition of an operation from one phase to another.

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COL STREIT: Paragraph 12 and onwards, you deal with and set out Defence policies that are applicable to follow when notifying family members about missing, injured or deceased loved ones. Correct?

10 MAJGEN GOULD: That's correct.

COL STREIT: And that includes the Casualty Manual of 2018?

MAJGEN GOULD: Correct.

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COL STREIT: And a CA Directive, 19/2020, the Army Notification Framework?

MAJGEN GOULD: That's right. They are the two principal documents.

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COL STREIT: Now, can I turn to the notification to families about the aircrewman of Bushman 83, which is at para 13 onwards of your statement? You say that you oversaw and coordinated Army's notification of the families of Bushman 83:

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There were several forms of notification events in the 96 LOs that followed the incident. There was an initial notification around 7.30 hours on Saturday, 29 July 2023, informing primary emergency contacts that their son/partner had been involved in an Aviation incident, and were missing, with a search and rescue operation underway.

30

That's correct?

35 MAJGEN GOULD: That's correct.

COL STREIT: You then had an update notification on Sunday, 30 July, informing primary emergency contacts:

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That Defence will shortly make a media announcement whereby operational matters will be addressed. References may be made in relation to the recovery of wreckage and the very low likelihood of survival. However, the search to locate your loved ones remains very much ongoing and is the focus of every available asset.

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That's correct?

MAJGEN GOULD: That's correct.

5 COL STREIT: Then there was an update notification on the morning of Monday, 31 July 2023 informing primary emergency contacts that the search and rescue operation was transitioning to a recovery operation; that this notification signalled the reclassification of the members from "Missing" to "Missing-believed-dead". Is that right?

10 MAJGEN GOULD: That's correct.

COL STREIT: So just on that brief chronology, there was approximately two days from 7.30 in the morning on 29 July 2023 to an unspecified time on Monday, 31 July 2023 where the reclassification of members went from "Missing" on 29 July to "Missing-believed-dead" on 31 July 2023?

MAJGEN GOULD: That's correct.

20 COL STREIT: Now, in terms of the classification of "Missing", to "Missing-believed-dead", what do you mean by "classification"?

MAJGEN GOULD: The Casualty Manual, CASMAN, that I referred to earlier, outlines a number of categories that we use to classify the status of Service personnel in these kind of circumstances. It includes "Missing", "Missing-presumed-dead", "Deceased", "Seriously ill", "Very seriously ill", or "Injured", "Captured", and there may be some other categories in there as well.

30 COL STREIT: So the determination, was it, of the notification to be given to families on Saturday, 29 July, in terms of the classification "Missing", to your recollection, how did that arise, that classification?

MAJGEN GOULD: Well, I think it was a classification that logically flowed. The situation: the crewmen were literally missing and efforts were underway to locate them. I think if you're looking for artefacts, we use a system of notification of casualties, NOTICASs. They are formal orders that are released and that are used to, among other things, describe the category of Service personnel in circumstances like this.

40 So the category of these individuals was formally advised to Army Headquarters as "Missing", and then the recategorisation of them to "Missing-presumed-dead" is something that happened subsequently.

COL STREIT: To the extent you can recall now, are you able to assist the Inquiry to understand the basic information you had to determine that the classification of “Missing” was appropriate, as opposed to “Missing, presumed dead”?

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MAJGEN GOULD: I think it’s important to first note that Army Headquarters wasn’t making the determination as to whether they were “Missing”, or “Missing-presumed-dead”. We were responding to that classification. The information that was available to us was the aircraft was missing, that a search and rescue operation had commenced almost immediately given that it was flying in a formation of several aircraft and they remained on-station, looking for the missing aircraft straightaway.

10

The accident had happened during the hours of darkness, and that often complicated search and rescue operations. And we were aware that in the hours that followed there was a large search and rescue operation that was underway with the hope of finding the aircrewman alive in the vicinity of the crash site. Effectively, the Joint Operations Command and the civilian authorities continued that search and rescue effort effectively over the weekend, and continued to report to us that the members were missing.

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COL STREIT: Did you, in your capacity as the Chief of Staff Army Headquarters, have the authority to change the classification from “Missing” to “Missing-presumed-dead”, based on information that you were receiving?

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MAJGEN GOULD: I don’t think so. I didn’t seek to do that. I haven’t explored that issue. I don’t think it would be within my remit to do that, and I would also be very hesitant to do that, given I was quite far removed from the incident site and not in a position to understand all the facts of what was happening on the water. That was not my role in the situation.

30

COL STREIT: You mentioned earlier a term called NOTICAS. What’s that? What does that mean?

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MAJGEN GOULD: A NOTICAS is an order that we release that captures the details of a member that has been injured or is otherwise recategorised under those Casualty Manual categories that I mentioned to you earlier, to provide information to the relevant parts of Defence to undertake other subsequent actions to support that casualty.

40

It also triggers different levels of support from our support and welfare architecture as well, to the families, and might also open up entitlements to the families, or other avenues of support, depending on the categorisation

of that member. It's a tool we use, it's an artefact that we use, to capture the status of a member at that point in time.

5 COL STREIT: Sir, you mentioned before – and if I have this wrong, tell me – you mentioned before about information being provided to you, I think by Joint Operations Command, in terms of “Missing” or “Missing, presumed dead”. Can you just explain – I’ll start again. Does that mean the determiner of “Missing” or “Missing-presumed-dead” as a classification to be briefed to families in this matter, was that issue determined by Joint
10 Operations Command, to your knowledge?

MAJGEN GOULD: To my knowledge, that’s correct.

15 COL STREIT: And are you able to assist the Inquiry to understand who in Joint Operations Command made that decision? For example, was it the Commander of Joint Operations Command?

MAJGEN GOULD: I couldn’t speak to that.

20 COL STREIT: In terms of what you say at paragraph 13 in the three – my words – stages of notification – 29 July, then Sunday the 30th, and then Monday the 31st – in terms of the notification on 30 July 2023, where that notification informed families about a media announcement where operational matters will be addressed and that reference may be made in
25 relation to the recovery of the wreckage and the very low likelihood of survival, in that context, did it occur to you at the time, or did it cross your mind at the time, as to whether the classification “Missing” was still appropriate in circumstances where Defence had identified low likelihood of survivability?

30 MAJGEN GOULD: As the search and rescue operation went on – and you can see that it went on over the whole weekend – I think everybody felt that the prospects of finding the aircrew alive diminished over time.

35 COL STREIT: Yes.

40 MAJGEN GOULD: Having said that, there was a genuine effort to continue to search for these individuals. And in Army Headquarters we were simply responsive to the advice we received from the on the water Commanders through Joint Operations Command. I feel, at the time, it was appropriate that the entire activity was framed as a search and rescue operation. And that was the intent, as far as I could determine, of everybody involved in the incident’s response at that point in time.

45 Even though the likelihood of survival did seem to diminish over time, they

were very sincere and genuine efforts with a corresponding amount of resources to try and make sure we had done everything possible to locate those individuals.

5 COL STREIT: The next day, Monday, 31 July 2023, a further notification was given to the families where the reclassification of their members went from “Missing” to “Missing-believed-dead”. Do you recall, if you can, the information that was different that you received that changed the classification from “Missing” to “Missing-believed-dead”?

10 MAJGEN GOULD: Well, I think there was a reflection of the shift in the operational focus from Joint Operations Command. So the shift in the operational focus is something that they’ll be able to provide you further information on. But they had obviously expended a lot of effort over that weekend in a search and rescue operation and had come to their own conclusions that they had reached a point where that would culminate, and they would refocus their efforts differently.

20 COL STREIT: So is it the case that whilst individuals who might have been closer to the events of the crash may have their own views about whether it was “Missing” or “Missing-presumed-dead”. Was the reality that the notification process is the organisation – that is, Defence – expressing its organisational view to the families?

25 MAJGEN GOULD: I think that’s a fair statement.

COL STREIT: Can I turn to paragraph 14 of your statement. You there say that yourself and the Director of Sensitive and Strategic Issues Management-Army – a Colonel you identify there – created the content of the initial notification – I’ll start again – crafted the content of the initial notification message. You briefed the Chief of Army on the content and sought his advice prior to issuing orders to the notification teams. And in managing the initial notification, you were informed by the principles outlined in CASMAN – that’s the Casualty Manual – of accuracy, timeliness and compassion. Now, just explain what you understand those principles to be or to mean?

40 MAJGEN GOULD: Well, I think they’re fairly self-explanatory. We wanted to make sure that we were timely in the delivery of this information to the primary emergency contacts. One of the issues that we were very cognisant of was the fact that civilian emergency services were involved in the search and rescue operation and that this accident would be known to the media and would appear in the news cycle.

5 We wanted to make sure that our initial notification reached the families ahead of the morning news cycle. We aimed to conduct the notifications around 0700 on Saturday morning as a result of that. We wanted the information to be as accurate as possible. I'm sure you'd understand the importance of that.

10 At this stage in the operation, we had very little information to go on. And crafting the notification notice to the families was a relatively simple exercise because, as the statement reads, we were simply telling the families that their husbands or sons were missing; they'd been involved in an accident and we were trying to locate them.

15 And compassionate, we were trying not to give them extraneous information. We were trying to deliver it in a way that's preferably face to face, in accordance with the guidance in the Casualty Manual. And we were relying on our training of our Notification Officers to deliver that information in a compassionate manner.

20 COL STREIT: Now, at paragraph 15 you deal with the subsequent notification messages and you say that yourself and the Colonel you identify there crafted the content of subsequent notification messages in consultation with the Office of the Deputy Prime Minister, the Office of the Chief of the Defence Force, Headquarters Joint Operations Command, and the Chief of Army. Is that correct?

25 MAJGEN GOULD: That's correct.

30 COL STREIT: Did the same engagement occur in relation to the initial notification, the first notification?

35 MAJGEN GOULD: No, it did not. The initial notification was all unfolding in the early hours of the Saturday morning. As I mentioned earlier, it was a fairly simple message that we were conveying and we were telling other stakeholders in the Defence enterprise what the message was going to be.

40 There was no requirement to coordinate that first notification message with other things that the department were saying publicly, for example, or that elected officials were saying publicly. This was us simply communicating as efficiently as possible to the primary emergency contacts. In subsequent notification messages, there was a requirement for us to synchronise with the Joint Operations Command and with statements that they were releasing publicly, and with elected officials, and with the CDF.

So more stakeholders became engaged in subsequent notification notices and we had to make sure that our messaging was aligned with what they were saying and when they were saying it and so forth.

5 AVM HARLAND: Excuse me, just a question. How long did that process of consultation take, and did it delay the message substantially?

MAJGEN GOULD: It didn't delay the message. As you would imagine, we were in constant contact with all of these stakeholders, speaking to many
10 of them a couple of times every hour. Everybody was very cooperative. Nobody was offering radically different narratives. We were still leading the crafting of things, however, we were just having to consult more. But it happened very naturally within the rhythm of communications that we were already engaged with in that 96-hour period.

15 AVM HARLAND: So no real substantial delays?

MAJGEN GOULD: No. I wouldn't want you to think that, in engaging with these other stakeholders, we were not able to get to the families quick
20 enough. And I would also offer all of the stakeholders were very responsive to Army's suggestions of, "We are working to this timeline. We are aware of this situation with this family". And so our engagement and focus with the families really drove everything. But there were more stakeholders that we had to keep informed and work with as the weekend unfolded.

25 AVM HARLAND: Thank you.

COL STREIT: Can I just turn to where you give some evidence in relation to the engagement with each of the aircrew's family. First, dealing with
30 CAPT Lyon, his primary emergency contact was Mrs Lyon. You say at paragraph 16(a)(i), second sentence:

*Defence became aware of CAPT Lyon's mother, Mrs Mary Holloway on the morning of Sunday, 30 July 2023, after she
35 contacted DMFS. Defence initially engaged with Mrs Holloway through DMFS. Army subsequently established a relationship with Mrs Holloway through the responsible unit at 6 Aviation Regiment.*

40 First, can I just ask you what is the significance of a primary emergency contact?

MAJGEN GOULD: We ask Defence members to nominate a next of
45 kin and we ask them to nominate a primary emergency contact and an alternate emergency contact. And the requirement to do this is laid out in

several different policy documents; primarily in the Military Personnel Manual. MILPERSMAN, we often refer to it as.

5 It's reinforced in other policy documents like the Casualty Manual. It's something that is baked into our preparedness directives and the way military units ensure that we are administratively postured for our soldiers, sailors and aviators to deploy on operations with the administrative housekeeping set in place.

10 The primary emergency contact does not have to be the next of kin but very often is. My understanding in the case of the four servicemen from this incident, the primary emergency contact and next of kin were all of the same individual.

15 To answer your question about the significance of the primary emergency contact, our efforts in the notification process are aimed very narrowly on the primary emergency contact. And if they are uncontactable, then we use the alternate emergency contact.

20 COL STREIT: Perhaps to state an obvious matter, it's not unusual for Defence members to have more than one person who is part of their family.

MAJGEN GOULD: Correct.

25 COL STREIT: So in circumstances where a Defence member has identified a primary emergency contact, the notification process occurs through that vehicle to that person, or the alternate primary emergency contact if they're not available. How do other family members become aware of what's happened to their loved one?

30 MAJGEN GOULD: I can't speak for how other family members become aware of those things.

35 COL STREIT: Sure. In terms of the process Defence has, is there a mechanisms that Defence uses, as it existed in July of last year, to inform other members of a deceased family?

40 MAJGEN GOULD: Absolutely. I think there are three ways to look at this. The first is the notification process which, as we've already discussed, is designed to quickly, accurately and compassionately get news of an incident to the primary emergency contact. We give very explicit orders to the Notification Officer who is involved in that, and they are directed to offer support to the primary emergency contact.

45 One of the things they offer is their services in contacting other friends and

family as required. We very much understand that these events are traumatic and can be overwhelming. The Notification Officer at the time is authorised, at the direction of the primary emergency contact, to reach out to other people.

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In this specific incident, you see examples of that. You see one primary emergency contact asking, who is the father of one of the deceased, asking for the girlfriend of one of the deceased to be contacted. And the Notification Team went to her house, informed her and brought her to the primary emergency contact's residence.

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In another incident or another example, the primary emergency contact of another member was also the father. He asked if the Notification Officer could notify the member's former spouse and the Notification Team did that. In fact, policy allows for the primary emergency contact to leverage the Notification Officer to contact as many friends and family as possible.

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To close this piece off about the notification apparatus, we also have some expectation, although do not rely on it, that the family communicates amongst themselves as well. There are two other elements. One is the Defence Member and Family Service. We engage with the Defence Member and Family Service very early on in the piece.

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They have a range of different support mechanisms that are designed to reach out to the family of the service member involved in the incident. One of their functions is to understand and explore the family dynamics and to assess where support may be required, and hopefully pick up on areas where information may not be getting to different parts of the family.

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We work really closely with DMFS in these kind of processes and, as the situations unfold, their understanding of family dynamics and their ability to communicate with different parts of the family evolves over time as well.

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And the third element is the responsible unit. We designate a unit as being the responsible unit. It is normally the parent unit of the members who have been involved in an incident.

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In this case, the responsible unit was the 6th Aviation Regiment. Their function is to engage with the families after the Notification Team has made the notification. And they typically develop a family support mechanism where we try and build a habitual and consistent relationship with the family and the responsible unit.

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We normally assign a Support Officer, so the family have a single consistent individual from the parent unit who they can coordinate

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with. And it's our intent that that responsible unit provides tailored support to the family for what is a long period of time as Defence supports the family through this very traumatic experience. So, they are the three mechanisms, our notification process that I was managing, the DMFS outreach and the responsible unit outreach.

They're the three different avenues where we might be able to pick up on members of the family that are not in the immediate vicinity or in immediate contact with the primary emergency contact.

COL STREIT: So, in other words, the notification process uses the primary emergency contact as identified by the Defence member as the initial contact to receive the notification. And then as a result of information the primary emergency contact may provide, Defence takes other steps to give notification to other persons in relation to what's happened to a loved one whilst receiving information from the unit and DMFS on occasion?

MAJGEN GOULD: That's a correct summary. I would just add to it, it's not just the initial notification, but also subsequent notifications are channelled through the primary emergency contact. And you see that in this example here.

COL STREIT: So the list of persons that then receive subsequent notifications, as was in this matter, did that then increase from the initial primary emergency contact to include other persons when the notification updates were provided?

MAJGEN GOULD: It did. So we started with the four primary emergency contacts. Over the weekend we moved to six, and then I think we were at seven family groups that we were engaged with. I would just quickly note that we are still bound by privacy constraints, and there may be some unusual circumstances; for example, where a member is very seriously injured and does not give consent for us to communicate personal health details on their behalf. We are permitted, under the CASMAN policy, to notify the family but we can't share details.

And there are some privacy constraints over how much information we share with an expanded group. I think common sense always applies. We always want to make sure that people's parents are informed, absolutely. But I would just note that we don't have complete agency in how we share members' information in all circumstances.

AVM HARLAND: Could I just ask a question? One thing you mentioned before is that in often case – so the primary emergency contact can authorise others to be informed. Do you have an ability to do that without the primary

emergency contact authorising that? Can other – a number of emergency contacts that can be nominated by a member that you're permitted to inform?

5 MAJGEN GOULD: Yes, we can. So the Casualty Manual allows for the primary emergency contact, or on the advice of DMFS. So if DMFS become aware of a circumstance, they can alert us. And a good example of that is from this incident. One of the members' mothers became aware –
10 DMFS became aware of one of the mothers over the weekend and they informed us. The mother lived in regional Victoria. So we then organised an Army Officer from the Puckapunyal Military Base, we briefed that individual and he went out and made contact on behalf of the Chief of Army with that family group as well. So that wasn't at the direction of the primary emergency contact; that was through DMFS's assessment of the situation.

15 AVM HARLAND: So that was a live assessment. Because I'm just thinking as – you know, in today's environment, as families become more complex, they may or may not be in touch with each other and how you would deal with that. So I guess from what you're saying is it's done as it unfolds, at the advice of DMFS if they have knowledge.

20 MAJGEN GOULD: Absolutely. And I think there's – within the bounds of what we can share under different privacy legislations and so forth – which, when someone's declared deceased, shifts the needle on those things – we want to apply a common sense approach to this and we want to make sure that family members are kept up to date with what's happening with their son or loved one.

25 AVM HARLAND: Thank you.

30 COL STREIT: Just in relation to LT Nugent, which is on the top of page 6 of your statement, you say:

35 *The primary emergency contact was Mr Daniel Nugent. And at his request, the Notification Team visited LT Nugent's partner, Ms Chadine Whyte, on Saturday, 29 July 2023.*

Is that correct?

40 MAJGEN GOULD: That's correct.

45 COL STREIT: In relation to WO2 Laycock, the primary emergency contact was Mr Joseph Laycock. Mr Laycock requested that the Notification Team inform WO2 Laycock's former spouse over the phone early on the morning of Saturday, 29 July 2023. Is that correct?

MAJGEN GOULD: That's correct.

5 COL STREIT: In relation to CPL Naggs. CPL Naggs's primary
emergency contact was Ms Sarah Loft and you say that in accordance with
her orders, the Notification Team conducted the initial notification with the
primary emergency contact over the phone – that is, with Ms Loft over the
phone – after discovering the family had recently moved from the address
recorded in PMKeyS.

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MAJGEN GOULD: That's correct.

COL STREIT: And PMKeyS is a database, is it, that records personal
information concerning each Defence member?

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MAJGEN GOULD: That's correct.

COL STREIT: So the information in that database is utilised to undertake
whatever actions Defence needs in the notification process.

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MAJGEN GOULD: That's right.

COL STREIT: You go on to say:

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*CPL Naggs's mother, Mrs Beverley Johnson, contacted the DMFS
helpline on the morning of Sunday, 30 July 2023 and was
supported by the helpline for an extended period after her son's
death. On advice from DMFS and the responsible unit, Army
dispatched an officer to Mrs Johnson's home in regional Victoria.*

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And that relates to evidence you've just given a few minutes ago.

MAJGEN GOULD: That's correct.

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COL STREIT: At paragraph 17 you say you were kept informed of issues
arising in the notification process by the Director Sensitive – well,
DSSIM-A. What does that acronym stand for?

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MAJGEN GOULD: It's the Director of Sensitive and Strategic Issues
Management-Army.

COL STREIT: Thank you. And the Incident Manager-Army was in direct
contact with the Notification Team throughout the process. So does that
mean that you were kept informed by those two persons – one of whom was

in direct contact with the Notification Teams – about how things were travelling?

5 MAJGEN GOULD: That's right.

COL STREIT: Just in relation to Defence policies, you say you're not aware of any changes to policies or processes since the incident; is that right?

10 MAJGEN GOULD: That's right.

COL STREIT: And the version of – you may not be aware, but I can indicate that the Casualty Manual has undertaken an update in 2024 in relation to chapter 1. The reason for drawing that to your attention, can I just ask you, in relation to the Casualty Manual, was that the manual – the manual we had regard to was as it existed on 29 July 2023?

MAJGEN GOULD: That's right. I think it was a 2018 version of it.

20 COL STREIT: Yes.

MAJGEN GOULD: And I'm not aware that that 2024 update has been released at this point in time.

25 MS McMURDO: So the one that's been tendered is the current one, as far as you know?

MAJGEN GOULD: As far as I'm aware. And, ma'am, I was checking last night, and it seems on the Defence website it's still the 2018 version. But Defence has had a reorganisation recently with the creation of the Chief of Personnel. And one of the flow-ons from that is a review of a lot of doctrine. And I understand that there is a review underway of CASMAN. I'm not sure when the latest version comes into effect. It may be in effect already.

35 MS McMURDO: Thank you.

COL STREIT: I won't propose to give evidence from the Bar table, and I don't think this is a significant issue, but I might assist the General by just showing him a document. I just ask you to have a look at it. You'll see some parts I've highlighted there, and then I'll just ask you some clarifying questions. I don't propose to tender. Thank you. If that could be returned to me, please.

Sir, having regard to what you've just had the opportunity to see, would you accept from me that, first, the Casualty Manual is to undertake a comprehensive review in 2024?

5 MAJGEN GOULD: Yes.

COL STREIT: And that the Casualty Manual has been amended, in part, in February 2024 in relation to chapter 1?

10 MAJGEN GOULD: Yes.

COL STREIT: But the issue that I'm concerned to confirm with you is that the version of the manual you had regard to was as it existed on 29 July 2023?

15 MAJGEN GOULD: Correct.

MS McMURDO: Maybe that update hasn't got to the Defence website yet.

20 MAJGEN GOULD: Ma'am, it's my error. The document is from 2018, but there's an amendment table inside it. And I see there's been an amendment now. Counsel just pointed out an amendment's been made inside it that I wasn't tracking.

25 MS McMURDO: Thank you.

COL STREIT: Sir, just very briefly, in your statement you deal with a matter at paragraph 19(c) which concerns the notification process and experience of Army Headquarters in that process regarding the ditching of an MRH-90 in the Jervis Bay in March 2023. Is that correct?

30 MAJGEN GOULD: Yes.

COL STREIT: So you were involved in that notification process, were you?

MAJGEN GOULD: That's right.

40 COL STREIT: In your role as the Chief of Staff of Army Headquarters, was that your – in that role, was that your first exposure to the role of the Chief of Staff Army Headquarters in notification processes?

45 MAJGEN GOULD: No. That was our first significant incident. It would be worth noting that Army conducts notifications with a degree of

5 frequency. There might be a notification conducted once every one or two months, so I'd participated or been involved with other notification processes. Normally, they're singular events involving a person that has had a medical episode or a training accident. This Jervis Bay ditching incident was my first Aviation matter and potentially search and rescue and mass casualty incident.

10 COL STREIT: As a consequence of Army Headquarters' experience in that notification process for the Jervis Bay, was there a process of lessons learnt from that that were then adopted into Army Headquarters' plans for future notification processes?

MAJGEN GOULD: That's right.

15 COL STREIT: At paragraph 19(e), which is on page 8, you set out the extent of the detail of Army Headquarters' role in coordinating welfare support to members, including engaging with DMFS. Having regard to matters that the Inquiry is examining concerning the notification process, and your experiences having gone through this notification process, is there
20 anything you wish to inform the Inquiry about that would assist the Inquiry understand whether any processes could have been improved or done differently, based on the information you had at the time?

25 MAJGEN GOULD: You're asking just about general observation?

COL STREIT: Yes. Sorry, I'll preface the question in the context of where the notification with the Jervis Bay matter generated a lessons learnt process or a discussion of what happened and what worked and so on, I take it. In that context, and in relation to your experiences for this matter, is there
30 anything you're able to assist the Inquiry with in terms of lessons learnt or things to improve? I'm not suggesting there are, I'm just giving you the opportunity.

35 MAJGEN GOULD: Ma'am, after the TALISMAN SABRE incident, within about the first week of the accident, we conducted an after-action review, so we did look at the process in detail. At the time, and looking back on it from here, I feel that the policy settings are right. I feel that the process is relatively robust. We will always experience some hiccups along the way, such as incorrect addresses and so forth, but I think our processes
40 manage those things well. There wasn't anything in our after-action review that we felt needed to substantially change.

45 And if I could add one more piece to my answer, whenever we were considering reviewing these matters, we also took time to think about what this would look like if it was war time, how these policies would scale to if

we were doing notification processes once a week, or mass casualty situations where a ship might be sunk with a lot of Troops on board. And our conclusion is that I think that the settings are pretty good at the moment.

5 We took some minor learnings from the Jervis Bay incident. But there's nothing major that I would recommend to the Inquiry that I think we need to shift about our notification policies or processes, or the toolkit that we have available to support the expedient, accurate and compassionate notification of families.

10

MS McMURDO: So nothing major. Is there anything minor?

MAJGEN GOULD: Ma'am, after the Jervis Bay incident, amongst the Chiefs of Staff we realised we could have been communicating better, and we instituted some minor things like a Signal chat group where we were able to quickly confirm responsibilities. When it came down to this incident, we put those practices into effect. They were some minor fixes. We didn't come away from this matter with many minor fixes as well.

20

MS McMURDO: So just to clarify then, the changes that have been brought in, in the February 2024, were any of those changes matters that came out of this incident?

25 MAJGEN GOULD: Ma'am, having just seen the amendment certificate and having it been drawn to my attention where those changes were in the highlight, it's my understanding they are just around the definition of "Missing" and "Missing-presumed-dead". I am not aware of any procedural changes that have come about as a result of this incident.

30

MS McMURDO: Thank you.

COL STREIT: Thank you, sir. They're my questions.

35 MS McMURDO: Yes, thank you. Applications to cross-examine? Yes, LCDR Tyson.

40 <CROSS-EXAMINATION BY LCDR TYSON

LCDR TYSON: I'll just be very brief, ma'am.

45 MS McMURDO: Yes.

5 LCDR TYSON: My name's LCDR Matthew Tyson, sir. I represent the interests of Alexander Naggs, CPL Naggs. Sir, is this the case, that in circumstances where there's an ADF member who's deceased in a training mission or an operation, that unless that member's parent is the nominated PEC, there's every chance that the parent of the deceased is going to find out about the death through media or something like that, rather than through a formal service channel?

10 MAJGEN GOULD: I would agree that there is a chance of that happening, that is correct. I wouldn't say there's every chance of that, but that is a possibility.

15 LCDR TYSON: But unless the parent is the nominated PEC, there's almost a likelihood of that happening, sir. Would you agree?

20 MAJGEN GOULD: I wouldn't agree with that. And the reason I wouldn't agree with that is because of the different mechanisms that I talked about earlier. At the point of notification, the Notification Officer is available to notify other people. And families may choose to use that service to notify parents, or they may not. But I agree with you, there is a chance that if that option is not exercised at that point in time, then a parent could find out via media. That is correct.

25 LCDR TYSON: And that was certainly the experience in some cases in this case, wasn't it, sir?

MAJGEN GOULD: I think that is correct, yes.

30 LCDR TYSON: How often do ADF members review their nominated PEC?

35 MAJGEN GOULD: They're asked to review it annually. There are also different career milestones where they need to review it. And I would suggest that in units that are on – high readiness units, reviewing your PMKeyS information is quite a common practice that is part of the unit's preparedness preparations. I would suggest that in a unit like 6 Aviation Regiment, they would be going through the process of checking PMKeyS on a relatively frequent basis. A couple of times a year would be my expectation.

40 LCDR TYSON: In terms of this policy decision that parents are not notified as a matter of course, who makes – if their son or daughter dies on an operation or in training, what's the basis of that policy decision? Is that a Service Chief who makes that decision, or is that a Federal Government decision? Do you know who makes that decision?

45

5 MAJGEN GOULD: Well, I wouldn't say that there's any policy that says that we will not notify parents. You're talking like that it's enshrined somewhere in a document. That's not the case. The Casualty Manual is the policy that Defence uses to inform our notification process. That is signed off on by the head of the Defence People Group. It's a departmental artefact, and so it's something that the Service Chiefs and other senior leaders within Defence could influence. Does that answer your question?

10 LCDR TYSON: Well, perhaps. Well, how has that manual changed? So if, for example, there were a view that it is appropriate that the mother and father of an ADF member who's deceased on operations or in a training mission should be notified of that, who would make that policy decision? Is that a Service Chief or does Federal Government have to make that decision to change the manual, to change CASMAN, sir?

20 MAJGEN GOULD: I don't think it's a governmental decision. It's a departmental artefact. It's a Defence policy document. So I think it would be within the agency of the department to change that.

LCDR TYSON: All right. Thank you, sir. Thank you, ma'am. Thank you, sir.

25 MS McMURDO: Thank you. Any other applications to cross-examine?

COL THOMPSON: Yes, ma'am.

MS McMURDO: Yes, COL Thompson.

30 <CROSS-EXAMINATION BY COL THOMPSON

35 COL THOMPSON: I'll be brief.

Sir, COL Thompson for BRIG Dean Thompson. You said that a Brigadier called you to notify you of the incident. Do you remember saying that?

40 MAJGEN GOULD: Yes.

COL THOMPSON: And the Brigadier called you repeatedly to give you updates?

45 MAJGEN GOULD: Yes.

COL THOMPSON: And that you had limited information during the early stages of the search and rescue operation?

MAJGEN GOULD: That's correct.

5

COL THOMPSON: I put it to you that's because there was limited information to report to you rather than the Brigadier holding back anything.

10 MAJGEN GOULD: That is - - -

COL THOMPSON: Do you agree with that?

MAJGEN GOULD: I would agree with that.

15

COL THOMPSON: Thank you, sir.

COL STREIT: Sorry, can I just clarify with my friend which Brigadier is he referring to?

20

COL THOMPSON: I don't know, ma'am. I've not been given the General's statement.

COL STREIT: Well, that's because it doesn't really affect his client's interests and there's nothing in the statement that deals with his client.

25

COL THOMPSON: Very good. I accept that.

MS McMURDO: Well, that's one of the problems; that's a request from ADF that people not be named unnecessarily.

30

COL THOMPSON: Yes, ma'am.

MS McMURDO: So it's not any sinister tricking of you or the Inquiry.

35

COL THOMPSON: I'm not suggesting that for a moment.

MS McMURDO: No.

40 COL THOMPSON: Not for a moment.

MS McMURDO: Good. But as long as you understand that that was done at the request of the Army as something that would assist in a trauma-informed approach, and that's why we've taken that course.

45

COL THOMPSON: Quite. I understand entirely. Thank you, ma'am, sir.

5 COL STREIT: I can indicate, if the matter concerned BRIG Thompson, I would have said because he's legally represented. But the Brigadier I mentioned is identified at paragraph 8(a) of MAJGEN Gould's statement and it's not BRIG Thompson.

MS McMURDO: Yes. Understood. Yes, Ms Musgrove.

10

<CROSS-EXAMINATION BY MS MUSGROVE

15 MS MUSGROVE: Sir, my name is Musgrove, and I appear for the Commonwealth. Just in relation to the questions you were asked about a policy excluding parents from notification, just to be very, very clear, there is no policy that excludes the parents of members from being the primary emergency contact, is there?

20 MAJGEN GOULD: Absolutely not.

MS MUSGROVE: And it's up to the individual to determine who they want to nominate as their primary emergency contact; is that correct?

25 MAJGEN GOULD: That's correct. And often when people join, it is their parents. And often as they move through different milestones in life, they change their primary emergency contact.

30 MS MUSGROVE: Thank you, I have nothing further.

MS McMURDO: Thank you. Any other applications to cross-examine? Any re-examination?

35 COL STREIT: No, thank you.

MS McMURDO: Thank you very much, MAJGEN Gould. You're free to go now.

40 MAJGEN GOULD: Thank you, ma'am.

MS McMURDO: We appreciate your assistance to the Inquiry.

MAJGEN GOULD: Thank you.

MS McMURDO: I'm told that we have to have a few minutes' adjournment to sort out a problem with the cameras before the next witness gives evidence. So we'll just adjourn while that's done.

5

<WITNESS WITHDREW

HEARING ADJOURNED

10

HEARING RESUMED

15 MS McMURDO: Yes, COL Streit.

COL STREIT: Thank you, Ms McMurdo. The camera on the witness has been, I'm told, disconnected, because he has a pseudonym. So I call D11.

20 MS McMURDO: Yes, thank you. So there's no livestream and only the audio – well, there is a livestream, but no video livestream.

COL STREIT: That's right.

25 MS McMURDO: Yes, thank you.

COL STREIT: Well, there's a video of me. Is that right?

CLERK OF THE COURT: Yes.

30

COL STREIT: Yes.

MS McMURDO: Yes. Not of the witness.

35 COL STREIT: Not of the witness.

MS McMURDO: Right.

40

<D11, Affirmed

<EXAMINATION-IN-CHIEF BY COL STREIT

5

D11: Thank you.

10 MS McMURDO: If at any stage you want a break, just let me know, okay?

D11: Okay.

15 MS McMURDO: Thank you.

COL STREIT: D11, just to orientate you, first there's a pseudonym list which is in front of you and it's in order of pseudonym number, and then on the other page it's in order alphabetically, of the surname of the particular individual. As we move through your evidence today, it may become necessary for you to refer to somebody as a pseudonym, and so if you could use that person's pseudonym if you know it. If you do not know it but know the member has a pseudonym, can you check the document and then let me know what the pseudonym number is. If at any time you're in any doubt, just pause and check the pseudonym list.

20

25 D11: Yes, sir.

COL STREIT: Thank you. Now, we'll be moving through your evidence today chronologically concerning the statements that I'll shortly show you, and one of which was prepared for the proceedings today. But before I do that, can I just confirm you received a section 23 Notice which required you to make a statement for these proceedings as well as appear here today? Is that right?

35 D11: Correct, I did.

COL STREIT: And with that 23 Notice was there also a copy of the Inquiry's – an extract of the Inquiry's Directions?

40 D11: I believe so.

COL STREIT: Yes. Was there also a Guide for Witnesses Giving Evidence in Inquiries?

45

D11: Yes, sir.

COL STREIT: And a Privacy Notice?

5 D11: Yes.

COL STREIT: Now, at all times – and I no doubt anticipate you will do this – but just be mindful of your security obligations. If you’re asked a question, whether it’s by me or somebody else, and you feel that in order to answer that question you need to give evidence about a matter that is above
10 “Official” as a classification, could you just let me know that, because information above “Official” can’t be led in a public hearing and we’ll need to make a decision whether we move to a private hearing.

15 D11: Yes, sir.

COL STREIT: Now, before I show you your statements, can you just confirm, by that pseudonym list, whether D11 is you?

20 D11: Correct.

COL STREIT: I’ve been told I need to speak into the microphone, for the assistance of other Counsel that come to the lectern as well. I will endeavour to do that.

25 D11, can I begin by showing you some documents?

D11: Ta.

30 COL STREIT: Just take a moment to satisfy yourself as to what those documents are, and then I’ll ask you some questions.

D11: Yes, sir.

35 COL STREIT: Thank you. So the first document I’m going to call your Defence statement, which is a document that you prepared – you signed rather, your witness statement which was provided to the Queensland Coroner. Can you just have a look at that document first?

40 D11: Yes, sir.

COL STREIT: Now, the document is titled, “Statement - MRH helicopter incident 28 July 2023”. The place is Holsworthy. The date’s 29 November 2023, and the name there is “D11”. Now, having looked at that document,

is that a statement that you made and signed on 29 November 2023 – if you go to the back page?

5 D11: It is.

COL STREIT: Are there any amendments or additions you wish to make to that statement? I'm not suggesting there are; I'm just asking you.

10 D11: No, there's not.

COL STREIT: Thank you. Ms McMurdo, I tender the statement of D11, signed on 29 November 2023.

15 MS McMURDO: That'll be Exhibit 95A.

#EXHIBIT 95A - STATEMENT OF D11

20 COL STREIT: Just put that statement to one side for the moment, and then pick up the next document. Now, is the next document a statement that you have prepared in response to questions contained in the section 23 Notice you received?

25 D11: It is.

COL STREIT: And if you go to the back page, did you digitally sign that statement on 19 September 2024?

30 D11: I did.

COL STREIT: And that statement contains one annexure; is that correct?

35 D11: Correct.

COL STREIT: Now, the statement is at the "Official" classification; is that right?

40 D11: The?

COL STREIT: Your - - -

D11: The statement, yes, is.

45 COL STREIT: Not the annexure.

D11: Yes, correct.

5 COL STREIT: So the statement is at the “Official” classification. The annexure is at the “Protected” level classification?

D11: Correct.

10 COL STREIT: So, apart from confirming that that annexure forms part of your statement, I won’t be asking you any questions about the annexure. Now, having referred to your statement, are there any amendments or additions you would like to make?

15 D11: No, there’s not.

COL STREIT: Thank you. Ms McMurdo, I tender the statement of D11 signed 19 September 2024, together with Annexure A, which is at the “Protected” level.

20 MS McMURDO: That statement and the annexure will be Exhibit 95B.

#EXHIBIT 95B - STATEMENT OF D11, AND ANNEXURE (PROTECTED)

25

COL STREIT: If you just put your two statements to one side for the moment, I’m just going to show you another document – it comprises two pages – and then I’ll ask you some questions. First, can you just tell me what that document is, that you understand?

30

D11: They were questions given to us, I think it was by the Queensland Police, from my memory, shortly after the incident at Proserpine.

35 COL STREIT: Now, the questions, are they contained on page 2 of the document, in a typed form?

D11: Correct.

40 COL STREIT: And the first page of the document and the second – I’ll start again. The questions are contained on page 3 of the documents in front of you.

45 D11: Correct, yes.

COL STREIT: The first two pages, do they comprise your handwritten notes in relation to each of the questions?

5 D11: They do.

COL STREIT: Do you recall approximately when you made those handwritten notes?

10 D11: No, I don't. It was end of 2023, not long after the crash, but I don't have an exact date.

COL STREIT: Thank you. Ms McMurdo, I tender the handwritten notes of D11, and the list of questions 1 to 13 provided by Queensland Police.

15 MS McMURDO: Exhibit 96.

**#EXHIBIT 96 - HANDWRITTEN NOTES OF D11
AND QPS QUESTION LIST**

20

COL STREIT: If you just put that document to one side. Now, can I just ask you some preliminary questions in relation to the Defence statement, which is the statement of 29 November 2023?

25

D11: Yes.

COL STREIT: So do you recall when you first were contacted about making that statement?

30

D11: No, I don't. Not an exact date, no.

COL STREIT: If you pick up the statement and have a look at paragraph 3, this might assist you or it might not. I'll ask you anyway. At paragraph 3 you say:

35

*I'm informed by Caroline Rice, Deputy General Counsel,
Department of Defence, of some information.*

40 You then go on to then describe what it is. When you mention that person's name, do you recall ever speaking to that person about the need to provide a statement?

45 D11: Yes.

COL STREIT: Do you recall roughly when that was, approximately?

D11: Towards the end of 2023, but not an exact date.

5 COL STREIT: Sure. So if we take the date of your statement is 29 November 2023, do you recall working on your statement in – obviously before that date – do you recall working on your statement in September of 2023?

10 D11: Yes, it would probably be late September.

COL STREIT: Late September. And were you provided anyone to assist you in preparing your statement?

15 D11: So the person mentioned, Caroline Rice, well, she assisted in writing the statement as far as sort of proofing – proofreading it.

20 COL STREIT: So that the statement itself, just in terms of the process of how it was created, did you sit down in front of a computer and start writing out everything from paragraph 4 onwards, or did somebody help you?

D11: There was sort of some questions that wanted answering, and that's how we – and, yes, on a computer answered those questions.

25 COL STREIT: Sure. Do you recall whether any lawyer was assigned to help you prepare your statement?

D11: Caroline Rice assisted with the statement, but she wasn't with me as I wrote the statement.

30 COL STREIT: Sure. So you prepared your statement. Did Ms Rice or somebody else give you the template document to populate?

D11: Yes.

35 COL STREIT: All right.

D11: I'm not sure if it was Caroline Rice herself, but somebody in her department.

40 COL STREIT: And what you then did, having received that template, you then populated the information from paragraphs 4 onwards; is that right?

D11: Correct.

45

COL STREIT: And did you cause – or send a draft of your statement to Ms Rice at some point?

D11: Correct.

5

MS MUSGROVE: I object. I'm just objecting in relation to relevance and whether or not my friend is actually moving into the area of legal professional privilege.

10 MS McMURDO: Well, I'll hear what COL Streit has to say.

COL STREIT: Well, before we do that, perhaps the Commonwealth can confirm if legal professional privilege is even an issue.

15 MS MUSGROVE: It's not the Commonwealth's privilege, it's the witness's privilege. And if the witness hasn't been informed about his right to claim such privilege, then I'm not at liberty to speak about it. I raise it as an issue. If we need to take an adjournment so he can speak to a legal representative about any privilege, then that would be the appropriate course. But I also press the issue of relevance.

20

COL STREIT: All right. Perhaps if I could have an adjournment, because the basis of information I'm using to ask this question I just need to confirm with the Commonwealth as a result of things that they have said to me earlier.

25

MS McMURDO: All right then. We'll have another adjournment.

30 **HEARING ADJOURNED**

HEARING RESUMED

35

MS McMURDO: Yes, COL Streit.

COL STREIT: Thank you for that time, Ms McMURDO. I was able to speak with the Commonwealth and although clarity about the matter could not be resolved, I will deal with the issue in another way, and it may be some evidence will be called at a later stage in the hearing.

40

MS McMURDO: Yes. Well, it does seem to me that the circumstances in which his statement came to be made is relevant to the Inquiry's examination of the ADF response to the Coroner's request for statements.

45

COL STREIT: Yes.

MS McMURDO: And the delay in providing that.

5

COL STREIT: Yes.

MS McMURDO: And so we know that there was this delay from when it was hoped to get this information from this witness and others in his aircraft, and immediately after the accident, and that the statement was to come later. And it wasn't delivered until months after. And we've heard that he commenced giving the statement – preparing the statement in September. So I think the circumstances of how the statement came to be made, and the circumstances surrounding it, are indeed relevant to the Inquiry.

15

COL STREIT: Yes. My submission is they are relevant, and the way I was going to deal with it was to pick up on the thread of my questioning that doesn't potentially go into whether or not he's received legal advice because that's unclear at the moment on the information I have. But, nonetheless, the contents of any legal advice he's received is not the basis of my questions; it's the method by which the statement was created and so on.

20

MS McMURDO: That's right, and the history of the statement.

25

COL STREIT: That's right.

MS McMURDO: And the timeframes involved and so forth. That's certainly relevant.

30

COL STREIT: So D11, if you've received any legal advice in the preparation of the statement that we're just taking some evidence from you about – I'm not going to ask you any questions about that. I'm certainly not asking you to waive legal privilege in relation to any advice you've been given by a lawyer who's told you they're giving you legal advice, if that happened. But what I am going to ask you is just some questions in relation to the steps you took and the preparation of your statement, and then the submission of your final statement, okay?

35

40

D11: Yes, sir.

COL STREIT: And if in doubt, if you're not sure, just ask me.

45

D11: No worries.

COL STREIT: Now, so you've given some evidence that you were given a template statement which you populated, and ultimately it became your signed statement of 29 November 2023.

5 D11: Correct.

COL STREIT: Do you recall whether prior to 29 November 2023 – that is, when you signed it – do you recall whether it was ready to sign at any earlier time?

10 D11: I don't recall, sorry, no.

COL STREIT: And now when you - - -

15 MS McMURDO: Did you type it up yourself, according to the template that you were given?

D11: Yes, ma'am.

20 MS McMURDO: You just filled in the blanks after the questions.

D11: Yes, ma'am.

25 MS McMURDO: Okay, thank you. And then from when you did the first one in September, what happened after that?

D11: There was a little bit of, you know, toing and froing from my lawyer, just to tidy the statement up. Not to admit anything, but just grammar, essentially. And then as soon as it was ready, I signed it and submitted it to my lawyer.

30 MS McMURDO: So did you have any discussions with the other aircrew about it?

35 D11: No, we - - -

MS McMURDO: About this incident?

40 D11: No, we tried – we didn't discuss what we put in our statements.

MS McMURDO: No. But did you discuss the whole incident, and what you saw from time to time with them?

D11: Immediately after, there was obviously – we obviously talked about it. But as we knew legal proceedings were going to start happening, we tried not to talk about who was saying what or who was putting what in their statements, as we were advised not to do that.

5

MS McMURDO: While still supporting each other through what was a terrible, terrible incident.

D11: Correct.

10

MS McMURDO: So there was some toing and froing about – could you just give us a bit more detail about that toing and froing?

D11: It's pretty hard to remember what happened, like, after 12 months.

15

MS McMURDO: Sure.

D11: I'm not sure how many times it went backwards and forwards. It wasn't many times. And it was more just to – and when I say "tidy up", I don't mean what was being provided – or, sorry, the information I was putting in the statement.

20

MS McMURDO: It was more the wording, the editing.

25

D11: Yes.

MS McMURDO: The editing of it. The turns of phrase and so forth.

D11: Correct.

30

MS McMURDO: Yes.

D11: Like, the clarification of – like, if I used an acronym, for example, that clarification of those sort of things.

35

MS McMURDO: Sure. So you feel quite comfortable that there was no change from your original meanings that you put in?

D11: No. Yes, it's fine.

40

MS McMURDO: Thank you. Yes, COL Streit.

COL STREIT: When you signed your statement on 29 November 2023, do you remember where you were when you signed it, in terms of the location?

45

D11: I would have been in Sydney. I don't – I would assume in my office, but – or at my desk.

5 COL STREIT: Now, what did you then do with your statement, once it was signed?

D11: I submitted it to my lawyer.

10 COL STREIT: And when you say "lawyer", does that mean – who's that?

D11: Caroline Rice, or somebody in her – I don't know if it was her specifically, but somebody in her department.

15 MS McMURDO: So was she your lawyer, or was she the Army's lawyer?

D11: My lawyer.

20 MS McMURDO: So did other people in your aircrew, Bushman 84 aircrew, have different lawyers?

D11: Some of us had the same one, and I guess because there was so many of us, like, some of the others had different lawyers as well.

25 MS McMURDO: Thank you.

COL STREIT: Were you given any information by anyone as to what was to happen next with your statement, when you provided it to Ms Rice?

30 D11: I think so. I don't remember what. More in terms of what the process was going to be. I don't remember what that information was now though.

35 COL STREIT: Were you ever informed, prior to signing this statement, before you started drafting it, did anyone tell you as to why you needed to make a statement?

40 D11: Potentially. But again, it was 12 months ago, I don't remember all the details of all that information that was given.

COL STREIT: Sure. If this assists, was it because the Coroner had requested a statement be made?

45 D11: I don't remember if it was the Coroner or Comcare that had requested the statement.

COL STREIT: So once you provided your statement signed to Ms Rice, I appreciate it's a little while ago now when you did that, but is your evidence – and if I have this wrong, tell me – but is your evidence you're not sure whether the statement was to be provided to the Coroner or Comcare, or both?

D11: Both. I think, from memory, it was the Coroner originally and then it went to the Comcare, but I don't remember who it went to.

COL STREIT: Can I try to help you here – and I'm not being critical of you in any way, because things may have changed – but if you look at paragraph 2 of your statement, you'll see there it says:

I make this statement in response to a Form 25 requirement by the Coroner for information issued on 5 September 2023.

D11: Yes.

COL STREIT: So was that information in the template statement that you received, or did you write that information yourself?

D11: I think it was in the template.

COL STREIT: And do you recall ever receiving a copy of a Form 25 requirement from the Coroner?

D11: I don't remember, I'm sorry.

COL STREIT: D11, if we could just put that Defence – what I'll call the Defence statement aside. And the other statement, I'll call the Inquiry statement – if you just put the Defence statement aside for one moment and if you could just pick up your Inquiry statement. What we're going to do is just move through your Inquiry statement. We won't cover each and every aspect of your statement. We'll just move through chronologically, okay?

D11: No worries.

COL STREIT: Feel free to pour yourself a glass of water. I'm sorry, I should have mentioned that before.

MS McMURDO: I think the orderly did at the commencement.

COL STREIT: Well, he's more attuned than I am, so thank you. At paragraph 4 you indicate that you completed your UH-60M conversion

course in December 2023; is that right?

D11: Correct.

5 COL STREIT: And you indicate that due to some aircraft limitations, you were unable to complete the course fully. Have you now completed the course fully?

D11: No, not yet. Those limitations are still in.

10 COL STREIT: And in terms of your current role, you are a CAT C aircrewman on the UH-60M Black Hawk.

D11: Correct.

15 COL STREIT: And that was a transition that you undertook from being an aircrewman on the MRH-90?

D11: Correct.

20 COL STREIT: Do you recall when you started that transition?

D11: Onto MRH-90?

25 COL STREIT: From MRH-90 to Black Hawk?

D11: Potentially around November, but I'd have to go back and look to get a more precise date.

30 COL STREIT: On page 2, if we can just turn to that, you say you completed your initial Special Operations Aviation Basic Course on the S-70A Black Hawk in October 2019; is that right?

D11: Correct.

35 COL STREIT: And you completed a Special Operations Junior. Is that junior aircrewman - - -

D11: Yes.

40 COL STREIT: - - - on the S-70A in March 2020? And then you completed the Special Operations Basic and Junior Aircrewman on MRH-90 in April 2022.

45 D11: Correct.

COL STREIT: So your initial training is on the previous Black Hawk in service.

5 D11: Correct.

COL STREIT: And then transitioned to MRH-90.

D11 Yes.

10

COL STREIT: And now transitioned to Black Hawk, but the new Black Hawk.

D11: Correct.

15

COL STREIT: At paragraph 7 you say you've completed promotion for Subject 4 for Sergeant Aviation Aircrewman in November 2023; is that right?

20

D11: Correct.

COL STREIT: And you've listed at paragraph 8 through (a), (b), (c), (d) and (e) matters concerning your flying hours in various airframes; is that right?

25

D11: Correct.

COL STREIT: If we go to paragraph 10, which is page 4, you say that as at 28 July 2023 you felt confident in your abilities to call the aircraft to termination landing point. That you'd done multiple Special Ops sorties that year in a range of different environments and landing points that set you up well. And whilst you're confident in the flying component you're not fully proficient in the planning space as you had little exposure, is that right, at that time?

35

D11: Correct.

COL STREIT: At paragraph 11 you deal with secondary duties and, in particular, at the time of the incident you were the Acting Troop Sergeant. Is that right?

40

D11: Correct.

COL STREIT: Now, your primary role was as a Qualified Aircrewman on the MRH-90; is that right?

45

D11: Correct.

5 COL STREIT: But you were required to perform an acting role as the Troop Sergeant because the person who would normally be the Troop Sergeant wasn't on exercise.

D11: That's correct.

10 COL STREIT: And that required you to assume a supervisory function within the Troop?

D11: Correct.

15 COL STREIT: And if you have a look at the pseudonym list that's next to you, can you just tell me who was your Troop Commander at the time on Exercise TALISMAN SABRE?

D11: That was D20.

20 COL STREIT: And so, in the context of being on the exercise, you were required to report to D20 in relation to your duties as the Acting Troop Sergeant?

25 D11: Correct.

COL STREIT: In broad terms, can you just describe the types of duties you had as an Acting Troop Sergeant at that time?

30 D11: So one of the duties would be Troop welfare if there was anybody unwell, unhappy or having any sort of issues, to bring it to the Troop Commander's attention so we can deal with those issues; as well as Troop stores, making sure aircraft were prepped and ready for the next task; and if there was any issues with those stores, fixing them or rectifying it or, if I
35 couldn't do that, informing the Troop Commander or the chain of command.

40 I also did some crewing. The crewing as well from an aircrewman side. And any sort of other admin tasks that might be required, I'd be putting Troops to tasks.

COL STREIT: Sure. Now, when you talk up that role, the Acting Troop Sergeant, did you have that role before the exercise?

45 D11: No. So before the exercise – so in about March – early March of last

year, I was the Acting TACOPS Sergeant because that member went away on course. I held that until about late June, I think. In sort of late June, early July I was told I was going to be the Troop Sergeant for the exercise, and that's what I did prior.

5

COL STREIT: Had you previously had any experience as a Troop Sergeant?

D11: No.

10

COL STREIT: At the time you were a Corporal?

D11: Correct.

15

COL STREIT: And in your experience at the unit at that time, was it something that was not unusual, for a Corporal to step up to an Acting Troop Sergeant role?

D11: It's not unusual.

20

COL STREIT: And did that arise because the Troop Sergeant might be away on course, or some other matter?

D11: Correct.

25

MS McMURDO: Would you get paid for that role?

D11: It depends on the amount of time you're going to be doing it for. I don't remember what that time is, but if it was going to be a projected timeframe then you can apply for Higher Duties Allowance.

30

MS McMURDO: Thank you.

35

COL STREIT: Now, on Exercise TALISMAN SABRE, if we could just deal with this particular aspect: you reported to D20, who was your Troop Commander?

D11: Correct.

40

COL STREIT: And so D20 was your Troop Commander before you deployed on Exercise TALISMAN SABRE.

D11: Correct.

COL STREIT: It's just that in this instance, whilst you were on exercise, you had a supervisory function as the Acting Troop Sergeant, which required you to report on other matters to D20?

5 D11: Correct.

COL STREIT: Now, at some point in time, the Inquiry understands that D20 left the exercise.

10 D11: Correct, yes.

COL STREIT: Is that correct?

15 D11: Yes.

COL STREIT: And that CAPT Lyon then became the Troop Commander for your Troop; is that correct?

20 D11: That's correct.

COL STREIT: And does that mean that when D20 left the exercise, your reporting obligations to D20 became reporting obligations to CAPT Lyon?

25 D11: Correct.

COL STREIT: I appreciate it's a little while ago now, but do you recall reporting to him about Troop matters during the exercise after D20 left?

30 D11: I don't remember any significant matters. There would always be, you know, letting him know how things are going on a day-to-day basis, but there was no significant matters that I remember that needed reporting.

35 COL STREIT: At paragraph 11(a) of your statement, you say that – I'll start again. Referring to paragraph 11(a) of your statement, were you the Acting Tactical Operations Sergeant role for the Squadron before you deployed?

40 D11: Correct. There was probably a brief period where I wasn't. So before we deployed, I'd taken over that role as Troop Sergeant. So a lot of the preparation had been done for me prior to taking the role, but I essentially left the TACOP Sergeant role and then moved into the Acting Troop Sergeant role.

45 COL STREIT: And you go on to say that you were the TACOPS Sergeant from early March 2023 to late June 2023.

D11: Correct.

5 COL STREIT: You then say and the Troop Sergeant role from late June, early July through to when you transferred to 171 Squadron and took up a permanent role as the Troop Sergeant.

D11: Correct.

10 COL STREIT: So in terms of the TACOPS Sergeant role, that was a role in addition to your primary role as an aircrewman on MRH-90?

D11: Correct.

15 COL STREIT: And who did you report to in that role?

D11: As a TACOPS Sergeant, I reported to the OPSO, the Operations Officer.

20 COL STREIT: And you were a Corporal at the time; correct?

D11: Correct.

25 COL STREIT: Did you receive Higher Duties Allowance for operating at a higher rank?

D11: Correct.

30 COL STREIT: Now, you were the Acting Troop Sergeant for D20's Troop during the Exercise TALISMAN SABRE. When the exercise concluded and you returned back to 6 Aviation – sorry, when you returned back to 6 Aviation Regiment, did you maintain the role as the Acting Troop Sergeant?

35 D11: I did. The Troop Sergeant was still away on course. I don't remember what time he got back. They were still away, so I maintained that role.

40 COL STREIT: Now, you'd previously been deployed in 2020 to Port Moresby; is that correct?

D11: Correct.

45 COL STREIT: And that was for one week; you conducted high density altitude training.

D11: Correct. I think the Squadron was there for a bit longer but that was just how long I was there for.

5 COL STREIT: And you say, on the top of page 5, the only extended leave you'd taken during this period – that's 2020 to 2024 – is during the Christmas standdown period that usually goes from 10 December to 22 January each year; is that correct?

10 D11: Correct.

COL STREIT: So if I understand your evidence correctly, therefore in the period 2020 to 2024 – over that period – the only extended leave you've had is at Christmas standdown?

15

D11: Correct.

MS McMURDO: You say in your statement you're going to take long service leave from September to October 2024.

20

D11: Correct, ma'am.

MS McMURDO: You're not on long service leave at the moment, are you?

25

D11: No, ma'am.

MS McMURDO: No. I'm pleased to hear it.

30 COL STREIT: You took that long leave, didn't you?

D11: I did, yes.

35 COL STREIT: As a consequence of you being on leave, your evidence was put off to be called during this hearing. That's your understanding?

D11: That's correct, yes.

40 COL STREIT: Can I just deal with your experience flying an MRH-90, which commences at paragraph 15.

D11: Yes.

45 COL STREIT: You don't have a preferred side of the aircraft to sit on; is that right?

D11: That's correct.

5 COL STREIT: You regard both sides as similar. You don't have a side that you would normally sit on. Is that - - -

D11: That's correct.

10 COL STREIT: At para 16 you deal with your experiences about what it's like to fly in the MRH-90 by day and night, with doors closed and doors open.

D11: Yes.

15 COL STREIT: When you say "doors closed", you say – when the doors are closed in the MRH-90 you say at 16(a):

20 *The visibility was restricted to the single window in the aircraft door. Even then, the visibility was limited as you're required to be secured in your seat and did not have adequate observation of what might be happening on your respective side. You would have better visibility if you were in front of the window, but then you would not be restrained in your seat.*

25 You then go on to say:

30 *The visibility is even more reduced when wearing night-vision goggles as you're essentially looking through tubes out a window. From the seat in row 7, you have very little view through the window with NVGs on.*

Correct?

D11: That's correct.

35

COL STREIT: Compare that to doors open, you say:

40 *When the doors were opened you had much better visibility; however, you could not really observe the rear of the aircraft from sitting in the seat. To have required visibility to conduct your job appropriately, you needed to be in the middle of the door so as to see rearward and past the frame of the aircraft.*

Is that right?

45

D11: That's correct.

COL STREIT:

5 *Even to view forward of the aircraft, you would have to lean
 outside the aircraft to clear it properly.*

Correct?

10 D11: That's correct.

COL STREIT:

15 *This would put you in the wind rush and would be fatiguing to stay
 there for long periods, particularly in the extremely cold
 environments.*

D11: That's correct.

20 COL STREIT: The Inquiry has heard some evidence about cold weather
 gear issued to aircrewman and how there might have been some difficulties
 with that cold weather gear in terms of resisting the cold. What's your
 experience of cold weather gear in the MRH-90?

25 D11: I think the current issued cold weather gear, it's insufficient,
 particularly in very cold weather. Particularly flying down around Sydney
 in winter, it is just not good enough. Particularly in the MRH-90, when the
 doors are open, you get very cold. We often would try and leave the doors
 closed – if it was going to be a long flight, we'd leave the doors closed as
30 long as we could and only open them when we required. Purely because,
 you know, the wind rush is extremely cold. You know, you're talking sort
 of up to minus 10 degrees with the wind rush, so it's cold.

35 COL STREIT: I take it, depending on the speed the aircraft is travelling
 in terms of knots, that would only become worse if the aircraft was moving
 quickly?

40 D11: Correct, yes. And then you're more worried about – you're
 focussing on being cold as opposed to focusing on what you need to do.

MS McMURDO: And I think some of you were trying to get proper cold
 weather clothing issued by the Army?

45 D11: Yes, ma'am. We're in the process now – we're, you know, about to
 send some guys overseas into some cold environments to trial new cold

weather clothing. I'm not sure what that clothing is, but they're starting to trial some new equipment.

5 MS McMURDO: But back in July '23, already though you had been requesting this for some time from the Army?

D11: Yes, ma'am. Yes, ma'am.

10 MS McMURDO: Yes, thank you.

COL STREIT: At paragraph 18 you were asked about formation lights on the MRH-90, and you say that:

15 *The formation lighting that the MRH-90 came up with as stock standard was not effective; however, all-purpose adhesive light stripes attached to the aircraft made it easier to see the aircraft when in close formation.*

20 Is that right?

D11: Correct.

25 COL STREIT: Does that mean if you were flying in close formation with the doors open, and you were the number 2 aircraft in a sortie of two, does that mean your experience is you would see the adhesive strips on the aircraft in front of you if you leaned out?

D11: Yes.

30 COL STREIT: And we're talking about flying at night here?

D11: Yes.

35 COL STREIT: Did they have a reflective effect during the day?

D11: Yes. So the tape they were stuck on with was, like, a silver tape.

COL STREIT: Yes.

40 D11: So it being silver, it was reflective. So you could see it.

45 COL STREIT: Can I turn now to paragraph 20 and 21? We've covered aspects of paragraph 20 in relation to who you reported to in 2023 and your role as the TACOPS Sergeant, and also what happened in terms of your role on TALISMAN SABRE. Can I turn to 21 more particularly? There you

were asked whether you think aircrew were promoted to leadership positions prematurely in the Regiment in 2022/2023. You say:

5 *I don't recall anyone getting promoted in 2022 who I thought was getting promoted prematurely. In 2023 there were multiple courses that were taking some of the Regiment's senior NCOs away for extended periods of time. This required junior members to fulfil positions that are generally filled by senior Non-commissioned Officers. An example of this during*
10 *TALISMAN SABRE is when D39 was made the TACOPS Sergeant for the activity and they'd only posted into the unit that year.*

15 *On top of that, they transferred from Navy and still didn't have a solid appreciation of how Army works. They were considered the best option of the junior aircrewman left as they had more time in the ADF.*

Is that correct?

20 D11: That's correct.

COL STREIT: And you go on to say you:

25 *I think the unit is in a precarious position. There's no longer any senior aircrew Corporals within the Regiment that are looking to promote, but the unit still has senior positions that need filling.*

30 To your observation, therefore, is there a desire to stay at the Corporal aircrewman level because of the nature of the role you do, rather than be promoted because then you pick up supervisory responsibilities as a Troop Sergeant?

35 D11: Yes, and also you still fly as a Troop Sergeant, but your flying is less because you're letting your Corporals fly. So, as a Corporal, you do more flying. And we do this job to fly, so that's why people generally want to stay as a Corporal, to do more flying.

40 COL STREIT: So staying as a Corporal means greater opportunities to be more proficient in your role as an aircrewman in the aircraft?

D11: Correct.

45 COL STREIT: Whereas, to your observation and experience, taking up a supervisory role and being promoted reduces – because of the workload of that role, reduces the opportunities to remain proficient in the aircraft?

D11: Correct.

5 COL STREIT: Can I turn to the matters concerning fatigue, which is at para 22 of your statement? You say:

The Regiment has always had a high tempo. 2022 was particularly busy due to the Squadron being called away at short notice in support of DACC for the floods.

10

So DACC is Defence Aid to the Civil Community?

D11: Correct.

15 COL STREIT: When you say “DACC for the floods”, what is that a reference to?

D11: I think it was early 2022, again, there was a lot of floods going on, so I don’t really remember which ones we went to. I think it was the floods around Richmond. We were in the middle of a course and then we were essentially told to stop that course and go start supporting the floods. So recovery assets. And we also flew emergency services around to sort of do damage assessments of certain areas.

20

25 COL STREIT: Do you know how long you were away doing that task for, approximately?

D11: I think it was approximately two or three weeks, but I don’t remember exactly.

30

COL STREIT: You also say in the last sentence of paragraph 20(a) – I withdraw that. I’ll move on to paragraph (b). At this time, during this high tempo period in – well, during 2022, at (b), you say:

35

At the same time, I was very much trying to learn the role as I’ve never done it before.

What do you mean by that?

40

D11: I think that’s referring to 2023, not 2022.

COL STREIT: Yes.

D11: So at the same time I was trying to learn the role of a junior aircrewman in an MRH-90. So essentially learning the new aircraft, as there was always differences.

5 COL STREIT: Yes.

D11: That's what I'd be referring to.

10 COL STREIT: And that was being impacted, was it, because of your other duties as the TACOPS Sergeant?

D11: Correct.

15 COL STREIT: You say:

20 *I was trying to learn all I could about the role before we deployed on TALISMAN SABRE. I was not as busy in this role, as a lot of the work for the deployment had been done for me, and I had better understanding of that role but still significantly busier than normal line aircrewman.*

D11: Correct.

25 COL STREIT: And the reference to "normal line aircrewman", is that a reference to aircrewman at the rank of Corporal and below?

D11: So at the moment we only – the lowest rank for an aircrewman is Corporal.

30 COL STREIT: Can I just turn to page 8. You say:

35 *The only mandated non-flying periods during 2023 that I remember was after the Jervis Bay ditching, and all MRH-90 were grounded for a period. At this time, I was the Acting TACOPS Sergeant and, due to the grounding, future activities needed to be cancelled/rescheduled.*

40 *In hindsight, I should have taken some time off to recover from the incident as I didn't feel that rested once flying recommenced. Obviously, there was no flying after the Proserpine crash, and I did feel rested once I returned to flying after that incident.*

Is that correct?

45 D11: That's correct.

COL STREIT: And you were involved, weren't you, in the Jervis Bay ditching?

5 D11: Correct, yes.

COL STREIT: You were in the aircraft that ditched?

10 D11: I was, yes.

COL STREIT: At paragraph 24 you were asked about difficulties experienced with the serviceability of the MRH-90 and how the serviceability issues impacted your workload as aircrew, or fatigue levels. And you say:

15

Thinking back, I remember having frustrations with the airframe, but I don't have specifics of those frustrations. When activities had to be reorganised due to serviceability issues, it would cause significant increase to my work as the TACOPS Sergeant as I would have to book new ranges, deconflict those ranges, and potentially organise a GFE to support. This would often mean longer work days that would increase fatigue levels.

20

Is that correct?

25

D11: That's correct.

COL STREIT: During that time, approximately how many hours would you say you were working?

30

D11: As a TACOPS Sergeant, you know, up to 10 to 12 hours.

COL STREIT: Paragraph 26(a) you say:

35

I generally worked a mixture of day and night shift.

Is that right?

40

D11: That's correct.

COL STREIT:

And this would change on a daily basis.

Can I just ask you what does that mean, that it would change on a daily basis?

5 D11: So that could be anything from a pilot or an aircrewman might become sick, so that flight might fall over, or having to change crews around to fill that flight so it can still go ahead. Weather might be bad, so you have to slide the flight left or right. Yes, a number of issues. Aircraft might not come up serviceable, so they have to test it to get it serviceable again, or bring up another aircraft to fly, which can all make your timings slide left or right.

10 COL STREIT: So if I can ask you this there, just to clarify this area? At that time, are you referring to situations where a flight might be planned during the day, which is a day shift, and for whatever reason – weather, serviceability – the flight couldn't occur during the day so it was repositioned to occur during the night?

20 D11: Generally, if it was a day flight, it would stay as a day flight. We wouldn't then turn – depending on what the sortie was, we wouldn't make it a night flight. Sometimes we do. But generally if it's a day flight, there is a reason for it being a day flight. So we can obviously only move that flight right so far before you run out of daylight. So we don't always turn a day flight into a night flight.

25 COL STREIT: But did you experience any situation where you were on day routine, expecting to go on a flight during the day routine hours, then for whatever reason the flight couldn't occur but it was pushed to later in the day – still daylight – but you're transitioning into what would otherwise be a night routine?

30

D11: Yes.

35 COL STREIT: Did that create challenges in trying to manage your sleep circumstances, your work/rest and your sleep circumstances?

40

D11: Yes. We generally try to start later in the day, so we can have our crew endurance go into the night for generally those reasons. But I would say the uncertainty, the regular uncertainty, of hours is fatiguing.

40 COL STREIT: At paragraph 27 you say:

I don't know if I had acute or cumulative fatigue.

45 And this is in the context of 2023; is that correct?

D11: Correct.

COL STREIT: You say:

5 *I definitely had times where I felt tired, unmotivated, was not
looking forward to coming to work. That was mostly during my
time as the TACOPS Sergeant as I was still new to the role and
trying to learn it. I felt similar when placed in the Acting Troop
Sergeant role as I was not expecting to come back into the Troop
10 to fulfil this role.*

*I was very much looking forward to going back to being a line
aircrewman. I don't think I was tired in this role as I had much
better understanding of the Troop Sergeant role. I don't remember
15 telling anyone about being tired at the time in an official capacity.*

*I did talk about not being happy in the role, but not reporting it
officially, more so in crew room chats. But I don't remember who
was involved in these chats.*

20

Is that correct?

D11: That's correct.

25 COL STREIT: At paragraph 28, you don't remember ever pulling out of
a flight due to fatigue?

D11: Correct.

30 COL STREIT: At paragraph 29, you were asked whether you think there
was a culture of aircrew being honest about their fatigue levels in 6 Avn
Regiment in 2023, and feeling comfortable to disclose that they were
fatigued and could not fly a sortie because they were fatigued. You say this:

35 *I think that the culture in 6 Avn was that people wanted to see the
mission succeed. Quite often there is not enough aircrew to
replace members who FACE out of a flight, which can be the cause
of an entire aircraft having to be dropped from the sortie, which
could cause the mission to not go ahead. No one wants to be the
40 cause of an aircraft having to drop from a sortie and possibly force
a mission from not going ahead, particularly as a junior pilot or
aircrewman.*

45 *I can't remember anyone who had removed themselves from a
flight due to fatigue in 2023. That's not to say it didn't*

happen. The only time I remember a sortie being cancelled was by the OC 173 Squadron, D10, during an activity during a Special Operations Qualification Course.

5 But you don't remember which course, is that right?

D11: That's correct.

10 COL STREIT: Paragraph 30 you give some evidence that you don't remember that you received – that you had received some training in fatigue management. You don't remember what exactly – I withdraw that. At paragraph 30(a) you say:

15 *I do remember that I had received some training in fatigue management. I don't remember what exactly that training consisted of or when it was delivered, but I remember receiving the training in how to manage fatigue. I don't ever remember receiving training in what the causes of fatigue are.*

20 That was your experience as at 28 July 2023. Post the accident or the crash of Bushman 83, has your experience changed in relation to receiving training on fatigue management?

25 D11: Yes. I know this year we've had one or two times – I definitely remember one time – we had a – again, I don't remember his name – but he was a specialist in sleep management. He came in, gave us a brief on understanding sleep patterns and how to best manage your sleep. There may have been another time we've had somebody come in, but that's what I remember.

30 COL STREIT: At paragraph 31 you give evidence that you know there was a Standing Instruction that detailed fatigue management, and this has recently been changed and taken up as part of a Standing Instruction modification. Is that correct?

35 D11: Correct.

COL STREIT: You say:

40 *There is also the DFSB Fatigue Risk Awareness Tool to help aircrew identify their level of fatigue.*

Is that right?

45 D11: That's correct.

COL STREIT: Could the witness be shown Exhibit 37, please?

MS McMURDO: Yes.

5

COL STREIT: While that's being provided to you, you also go on to say:

10 *The Professional ADF Aviators' Reference Manual also has a lot of information on symptom types and how to manage fatigue. There is more information rather than an OIP though.*

Is that correct?

D11: Yes, correct.

15

COL STREIT: Now, OIP is Orders, Instructions and Policies?

D11: Correct.

20 COL STREIT: What did you mean by that last sentence of paragraph 31(a)?

25 D11: Sir, the PAARM, it's more information. So it's more information on what causes fatigue, but not necessarily how to – I guess, in providing information, it sort of tells you how you can also address fatigue, but it's not – it's a document that's more for information, as opposed to what you must do.

30 COL STREIT: Have a look at Exhibit 37, which you have there in front of you. So is that the Fatigue Risk Awareness Tool that you referred to in your statement?

D11: Correct.

35 COL STREIT: When did you first become aware of this document – sorry, of this tool?

D11: Unsure. Yes, unsure when I first became aware.

40 COL STREIT: Do you recall whether it was being used – well, do you recall whether you used it prior to 28 July 2023?

45 D11: I didn't use it. I think I was aware that it was around, but I wasn't using it.

COL STREIT: Do you recall at a point in time whether it's become mandatory for aircrew to use this tool?

5 D11: Correct. Before we go on a flight, we fill this out.

COL STREIT: Yes.

D11: We electronically sign it and we place it in an Objective file.

10 COL STREIT: To your knowledge, do you know what happens to the document, the tool that you've completed?

D11: As far as I'm aware, it's just staying in the Objective file and that's just where it stays. I'm not sure what happens to it after that.

15 COL STREIT: Do you recall that you first started using this form as a requirement this year, in 2024?

D11: Correct.

20 COL STREIT: In completing this form, have you ever gone into the amber category?

D11: Yes.

25 COL STREIT: When we say "amber", you'll see that there are five questions asked of you on the left-hand side of the document, and then there are three categories of: "Monitor"; "Actively manage"; and "Caution". "Monitor" is green, "Actively manage" is orange, and "Caution" is red. Do you agree with that?

D11: Correct.

35 COL STREIT: Going into the "Actively manage" category, the right-hand side of the document provides guidance as to what "actively manage fatigue and alertness" means, and requires:

40 *To advise supervisor of your heightened fatigue risk and ask team members to monitor you –*

and it goes on. When you've gone into the "Actively manage" category when you completed this tool, what's happened?

45 D11: So before we go flying, it's a requirement to brief the Aircraft Captain on your – we call it FRAT for short – our FRAT scores. And it's

just to make the Aircraft Captain aware, before he goes and authorises the flight, as I believe it's part of his brief to be authorised and to – so the rest of the crew knows where everybody's fatigue levels are at.

5 COL STREIT: And as a result of completing the form in the “Actively manage” component, has that ever meant you haven't gone flying?

D11: Not me personally, no.

10 COL STREIT: Now, are you aware of any of your other aircrew who were on the sortie that you were involved in that have gone into the “Actively manage” and they didn't go flying?

D11: Not to my knowledge.

15 COL STREIT: To your knowledge, has anyone in a sortie that you have been involved in gone into the red category?

D11: Yes.

20 COL STREIT: What's happened, to your knowledge, when that happened?

25 D11: To my knowledge, they were – so his Aircraft Captain and the Authorising Officer, they had a chat to see what the issue was, why he was red, how he was feeling. I don't remember if there was, like, extra management was put in place to manage him, but I know he went flying but there was a discussion about why he was red.

30 COL STREIT: Do you know approximately when that occurred?

D11: Around July, I think, of this year.

35 COL STREIT: Does the Aircraft Captain – if you have a look at the list on your right-hand side – the pseudonym list, sorry. Can you just identify whether that person has a pseudonym?

D11: So the member that went red has a pseudonym.

40 COL STREIT: Yes.

D11: Yes, that was D28.

45 COL STREIT: Just if we put that down. Well, can you tell me who the Authorising Officer was, by reference to the pseudonym?

5 D11: I don't remember who the Authorising Officer was, sorry.

COL STREIT: That's okay. If we just put that to one side?

10 MS McMURDO: So could I just clarify, was D28 the person who said that they were red?

D11: Correct.

15 MS McMURDO: But that D28 was not the Aircraft Captain that day?

D11: No, he wasn't.

MS McMURDO: Thank you. And you don't know the Aircraft Captain's pseudonym? Not in there?

D11: No, I don't sorry, ma'am.

20 MS McMURDO: Okay, thank you.

COL STREIT: Now, you were asked at paragraph 32 whether you have ever been asked to participate in a sleep fatigue study in 2022 in 6 Aviation Regiment, and you say you remember CAPT D21 briefing the aircrew about something to do with a sleep fatigue study:

25 *I don't remember what was involved with the study, or even if I participated in it. I don't remember being briefed about any outcomes.*

30 Is that right?

D11: That's correct.

35 COL STREIT: So you had an awareness that something might be occurring, but you weren't involved?

D11: That's correct.

40 COL STREIT: At paragraph 33 you were asked to describe the tempo and culture in 6 Aviation Regiment now, and how busy you are in your current roles, and you said:

45 *I think the tempo at 6 Avn is still high, particularly for those in command ops roles. Their tempo is high as there have been*

numerous activities this year that have not been given approvals from higher command, and therefore have needed a lot of re-planning. There has been a greater focus on fatigue management this year, with multiple periods of no or limited flying.

5

For myself, I would say my workload is still very high as the Troop Sergeant, for being responsible for crewing of aircrew of 171 Squadron as well as supporting SAA.

10 What does “SAA” stand for?

D11: School of Army Aviation.

COL STREIT: You go on to say:

15

This has been difficult most times as the airframe numbers have been low and qualified aircrew have been extremely low. It’s been a juggling act to achieve all that is required with the crew and airframes that are available.

20

My workload to administer my Troop often limits my ability to read/study the numerous flying OIP that I need to be conversant with to be able to do my job in the aircraft.

25 Is that right?

D11: Correct.

30 COL STREIT: At paragraph 34 you were asked to outline any mandated non-flying periods in 6 Aviation Regiment, and you say that for this year, each school holiday period there has either been a period of reduced tempo or a non-flying period. Correct?

D11: That’s correct.

35

COL STREIT: And that the month of August was a reduced tempo.

D11: That’s correct.

40 COL STREIT: You say that:

During these times, it has been encouraged to take leave by the chain of command.

45 You then say:

of the two – and how many hours you generally work per day, and how many days a week you are flying. And you say:

5 *I'm currently working a mixture of day and night shifts. Flying usually involves both flying a day wave and a night wave. When there is a major exercise on, your workday is much longer, up to 13 hours. When there is no exercise, then it's more general flying/supporting SAA. My day is usually around nine to 10 hours.*

10 *With respect to my flying, if there is an exercise on, I would generally fly four days in a week. If there is no exercise, I will try to give as much of the flying as I can to members of my Troop. I may fly two to three times in a week.*

15 Just pausing there. Why, if there's no exercise on, do you try to give as much flying time to members of your Troop?

20 D11: So not all members of the Troop – or back when I wrote the statement, not all members of the Troop had the right qualifications to do some of the flying we were doing. And because that flying we were doing was for testing and evaluation, the members that didn't have the right quals weren't getting as much flying. So when we weren't doing those exercises, I was giving as much flying to them as I could, so they could keep their currencies and fly.

25 COL STREIT: Thank you. Ms McMurdo, I note the time.

MS McMURDO: Sure.

30 COL STREIT: It might be convenient for a short break.

MS McMURDO: Yes. We'll have a 45-minute break for lunch.

35 **HEARING ADJOURNED**

HEARING RESUMED

5 MS McMURDO: We haven't got COL Streit.

MS MUSGROVE: I'll stand here and pretend it's the Bar table, so you're not left unattended.

10 MS McMURDO: That's very, very kind of you, but there's no need for that really. Yes, that's a bit embarrassing, we beat our Counsel Assisting.

LCDR GRACIE: I have a couple of applications.

15 MS McMURDO: Just trying to speed things along. Sorry, COL Streit, we weren't told you weren't here. We just blithely walked in and saw half the - - -

20 COL STREIT: Just dealing with the next witness. Perhaps somebody, a volunteer, could - - -

MS McMURDO: Ms Musgrove offered to stand at the bench, out of courtesy, but I told her it wasn't necessary.

25 COL STREIT: Thank you. Thank you, Ms McMurdo.

D11, have you got your statement in front of you there?

D11: I do.

30 COL STREIT: That's your Inquiry statement, and we were up to page 12. And we might turn to paragraph 37 of your statement, thanks.

D11: Yes.

35 COL STREIT: Paragraph 37 asks you to express whether you'd experienced acute or cumulative fatigue in 2024. You say this:

40 *I wouldn't say I've experienced acute or cumulative fatigue. It's not uncommon for me to reach the end of the work week needing a rest, and recently when getting home I have needed time to decompress. I believe this is a normal part of the job as a Troop Sergeant as there is a lot the Troop Sergeant needs to be tracking and ensuring the members of the Troop are staying on top of.*

As I haven't felt I have had acute or cumulative fatigue, I haven't reported to anyone if I was feeling fatigued.

Is that correct?

5

D11: It's correct.

COL STREIT: Now, paragraph 38 asks you to describe whether you think there is a culture of aircrew being honest about their fatigue levels in 6 Aviation Regiment in 2024, and feeling comfortable to disclose that they are fatigued and could not fly a sortie because they are fatigued. You say:

10

15

I would say there is a much greater focus on fatigue management in the unit. As I mentioned previously, I think there is still a culture of wanting the mission to succeed. This may cause some aircrew to not be 100 per cent honest with their fatigue levels.

20

I believe that if there was an aircrew who was concerned about their ability to fly due to their fatigue levels, then they would feel confident in coming forward to remove themselves from the flight.

As previously mentioned, there is still the same issue of a lack of crews to replace those who FACE'd out of flights.

25

Is that correct?

D11: It's correct.

COL STREIT: So when you say in that paragraph that a culture of wanting mission success may cause some aircrew not to be 100 per cent honest with fatigue levels, is that evidence to be understood in a way that you're saying that aircrews are aware of needing to achieve mission success?

30

35

D11: Yes.

COL STREIT: And that awareness of needing to achieve mission success might overcome their better judgement about disclosing fatigue levels?

40

D11: Potentially.

COL STREIT: Could it mean that aircrew – your view is that aircrew might feel tired, but they don't necessarily regard that as a level of fatigue that would impact the need to tell the chain of command?

D11: Yes. So if they – I feel that if they are tired where – if a member feels that they are tired to the point where they feel like they would be a danger, that they would remove themselves from a flight.

5 COL STREIT: Is it your observation in that paragraph, it's about the individuals making an individual assessment about their fatigue level?

D11: Yes.

10 COL STREIT: You say at paragraph 39 you were asked about any fatigue management training you've received at 6 Avn since the incident on 28 July. And at paragraph (a) you describe earlier this year a guest speaker, whose name you don't recall, gave a lesson on how to manage and reduce fatigue. Is that correct?

15

D11: Correct. I think we mentioned this before.

COL STREIT: In terms of assisting the Inquiry, what is it about managing and reducing fatigue levels that you understand now, as in in 2024, that was
20 different to your understanding in 2023?

D11: I think I have a better understanding of the sleep cycle and the need to go through those cycles throughout the night or throughout that sleep period. A better understanding. And how, if you don't achieve that, how that affects you the following day. Particularly – I lost it. Yes, probably
25 just the – understanding the need to hit all those points on a sleep cycle. And if you don't get all those points, how that has an effect. And you can't just fix it by getting a good night's sleep the following night. It takes a while to get back to your normal state.

30

COL STREIT: Do you consider that you now, as you sit there giving your evidence, have a better understanding of how fatigue can impact your decision-making in performing your duties as an aircrewman when you are tired?

35

D11: Yes.

COL STREIT: So is it fair to say you now, as you sit there giving evidence, have a greater awareness of the impact of fatigue on the performance of your duties as an aircrewman than you did in July 2023?
40

D11: Yes.

COL STREIT: Is that as a result of briefings and training that you have received since July 2023?
45

D11: Yes.

5 COL STREIT: At paragraph 40 you were asked some questions about the results of DFSB annual snapshot surveys. You say that:

10 *Each year there is a back brief conducted of the snapshot survey. It's usually given by the CO to cover the Regiment and then respective OCs who will deliver a back brief to the Squadron on the findings for their Squadron.*

You say:

15 *Fatigue and workload has always been presented as high, but I don't know what the trajectory has been. I have felt fatigue and workload is always a significant finding, but very little has been done to manage it. I remember the OC of 173 in 2022 stated that the Squadron and Regiment were only able to do so much about the fatigue workload issue, and a lot of the change needed to come from the Brigade Aviation Command.*

20 *The issue was that we, as a unit, were always achieving the task set to us at the higher levels –*

25 it says “thought”. I take it you mean –

30 *though we weren't that badly fatigued. He was the first OC I remember to say that we would no longer work ourselves to the point that we were so overwhelmed to achieve results that we would start letting the system fail. This was supported by the CO of the time as well.*

35 *Whilst fatigue has a greater focus now, I still feel there has been little to tackle the workload of the organisation at all levels.*

Is that correct?

D11: Yes.

40 COL STREIT: When you say “this was supported by the CO of the time as well”, is that a reference to the CO of 6 Aviation Regiment in 2023?

D11: Yes.

45 COL STREIT: When you say:

He was the first OC I remember to say that we would no longer work ourselves to the point we were so overworked to achieve results –

5

is that the OC of 173 Squadron in 2023?

D11: Correct.

10 COL STREIT: If you just have a look at the pseudonym list, can you just – by reference to the pseudonym number, is the OC D10?

D11: Correct.

15 COL STREIT: Is the CO D19?

D11: Correct.

20 COL STREIT: Thank you. At paragraph 41 onwards you deal with your involvement in the ditching of an MRH-90 in the Jervis Bay in the context of being an aircrewman on the aircraft that ditched. Is that right?

D11: Correct.

25 COL STREIT: Prior to the ditching, at paragraph 42, you were not aware of any engine issues concerning the MRH-90; is that right?

D11: Correct.

30 COL STREIT: Was it later, after the ditching, that you received briefings that in fact there was a known issue with the MRH-90 engine?

D11: Correct.

35 COL STREIT: Were you briefed that one of the causes of the ditching was as a result of one of the engines in the MRH-90 failing?

D11: Correct.

40 COL STREIT: And that failure, were you briefed, was as a result of the known issue with the engine?

D11: Correct.

COL STREIT: Prior to the ditching, you weren't aware of the issue with the engine; is that right?

D11: That's correct.

5

COL STREIT: I'm not going to lead evidence from you about your experiences in the ditching because you've set that out in a lot of detail in your statement. But I just want to ask you this: after the ditching occurred, and when you're receiving a briefing about this known issue for the engine of which you didn't have any knowledge earlier about, did that make you angry, that you hadn't been told?

10

D11: Initially, no. So we received a brief after the ditching in early April and we were told that whilst it was a known issue, it still was within Aviation Safety parameters. At that point I wasn't angry. Later on, I did become angry. But at that point I felt that we had a very stringent parameters, and at that point I wasn't. I believed it still – it was safe.

15

COL STREIT: What changed to cause you to become angry about that at a later time?

20

D11: So probably in, I think it was September '23, we received another sort of an update on the findings that they had so far from the Jervis Bay as well as from Proserpine. And from that, we were informed that some of the things they had found was – they found that the MRH-90 engine that failed, those engines were expected – out of the service life of the aircraft, was expected to have I think it was 10.3 engine failures over 100,000 hours, which was the service life of the aircraft across the fleet. And when that was compared to the Mike model, of what we're flying now, it was 0.3.

25

30

So that made me angry, in that that's quite a significant difference and how does that fall within our safety parameters? Ten engines potentially shutting down in flight, how is that within our safety parameters?

And we were also told, when it came to the courses of action when they became aware of it, they had three COAs. I don't remember what all those courses of actions were now. But Defence chose to take the least recommended course of action. You know, we always get told by our Commanders how much – that the members are what it's all about, we're the priority. But yet you chose the least course of action, the least recommended course of action, to go ahead, and that made me really angry, very disappointed, and very let down.

35

40

COL STREIT: I take it, did you hold the view that a known issue with the engine is something that should have been fixed at the time it became known, to remove the risk?

5 D11: Yes. I think it should have been given more priority than what it obviously did.

COL STREIT: At paragraph 45 you were asked about – describe how soon after 6 Aviation Regiment returned to flying after the incident. Whether you were confident that it was safe to fly in the MRH-90 again. You say that:

15 *My first flight back was on 3 May, after the incident. The Regiment had been flying prior to this. Not sure for how long. I think only two to three weeks prior to 3 May.*

You say you had no concerns about getting back into the aircraft; is that right?

20 D11: That's correct.

COL STREIT: Is that because you understood that the aircraft that you were now getting back into flying had both engines modified to deal with the issue that was the cause of the Jervis Bay ditching?

25 D11: Correct.

COL STREIT: At paragraph 46 you were asked to describe matters about culture in 6 Aviation Regiment of aircrew being able to voice their concerns about the safety of the MRH-90. And you say, top of page 16:

35 *I think there is a very good safety and reporting culture at 6 Aviation in general. I don't remember any safety concerns of the MRH-90, but there was disappointment with some of the MRH systems that weren't as effective as similar systems are on the S-70A-9.*

That's the Black Hawk?

40 D11: Correct. Sorry, that's the old Black Hawk.

COL STREIT: The old Black Hawk. You go on to say:

With respect to these systems, I felt our concerns of these were not fully appreciated by higher chain of command as nothing seemed to change.

5 I'm just going to now deal very briefly with your relationship with members of Bushman 83. I just alert the family members listening on about those matters. I'll read these things out and just ask you to confirm what I've read is correct.

10 D11: No worries.

COL STREIT: In terms of CAPT Lyon, you say:

15 *I don't remember the exact time I first met CAPT Lyon. I think it was late 2021 or early 2022. I also don't know the exact amount of times we flew together. I would say it was frequent. As a Troop Commander, I thought he was very approachable and always put the interests of his Troop first. It was something that made him very much liked by those who served under him and with him.*

20

I thought he was a very capable pilot. I enjoyed flying with him as he made the flying enjoyable. He was confident in handling the aircraft, and I always looked forward to flying with him.

25 What I read out is correct?

D11: That's correct.

COL STREIT: In terms of LT Max Nugent, you say:

30

I think I met LT Nugent early 2023. I'd only flown with him a handful of times and I didn't know him very well. I remember flying with him during some of his Special Operations Qualification Course assessments and thinking he was very good.

35

Is what I read out correct?

D11: That's correct.

40 COL STREIT: In terms of WO2 Phil Laycock, you say:

45 *I first met WO2 Laycock during my Basic Aircrewman Course in Nowra in 2018. I believed he instructed me on my first night flight. Again, I don't know how many times I flew with him on MRH. I would say numerous, as he instructed me on many sorties*

for my Special Operations Qualification Course when converting to MRH-90, both for my junior and senior upgrade. I also flew with him multiple times during the DACC tasks supporting the floods in 2022.

5

To me, WO2 Laycock epitomised what a good instructor should be. His knowledge was second to none and, despite being the Standards Warrant Officer, his presence in the aircraft always put you at ease.

10

Is what I read out correct?

D11: It's correct.

15 COL STREIT: In terms of CPL Alexander Naggs, you say:

I first met CPL Naggs around the time he first posted to 6 Avn. I didn't get to really know him until I posted to 173 Squadron in 2022. Our desks were next to each other. CPL Naggs was a very good aircrewman. He was knowledgeable and I admired how he constantly strived to better himself in the aircraft. There was not one sortie we did together where he didn't ask for feedback for improvement. He was an extremely reliable aircrewman. I was very confident in his abilities.

20

25

What I read out correct?

D11: It's correct.

30 COL STREIT: What I'm going to do now is just turn to the Exercise TALISMAN SABRE, and what we'll do here, D11, is we'll move in between your Inquiry statement and your Defence statement.

D11: Okay.

35

COL STREIT: So just taking you to paragraph 52 first of your Inquiry statement. You were asked to outline how many days you worked in the two weeks leading up to the commencement of Exercise TALISMAN SABRE and whether they were day or night shifts. You say:

40

I don't remember what sort of hours I was working two weeks prior to the commencement of TALISMAN SABRE. I know I did some day and night flying on the 17th and the day flying on 18 July, before departing for TALISMAN SABRE on the 24th. Usually,

before a big exercise like TALISMAN SABRE, there's a lot to do to get ready.

5 When you became the Acting Troop Sergeant for TALISMAN SABRE, how much time did you have before you actually went on exercise after being told you were going to have that job?

10 D11: I would be guessing. I don't remember specifically, maybe a couple of weeks. But yes, I'm guessing.

COL STREIT: Just prior to departing for Proserpine, which the Inquiry understands occurred on Monday the 25th – sorry, occurs on Monday, 24 July, you were called in to work on the weekend. Is that right?

15 D11: Correct.

COL STREIT: You say on the top of page 18:

20 *I don't remember for how long, but I know we were required to work on one of the days the weekend prior to departing for Proserpine. We were required to load the aircraft as we wouldn't have time the morning of our departure. I'm guessing, but I think it was for about four to five hours.*

25 Is that correct?

D11: That's correct.

30 COL STREIT: Do you know whether it was the Saturday or the Sunday?

D11: I don't remember, sorry.

35 COL STREIT: Paragraph 54 you give evidence that you don't remember the exact time you departed for Proserpine.

40 *It was early morning of 24 July, before 0800. All aircraft departed in a stagger and we were the second aircraft to depart. Arrived at Proserpine in the late afternoon, around 1700 to 1800. It was still daylight when we arrived. I don't remember what time I got to bed that night. It was late, possibly around 2130 to 2200.*

Is that correct?

45 D11: That's correct.

COL STREIT: At para 55 you give evidence about where you were sleeping whilst on the exercise. You say you were housed in tents for the exercise.

5 *We had two tents that had all the aircrew together. The aircrew were separated with the executive aircrew in one tent, and the GCMS and the remainder of the aircrew were in the second tent.*

What does "GCMS" stand for?

10

D11: Ground Crew Mission Support.

COL STREIT: Thank you.

15

The tent was full, but not much room between the bunks.

You were in the tent with the executive members; correct?

D11: Correct.

20

COL STREIT: You say:

25 *Some of the factors that affected my sleep was some members snored quite loudly and aircrew were not separated from the remainder of the camp whilst we were down the back of the two rows of tents. I wouldn't say we were separated. Once the camp members started to wake, it was hard to stay asleep.*

Is that right?

30

D11: That's correct.

COL STREIT: And was that your experience during the time that you were at Proserpine?

35

D11: Yes.

COL STREIT: Each day?

40

D11: Yes.

COL STREIT: Did you also experience any difficulty sleeping as a result of the heat in the morning in terms of the temperature?

45

D11: No. I don't remember any significant effects of it. Nothing comes

to mind.

COL STREIT: Now, there was no air-conditioners in the tents that you were sleeping in; is that right?

5

D11: Correct.

COL STREIT: On previous deployments, have you experienced where air-conditioners were used in sleeping accommodation?

10

D11: Not in my time. That was the first time I'd deployed in a field environment with 6 Avn. But talking to some of the older hands that was their experience.

15 COL STREIT: Talking to the older hands, their experience was there would be air-conditioning in the accommodation tents?

D11: Correct.

20 COL STREIT: But your experience was, up until that time, you hadn't deployed with 6 Avn Regiment where you were being accommodated in a tent?

D11: That's correct.

25

COL STREIT: When you were performing the DACC tasks was that task – in 2022, was that task based out of Holsworthy?

D11: Correct.

30

COL STREIT: You were asked to provide some details of sleeping aids you used on the exercise, which is at paragraph 56. You say:

35 *I didn't use any aids to help me sleep. I was able to use sleep medication, Temazepam, as I'd done the ground trials for it when I first got to the unit around early 2019, but chose not to use it as the drug helped you get to sleep but not keep you asleep. I had no issues getting to sleep, but sometimes found it hard to stay asleep due to the snoring and people moving outside the tent.*

40

When I did the ground trial, I don't remember any significant difference to my sleep.

Is that right?

45

D11: That's correct.

COL STREIT: At paragraph 57 you set out approximate sleep and awake times for 25 to 28 July; is that right?

5

D11: That's correct.

COL STREIT: And in broad terms, how would you describe your sleep levels over those four days?

10

D11: As in how much sleep I was getting or - - -

COL STREIT: Yes. Were you comfortable with the level of sleep you were getting?

15

D11: I wouldn't say it was the best sleep, but I wasn't uncomfortable with the amount of sleep.

MS McMURDO: You mentioned the noise walking around outside, there was gravel on the outside area and people were wearing boots, was that the boots on the gravel contributed to the noise?

20

D11: Yes, ma'am.

MS McMURDO: Thank you.

25

COL STREIT: At paragraph 58 you say you don't remember what time you started duty on the days, which are the 25th, 26th, 27th and 28th. You say in your statement:

30

From memory, we were usually starting duty around midday or early afternoon. With the aid of my Coronial statement, I know the duty day, mine included, on 28 July started at 1300. I didn't take any naps during the day and none were planned into the program.

35

Members were encouraged to maximum their rest outside of the duty day as there generally wasn't time once the duty day had started, except on the 28th. Once orders were delivered, we had a long time between having to execute the mission.

40

Is that right?

D11: That's correct.

COL STREIT: At paragraph 60(a), (b), (c) and (d) you set out the sorties you flew in the period 25 to 28 July 2023, and the duty hours. Is that right?

D11: That's correct.

5

COL STREIT: At paragraph 61 you were asked:

10 *Outline whether you felt fatigued on Exercise TALISMAN SABRE and if so, who did you report feeling fatigued to, if anyone, and what was their response. If you didn't report it, explain why you did not.*

You say that:

15 *I was definitely tired on Exercise TALISMAN SABRE. I didn't report this to anyone as I think a level of tiredness was to be expected. I don't think I would go as far as to say I was fatigued.*

When you say – sorry, is that right?

20

D11: Correct.

COL STREIT: When you say “a level of tiredness is to be expected”, what do you mean?

25

D11: Well, everybody's sleeping on a stretcher. You're not in the – you know, you're not sleeping in the comforts of your own bed so everybody – no one's going to be getting as good a night's sleep. So I think with regard to that, everybody's not getting as good a night's sleep as they normally would, so I think everybody was experiencing a level of tiredness from that.

30

COL STREIT: At paragraph 62 you say that:

35 *On the day/night of the sortie on the 28th, describe how you felt using the following options.*

And there's a list:

- 40
- *Full alert;*
 - *Wide awake;*
 - *Very lively;*
 - *Responsive, but not at peak;*
 - *Okay;*
 - *Somewhat fresh;*
 - 45 - *A little tired;*

- 5
- *Less than fresh;*
 - *Moderately tired;*
 - *Extremely tired;*
 - *Very difficult to concentrate; and*
 - *Completely exhausted, unable to function.*

You say, using the above metric, you would say you felt moderately tired?

10 D11: That's correct.

COL STREIT: Now, if the Fatigue Risk Awareness Tool, which I took you to earlier, if that had been something that was required to be used within the unit in July 2023 before you went on the mission on the 28th, being moderately tired, would that mean you'd fall into the actively managed space?

15 D11: Correct.

COL STREIT: And so if the tool was something that was required to be used, given your evidence earlier about using the tool and recording when you'd been – answered a question that put you in the “Actively managed” space, if that tool had been used, that would have been something that would've been identified to your chain of command that you were moderately tired.

25 D11: Correct.

COL STREIT: I'm not suggesting that would've changed the status quo of you flying, but it would've alerted your chain of command using that tool to that issue that you were experiencing. Is that right?

30 D11: Correct.

COL STREIT: At paragraph 63 you say:

35 *There wasn't any aircrew whose fatigue levels I was concerned about. I knew we were all tired, but as I've previously mentioned, I think a level of tiredness was to be expected. I didn't discuss this with any of my superiors as we were all living together in close proximity, eating, sleeping and working. In this environment, we were all best placed to gauge the level of fatigue of the group.*

40 Is that right?

45 D11: That's correct.

COL STREIT: At para 65 you say you had no concerns about any of the – I’ll start again. At 65 you state whether you had any concerns about the
5 aircrew of Bushman 83 being crewed together for the sortie on 28 July 2023, and you say you had no concerns about any of the crew of Bushman 83 flying together.

D11: Correct.

10 COL STREIT: Now, at question 66 you were asked about whether you performed or were a part of FACE check – a Fatigue, Attitude, Complacency, External Factors check – process prior to departing on the sortie on 28 July. Your evidence is:

15 *A FACE check is something that is always conducted at the aircraft by the Aircraft Captain prior to start-up, and it was conducted in our aircraft on the night of 28 July 2023. I don’t remember anyone raising any concerns about being unfit to fly during this process.*

20 Is that right?

D11: Correct.

25 COL STREIT: Can you remember how the FACE check was conducted? Is it something that the Aircraft Captain just asks whilst in the aircraft?

D11: Correct. When you get to the aircraft, as a crew, before you actually, you know, jump in and start the start-up procedure, the Aircraft Captain essentially goes through the brief. He’ll reconfirm what we’re doing. Talk
30 about the weather, any concerns, how the aircraft is and part of that brief is those FACE checks.

Goes around to each individual and says, “How are you feeling?”, or
35 “How’s everybody feeling for flying?” And that’s the opportunity for those members in the crew to raise any issues or concerns.

COL STREIT: If I could take you to paragraph 67. At 67 you were asked:

40 *As the formation approached the initial point during the sortie of 28 July 2023, can you state whether the pilots of Bushman 81 communicated to the remainder of the formation that you were decelerating to 80 knots indicated air speed?*

45 You say:

I don't remember hearing that call.

Is that right?

5 D11: That's correct.

COL STREIT: So what I'd like you to do now, before we go further with your Inquiry statement, is just pick up your Defence statement and go to paragraph 16. So paragraph 16 deals with events that occurred on 28 July 10 2023, immediately before you commenced duty at 1300. That's right?

D11: That's correct.

COL STREIT: And you record there that you had a relaxing morning; is that right? 15

D11: Correct.

COL STREIT: 20

As the duty day didn't start until 1300. And at 1300 we combined orders with the Ground Force before we had to leave to commence the mission. From that point, it was a very slow start to the mission. As it was only an extraction, we were not required until 25 much later that night.

Is that right?

D11: That's correct. 30

COL STREIT: You say:

We –

35 that's the crew of Bushman 84 –

went to the aircraft at approximately 2030 to 2100.

Is that right?

40

D11: Correct.

COL STREIT: Could it have been earlier, do you know? Or are you comfortable that it's around that time? 45

D11: It could have been earlier. I don't remember what time we walked to the aircraft.

COL STREIT: Sure. Continuing para 16, you say:

5

From there, we were able to wait on the APU –

which is Auxiliary Power Unit –

10

until we were either called forward by the Ground Force or we reached a designated time; whichever occurred first. We ended up starting the aircraft at the predesignated time – approximately 2200 – and lifted to commence the extraction around 2220 to 2230.

15

Is that right?

D11: Correct.

20

COL STREIT: You go on at paragraph 17 to give some evidence as to the training serial that you were engaged in on the sortie on 28 July 2023; is that right?

D11: That's correct.

25

COL STREIT: And at para 18 you say you:

considered the extract an easy mission as we were approaching an area I had been to two nights before on the previous mission. I was familiar with the area as well as the landing zone.

30

D11: Correct.

35

COL STREIT: At para 19 you deal with your observations of the weather at the time. You say:

I observed during the flight that the weather was fair. I remember someone – I do not remember who – they expressed some concern during the transit to the insertion point about showers coming through. But the showers were brief and passed quickly. Visibility was reduced slightly during the showers, but nothing that had me concerned.

40

At the time of the incident, I remember having very good visibility out of the left-hand side of my aircraft, with some showers; reduced visibility out to the right-hand side.

45

Is that correct?

D11: Correct.

5

COL STREIT: Just briefly turn back to paragraph 68 of your Inquiry statement, in terms of the weather, you say there:

10 *I remember that there were rain clouds to the right of our aircraft towards Lindeman Island, but I still had very good observation out to the left. I don't know what island was out to our left, but I could clearly see lights on the island. Whilst visibility was reduced to looking through the rain clouds out to the right, I could see lights on Lindeman Island looking through the rain clouds.*

15

I may have said over ICS that I had good observation out to the left, but I wasn't concerned with the rain clouds out to the right as I could see through them.

20 Is that right?

D11: That's correct.

25 COL STREIT: And in terms of seeing lights out to your left on an island, did those lights provide a level of visual cue at night? So did they assist in illumination?

30 D11: I wouldn't say they would've assisted in illumination for our night-vision goggles purely because of how far away they were. Like, it wouldn't have improved the luminux (sic) or anything. I don't think it would've improved the luminux.

COL STREIT: Yes.

35 D11: But it was something that we could see. And I guess, because I could see that, clearly it sort of indicated to me that there wasn't any storms out on the left-hand side. Yes.

40 COL STREIT: And whilst you say visibility is reduced out the right due to the rain clouds, you say you could still see lights on Lindeman Island through the rain clouds.

D11: Correct.

COL STREIT: And you're using the ANVIS system, the night-vision goggles?

D11: Correct.

5

COL STREIT: At paragraph 70 of your Inquiry statement you say:

10 *I did not think the flying conditions were challenging. We did change our flight path to go around some high terrain due to low cloud, but I would not consider this challenging. As previously mentioned, when flying overwater I had very good observation out to the left of the aircraft and I could see lights through the rain to the right, which indicated to me that the rain was not overly heavy.*

15 Correct?

D11: Correct.

COL STREIT: Turning back to your - - -

20

MS McMURDO: I'll just ask you a couple of questions about the illumination. What would you say was the lowest luminux number that you would've had that night?

25 D11: I would have no idea, sorry, ma'am.

MS McMURDO: No. Are you familiar with – well you used the term, so luminux, so you understand that it comes in measurements. Are you able to measure roughly, get an idea of luminux, whether it was 10 or two, or
30 whatever?

D11: We don't have equipment to measure it. We will take it off weather readings from airports around the area. I don't remember what it was.

35 MS McMURDO: Just from your experience though, from when you did have equipment to measure, did you not, over your years of experience, develop some sort of rough calculation yourself as to what it would've been about?

40 D11: I wouldn't say I calculate and go, "Oh, that's roughly 10 luminux or 80 luminux", or anything like that.

MS McMURDO: No.

45 D11: Probably more of an illumination percentage.

MS McMURDO: Yes.

5 D11: For that night, honestly, ma'am, I can't really remember.

MS McMURDO: No.

D11: I would say it was dark. But how dark I don't remember.

10 MS McMURDO: No. And am I right, too, in saying that your experience of what you saw in terms of visibility of course is from what your aircraft was flying in but, as you've said, there were showers about.

15 D11: Yes, ma'am.

MS McMURDO: So every helicopter flying in formation that night may have had a different experience if they were flying through showers. A shower might've been a heavier shower than one you went through, et cetera.

20 D11: No. Because we were in formation.

MS McMURDO: Yes.

25 D11: It would have to be a pretty small rain shower for only one or two aircraft to go through it. If it was a decent sized rain shower, we all would've ended up flying through it.

30 MS McMURDO: So you would say that your experience as to the illumination that night would be fairly typical for all four aircraft involved?

D11: Yes, ma'am.

35 MS McMURDO: Thank you.

AVM HARLAND: I'll just ask, when you said that you could see through out to the right, you could see Lindeman Island, you could see the lights, did you have a discernible horizon at that time or were you just seeing the lights?

40 D11: I honestly don't remember. I just remember seeing the lights. And I wasn't – so my focus was out the left, not the right. So I'd only take glimpses out to the right; I wasn't focusing out there the whole time. You know, I could hear over the comms talking about the rain showers out to

the right, so every now and then I would have a look out there. And when I saw showers, I was able to see through – see the lights through them.

AVM HARLAND: Yes.

5

D11: But my focus was predominantly out to the left.

AVM HARLAND: Okay, thank you.

10 MS McMURDO: Yes, thanks, COL Streit.

COL STREIT: Thank you, Ms McMurdo.

15 At the time you were making these observations, but out the left and right of the aircraft you were in, Bushman 84, were you still seated or were the doors open?

D11: When I was observing the rain cloud – sorry, the showers, the doors were back at that point – sorry, doors were forward, opened.

20

COL STREIT: The doors were open at that point?

D11: Yes.

25 COL STREIT: So the evidence you've given about your observations out the left side of the aircraft and seeing lights on an island, and observations out the right side of the aircraft and lights on Lindeman Island, and through a shower, is occurring where the doors are open?

30 D11: Correct.

MS McMURDO: So at what point did your doors open?

35 D11: We opened our doors at one of the timing calls. We opened at the six-minute timing call.

COL STREIT: It's at paragraph 22 of your Defence statement.

MS McMURDO: Thank you for that.

40

D11: Yes, six minutes from target.

COL STREIT:

So we were about six minutes from target when we opened the doors to Bushman 84.

5

MS McMURDO: Thank you.

COL STREIT: Correct?

10 D11: Correct, yes.

COL STREIT: At paragraph 20 of your Defence statement you say:

15 *What I saw leading up to and including when the aircraft struck the water –*

you say at paragraph 20:

20 *I was in helicopter Bushman 84 during the mission and 84 was flying in a heavy left formation, containing four MRH-90 helicopters. Our aircraft was positioned in the left-hand rear of the formation. I was seated on the left-hand aircrewman seat of the aircraft.*

25 Is that right?

D11: Correct.

30 COL STREIT: You then give some evidence at paragraph 21 about the scenario in which you were engaged. Can I ask you to turn to paragraph 23 of your Defence statement, please? You say:

35 *As we were heading towards the initial point, I heard D10 say over the internal communications system, "83 is going to have to flare here", or words to that effect. I took this to mean D10 was suggesting Bushman 83 needed to flare, meaning raise its nose to reduce its speed to maintain its place in the formation.*

40 *In my experience, this is not an abnormal procedure for a helicopter to undertake to maintain spacing and position in formation, and I was not alarmed.*

Is that right?

45 D11: Correct.

COL STREIT: Apart from D10 saying these things over the internal communications system, did you, yourself, see this at all?

5 D11: No, I didn't see it.

COL STREIT: At paragraph 24 you say this:

10 *The next thing I recall hearing, maybe seconds or a minute later, was D10 saying, "83, come up, come up, come up." D10 then immediately called, "Knock it off, knock it off, knock it off". "Knock it off" is a code word used to indicate that the activity has ended as something really bad has occurred.*

15 Is what I read out correct?

D11: It's correct.

COL STREIT: At paragraph 24 you say:

20 *D10 then called, "Fallen angel, fallen angel", which is the code word for when an aircraft has gone down. At the time I heard this call, I was moving across to the right-hand side of the helicopter. I looked out of the open right-hand door and I saw Bushman 83 in the water.*

25 *I remember seeing the cabin and tail section of the aircraft. To me, it looked like it was upside down, with its nose cockpit area under the water. This was immediately after it had impacted the water, and there was still whitewash in the water around the aircraft.*

30 *I couldn't see much debris at this point, due to the whitewash.*

Is what I read out correct?

35

D11: It's correct.

COL STREIT: I'm just going to read combination para 26 and 27, and then I'll ask you a question at the end. You say this at 26:

40

I did not see Bushman 83 impact the water at the time of the incident as I was manning the left-hand aircrewman station on the left-hand side of the aircraft, and the formation out on the right-hand.

45

I first became aware it had entered the water as we flew over the top of it, immediately after it had impacted.

27:

5

I then heard D10 direct Bushman 81 and 82 to go to Lindeman Island, land and wait for further instructions. Our aircraft moved back over the crash site and started looking for survivors by hovering over the crash site and using our searchlight to illuminate the area to search for the crew of Bushman 83.

10

At the same time, I heard that radio calls were being made by D9 and D10 to get additional assets to the area in order to help search for the survivors and coordinate the recovery.

15

It was at this point I noticed that the extreme end of the tail section of Bushman 83, which included the tail rotor, had separated. I could see what I thought were strobe lights on the tail under the water. I could also see oil, fuel slick, and lots of small debris.

20

Is what I read out correct?

D11: It's correct.

25 COL STREIT: At paragraph 28 you say:

The right-hand aircrewman D12 and I were trying to direct the pilots to a position where they could best see the crash site, and search for survivors in the water. The first time Bushman 84 flew over the crash site was very brief, when Bushman 83 initially impacted the water.

30

Once Bushman 84 had returned to the crash site, we sat in a high hover at approximately 500 feet above ground level. From my recollection, I observed that Bushman 83 was not whole, but in fragments. Part of the airframe were not floating above the water, and I could see some sections starting to sink.

35

At this point, the crash site was out the left-hand side of Bushman 84, and both D12 and I were looking out the open left-hand door of Bushman 84.

40

You say at 29:

5 *During our time over the crash site, we tried to locate survivors and coordinate recovery of assets. I witnessed the debris spreading further apart from the current of the ocean, or sink until I could only see part of the tail and the cabin section, which remained floating on top of the water. I also noticed that there was a lot of strobes in the water.*

Paragraph 30:

10 *A couple of American boats arrived to assist with the search, approximately 10 to 15 minutes after the incident. We shone our aircraft spotlights towards the visible strobe lights, for the boats to investigate. I was later informed by one of the aircrewman in either Bushman 81 or 82 that the strobe lights in the water were from life vests on the aircraft.*

Paragraph 33:

20 *I estimate Bushman 84 was flying over the crash site for about an hour and a half before we conducted the handover with Bushman 81 and returned to Proserpine Airport to refuel.*

Is what I read out in those paragraphs correct?

25 D11: It's correct.

COL STREIT: It was decided, was it, that at some point during the return journey back to Proserpine that your aircraft would remain at Proserpine to allow the OC D10 to remain in the Tactical Operations Centre?

30 D11: Correct.

COL STREIT: And you left your equipment in Bushman 84 to be ready to go back to the crash site if needed:

35 *However, that was not required because Bushman 81 and 82 were able to swap between each other and continue the search and coordination of the assets at the crash site.*

40 D11: That's correct.

COL STREIT: You say that:

45 *A couple of crew were sent to bed, in the event they were required early in the morning. The remaining crew stayed awake to listen*

for updates, and during this time the Commander of 16 Aviation Brigade arrived at approximately 0330 hours, and the CO and the Regimental Sergeant Major of 6 Avn arrived at about 04 or 0430 hours on 29 July.

5

Is that right?

D11: Correct.

10 COL STREIT: Can I just ask you to return to your Inquiry statement? At paragraph 71 you were asked to state the time and date you left Proserpine Airport following the incident on 28 July, and whether you spoke to police officers. Page 24 of your statement, at paragraph (a) you say:

15 *We left Proserpine around 1400 on 29 July. When I returned from my sortie, after Bushman 83 had impacted the water at approximately midnight to 0100, there were two Queensland Police members in the TOC.*

20 What does "TOC" stand for?

D11: Tactical Operations Centre.

COL STREIT:

25

I vaguely remember seeing what I would call a checkpoint at the entrance to the camp from the main road. My assumption was that these were MPs, but I'm not sure. When we arrived at the civilian terminal at Proserpine Airport, there were four Queensland Police members, I think two detectives and two were uniformed, who questioned my crew of Bushman 83 individually. One of the uniform members questioned me, and I don't recall seeing any part of the camp being collapsed prior to my departure.

35 So the Queensland Police Officer that spoke to you, spoke to you in a corridor at Proserpine Airport; is that right?

D11: Correct.

40 COL STREIT: And that was immediately before you departed Proserpine Airport?

D11: Yes, correct.

COL STREIT: Can I just briefly deal with some matters post the incident, or the crash of Bushman 83? Paragraph 74 you were asked to describe whether you have ever been directed not to speak to the Queensland Police Service about the incident of 28 July. And if so, state who gave you that direction and why. You say:

I've never been directed to not speak to the Queensland Police.

Is that right?

D11: That's correct.

COL STREIT: When you spoke with the Queensland Police Officer at Proserpine Airport, before you departed, did that officer take notes, to your observation, of what you were saying?

D11: He did.

COL STREIT: And were you aware that your communication to the police officer was being recorded through a body-worn camera that officer was wearing?

D11: I think so. I don't remember, but I think so.

COL STREIT: You weren't seated at the time, were you?

D11: No, I was standing.

COL STREIT: This is very much you standing in a corridor, being asked some questions; is that right?

D11: It was essentially, like, a back corridor of the Proserpine Airport. We just stood in a little hallway, and he asked me some questions.

COL STREIT: And it was noisy at the time?

D11: Yes, there was a RAAF Herc, Hercules, outside that had arrived, so it was still running outside.

COL STREIT: And was that the plane you were ultimately going to get on?

D11: Correct, yes.

COL STREIT: How would you describe that interaction with Queensland Police at the time?

5 D11: In terms of?

COL STREIT: Would you describe it as a brief interaction where you gave some details about what you thought had happened?

10 D11: I would say, yes, it was definitely brief, maybe no more than 20 minutes. Yes, brief.

COL STREIT: And of course this is occurring hours after the actual event itself, isn't it?

15 D11: Correct.

COL STREIT: You were standing at all times?

20 D11: From my memory, yes.

COL STREIT: And then, at the conclusion of those questions, you departed where the police officer was and, what, went to the aircraft?

25 D11: Yes. So we went to the aircraft. It was – you know, we didn't board straightaway. There was some time while the RAAFies did whatever they needed to do before we could board the aircraft.

30 COL STREIT: When were you informed that you needed to speak to the police officer at Proserpine Airport?

35 D11: So we moved to Proserpine Airport just prior to the C-130 arriving. It arrived, and I think we were all expecting to just at some point very soon be called to the aircraft. And then whilst we were waiting, I essentially got a tap on the shoulder and said, "The police want to talk to you".

COL STREIT: In terms of the person who tapped you on the shoulder, can you just have a look at that pseudonym list to confirm whether that person has a pseudonym?

40 D11: I don't remember the person who tapped me on the shoulder, but I know D19 was present.

45 COL STREIT: D19 was present, what, when you spoke with the police officer?

D11: No, he was present as we were – as my crew, the crew of Bushman 84, were potentially – essentially asked to be spoken to by the police.

5 COL STREIT: Do you have a recollection of the person who tapped you on the shoulder? Were they in military uniform?

D11: Sorry, I have no idea.

10 COL STREIT: So you're not sure if it's a military person or a QPS person?

D11: I don't think it was a QPS person.

15 COL STREIT: The QPS Officer that you spoke to, were they in a Queensland Police uniform?

D11: Correct.

20 COL STREIT: In any event, you got your tap on the shoulder. You weren't expecting that, I take it?

D11: No, I was not.

25 COL STREIT: You were expecting to get on an aircraft.

D11: I don't think I even remember seeing them arrive. I think somebody came and grabbed me and said, "You need to come with me". At that point it was – I saw my crew, D19, and was told, "The police have some questions for you".

30 COL STREIT: Were you concerned about speaking to the police at that time, without any warning?

35 D11: No, not really. It had been a very long day, so no, I wasn't concerned.

COL STREIT: You subsequently got on the Hercules. Yes?

40 D11: Correct.

COL STREIT: And where did you go to?

D11: We flew to Richmond.

45

COL STREIT: And subsequently back to Holsworthy?

D11: Correct.

5 COL STREIT: You say you were asked in the 23 Notice as to whether you had been interviewed by any other investigative organisations. And in terms of the DFSB, at paragraph 75 you say that you've been interviewed by them two to three times. Is that right?

10 D11: Correct. So around the – there were still some investigations going on with Jervis Bay, so how many times I was questioned with regards to Proserpine itself, it's all getting moulded into one.

15 COL STREIT: Do you recall whether any of the interviews with the DFSB, any single interview, covered both topics?

D11: Not from my memory; I don't think so.

20 COL STREIT: At paragraph 76 you say you were interviewed by Comcare, but you don't remember the specific date; is that right?

D11: That's correct.

25 COL STREIT: But you say it was when the investigators came to 6 Aviation Regiment to conduct their interviews.

D11: Correct. We had Comcare arrive at the Regiment, and that's when they did it.

30 COL STREIT: At paragraph 78 you deal with post-incident matters, in relation to support services that you've accessed; is that right?

D11: Correct.

35 COL STREIT: And at paragraph 79 you outline the time you've had off since the incident in a series of dot points. That's correct?

D11: Correct.

40 COL STREIT: At paragraph 80 you say you attended every funeral for the crew of Bushman 83; is that right?

D11: It's correct.

COL STREIT: And in 81 you say you have not been directed at any point to not talk to the families of Bushman 83.

D11: That's correct.

5

COL STREIT: And you've attended the one-year memorial, held at 6 Aviation Regiment. It was the anniversary of the incident; is that right?

D11: That's correct.

10

COL STREIT: You did not attend the Anzac Day service conducted at Holsworthy on 25 April 2024; is that right?

D11: That's correct.

15

COL STREIT: And at paragraph 84, you set out your evidence in relation to updates that you have received from the chain of command into the crash of Bushman 83; is that right?

D11: That's correct.

20

COL STREIT: This included an update you received in around October 2023 from MAJGEN Jobson and MAJGEN King; is that right?

D11: That's correct.

25

COL STREIT: Just one final matter, if I may. Can I just show you a document?

D11: Ta.

30

COL STREIT: Without giving evidence about the contents of that document, are you familiar with that document?

D11: I am.

35

COL STREIT: And that document, you've become familiar in relation to it as a result of your duties this year at 6 Aviation Regiment?

D11: That's correct.

40

COL STREIT: If you go to paragraph 39 of your statement, i.e. your Inquiry statement, you'll see the last sentence - - -

D11: Sorry, was that 35, did you say?

45

COL STREIT: 39, sorry, of your Inquiry statement. You'll see the last sentence reads:

5 *OC171D133 recently came out with a directive –*
the directive they've identified there –

10 *for the enhancement of NTS to help manage fatigue that is*
currently in trial phase within the Squadron.

Is that right?

D11: That's correct.

15 COL STREIT: The document that I've just had provided that's been
provided to you, is that the Directive that you referred to in that part of your
evidence?

D11: Correct.

20 COL STREIT: That directive has a classification, madam chair, of
"Protected", and as a consequence of that I won't ask this witness any
questions about it. But I do tender the directive, which is Directive 0324.
Thank you.

25 MS McMURDO: All right then. That will be Exhibit 97.

30 **#EXHIBIT 97 - DIRECTIVE 0324**

COL STREIT: Thank you, D11. They're my questions.

35 D11: Thank you, sir.

MS McMURDO: Any applications to cross-examine? Yes, Lieutenant
Commander.

40 **<CROSS-EXAMINATION BY LCDR TYSON**

45 LCDR TYSON: I'm representing CPL Alex Naggs' interests. My
name's LCDR Matthew Tyson.

D11: Sir.

5 LCDR TYSON: I just want to – the first topic I want to go to is just to talk a little about FACE checks, just following up on some of the evidence that you've given COL Streit. Could you go, please, to paragraph 16 in your Defence statement. So you see there, D11, you talk about orders being given at about 1300 on 28 July 2023. Now, is it your recollection that, during orders, that you did a FACE check?

10 D11: I don't remember if it was delivered – if it was done during orders, but it was definitely done at – for my aircraft, it was done at the aircraft.

15 LCDR TYSON: And I'm trying to understand that. So then in the paragraph you talk about the aircraft being on the Auxiliary Power Unit. You put it at about 8.30 pm to 9 pm. Do you recall that at that point a FACE check was done?

20 D11: Before we started the APU, that's when the FACE check would've been done.

LCDR TYSON: But can you confirm whether there were in fact two done? So one was done during orders and then a second was done when the aircraft was on the APU?

25 D11: I don't remember one being given at orders. That's not to say that it wasn't done. But there was – for my aircraft, we definitely did one at the aircraft.

30 LCDR TYSON: You did at least one.

D11: Correct.

35 LCDR TYSON: But there might've been two done that day, 28 July '23?

D11: Correct.

40 LCDR TYSON: And can you confirm then that – assume the aircraft took off shortly after 10 pm, at about 10.15 pm. You didn't do a further one, did you, before the main engines lifted off? Did you?

D11: So I guess this would be every aircraft will be different. So for my aircraft, I don't remember doing one before we lifted. Yes.

45 LCDR TYSON: But some other aircraft might've actually done one then?

D11: May have; I don't know.

5 LCDR TYSON: And, of course, by that time, there's been quite a time that's elapsed since you woke up that morning.

D11: Correct.

10 LCDR TYSON: Now, can I also ask you about during orders? So this is again we're on 28 July 2023. Do you remember during orders that afternoon receiving an order from D10 about the use of mobile phones, or whether to put them away before the mission?

15 D11: I remember we weren't to take our mobile phones on the missions. Who told us? I would assume it was D10. But I don't remember who said it.

LCDR TYSON: But it was standard procedure - - -

20 D11: Correct.

LCDR TYSON: - - - anyway, that a mission like this, TALISMAN SABRE on 28 July, you wouldn't have your mobile phone with you in the aircraft.

25 D11: Correct.

LCDR TYSON: Can I now ask you, please, D11, to go to – I think COL Streit asked you some questions about paragraph 22 in your statement where you talked about when you were “about six minutes from target, we opened the doors to Bushman 84”?

30 D11: Correct.

35 LCDR TYSON: Are you able to confirm that at the time that the doors were open, that Bushman 84 had decelerated and was doing an airspeed of about 80 knots at the time that the doors were open?

40 D11: Correct.

LCDR TYSON: And again that would be standard procedure, that that's the sort of airspeed you would be at before you opened the doors?

45 D11: Correct. It's in the Flight Manual not to open the doors before – or above 80 knots.

LCDR TYSON: And when the doors were open, you had CHAD on, or you were connected by CHAD; is that right?

5 D11: Correct.

10 LCDR TYSON: And in terms of that decision to open the doors, can you just explain the mechanics of that? So was that an order from the Aircraft Captain at the time or was that in accordance with something that happened during orders with the pre-planning for the mission, that you might be at a particular point in relation to the initial point, and doors would open. Just the mechanics of what led you to open the doors at that particular time, please.

15 D11: So we have an SOP when we open doors – and I won't get into our SOPs – but for this particular mission it was decided to open the doors at that six-minute mark.

20 D11: So when you opened the doors, were you doing it because of something that you had been intending to do before the mission, or did the Aircraft Captain say, "Look, Corporal, open the doors now", or - - -

25 D11: No. In my aircraft we were all tracking that, and I was to find out later that I think this was different. I don't think all aircraft did it, but in our aircraft it was the mental model that at the six-minute mark we were going to decel and open doors. So it was directed from the Aircraft Captain as far as him telling us that we were below 80 knots, so we could open the doors. But it was certainly our mental model that at six minutes doors were going to be opened.

30 LCDR TYSON: Now, then over the page, paragraph 23, you gave some evidence about hearing D10 saying, "83 is going to have flare here". You remember that evidence you gave to COL Streit?

35 D11: Yes.

LCDR TYSON: And I think you told COL Streit that you couldn't in fact see Bushman 83 at that time.

40 D11: That's correct.

45 LCDR TYSON: So you were sitting in the left-hand in 84, and of course Bushman 83 was ahead of you to your starboard or right side, and even though the doors were open, you couldn't see the attitude of 83 at all?

D11: No. No, I could not.

5 LCDR TYSON: Did D12 say anything to you about any – did he make any comments about what Bushman 83 was doing at around the time that that comment was made by D10 or - - -

D11: No, I didn't hear anything from him, no.

10 LCDR TYSON: What about subsequently, did you ever discuss with D12 what he saw about Bushman 83's attitude immediately before the next comment that was made?

15 D11: I don't remember having a conversation – I think where you sit – when you're sitting in your seat, if you have an aircraft that's sort of, say, at the 1 o'clock, you're not necessarily going to be able to see that unless you're sticking your head out the door, even with the door open. So there's potential that 83 was in a position where he couldn't see from where he was sitting. And I think we had a conversation around that, and he said he didn't see the – yes, he didn't see them.

20 LCDR TYSON: So even though in formation flying at night with the doors open, one of the roles of aircrew might be to contribute to situational awareness of your aircraft by looking at where other aircraft are.

25 D11: Definitely. Yes.

LCDR TYSON: Even though that might be the case, it's not necessarily the case that D12 would have been able to see Bushman 83 at around the time that D10 made the comment, "83 is going to have to flare"?

30 D11: Correct.

LCDR TYSON: I want to, if I can, can I ask you to go, please, to paragraph 24? You see there that you draw – there are two – you give some evidence about two things being said. One, "83 is going to have to flare here", and then, "83, come up, come up, come up". And, in terms of the interval between those two statements, you say in 24, "maybe seconds or a minute later". Do you see that?

40 D11: Correct, yes.

LCDR TYSON: Can I ask you to stretch your memory as best you can – do your best? What's your best evidence about the interval between those two statements? Is it more likely it was a number of seconds, or closer to the minute mark?

45

D11: Look, I'd be guessing. But probably no more than 30 seconds.

LCDR TYSON: Thank you, D11, they're my questions.

5

Ma'am, sir, they're my questions.

MS McMURDO: Thank you. Do you remember anything about the RADALT's height settings that flight?

10

D11: No, I don't, sorry, ma'am. No.

MS McMURDO: No. Thank you. Yes, any other applications? Yes, Lieutenant Commander.

15

<CROSS-EXAMINATION BY LCDR GRACIE

20 LCDR GRACIE: My name's LCDR Malcolm Gracie. I represent the interests of CAPT Danniell Lyon. Thanks for your evidence.

D11: Sir.

25 LCDR GRACIE: Ma'am, I'll be brief.

I just want to go back to paragraph 23 of your Defence statement and follow up a couple of questions and answers given in relation to the comment of D10 about, "83's going to have to flare here", where you say that it's not an abnormal procedure for a helicopter to do that to maintain spacing and position. Did your discussions after the accident with D10 or the others indicate why there was that comment about needing to flare?

30

D11: No. Something that D10 would do. He would sort of sometimes just give a commentary so we, as a crew, knew what the formation was doing. It was not a statement of – I don't think it was anything outside of just giving commentary, potentially for debriefing points after the mission. But I don't think there was anything to it other than giving commentary.

35

40 LCDR GRACIE: Perhaps commentary to the co-pilot, who was the flying pilot? Is that the sort of thing that - - -

D11: Potentially, yes.

45 LCDR GRACIE: And would there be more discussion about it?

5 D11: Because I didn't see it at that point – I mean, if it was a significant flare, maybe. If it was just, you know, like, a normal flare to help maintain the aircraft's position, probably not.

LCDR GRACIE: But to maintain position relative to?

D11: To where it should be in the formation.

10 Lcdr GRACIE: To 82 then?

D11: Correct.

LCDR GRACIE: And does that mean that, in your thinking at the time, that the flare was because 83 had to slow down to avoid getting too close to 82?

15 D11: Potentially, yes.

LCDR GRACIE: Is that what crossed your mind at the time?

20 D11: That was my thinking at the time.

LCDR GRACIE: Does that have a flow-on effect though? Does 84 therefore have to flare to slow down?

25 D11: Potentially, depending on how far back we were from 83.

LCDR GRACIE: Was there discussion about that?

30 D11: Not that I remember.

LCDR GRACIE: So your recollection is that that was the only discussion, "83's going to have to flare here"?

35 D11: Correct.

LCDR GRACIE: No commentary about why?

40 D11: No. Not that I remember, no.

LCDR GRACIE: And when you say not that you remember, not that you remember at that time. But in subsequent discussions?

D11: No, I don't remember – no, I don't remember any subsequent discussions about that flare in particular.

5 LCDR GRACIE: It didn't pique your interest to discuss what that comment was, in the context of what then happened?

10 D11: I found out later that the aircraft – that 83 had climbed significantly. I don't know how – I don't remember how soon after it had done that, from that comment. The next comment I remember hearing is, “83, come up, come up”.

LCDR GRACIE: So you've gone about the flare. You found out later did you that there was a significant climb, not so much a flare, but a - - -

15 D11: A climb, yes.

LCDR GRACIE: An attitude change.

20 D11: Correct.

LCDR GRACIE: A climb. Was it discussed as being a sudden pitch or was it a more controlled climb?

25 D11: I don't remember the details of the climb, I just remember someone saying, “They climbed.” Nothing more than that, really.

LCDR GRACIE: Thank you. Thank you, ma'am.

30 AVM HARLAND: Just a follow-on question, if I may. With the words to the effect of, “83 is going to have to flare here”, was that said with a sense of urgency or was it just pretty routine?

D11: Pretty routine.

35 AVM HARLAND: More like commentary?

D11: Yes.

40 AVM HARLAND: Did you have a Bushman formation sortie debrief following the sortie, or did everything just kind of, like, get - - -

D11: No, it all – because of what happened, there was no – not that I remember. There wasn't a sortie debrief.

45 AVM HARLAND: Thank you.

MS McMURDO: Because you were all involved in the search and rescue and events just kept on happening and didn't have time for the debrief at that point.

5

D11: Correct, yes.

MS McMURDO: What about after you returned to - - -

10 D11: I don't remember having a debrief with – as in a formation debrief. It sort of – things happened reasonably – I wouldn't say fast, but it was just sort of one thing after another after we got back. Once we got back, as in back to Proserpine, I think everybody was pretty keen to call their families at that point. And then after we got a chance to call our families, it was –
15 you know, we were moving to the airport and then we were getting on a C-130 to go home. So that's sort of the flow of it.

MS McMURDO: What about after you returned to Holsworthy?

20 D11: I don't remember having a crew debrief at all, ma'am.

MS McMURDO: Thank you. Yes, further applications? COL Gabbedy, yes.

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<CROSS-EXAMINATION BY COL GABBEDY

30 COL GABBEDY: Good afternoon, D11. I'm COL Nigel Gabbedy. I appear for MAJGEN Jobson.

D11: Sir.

35 COL GABBEDY: I just want to go over some of the evidence you've given, and I'm going to be referring to what's been called your Inquiry statement, if that assists you.

D11: Sir.

40 COL GABBEDY: I just want to start at paragraph 14(a), where you're asked some questions about extended leave and you talk about the Christmas standdown period.

D11: Sir.

45

COL GABBEDY: That's a period of a little more than six weeks?

D11: Yes, sir.

5 COL GABBEDY: Were you on standby during that period in 22/23?

D11: We're always sort of on standby at 6 Avn, sir. So, potentially. I don't remember if I was or not. But the unit always is ready for DACC tasks.

10

COL GABBEDY: If no DACC task comes along, does that interfere with your leave in any material way? Are you able to have a relaxing time off?

D11: Me personally, yes. But there may be some members who could be on a reduced notice to move and it might affect their ability to go away, because of the timings they have to adhere to.

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COL GABBEDY: But for you, you don't recall any reduced notice to move over that period for you?

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D11: No, not for me.

COL GABBEDY: Did you also have the school holidays as a no flying period?

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D11: As in over the Christmas break?

COL GABBEDY: No, not the Christmas break. Leave that aside. So school holidays during the year, are they a no flying period?

30

D11: In '23?

COL GABBEDY: Yes.

35 D11: I don't remember 2023.

COL GABBEDY: Okay.

D11: Potentially, but I don't remember.

40

COL GABBEDY: In 2023, there was a non-flying period after the Jervis Bay incident.

D11: Correct.

45

COL GABBEDY: That was a little more than a month, wasn't it?

D11: I think so, yes.

5 COL GABBEDY: During that period, I think you said you had the opportunity to take leave, but you didn't take leave. Is that right?

D11: That's correct.

10 COL GABBEDY: What sort of hours were you working during that period?

D11: I don't remember specifics, sir; I'd be guessing.

15 COL GABBEDY: Would it be standard office hours? You weren't working night shift, for example?

D11: No, I wasn't working night, but potentially, you know, eight to 10 hours, at a guess.

20 COL GABBEDY: Is that a day?

D11: Yes, sir.

25 COL GABBEDY: And that's a guess?

D11: Yes, sir.

30 COL GABBEDY: Do you think it would've been less than that, given that there was no flying during the period, and you were simply focusing on other duties?

35 D11: There was a lot to reorganise. You know, we had a lot of activities planned post that activity in Jervis Bay. And, as the TACOPS, there was a lot of notifying supporting units, or units that we were supporting, and then trying to reorganise activities.

40 COL GABBEDY: Thank you for that. In response to a question COL Streit asked you about changing flights due to various factors, including weather, which came in at about paragraph 26 of your statement, your evidence, as I remember it, was that sometimes a day flight would be shifted into an afternoon or an evening flight. Do you recall that evidence?

45 D11: Yes.

COL GABBEDY: Was that quite unusual?

D11: It would be unusual to turn a day flight into a night flight.

5 COL GABBEDY: Was it unusual to turn a day flight into an afternoon flight?

10 D11: Most flights, because we often fly day/night waves, most of our flights sort of start in the afternoon, early afternoon, so it wouldn't be unusual for that flight to move, say, from 1 o'clock to 3 o'clock.

COL GABBEDY: Did that have any impact on the numbers of hours you'd do in that particular day – any significant impact?

15 D11: No, because we would try to start crews at a time where their duty day would be able to absorb those sorts of shifts. However, if you had somebody coming in expecting to finish at a certain time, whether their duty day extended or not, and they planned things around it, that's when it becomes an issue.

20 COL GABBEDY: So as I understand your evidence, there are various reasons why you might need to shift a flight. That was known.

D11: Yes.

25 COL GABBEDY: And planning was flexible so that you could take that into account.

D11: Yes.

30 COL GABBEDY: In relation to paragraph 23, you gave some evidence in response to a question from COL Streit about a member who you identified as 28 who went red to a FRAT test. Do you recall that evidence?

35 D11: I do.

COL GABBEDY: I just want to ask you about that. How was it you became aware of that? Was that a member of your crew?

40 D11: I honestly don't remember. I don't remember. So what we do now when we do orders, at a period in the orders we will give our FRAT scores. So each Aircraft Captain in that formation will say the score for their aircraft, you know, how many ambers, any reds, things like that, and that's when it became aware.

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COL GABBEDY: So there's a meeting of all of the aircraft crew for that formation?

D11: Yes. At orders.

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COL GABBEDY: And that, you believe, is the context in which you became aware?

D11: Yes.

10

COL GABBEDY: Were you aware of any discussion within that particular crew as to why the member was deemed to be red?

D11: I saw the crew – or I saw the member that was red and couple of others having a discussion. I don't know what that discussion was about, but it was obviously about his FRAT score, and potentially why he was red and how they were going to manage it.

COL GABBEDY: And I take it, from the evidence you've just given, you weren't aware of any remediation measures that they'd agreed to use; you were just aware that they'd had a discussion about it?

20

D11: Correct.

COL GABBEDY: Did you have any personal concerns about flying in a formation with that member?

25

D11: No.

COL GABBEDY: In relation to paragraph 34 of your statement, you talk about a reduced tempo period in August and again – it was open to you to take leave, I understand?

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D11: Yes.

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COL GABBEDY: But, for various reasons, you elected not to.

D11: So I think the one in August was for this year.

COL GABBEDY: Yes, I accept that that's this year.

40

D11: Yes.

COL GABBEDY: So in relation to that period in this year – and we're talking about things that the unit is currently doing to manage fatigue – there

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was that reduced tempo period, and in your statement you talk about why you didn't personally take leave. I take it, it was available to you? If you wanted to take leave, you could've taken leave.

5 D11: Correct.

COL GABBEDY: What sort of hours can you recall working during that period? Was it normal sort of office hours?

10 D11: I think so, yes.

COL GABBEDY: And was there an early break on a Friday?

15 D11: I can't remember, but I wouldn't be surprised.

COL GABBEDY: Was that fairly standard, to take an early break on Friday, if there was no flying to be done?

20 D11: Yes.

COL GABBEDY: And again, there would've been no night hours during that reduced tempo period, would there?

25 D11: I don't know. Potentially there would've been night hours. Pilots and aircrew still need to maintain currencies. But if there was night flying, there might not have been any day flying, or vice versa.

30 COL GABBEDY: Now, in relation to what the Squadron might now be doing to manage fatigue, I just want to put a few things to you and get your thoughts on them if that's okay. I understand that – I should've said the regiment rather than Squadron – the regiment has facilities available for members to nap if they desire. Are you aware of that?

35 D11: I wouldn't say we have a dedicated area for members to nap, but I think we all know where we could go to nap if required.

COL GABBEDY: Okay.

40 D11: I wouldn't say it's a napping area. It's just there's beds in that room.

MS McMURDO: Where is that?

45 D11: So in Regiment Headquarters there's a room where, like, the Duty Officer and Duty NCO would stay because it's a 24-hour thing. So there's beds in there that a member could go to nap if they wanted to.

MS McMURDO: So if you were doing a day flight and then having a break and doing a night flight, you could go in there and have a nap?

5 D11: You could.

MS McMURDO: Is it often done?

10 D11: I don't know anybody that's gone – had the time to go and nap.

MS McMURDO: All right, thank you.

15 COL GABBEDY: Look, I understand that if the Regiment's conducting an activity or an exercise, it's quite common that rooms are booked in the mess to enable people to stay overnight. Is that right?

D11: That's correct.

20 COL GABBEDY: And is that, to your understanding, a technique to actively manage fatigue, in that members have to travel less and can sleep on base?

D11: That's correct.

25 COL GABBEDY: I understand one of the measures that's been brought into place this year is trying to maintain a very deliberate and planned activity schedule; is that right?

30 D11: I think that's the intent. Yes, correct.

COL GABBEDY: And the intent there is to avoid disruption, to give people sort of regular hours. To what extent do you think that intent has been able to be followed through?

35 D11: I think at times it's worked, and there's been times where it hasn't worked. You know, there's been times where we've been ready to sort of start executing on a planned activity, and then for whatever reason certain signatures haven't been given yet, and then so we haven't been able to proceed. And when that happens, you know, you've got to start rebooking activities. There's been times where we've had to rebook training areas, which can be quite difficult because there's generally a lead-up time that you have to book an activity, and we're trying to do it within that time.

40
45 Same-same, a lot of our activities have needed a Ground Force to support us, and they have other things that they have to attend as well. So it's been

very difficult for some members, particularly in ops or command roles, when a signature hasn't been – or when we haven't approvals, to then try and reorganise all those activities.

5 COL GABBEDY: Thank you for that. So do you believe there's been an improvement? I mean, accepting that the intent hasn't always been able to be executed, do you think there's been an improvement in terms of the planning of activities?

10 D11: Maybe a small improvement.

COL GABBEDY: And in terms of the ops role, are you aware that non-flying members have been brought in to assist with the ops load?

15 D11: I am, yes. That's been fantastic.

COL GABBEDY: That is an improvement?

D11: Yes.

20

COL GABBEDY: In terms of this year in particular, the current CO says that he's done a number of things to try and improve fatigue and improve the way that the Squadron works. I just want to run you through these, and see what you know about them, and what you believe or how effective you think they are. He says he's conducted working groups with aircrew.

25

COL STREIT: Can I just raise a matter with my friend.

30 COL GABBEDY: Certainly. All right, let me just move on to something else. I need to ask some questions that go into a "Protected" area, unfortunately. Can we go off-comms for that?

MS McMURDO: You can. We can. We'll have to clear the room for - - -

35 COL GABBEDY: It will be short.

MS McMURDO: - - - that authorisation. And we'll have to cut the streaming. So can we cut the streaming? Have you finished everything else you're going to ask?

40

COL GABBEDY: No. Can I deal with it last-up, perhaps?

MS McMURDO: That might be more convenient. It probably doesn't matter much, really.

45

COL GABBEDY: Sorry, I'll deal with it last-up, ma'am, if that assists.

MS McMURDO: Thank you. Okay.

5 COL GABBEDY: So just from your statement again, if we go to
TALISMAN SABRE, and particularly 27 and 28 July, you gave some
evidence about sleeping in a tent. In terms of the temperature, do you recall
it being cool overnight?

10 D11: I wouldn't have said it was hot, no.

COL GABBEDY: Were you comfortable in terms of the temperature?

D11: I was, yes.

15 COL GABBEDY: And in your statement, I think if we go to paragraph 61
you describe yourself as being "tired but not fatigued". So if I could just
drill down on that a little bit. I think at paragraph 58 of your statement you
say you started duty at 1300 on 27 July – sorry, 28 July.

20 D11: Correct.

COL GABBEDY: And that you're encouraged to maximise your rest
outside of your duty.

25 D11: Correct.

COL GABBEDY: And on that particular day, once orders had been
delivered, you had a long time between having to execute the mission.

30 D11: Correct.

COL GABBEDY: I think in response to one of COL Streit's questions you
said that you might have assessed yourself as amber if you'd done a FRAT.

35 D11: Correct.

COL GABBEDY: Did you have opportunities to take naps in between
orders and executing the mission?

40 D11: On that particular day, there would've been opportunity.

45 COL GABBEDY: Is that something you think, with the benefit of
hindsight, you should have done if you were feeling, you know, at an amber,
if you were feeling moderately fatigued or tired?

D11: Yes.

5 COL GABBEDY: The day before, the 27th, I understand that you finished the previous exercise in the earlier hours of the 27th.

D11: Yes.

10 COL GABBEDY: Did you have anything to do on the 27th? Did you have any duties to perform?

D11: Testing the memory there, sir.

15 COL GABBEDY: I'll try and help you with your own statement. If we go to paragraph 60 at the top of page 21(c), you say:

I didn't fly on 27 July, not including finishing a flight that started on 26 July.

20 So I assume you arrive in the early hours of 27 July. I assume from your statement that you had nothing to do that day, but I just want to check that with you.

25 D11: There would've been normal admin. What that admin was, I don't remember. But it certainly wasn't a day off.

COL GABBEDY: Would it be fair to say that you had adequate time to rest or nap or refresh yourself or refresh your fatigue on that day?

30 D11: Potentially, yes.

35 COL GABBEDY: And sorry to jump around a bit, but I want to go back to paragraph 44(a) before I go to where I was before. This is at the top of page 15. And you were talking about this engine issue, which was said to have been instrumental in the Jervis Bay crash. You say that you were told that Defence had three COA to replace the engines. When you said, "Defence had three COA", what was your understanding? Was that an Aviation Command COA? A Defence COA? Where did it come from?

40 D11: I don't know where it came from. All I remember that Defence, or whoever the deciding body was back then, had three courses of action. And the less preferred course of action – or least recommended course of action was chosen.

45 COL GABBEDY: What was your understanding of who made that

decision?

D11: I have no idea who made that decision, no.

5 COL GABBEDY: So it was briefed that the least recommended or the least favourable course of action was chosen but you're not quite sure by who?

D11: Correct.

10

COL GABBEDY: That leaves me with the question that takes me offline, sorry, ma'am.

15 MS McMURDO: Now, the first thing we need to know is the level of classification being asked about?

COL GABBEDY: It's "Sensitive".

20 MS McMURDO: "Sensitive", okay. Now, it will be necessary, unless I order otherwise, for everyone without the necessary classification to be present during classified "Sensitive" material to leave the courtroom. But I imagine that the families would like to stay. I'm getting some nods. I'm presuming the families would like to stay.

25 Does anybody, particularly the Commonwealth, have any objection to the families staying? Maybe you need to talk to COL Gabbedy as to what it's about on a needs-to-know basis.

30 MS MUSGROVE: Whilst my friends are discussing, perhaps would it be possible – I know the witness has been giving his evidence for over an hour and a half now. Whilst I have a quick chat to Mr Gabbedy and find out where we might be going with this, whether that would be of assistance to the witness - - -

35 MS McMURDO: I give up, I give up. Okay, all right, a 10 minute break.

COL STREIT: I think the matter is resolved. Because of the nature of the classification - - -

40 COL GABBEDY: Counsel Assisting has drawn my attention to a different part of the document. The evidence I want to lead is "Protected" rather than "Official: Sensitive", so it causes issues.

45 COL STREIT: "Protected" evidence can't be led in these proceedings.

MS McMURDO: Even in closed - - -

COL STREIT: Correct.

5

MS McMURDO: Even in a closed hearing that isn't streamed.

COL STREIT: It would have to move to a different facility.

10 MS McMURDO: Different facility.

COL STREIT: And it can be addressed at a later stage. I'll speak to my friend as to whether it's necessary.

15 MS McMURDO: All right then. Well, your questioning, it'll have to at least be adjourned, if not abandoned. Is that right?

COL GABBEDY: I believe so. Thank you, ma'am.

20 MS McMURDO: Thank you. All right then. I think that was all you had COL Gabbedy?

COL GABBEDY: Yes, thank you, ma'am. Thank you, D11.

25 D11: Thanks, sir.

MS McMURDO: Any other applications for leave to cross-examine? Any re-examination?

30 COL STREIT: No, thank you.

MS McMURDO: Thank you very much for giving your evidence today. The Inquiry greatly appreciates it. It's been very helpful. We also understand that it's probably been very difficult for you to have to revisit to particularly terrible episodes in your life and so please don't hesitate to call on the support services that are readily available to you. Yes, thank you.

35

D11: Thank you, ma'am. Thank you.

40 MS McMURDO: Thank you.

<WITNESS WITHDREW

45

MS McMURDO: Are we ready to go on with the next witness?

COL STREIT: Yes.

5 MS McMURDO: Yes. The cameras will need to get switched on again. This witness is not using a pseudonym and it will be video livestreamed.

10 COL STREIT: Thank you. Ms McMurdo, I call CAPT Daniel Szczudlo.

MS McMURDO: Thank you. So, do we have the livestream back on now? Can I just check that?

15 COL STREIT: I'll just wait for the secretariat to - - -

MS McMURDO: Is the livestream back on now? It is? Great, thank you.

20 <CAPT DANIEL PATRICK SZCZUDLO, Sworn

<EXAMINATION-IN-CHIEF BY COL STREIT

25 CAPT SZCZUDLO: Thank you.

MS McMURDO: And, Captain, if you need a break at any time just let me know.

30 CAPT SZCZUDLO: Thank you.

COL STREIT: Captain, please state your full name?

35 CAPT SZCZUDLO: Daniel Patrick Szczudlo.

COL STREIT: And CAPT Szczudlo, if you bring the microphone – orientate it a little bit better for you. Thank you.

40 CAPT SZCZUDLO: Is that better.

COL STREIT: Just to orientate you, in front of you is an A3 document which is populated on both sides. It contains pseudonyms, and the names of people with pseudonyms. The document is in two ways, two parts. The first is a pseudonym in order 1, 2, 3, et cetera; and then the name of the

individual's surname is in alphabetical order. So whichever assists you when you give your evidence.

5 Can I just ask that in the course of your evidence if you consider a person has a pseudonym and you're not sure what the pseudonym is, then just simply let me know and take the opportunity to check the document that's in front of you. And your statement has been redacted to deal with matters containing pseudonyms.

10 CAPT SZCZUDLO: Yes, sir.

COL STREIT: CAPT Szczudlo, can I, just before I ask for a copy of your statement to be shown to you, can I just confirm you received a section 23 Notice to answer questions in the form of a statement and appear here today to give evidence?

CAPT SZCZUDLO: That is correct.

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

CAPT SZCZUDLO: I believe so.

25 COL STREIT: And did you receive a copy of a document which was a Frequently Asked Questions Guide for Witnesses in IGADF Inquiries?

CAPT SZCZUDLO: I did.

30 COL STREIT: And did you receive a copy of an Instrument of Appointment from an Assistant IGADF? I understand that it might have been FLTLT Alexandra Rose?

CAPT SZCZUDLO: I did.

35 COL STREIT: And did you receive a Privacy Notice for Witnesses Giving Evidence in IGADF Inquiries?

CAPT SZCZUDLO: I did.

40 COL STREIT: Captain, I'm just going to have a document shown to you. Just take the time to have a look at that document, be satisfied as to its contents, and then I'll ask you some questions.

45 CAPT SZCZUDLO: I am satisfied.

COL STREIT: The document that you have before you is that a statement that you have prepared and signed in relation to your responses asked of you in the section 23 noticed?

5 CAPT SZCZUDLO: Yes, it is.

COL STREIT: And is your statement witnessed – sorry, is it signed by you on 14 October 2024?

10 CAPT SZCZUDLO: Correct.

COL STREIT: And attached to your statement are two annexures. Is that correct?

15 CAPT SZCZUDLO: That is correct.

COL STREIT: So Annexure A - - -

CAPT SZCZUDLO: Correct, there's three annexures.

20

COL STREIT: Sorry, three annexures: Annexure A, B and C. Is that right?

CAPT SZCZUDLO: That is true.

25

COL STREIT: Annexure A is a blank – well, is a form for Ground Trial Sleep-Inducing Agent Patient Form; is that correct?

CAPT SZCZUDLO: Correct.

30

COL STREIT: And it contains a series of fields that have not been populated with anybody's personal information; is that correct?

CAPT SZCZUDLO: That is correct.

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COL STREIT: Next is Annexure B, which is an Agreement for the Operational Use Of Sleep-Inducing Agents by Defence Members And Aviation-Related Occupations Form; is that correct?

40 CAPT SZCZUDLO: That is correct.

COL STREIT: And the next Annexure is annexure C. How would you describe Annexure C?

CAPT SZCZUDLO: These are screenshots from JeHDI record systems, the medical record system that Defence uses.

5 COL STREIT: Thank you. Are there any amendments or additions you wish to make to your statement?

CAPT SZCZUDLO: No.

10 COL STREIT: Ms McMurdo, I tender the statement of CAPT Szczudlo, comprising Annexures A, B and C, as described.

MS McMURDO: Exhibit 98.

15 **#EXHIBIT 98 - STATEMENT OF CAPT SZCZUDLO
AND ANNEXURES**

20 COL STREIT: Captain, can I just ask you to, during the course of your evidence, just be mindful of your security obligations, and if I, or any other person, asks you a question where you consider responding to that question means giving a response above “Official”, if you could just let me know of that matter and a decision will be made as to whether a private hearing is necessary.

25 CAPT SZCZUDLO: I understand.

30 COL STREIT: So, first, just beginning in relation to paragraph 4 of your statement, you have undertaken, since 2013, medical training to become a qualified General Practitioner; is that correct – a medical General Practitioner?

CAPT SZCZUDLO: I think that’s the end result, yes.

35 COL STREIT: And you completed your degrees at the Notre Dame University of Sydney; is that right?

CAPT SZCZUDLO: Correct.

40 COL STREIT: You interned and did residency at Nepean Hospital in New South Wales, 2017-2018?

CAPT SZCZUDLO: Correct.

45 COL STREIT: And 2019-2021 you completed GP training in

Townsville, followed as a General Practitioner in December 2021 with the Royal Australian College of General Practitioners. That's correct?

5 CAPT SZCZUDLO: That is correct.

COL STREIT: And you were an Army Medical Officer posted to the 2nd Closed Health Battalion, Lavarack Barracks, Townsville, in that period, up to 2021. Is that right?

10 CAPT SZCZUDLO: That is correct.

COL STREIT: 2022 to 2023 you were an Army Medical Officer posted to the 2nd Health Battalion Delta Company at Holsworthy Barracks in Sydney?

15 CAPT SZCZUDLO: That's correct.

COL STREIT: Where your role was Medical Officer and Officer In Charge of the Aviation Primary Health Care Team, which supported 6 Aviation Regiment activities.

20 CAPT SZCZUDLO: That is correct.

COL STREIT: Now at the time you were a member of the Australian Regular Army; is that right?

25 CAPT SZCZUDLO: That is true.

COL STREIT: As you appear here today before the Inquiry, is it the case that you have transferred from the Australian Regular Army to the Australian Army Reserve?

30 CAPT SZCZUDLO: That is true.

COL STREIT: You are presently a civilian contracted Medical Officer working – or practising, rather, medicine at RAAF Base Townsville for the 5th Aviation Regiment.

35 CAPT SZCZUDLO: That is true.

40 COL STREIT: And you are a Reserve Medical Officer posted to the 4th Health Battalion, which is at Lavarack Barracks in Townsville.

45 CAPT SZCZUDLO: Correct.

5 COL STREIT: At paragraph 5 of your statement you list a number of tertiary qualifications which, just in relation to one in particular, you note about halfway down that list a qualification as an Aviation Medical Officer, which was a course you attended at the Royal Australian Air Force Institute of Aviation Medicine in October 2020. Is that right?

CAPT SZCZUDLO: That is correct.

10 COL STREIT: Do you recall how long that course was for?

CAPT SZCZUDLO: Six weeks.

COL STREIT: And in broad terms, what was the purpose of that course?

15 CAPT SZCZUDLO: The purpose of the course is to train Defence Medical Officers to help practice and look after aircrew in all three Services, essentially.

20 COL STREIT: And once you complete that course, you then qualify to undertake an Aviation Medical Officer posting?

CAPT SZCZUDLO: That is correct.

25 COL STREIT: Now, at paragraph 6 you set out your career history in the Army. You started back in 2005, where you enlisted as an Army Reserve rifleman; is that correct?

CAPT SZCZUDLO: That is correct.

30 COL STREIT: Now, you had deployed in 2009 on Operation ANODE to the Solomon Island as a peacekeeper?

CAPT SZCZUDLO: Correct.

35 COL STREIT: You, in 2011, transferred and became a Nursing Officer posted to the 3rd Health Support Battalion at Randwick Barracks.

CAPT SZCZUDLO: Correct.

40 COL STREIT: You have obtained a Bachelor of Nursing relevant to that from the University of Western Sydney, where you graduated in 2007; is that correct?

45 CAPT SZCZUDLO: Correct.

COL STREIT: So in the period 2014 to '18 you enrolled in long-term schooling for medical school internship and residency; is that right?

5
CAPT SZCZUDLO: That is correct.

COL STREIT: You were not, at that time, were you, a member of the Regular Army?

10
CAPT SZCZUDLO: As a long-term schooling member, you are a member of the Regular Army.

15
COL STREIT: I see. So when approximately did you – I apologise. So you started as a Reservist rifleman. You transferred to Nursing Officer in 2011. Does that mean you commissioned as an Army Officer and Nursing Officer in 2011?

CAPT SZCZUDLO: Correct.

20
COL STREIT: And you commissioned into the Regular Army?

CAPT SZCZUDLO: In 2011, it was commissioning as a Reservist Nursing Officer.

25
COL STREIT: And was it as a Reservist then – I'll start again. In the period 2014-2018, when you enrolled in long-term schooling, was that at the point you transferred into the Regular Army?

30
CAPT SZCZUDLO: Correct, yes. The second year of medical school I gained acceptance to be sponsored and that's when you become part of the Regular Army.

35
COL STREIT: And subsequent to completing your qualifications in 2019-21, you were a Medical Officer posted to the 2nd Closed Health Battalion at Lavarack Barracks in Townsville?

CAPT SZCZUDLO: Correct.

40
COL STREIT: You also deployed to Tasmania in support of Operation BUSHFIRE ASSIST in 2020?

CAPT SZCZUDLO: Correct.

45
COL STREIT: Just focussing in on your role as a Medical Officer and Officer in Charge of the Aviation Primary Health Care Team supporting 6 Aviation Regiment in 2022/2023, I'll just turn to that part of the

timeline. So, what, in broad terms, can you – you've set out part of this at paragraph 9, but can you, in broad terms, describe your role as a Medical Officer on base as well as the OIC of the Aviation Primary Health Care Team?

5

CAPT SZCZUDLO: Yes. So it's kind of split into what I would say as the clinical roles and the non-clinical roles. The non-clinical would be the OIC role, which is essentially pers management of the people that I had under my command; that being a Nursing Officer and two or three medics. And with that, it was looking after their sort of general pers management.

In terms of engagement with 6 Avn, it would be liaising and coordinating medical support for their activities. In a nutshell, it's just essentially saying, you know, do we have the staff available to support their activities, and pretty much all the time it was, yes. Other times, I probably didn't actually mention here – like an addendum – I'd review some of their Health Support Plans for some of their activities around there. And that's it, from the non-clinical space.

15

From a clinical space, I would participate in the activities as part of what we call the (Indistinct) Support Team, which would be myself – or it would be at least two clinicians and the Combat Rescue Teams, essentially, to be a response asset to an incident. We would share that workload amongst myself, the Nursing Officers and the medics.

20

Aside from that, other things I would do would be to augment and work at the health centre and in that due course, I would see some aircrew every now and then. And the third and final thing would be try to maintain some clinical competencies at the local Emergency Department.

25

COL STREIT: Just in relation to your role at Holsworthy Barracks and augmenting the health centre, does that mean you were seeing ADF members who were not part of 6 Aviation Regiment for general medical matters?

30

CAPT SZCZUDLO: Correct. Yes, we would see essentially all the members that are posted to Holsworthy, with the exception of the SOCOMD elements. So predominately it would be 6 Avn, and the School of Military Engineering, and some Reservists that are part of that. And also, I think, 1 MP Battalion.

35

COL STREIT: And were both roles – that is, as a Medical Officer within the medical centre and as the OIC of the Aviation Primary Health Care Team – did both roles have equal prominence, or was one more prioritised

40

45

over the other?

5 CAPT SZCZUDLO: Yes, the priority was the OIC role. And when I was not undertaking OIC responsibilities, I would be trying to get as much clinical exposure as I could, both in the Garrison and non-Garrison space.

10 COL STREIT: Something I meant to ask you earlier. When you did your Aviation Medical Officers' Course in 2020, was that something you were asked to do, or was that something you had pursued on the basis you had an interest in Aviation medicine.

15 CAPT SZCZUDLO: I had an interest. But being posted to 2nd (indistinct) Health Battalion Townsville and working with 5th Aviation Regiment, it's almost part of the training continuum for us to be able to support aircrew. So it's almost part of the training continuum, yes.

20 COL STREIT: And it's not a memory test of course, but back when you did your course in 2020, do you remember how many students were on that Aviation Medical Officers Course?

CAPT SZCZUDLO: I'd probably say about 20 or so.

COL STREIT: And they were from all three Services?

25 CAPT SZCZUDLO: Correct, there was, I'd say, on average, 15 were Defence members and about five were civilians that would work in RAAF Bases that had aircrew they had to look after. So a mixture of both civilian and Defence personnel.

30 COL STREIT: At paragraph 10 you provide some evidence in relation to expertise you have on training you have received in respect of Aviation medicine. In particular, at paragraph 10(b), second dot point, you say:

35 *Sporadic Aviation Medical Officer practice throughout the years in the medical centre. I would, on average, practice Aviation medicine once or twice a fortnight. Most of it was conducted by civilian doctors who looked after Aviation units.*

40 And you identify a person there. So that's 2020-2023. So the "Sporadic Aviation Medical Officer practice throughout the years in the medical centre", is that a reference to the medical centre at Holsworthy?

CAPT SZCZUDLO: That is correct, yes.

45 COL STREIT: And you say, you would - - -

I would, on average, practice Aviation medicine once or twice a fortnight.

5 What does that mean in terms of practising Aviation medicine?

CAPT SZCZUDLO: It essentially just means that I would see aircrew, on average, once or twice a fortnight when we're not in the deployed setting. So when we deploy with the units, generally to a different RAAF Base, I'd
10 be their primary health care doctor. But when we're back in Holsworthy, the vast majority of their care was undertaken by the civilian doctor who they had a habitual relationship with – that said person – and I would fill in whenever that person was booked out.

15 COL STREIT: I see. Then was part of your role to also assess, medically assess, aircrew for suitability to fly; that is, to be available to engage in Aviation operations?

CAPT SZCZUDLO: Fitness to fly, correct. Yes, so essentially whenever
20 you see an aircrew, if you are seeing them generally from an Aviation medicine point of view, part of your assessment should include determining fitness to fly. So if there's any doubt that you have they are medically unfit to fly, then you essentially TMUFF them – temporarily medically unfit to fly. So each consult has to have one of those sort of decision-making points.

25 COL STREIT: In terms of the performance of the function of the Primary Health Care Team OIC for 6 Aviation, did you have a medical reporting line up into anyone in Aviation Command?

30 CAPT SZCZUDLO: Not per se. I had contacts who I would generally speak for confirmation clarification. I believe I'm about to say this person – this certain Colonel who would be quite prominent in the Aviation space that I would speak to or the Duty Aviation Medical Officer as a point of contact. So, generally speaking, I'd probably speak to the 5 Avn doctor
35 who's mentioned in 10(b). And then if that consult was not, I guess, enough assurance to make a decision, then I'd escalate higher to a more senior clinician.

40 COL STREIT: In relation to the Colonel you mentioned in Aviation Command, was that COL Jeff Brock?

CAPT SZCZUDLO: Correct.

45 COL STREIT: And what did you understand his function to be in 2023?

CAPT SZCZUDLO: In 2023, I believe he was the SSMO of Aviation Medicine. I'd need to clarify that, but that's my understanding from what I can recall.

5 COL STREIT: Sorry, you mentioned an acronym there, "SM"?

CAPT SZCZUDLO: Senior Service Medical Officer for Army, for Aviation, I believe. I could be incorrect there.

10 COL STREIT: In relation to paragraph 11, you were asked to outline any training you've received and from whom, with respect to identifying fatigue in aircrew and then managing that fatigue. You say that as part of the Aviation Medicine Course you completed in October 2020, there were lessons on fatigue in aircrew:

15

After that course, I do not recall it being raised that often in the Aviation Medicine updates I received as a uniformed Medical Officer.

20 Then you say:

Last week there was a presentation on fatigue in aircrew from the monthly Institute of Aviation Medicine Continuing Professional Development sessions.

25

So the date of your statement is 14 October 2024. So by reference to that date, should the Inquiry infer that in the week before you signed your statement you received this presentation?

30 CAPT SZCZUDLO: Correct.

COL STREIT: And in terms of "monthly Institute of Aviation Medicine Continuing Professional Development sessions", you say "monthly". So does that mean you were required or are required to participate in that monthly training, or is it simply a voluntary process?

35

CAPT SZCZUDLO: So currently, as a civilian doctor, with my current contractual obligations for my employer, I need to maintain a level of CPD currency, and part of that currency is to have those monthly meetings. As a uniformed officer, a Medical Officer, it was something that would be desirable but not mandatory. And often we had competing activities and tasks that would often interfere with the ability to attend these CPD sessions.

40
45 COL STREIT: So as a uniformed ARA Medical Officer, attending the

monthly Institute of Aviation Medicine Continuing Professional Development sessions was desirable but not mandatory.

5 CAPT SZCZUDLO: Correct, that is my understanding.

COL STREIT: Now, as a contracted civilian doctor in Townsville providing Aviation medical services to 5 Avn, it's mandated in your contract to attend these training sessions?

10 CAPT SZCZUDLO: Part of the contract requires that I maintain CPD hours, and this is one method of achieving those hours. So I could achieve the hours through other means, but this is a very informative and easily accessible way of achieving my CPD requirements.

15 COL STREIT: And, effectively, the development sessions would be right on target in terms of Aviation medicine, would it?

20 CAPT SZCZUDLO: Correct. And they're run by the Institute of Aviation Medicine on a variety of subjects that relate to our practice.

COL STREIT: Now, can I turn to question 12. You were asked to describe any specific involvement you've had with monitoring, identifying and managing fatigue in aircrew. You say, at the top of page 4:

25 *In relation to identifying and monitoring, I've had very little involvement. My understanding is it is mostly self-managed by the aircrew themselves, with some oversight from the unit.*

30 *In terms of management, the only example I can remember is on Exercise TALISMAN SABRE at Proserpine where several 6 Avn members were requesting support with sleeping in the deployed environment with sleeping tablets.*

Is that correct?

35 CAPT SZCZUDLO: That's correct.

40 COL STREIT: At paragraph 13 you set out some detail in relation to your involvement in ground trials for aircrew to use various sleeping medications. That's right?

CAPT SZCZUDLO: Correct.

45 COL STREIT: And, in short compass, it's correct, isn't it, that in order for a Defence member to be prescribed the medication that you've set out in

paragraph 13, they have to step through a ground trial process, which is a medical assessment as to their suitability to receive that medication?

5
CAPT SZCZUDLO: Correct.

COL STREIT: And once they had been cleared medically to receive that medication, that information is then recorded on the Defence medical records system?

10
CAPT SZCZUDLO: Correct.

COL STREIT: And, therefore, if that person came to you and requested to be prescribed medication, you've identified at paragraph 13(e) and (f) you would check the Defence medical record system and if they had done the ground trial and been cleared, you would then – subject to other matters you might look at, you were then cleared essentially to prescribe them that medication.

20
CAPT SZCZUDLO: Correct.

COL STREIT: You say at paragraph 13(i) that:

25
The approval for the use of the medication is enduring unless any adverse effects develop during future use, which would then necessitate a review and a reconsideration of the use of the medication.

30
The Institute of Aviation Medicine Policy, in accordance with the ADF medication list for Aviation-related occupations for sleeping tablets, states –

and then you set out two criteria and two dot points. Is that right?

35
CAPT SZCZUDLO: That is true.

COL STREIT: At paragraph 14 you give some evidence that you have not ever treated CAPT Lyon, LT Nugent or CPL Naggs; correct?

40
CAPT SZCZUDLO: To the best of my ability, that is correct.

COL STREIT: You say you did treat WO2 Laycock on two occasions. The first was in relation to an annual aircrew medical in 2022 and the second was on 24 July 2023 in relation to the issuing of sleep-inducing medication, Temazepam. Is that right?
45

CAPT SZCZUDLO: Correct.

5 COL STREIT: And WO2 Laycock, you determined, by reference to medical records, had completed the ground trial to be prescribed that medication?

CAPT SZCZUDLO: That is correct.

10 COL STREIT: And upon his approach, you subsequently prescribed him that medication to assist him on deployment at Proserpine; is that right?

15 CAPT SZCZUDLO: Yes. There's a sort of addendum to this, essentially, is that I wrote it in JeHDI that he did not receive it on that day. He received a different sleeping tablet about a few days later, which he'd already been cleared for a ground trial.

COL STREIT: I see. At paragraph 15 – and now we're dealing with - - -

20 AVM HARLAND: Just before we move on, while we're on the ground trials, if I could, COL Streit, just a question. We heard from some witnesses about their experience in TALISMAN SABRE '23 where they deployed without having done a ground trial and, therefore, they were unable to, when they found the conditions unsuitable, access sleeping aids. Has there been any discussion or do you think there's value in a more structured approach to the ground trial such that should people find themselves in a situation on a deployment where they are unable to sleep, they were able to access the medication?

25 CAPT SZCZUDLO: Sir, I think it's definitely doable. I think we have to factor in the sort of operational impact of grounding those members during that ground trial phase. So, you know, clinically speaking you could do a ground trial out field.

30 I think, for myself, dealing with that sort of request en masse on that Monday, I did not entertain the idea of conducting some ground trials out field. I didn't think it was safe enough.

35 So only those who had had the ground trials were the ones that I dispensed that to. But I would imagine that with appropriate oversight, it could be done out field.

40 AVM HARLAND: Perhaps I wasn't clear. I was actually talking about a more structured approach to doing the trials before deployments, foreseeing that in an austere environment the sleeping conditions may be not ideal. So I'm really talking about doing it in the lead-up to a deployment so that the

aircrew who deploy are able to access it should they need to.

5 CAPT SZCZUDLO: So this is an opportunistic thing that I'll often now
do for a lot of junior members that are about to undertake, like, Flight
School Training or such that if they haven't had a ground trial for these
things, I would do that. Is there a policy or a procedure for this sort of
stuff? Not really. Often it's just generally up to the clinicians themselves,
the Medical Officers, to pose this idea opportunistically. That way, when
10 it comes to deployed time, there is no sort of issue relating to a ground trial
that will affect their ability to fly.

So there's no procedure, essentially, right now. It's just purely at the
discretion of the Medical Officer or the member to request it.

15 AVM HARLAND: Yes, thank you. Sorry, COL Streit, go ahead.

MS McMURDO: Well, could I just clarify, with TALISMAN SABRE
'23, did you get complaints from people – just from something you said
earlier, did you get complaints from some of the people that they weren't
20 able to sleep there, but they hadn't had the ground trial and therefore you
couldn't assist them?

CAPT SZCZUDLO: I don't recall any complaints.

25 MS McMURDO: I misunderstood something you said then.

CAPT SZCZUDLO: Off the top of my head, at least.

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

30 COL STREIT: Thank you. CAPT Szcudlo, just prior to the incident on
28 July 2023, was it your understanding from your experience that
individual members would approach the Holsworthy Medical Centre to
express a desire to participate in the ground trial?

35 CAPT SZCZUDLO: Correct.

COL STREIT: And so did you ever get a sense whether that was more
than just an individual approach, but there was a planned unit activity where
40 members would – arrangements would be made for a group of members to
participate in a ground trial?

CAPT SZCZUDLO: No, I never got that impression at all.

45 COL STREIT: And so the bottom line is that the Holsworthy Medical

Centre and you were simply being just reactive to the fact that individuals were arriving at the medical centre, making a request to participate in a ground trial.

5 CAPT SZCZUDLO: Correct. And again, if the Medical Officer looking after them perhaps had the foresight/opportunity to offer these medications to sort of stop that issue arising just before deployment, that may be – I haven't had conversations with the 6 Avn doctor, the civilian doctor, about
10 whether or not that was something he did regularly, but in my practice now it's something I try to bring up when the time and the situation permits to offer that to the members.

15 COL STREIT: Now, just turning to your involvement in Exercise TALISMAN SABRE, which is at paragraph 15 of your statement. You drove up an ambulance from Sydney to Proserpine Airport from 20 July 2023, arriving in location in Proserpine on Sunday, 23 July 2023. Is that right?

20 CAPT SZCZUDLO: Correct.

COL STREIT: The ambulance that you drove, was that a military ambulance?

25 CAPT SZCZUDLO: Yes, it was.

COL STREIT: You then say you returned home on Wednesday, 2 September 2023; is that right?

30 CAPT SZCZUDLO: I believe so, yes.

COL STREIT: The Inquiry has received evidence that a large proportion of 6 Avn Regiment deployed on Exercise TALISMAN SABRE returned to Sydney on 29 July 2023. What duties did you perform shortly after the crash of Bushman 83 and up until you returning back to Sydney on
35 2 September 2023?

40 CAPT SZCZUDLO: I'd probably describe this as informal Liaison Officer for, I guess, the aviation medicine aspects. It was at the request of COL Brock to stay in location, initially, on the Saturday to, I guess, achieve as much – or obtain as much information regarding what's happened so far, until DFSB had arrived later on in the night, on the Saturday night; and, thereafter, what I describe as being the eyes and ears of COL Brock, to feed information up to them to help, you know, Defence collect more information. But essentially be an informal Liaison Officer.

45

5 I would attend some of the morning briefs at Whitsunday Island Police Station and answer any questions that the DFSB Team would ask of me that would be relevant to medications or the incident themselves that I would understand. And, on the Monday, I think to try and take the initiative, I joined the Police Identification – Victim Identification Team and travelled down to Mackay morgue to assist with providing more information to COL Brock.

10 COL STREIT: So we understand that the tents at Proserpine Airport which were accommodating 6 Avn Regiment were – the camp was packed up not too long after the incident involving Bushman 83. Where were you accommodated when the camp was packed up, in terms of performing this role that you have?

15 CAPT SZCZUDLO: So they still had a number of tents left over. So not all of them had been packed up. A lot of them had been disassembled. It was one of the remaining tents that were still available that I sat in, and then on the final night or two, I just essentially slept on a stretcher with a mozzie net on top.

20 COL STREIT: But you were there for the whole of what was left of July, but then the whole month of August, according to your statement.

25 CAPT SZCZUDLO: I've written that incorrectly. I do apologise. That's actually 2 August.

COL STREIT: I see. All right.

30 MS McMURDO: We were very puzzled what you had written - - -

CAPT SZCZUDLO: Yes. Sorry, yes, I did terrible proofreading.

MS McMURDO: You must have had a lot of information to depart - - -

35 CAPT SZCZUDLO: Yes. Yes, sorry.

COL STREIT: So the second sentence of paragraph 15 should read:

I returned home on 2 August 2023.

40 Is that - - -

CAPT SZCZUDLO: Correct. My apologies.

45 COL STREIT: All right, no problems. In terms of where you were

accommodated prior to 28 July '23 at Proserpine Airport, you were accommodated in a tent at the campsite; is that right?

5 CAPT SZCZUDLO: Yes.

COL STREIT: The tent had a combination of yourself and the Primary Health Care Team members; is that right?

10 CAPT SZCZUDLO: Yes.

COL STREIT: Do you recall if there were any other personnel in the same - - -

15 CAPT SZCZUDLO: Yes, we had some of the members from the CRT, the Combat Rescue Team. I believe there was a bunch of other members from, like, maintainers potentially from 6 Avn, but I didn't really have too much interaction with them. So probably I would estimate perhaps 15 people in that tent, from what I can recall.

20 COL STREIT: How did you find the sleeping arrangements. Were you able to – well, how would you describe the sleeping arrangements?

25 CAPT SZCZUDLO: I'd say it's adequate for a field phase. I think I come from somewhat of a combat background, so to me to have a nice sort of covered tent was nice, and a (indistinct) to sleep on.

COL STREIT: Did you have a particular tent set aside for casualty treatment or anything of that nature?

30 CAPT SZCZUDLO: Not really, no. I just operated out of the back of the ambulance, essentially.

35 COL STREIT: At paragraph 18(c) you say you were not assigned a specific duty start and finish time. You conduct sick parade roughly from 0700 to 0900 each day, and then be on standby for any opportunistic medical presentations throughout the day. It was a very low tempo exercise from a medical point of view. And some days you did not have any presentations. And you say:

40 *At most, I think I had four patients in one day.*

And then you identify the hours of sleep that you would have. That's correct?

45 CAPT SZCZUDLO: That's correct.

COL STREIT: Did any aircrew come and see you complaining of feeling fatigued, that you can remember?

5 CAPT SZCZUDLO: No, I do not recall that.

COL STREIT: At paragraph 23 you describe what you were doing when you heard about the crash of Bushman 83 on 28 July 2023, and any involvement you had in the search and rescue efforts. And you say that you were walking up to the Command tent to pass on some medication for the OC “when I noticed people running to the tent”. [REDACTED]

15 CAPT SZCZUDLO: Correct.

COL STREIT: You say “once I was updated on the events from D15 and D29” you then called Mackay Base Hospital Emergency Department and Proserpine Hospital to give them a heads-up that there may be a mass casualty event coming their way. And you called COL Brock and updated him on the situation?

CAPT SZCZUDLO: Correct.

25 COL STREIT: And then you say, after making those calls, you prepared a medical pack and later boarded an MRH-90 along with two officers, and then you spent the next three hours in flight searching for the downed aircraft. Is that right?

CAPT SZCZUDLO: Correct.

30 COL STREIT: And then you say:

From 29 July to 2 September –

35 which we should read as “2 August”, you say –

I tried to support the DFSB and COL Brock by participating in the investigation efforts in the days after.

40 And you attended daily briefs at the Whitsunday Police Station; is that right?

CAPT SZCZUDLO: Correct.

45 COL STREIT: You were not formally involved in any debriefing with

members of 6 Avn Regiment following the crash of Bushman 83, but you informally walked around to personnel, opportunistically doing simple welfare checks. Is that right?

5 CAPT SZCZUDLO: That's correct.

COL STREIT: You have not been interviewed by Queensland Police in respect of the incident involving Bushman 83?

10 CAPT SZCZUDLO: No, I don't believe I have.

COL STREIT: You don't recall being interviewed by Comcare; is that right?

15 CAPT SZCZUDLO: No, I have not.

COL STREIT: Although you don't think it was a formal interview on either Sunday the 30th or Monday, 31 July 2023, one of the DFSB staff spoke to you after they had found medication in WO2 Laycock's field pack. You'd explained that it was a sleeping medication that you had dispensed to him a few days earlier, and that the quantity found matched the amount that you had dispensed.

25 CAPT SZCZUDLO: That's correct.

COL STREIT: That would seem to indicate – I withdraw that. You were not aware of any specific changes that have occurred for Medical Officers regarding the identification of fatigue in aircrew and their managing that fatigue following the crash of Bushman 83?

30 CAPT SZCZUDLO: No, I am not.

COL STREIT: And you're not aware of any changes to the availability or management of ground trials for aircrew who wish to trial sleeping medications following the crash of Bushman 83?

35 CAPT SZCZUDLO: No, I'm not.

40 COL STREIT: Thank you. They're my questions.

MS McMURDO: Thank you. Any applications to cross-examine? Yes, COL Gabbedy.

45

<CROSS-EXAMINATION BY COL GABBEDY

5 COL GABBEDY: Thank you, ma'am.

Doctor, in response to a question from COL Streit, I believe you said something along the lines of no one during Exercise TALISMAN SABRE '23 reported fatigue to you. Is that right?

10 CAPT SZCZUDLO: Fatigue specifically, that is correct.

COL GABBEDY: Now, from the other evidence you've given, my understanding is that you weren't run-off-your-feet during TALISMAN '23?

15 CAPT SZCZUDLO: That is correct.

COL GABBEDY: Did you make it your business to get out amongst the Regiment and interact with the members and see how they were going?

20 CAPT SZCZUDLO: I would just go around and say "Hi", and check-in. Did I proactively enquire about their welfare and health? No.

25 COL GABBEDY: But you went around and just said, "Hi" and interacted with them?

CAPT SZCZUDLO: Correct.

30 COL GABBEDY: Do you think that gave you the opportunity to observe their fatigue levels from a medical standpoint?

CAPT SZCZUDLO: Potentially, yes.

35 COL GABBEDY: Did you observe any indications of significant fatigue during your interactions with the Regiment prior to the incident?

CAPT SZCZUDLO: Nothing of significance or enough to have a clinical concern about, no.

40 COL GABBEDY: Thank you very much. Those are my questions, ma'am.

MS McMURDO: Thank you. Yes. SQNLDR Thompson.

45

<CROSS-EXAMINATION BY SQNLDR THOMPSON

5 SQNLDR THOMPSON: Doctor, SQNLDR Thompson representing the interests of WO2 Laycock. I have a couple of short questions for you.

CAPT SZCZUDLO: Sure.

10 SQNLDR THOMPSON: Now, you state that you prescribed some sleeping medication for WO2 Laycock?

CAPT SZCZUDLO: That is true.

15 SQNLDR THOMPSON: And was it the case that that sleeping medication was the Zolpidem?

CAPT SZCZUDLO: Correct.

20 SQNLDR THOMPSON: And is it the case that you're both the prescriber and dispenser of the medication?

CAPT SZCZUDLO: That is true.

25 SQNLDR THOMPSON: And you dispensed three 10 milligram tablets of Zolpidem to WO2 Laycock?

30 CAPT SZCZUDLO: I believe it was three at the time. It could've been one and then I gave him two more, but it could've been three at once as a maximum.

SQNLDR THOMPSON: Would that have been on the same day or separate days?

35 CAPT SZCZUDLO: If it was all three at once – which I'm not sure if it was at once, or it might've been consecutive days, like, a day or two after each other.

40 SQNLDR THOMPSON: When you spoke with the DFSB about the medication found in WO2 Laycock's field pack, you state that:

The quantity found matched the amount that I had dispensed.

45 Does that mean that the tablets themselves that you had prescribed were still present?

CAPT SZCZUDLO: That was my understanding, yes.

SQNLDR THOMPSON: Okay.

5 CAPT SZCZUDLO: Some of them – I believe there might have been one missing, which would correlate use of the previous night beforehand, not the night of.

10 SQNLDR THOMPSON: Just as a quick aside, the packaging of the Zolpidem, is that like a blister pack or is it a - - -

CAPT SZCZUDLO: It was, yes.

15 SQNLDR THOMPSON: Now, I would ask you to speculate to some extent. If you can't do so, please say so. But if WO2 Laycock or somebody had taken a Zolpidem at, say, 3.30 in the a.m., what type of sleep would you expect them to have after taking that medication?

20 CAPT SZCZUDLO: Are we talking about in terms of sleep quality?

SQNLDR THOMPSON: Yes.

25 CAPT SZCZUDLO: I would speculate that generally the sleep quality, in effect, and architecture, should not be significantly disrupted from the normal sleep pattern enough that when he would wake there should not be any – enough residual cognitive impairments that would stop him from doing his job.

30 SQNLDR THOMPSON: Thank you, Doctor.

MS McMURDO: Yes. Any other applications to cross-examine? Yes.

35 <CROSS-EXAMINATION BY LCDR HAY

35

40 LCDR HAY: Good after, Doctor. My name is LCDR Mark Hay, and I represent the interests of D19. Can I just ask you some questions about the ground tests. Just in relation to – in your statement you indicate that the testing was initiated usually by aircrew themselves, or by the Aviation Medical Officer. You go on to say that:

The Aviation Medical Officer would do so as opportunistic preparation for future use.

45

To your understanding, was there any facility or any ability for Command to mandate those ground tests?

5 CAPT SZCZUDLO: To my understanding, I believe Command could request their aircrew members to do this. Whether or not that is enforced, that is something I'm not aware of.

10 LCDR HAY: You also said that as part of your training, the course that you did in 2020, you were taught how to recognise signs of fatigue. Is that right?

CAPT SZCZUDLO: Correct.

15 LCDR HAY: The focus of that training, was that recognising signs of fatigue in a clinical setting or more generally?

CAPT SZCZUDLO: I mean – can you rephrase the questions?

20 LCDR HAY: Yes. So in other words, would the focus of your training – is it recognising fatigue sitting with a member or with a person in a clinical environment, such as a doctor's consult room or was it just out and about as you're observing people around the base?

25 CAPT SZCZUDLO: The training was, I guess, non-descript as to whether or not it'd be in a consult room or not. It was essentially just listing the signs and symptoms that you may observe in a member who is suffering from fatigue.

30 LCDR HAY: And when you were present at the Proserpine location, were you actively looking for signs of fatigue or were you more passive in your observations of members at that time?

35 CAPT SZCZUDLO: I would say passive. However, if something did not look – if the member did not look in a way that looked clinically safe, then I would probably approach them.

40 LCDR HAY: And is it the case that during that period that you were in the exercise area, you didn't actually see anyone showing those signs, such that you spoke to them. Is that right?

CAPT SZCZUDLO: No overt signs that would warrant me to intervene.

LCDR HAY: What about the second part of your answer though, where you said that if you had seen signs of that type you would've approached

the member or spoken to them? Do you have a recollection of speaking to any members about observations of that type?

5 CAPT SZCZUDLO: No, I don't recall any members.

LCDR HAY: All right, thank you. Just in relation to the medications that you were dispensing or had dispensed, in your statement at paragraph 12 you said that there were several Aviation members requesting support with sleeping in the deployed environment. Do you have a sense now as to
10 numbers? Do you remember how many or about how many people you spoke to?

CAPT SZCZUDLO: I believe I was given a list on a piece of paper. It was about – from what I can recall, about 25 requesting support to transition from day to night shift, is my understanding. That's a rough approximation, from my memory.
15

LCDR HAY: And just doing the best that you can, thinking back, of that number, do you remember how many were able to be dispensed medications or sleeping aids?
20

CAPT SZCZUDLO: From memory, it was a much smaller number. I would estimate roughly seven to eight people. A lot of them had not undertaken the ground trial.
25

LCDR HAY: Yes, all right, thank you. That's my questions.

MS McMURDO: Thank you. Any other applications to cross-examine? Any re-examination?
30

<RE-EXAMINATION BY COL STREIT

35 COL STREIT: Very briefly, thank you.

Doctor, you were asked some questions about observation of levels of fatigue as you moved through the camp from time to time. Do you recall those questions from my learned friends just then?
40

CAPT SZCZUDLO: Correct.

COL STREIT: And you indicated sort of it was a passive observation process that you were engaged in; is that right?
45

CAPT SZCZUDLO: Correct.

COL STREIT: Are you aware that – first of all, if you could have a look at that pseudonym list and go to D20?

5

CAPT SZCZUDLO: D?

COL STREIT: D20, yes.

10 CAPT SZCZUDLO: Yes.

COL STREIT: That person was a Troop Commander deployed on Exercise TALISMAN SABRE. That's right? Correct?

15 CAPT SZCZUDLO: Correct.

COL STREIT: Are you aware that D20 returned to Holsworthy prior to conclusion of the exercise?

20 CAPT SZCZUDLO: I do not recall that.

COL STREIT: Nothing further, thank you.

MS McMURDO: Thank you. Thank you very much for your assistance. You're free to go. Thank you.

25 CAPT SZCZUDLO: Thank you.

30 <WITNESS WITHDREW

MS McMURDO: We'll have a 10-minute break now, before we have the next witness.

35

HEARING ADJOURNED

HEARING RESUMED

5 MS McMURDO: Yes, MAJ Chapman?

MAJ CHAPMAN: Thank you, Ms McMurdo. I call LTCOL Vanessa Jordan.

10 <LTCOL VANESSA JORDAN, Sworn

<EXAMINATION-IN-CHIEF BY MAJ CHAPMAN

15 MS McMURDO: And, Lieutenant Colonel, let me know if you need a break at any time, please.

20 LTCOL JORDAN: Thank you, ma'am.

MS McMURDO: Thank you.

25 MAJ CHAPMAN: Ma'am, can I ask you to state your full name and your current appointment, please?

LTCOL JORDAN: LTCOL Vanessa Jordan, SO1 Aviation Psychologist, Aviation Command.

30 MAJ CHAPMAN: Thank you. Can you also please just confirm, as a preliminary matter, that you received each of the following documents prior to today? So the first is a section 23 Notice requiring your appearance today to give evidence?

35 LTCOL JORDAN: Yes.

MAJ CHAPMAN: Second is an extract of the Inquiry Directions?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: Third is a copy of an Appointment as an Assistant IGADF for my colleague, FLTLT Rose?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: Fourth is Frequently Asked Questions Guide for Witnesses in IGADF Inquiries?

5 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And, lastly, a Privacy Notice for witnesses giving evidence?

10 LTCOL JORDAN: Yes.

MAJ CHAPMAN: Thank you. And have you prepared, ma'am, a statement for the purposes of the Inquiry?

15 LTCOL JORDAN: I have.

MAJ CHAPMAN: Thank you. Can I just hand you a copy?

LTCOL JORDAN: Thank you.

20 MAJ CHAPMAN: And do you see there, that it's 10 pages in length, the statement itself?

LTCOL JORDAN: Yes.

25 MAJ CHAPMAN: And that's your signature on page 10?

LTCOL JORDAN: It is.

30 MAJ CHAPMAN: Do you see there, can I just point out, that you've signed 2 October 2024?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And can I just invite you to turn to the first page, where you have a date of 30 September 2024? Do you see that?

LTCOL JORDAN: Yes, I do.

40 MAJ CHAPMAN: So just to be clear, am I right in thinking that the 30 September date on the front should be amended to 2 October to reflect the date of signature? Would you agree with that?

LTCOL JORDAN: Yes, I do.

MAJ CHAPMAN: Thank you. And you also have four annexures to your statement, A through to D. Correct?

LTCOL JORDAN: Correct.

5

MAJ CHAPMAN: Just in relation to the last of those statements – annexure rather, D, that is not referred to in your statement, though I understand it to be a video. Is that correct?

10 LTCOL JORDAN: I believe the Annex D was the snapshot item list. So the video was in addition to Annex B, but because of its size I had to compress it in order to be able to send it electronically.

15 MAJ CHAPMAN: Thanks. We can return to that. So do you wish to make any other amendments, or any amendments to your statement?

LTCOL JORDAN: No.

20 MAJ CHAPMAN: Thank you. Ms McMurdo, can I tender the statement of LTCOL Vanessa Michelle Jordan, dated 2 October 2024, and annexures?

MS McMURDO: So that's all four annexes, is it? I'm just a bit confused about the video.

25 MAJ CHAPMAN: Yes, it is all four.

MS McMURDO: Four annexes, okay. That will be Exhibit 99, thank you.

30 **#EXHIBIT 99 - STATEMENT OF LTCOL JORDAN
AND ANNEXURES**

35 MAJ CHAPMAN: Thank you. And just before we go on, ma'am, can I just remind you of two matters? The first, I'll just remind you of your security obligations while giving evidence. As with all witnesses, if you consider anything being asked of you and any response that you propose to give goes higher than Official, please let me know, because we may need to go into private session. Do you understand that?

40

LTCOL JORDAN: I understand.

MAJ CHAPMAN: And the second matter is that on the table there is a laminated sheet, and it has names of members with protected identities. If

you're going to refer to someone by name, could you please check the sheet and provide the pseudonym, if they're listed?

LTCOL JORDAN: I will.

5

MAJ CHAPMAN: Thank you. So, ma'am, I'll just start, if I may, with some background, and what you've had to say of your background commences at paragraph 5. So you first joined the Army in 2002, enlisting as a Psychological Examiner; is that correct?

10

LTCOL JORDAN: Yes.

MAJ CHAPMAN: You then commissioned as an Officer, Army Psychologist, in January 2006; correct?

15

LTCOL JORDAN: Yes.

MAJ CHAPMAN: At paragraph 6 of your statement, you note that you've been conferred the following qualifications, and I'll just ask you to agree. The first is Bachelor of Science (Psychology) in 2003.

20

LTCOL JORDAN: Yes.

MAJ CHAPMAN: Graduate Diploma in Psychology in 2005.

25

LTCOL JORDAN: Yes.

MAJ CHAPMAN: And a Masters of Clinical Psychology in 2020.

30

LTCOL JORDAN: Correct.

MAJ CHAPMAN: Thank you. At paragraph 7 of your statement, you deal with a number of postings that you've had, which include your current post as Staff Officer Grade 1 Aviation Psychologist. Correct?

35

LTCOL JORDAN: Correct.

MAJ CHAPMAN: You have held that appointment since January 2022; is that right?

40

LTCOL JORDAN: I have.

MAJ CHAPMAN: Thank you. And you have included, as Annexure A to your statement, essentially a statement of your duties, which if we can turn to that briefly, I'll just summarise some of them. Providing specialist

45

psychological and human factor advice for Commander and Deputy Commander at Aviation Command.

5 LTCOL JORDAN: Yes.

MAJ CHAPMAN: As well as subject-matter expert advice and support to the DOPAW. That's Director of Operational Airworthiness. Is that right?

10 LTCOL JORDAN: Yes.

MAJ CHAPMAN: In support of Aviation safety management systems and operational airworthiness processes.

15 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And this SME advice – if I can use the acronym – includes providing input, does it not, into Fatigue Risk Management in Army Aviation?

20 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And we'll get to that a little later in your statement. But to return to paragraph 8, you also describe at paragraph 8 interaction you had with MAJGEN Jobson, which you mark at around
25 March/April 2022, early in your posting. Is that right?

LTCOL JORDAN: Yes.

30 MAJ CHAPMAN: GEN Jobson, being the Commander Aviation Command?

LTCOL JORDAN: Correct.

35 MAJ CHAPMAN: You recount a conversation with GEN Jobson to the effect that he specifically – and these are your words:

40 *Specifically instructed me that if there were matters that came to my attention relating to safety or other aspects of personal capability, I was empowered to approach him directly with that information.*

Right?

45 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And your formal reporting chain is through the DOPAW in the first instance; is that right?

LTCOL JORDAN: That is right.

5

MAJ CHAPMAN: Thank you. So do I take it as correct that at least for the majority of the issues, you raise it through the DOPAW in the first instance?

10 LTCOL JORDAN: Yes, that would be the normal process.

MAJ CHAPMAN: Though since GEN Jobson's invitation to raise matters of safety directly with him, can you recall how many occasions roughly you've taken a matter directly to the general?

15

LTCOL JORDAN: I can't recall exactly. There have been several occasions where I have approached him or he has requested to talk to me and I have taken an opportunity to bring to his attention matters that I thought might be for his action or information.

20

MAJ CHAPMAN: Could you put a rough figure? On a handful of times? Dozens?

LTCOL JORDAN: I would put it at a handful.

25

MAJ CHAPMAN: Handful. And were those issues that you raised with GEN Jobson in relation to fatigue?

LTCOL JORDAN: Not that I recall, no.

30

MAJ CHAPMAN: None of them?

LTCOL JORDAN: I don't believe so.

35 MAJ CHAPMAN: I now want to just turn to discuss what you've had to say about the Regimental Officers' Intermediate Courses that you attended. So you outlined your experience with the ROICs from paragraph 10 of your statement. Do you see that?

40 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And you say that you've been invited on two occasions, 2022 and 2023, to deliver lessons to the courses.

45 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And these were courses conducted at Gallipoli Barracks Enoggera; correct?

5 LTCOL JORDAN: During the period I instructed, part of the course occurred at Oakey, but during my period of instruction the course was being held at Gallipoli Barracks Enoggera.

10 MAJ CHAPMAN: Thank you. So when you were visiting for the purposes of delivering your lessons, it was at Gallipoli Barracks?

LTCOL JORDAN: Correct.

15 MAJ CHAPMAN: And could you just briefly outline your understanding of the purpose of those courses, the ROIC?

20 LTCOL JORDAN: I believe that the course is to prepare Aviation Captains for undertaking duties – and you’ll have to forgive me because I’m not across the exact wordage – but it would be along the lines of preparing them for management of their small teams as well as considerations for leadership and occupying additional extra Regimental appointments at the Captain level.

25 MAJ CHAPMAN: So it’s an Aviation-specific course. It’s not an all corps - - -

LTCOL JORDAN: Correct. It’s Aviation-specific.

30 MAJ CHAPMAN: So just casting your memory back to the 2022 course, you delivered two lessons, you say, on 11 August 2022?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And the two lessons concerned – and I’ll just break them up – the first concerned human factor considerations for crew selection; is that right?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: And the second concerned personnel support systems.

LTCOL JORDAN: Yes.

45 MAJ CHAPMAN: And you annex at Annex B of your statement the slide pack for the lessons that you delivered; is that right?

LTCOL JORDAN: Yes, that's right.

5 MAJ CHAPMAN: It's unnecessary to go to those, though at a general level I'll just ask you this question: the human factors – sorry, the first lesson concerned human factors in Aviation and their management in Aviation Command. Is that right?

10 LTCOL JORDAN: So within Aviation context, not just within Aviation Command.

MAJ CHAPMAN: And it involved discussions concerning matters such as hazards in the Aviation environment?

15 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And I think you've said in your statement that it had a specific focus on fatigue.

20 LTCOL JORDAN: It did, yes.

MAJ CHAPMAN: And there was also in this first lesson a discussion about FACE checks.

25 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And do you know what the acronym for FACE checks stands for?

30 LTCOL JORDAN: Fatigue, Attitude – and you'll have to forgive me, I'm not familiar with the – I can't recall the rest of it right now.

MS McMURDO: Complacency.

35 MAJ CHAPMAN: You'll have to forgive me, too.

MS McMURDO: Complacency was the next one, wasn't it?

MAJ CHAPMAN: Complacency and external - - -

40 MS McMURDO: External, yes.

MAJ CHAPMAN: But we got there.

45 LTCOL JORDAN: Thank you.

MAJ CHAPMAN: And there was also reference to use of the Fatigue Risk Assessment Tool.

5 LTCOL JORDAN: Correct.

MAJ CHAPMAN: Can I just show you this document. It's Exhibit 37. Do you recognise that as the Fatigue Risk Assessment Tool?

10 LTCOL JORDAN: I do.

MAJ CHAPMAN: Thank you. That can be returned. And the second lesson – and I'm now at paragraph 14 – concerned personnel support systems, and you've annexed the lesson packet "C". Is that right?

15 LTCOL JORDAN: Yes, that's right.

MAJ CHAPMAN: You then say that particular lesson, the second lesson, generated some, as you put it, memorable discussion amongst the group of students, is that right?

20 LTCOL JORDAN: It did.

MAJ CHAPMAN: And I take the example that you've set out in your statement at paragraph 14 – and I don't need to go to it – was the substance of the memorable discussion. Is that right?

LTCOL JORDAN: That's right.

30 MAJ CHAPMAN: And you also say that you opened the floor and indicated to the class that you could bring matters to the attention directly – I withdraw that. You say that you opened the floor and indicated to the class that you could bring matters directly to the attention of Commander Aviation Command. Is that right?

35 LTCOL JORDAN: Yes.

MAJ CHAPMAN: Now, can you recall sitting here now, anything specifically arising from that course, the 2022 course, that you took away and raised with GEN Jobson or anyone else?

40 LTCOL JORDAN: No, I can't recall.

MAJ CHAPMAN: I move now to the 2023 course. You've also described that as memorable; is that right?

45

LTCOL JORDAN: Yes.

5 MAJ CHAPMAN: And you say that at paragraph 16 that you have a memory of one of the course members raising a concern about the – your words – lack of opportunity for members to conduct lead-up training in preparation for major exercises in 2023. Is that right?

10 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And you say that at the time you're not familiar with the name of the major exercise being referred to or the timing?

15 LTCOL JORDAN: That's right.

MAJ CHAPMAN: And do you have a memory now about what was being referred to by that member? Was it Ex TS '23, TALISMAN SABRE?

20 LTCOL JORDAN: I would say, in context, that was what it was referring to, yes.

MAJ CHAPMAN: Thank you, ma'am. Next, we're in paragraph 17. You say that:

25 *Members of the ROIC –*

so this is the second course you instructed as expressed to you –

30 *a concern that DACC taskings –*

and just pausing there. DACC being Defence Aid to the Civilian Community. You agree?

35 LTCOL JORDAN: Yes.

MAJ CHAPMAN:

Were impacting on flying currency.

40 Do you see that?

LTCOL JORDAN: Yes.

45 MAJ CHAPMAN: And did you understand that to mean that the time spent assisting, that is Aviation members assisting with in that instance, or

for instance, floods, was detracting from times spent training?

LTCOL JORDAN: Yes.

5 MAJ CHAPMAN: So you agree with that understanding?

LTCOL JORDAN: I do.

10 MAJ CHAPMAN: And you say that the class relayed to you – and I'm at 18 of your statement – a desire to perform less DACC taskings or, alternatively, for Army to consider delaying participation in the upcoming Ex. Right?

LTCOL JORDAN: Yes.

15

MAJ CHAPMAN: Well, you now accept that reference to the Ex was Exercise TALISMAN SABRE '23?

LTCOL JORDAN: Correct.

20

MAJ CHAPMAN: And you say that you raised that particular matter – that is, the desire on the part of the class to perform less taskings or delay the Ex/exercise – you brought that up with GEN Jobson directly?

25 LTCOL JORDAN: I did.

MAJ CHAPMAN: A short time following your return from course?

LTCOL JORDAN: Yes.

30

MAJ CHAPMAN: And it's your recollection of that interaction with GEN Jobson that you describe him as taking seriously the matter raised, appreciating that you had raised it though also noting that either action is not a simple undertaking. Is that right?

35

LTCOL JORDAN: Correct.

40 MAJ CHAPMAN: By which – and I'm asking you to agree or disagree – you understood GEN Jobson to mean that it was not a simple task to either perform less government-directed DACC taskings or to defer an exercise.

LTCOL JORDAN: Correct.

45 MAJ CHAPMAN: Now, returning to the prior year course – and I apologise to go back in time; it's not a test – you say that you do not have a

recollection of CAPT Lyon raising a matter CAPT Rogan has given evidence about to this Inquiry. Is that right?

5 LTCOL JORDAN: That's right.

MAJ CHAPMAN: So what was the matter that you understood CAPT Rogan to have raised with this Inquiry?

10 LTCOL JORDAN: I was in attendance at the hearing when CAPT Rogan provided his statement and I did not recall having met CAPT Rogan or CAPT Lyon prior to his discussion about that course.

15 MAJ CHAPMAN: I'd invite you to be a bit more specific, ma'am, in terms of what you understood Captain – the particular part of his evidence to be raising?

LTCOL JORDAN: Thank you. He was talking about concerns about fatigue, yes, specifically, concerns about safety due to fatigue.

20 MAJ CHAPMAN: Concerns being raised by CAPT Lyon; is that correct?

LTCOL JORDAN: That's right, yes.

25 MAJ CHAPMAN: And you say you do not, yourself, have a recollection of those words being said while you were on the course?

LTCOL JORDAN: Not while I was presenting, no.

30 MAJ CHAPMAN: Do you have a recollection of anyone in the staff, for example, discussing anything to that effect being said?

LTCOL JORDAN: No.

35 MS McMURDO: What about a discussion about heavy administrative burdens causing fatigue and affecting your ability to fly and currency?

LTCOL JORDAN: No, ma'am, I don't recall discussions of heavy administrative burdens when I was presenting.

40 MS McMURDO: Or at any discussion afterwards?

LTCOL JORDAN: No, ma'am.

45 MS McMURDO: No, thank you.

MAJ CHAPMAN: Do you understand, ma'am, that the effect of
CAPT Rogan's evidence was that CAPT Lyon was conveying that there
was personal risk to safety by proceeding in the way that Army Aviation
were at that time?
5

LTCOL JORDAN: Yes.

MAJ CHAPMAN: And though you accept – I withdraw that. Though you
say that you don't have a recollection of it being said, you accept it may
10 have been said and you were just not present?

LTCOL JORDAN: Correct.

MAJ CHAPMAN: You give evidence at paragraph 23 that:
15

*I am aware that there is an ongoing tension between Unit Training
Plans and responses to DACC taskings.*

Do you see that?
20

LTCOL JORDAN: I do.

MAJ CHAPMAN: Now, as you've put that, ma'am, in the present tense,
is it fair to say that you are suggesting that tension existed back in 2023 and
25 continues today. Do you agree or disagree with that?

LTCOL JORDAN: I would agree with that.

MAJ CHAPMAN: So you're agreeing that there was tension back in that
30 time?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: And that there's tension about these matters. And just
35 to be clear, unit training plans and responses to DACC tasking continuing
to the present day?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: And next at paragraph 24 you refer to action being
40 taken by GEN Jobson to respond to these concerns.

LTCOL JORDAN: Correct.

MAJ CHAPMAN: And you say that since 2024 – I'll just turn the
45

paragraph up:

Since 2024 he has –

5 GEN Jobson has –

turned off, or attempted to turn off, a number of activities since he commenced his role as Commander Aviation Command.

10 LTCOL JORDAN: I would, I suppose, amend that statement to say that since he assumed command of Aviation Command in 2021 or 2022, he has attempted – he has tried to manage some of the tasking which he has briefed to various audiences during 2024.

15 MAJ CHAPMAN: During 2024?

LTCOL JORDAN: Correct. So he's shared that information in 2024 about tasks that have been not completed or attempted to not be undertaken during the tenure of his command.

20

MAJ CHAPMAN: Your understanding is that he's taken steps to turn off, as this expression is used in your statement.

LTCOL JORDAN: Yes.

25

MAJ CHAPMAN: Since the time he assumed command, I think you said in 2021.

LTCOL JORDAN: Yes.

30

MAJ CHAPMAN: Though you only learnt of that in 2024.

LTCOL JORDAN: Correct.

35 MAJ CHAPMAN: And what about, for instance, this year in terms of turning tasks off or reducing them, are you aware of any activities that have been turned off or reduced in 2024?

40 LTCOL JORDAN: I can't identify them specifically because I believe if I was to try to say what that was, I would misrepresent the situation.

MAJ CHAPMAN: And you understand, do you, that the intent of this approach, GEN Jobson's approach has been to alleviate some pressure on members of Army Aviation in terms of the workforce?

45

LTCOL JORDAN: Correct.

5 MAJ CHAPMAN: And have you, in your capacity as an SO1 Psychologist, seen a direct benefit or improvement from GEN Jobson taking those steps?

10 LTCOL JORDAN: I have not seen any impact. It's hard to measure an impact from a thing that has not occurred or where an attempt to manage workload has not been able to be achieved.

MAJ CHAPMAN: But is your evidence not that these steps were taken since 2021?

15 LTCOL JORDAN: Yes.

MAJ CHAPMAN: Is it your evidence that you haven't seen a direct benefit from this approach?

20 LTCOL JORDAN: I think it would be very hard to quantify any effect, particularly when, for the most part, a lot of the requests that were being managed were not necessarily then passed on to the general people within the larger organisation. They can't know, in effect, what they are not able to see or aware of.

25 MAJ CHAPMAN: Turning now to the next topic you discussed, which is working with aircrew. You address this at paragraph 25 and you say that you had no role, as I understand it:

30 *No role within 6 Avn between 2022 and the accident regarding the assessment of aircrew continuing to fly, evaluation and counselling, or to provide psychological support to aircrew.*

Do you see that?

35 LTCOL JORDAN: Yes.

MAJ CHAPMAN: When you say you had "no role", you were and are the SO1 Psych at the time of the accident; is that right?

40 LTCOL JORDAN: Correct.

MAJ CHAPMAN: So I'm just trying to understand what you mean when you say you have no role providing psychological support to aircrew?

45 LTCOL JORDAN: I was responding to a direct question as to what my

role was in those specific duties in respect to 6 Aviation Regiment.

5 MAJ CHAPMAN: And you say at paragraph 26 that prior to the accident you only visited 6 Avn Regiment – your only visit, rather, to 6 Avn was to observe the Special Operations Qualifications Course in November 2023.

LTCOL JORDAN: Correct.

10 MAJ CHAPMAN: I take it the reference to 2023 – and I probably should have pointed this out earlier – is an error and it's supposed to read November 2022?

LTCOL JORDAN: That is correct, yes.

15 MAJ CHAPMAN: Thank you. But to be clear, that's just based on what you've then said at paragraph 27?

LTCOL JORDAN: Yes.

20 MAJ CHAPMAN: So you visited 6 Avn in November 2022.

LTCOL JORDAN: Yes.

25 MAJ CHAPMAN: And spoke, you say, to staff in key appointments at the Regiment?

LTCOL JORDAN: Yes.

30 MAJ CHAPMAN: And don't appear to say anything specific in your statement about interactions during that visit. Was there anything said on that occasion, that you can recall, about fatigue?

LTCOL JORDAN: No.

35 MAJ CHAPMAN: Although you note also that the course was – that course was cancelled.

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: So, I take it you didn't then take – brief anything up to the General about that?

LTCOL JORDAN: No, I did not.

45 MAJ CHAPMAN: On the subject of fatigue management, you address

this at paragraph 28 and following. And you preface paragraph 28, ma'am, with the observation to say that you are not specifically trained in Aviation medicine; correct?

5 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And that your role does not typically involve aircrew assessment; is that right?

10 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And that those roles are more often undertaken by SO2 and SO3 Aviation Psychologists, presumably who report to you?

15 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And that your role is more providing – your words – “management, supervision and technical advice to the psychologists”, and then “under your command”. Is that right?

20 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And that you feel you are – and do you feel, rather, that you're well supported in your current role?

25 LTCOL JORDAN: I do.

MAJ CHAPMAN: And you mention that you've got three part-time majors who are themselves completing higher qualifications in organisation psychology; correct?

30 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And that you confer with those members to enhance your own advice.

35 LTCOL JORDAN: Correct.

MAJ CHAPMAN: And you say at paragraph 30 that you have not received training in identifying fatigue in aircrew?

40 LTCOL JORDAN: Correct.

MAJ CHAPMAN: However, during your career, you have received and delivered training in fatigue management during operations?

45

LTCOL JORDAN: Correct.

5 MAJ CHAPMAN: And you're also aware, and refer to, Army Aviation Command having sets of orders and procedures in place that deal with fatigue and fatigue management issues?

LTCOL JORDAN: Correct.

10 MAJ CHAPMAN: And you say these are aligned to Defence's responsibilities consistent with the DASRs, which is the Defence Aviation Safety Regulation. Is that right?

LTCOL JORDAN: Correct.

15 MAJ CHAPMAN: And as an example of what these orders deal with, you provide some – and I'll just list three – limits on flying hours; is that right?

LTCOL JORDAN: Correct.

20 MAJ CHAPMAN: Crew rest periods?

LTCOL JORDAN: Yes.

25 MAJ CHAPMAN: And use of NVDs, which is night-vision devices?

LTCOL JORDAN: Yes.

30 MAJ CHAPMAN: There are also – and I'm referring to paragraph 32 of your statement – various unit orders and instructions that deal with fatigue management. And you next give some evidence at paragraph 33 regarding how, in your observation, Aviation Command monitors, identifies and manages fatigue. Do you see that?

35 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And there are a number of means that they do this. You describe referring specifically to one which is the Aviation Integrated and Aggregated Risk Tool, or AVIART. Is that right?

40 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And could you just briefly give the Inquiry a sense of how that tool works?

45

5 LTCOL JORDAN: That tool is, as the name would suggest, intends to collate identified risks across the different parts of the organisation in one searchable database. So what I have observed is where a hazard is identified in one workplace, there is the potential that that hazard may exist in another workplace or on other airframes. So there is opportunity – so rather than people in different parts of the organisation separately assessing and managing the same risks, that tool allows for anyone in the capability to either add or utilise that information.

10 MAJ CHAPMAN: And it's not limited to fatigue risk; is that right?

LTCOL JORDAN: Correct.

15 MAJ CHAPMAN: Though it encompasses fatigue risk.

LTCOL JORDAN: Yes.

20 MAJ CHAPMAN: So the AVIART tool is one tool. And you say there are others. Someone may refer an issue of fatigue risk to a safety team within the director, DOPAW.

LTCOL JORDAN: Correct.

25 MAJ CHAPMAN: And you refer at paragraph 36 to yourself not being involved in any sleep studies conducted at 6 Avn.

LTCOL JORDAN: Correct.

30 MAJ CHAPMAN: Though you're aware that sleep monitoring studies were conducted in about 2016.

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And also in 2022 and 2023; is that right?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: And you're also aware there was a proposal for a sleep study that would make use of wearable devices.

LTCOL JORDAN: Yes.

45 MAJ CHAPMAN: And that was in 2022 or '23; is that right?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: But you're not aware of the results of any of these sleep studies?

5 LTCOL JORDAN: No.

MAJ CHAPMAN: Though you refer to a psychologist colleague who may have that information?

10 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And next, at paragraph 38, on the subject of ground trials, which the Inquiry has received some evidence about as recently as today, you refer to not yourself being involved in any ground trials?

15 LTCOL JORDAN: That's correct.

MAJ CHAPMAN: And it may not be necessary, given the evidence that we've had though, when you reference ground trials, you mean to say that the trial of medication on the ground before permitting pilots to use it in the air, essentially.

LTCOL JORDAN: Yes, that's my understanding.

25 MAJ CHAPMAN: So would you agree with that?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: And the purpose for conducting ground trials, essentially, is to identify whether there might be some reaction or an adverse reaction to medication before it being permitted to be used.

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And we're talking here, at paragraph 38, about sleep-inducing medication or sleep aid medication?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: Though dispensing that sort of medication is obviously a role for the MO and not you.

LTCOL JORDAN: Correct.

45 MAJ CHAPMAN: I just want to now turn to the subject of snapshot

surveys, which you addressed from paragraph 39. So the snapshot surveys are a product of the DFSB; is that right?

5 LTCOL JORDAN: That's correct.

MAJ CHAPMAN: And it's the DFSB that collects the data and not the Regiment?

10 LTCOL JORDAN: That's right.

MAJ CHAPMAN: And the results of that data is analysed and it's processed by DFSB.

15 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And they produce a report which is distributed to the Commanders?

20 LTCOL JORDAN: That's right.

MAJ CHAPMAN: And that includes a report distributed to Commander Aviation Command?

25 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And you describe your role and your team's role with respect to these reports at 39 as to assist Commanders in receipt of snapshot surveys of the analysis of the reports.

30 LTCOL JORDAN: That's right.

MAJ CHAPMAN: And as a result of that analysis which you undertake and your team undertake, you prepare briefs for the Commander; is that right?

35 LTCOL JORDAN: That's right.

MAJ CHAPMAN: And you've also prepared briefs for the Army Aviation Safety Program Conference over a number of years, including this year?

40 LTCOL JORDAN: That's right.

45 MAJ CHAPMAN: And you said that fatigue in this context is measured a number of ways. One way is including the use of what you refer to as the

Occupational Fatigue Exhaustion Recovery Scale, if I have that right.

LTCOL JORDAN: Yes, that's right.

5 MAJ CHAPMAN: And this is a measure which reports on the preceding three months of fatigue; is that right?

LTCOL JORDAN: Yes.

10 MAJ CHAPMAN: And you go on at paragraph 42 to say that:

This year alone, 2024 there's been introduced into this system a new group of items.

15 Do you see that?

LTCOL JORDAN: Yes.

20 MAJ CHAPMAN: And your understanding of this new group of items is that it is intended to capture and measure causes of fatigue at work.

LTCOL JORDAN: Yes.

25 MAJ CHAPMAN: And you list three matters as to what constitutes or amounts to causes of fatigue at work, and they are – I'll list them – work, and personal factors. Is that right?

LTCOL JORDAN: Yes.

30 MAJ CHAPMAN: Work-related stress. Correct?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And then the last one, monotony and boredom. Is that right?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: As a cause of fatigue at work?

LTCOL JORDAN: Yes.

45 MAJ CHAPMAN: And this new group of items which has come out in 2024, fatigue at work, it's obviously introduced post-accident, just this year?

LTCOL JORDAN: Yes. It was introduced this year.

5 MAJ CHAPMAN: Do you know approximately when this year it was introduced?

LTCOL JORDAN: The snapshot surveys are administered annual. So the surveys are usually administered somewhere between March and May of each calendar year.

10 MAJ CHAPMAN: And were you involved in any working group, discussion, liaison group concerning the introduction of this new group of items?

15 LTCOL JORDAN: No.

MAJ CHAPMAN: So you're not aware of what prompted the survey to be updated in this way, earlier this year?

20 LTCOL JORDAN: No.

MAJ CHAPMAN: You say at paragraph 44 that:

25 *Fatigue was identified as a key variable in both 2022 and 2023 snapshot survey reports.*

Do you see that?

LTCOL JORDAN: Yes.

30 MAJ CHAPMAN: You then refer to another model, and this one is the Job Demand Resource Model, JDR. Correct?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And you say that as far as you are aware, the snapshot survey uses the JDR model?

LTCOL JORDAN: It does.

40 MAJ CHAPMAN: And that fatigue is one of the outcome measures relating to health and wellbeing?

LTCOL JORDAN: Yes.

45

MAJ CHAPMAN: And I think you've said earlier in your evidence that you've prepared briefings and delivered presentations to the Army Aviation Safety Conference.

5 LTCOL JORDAN: I have.

MAJ CHAPMAN: And that the results of the 2023 snapshot survey showed that aircrew were reporting long – sorry, working long hours.

10 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And you say in your statement, “in excess of 50 hours per week”.

15 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And how high? What's your recollection of how high we're talking about, the upper limit?

20 LTCOL JORDAN: The item itself is not a – it's a categorical variable. People are asked, “Do you work – how many hours a week do you work? Less than 40 hours?” And there's probably some extra items, but 40 hours to 50 – to less than 50 hours, or over 50 hours?

25 MAJ CHAPMAN: So there wasn't a category beyond 50 hours?

LTCOL JORDAN: No, 50 plus was the highest category.

30 MAJ CHAPMAN: And you refer to having discussed these matters, as in the hours per week, with Commanders and individuals?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And you did so, to try and work with these Commanders and individuals about strategies for managing job demands?

LTCOL JORDAN: Yes.

40 MAJ CHAPMAN: Can I just ask you to describe, if you can, ma'am, generally, the sorts of workplace strategies that you've briefed Commanders on in this context?

45 LTCOL JORDAN: So in the context of the Job Demand Resource Model, it proposes that excess demands or low resources can contribute to various outcomes, which can include fatigue which can also be separate to working

hours. So factors which can contribute to fatigue, for example, might relate to equipment that is, I guess for lack of a better term, not fit for purpose; things that if you are using it, you are having to concentrate or work harder while using it.

5

With the model from the Job Demand Resource Model proposal, also includes factors like co-worker issues. So difficult relationships with colleagues, or covering for underperforming colleagues, can also be one of the factors that contribute to fatigue. So discussions with Command might refer to strategies that are available to leaders at various levels, around managing; say, for example, if there are personnel issues or workplace conflict, strategies to ensure that conflict is addressed.

10

If there are issues around equipment that might not, for example, be within the control of a unit Commander, but is about ensuring that factors outside of their control are raised to the appropriate level. So that action can be taken to address the causes.

15

MAJ CHAPMAN: Did any of these discussions that you had with workplace – sorry, with Commanders and individuals broach the issue of secondary duties, and the extent to which members are expected to perform, and do perform, extensive secondary duties as part of their work?

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LTCOL JORDAN: Not that I remember.

25

MAJ CHAPMAN: When you say “briefing Commanders”, we’re talking, are we, about the 6 Avn COs and above, or what sort of levels are we talking about? Did it rise as high as GEN Jobson?

30

LTCOL JORDAN: Yes.

MAJ CHAPMAN: That is, your brief?

LTCOL JORDAN: Yes.

35

MAJ CHAPMAN: You refer at 46 to fatigue management – I withdraw that. Just before I go on, in relation to what you say you briefed GEN Jobson about, can you give us a sense or describe the content of that brief, if you can?

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LTCOL JORDAN: The brief to GEN Jobson would refer to the whole of Army Aviation snapshot survey, which includes unit level observations which are – it’s not possible to identify individual units that make up Aviation Command. There are also results presented on a breakdown based on rank, where a number of – sorry, where there are a number of

45

respondents at a certain rank, information can be aggregated from those different respondents, and where there are differences that are notable at a statistically significant level, or a practically significant level, that might be included in the brief.

5

There is also a breakdown of different occupation groups within Army Aviation, and there are, I guess, different measures available for comparison to identify occupation groups, for example, that may be experiencing additional strains, compared to others.

10

MAJ CHAPMAN: Was there anything about pilots and aircrew, in terms of something being statistically out of the ordinary, that you can recall?

LTCOL JORDAN: So – but I mentioned the work hours, that would be a statistically notable result. And so that comparison was not with other Army Aviation respondents; that comparison was with other aircrew responses within the ADF, who completed the snapshot that year.

MAJ CHAPMAN: You had visibility of the 5 Avn results as well, as part of this?

LTCOL JORDAN: So unit Commanders and different Command groups are able to contact my team to request additional analysis of the information. I believe that one of my team members had contacted 5 Aviation Regiment and had done that analysis. I don't believe I had access to or looked at their report that year because, in terms of allocating staff to activities, I trusted my team member to conduct that analysis and provide that brief.

MAJ CHAPMAN: I suppose I'm asking, ma'am – you may not be able to answer this – whether there was any statistical anomaly in terms of 6 Avn in particular, when compared with 5 Avn.

LTCOL JORDAN: There is not such an analysis conducted which directly compares one unit to another. So when I talk about the unit report, there would be a bar graph presented which would represent one or more unit group. But it was not possible to identify which unit that belonged to, whether it was the Aviation Training Centre, 20 Regiment, 1 Avn, 5 Avn, or 6 Avn Regiment.

MAJ CHAPMAN: Thank you. At paragraph 46 of your statement you deal with, again, this fatigue management. And “fatigue” meaning, as you say, “frequently under discussion” when you visited Aviation Regiments. Do you see that?

LTCOL JORDAN: Yes.

MAJ CHAPMAN: So this included 5 and 6 Aviation Regiments?

LTCOL JORDAN: Yes.

5

MAJ CHAPMAN: With others. And during those visits, ma'am, I'm just interested to hear you express a view as to whether in your observation, you saw any significant difference in fatigue management between these units, and if so, if you could just describe that?

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LTCOL JORDAN: I didn't see any significant difference in fatigue management during the visits. There were, I suppose, differences in the way duties were – or the way in which workplace hours were being – correction, different ways that – different work hours that were being worked.

15

So for example, I guess what I would say is a difference is that personnel at 6 Aviation Regiment were more likely to conduct night flying duties while in barracks, than when I'd visited other regiments. But that doesn't mean that they did not do that; it was just more that when I was present, 6 Aviation Regiment members were more likely to be conducting duties later in the day, or at night.

20

MAJ CHAPMAN: But not in terms of hours worked overall, then?

25

LTCOL JORDAN: No.

MAJ CHAPMAN: As a final topic – and I hope I'm within time here – you next address at paragraph 48 and following, Exercise TALISMAN SABRE itself. So your first point is to say you were not yourself deployed to Ex TS '23?

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LTCOL JORDAN: Correct.

35

MAJ CHAPMAN: As far as you were aware, was there a psychologist deployed on that exercise?

LTCOL JORDAN: There was a psychologist deployed, but not in a role as a psychologist. So the role was as a watchkeeper, from my understanding.

40

MAJ CHAPMAN: So you're not aware of a psychologist in the psychologist role generally in the exercise?

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LTCOL JORDAN: Correct.

MAJ CHAPMAN: I take it then, there was no specific Aviation psychologist?

5 LTCOL JORDAN: Correct.

MAJ CHAPMAN: So is it unusual, in your experience, for an exercise of that scale – and we're talking about a significant exercise – first of all, not to have a psychologist deployed in that role?

10 LTCOL JORDAN: I'm not able to say what's usual in terms of a TALISMAN SABRE, for deployment for psychologists.

MAJ CHAPMAN: So have you been deployed on past TALISMAN SABRE as a psychologist?

15 LTCOL JORDAN: I have not.

MAJ CHAPMAN: Are you aware of a psychologist having been deployed?

20 LTCOL JORDAN: I can't say specifically whether it was to a TALISMAN SABRE. There may have been psychologists deployed to a TALISMAN SABRE in the past.

25 MS McMURDO: Sorry, did you say one was deployed as a watchkeeper?

LTCOL JORDAN: Yes.

30 MS McMURDO: What does that mean?

LTCOL JORDAN: I don't think I could accurately explain what that means, ma'am. That might have to be taken on notice.

35 MS McMURDO: Okay, thank you.

MAJ CHAPMAN: I am probably in the same position. So just pausing there. Ma'am, would you accept this as a rudimentary explanation: that a watchkeeper is in a position to essentially receive alerts and notifications, and to bring those up with the chain of command as necessary?

40

LTCOL JORDAN: That sounds accurate.

MAJ CHAPMAN: Thank you. In your view, would deployed aviators, in particular, benefit from having an Aviation psychologist on future exercises? Can you see a role there?

5 LTCOL JORDAN: I'm passionate about my job as a psychologist. I think that there's benefit from the presence of psychologists in a variety of settings, including exercises. Potentially, there would be benefit. That, I guess, would also come at a recognition that there would be other activities that would not be able to be undertaken while that psychologist is deployed
10 on that exercise.

MAJ CHAPMAN: Understood. Just moving now to how you became aware of the accident. You say at paragraph 50 that you were notified of the accident by GEN Jobson's ADC, so that's the aide-de-camp. Correct?
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LTCOL JORDAN: Yes, correct.

MAJ CHAPMAN: And you received that call at about 0700 hours on the 29th?
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LTCOL JORDAN: I did.

MAJ CHAPMAN: You were told, essentially, three things. First, that there had been an accident involving an MRH?
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LTCOL JORDAN: Correct.

MAJ CHAPMAN: That four personnel were missing.

30 LTCOL JORDAN: Yes.

MAJ CHAPMAN: And that the search for those missing members was ongoing; is that right?

35 LTCOL JORDAN: Correct.

MAJ CHAPMAN: You were asked to meet, you say, with GEN Jobson that day, 29 July, to discuss support to the people with Army Aviation?

40 LTCOL JORDAN: Correct.

MAJ CHAPMAN: I take it that you went in and met with GEN Jobson?

LTCOL JORDAN: Not face-to-face, as I was in a different location. But
45 there was several meetings and telephone conversations.

MAJ CHAPMAN: On that, was this a telephone call or a Zoom meeting?

LTCOL JORDAN: Telephone calls.

5 MAJ CHAPMAN: So you were aware that others were in this meeting?

LTCOL JORDAN: Correct.

10 MAJ CHAPMAN: You don't appear to go into detail of the first meeting, but could you give the Inquiry a sense of what was discussed with the General at that first meeting?

LTCOL JORDAN: So in reference to the desire for my team, so my team and I, to ensure that we were present where MRH-90 helicopters have been operating – so that means Sydney, Townsville, Oakey – to provide support to people within the capability.

15 MAJ CHAPMAN: And I think you refer to – or you discuss that at 52, so as to provide support and counselling, is that right, generally described, to the people in those locations?

LTCOL JORDAN: To support and ensure that people are provided access to further intervention, which may include counselling.

25 MAJ CHAPMAN: I think you've described the three as School of Army Aviation in Oakey?

LTCOL JORDAN: Correct.

30 MAJ CHAPMAN: 5 Avn in Townsville?

LTCOL JORDAN: Yes.

35 MAJ CHAPMAN: And 6 Avn in Sydney?

LTCOL JORDAN: Correct.

40 MAJ CHAPMAN: You say that you stood up that support at GEN Jobson's direction, in the first week after the accident.

LTCOL JORDAN: Correct.

45 MAJ CHAPMAN: Did you deploy to any or all of those locations over that week?

5 LTCOL JORDAN: I went to the 6th Aviation Regiment in Sydney. Based on my location, that was a better solution. My other team members that were available to support were in Queensland, so better positioned to travel to Oakey and Townsville.

MAJ CHAPMAN: How long approximately did you and your staff stay at these locations providing the support?

10 LTCOL JORDAN: I travelled to and from 6 Aviation Regiment several times, over that week – sorry, over those several weeks. I can't recall exactly how many times I went there. I know that one of my team members was in Oakey for probably three or four days, before moving to Townsville, because the team member who had gone to Townsville was not able to stay
15 longer than those few days.

MAJ CHAPMAN: Then you refer next to you standing up a Critical Incident Mental Health Team.

20 LTCOL JORDAN: Yes.

MAJ CHAPMAN: I take it what you're describing in terms of you and your subordinates going out to the three locations, that's different to the Critical Incident Mental Health Team?
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LTCOL JORDAN: That's correct.

MAJ CHAPMAN: And this was done as an intervention, prior to the Critical Incident Mental Health Team being stood up?
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LTCOL JORDAN: Yes.

MAJ CHAPMAN: Is that more essentially directed – when I say "essentially directed", out of Canberra or Joint Health Command, as opposed to unit-based, or Headquarters Aviation Command?
35

LTCOL JORDAN: The Critical Incident Mental Health Team?

MAJ CHAPMAN: Yes.
40

LTCOL JORDAN: Typically – and I apologise, but it's a transitional period within Army as to how psychologists are employed and managed. Typically, critical incidents that occur on an exercise would be the responsibility of psychologists in our deployable assets and our deployable

units. Events that occur within barracks environments are the responsibility of garrison services, including Joint Health Command.

5 Because of the scale of this incident, initially the responsibility was part of Special Operations Command, the psychologists posted there. Once the size of the response required was identified, the coordination and planning was shifted to Headquarters Joint Health Command.

10 MAJ CHAPMAN: Thank you, ma'am. And just to conclude some of my questions, you've noted at paragraph 54 that people have expressed gratitude for your assistance. Correct?

LTCOL JORDAN: Correct.

15 MAJ CHAPMAN: And at 55, that you've provided support to members, including support as to members returning to duties after a traumatic incident such as this?

LTCOL JORDAN: Correct.

20 MAJ CHAPMAN: Lastly, ma'am, you refer to being present at Inquiry hearings which has, as you say in your words, "allowed me to provide immediate support to anyone who requires it". Is that right?

25 LTCOL JORDAN: Correct.

MAJ CHAPMAN: Thank you, ma'am. Ms McMurdo, those are my questions.

30 MS McMURDO: Thank you. Could I just ask you a big picture question? For example, at paragraph 47 you say you've got no memory of treating the four deceased.

LTCOL JORDAN: Correct.

35 MS McMURDO: As I understand it, is your role not so much to treat people as patients, as psychologist patients, your role is quite different to that, and even your team's role is more to provide perhaps immediate support but then refer them on to someone who could treat them as a patient? Is that how it works? Because I can see there's a tension between
40 having somebody as a patient in these circumstances, or that it could easily be a tension – and your role as part of the Army administration.

45 LTCOL JORDAN: Yes, I would agree with your statement, ma'am. So my role and my team's role may involve interaction with – and so my team

might conduct an assessment at the request of an instructor or Commander, and that might include identifying that this person requires ongoing mental health treatment.

5 You're correct in the statement that there is potential conflict of interest, or what would be termed a dual relationship if we were always the one to provide that treatment. My SO2 or SO3 have been able to have some short-term treatment relationships with people, but it is selective as to when that occurs. And typically, that would be around the desires of the individual, the nature of the presenting problem and the availability of the team member, to provide the continuity needed.

10 MS McMURDO: So it's quite a tricky situation that you manage on a case-by-case basis; is that it?

15 LTCOL JORDAN: Correct.

MS McMURDO: Thank you. Now, I know it's very late. Are there any applications to cross-examine? There are a few. Time estimates? I'm just thinking – well, I think that's really too long.

20 UNIDENTIFIED SPEAKER: No more than 10.

MS McMURDO: Yes. No, I think that's too long. I'm afraid we're going to have to get you back tomorrow.

LTCOL JORDAN: I understand, ma'am.

30 MS McMURDO: All right, we'll adjourn until 9.30 tomorrow morning. Thank you.

<WITNESS WITHDREW

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**PUBLIC HEARING ADJOURNED UNTIL
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