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

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

PUBLIC INQUIRY

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LCDR M TYSON, representing CPL A Naggs
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CMDR B JONES SC, representing D19
MR G O'MAHONEY, representing Airbus
MS K MUSGROVE, representing the Commonwealth**

0930, WEDNESDAY, 7 MAY 2025

DAY 55

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	12/06/25	(Transcription)

.MRH-90 Inquiry 07/05/25

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MS McMURDO: Yes, FLTLT Rose.

5 FLTLT ROSE: Good morning, Ms McMurdo, AVM Harland. I have three documents to tender before we call the first witness. I start with the Auditor-General Audit Report No 52 from 2013 to 2014, otherwise known as the ANAO report, which was an independent performance audit of Defence's MRH program, and this document was referred to in MAJGEN Jeremy King's evidence last week.

10 MS McMURDO: 224.

**#EXHIBIT 224 - AUDITOR-GENERAL AUDIT REPORT NO 52
FROM 2013-2014**

15

FLTLT ROSE: I also have a second statement of Ms Andrea House, Chief of Office of Airworthiness, Airbus Australia Pacific, dated 24 April 2025. It has also quite a number of annexures to it, up to 44 annexures. She sets out Airbus's compliance with the timings of the HMSD version 5.10 Upgrade Project Execution Plan. The dates of Airbus's physical delivery of the relevant electronic units and software updated to the ADF for installation, and the production by Airbus of invoices related to the delivery upgrades.

25

MS McMURDO: Exhibit 225.

**#EXHIBIT 225 - ADDENDUM STATEMENT OF MS HOUSE
AND ANNEXURES**

30

FLTLT ROSE: And the final item this morning is the addendum statement of D15 dated 30 April 2025. At the request of Counsel representing D19, the Inquiry sent a further section 23 Notice to D15 requesting that he respond to some further questions in writing. So I'll hand that up. I have an extra copy for yourselves.

35

MS McMURDO: The addendum statement of D15 will be Exhibit 226.

40

#EXHIBIT 226 - ADDENDUM STATEMENT OF D15

45 MS McMURDO: Thank you.

5 FLTLT ROSE: D15 responded to questions concerning D19's approach to safety, and by way of summary, D15 states that D19 was aware and proactively attempting to resolve fatigue issues, and foster a positive safety environment; however, there were some challenges that were systemic to Army Aviation that were evidently faced.

MS McMURDO: Thank you.

10 FLTLT ROSE: Was that 226?

MS McMURDO: That was 226, yes.

15 FLTLT ROSE: Thank you. I now call Dr Adrian Smith.

<DR ADRIAN MICHAEL SMITH, on former affirmation

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

COL STREIT: Ms McMurdo.

25 MS McMURDO: Yes.

COL STREIT: I omitted to raise one housekeeping matter. So Dr Smith, the intent is, will give evidence for about an hour. I would then be grateful for a short break. MAJGEN Jobson's statement and annexures comprise
30 two A4 volumes of material, as you can see.

MS McMURDO: As I see.

35 COL STREIT: And I'm grateful to the Commonwealth's efforts. Last night, we received the final review of the redactions of the remaining documents. What I would like to do is provide the witness an opportunity to review the materials in the witness room rather than in the witness box, to satisfy himself that the contents of his statement and all annexures are there, and then I imagine that would take 10 to 15 minutes, and then
40 commence his evidence from that point. At the moment, he hasn't seen the redacted materials.

MS McMURDO: No. All right. Of course, I don't know when he's
45 arriving, but he could perhaps do that while Dr Smith's giving his evidence?

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COL STREIT: Well, I imagine his Counsel might want to hear Dr Smith's evidence and ask some questions.

MS McMURDO: Fair enough. Okay.

5

COL STREIT: Otherwise I would have taken that. He wasn't - - -

MS McMURDO: Yes, all right.

10

COL STREIT: I'm not critical of him, but he wasn't here this morning, nor was he asked to be here earlier.

MS McMURDO: Yes.

15

COL STREIT: Thank you.

MS McMURDO: No, that's all right. Yes, FLTLT Rose.

FLTLT ROSE: Can you please state your full name?

20

DR SMITH: Adrian Michael Smith.

FLTLT ROSE: And what's your current occupation?

25

DR SMITH: I'm an Aviation Medicine Specialist and Principal Advisor in Decision Support at the RAAF Institute of Aviation Medicine.

FLTLT ROSE: Now, you've given evidence to this Inquiry on two previous occasions, on 21 June 2024 and then on 15 and 16 October 2024.

30

DR SMITH: Correct.

FLTLT ROSE: You were sent some material by the Inquiry for this particular appearance. Did you receive a section 23 Notice requiring your appearance today?

35

DR SMITH: I did, yes.

FLTLT ROSE: And an extract of the Inquiry's Directions?

40

DR SMITH: Yes.

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

45

DR SMITH: Yes.

- FLTLT ROSE: And a Frequently Asked Questions Guide for Witnesses?
- 5 DR SMITH: Correct.
- FLTLT ROSE: Now, you've prepared two further reports for the Inquiry in response to two separate Letters of Instruction?
- 10 DR SMITH: So that's a total of three for this appearance.
- FLTLT ROSE: A total of two for this appearance.
- DR SMITH: Okay, yes.
- 15 FLTLT ROSE: And I'll hand you those documents.
- DR SMITH: Thank you.
- 20 FLTLT ROSE: Now, if you look at the thicker stack there, is this your report dated 22 April 2025?
- DR SMITH: Yes, it is.
- 25 FLTLT ROSE: Now, the report itself, or Annex A, as we're calling it – is where the report is, is at the "Official" level, has some redactions applied to it. Is that correct?
- DR SMITH: That's correct, yes.
- 30 FLTLT ROSE: And if you go to Annex B, that is an excerpt from your report that is at the "Official: Sensitive" level?
- DR SMITH: Correct.
- 35 FLTLT ROSE: And then if you go to Annex C, that's a part of your report that's at the "Protected" level.
- DR SMITH: Correct.
- 40 FLTLT ROSE: And then you also have some enclosures, from 2 through to 7, as part of that report.
- DR SMITH: Correct.

FLTLT ROSE: And if you go to the final document, it's LOI, Letter of Instruction, that you received that has some redactions applied to it.

DR SMITH: Correct.

5

FLTLT ROSE: Now, in total, your report – so Annex A is 59 pages.

DR SMITH: Correct.

10

FLTLT ROSE: I tender that report and the Letter of Instruction.

MS McMURDO: The further report of Dr Adrian Smith, 22 April 2025, plus annexures, and the Letter of Instruction, Exhibit 227.

15

**#EXHIBIT 227 - FURTHER REPORT OF DR SMITH
AND ANNEXURES, AND LETTER OF INSTRUCTION**

20

FLTLT ROSE: Now, if you go to the smaller bundle, is that your report dated 24 April 2025?

DR SMITH: Yes.

25

FLTLT ROSE: And is that at the "Official: Sensitive" level?

DR SMITH: It is.

30

FLTLT ROSE: Now, if you turn to LOI, Letter of Instruction, that's dated 17 April 2025.

DR SMITH: Yes.

35

FLTLT ROSE: It has some redactions to it.

DR SMITH: It does yes.

FLTLT ROSE: Now, your actual report is 15 pages.

40

DR SMITH: Correct.

FLTLT ROSE: So I tender that report and the Letter of Instruction.

45

MS McMURDO: So that's 24 April; is that right?

FLTLT ROSE: 24 April.

MS McMURDO: The further report of Dr Adrian Smith, annexures and Letter of Instruction, 24 April 2025, Exhibit 228.

5

**#EXHIBIT 228 - FURTHER REPORT OF DR SMITH
AND ANNEXURES, AND LETTER OF INSTRUCTION**

10

FLTLT ROSE: Now, I do not intend to ask Dr Smith any questions about this report of 24 April 2025 as it speaks for itself. Therefore, I'm not intending to go into Private Session with this witness. Could the witness also be provided with Exhibits 146A and 146B? That's his report dated 15 31 January 2025. I understand some Counsel representing may wish to refer him to that document as well. Is that 146A and 146B together? Thank you.

20 Dr Smith, can I please ask you to be mindful of your security obligations, so that if I or if anybody else asks you a question the answer to which you think would be at the "Official: Sensitive" level or above, just to let us know, and we won't address it in the Public Session.

25 DR SMITH: Thank you.

FLTLT ROSE: Now, if you can turn to your report of 22 April, I want to ask you some questions about the biomathematical fatigue modelling. So it starts with page 1. You were asked by the Inquiry to compare a biomathematical fatigue modelling that you conducted for the Inquiry based 30 on evidence about the aircrew of Bushman 83's sleep, rest, wake, work cycles during Exercise TALISMAN SABRE '23, and the modelling that the DFSB relied on for their Aviation Safety Investigation Report?

35 DR SMITH: Correct.

FLTLT ROSE: Now, on paragraph 2 of that page you state that the sleep/wake times that the DFSB used were broadly the same as what you were provided with, with some exceptions.

40 DR SMITH: Correct, yes.

FLTLT ROSE: And at paragraph 3, you state by way of example, the DFSB model relied on two more hours of sleep for CAPT Lyon over a period of five days, but three hours less sleep for LT Nugent over five days. 45

DR SMITH: Correct.

5 FLTLT ROSE: Paragraph 4, you state that these differences are minor and of no consequence to the overall assessment of fatigue over the five days leading up to the incident.

DR SMITH: Correct.

10 FLTLT ROSE: At paragraph 6 you and both the DFSB used the SAFTE-FAST model to conduct your analysis.

DR SMITH: Correct.

15 FLTLT ROSE: And you and the DFSB's overall conclusions about each of CAPT Lyon and LT Nugent's levels of impairment due to fatigue were essentially the same.

20 DR SMITH: There were minor numerical differences, but in the same category, so broadly the same.

25 FLTLT ROSE: And then paragraph 7, you state that you are comfortable that the DFSB applied the SAFTE-FAST modelling tool appropriately and interpreted the findings within the bounds of confidence for biomathematical modelling?

DR SMITH: Correct.

30 FLTLT ROSE: You do have one concern about how the DFSB interpreted the effectiveness scores, but we cannot go into the details about what the DFSB concluded in this public forum.

DR SMITH: Yes.

35 FLTLT ROSE: But paragraph 9, you state that your concern is generally that if someone was deemed to be at 77 per cent cognitive effectiveness, which equates to a blood alcohol level of 0.05 per cent, which means essentially that they're lawful to drive a car in Australia, that shouldn't be deemed acceptable though in the Military aircraft during Military Flying Operations, especially in degraded visual conditions, poor weather, when
40 they're on night-vision devices, or flying in formation.

DR SMITH: Correct.

45 FLTLT ROSE: Essentially, it's a higher standard because of the situation that Military personnel would find themselves in.

DR SMITH: Yes, and then later on in the report, I also talk about compounding risk. So it's not just the risk of fatigue by itself as a stand-alone isolated risk, it's a risk that is then added on to the other risks in a high-risk activity, and so the marginal effect of a small amount of fatigue can have a significant impact on the outcome.

FLTLT ROSE: Now, at paragraphs 11 to 14, in your opinion, any Military pilot with an effectiveness score above 77 per cent may well have a level of fatigue that constitutes a safety risk; that's even if SAFTE-FAST doesn't explicitly state this.

DR SMITH: Correct. So SAFTE-FAST presents its data in a generic way that has bands of risk, and those bands, for ease of interpretation are coloured green or yellow or amber or red. Now, for a general application to a non-specific industry, I think that that is fine. However, for a high risk, high consequence activity like Military Aviation, I think that the compounding effect of risk has to be considered, and in previous applications of SAFTE-FAST modelling conducted by the Institute previously, we – or, sorry, more correctly, the human factor's specialist that did the modelling at that time, would work with the customers and actually figure out what level of impairment would they consider to be acceptable in various military flight activities and training environments and calibrate the output to align with their tolerance of likelihood of a risk. So rather than just accepting the generic SAFTE-FAST output, actually contextualising that output to a specific hazard environment.

FLTLT ROSE: Is that a nuance, I'll call it, put in – is it in the guidelines, the DFSB's guidebook, for example, on fatigue management, or is it in another document that the Institute of Aviation Medicine has produced?

DR SMITH: What I've referred to is the practice that was undertaken by the human factor's specialist that did the modelling over 15 years. In the DFSB Aviation Fatigue Guidebook, they do talk about the need to contextualise fatigue in the context of the mission, the workload, and the operational environment, and understand the significance of the impact of fatigue, not just managing fatigue by itself.

FLTLT ROSE: You've given evidence previously to the Inquiry about training that may or may not occur or need to occur for people when they use SAFTE-FAST.

DR SMITH: Correct.

FLTLT ROSE: In the operating environment, that might be one of the aspects of the training that could be emphasised.

DR SMITH: Correct, yes.

5

FLTLT ROSE: And, ultimately, is this a fair summary? The difference between your analysis and the Defence Flight Safety Bureau's analysis comes down to the interpretation of the results of one of the pilot's levels of fatigue?

10

DR SMITH: The difference between the analysis that I did and what DFSB did is that we broadly agree, the numbers were broadly similar. For one pilot, we were in concurrence. For the other pilot, we were on either side of a distinction between an acceptable level of risk and a hazardous level of risk, and I would err on the side of being cautious and sort of mindful of the compounding effect of the risk of fatigue rather than just looking at the numerical value and where that fell on a colour graded scale.

15

FLTLT ROSE: So it's not that the Defence Flight Safety Bureau misinterpreted; it's actually a nuance in terms of contextualising the risk?

20

DR SMITH: Correct.

FLTLT ROSE: Now, I want to turn to a different topic. The crew rest facilities at 6 Aviation Regiment. You were asked by the Inquiry to review the crew facilities that are now present at 6 Aviation Regiment at Holsworthy.

25

DR SMITH: I have viewed a document that had some photos and a description of them, yes.

30

FLTLT ROSE: Now, I did display an image of the two different rooms last week that had bunk beds in them. Ultimately, you were encouraged to see that the Commanding Officer at 6 Aviation Regiment had started implementing the aeromedical guidance that you issued to Commanders late last year.

35

DR SMITH: Correct, yes.

FLTLT ROSE: And if you go to page 27 of your report – sorry, page 7, paragraph 27.

40

DR SMITH: Okay.

FLTLT ROSE: You note that multiple occupancy with the various bunk beds could create an environment that is disruptive to sleep, so you suggest that the aircrew may also benefit from eyeshades or earplugs.

5 DR SMITH: Correct.

FLTLT ROSE: In the Commanding Officer's addendum statement to the Inquiry which you were provided with, he said that aircrew can use these sleeping facilities to nap – and this is a quote, “if they desire” or “should they elect to do so”. And then finally, “If one of our members expressed a
10 desire to take a strategic nap, then this would be supported by the Chain of Command”. Do you remember those aspects of the evidence?

15 DR SMITH: Yes, I do.

FLTLT ROSE: So at paragraph 29 of your report, you make some observations about that, including that since individuals are not good judges of their own levels of impairment due to fatigue, they may not feel the need to take a nap.

20 DR SMITH: Correct.

FLTLT ROSE: And you state that even aircrew that do not feel tired would still benefit cognitively from a nap, especially so if their FRAT results, or their Fatigue Risk Awareness Tool results, are in the amber or red sections.

DR SMITH: Correct. So by that, I'm meaning that napping is often seen as a recovery strategy when people are very tired, whereas the evidence
30 shows that people just at the end of a normal workday, although you don't feel like you're very tired and that you need a nap, your performance is improved if you do have a nap. So it's about optimising performance rather than rescuing people from an unacceptable level of performance.

FLTLT ROSE: So is your recommendation that napping should be built into the mission planning timeline so that aircrew have a designated window of opportunity to take a nap even if they ultimately decide they don't need to?

40 DR SMITH: I think that if you want to encourage aircrew to nap, having an environment where that decision to nap is easy would make it more palatable and easier to comply with. Having a framework that encourages aircrew to have a nap but not making it easy to embed that nap opportunity in a normal workday without undertaking a body of work to rearrange

timelines and things like that just elevates the difficulty of accepting that option.

5 FLTLT ROSE: I take it you heard evidence from various witnesses about a concept called the OC's hour, or the mission bubble, which was about an hour of time prior to lift or take-off where personnel would have time to quiet their mind free from distractions to really concentrate on the mission.

10 DR SMITH: Correct.

FLTLT ROSE: I take it that the window of opportunity for napping would be separate to an OC's hour, or could it be incorporated as part of that?

15 DR SMITH: I would be careful about removing the effectiveness of a control that is in place. So if it is considered an effective control or important to provide aircrew with an hour bubble around the commencement of their sortie so they can clear the mind of distractions and just mentally prepare themselves to undertake the mission, I wouldn't want to do anything that would degrade that as a control. So I wouldn't want to
20 complicate that mission bubble by putting other things in there.

I would prefer that the same Command support for the mission bubble be applied for a napping window, and it is seen as just a normal part of your timeline towards the commencement of your mission where you can have
25 some time to have a nap or just be quiet but separate to the mindfulness in preparation for commencing the mission.

FLTLT ROSE: Well, take an example of 28 July 2023 in Proserpine. We heard evidence yesterday about crew duties start at 1300, lift not being until
30 about 2200. So there's about nine hours, or slightly more than nine hours, between start of duty and the critical part of the day.

DR SMITH: Correct.

35 FLTLT ROSE: So is it your evidence that if we're taking that as an example, there's a flurry of activity between 1300 and, say, 1700 with mission orders and Rehearsal of Concept drills and the like. Following this guidance, would it have been appropriate to put a nap window in, say, from 1700 to 1600. At that point – so that then there's a few hours after that for
40 people to have OC's hour or to do mission prep.

DR SMITH: From an aeromedical and human factors point of view, having a nap window as you've described would allow people, if they were encouraged to or if there was the culture where that was seen as a way of
45 effectively optimising your performance, that would be a good idea. But

good ideas have to be factored into time and space and there are a whole lot of other moving parts as well that need to be coordinated.

5 But purely from an aeromedical and human factors point of view, having an allocated window for napping in the middle of the afternoon so that you've got enough time to nap, wake up, and then do the other pre-mission activities without being hurried and flustered would be a good idea.

10 FLTLT ROSE: So, essentially, this shifts the emphasis from napping as a strategy to mitigate the effects of fatigue to napping to promote aircrew readiness as a fundamental input to capability.

15 DR SMITH: That's my view, and that's the view of performance science and exercise science. So, you know, we know the benefits of napping in improving cognitive performance. Elite athletes and high performers in industry and academia nap as a routine of optimising their performance. So we know what is possible. From an aviation point of view, it's about harnessing the potential that science can help unlock in terms of aircrew readiness and optimising performance and then figuring out how to
20 integrate that in an effective and low burden way into the other operational considerations.

25 But aircrew readiness is a fundamental input to capability, and if Commanders want the highest performing aircrew and, just as importantly, having invested substantially in technologies, weapons systems and aviation systems that are operated by humans, if those humans are tired or distracted or cognitively overloaded or operating at a low state of readiness, the effective application of airpower through those technologies is impaired. So optimising aircrew readiness is a fundamental input to
30 capability from the human dimension, but also the human in the loop and applying the technology dimension of warfare as well.

35 FLTLT ROSE: And, now, you do make comment later on in your report about a mindset shift in terms of thinking of aviators as elite athletes as a potential opportunity to increase – optimising performance and increase capability for the ADF.

DR SMITH: Correct, yes.

40 MS McMURDO: So is it important as to what sort of nap you have? I think we all know the experience of having a short refreshing nap in the afternoon which picks you up, or if you fall into a deep sleep you can actually wake up feeling dreadful. So is there a technique there?

DR SMITH: There is some advice and guidance, and in the aeromedical guidance, we've talked about a 15 to 20 minute nap as a recharge nap or as a power nap, a 20 to 40 minute nap as a recharge nap, and then a longer nap or a supplementary sleep period of an hour to two hours would be really effective if you have had restricted sleep the night before, or you've woken up early. And so if you've had – you know, looking at the Fatigue Risk Awareness Tool, the inputs are how much sleep have you had in the last 24 and 48 hours, and how long have you been awake continuously as two of the markers for fatigue risk.

10 A supplemental nap in the afternoon would allow you both to increase the total amount of sleep that you've had in the last 24 and 48 hours, potentially turning an amber flag to a green flag or a high amber to a low amber, and it would also then reset your time of being continuously awake. So if you've had a two-hour sleep, then by the time you fly your mission at 10 o'clock, you haven't been awake for 15 hours; you've been awake continuously for six or seven hours, which puts you in a much better state.

20 So there are three different types of napping, and each of them is effective in a different way. Any nap is better than not napping at all and carrying forward the fatigue, which naturally over the course of the day, and as you go from daytime into your night-time, your fatigue is actually accumulating over the course of the day, and then of course napping is most effective if it's taken in conditions that are conducive to good quality restful sleep.

25 MS McMURDO: So you really do need to educate aircrew and their Commanders about the various types of napping and their effectiveness.

30 DR SMITH: Yes. So there is always, when you're trying to change a culture or a behaviour, it should be underpinned by a strategic education program, not just to provide the facts about what you're trying to change, but to try and change their mindset, and then by changing their mindset, then lead to changes in behaviour, which will then sort of inculcate a new way of doing business – a new normal.

35 MS McMURDO: And what I mentioned, is that a recognised phenomenon that sometimes – perhaps it's waking from a deep sleep in a nap situation, but you sometimes you can wake from a nap and actually feel worse?

40 DR SMITH: Yes. So that's called sleep inertia, and it is a known phenomenon, and the timing of naps can be structured to minimise the occurrence of sleep inertia so that you can time your nap so that you would wake up before your brain is in a deep state of sleep, and when you're in a

deep state of sleep and wake up from that deep sleep then you have a bit of a hangover effect. So you can time your nap to avoid that.

5 The evidence is that it actually – sleep inertia is a known phenomenon, but it probably doesn't occur as commonly as people are trained to believe. And so if people are saying, "I don't want to have a nap because I'm afraid I might have the sleep inertia", then they're accepting a degree of fatigue, because they have been reluctant to have a nap. So we would like to encourage people to nap if they've got an opportunity, and there are ways
10 that they can minimise the occurrence of sleep inertia afterwards.

MS McMURDO: So this is all really something that can be taught as part of an education program for aircrew and Commanders?

15 DR SMITH: Yes. The first time I stayed in a hearing, when I heard witness after witness after witness commenting on their lack of understanding of strategic use of caffeine and napping, the easy response for me would be to say, "But we did teach you; it's on slide 13". Okay. The more mature way is to say, "Regardless of what we've put on the slides, if
20 somebody some years later hasn't taken on board those lessons and woven them into their daily practice, then we need to look at a different way of achieving the effect that we're intending".

And so because of that, we started with the aeromedical guidance to just lay
25 out what you can do. And then I'll be following up with aeromedical guidance which would be presented in a couple of page document explaining, a 10-slide pack designed for unit-level refresher training on a single topic, and a fact sheet, and a digital poster. So a suite of educational support materials that can reinforce the strategic use of caffeine and
30 napping. What they are, how they work, how we think you should apply them strategically to get the optimum benefit in terms of performance and aircrew readiness.

35 MS McMURDO: Thank you.

FLTLT ROSE: If I take you to Enclosure 2 of your report, there's some draft aeromedical guidance – it's coming out under from your commanding officer of the Institute of Aviation Medicine. Obviously, it's in draft. Is
40 this one of the pieces of material that will be published in due course to supplement the package you just described?

DR SMITH: Yes, correct. So, you know, this is obviously in an advanced state of draft, so this is ready for consensus building and just general agreement before we sign it off and distribute it. And that would then
45 reflect the consensus view of the Institute of Aviation Medicine and the

single service Aviation Medicine advisers and the Aviation Psychology and Human Factors advisers for Army, Air Force, and Navy, and DFSB, and Human Performance and Safety. So we try and get a consensus of all of the key players.

5

And this was there to fill the void where we were saying, “You should try and nap”, and then if somebody said, “Well, what does that look like? How do we nap? What facilities do we need to use? And how do we actually implement that bit of advice?” It’s very easy to give advice or write a rule about what you should do. Somebody has to take that rule, interpret it, and apply it. So this aeromedical guidance is trying to provide people a roadmap to say, “Well, this is what the advice says, and this is how we think you can apply that”.

10

15 FLTLT ROSE: Now, I want to ask you some questions about a person’s ability to self-assess their own levels of fatigue. Well, you’ve given evidence before that it’s essentially people are poor judges of their own levels of fatigue.

20 DR SMITH: Correct.

FLTLT ROSE: And that’s especially so, I take it, if a person is used to operating with a high workload and may be used to operating at a certain base level of fatigue?

25

DR SMITH: People can be – if they operate consistently in a state of fatigue, that then becomes normalised, and for them to be aware of what they would consider to be a higher risk, then they – looking around from that normalised baseline to something that stands apart from that baseline – and so when you become normalised, well, you become desensitised to risk, and that is what happens with fatigue if you’re always operating or frequently operating in a state where you are fatigued, then your ability to identify fatigue as a hazard is desensitised, and then the hazard has to be much greater for you to become aware of it.

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When I hear comments of, “I was fatigued but I was no more fatigued than I was the day before”, or “I was fatigued but so was everybody else”, or “I’m always that fatigued when I operate in those conditions”, or “I’m used to fatigue because I’ve got a baby at home and I’m always waking up”, that, as an aeromedical sort of specialist, makes me feel that they’ve just normalised fatigue because that’s just their normal existence. So it’s just being comfortable and desensitised to a hazard that you are frequently exposed to.

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45 FLTLT ROSE: You also heard questions posed to the Officer

Commanding of 173 Squadron and the Commanding Officer of 6 Aviation Regiment, questions as to whether they notice fatigue in any of their aircrew, particularly on TALISMAN SABRE. Do you recall those types of questions being posed?

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DR SMITH: Correct, yes.

FLTLT ROSE: If someone is a poor judge of their own fatigue, does the research also show that someone else is a poor judge of someone else's fatigue? Sorry, I didn't put that particularly well, but - -

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DR SMITH: I'm not aware of any studies – so there are – I went over the weekend and looked at the accuracy and validity of self-assessment of fatigue compared to objective measures of impairment, and I found five papers, scientific papers in the literature, that concluded that people were accurately able to assess their own level of fatigue. I found 27 papers that compellingly said that they were not, and another 10 papers that offered guarded support that self-assessment could be useful if it was used in combination with other measures, structured tools, and objective features as well.

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So that's your level of self-awareness. The overwhelming weight of scientific literature is that individuals are not able to self-assess their own level of fatigue performance impairment with any degree of accuracy without training. I'll just put a pin in that and come back to that.

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The question about an individual's ability to assess a level of fatigue in somebody else, I couldn't find literature on that, however, there is literature suggesting that, for instance, neurologists who are clinically evaluating people with neurological impairment are only mildly or moderately able to predict their level of performance compared to objective testing. And so the conclusion of those reports is that a neurologist should not rely on their own assessment of somebody's level of impairment; they should use that as an index of suspicion to then go ahead and do objective testing because the objective testing is much more reliable and accurate and precise.

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So I would have to say that if individual aircrew – sorry, if individuals who are not good judges of their own level of fatigue impairment – I don't know why they would be good judges of somebody else's level of impairment. I probably would also then say that the literature does suggest that one of the reasons that individuals are not good judges of their own level of impairment is that they conflate tiredness and sleepiness with fatigue, and if you don't feel tired or sleepy, therefore you don't feel that there is a degree of fatigue, even though those individuals, if they've been awake for 10, 12, 14, 16, 18 hours, will have manifest changes in reaction time,

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cognitive processing, information processing if you measure them objectively. And that's the issue is that individuals who are not – they don't feel that they're fatigued, have evidence of impairment when they are tested objectively.

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MS McMURDO: So, in other words, if you're cognitively affected by fatigue, you're worse at self-assessing whether you're affected by fatigue.

10 DR SMITH: There's several papers that actually did show that the more advanced your fatigue, the worse you are at anticipating the level of impairment, and even a paper that was published last month actually in Aviation Medicine and Human Performance, from the UK Ministry of Defence, looking at rotary-wing aircrew, actually concluded that with increasing levels of fatigue, your ability to perceive a level of impairment is substantially degraded compared to SAFTE-FAST modelling, and they
15 actually recommended that for night flying and operational deployments, that you rely much more heavily on objective measures and modelling rather than self-assessment.

20 MS McMURDO: Thank you.

AVM HARLAND: Could I just ask a question? It's to do with the normalisation of fatigue you mentioned probably a couple of minutes ago now, and the fact that people can become normalised to their own fatigue if
25 they're suffering it for a while. You used the example of having kids and wakefulness of night. With the normalisation of fatigue, if an organisation has perpetually got this sense of fatigue – and it's even been reported in the Snapshot, as we've heard – over time, does that give a tendency towards normalisation of fatigue in the organisation?

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DR SMITH: I would believe so, yes.

AVM HARLAND: Yes. And if – I'll ask a question about how that works when you've got a can-do attitude where you've got people who are very
35 committed to the task, very professional, and very much output-focused, the mix of those two things together, can you comment, or is there any research that would talk about the potential hazards associated with that?

40 DR SMITH: When somebody self-assesses their level of fatigue, and making a determination about whether they're fit to do a duty or not – so the question isn't necessarily, "Do you feel fatigued or not", it's "If you feel fatigued, do you feel that you are impaired to a level that would compromise safety and would render you unfit?" And from a human factors point of view, from just an aeromedical and human factors perspective, there are a

number of influences and biases and pressures that go into that decision matrix.

5 I'm not suggesting at all that individuals or individual aircrew are making a decision that they think that they're impaired, but they're going to fly anyway. I'm not suggesting that that is a deliberate decision to fly despite a suspected level of impairment. But we have to be open to the reality that human perception of risk is influenced by a number of internal and external conditions.

10 AVM HARLAND: So if I was to read from that, if you're operating in a unit that's inclined to move ahead with a task, you may be inclined to make a judgment of your own fatigue which puts you more on the positive side of "Lets do it", rather than the negative side of, "Let's stop".

15 DR SMITH: I think that if you're under – if you've got a can-do attitude, and you're in an environment where you're part of a can-do culture, your sense of, "I feel a little bit fatigued, but I should be okay", I think that weighting of what you think is a reasonable or acceptable level of impairment will be influenced by that.

20 AVM HARLAND: And I'm not, for the record, suggesting for a minute that a can-do attitude is a bad thing; in fact, when you're looking at getting Military outcomes, it's often a really good thing. What I'm trying to explore is whether that can actually pose any particular hazards, and how they might actually be managed.

25 DR SMITH: Yes.

30 AVM HARLAND: Okay, thank you.

35 FLTLT ROSE: I was going to move on to a different topic now stemming from what you've just said about objective measures, and essentially a data-driven approach to fatigue management. So you've heard evidence from various witnesses at the last hearing block, including COL Brock and COL Levey about their desire to take a data-driven approach to fatigue management, but there have been some difficulties acquiring the appropriate software to measure aircrew fatigue that's suitable for the Defence environment. Do you recall that evidence?

40 DR SMITH: I listened to COL Brock's evidence in part. I didn't listen to COL Levey.

45 FLTLT ROSE: Well, accept from me that that was part of the evidence that he gave to the Inquiry.

DR SMITH: Okay.

5 FLTLT ROSE: At page 8 of your report, if you go to paragraph 33, you state that the Institute of Aviation Medicine is in the process of drafting aeromedical guidance for individual Defence personnel to be able to interpret the sleep data from their own wearable device to provide more accurate information for their fatigue assessments, whether that be when they're using the Fatigue Risk Assessment Tool or some other tool.

10 DR SMITH: Correct, yes.

15 FLTLT ROSE: Now, I put the emphasis on "own" because if the Defence member would use their own wearable device and not a Defence-issued device, then they would voluntarily input the information that they get from that device into whatever tool they're using to measure fatigue, so it improves their own self-assessment.

20 DR SMITH: That's correct, yes.

FLTLT ROSE: And this is, in essence, a stopgap measure, is it, that individuals can use while Defence is considering alternatives?

25 DR SMITH: I would - - -

FLTLT ROSE: Or would it continue even if there were excellent alternatives acquired?

30 DR SMITH: I'm leveraging from the literature that suggests that people's assessment of sleep duration is subject to a number of variations, and it can often be inaccurate, and wearable devices – Fitbit, smart watches, Oura Rings, and WHOOP bands, and the like – are now at a level of accuracy that most of the scientific literature says that they are almost as good as laboratory test equipment, and in a wild study – you know, just individuals in normal daily life – is more accurate at predicting your total sleep time than just reflecting and trying to remember.

40 So if the input to FRAT is how much sleep have you had in the last 24 and 48 hours, your choice is to try and remember how much sleep you've had and calculate it, which has some inaccuracies, or using objective data on your smart watch. My advice is that if you have a smart watch that is giving you that information, that is more accurate than just remembering, and I would encourage them to use that.

FLTLT ROSE: And essentially this gets around the privacy law issue if they, well, voluntarily use the information to incorporate - - -

5 DR SMITH: Correct. So individuals using their own health information for their own purpose, there's no privacy issues, there's no ethical issues, or no legal issues with that. Command taking ownership of personal health information has a whole legal and ethical framework that needs to be complied with, but individuals using their own health information is fine.

10 AVM HARLAND: Just while we're talking about wearables, how long, to your knowledge, has DFSB been using these wearables to be able to try and assess fatigue in flying units?

15 DR SMITH: I don't know how long DFSB has had that. You know, I've remembered it for a while. But IAM 15 years ago was using Actiwatchs to look at fatigue in aircrew in long haul operations and in deployed settings. So the use of actigraphy within Defence settings for aircrew has been around for 15 or 20 years.

20 AVM HARLAND: Okay. And has that been widely available to the ADF Defence community to look at those sorts of things, using wearables?

25 DR SMITH: I don't know what other people are aware of, but certainly from IAM – IAM and the human factors specialists that we had who did a lot of fatigue research primarily for Air Force, who's been using Actiwatchs for a long time, and IAM is a tri-service support organisation, so we're able to support anybody that asks the question, but with your specific question, when did DFSB introduce it? I don't know.

30 AVM HARLAND: Okay. That's fine. So IAM for about 15 years.

DR SMITH: Yes.

35 AVM HARLAND: Or thereabouts. And had you – were you operating on an “as requested” basis for engagement with the flying community, or were you going out and saying, “Hey, we've got this. Do you want to experiment?” And did you do that with Army Aviation?

40 DR SMITH: So we operate on a task response basis. However, if a unit were to approach us and say, “We think we've got a problem with fatigue”, or “Can you help us look at the fatigue impacts of a new rostering schedule”, or looking at a different way of conducting a mission, we would approach that with multiple dimensions, and offer different ways of getting the answer including, “Have you thought about actigraphy and sleep diaries and
45 sleep studies and things like that?” So rarely would people come to us and

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say, “Can we please use your Actiwatches for this purpose?” They would just come to us with a problem, and Actiwatches would be one way of resolving that.

5 The use of Actiwatches in sleep studies was a recommendation from the 2013 Chief of Air Force review of fatigue in the ADF Aviation workforce, and that went out to all FEGs and Service Chiefs. And in the DFSB Aviation Fatigue Management Guidebook it talks about active watches and sleep diaries and sleep studies and things like that in there as well.

10 AVM HARLAND: So that 2013 fatigue study, after that, the Chief of Air Force communicated broadly with the ADF Aviation community, including Navy and Army, about the outcomes of that?

15 DR SMITH: Yes, Director Army Aviation and Navy; however, they were called at that point in time, I can’t remember. They were on the Steering Committee.

AVM HARLAND: Yes, so that was 2013.

20 DR SMITH: The report was released in 2013. The working group was in 2012.

AVM HARLAND: Okay, great. Thank you.

25 FLTLT ROSE: Now, if you just go to Enclosure 3 of your report, there’s some draft guidance, there are medical guidance on the use of wearable technologies as an adjunct to self-assessment of acute fatigue.

30 DR SMITH: Correct.

FLTLT ROSE: Is that going to be released imminently?

35 DR SMITH: I would expect within two to three weeks, probably.

FLTLT ROSE: And is that going to be part of the training package? You said before you had a 10-slide deck teaching aircrew how to use their own wearable devices appropriately.

40 DR SMITH: Yes, correct. So our intention is to release aeromedical guidance but then follow that up with a suite of deliverables that would help provide training and an aide memoire for what to do with that aeromedical guidance.

FLTLT ROSE: If you go to page 14 of your report, paragraph 48? You state that:

5 *The Institute of Aviation Medicine is exploring various commercial off-the-shelf systems that Defence could use to better monitor fatigue that some other militaries are using.*

DR SMITH: Correct.

10 FLTLT ROSE: And at paragraphs 51 to 54 you set out the various options include blood testing to assess fatigue, wearable technology, as we've already discussed, and eye movement tracking technology to monitor drowsiness.

15 DR SMITH: Correct. The blood testing is promising, but it's not yet at a state that it can detect discreet levels of fatigue in individuals. It's looking at trends of fatigue in a group. So the blood testing isn't a fatigue biomarker at this stage.

20 FLTLT ROSE: At this stage. But in terms of the eye movement tracking technology, that's available now?

DR SMITH: Correct.

25 FLTLT ROSE: Defence obviously already have some systems in place to try and monitor fatigue, such as the Fatigue Risk Awareness Tool and the Snapshot surveys. You've also referred to the Fatigue Risk Management Chart. That's at paragraph 75.

30 DR SMITH: Correct.

FLTLT ROSE: Page 19. If the witness could be shown Exhibit 201, which is the DFSB Aviation Guidebook Version 2?

35 MS McMURDO: Yes. It's the Aviation Fatigue Management Guidebook Version 2.

FLTLT ROSE: When that comes to you, if you can turn to page 42? Is this the Fatigue Risk Management Chart you are referring to?

40 DR SMITH: Correct, yes.

FLTLT ROSE: Is it fair to say that it's a one-page poster or a ready reckoner setting out the hazards for fatigue, the right assessment to be conducted and the controls to be put in place?

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DR SMITH: I think it's two pages.

FLTLT ROSE: Right.

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DR SMITH: There's 30 questions and I think it's front and back of a page.

FLTLT ROSE: Now, at paragraph 83 you describe this chart as a conversation tool to talk about fatigue and conditions contributing to fatigue.

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DR SMITH: Sorry, which paragraph is that?

FLTLT ROSE: 83.

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DR SMITH: Yes.

FLTLT ROSE: It provides an expanded list of factors for Commanders or, for example, Flight Authorisation Officers to consider when assessing fatigue risk.

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DR SMITH: Correct.

FLTLT ROSE: And it has further information than the Fatigue Risk Awareness has? It goes into deeper issues, I take it.

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DR SMITH: Correct. So that looks at how many days in a row have you been working, intrusion of work into your private lives, how often have you been recalled from leave, and a whole lot of other factors that contribute to fatigue. Obviously, the more factors you include, the longer the tool becomes. And when a tool is 30 questions, it then becomes difficult – mindful of what the witness was saying yesterday about imposing an additional burden of administration on the aircrew that are already working hard with lots of other paperwork.

30

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So this is a more comprehensive and detailed tool, but probably is to be used more sparingly, for specific targeted concerns. Whereas the FRAT is a four or five questions simple tool that can then be used more readily, more frequently, but that's only looking at acute fatigue. So they're looking at different things.

40

FLTLT ROSE: And so when you say it includes additional issues such as you've seen before – sleep quality, work environmental conditions, work load, task demands, things like that – one thing it still doesn't include though is mission factors.

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DR SMITH: Correct.

5 FLTLT ROSE: So, for example, you've heard evidence on 28 July 2023 the day started at 1300, as we talked about before. But the flying portion of the aircrew's duties didn't start until 2200, although they were sitting in the aircraft from about 1900. So would that kind of mission factor be – that's not included in this chart, I take it?

10 DR SMITH: I don't believe so.

15 FLTLT ROSE: In terms of that issue, based on the research that you've done, is starting the most safety critical part of an aircrew's day, the flight, and putting it at the end of a duty day more fatiguing or does it have a negligible effect?

DR SMITH: Sorry, can you just repeat that again?

20 FLTLT ROSE: So the evidence that came out yesterday in terms of duty start was at 1300 and then if you're talking about the duty day, the flying portion of the day was at the end. So, essentially, started nine hours into the duty day was the safety critical part of the day.

25 DR SMITH: Correct.

FLTLT ROSE: What would the research say about that in terms of fatigue?

30 DR SMITH: The research would say that conducting a cognitively demanding task and one where the effects are, you know, you're quite sensitive to the effects of fatigue, later in the day means that you are starting already with a degree of fatigue and your performance would be worse at that point than it would if that same task was done earlier in the day.

35 FLTLT ROSE: So even if you did the fatigue risk awareness tool when you arrived at work at 1300, or started duty, if you did it again at 1900 or 2000 it would be a different score, essentially, because your hours awake will have increased by then.

40 DR SMITH: I think that the Fatigue Risk Awareness Tool actually says, "At the time that you will be completing your sensitive duty, how long?" So that's asking you to project forward in time. So that score shouldn't change. And your amount of sleep in 24 and 48 hours, that shouldn't change either. What would change is your self-assessment of alertness and
45 that will change at different points in time. But the sleep and the time of

continuous wakefulness, that question specifically, I think, asks you to think about the time that you would be completing a sensitive task.

5 FLTLT ROSE: So, essentially, in a day you may have to complete the FRAT a couple of times if you're flying multiple sorties or as we've discussed, the sortie is not until later on into the shift.

10 DR SMITH: I think that the FRAT is a tool that is there to give aircrew an opportunity to pause and reflect on the factors that contribute to risks arising from fatigue-related performance impairment. I'm not necessarily advocating that it has to be mandated to be completed at certain times, before or after. It is an opportunity to pause and reflect, given the known drivers for fatigue – amount of sleep, time of continuous wakefulness and time of day – to pause and reflect what your risk factor profile is at any point in time.

20 You would be well advised to consider that differently for each new mission and doing the FRAT, in my mind, early in your duty day in the aeromedical guidance that we released on these tools and strategies for managing fatigue I actually recommend using the FRAT early in the day because doing that early in the day gives you a chance to modify the modifiable risk factor.

25 So if you say, "I've got an amber because I didn't get enough sleep", you've got the rest of the day to try and plan a napping window. If you've looked at your FRAT and you say, "Looking at these, you know, I am going to be – given the time that I woke up, I'm going to be at an amber because of my time of continued wakefulness at the time of a planned mission", you've got a time to break that time of continued wakefulness with a nap.

30 And so I think that there is value in doing a FRAT early in your duty day as long as there are opportunities to manipulate those risk factors by strategically napping or using caffeine. So if you know you're going to be at an amber or two ambers, then you can say, "Today is the day I'm going to employ strategic use of caffeine. When do I want to be optimally alert?" Moving back 45 minutes, "When do I need to take my coffee?" But then, importantly, to have the greatest impact of caffeine on that day, I will then choose to limit my caffeine intake for the rest of the day so that I'm sensitive to caffeine later on in the evening.

40 But you can only do that if you consider those tools early in the day and then plan out your strategic approach to managing fatigue risk factors over the course of the day.

45 FLTLT ROSE: Now, if you go back to paragraph 82 of your report, you state that you think if the Fatigue Risk Awareness Tool, the Fatigue Risk

Management Chart and the Snapshot survey, if they're used correctly by Commanders and are completed faithfully by aircrew, that they can provide a strong and reliable indicator of an individual's fatigue and the unit's fatigue levels over time.

5

DR SMITH: Correct.

FLTLT ROSE: So if you now turn to page 24? And you see paragraphs 104 and following on from that paragraph, you list some steps that Defence could take optimised aircrew readiness for military operations. And I'll just read them out. It includes:

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Cognitive training to increase concentration perception and response speed, cognitive efficiency, rapid decision cycles and cognitive flexibility, enhance situational awareness and to reduce fatigue.

15

Then there's aggressive fatigue management such as prioritising crew rest facilities and napping as an investment in capability, which we've discussed. Also:

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Light manipulation to reduce exposure to blue light from things, such as smartphones, just prior to sleep.

And finally, "optimising gut-brain health through diet and hydration". This is essentially what I said before, where you set out managing aircrew like they're elite athletes.

25

DR SMITH: Correct.

30

FLTLT ROSE: If you go to page 29, paragraph 113, you state that the Institute of Aviation Medicine provided advice to Army in December 2024 regarding a range of strategies to optimise the adequacy of crew rest facilities when operating in tented accommodation in a field environment.

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DR SMITH: Correct.

FLTLT ROSE: That advice, is it at Enclosure 6 of your report?

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DR SMITH: Correct.

FLTLT ROSE: Has this guidance been implemented, as far as you know, for Exercise TALISMAN SABRE 2025?

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DR SMITH: I've not heard anything back arising from that. We have recently, in the last three weeks or so, been in touch with the Senior Medical Officer for 16 Aviation Brigade who is looking at doing some fatigue monitoring studies for an upcoming exercise. I don't believe it's
5 TALISMAN SABRE.

FLTLT ROSE: Now, at paragraph 115 - - -

DR SMITH: Sorry, I don't know that the recommendations haven't been
10 implemented. I've been - - -

FLTLT ROSE: You're just not aware.

DR SMITH: I'm not aware and we haven't been contacted for that. But
15 it is possible for those recommendations to be implemented through other means.

FLTLT ROSE: So if you go to paragraph 115, you state that:

20 *The Institute of Aviation Medicine has offered to work with Army Aviation through the SO1 Aviation Medicine and Aviation Psychology Teams on issues such as innovative scheduling practices and then test and evaluation of various strategies to promote crew rest.*

25 DR SMITH: Correct.

FLTLT ROSE: Has Army Aviation accepted this offer?

30 DR SMITH: That's the same advice that we provided, so I haven't heard anything back from that. They've not taken us up on our offer to support SO1 Aviation Medicine and SO1 Aviation Psych, but I don't know what Army has been doing in-house.

35 FLTLT ROSE: I wanted to ask you a question here in relation to obviously you provide guidance to various parts of Defence. You also deliver education to personnel on things such as fatigue. Is there a difference between education and training in terms of fatigue awareness and management?

40 DR SMITH: We had a cause to reflect on the training that we provided for another condition. When a CO challenged us, that what we were actually doing was just telling people about the condition, not actually training. Where training has a measurable change in behaviour. And
45 we've taken that onboard and we now think very differently about

education and training. So we provide education, PowerPoint presentations and syndicate discussions about fatigue, but we don't provide training in recognising the effects of fatigue in a calibrated sense.

5 In the same way as we would provide training for hypoxia recognition and coaching and things like that. So we do provide training in other stressors, but for fatigue we provide education, fundamental education, about the signs of fatigue, about the effects of fatigue, about the drivers for fatigue, about the countermeasures for fatigue that are within individual aircrew control, and really emphasising the importance of not flying when you're
10 fatigued because of the impact and using that as a way of encouraging good sleep hygiene and adequate rest. So that's the education that we provide in a 45-minute presentation that is delivered every five years.

15 The scientific literature does talk about fatigue training in a very specific sense. And there is evidence, and I would link this to what the DFSB Guidebook says, that without training individuals are poor at recognising their own level of impairment. Now, when I look at that statement and then look to see what the scientific literature says about that statement, there are
20 some papers that show that training does improve your ability to self-assess your level of impairment. However, the training that does that is conducted over a week of actually keeping, like, looking at nurses on nightshift, for instance, and then asking them every two hours, "How would you rate your level of fatigue?", and "If you had to do a reaction test now, how do you think you would go? Let's do the reaction time test, look at that, it was
25 pretty good". Two hours later, "How do you think you'll go?"

And then by showing them, "You assessed an adequate level of performance", "We have demonstrated that you now have a reduction or,
30 you know, a decrement in your cognitive processing or your executive function or your reaction time", and by providing feedback of, "This is what you assessed, this is what your objective performance was", and then doing that repeatedly, over the course of a week, individuals are better at calibrating at this level of perceived tiredness.

35 I think now, on the basis of having been demonstrated how poor my performance is 15 or 20 times over the course of a week, I'm now better at judging my level of impairment.

40 FLTLT ROSE: So that - - -

DR SMITH: That's a very specific training that we don't provide.

45 FLTLT ROSE: You don't provide it, but it's something the Institute of Aviation Medicine may consider?

5 DR SMITH: If there was a desire to conduct training or to explore whether training improves your ability to recognise your level of impairment, then it would be possible to look at that. Now, demonstrating that after a week you are better at detecting your level, or identifying your level of impairment. For that to be effective in Aviation, we would need to then validate that that improvement that you demonstrated after a week of testing remains robust after five years of not testing or else it's not a good control.

10 So the fact that you can learn in an experiment, if you can't retain that level of learning and apply that learning in your everyday decision-making, then I would need to validate whether that was an effective control.

15 But when the literature talks about training to improve your ability to self-assess your level of impairment, that's the level of training that they're talking about.

20 FLTLT ROSE: Now, I want to turn to a different topic, but it does feed into this. It's this - - -

AVM HARLAND: Just before we go to another topic, I just wanted to explore that because there's been much conversation about the FRAT as a tool and the fact that self-assessment can be improved when you do training. And then there's been conversations about the type of training that people get within Army Aviation under this Inquiry and there's been a general consensus that, yes, there's quite a lot of training that goes on with regard to fatigue management. Therefore, that should actually improve people's ability to recognise their fatigue or self-assess their fatigue.

30 But what you're talking about is very different because, by my understanding of what you've said, is that in the ADF context, the Institute of Aviation Medicine provides education, which is the general how to think about fatigue and it doesn't provide training, which is the how to deal with fatigue and how to understand it.

35 DR SMITH: We provide training, in these are the tools and this is how you use the tools. We don't provide a calibration training to improve your ability to detect a level of impairment. That's a very specific sort of training that we don't provide. But we do provide training about tools.

40 Again, it's part of a continuous improvement cycle. I have listened to people through the public hearings and the level of awareness of FRAT and how to use FRAT and what is it useful for and how do you apply those tools.

45

We need to reflect that the training that has been conducted may not have emphasised the application of those tools in a way that is enduring and changing behaviour. And so IAM has undertaken a number of initiatives to try and improve the way that the training is delivered. So we've had some
5 in-house discussions and we have immediately changed the content and structure and emphasis in the lectures that we provide to spend a lot more time emphasising the "so what" of the tools. Like, not just, "Here is a tool", but what do you do with the tool and how do you apply it, and how does that tool feed into all the other dimensions of understanding risk about
10 fatigue.

So we've immediately changed our lecture program. We have developed some aeromedical guidance and followed that up with a lot of written advice on what we think you should do. And then we held a workshop last year in
15 October, early October, where we had Dr Matthews from Human Performance and Safety, the fatigue expert and his team. We had the Army, Single Service Aviation Medicine Adviser and the SO1 Aviation Psych. We had similar representatives from Navy and all of the IAM instructional staff and DFSB and we actually went through – we're all teaching fatigue,
20 but somehow with all of those different bodies delivering fatigue training, the message isn't getting through in the way that we would like it to have impact.

And so we spent several hours talking about: how can we harmonise our training; how can we have emphasis through repetition but not just written under duplication; how can we make the takeaway messages more clear; how can we echo similar messages through each of the training; where is training best situated; and how can we maximise the effective application of that knowledge to change behaviour.
25

30 So IAM took the initiative to actually get all the fatigue training bodies in the Aviation sphere together last year and we will have another workshop coming up shortly. And so we are trying to improve the delivery of training so that it achieves the effect that we're trying to impart.

35 AVM HARLAND: So from that, I understand that there's education, which is one piece. There's training on tool, which enables people to best use a tool to be able to objectively and subjectively assess their fatigue.

40 DR SMITH: Correct.

AVM HARLAND: And then there's training more broadly which would allow a person to be consistently challenged about the level of fatigue and impairment. And then feedback is given to them, so they are much more
45 able to, without the crutch of a tool, be able to assess themselves.

DR SMITH: That is a level of training that I'm not confident to say that is possible. I'm saying that that is what has been demonstrated in studies over the course of a week. But for it to be a control, I've got to be confident that
5 the benefit that you gain after a week of intensive training actually endures for three or five years.

AVM HARLAND: Okay.

10 MS McMURDO: So you've got to assess it?

DR SMITH: Yes. So that, as a potential training tool, would need to be validated. But what I would say is that where we have a known human
15 shortcoming or weakness, one way is to spend a lot of effort in training to try and strengthen a known weakness, or you can identify objective means that actually work around that weakness.

Now, self-assessment is quick, it's cheap, and it's convenient. And it may have been good 20 or 30 years ago when there were no other reliable
20 objective measures. But to continue to hold to self-assessment which we know to be weak, unreliable and a porous control, now is the time to think is technology coming along to the level that we can actually provide more accurate, more reliable, more robust objective data so that we don't need to
25 rely on the weaknesses of human self-assessment because training has a role but it shouldn't obviate using technology for objective measures where that technology is available and can be integrated effectively into Military Operations.

AVM HARLAND: Yes. So that's the risk management principle of so far
30 as is reasonably practical. It's more reasonably practical now to use these tools than it was 20 to 30 years ago because they're available and they're reliable.

DR SMITH: Correct. And then also as part of the SFARP judgment
35 you're making your, so far as reasonably practical judgment based on a reasonable understanding of the hazards. So it's really important that when people say, "We've got a control, we're going to self-assess fatigue", okay, if that's what you think, is so far as reasonably practicable and that any other control measure is disproportionate, please understand the potential
40 weaknesses of that as a control. I'm not saying that it's not an acceptable control but in making that determination that that is the control that you're going to have, understand where its shortcomings fall.

AVM HARLAND: And just finally, just as a point of clarity to make sure
45 that I have the understanding correct, that by your observations of some of

the public testimony in this Inquiry, it gave cause to the Institute of Aviation Medicine to reassess the training on the FRAT tool to try and improve its effectiveness because you had the sense that it wasn't as effective as it should have been. Is that a correct statement?

5

DR SMITH: That's a correct statement. So the reality is, regardless of what our intention is, regardless of what we have written down on a piece of paper, if the end user is not aware or is not using those tools appropriately then we've got to reflect on what we are doing. Is it actually achieving the desired effect and can we deliver that effect better?

10

AVM HARLAND: So, as a result, you've gone through a review process. Is that now rolling out as an improved training package? So is that actually in being now or is that something which is just going through - - -

15

DR SMITH: So there was a couple of phases. The first phase was, "Right, now, let's change the slides immediately". And those slides now have a better emphasis on those tools. The next phase is rebuilding the course to be fit for purpose. And then the third phase is making sure that the training that IAM delivers is integrated into all of the other fatigue training courses and that we don't have a disjointed, fragmented approach to teaching fatigue, where everybody is teaching what they think is the right thing, but they're not joined together so we're doing it in three phases. But those initial changes have already been made.

20

25

AVM HARLAND: That's good. Thank you very much. FLTLT Rose.

MS McMURDO: And could I just ask something while we're talking about training? We heard yesterday from D19 that when he was asked about fatigue training for aircrew, that there was a mandatory fatigue training at the beginning of their course on ADELE. Do you know anything about that?

30

DR SMITH: Yes. So ADELE, the Australian Defence E-Learning Environment, is an online platform for all of the mandatory training on, you know, workplace behaviours and suicide awareness and a number of other, you know, manual handling. And fatigue is one of those courses that you can do. That's the ADELE one. I'm not sure whether that is - sorry, the one that I do is just a generic fatigue package. I'm not sure if aircrew on ADELE have got an aircrew-focused ADELE fatigue package, but the other training that they do is, as we heard, through Non-Technical Skills training and IAM refresher training.

35

40

And IAM refresher training includes fatigue for Army. That was actually delivered every three years and that always included a fatigue component

45

and that was delivered every three years. In the last 12 months, I believe that Army have moved away from conducting their own in-house Aviation Medicine refresher training.

5 And Aviation Medicine refresher training for Army aircrew is now being conducted by or will be conducted by the Institute of Aviation Medicine, and that will be conducted every five years. But at the three-year mark there is an opportunity for unit specific, relevant, contextually appropriate training of a couple of hours in a topic related to Aviation Medicine. So if
10 Army, or units, felt that fatigue was a topic that warranted more regular training, then at the three-year mark then there would be an opportunity to do that.

MS McMURDO: So you did mention to AVM Harland that your
15 assessment was the message was not getting through in the training and that's why you reassessed and doing it a different way now. Would that be fair to say?

DR SMITH: Yes, I was just listening to witness statements and witness
20 after witness after witness, under oath, saying that they were not aware of what training they had received in napping and caffeine. And I believe them. I take their evidence at face value and if the training that we have tried to deliver is not changing their behaviour or when given a cause to reflect under oath, "Have you ever been taught it?", and you can't remember
25 whether you've been taught it, then we have to reflect on could we deliver that training more effectively.

MS McMURDO: Thank you. Yes. Sorry.

30 FLTLT ROSE: I think we're not going to finish the evidence-in-chief of Dr Smith today, I have one very short topic which just relates to this. With your indulgence, Ms McMurdo, I'd propose just to finish this short piece and then to adjourn Dr Smith's evidence.

35 MS McMURDO: Okay.

FLTLT ROSE: Now, if you can turn to page 54 of your report? It's paragraph 212. You refer here to a principle that Defence personnel should train as you fight.
40

DR SMITH: Correct.

FLTLT ROSE: This is a concept that Military operators hold in an attempt to normalise operating and fatiguing conditions because this more closely
45 represents the perceived conditions of an operational deployment.

DR SMITH: Correct.

5 FLTLT ROSE: That's the concept. So at paragraph 213 you state that, and I'll quote you here:

10 *A view that repeated sleep deprivation of four to six hours per night leads to cognitive adaptation and resilience is not supported by science. Rather, individuals who repeatedly restrict their sleep blunt their subjective experience of fatigue; that is, they feel less tired as they adapt to chronic sleep deprivation, but this does not translate to improved cognitive performance.*

15 DR SMITH: Correct.

FLTLT ROSE: And then at page 57, paragraph 222, you also make some comments about the FACE check. That's the check that aircrew do in relation to Fatigue, Attitude, Complacency and External factors. Do you recall that?

20 DR SMITH: Correct.

FLTLT ROSE: You state, and I'll quote you again:

25 *Although the intent is admirable, the FACE check is not a robust control measure to manage fatigue and complacency where:*

30 *(a) individuals are not good judges of their own level of fatigue-related impairment;*

(b) complacency is a subconscious frame of reference within which individuals make judgements and decisions about a level of risk that they are unaware of, including, but not limited to, fatigue; and

35 *(c) the ability to perceive risk to performance associated with fatigue is degraded by fatigue itself.*

40 DR SMITH: Correct.

FLTLT ROSE: And is that, in essence, a summary of what we have discussed in your evidence today?

45 DR SMITH: Correct.

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FLTLT ROSE: I propose that we adjourn Dr Smith at this point.

MS McMURDO: Yes. Now, we'll just have the mid-morning break, or
do you need to let us know when you're ready to resume, COL Streit?

5

COL STREIT: The morning break for 15 minutes would be of assistance.

MS McMURDO: Have a morning - - -

10

COL STREIT: Yes.

MS McMURDO: Okay. We'll have a 15-minute break.

COL STREIT: Thank you.

15

<WITNESS WITHDREW

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HEARING ADJOURNED

HEARING RESUMED

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MS McMURDO: Yes, COL Streit.

COL STREIT: Thank you, Ms McMurdo. I call MAJGEN Stephen
Jobson.

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<MAJGEN STEPHEN JOBSON, Sworn

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<EXAMINATION-IN-CHIEF BY COL GABBEDY

MS McMURDO: And Major General, let me know if you need a break at
any time. Thank you.

40

MAJGEN JOBSON: Thank you, ma'am.

MS McMURDO: Yes, COL Gabbedy.

45

COL GABBEDY: Thank you, ma'am, sir.

Sir, you're MAJGEN Stephen Jobson?

5 MAJGEN JOBSON: I am.

COL GABBEDY: You were the Commander of Army Aviation?

MAJGEN JOBSON: I was.

10 COL GABBEDY: During what period did you hold that Command appointment?

MAJGEN JOBSON: I served as the Commander of the Army Aviation Command between 2 December 2021 upon its raising through to the
15 conclusion of my service and handover on 29 November 2024.

COL GABBEDY: And you handed over to MAJGEN Hafner?

20 MAJGEN JOBSON: I did.

COL GABBEDY: Sir, you prepared a statement for tendering in these proceedings?

25 MAJGEN JOBSON: I have.

COL GABBEDY: Can I hand you this compendium? Sir, if you could just check volume 1 to ensure that that is the start of your statement? I understand there are two minor corrections that need to be made to your statement, the first at paragraph 135. I take it you've reached page 57,
30 which holds your signature, sir. Is that right?

MAJGEN JOBSON: I have, yes.

35 COL GABBEDY: And that's your statement?

MAJGEN JOBSON: That is my statement. That's correct.

COL GABBEDY: If I could take you to paragraph 135 briefly, then.

40 MAJGEN JOBSON: Yes.

COL GABBEDY: What's the matter that needs to be corrected in that paragraph?

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MAJGEN JOBSON: Para 135 refers to a description in para 150. That should be a reference to para 123.

COL GABBEDY: And you've made that change?

MAJGEN JOBSON: I have made that change.

COL GABBEDY: Thank you, sir. Could you turn to paragraph 178, please? Is there a change that needs to be made there?

MAJGEN JOBSON: There is a change that needs to be made there. So footnote number 16 needs to move to the end of the sentence that completes with 5.1-5.5.

COL GABBEDY: Thank you, sir. Are there any other changes that need to be made?

MAJGEN JOBSON: No, there are not.

MS McMURDO: Sorry, could I just have that again? Footnote 16 moves to where?

MAJGEN JOBSON: Ma'am, it just needs to move one sentence earlier.

MS McMURDO: One sentence, to "domestic natural disasters". It goes there, does it?

MAJGEN JOBSON: Ma'am, so reference number 16 needs to move to the end of the first sentence in paragraph 178. The end of that sentence concludes with, "Defence Strategic Review 2023, 5.1-5.5. Footnote 16".

COL GABBEDY: Do you have that, ma'am?

MS McMURDO: No, I don't. I'm sorry, I'm not following it. I've got footnote 16 in 178 coming after "select committee on Australia's disaster resilience", and it moved where?

MAJGEN JOBSON: Ma'am, it needs to move to the end of the previous sentence.

MS McMURDO: The previous one, okay.

MAJGEN JOBSON: Which, at the end of that sentence, it ends with "5.1-5.5", at that point, that's reference 16.

MS McMURDO: Right. Got it. Thank you. Yes.

5 COL GABBEDY: Thank you, ma'am. Having made those amendments, sir, are you satisfied that your statement is true and correct in every particular?

MAJGEN JOBSON: I'm satisfied. Thank you.

10 COL GABBEDY: I seek to tender that statement, ma'am.

MS McMURDO: That will be Exhibit 229.

15 **#EXHIBIT 229 - STATEMENT OF MAJGEN JOBSON**

COL GABBEDY: Sir, just a few short questions for you. During the course of your long career in Army Aviation, have you deployed on exercise?

20 MAJGEN JOBSON: I have deployed on many exercises during my career.

COL GABBEDY: And have you deployed on operations?

25 MAJGEN JOBSON: I have deployed on operations in my career, yes.

COL GABBEDY: And do your deployments on operations include deploying on combat operations?

30 MAJGEN JOBSON: Yes, my deployments include deploying on combat operations.

35 COL GABBEDY: Sir, if you could turn to the first page of your statement. Is there a message you'd like to read out before you commence your evidence?

MAJGEN JOBSON: Thank you, there is.

40 *I would like to offer my profound condolences to the families, friends and loved ones of our four fallen combat aviators of 28 July 2023. You have suffered the saddest and the greatest of loss. CAPT Danniel Lyon, LT Max Nugent, WO2 Joseph Phillip Laycock, and CPL Alexander Naggs were the finest of Australians*
45 *of the Australian Army and the close-knit Army Aviation Team. We*

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will remember them with great honour and dignity and respect, always.

5 *This accident was a great tragedy. That night we lost four good men. I was in command of the Army Aviation Command. I had responsibilities and accountability. I will endeavour to do my very best today to deliver that accountability.*

10 Thank you, ma'am.

MS McMURDO: Thank you, MAJGEN Jobson.

COL GABBEDY: Thank you, sir. I believe COL Streit may have some questions for you.

15 MAJGEN JOBSON: Thank you.

MS McMURDO: And let me know if you need a break at any time. Thank you.

20 MAJGEN JOBSON: Thank you, ma'am.

MS McMURDO: Yes, COL Streit.

25 COL STREIT: Thank you, Ms McMurdo.

<CROSS-EXAMINATION BY COL STREIT

30 COL STREIT: Thank you, sir. Please, sir, take a moment just to pour a glass of water. By learned experience, you might reach a point where we're doing some talking and your throat might get a bit parched. I find that occurs regularly to me.

35 MAJGEN JOBSON: Thank you, Counsel.

40 COL STREIT: And then I'll just ask some brief preliminary questions of you. Sir, also feel free to move the microphone. It will, miraculously, reappear back in your face during an adjournment. I don't understand how that happens but if it's in the way, please feel free to move. The technicians will tell us if our voices drop off as it's being recorded.

45 Sir, just in relation to some preliminary matters, please. You've provided quite a comprehensive statement with a number of annexures. First, can I

begin by asking you, did you receive a section 23 Notice with a series of questions which then generated your statement you've now provided to the Inquiry?

5 MAJGEN JOBSON: Yes, I did, Counsel.

COL STREIT: And did that Notice also require your appearance here to give evidence before the Inquiry?

10 MAJGEN JOBSON: Yes, it did, Counsel.

COL STREIT: Accompanying the section 23 notice, were there other documents, including a Frequently Asked Questions Guide for Witnesses?

15 MAJGEN JOBSON: Yes, there was.

COL STREIT: Was there an Instrument of Appointment, namely, my Instrument of Appointment as an assistant IGADF?

20 MAJGEN JOBSON: Yes, there was, Counsel.

COL STREIT: Was there an extract, or compilation rather, of the Inquiry's Directions?

25 MAJGEN JOBSON: Yes, there was, Counsel.

COL STREIT: And was there a Privacy Notice?

30 MAJGEN JOBSON: Yes, there was, Counsel.

COL STREIT: Thank you. Sir, just to orientate you, there's a lot of paperwork in front of you, but underneath those two folders you have two pseudonym lists in relation to members who have been authorised a pseudonym in this hearing. The first pseudonym list is in alphabetical order of surname of a member. The second pseudonym list is just in relation to order of pseudonym number. It appears under the folder on your left-hand side.

40 If, during the course of your evidence, sir, you think you need to refer to somebody who may have a pseudonym, can I just ask you to check those lists to satisfy yourself if that person has a pseudonym and, if they do, what it is and use that. If you're uncertain as to whether somebody should have a pseudonym but they don't appear on the list, then let me know. We'll just provide you a piece of paper and you can make a notation of that particular person's name.

45

MAJGEN JOBSON: Okay, yes. I understand that, Counsel. Thank you.

5 COL STREIT: Thank you. Sir, what I'm going to do, just to explain the
process, is lead evidence from you in a narrative form. You've got quite a
detailed statement, so I'll take that through chronologically where I'm able
to. I'll actually commence your evidence towards the back end of your
statement where you give some evidence in relation to the challenges that
10 the MRH-90 system provided Aviation Command, and I'll ask you some
brief questions about those matters and then we'll return to the
commencement of your statement.

But before I do that, I'm just going to ask some questions about your
Aviation background and experience prior to assuming Command of
15 Aviation Command.

MAJGEN JOBSON: Counsel, may I ask, just before we commence, for a
notepad and - - -

20 MS McMURDO: Yes, certainly.

COL STREIT: Certainly.

MS McMURDO: We can arrange that. And a pen. Do you have a pen
25 with you?

MAJGEN JOBSON: I have a pen, thank you, ma'am.

MS McMURDO: Thank you.

30 MAJGEN JOBSON: Thank you. Thank you, Counsel.

COL STREIT: Sir, just in relation to one further preliminary matter
concerning your statement, you deal with this at the back of your statement
35 at paragraph 281. But the effect of it is, is that you have been assisted in
the preparation of your statement and its contents by various staff within
Headquarters Aviation Command; is that correct?

40 MAJGEN JOBSON: That is correct, Counsel.

COL STREIT: So that's simply a reflection because of the significant
span of your responsibilities. You've drawn on information necessarily
from members of your staff in order for you to answer certain questions in
your statement asked of you in the 23 Notice.

45

MAJGEN JOBSON: In order to offer the highest quality of assistance to the IGADF, and also to provide information that is as contemporary as possible, I have consulted with staff of Headquarters Army Aviation Command, Counsel.

5

COL STREIT: Thank you. Sir, just coming back to the front page of your statement, commencing at paragraph 3. I'm just going to summarise various aspects of your service history and at particular points in times I'll just ask you to confirm as to what I have summarised, whether or not it's correct. First, sir, you've served in the Australian Army for 36 years within the Army Aviation capability. You've served in a range of flying operations, management and Command roles. You commenced service in the Australian Armoury in January 1989 and completed three years' officer training at the Australian Defence Force Academy, a further year training at the Royal Military College Duntroon, graduating as a Lieutenant into the Australian Army Aviation Corps. That's correct, what I've read out so far?

15

MAJGEN JOBSON: That's correct.

20

COL STREIT: And in terms of your flying experience, between January 1993 and June '94 you completed the Army Basic Pilot Course, qualifying ultimately as a Black Hawk pilot. You then posted to 5 Aviation Regiment as a Troop lift pilot within B Squadron of the 5th Aviation Regiment. Turning the page to paragraph 4, in 1995 you were temporarily detached into the Ground Force role, to NORFORCE.

25

So NORFORCE – I'll just pause there, sir. NORFORCE is based in Darwin. Is that correct?

30

MAJGEN JOBSON: Headquarters NORFORCE is in Darwin. That is correct.

35

COL STREIT: You posted in there temporarily as a Squadron Training Officer and Troop Commander in Arnhem Squadron. You returned to 5 Aviation Regiment at the end of the year. You were promoted to Captain and served in a succession of roles, as Troop 2IC, Troop Commander, Squadron Operations Officer in B Squadron over a span of three years.

40

And during that time you also deployed to Papua New Guinea to provide humanitarian assistance on Op PLES DRAI. Did I pronounce that correctly?

MAJGEN JOBSON: Op PLES DRAI.

COL STREIT: DRAI, thank you. In response to widespread bushfires and drought. In 1999 you were posted to Royal Military College Duntroon as a Tactics Instructor with selection into the appointment of the aide-de-camp of the Governor-General of Australia in 2000. Is what I've read correct?

MAJGEN JOBSON: That's correct.

COL STREIT: At paragraph 7, commencing in 2001 you set out your experiences working – sorry, being posted to and performing service with the United States, particularly in the Air Assault Battalion of the 82nd Airborne Division of the United States Army, flying Black Hawk helicopters. During that time you deployed to Bosnia-Herzegovina with A Company of the Battalion on Operation JOINT FORCE in a peacekeeping role.

You then returned to the United States. You moved into the Battalion Headquarters as an Assistant Operations Officer. In 2002 you were promoted to Major and moved into the 82nd Aviation Brigade Headquarters as a Deputy Operations Officer where you deployed again, but this time to Afghanistan on combat operations with Operation Enduring Freedom. Is what I've read correct?

MAJGEN JOBSON: That's correct.

COL STREIT: You subsequently returned to Australia in 2003. You served in a staff role within Aviation before commencing Command as the Officer Commanding B Squadron, 5th Aviation Regiment in 2004, operating Black Hawk helicopters in a Troop lift role. You deployed as the Aviation Task Unit Commander with the Joint Task Force you've identified there to Pakistan on Operation PAKISTAN ASSIST, to deliver disaster response in the aftermath of an earthquake.

In 2006 and 07 you attended the Advanced Command and Staff Course in the United Kingdom, returning to Australia where you were promoted to Lieutenant Colonel and into the appointment of the Ops Officer of the Headquarters 16 Aviation Brigade. Is what I've read correct?

MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: In 2010 you were posted to and served as the Commanding Officer of the 6th Aviation Regiment which operated Black Hawks in the Special Operations role in support of Special Operations Command. As well as Kiowa light helicopters, you were employed in an advanced pilot training and development role as a consequence of pilots being held in their

progression due to the underperformance of the ARH Tiger and MRH-90 Taipan helicopter systems.

5 During this tenure, you deployed to South-East Queensland as the Aviation Task Group Commander for the Joint Task Force, with a Joint Task Force and Operation QUEENSLAND FLOOD ASSIST to provide disaster response to communities impacted by flooding. That's correct, sir?

10 MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: In 2012, you were posted as the Australian Army Aviation Liaison Officer returning back to the United States Army. This time with the United States Army Aviation Centre of Excellence. You then returned to Australia in 2014, promoted to the rank of Colonel and served as the
15 Commandant of the Army Recruit Training Centre at Kapooka. That's correct?

MAJGEN JOBSON: That's correct, Counsel.

20 COL STREIT: And the Commandant of the Army Recruit Training Centre, that's a non-aviation role where you're responsible for the training of new recruits to the Australian Army.

MAJGEN JOBSON: That's correct, Counsel.

25 COL STREIT: In October 2006 you were promoted to Brigadier and commenced service as the Commander, 16 Aviation Brigade. Due to that appointment, you deployed to North-West Queensland on Operation North-West Queensland Flood Assist and was in command of the Joint
30 Task Force that's named there to bring disaster response to the Australian communities in the monsoon flooding.

And then in October 2019, you deployed for one year to Afghanistan as the Chief CJ3. So the CJ3 is, sir?

35 MAJGEN JOBSON: Operations, Counsel.

COL STREIT: "C" stands for Combined?

40 MAJGEN JOBSON: Combined Joint.

COL STREIT: Thank you. You were part of Headquarters Resolute Support mission on Operation HIGHROAD. The appointment was the Chief Operations responsible for operational planning, organisational

forces and resources, monitoring operations, coordinating with the Afghan Army, Police and Intelligence Forces.

5 And on return to Australia you commenced transitioning from the Regular Army into the Army Reserve. That's correct?

MAJGEN JOBSON: That's correct, Counsel.

10 COL STREIT: But your service didn't stop there, did it, because in 2021 the Chief of Army recalled you from your transition and appointed you to raise Army Aviation Command? That's right?

MAJGEN JOBSON: That's correct, Counsel.

15 COL STREIT: Initially, for that purpose, initially you served as the Director-General Capability Implementation Team with promotion to Major General mid-year. And the Command being Army Aviation Command, raising on 2 December 2021.

20 You have, at paragraph 13, identified that through your career, your aircraft qualifications as a pilot include the CT-4B Airtrainer, the AS-350B Squirrel, S-70A-9 Black Hawk, the UH-60L Black Hawk and the MRH-90 Taipan. You have 1650 hours flight time, 1250 of those on the Black Hawk and 60 hours on the Taipan. Is that correct?

25 MAJGEN JOBSON: That's correct, Counsel.

30 COL STREIT: Thank you. Finishing off, sir. You have tertiary Qualifications, including Bachelor of Arts through the University of New South Wales, and Master of Aviation Management from the University of Newcastle, and a Master of Arts Defence Studies from Kings College London. Is that right?

35 MAJGEN JOBSON: That's correct, Counsel.

40 COL STREIT: And, sir, what I would like to do now is just turn to some aspects of your evidence which occur later in your statement and ask you some questions about those particular matters before returning to the front of your statement and moving through chronologically. Sir, can I just take you to paragraph 268, if I may? Sir, what I'm going to do is just take you through some other issues that you have identified and, ultimately, once I take you through those matters, I'll be asking you whether the context in which your evidence is to be understood is through the lens of the things that you have identified following on from paragraph 268.

45

So at paragraph 268, sir, you were asked this question:

5 *Noting the extract in the Inquiry's Directions, please detail any other matter you wish to bring to the Inquiry's attention that you consider would be of assistance.*

10 You list at 268 a subparagraph heading, "Underperforming MRH-90 System", and then you give some evidence. Over the page, at 271, you list a paragraph heading, "Concurrent Demands". And then at 273, "Army Context". In both of those parts, also providing evidence. So your answer to the question about other issues is made up of those three subcomponents. Is that right?

15 MAJGEN JOBSON: I have also included there, Counsel, a very short passage on the International Combat Aviation Safety Summit.

COL STREIT: That's at paragraph 275. That's right? Paragraph 275?

20 MAJGEN JOBSON: In amongst the other issues. But aside from that, Counsel, you're correct.

25 COL STREIT: Sir, in terms of the "Underperforming MRH-90 System", I'm just going to read out aspects of your evidence there and just ask you some questions. You say at 268?

30 *For 16 years the Army Military Air Operator was required to exert extraordinary levels of airworthiness and risk management of an immature and underperforming MRH-90 Taipan system. At the time of the accident –*

I'll pause there. Sir, I take it that's a reference to the 28 July 23 accident?

MAJGEN JOBSON: That's correct, Counsel.

35 COL STREIT: I just wanted to clarify that because though it didn't involve another – you were referring to another incident. I'll start the sentence again:

40 *At the time of the accident, Aviation Command was in the process of supporting the replacement of MRH-90 –*

through the project you identified there, Rapid Replacement –

45 *which was the concurrent rapid acquisition of the stable and mature UH-60M Black Hawk system. This was the Capability*

5 *Manager's means to eliminate the elevated capability risk inherent in the MRH-90 system. As a result of the immaturity and underperformance of the MRH-90, there was a considerable concurrency of demand across Army Aviation Capability that represented a disproportionate workload.*

And you give an example following that sentence. I'll just pause there, sir. Is what I've read out correct?

10 MAJGEN JOBSON: What you have read out is correct, Counsel.

COL STREIT: And just a question arising from that aspect of your evidence, sir. Are you able to recall when it was decided to move to the project you identify there, Rapid Replacement –

15 *when it was decided to move to a rapid replacement of the MRH-90 with the new Black Hawk.*

20 MAJGEN JOBSON: Counsel, I can recall that the Australian Government, in approximately 4 to 6 December 2021 made a public announcement that they would seek, through the United States government, to explore the acquisition of United States Black Hawk helicopters to replace the MRH-90 helicopters in service with the Australian Defence Force.

25 COL STREIT: So at the time you made your statement, just very recently in the end of April, so 16 years – I'm not terribly good at maths, but that would take us back to about 2008, 2009?

30 MAJGEN JOBSON: It would take us back to 2007 timeframe, Counsel.

COL STREIT: All right. So when you say:

35 *From 16 years, the Army Military Air Operators were required to exert extraordinary levels of airworthiness and risk management –*

and you go on. That's a reference to about, what, 2007, is it? From 2007 onwards?

40 MAJGEN JOBSON: From approximately 2007 onwards, Counsel.

45 COL STREIT: Sir, a question, I suppose – and if you're not able to answer this, if it's outside your lane, please say so – but a question arises from that timeframe is that, why did it take so long then to replace the MRH-90 with

the Black Hawk, from your understanding?

MAJGEN JOBSON: Counsel, that's an expansive question for me to attempt to answer.

5

COL STREIT: Sure.

MAJGEN JOBSON: I was a junior officer, a Field Grade Officer, at the time that the acquisition occurred. My understanding – and I may not be correct – is that the acquisition sought a mature aircraft system – that is referred to as a Military off-the-shelf system – at the point of acquisition. My understanding in that early phase of service with the Australian Defence Force is that it became understood that the MRH-90 system was an immature system and this was promulgated into the public domain through an Australian National Audit Office report in 2014.

15

That report characterised, formally, the acquisition of the MRH-90 as an immature and underperforming system. I think what's important to note is through that entire period, the Australian Army Aviation capability, and this capability extends beyond the units of the Australian Army into other areas in the Defence enterprise, worked to the very best of their ability to bring this aircraft system into maturity to obtain value for the taxpayers investment into this aircraft system for it to operate successfully. But over time there are reviews that are undertaken.

20

In 2015/2016 a review was undertaken by Sir Angus Houston. Sir Angus Houston reflected on the unreliable characteristics of the MRH-90, and I think from that point there was an orientation towards undertaking everything that we possibly could as a Defence organisation to support and enable the system to reach maturity, to obtain the outcome that was sought through the acquisition. But then, over time, it became apparent that that was an unlikely outcome in the future of the system.

30

I hope that answers your question, Counsel. That's a very large and expansive question for me to attempt to account for you. Maybe we can break it down later and I can attempt to assist you further.

35

COL STREIT: No, thank you, sir. And the question was deliberately broad to not confine you to how your response might be. And I'll return to matters concerning the Houston Report in a little while. Sir, can I just ask you, just finishing off the "Underperforming MRH-90 System" that you've given some evidence about. You identify partway through paragraph 268, about the bottom third, on the right-hand side, the sentence starts:

40

45

5 *Had the MRH-90 been the Military off-the-shelf aircraft at the*
 point of acquisition as intended, the substantial load of
 airworthiness artefacts and orders, instructions, publications
 wouldn't have been required to constantly refigure the aircraft for
10 *service in the Australian Defence Force. This is all exacerbated*
 by the underperformance of the ARH armed reconnaissance
 helicopter Tiger system. No additional personnel were funded for
 any of these additional lines of effort in Army. The MRH-90 system
 was subject to constant reviews, groundings, airworthiness
 artefacts, projects, slippage, lost flying hours, disruption and
 remediation. This was a dominant reality for Army Aviation
 personnel and well understood by Defence. I recommend that the
 Inquiry consider this context as part of their review.

15 Is that what I've read correct?

 MAJGEN JOBSON: That is correct, Counsel.

20 AVM HARLAND: Do you have any concerns – like, because if you listen
 to that, it's quite profound. And what we're talking about here is a mistake
 in decision, by the sound of it, to buy the MRH-90 in the first place, with
 the benefit of hindsight.

25 MAJGEN JOBSON: Deputy Chair, whilst it's my intent to deliver to the
 very best today my accountability, as I've mentioned, I was a junior officer,
 a Field Grade Officer, during the period of the acquisition. It would be very
 difficult for me to provide you, I think, an accurate and quality summation
 of the acquisition itself. Like, you, I've only had, in hindsight, the benefit
30 of the formal documentation – for instance, the ANAO report 2014 – to
 assess this for myself. But it's a long time, in hindsight, Deputy Chair, and
 I think it would be difficult for me to give you a fair, reasonable and
 accurate account of that acquisition.

35 AVM HARLAND: But what you've described is a very difficult period
 following the acquisition in terms of bringing this capability onboard and
 the effects that it had on Army Aviation in total.

 MAJGEN JOBSON: Yes.

40 AVM HARLAND: Which you've described in, I consider to be,
 overwhelmingly negative - - -

45 MAJGEN JOBSON: So I've attempted to be very clear and forthright for
 you in this assessment. This assessment is a description of the environment
 within which the hardworking men and women of the Australian Army

Aviation Capability have delivered to the very best of their ability for many years. I need to ensure that I am accurately representing this context for you because this is the reality of service for the Australian Army Aviation capability for these years.

5

AVM HARLAND: And that's great, thank you very much. And the next question really relates to whether a future risk for us, or for the ADF as they look forward, given your experience as Commander Aviation Command and what you saw with the acquisition of the UH-60M, the new Black Hawk variant, do you consider that there's any risk or danger that the ADF will end up repeating the mistakes of MRH-90 in the acquisition process?

MAJGEN JOBSON: Deputy Chair, I think the evidence of learning from the acquisition of the MRH-90 Taipan is in the nature and the characteristics of the subsequent acquisitions that we have made to rapidly replace it in the UH-60M through Project Land 4507. I do have an annexure here that shows the significant difference of liability of the UH-60M as a stable and mature aircraft system compared with the MRH-90.

20

What we did is, we took two comparative periods of operations over about three months of each system since we brought the UH-60M into service. One of those comparative periods of three months on the MRH-90 required approximately 28 aircraft to deliver approximately 570 hours. The UH-60M took, on average, four helicopters to deliver 515 or thereabouts hours.

On the MRH-90, it took 30,000 maintenance hours to achieve. On the UH-60M side, it took 3000. That difference in liable in workload is what is borne out in our maintenance workforce. And it's borne out in their families. When their soldier goes to work in an extremely demanding environment, working with a demanding, underperforming system, it's very difficult.

And I have the utmost of respect for those that have served in that environment. But the UH-60M is proving, through that acquisition, that those tenets adopted by the Capability Manager and the Battlefield Aviation Program are correct and that they have learnt from the acquisition of the MRH-90, and it is paying off in real time today. Does that answer your question, Deputy Chair?

40

AVM HARLAND: It does. My understanding of that is that you think the early indications of the new Black Hawk being introduced into Army would show that there have been lessons learnt from the MRH-90 program.

45

MAJGEN JOBSON: Yes, Deputy Chair.

AVM HARLAND: Yes. Okay. Thank you.

5 COL STREIT: Sir, you identify at paragraph 269 – in summary, you address a number of reviews concerning the grounding, airworthiness artefacts, and projects such as flying hours and disruption remediation liability, concerning MRH-90. Is that right?

10 MAJGEN JOBSON: I have recommended that for review. Yes, Counsel.

COL STREIT: The basis of the opinions you've expressed in 268 and 269, you've underpinned those opinions with reference to certain documents which you identify; for example, Enclosure 46.

15 MAJGEN JOBSON: Counsel, I have recommended that a key reference is the 2014 Australian National Audit Office Report, inclusive of their summation of the MRH-90 aircraft system and acquisition. That's correct, Counsel.

20 COL STREIT: Did the overall system that Aviation Command was managing concerning the MRH-90, did that ultimately lead to a medium level of risk to personnel safety?

25 MAJGEN JOBSON: Sorry, could you just start that sentence – there was some – a noise there as you started.

COL STREIT: I apologise for that. We've sent people out to try to deal with that external noise. The question was, sir, the challenges you've identified with the – you've given about the underperforming MRH-90 system. The challenges in managing that system, is that what led to a medium – an assessment by Aviation Command that there was a medium level of risk to personnel safety in the operation of the MRH-90 system?

35 MAJGEN JOBSON: Sir, Counsel, I guess to really summate here in response to your question, those characteristics – and these are not my words, these are formal assessments made by, for instance, the Australian National Audit Office, Sir Angus Houston – so those characteristics of an immature aircraft system, an underperforming system, that unreliability there, to summate, they certainly, when aggregated, contribute to a system that is operating at a medium, or elevated, level of risk to personnel.

40 COL STREIT: The only reason I asked you, sir, is because MAJGEN Hafner, who gave evidence recently – did you listen to his evidence? Did you have that opportunity?

MAJGEN JOBSON: I listened to some of his evidence, Counsel.

5 COL STREIT: He gave evidence to the effect of this medium level of risk to personnel safety arising from the suboptimal performance of the MRH-90 platform. That's the context of the question, as to why I ask you. Is your opinion consistent with what I have just indicated MAJGEN Hafner had said?

10 MAJGEN JOBSON: I think that's synonymous with what I'm describing, suboptimal performance. If those were indeed, as you've represented to me, MAJGEN Hafner's words, that to me appears sound. That's synonymous with, I think, the description that I have provided to you today.

15 COL STREIT: Let me read out what he said at paragraph 120 of his statement, which is Exhibit 153 now before the Inquiry. The subject heading is, "MRH-90 Taipan Underperformance".

20 *The context of the MRH-90 Taipan as an enduring underperforming system is important in the consideration of the 2023 incidents. Several reviews and successive Airworthiness Board submissions over several years reflected that the MRH-90-Taipan system continued to require disproportionate effort and represented a destabilising burden on the Army Aviation*
25 *enterprise, resulting in an aggregated medium risk to personnel safety. A key strategic treatment for the risk posed by the MRH-90 Taipan system was elimination through rapid replacement with the UH-60M Black Hawk under Project LAND 4507, which was initiated prior to the 2023 incidents.*

30 That was his evidence. Do you agree with his evidence?

MAJGEN JOBSON: Thank you, Counsel, for presenting that today, and I agree with that evidence.

35 COL STREIT: Just for clarity, to be clear, the reference to "incidents", as I understood the General's evidence, was a reference to the MRH-90 ditching in March 2023 and the MRH-90 impact with water 28 July 2023.

40 MAJGEN JOBSON: Thank you, Counsel.

COL STREIT: Sir, just returning, if I may, to your evidence now on page 55, you identify in the second sentence – I'll read paragraph 270.

5 *Army Aviation Command, with the Capability Acquisition and*
 Sustainment Group, directed all available resources towards the
 management of the MRH-90 system. In the first instance, the
 Command was supporting the Capability Manager's strategy to
10 *eliminate capability risk of MRH-90 through its rapid replacement,*
 the UH-60M Black Hawk system. Army Aviation Command
 enhanced the characterisation of the elevated residual risk through
 the system-level risk assessment. Aviation Command constantly
 reported the elevated risk to the Defence Aviation Safety Authority,
 MRH-90 Airworthiness Board, Defence Flight Safety Bureau,
 Capability Manager, Battlefield Aviation, Chief of Army,
 Capability Acquisition and Sustainment Group, Force employers,
 CJOPS and Commander Joint Operations, and Special Operations
 Commander, and the Army Aviation Capability Workforce.

15 MAJGEN JOBSON: Counsel, I'm sorry to interject. Did you say
 paragraph 55?

20 MS McMURDO: It's on page 55.

 COL STREIT: Sorry, paragraph 270.

 MS McMURDO: Page 55, Major General. We're still on page 55 of your
 statement, right at the end where we were before.

25 MAJGEN JOBSON: My apologies.

 COL STREIT: It was probably me being clumsy, sir. So page 55,
 paragraph 270.

30 MAJGEN JOBSON: Okay. Yes.

 COL STREIT: The question I ask, sir, is having now read your evidence
 out, is what you're saying there that to all extents and purposes, all of those
35 organisations and individuals that you've identified were cognisant and
 aware of what you have characterised as the underperforming MRH-90
 system?

40 MAJGEN JOBSON: So Counsel, with regard to this paragraph, with
 regard to the organisations that you have – and positions that you have
 named here, they are cognisant that the MRH-90 was operating at an
 elevated level of risk to personnel. That's - - -

45 COL STREIT: That's what I'm asking.

MAJGEN JOBSON: Yes. The answer to that is, yes, it was well understood.

5 COL STREIT: Are you able to say, sir, at least from your observation and knowledge, for how long had that been well understood by Aviation Command and these organisations that you've identified?

10 MAJGEN JOBSON: Ma'am, I commanded the 16th Aviation Brigade between September 2016 and September 2019. During that period I was clearly aware of the level of underperformance and complexity of the MRH-90 system. I was aware of the very significant burden on our workforce, a very hardworking team in the Army Aviation enterprise, to ensure both the airworthiness of that aircraft system, but also to ensure in order to manage the consequences of having low levels of capability output, 15 that other aircraft systems that we had to run as a consequence were also under management, and that was very consuming for our people then.

In terms of characterising it formally, Counsel, as a medium level of risk – Counsel, I can recall certainly in 2021 I provided an assessment through to 20 the Defence Aviation Safety Authority for inclusion in the 2021 Airworthiness Board. I would need to follow this up on notice to supply you advice previous to 2021 on the possibility of formal assessments being made in relation to the characteristic of elevated risk of the MRH-90 system. Does that answer your question, Counsel?

25 COL STREIT: Sir, it's a response to the question. Perhaps if I could put it this way. You've given some evidence that the challenges in relation to an underperforming MRH-90 system – my words - - -

30 MAJGEN JOBSON: Yes.

COL STREIT: - - - were identified at a point in time. If we just pick the ANAO report in 2014.

35 MAJGEN JOBSON: Yes.

COL STREIT: That report, on its face, would you regard that report as quite damning of the performance of the MRH-90 system?

40 MAJGEN JOBSON: Yes.

COL STREIT: But as a consequence of that, notwithstanding that report, for the balance of that decade, for the next six years to 2020, and indeed up to a decision was made at some stage prior to 28 July 2023 to swap out the 45 MRH-90 with the new Black Hawk, it seems that the system has just simply

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endured, or sought to endure, the challenges that the MRH-90 overall system provided, rather than replace it, make the hard decision to replace it early. Are you able to offer a view on that?

5 MAJGEN JOBSON: Counsel, once again, that's an expansive question that covers a substantial portion of the Defence organisation.

COL STREIT: It does.

10 MAJGEN JOBSON: And a lot of time, which I - - -

COL STREIT: Let me - - -

15 MAJGEN JOBSON: My apologies, Counsel. If I might just respectfully attempt to answer your question here? Over that time I was not in appointments where I would say that I was well informed, and therefore it's difficult for me to account that far back in relation to decision-making in terms of the retention or otherwise of the MRH-90 system.

20 COL STREIT: Let me put it this way, sir. So just even from the starting point of your role as Commander 16 Aviation Brigade, at that point in time managing MRH-90, so even if we start at 2016.

25 MAJGEN JOBSON: Yes.

COL STREIT: And we start with Sir Angus Houston's report.

MAJGEN JOBSON: Yes.

30 COL STREIT: That report – and I'll take you to an "Official" version of it shortly – but that report, on its face, identifies significant challenges in relation to the operation of just the MRH-90 platform. Would you agree?

35 MAJGEN JOBSON: I would agree that Sir Angus Houston identified the unreliable nature of the MRH-90 platform.

COL STREIT: And, indeed, he recommended that it not be used in 6 Aviation Regiment for Special Operations. That's correct?

40 MAJGEN JOBSON: Counsel, I'm not actually privy to the "Official" report that you've suggested. I'm, at this stage, not comfortable that I could represent aspects, the detail of that report, until I'm provided a formal copy of the "Official" version.

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COL STREIT: I'm certainly going to do that, sir, and I'll do that now to assist you. I was really just asking you a broad introductory question.

MAJGEN JOBSON: Yes.

5

COL STREIT: Could the General be shown Exhibit 153?

10 Sir, this is the statement of MAJGEN Hafner. And I'm not taking you to his statement, I'm taking you to one of the annexures that he provided in the statement, which is an "Official" redacted version of the Houston report, which is at Annexure 15.

MAJGEN JOBSON: Thank you.

15 COL STREIT: Sir, if we go to Annexure 15, hopefully what you'll have in front of you – or tab 15.

MAJGEN JOBSON: Okay. I have tab 15, "Official", The Houston Review Into Army Aviation dated 1 April 2016.

20

25 COL STREIT: Thank you. Sir, just accept from me that this is a redacted version of the "Official" report, which is now evidence before this Inquiry. So in terms of the architecture, it's titled, "The Houston Review Into Army Aviation". The date is 1 April 2016, signed by Sir Angus Houston AK AFC, Air Chief Marshal (Retd), and submitted as advice for the Chief of Army's consideration. That's what the first page says. Would you agree?

MAJGEN JOBSON: Yes.

30

COL STREIT: If you turn the page, there's a Table of Contents. Then there is a second page. Next to the Table of Contents is an Executive Summary. I'll just read what paragraph 1 says.

35 *At Chief of Army Direction, a holistic strategic review of Army Aviation and related linkages was conducted between October 2015 and March 2016. The Terms of Reference are at Enclosure 1. The review's assessment is that there are deficient*
40 *inputs to capability which prevent Army Aviation from generating capability most effectively.*

What I have read out is correct?

MAJGEN JOBSON: It's correct.

45

COL STREIT: Thank you, sir. At paragraph 3:

5 *The deficient inputs spanned all fundamental inputs into capability. The review identified four primary causal factors for deficient inputs.*

- 10 (a) *Problematic aircraft, major systems support supplies;*
- (b) *Suboptimal geographical dispersion, organisation command management personnel, collective training, support facilities;*
- (c) *Suboptimal command and control arrangements, organisation command and management; and*
- 15 (d) *Inadequate mass and density, organisation personnel, collective facilities and training.*

What I have read is correct, sir?

20 MAJGEN JOBSON: That's correct.

COL STREIT: If you turn the page, go to paragraph 5, which is a summary of matters concerning platforms. If you go to 5(f), it says there:

25 *Cease plans for Taipan helicopter to be transferred to 6 Aviation Regiment.*

 That's one of the recommendations made by Sir Angus Houston. Would you agree?

30 MAJGEN JOBSON: I would agree.

COL STREIT: That recommendation ultimately wasn't accepted by the Defence organisation, in that MRH-90 was transitioned into 6 Aviation Regiment, replacing the Black Hawk capability in 6. That's right?

MAJGEN JOBSON: Counsel, in terms of accepting or otherwise, Unfortunately, I can't provide you a concise answer to that. What I can say is that the facts are that the MRH-90 was subsequently introduced into service at the 6th Aviation Regiment because that's what, at that stage, was a practicable outcome. Though certainly – and once again, you know, not being in, at that stage, the Capability Management apparatus – so I would just note that to begin with – what I can say though is a succession of Capability Managers over that time inside of the Army as an organisation most certainly applied a series of responses to the underperformance of the

MRH-90, and I would catalogue some of these, as I have in my submission, as the retention in service through to the conclusion of 2021 of the S-70A-9 Black Hawk at the 6th Aviation Regiment, to assure capability and to offset that underperformance, and as a measure to de-risk, to an extent, that environment.

The Project 2097 Phase 4 to assess a possible acquisition of a light helicopter, once again to risk mitigate and provide capability in that operational space. Army leased a small fleet of AW139 helicopters from an industry partner to ensure that our aircrew were supported with flying hours for their proficiency, morale, and retention. And then ultimately the process of determining to rapidly replace the MRH-90 with the UH-60M – and I would just make the point – because it might be difficult for people to see, and those that are listening here to see, to be informed here – that that commenced, as I have indicated, well before 28 July 2023.

So those are things that Capability Managers were doing to be proactive in this operational environment, to deliver practicable outcomes, and explore others for the benefit of the people inside of this system that were delivering operational capability. Counsel, does that answer your question?

COL STREIT: Sir, it certainly is a response. All I was simply asking you to confirm – and it might have been the clumsy way I asked it – but really that, if I can put it this way, Sir Angus Houston was engaged by the Chief of Army to prepare a report.

MAJGEN JOBSON: Yes.

COL STREIT: He did that. He made recommendations. One of those recommendations is, in effect, don't put MRH-90 into 6 Aviation Regiment for the reasons he articulates in the report, but MRH-90 was ultimately transitioned into 6 Aviation Regiment. There may be good reasons for that. I'm not asking you about those matters. I'm just asking you to confirm really the contents of what I have read out.

MAJGEN JOBSON: This is a matter for "Official" record, Counsel, and I can only confirm what is an "Official" record with you today.

COL STREIT: So in the circumstances of your evidence, we have an ANAO report in 2014 that is quite damning of the MRH-90 system. We have Sir Angus Houston engaged by the Chief of Army and prepares a report in 2016 identifying shortfalls in relation to that system and saying don't put it into 6 Aviation Regiment. Army then has to deal with the system being put into 6 Aviation Regiment. Aviation Command stood up

2021, has to simply manage that system because it's the aircraft they've been given to use.

5 With that contextual background – and only if you're able to assist the Inquiry, and it may be above your span of authority – but why wasn't the MRH-90 swapped out earlier? Why was the system effectively sort of limping on in a suboptimal way, draining the resources of the Command and its people? Again, sir, only if you can assist and it's within your span of knowledge.

10 MAJGEN JOBSON: Counsel, I'm not sure whether I can be of full assistance to you today, but I'll characterise from my perspective as the Commander of the 16th Aviation Brigade in 2016 to 2019, and that is that everybody that was working inside of the Brigade, that were associated with
15 the MRH-90 system, were working to their utmost as a team, and that extended across our industry partners, our Capability Acquisition and Support Group partners, and in Army, along with the Royal Australian Navy, and as a Defence enterprise as a whole, including our Royal Australian Air Force colleagues, working as hard as we could to bring to
20 fruition the MRH-90 into service in a manner that was forecast through the acquisition. That's what we were doing at the 16th Aviation Brigade throughout this period.

25 And I'm afraid that's – once again, not having served in the Capability Management apparatus over this timeframe, it is difficult for me to offer you today a professional and concise account of the decisions in relation to the milestones of service of the MRH-90 prior to the 2021 period.

30 COL STREIT: Sir, can I perhaps assist you with just drawing your attention to some other evidence you've given? So if we turn to paragraph 271 - - -

MAJGEN JOBSON: Have we finished with the Houston - - -

35 COL STREIT: Just if we leave that there for the moment, sir. Thank you. If we go to paragraph 271, which is on page 56, you say there, sir:

40 *Commencing around 2015/16, significant reviews were conducted into issues associated with Army's Aviation capability. These included the need to remediate problematic aircraft, disposition, command and control, mass and density. The establishment of Army Aviation Command signified the commencement of the major effort to remediate these problems. Concurrently, the airworthiness environment was in a dynamic overhaul, with*
45 *constant succession of new Defence Aviation Safety Regulation*

5 *being introduced for absorption across the breadth of the
operator. The transfer of Army Military Air Operator from Forces
Command to the newly established Army Aviation Command was
in progress. At the same time, Army Aviation Command was
immediately required to remediate early DASR compliance
liabilities, including a Flight Operations Quality Management
System with a significant load of actions associated with historic
safety events, and the Orroral Valley fire Coronial Inquiry, an
unprecedented sequence of Defence aid to the civilian community,
humanitarian assistance disaster relief commitments from early
2019 onwards. Finally, Army was being affected by further
external disruptive influences, including modernisation of the Pilot
Training System, and a challenging recruiting environment.*

15 Is what I've read out, sir, correct?

MAJGEN JOBSON: Correct.

20 COL STREIT: And those concurrent demands were things that were
occurring – or individual matters that were occurring concurrently, and
affecting your – well, the Army Aviation community at the same time. Is
that correct?

25 MAJGEN JOBSON: So these were demands into the Army Aviation
capability, as described, Counsel.

COL STREIT: So it wasn't as if the community could deal with them one
by one. The demands were concurrent.

30 MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: Para 273, you deal with what you – the subheading is
called, "Army Context". You say:

35 *The Army organisation and context is different from other
operators. Army often requires consideration for how it achieves
compliance, particularly with DASR, through with other artefacts
such as the Defence Aviation Safety Manual. Army is not
structured the same as the Royal Australian Air Force, with more
40 concurrent demands on fewer layers of organisation to deliver
equivalent output in Army's Aviation capability. With a different
workforce, with different experiences consistent with the Army, it
can be demanding and consuming for our people to interpret and
absorb artefacts of the Defence Aviation Safety Framework into
45 Army's organisation and operations, to ensure operations remain*

so far as reasonably practicable, compliant and meet the requirements of the Land Capability Manager to deliver land power to the Joint Force.

5 Is that correct, what I've read out?

MAJGEN JOBSON: Yes, that's correct, Counsel.

10 COL STREIT: And you also deal with matters at paragraph 274, for completeness. So the three subheadings, "Underperforming MRH-90 System", "Concurrent Demands", and "Army Context", are three inter-connected matters that you've drawn to the Inquiry's attention to provide context in understanding what was occurring to Army Aviation Command historically, and also at the time of the Bushman 83 accident.

15 MAJGEN JOBSON: Yes, Counsel.

20 COL STREIT: Sir, just before I request the luncheon break, can I just finish off this particular issue, if I may, about context in which your evidence is given? If you turn to page 51, sir, paragraph 253, it has the heading, "Safety Day 6 Aviation Regiment, post the crash of Bushman 83". The question you were asked in that aspect of the 23 Notice was this:

25 *The Inquiry has received evidence to the effect you provided a brief to 6 Aviation Regiment personnel at a Safety Day following the crash of Bushman 83, where you expressed certain opinions about the MRH-90. In relation to that matter, please respond to the following: where and when was the Safety Day held, and to the extent you can recall, outline what you said in the briefing to*
30 *6 Aviation Regiment members about the MRH-90, and why.*

At paragraph 253 you identify that:

35 *During the period 9 to 13 October 2023 Aviation Command conducted a Safety Day at each of the unit's locations. The purpose of the Safety Day was for senior leaders of Army's Aviation capability to engage directly with the operational units on issues of significance. The Safety Day was designed to communicate across Aviation Command to inform, educate and*
40 *engage.*

I pause there. Is what I've read correct?

45 MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: If we turn the page, sir, the reason for bringing your attention to this matter is at paragraph 254. You say:

5 *One approach at 6 Aviation Regiment related to questioning the decision announced by the Australian Government on 29 September '23 to immediately withdraw the MRH-90 from service. I reinforced the imperative of capability and cost; however, in order to ensure clarity and finality of the decision, I made a number of points.*

10

I pause there. Sir, when your – sorry, is what I've read correct?

MAJGEN JOBSON: Yes, Counsel.

15 COL STREIT: Sir, in terms of that context, so is the Inquiry to understand your evidence is that you attended a Safety Day at 6 Aviation Regiment and spoke to the assembled members of the Regiment?

MAJGEN JOBSON: That is correct, Counsel.

20

COL STREIT: I continue with your evidence at 254 in these terms. You say:

25 *I made a number of points. First, many people had worked hard over many years on the MRH-90, achieving world-leading outcomes, and they could be proud. Second, it was unknown how long the aircraft grounding would continue into the future. Third, that the MRH-90 system remained immature, unreliable, and underperforming. Fourth, that there were multiple investigations and lines of activity. Attempting to return the aircraft to flight would be a lot of distraction for Aviation Command that would likely exceed its capacity and set unsafe preconditions. To help visualise, I reinforced with an operational vignette. I advised that there had been enough debate on the topic. We would now need to focus towards the priorities in the aftermath of the incident, and beyond that towards the introduction into service of the 60M Black Hawk.*

30

35

40 Is what I've read correct, sir?

MAJGEN JOBSON: That is correct, Counsel.

COL STREIT: So the points you make at that Safety Day in October 2023, is the Inquiry to understand those points you make as being views

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you held upon assuming your role, at least as Commander 16 Aviation Brigade?

5 MAJGEN JOBSON: No, because we're talking about a specific point of time, and this is in association with an announcement of the Australian Government that there would be an immediate withdrawal of service of the MRH-90.

10 COL STREIT: Sir, when you were Commander 16 Aviation Brigade, just to be clear, did you hold the opinion, even privately, that the MRH-90 system remained immature, unreliable and underperforming?

15 MAJGEN JOBSON: Counsel, it wasn't my opinion. This was a formalised matter in the public domain occurred here. So the ANAO report of 2014.

20 COL STREIT: I understand that, sir. Perhaps I can put it this way. I'm asking about your opinion in the circumstances where you might agree with what might be in a report from 2014, or what Sir Angus Houston said, but I'm just trying to contextualise and identify by reference to a time period, if we can, as to when that opinion manifested itself for you. If you held the opinion earlier, then say so, but I'm just simply asking you whether when you were Commander 16 Aviation Brigade did you have the opinion – you, as a Commander – that the MRH-90 system remained immature, unreliable and underperforming?

30 MAJGEN JOBSON: Counsel, I had no reason to disregard the formal stated viewpoint of a national institution, the Australian National Audit Office, or of the observations of Sir Angus Houston. May I just make one amendment to what I've previously advised? I had said the word "unreliable" in regards to Sir Angus Houston's report, and he was using a different word to characterise it. I think it was "problematic".

35 COL STREIT: Yes.

MS McMURDO: You accepted that? That's really what you're being asked. You accepted that at that time?

40 MAJGEN JOBSON: Ma'am, I accepted that - - -

MS McMURDO: Yes, thank you.

45 MAJGEN JOBSON: - - - stated and formal assessment by that national agency, and the observation of Sir Angus Houston, ma'am.

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MS McMURDO: Thank you.

COL STREIT: Ms McMurdo, I note the time.

5 MS McMURDO: Sure.

COL STREIT: Thank you, sir. We'll - - -

10 MS McMURDO: Okay. Well, we'll have our lunch break now, and we'll
resume at 1.35.

COL STREIT: Thank you.

15 MS McMURDO: Thank you.

HEARING ADJOURNED

HEARING RESUMED

MS McMURDO: Yes, COL Streit.

5

COL STREIT: Thank you, Ms McMurdo. Sir, can I please take you to page 3 of your statement at paragraph 15? Paragraph 15 is a response to this question. You were asked:

10

Have you ever lost situational awareness whilst flying a helicopter? If yes, please outline the background and how you regained situational awareness.

At 15 you say:

15

20

As a trainee at the Army Basic Pilot Course and ADF Helicopter School during the Instrument Flying Training Phases there were training serials that exposed me to degraded situational awareness. In these, I re-obtained situational awareness through scanning my cockpit instruments. Effectively, our work cycle in the cockpit communicating and delegating tasks, with the instructor manipulating the controls of the aircraft to a desired state. Is what I've read correct?

25

MAJGEN JOBSON: That's correct, yes.

COL STREIT: Linked to that is your response to question 4, which is about whether you experienced spatial disorientation whilst flying a helicopter. You say this:

30

35

In 1987, while flying an S-70A-9 Black Hawk helicopter as an Aircraft Captain in PNG on Operation PLES DRAI, my aircraft inadvertently entered degraded visibility in the form of dense fire smoke. At the same time, I was distracted with a Doppler navigation system issue. At this point, the aircraft entered an unusual attitude, and my co-pilot and I became spatially disorientated.

40

I just pause there. Sir, when you say your aircraft entered an unusual attitude, casting your mind back – it's a little while now, of course, 1987 – but casting your mind back, what did you understand was unusual about the attitude of the aircraft?

45

MAJGEN JOBSON: It was not the attitude we had intended for level flight.

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COL STREIT: So was the aircraft nose up, nose down? Can you remember?

5 MAJGEN JOBSON: Nose down.

COL STREIT: Do you remember the degrees to which it was nose down?

10 MAJGEN JOBSON: It was significant. I can't remember exactly, but it was significant.

COL STREIT: It was significant. Beyond 45?

15 MAJGEN JOBSON: I'm sorry, Counsel, I can't remember exactly, but it was a significant departure.

COL STREIT: You say you and you co-pilot became spatially disorientated. In terms of what you understand spatial disorientation to be, can you just explain that term, that you understand what that means?

20 MAJGEN JOBSON: Yes, I can.

COL STREIT: What is it?

25 MAJGEN JOBSON: Spatial disorientation is where you have a misalignment between your position, your movement, your orientation to your local environment.

30 COL STREIT: So your body is telling you you might be climbing or you might be descending through your vestibular system, but the aircraft instruments might tell you you're flying straight and level?

35 MAJGEN JOBSON: There's a mis-comparison. That's correct. It could be vestibular, and there's two different sort of categories of the vestibular, depending on the inner ear organ, or it could be visual, but essentially that you become completely misaligned in terms of your actual position, movement, orientation compared to the local environment that you're in. That's spatial disorientation, Counsel.

40 COL STREIT: So you would say the unusual attitude of your aircraft at that time was you were nose down to some significance, or significantly nose down. So what was your body telling you, or your visual cues telling you? I only ask, sir – perhaps if I clarify this. I only ask because you have described the situation as being spatially disorientated, and the evidence
45 you've given about what spatial disorientation means to you. So if the

aircraft is in an unusual attitude of significantly nose down, was your body telling you something else?

5 MAJGEN JOBSON: My body was confused. In fact, not body, but my sense of bearing, local bearing and understanding was – the only way I could describe it really was scrambled.

COL STREIT: Sure, but you recognised the situation you were in, I take it, because you took corrective action.

10 MAJGEN JOBSON: Yes.

COL STREIT: How did you recognise the situation you were in, in order to take that corrective action?

15 MAJGEN JOBSON: So because it's a traumatic event there's a few things that sort of happened in there, and I'm unable to this day precisely recount inside those few seconds.

20 MS McMURDO: We heard there were a number of types of spatial disorientation. You probably heard this in the evidence. There's the unrecognised, and there's the recognised. The recognised one is less serious because at least you know then, "I'm in trouble, I've got to look at my instruments, and get out of this". The unrecognised one, you don't
25 realise that you're disoriented, and you go doing what you're doing wrong.

MAJGEN JOBSON: Ma'am, I was in recognised.

MS McMURDO: You were in recognised. Yes. Thank you.

30 MAJGEN JOBSON: That's right. I was recognised, and I was momentarily startled. This is a word now I'm using that I didn't have at that time. This is something well and truly in hindsight.

35 MS McMURDO: Hindsight, yes.

MAJGEN JOBSON: So we'd entered the UA. My co-pilot was very junior. My flight hours were about 850 flight hours. My co-pilot's were – I think he had a 3 in front of the number. He'd only freshly arrived at the
40 unit. And once we entered into that, you feel instantly almost overwhelmingly threatened – a sense of dread and threat. As I was taking over the controls – and I cannot tell you the amount of seconds that elapsed in there, or whether it was even a second. I don't know. As I was taking the controls from my co-pilot, my aircrewman also advised attitude, and I
45 simply went onto the clocks, went onto the attitude, and everything goes

away at that point. You return back into a state of, "I now understand where I am, what my bearings are, what my environment is, then what I have to do". And so we were in an unusual attitude, we were descending, and so I was able to recover and climb away.

5

MS McMURDO: Thank you.

COL STREIT: You say in your evidence at paragraph 16, about the middle of the paragraph, you say:

10

I recovered the aircraft's disposition through looking forward and focussing my attention on the instruments to obtain spatial orientation, manipulating the controls, and climbing the helicopter away to a safe altitude. Since that time, the Defence Aviation Capability has professionalised its orders, instructions and publications, acquired and operated flight simulators in Australia, and acquired and operated aircraft with advanced stability augmentation and flight control systems.

15

20 Is what I've read correct?

MAJGEN JOBSON: That is correct, Counsel.

COL STREIT: Your experience there, sir, you described as traumatic. Did it inform you, based on that experience, that spatial disorientation posed a significant risk to safe flight?

25

MAJGEN JOBSON: It confirmed, as I was taught, that spatial disorientation is present as a hazard in an aviator's environment and their career.

30

COL STREIT: Is it fit - - -

AVM HARLAND: Just a question. Was there a safety report put in on that, like an Aviation safety report? And was there any follow-up in the unit afterwards to discuss it so you could share the lessons from that?

35

MAJGEN JOBSON: There was, yes.

40 AVM HARLAND: Okay. Thank you.

COL STREIT: The control that you used to recover the aircraft to level flight was by looking in on your Primary Flight Instrument, I take it.

45 MAJGEN JOBSON: Yes.

COL STREIT: The distinction is, with other forms of spatial disorientation, is that when you were spatially disorientated you recognised you were so. That's correct?

5

MAJGEN JOBSON: That is correct.

COL STREIT: And you took over flying the aircraft from your co-pilot.

10 MAJGEN JOBSON: That's correct.

COL STREIT: You took the corrective actions by looking in on your Primary Flight Instrument, making the necessary inputs to return the aircraft to safe and level flight.

15

MAJGEN JOBSON: That's correct.

COL STREIT: Sir, just one small matter that is at paragraph 17, you say you cannot recall being aware of any reports about any 6 Aviation Regiment pilot experienced spatial disorientation whilst flying prior to the deployment on Exercise TALISMAN SABRE.

20

MAJGEN JOBSON: That's correct.

COL STREIT: What I'm going to do now, sir, is move fairly quickly through the next few pages of your evidence, just identifying some features for you because the contents of those pages essentially speak for themselves in relation to descriptions of certain policy documents, and the roles and obligations that you had as the Commander of Aviation Command. Principally among those was at paragraph 21, you say:

30

As outlined in Chief of Army Directive 17 of 2021, the appointed Army Military Air Operator Accountability Manager was accountable to the Chief of Army for the creation and management of a safe Aviation operating system in Army, to set the conditions for the issue and maintenance of Army's Military Air Operator Certificate, and its subordinate operation specification.

35

Is what I have read correct?

40

MAJGEN JOBSON: It's correct, yes.

COL STREIT: So insofar as that Directive is concerned, the Army Military Air Operator Accountable Manager, that was you?

45

MAJGEN JOBSON: Yes.

COL STREIT: And you were accountable to the Chief of Army for the creation and management of a safe aviation operating system in Army.

5

MAJGEN JOBSON: Yes, Counsel.

COL STREIT:

10 *To set the conditions for the issue and maintenance of Army's Military Air Operator Certificate.*

I will pause there. Military Air Operator Certificate, that is the Certificate granted by the Defence Aviation Safety Authority?

15

MAJGEN JOBSON: That is correct, Counsel, yes.

COL STREIT: And that permits you, as the Army Military Air Operator, to operate, in this context, the MRH-90 aircraft?

20

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: The subordinate operation specification – sorry, and its subordinate operation specification – is that operation specification are matters relevant to the maintenance and operation of the MRH-90 aircraft?

25

MAJGEN JOBSON: That is specifications, limitations, and also preceding the actual – so it's the aircraft that you can operate. It also lists the appointments inside of the Military Air Operator, and it has specifications and limitations associated with those aircraft. There is also a flight test in there as well.

30

COL STREIT: One question, can I ask you, please, when you assumed Command of Aviation Command, and that is upon it being stood up and the issuing of this Directive, is there a nuance in this way to the Directive, and that is you're accountable to the Chief of Army for the creation and management of a safe Aviation operating system in Army? The nuance is that's in the context of an underperforming MRH-90 system.

35

MAJGEN JOBSON: May I ask what do you mean by "in the context of"?

40

COL STREIT: So you see, what the Chief of Army is doing is giving you a Directive, is requiring you to be accountable to the Chief of Army for the management of a safe aviation operating system in Army.

45

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: Relevant to the maintenance of that safe Aviation operating system is the aircraft Defence is giving you to operate.

5

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: And so if that aircraft has particular challenges associated with it, as we understand your evidence to be, that it was a underperforming system, then what really Chief of Army is asking you to do under the Directive is maintain – you know, operate the management of a safe Aviation – sorry, responsible to him for the management of a safe Aviation operating system in the context of this underperforming aircraft that you’ve been given.

15

MAJGEN JOBSON: Counsel, the Directive is very clear in terms of my responsibility and accountability to create and maintain a safe Aviation operating system, to ensure the retention of the Military Air Operating Certificate, and the Operations Specification, and the MRH-90 Taipan was listed in the Operations Specification, and so therefore I am tasked with operating the MRH-90 inside of that safe aviation operating system, in line with the principles of the Defence Aviation Safety Framework.

20

COL STREIT: Sir, at the time that you assumed Command, and were given this responsibility from the Chief of Army, you don’t have the ability to say to the Chief of Army, “Look, I’m not going to accept that for the MRH-90, but I will take the Black Hawk”. You don’t have that authority, do you?

25

MAJGEN JOBSON: I have certainly roles – you know, I have my responsibilities, the Direction that’s been issued to me to – you know, a lawful, reasonable, clear Direction that I execute faithfully for the Chief of Army in this instance. The Chief of Army requires me to provide him advice in relation to the operation of the safe Aviation operating system, and the disposition of the aircraft within that. Sorry, I’m having a little difficulty kind of understanding the core of your question to answer it properly.

30

35

COL STREIT: So, in essence, sir, I’m just really establishing in your evidence that when you were appointed the Commander of Aviation Command you were given, on your evidence, an underperforming platform with the inherent challenges it had, by the Chief of Army, and you were doing the best you could subsequent to assuming Command to assure the Chief of Army that you were managing that aircraft in a safe operating environment to the extent you could.

40

45

MAJGEN JOBSON: Yes, Counsel.

5 COL STREIT: Because I take it from your earlier evidence that if you had the choice on assuming Command, and wishes became fishes and everyone didn't go hungry, and you got to choose MRH-90 or the new Black Hawk, I take it, on your evidence, you would've grabbed the new Black Hawk off the shelf and would've run with that with your Command from when you assumed it in 2021.

10 MAJGEN JOBSON: Counsel, that's not – that's, I guess, your sort of representation of how I might have been thinking. What I was thinking was, going back to your earlier statement about doing the very best I could, you know, the things that I could deliver in support of our people for their safety and their wellbeing, and for us to faithfully acquit the requirements on me set by the Chief of Army, and as the Capability Manager.

20 COL STREIT: I am certainly not suggesting otherwise, sir. I am just suggesting at a point in time that you – sorry, I'm identifying at the point in time that you assumed Command of – the unit stood up the Command – your view was, given your evidence earlier and set out in your witness statement, that the MRH-90 was an underperforming system for the reasons you've identified. Correct?

25 MAJGEN JOBSON: Correct.

30 COL STREIT: So I am just contextualising that when you assumed Command, on the face of your evidence you were already facing significant challenges in maintaining that management of a safe Aviation operating system for the Chief of Army because of the challenges that existed and were extant for MRH-90 at that time. Would you agree with what I have just said?

35 MAJGEN JOBSON: I was certainly, I guess, re-appraised of the challenges inherent in the MRH-90 system. With regard to the UH-60M, in 2021 as I was in the process of establishing planning for, and establishing the Army Aviation Command, that was not formally announced or formally determined by any means, and so what I am trying to do at that point is focus on listening to our people, understanding their needs, and charting a path forward that would be best aligned to them inside the clear challenges that they were representing to me of that underperforming aircraft system.

40 If I was to, at that point, be thinking about Black Hawk, then that would have – you know, to an extent you are planning, but until something becomes real, what I wanted to do was avoid the potential of conjecturing

45

or not wisely employing our people, but really focusing on what was real, in front of us, placing demands, on our workforce, and laying out as best as possible a means to remediate that, Counsel.

5 COL STREIT: Can I ask you this, sir? When you assumed Command – and noting your evidence about the sub-performing MRH-90 system – do you recall at that point in time, assuming Command, ever having a discussion with the Chief of Army, or anyone else in that senior leadership group, CDF, Chief of Air Force, about your view of the sub-performing
10 MRH-90 system, and that we need to transition to a new airframe?

MAJGEN JOBSON: I tried to ensure that I provided a clear and unambiguous view of the MRH-90 as a system to the Defence Aviation Authority, and to the Chief of Army as the Capability Manager, and that is
15 for the record inside of my submission to the Inquiry, the manner in which I was communicating that.

COL STREIT: Can I take you to page 6, please? You identify - - -

20 AVM HARLAND: Just before we do that, COL Streit, I just had one more question about the Military Air Operator and the Accountable Manager position. By my understanding, it was and still is that the Military Air Operator Accountable Manager for Air Force units and Navy units is held at the one-star level, so a little bit closer to the operating levels. Could you
25 help me understand the reason why Army elected to have the Air Operator Accountable Manager at the two-star level?

MAJGEN JOBSON: Deputy Chair, the Military Air Operator Accountable Manager for Army, since coming into existence, has always
30 been held at the two-star level. The systems that I had responsibility and accountability for existed beyond the actual Forces Command at the time into other parts of Army, and that continues to be the case today. And so my assessment is that when the Military Air Operator Accountable Manager appointment was described and raised, that Army's judgment were that a
35 two-star is best-placed so that they can effect outcomes across broader parts of the Army than their own Command.

AVM HARLAND: So how is it that Air Force and Navy are able to do that, noting the heritage of the higher levels of Airworthiness Command
40 were at the two-star level in Army and Navy, and then with the transition to the new regulatory system they put it down to the one-star level? How is it that Air Force and Navy are able to do that, but Army needs a two-star?

MAJGEN JOBSON: So I guess, Deputy Chair, to I guess assist with my
45 answer here, if we put, for instance, the Air Force Training Group into the

context here as a FEG, as a Military Air Operator Accountable Manager, the difference would be that there were aircraft systems operated by that in somebody else's command here, and then somebody else's unit over there outside of Air Force Training Group. And so that's the difference in the
5 Army than the Royal Australian Air Force, as an example. I have peers that operate aircraft systems outside of the Army Aviation Command, and those organisations are led at the two-star level, and being a two-star enables me to communicate, you know, clearly, to be able to obtain important safety outcomes in organisations that are not my own.

10 It also enables me to communicate and engage regularly with peers in the Chief of Army's Strategic Advisory Committee environment, including Capability Management, as an example, but in other areas where there are Force employers or people managing other parts of the Army. And so as a
15 two-star, I can engage, I can seek outcomes outside of my Command with colleagues that are also two-stars. I believe that if I was a one-star officer, then that would be an added complexity to attempt to obtain those outcomes inside of a hierarchical organisation that is the Army, and Defence for that matter.

20 AVM HARLAND: But what you're describing is equally applicable to Air Force and Navy, and in particular Navy, who are operating rotary-wing aircraft under the Accountable Management of an MAO, the Commander Fleet, Fleet Air Arm, is exactly the same, and yet they seem to be pulling it
25 off. So I guess I'm just trying to understand what the rationale is here, and how that really is different because the Accountable Manager, by my understanding, is really about managing the platform and the safety, and the safe management of that platform. It's not about capability management, capability development, and all of those things, it's about managing safe
30 operations.

So I guess I don't think you've really answered my question, but I don't think we're really going to go any further with it, so I guess we'll just leave it as, by my understanding, Army felt it necessary to have a two-star as the
35 Accountable Manager by virtue of the influence that you had across other organisations within Army, and across the ADF. Would that be a fair summary?

40 MAJGEN JOBSON: So not having been at that original decision-making, I'd agree that that's certainly an aspect that assists me, as the Military Air Operator Accountable Manager for Army, in doing my job on a day-to-day basis.

45 AVM HARLAND: Okay. Thank you very much.

MS McMURDO: Just while you interrupted, I've got a question too. I'm sorry, COL Streit. Looking at Enclosure 2, where we just were, in the conclusion to that, the middle sentence:

5 *Notwithstanding the unique requirements of the Aviation domain,*
 Commanders across Army remain responsible for generating safe
 work outcomes, including execution of relevant risk management
 process, and ensuring that subordinates can confidently match
10 *acceptable levels of risk to their operational context. This will*
 ensure that a safe Aviation operating system, facilitating safe
 execution of Aviation Operations, underwrites reliable aviation
 capability.

15 Now, my question is, given that remit in this Directive, how can you ensure
 your subordinates, and in particular those actually flying the MRH-90s, can
 confidently match acceptable levels of risk to their operational context
 when they are not informed? And perhaps I need to check that they are not
 informed, but I assume they're not informed. They haven't been informed
20 of the medium level of risk assessment that applied at this stage to the
 MRH-90 platform.

 MAJGEN JOBSON: Ma'am, I wish to be very clear here and answer this
 question, that the elevated level of risk in the MRH-90 system was a very
 well understood circumstance by the Army Aviation capability. The
25 MRH-90 system was operating in support of a significant operational
 imperative, and the, I guess, balance of continuing to operate a system at an
 elevated level of risk, I would estimate would require an important
 imperative to continue to, you know, provide that undertaking going
 forward. The mission at which these years the MRH-90 has been held
30 against is a critically important mission. This is an aircraft system that is
 routinely saving people's lives.

 And so an example is in 2022 and 2023 in the significant floods and weather
 event here in South-East Queensland and Northern New South Wales, our
35 men and women operating the MRH-90s saved over a hundred people's
 lives. Some of those circumstances were dire, where our people placed
 themselves in appalling weather conditions, where our incredible
 aircrewman went down on a wire into locations where no other operator
 would go to, where Australian citizens were in their penultimate moment
40 of need, and had those aircrewman and those crews operating those aircraft
 not been there to save them, they wouldn't be with us today.

MS McMURDO: Yes.

MAJGEN JOBSON: Ma'am, so I could only say that that is an incredibly important imperative to then balance from a Defence Force perspective the continued operation of a major system at elevated levels of risk.

5 MS McMURDO: And I think every decent Australian absolutely respects and honours the service that was done in the floods by the ADF to rescue people off rooftops and in completely life-threatening situations, but my question is were the aviators who have to manage the risk at the immediate level of the platform told about that risk?

10 MAJGEN JOBSON: Ma'am, I communicated the risk via various mediums. I'll give you an example. The elevated level of risk was something that I communicated through the – and this is down into the workforce – through the Army Aviation Safety Program Conference at
15 which our Commanding Officers attend, our safety teams attend, and so there is a – so I'm able to produce a universal understanding, and communicate clearly and unambiguously to all of our people that are operating the MRH-90, of the elevated level of medium risk.

20 I guess the other thing too is that work to characterise that risk, ma'am, that wasn't me. That's actually by the community that are across multiple disciplines of our directorates, and layers of our staff and operators, and that's consistently been updated over these years, certainly during my appointment, by this multi-disciplinary community across directorates. So
25 that is producing over time a high level of awareness of the disposition of the MRH-90 with regard to its elevated level of risk, ma'am.

MS McMURDO: So is your evidence then that at the time of the crash, the subject of this Inquiry, aircrew were aware of the elevated risk to
30 medium of the MRH-90 system?

MAJGEN JOBSON: Ma'am, my evidence is that I was certainly communicating to the capability, to the Command, and also when I say capability, to all of the external agencies, including the Capability
35 Acquisition Sustainment Group and the organisations there, to industry partners, and also to the Force employers, those that we detach MRH-90s to operate. There was clear promulgated advice as to the elevated level of residual risk in the MRH-90.

40 MS McMURDO: So you say you communicated to Command. What do you mean? How far down does that go?

MAJGEN JOBSON: So that goes to – ma'am, I communicated through a variety of fora, and you know, definitely to all of our unit Commanders and

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their safety staff, through the Army Aviation Safety Program Conference, are made aware, and once again, in a hierarchical organisation - - -

5 MS McMURDO: Does that include Troop Commanders?

MAJGEN JOBSON: Ma'am, in a hierarchical organisation, we communicate through our layers of command, through our formations into our units, so that our units can communicate to all of our personnel.

10 MS McMURDO: I'm still trying to get to the answer. So then is your answer that you would have expected it to be communicated down to the aircrew?

15 MAJGEN JOBSON: Yes, ma'am. I'm communicating a message very clearly alongside other messages, into the Chain of Command, and as I've indicated, there was also – I mean, there was an accrual, an aggregation, of constant communications here in relation to the elevated level of risk in the MRH-90 system. So this was, I guess, not a limited sort of transaction in communications. This was a constant flow of communications by many
20 fora, with many attendees, and people that were represented across the full and complete breadth of the Army Aviation Command.

MS McMURDO: So you say in July 2023, across Army Aviation at
25 aviator level you would expect aviators and aircrew to know of that medium level of risk when doing a risk assessment for every flight. Is that what you're saying?

MAJGEN JOBSON: Ma'am, with respect, there's a – I wouldn't want to
30 be absolute in what I offer you today because there might be, you know, somebody, a pocket, a piece of a cohort or something, where somebody wasn't aware. So I can't give you an absolute response, respectfully ma'am, but I can certainly say that it was communicated.

MS McMURDO: You would expect them to know then?

35 MAJGEN JOBSON: Yes, ma'am.

MS McMURDO: We could put it as highly as that. You would expect
40 them to know.

MAJGEN JOBSON: Yes, ma'am.

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

AVM HARLAND: Just a question following on from that – and I’m not asking this question to be kind of tricky, but it really reflects on a review of the documentation where medium risk is talked about quite often – but there’s no definition of “medium risk” in those conversations, so it just sort of hangs out there as a medium risk. What is the definition of “medium risk” to personnel safety?

MAJGEN JOBSON: So medium risk is an elevated risk in terms of likelihood and consequence of effectively a catastrophic event occurring. What I can say, Deputy Chair, is that coming into my appointment as the inaugural Army Aviation Commander, we did seek to better characterise the risk, to say, “Okay, we’re underperforming as a system. My apologies, this is an underperforming system, that this is an immature system, that it’s a problematic system. But let’s place that clearly into Aviation risk management lexicon, and let’s do what we’re supposed to do under the Seven-Step Risk Management, continue to refine the characterisation of that risk”. So it might not have been perhaps fully evolved, but we certainly moved the characterisation of that risk forward during the tenure of my Command.

AVM HARLAND: Yes, I guess what I’m really after is something that defines it more because “medium” is usually seen as the middle, the safe option. So we talk about medium risk, but we talk about it being elevated. Elevated from what? What I’m trying to get at here is that if you talk about medium risk, and you say it often enough, and there’s no context to that medium risk, the risk is that it just becomes tolerated. Which comes to my next question about how comfortable you were with the idea that the platform, the MRH-90 platform, had been at an elevated level of risk, or a medium risk, for in the order of a decade plus, and how comfortable was Army, and you as the MAO-AM when you took over with that?

MAJGEN JOBSON: Deputy Chair, I was never comfortable. This is a safety risk, and this is the safety more being about personnel. I think if I was to become comfortable, I could become complacent, and so comfort was certainly not something that was present through really any of my Commands there, and so, you know, this was a matter of executing faithfully my responsibility to produce the safest possible air operating system to accommodate the operations of the MRH-90 that I possibly could.

AVM HARLAND: So had Army become accustomed to the medium risk, or were you still trying to drive it back down to low?

MAJGEN JOBSON: Deputy Chair, we were attempting to eliminate that risk in the first instance. So what we were trying to do through that process, we were working very hard to methodically and coherently, at the best pace

possible, eliminate that residual risk through the acquisition and rapid replacement by the UH-60M. We also through that period, Deputy Chair, established organisational risk priorities that would underline that sequence of transition from the MRH-90 through to the UH-60M. These included
5 priority risks of managing capacity versus demands for our workforce, managing change – and 6 Aviation Regiment was a particular reference point through that sequence – was to supply sufficient rate of effort for our aircrew through this process so that we could ensure they were building their proficiency in a regimental environment, and we were maintaining
10 their morale, and retention inside of our – so that we ensured our Force structure into the future, and we’re just supporting our people.

We are also managing our Integrated Quality and Safety Management System, you know, from a point that we’re taking that and improving that,
15 so that we have that working for us as we’re moving through this sequence. Does that answer your question, Deputy Chair?

AVM HARLAND: It does, and what it demonstrates is that while you were waiting for the elimination to come along, which was effectively
20 terminate MRH-90, bring on the UH-60M, you were taking actions. I guess really the nub of my question is how is it that it stayed at medium risk, given all of those things that you’ve talked about, for in excess of a decade? Like, how is it that it stayed at medium safety risk for so long? I’m just trying to understand how that actually happened, and how that remained acceptable
25 for Army.

MAJGEN JOBSON: So I guess I’m talking from the first person in relation to how I during my appointment was characterising the risk, and that is to build that characterisation lexicon, that language into the Aviation
30 Risk Management Framework so that we can better describe that with greater clarity and characterisation. And we were doing that in 2021 in association particularly with the Airworthiness Board, and then we continued to build that in 2022.

I understand you have been provided the System Level Risk Assessment. So we’re just continuing to seek to build clarity and definition around the description of that medium level of risk. And so really for me,
35 you know, that’s kind of like that start point, I guess, in terms of quantifying that risk, describing it in the Aviation Risk Management.

40 In terms of tolerating it, Deputy Chair, before then, respectfully it was – you know, once again, I can only talk from my position as the Commander of 16th Aviation Brigade, but I guess to an extent on behalf of colleagues in Aviation Systems and Aviation Branch, everybody was working their
45 hardest to mature the system with a view to the maturity producing lower

5 levels of variance, and lower levels of risk. And so in terms of, you know, for when the community that are operating the aircraft system are transitioning from that view to attempt to achieve lower levels of risk through building maturity into the system, you know, I think that there was that transition point, and that's in that 21 timeframe where it's okay, we're not going to get that maturity so what we need to do is explore the replacement of the system.

10 AVM HARLAND: Okay. So noting that the needle didn't really move out of medium for a substantial time in terms of safety risk, did you consider that you had the support and the resources necessary, and also the flexibility to back off the program, necessary to bring the risk down to something lower than medium?

15 MAJGEN JOBSON: So, you know, I'm providing this capability to the force employers, and the Capability Manager is managing a capability here that the Defence Force require. My role here was to do our utmost to identify the hazards, eliminate the risks, and if that wasn't practicable, to minimise them so far as reasonably practicable with this aircraft system
20 against the operational imperative to which it was operating. The operational imperative was not, I guess, my decision. That was a greater decision for Defence. My role in it was to manage that system as safely as we absolutely could, and then when we've got it to that level, as we had, that we could get it – and that was an elevated level of risk – is to clearly
25 and unambiguously advise the community of that, and then ultimately, as we've discussed today, to, as coherently as possible, in line with the decision of the government and the Capability Manager, is to work to manage that sequence of transition.

30 AVM HARLAND: And I understand that. Final question before I allow COL Streit to get back onto his line of questioning is, do you think there was any prospects of the MRH-90 ever being able to be managed to a lower risk than medium up until the point that it was retired?

35 MAJGEN JOBSON: Deputy Chair, against the operational imperative that was held, I could not see that.

40 AVM HARLAND: So effectively we ended up at an impasse where the organisation had an operational imperative, the risk was medium, it was unable to be reduced any further by virtue of trying to balance those two things out, and you, as the Accountable Manager, had to reconcile the two. Is that a reasonable representation of a bigger picture?

45 MAJGEN JOBSON: That's the environment that I'm operating in, Deputy Chair, yes.

AVM HARLAND: Okay. Thank you. COL Streit, it's all yours.

5 COL STREIT: Sir, sorry, can I just clarify one thing with you, please?
You described the aggregated medium level of risk in your evidence in
response to a question from the Air Vice-Marshal. Can you just say again
what that is, what you understood is the meaning of "aggregated medium
level of risk"?

10 MAJGEN JOBSON: Elevated likelihood and consequence of a
catastrophic outcome.

COL STREIT: "Catastrophic outcome" means what?

15 MAJGEN JOBSON: That means likelihood of injury or death to
personnel.

COL STREIT: To the extent you are able to recall, I think the Air
20 Vice-Marshal described to his understanding the aggregated medium level
of risk to personnel safety was in existence for about 10 years. Is that
correct? Is that your understanding?

MAJGEN JOBSON: Counsel, I'd need to take that on notice to provide
25 you an accurate assessment on a review of artefacts going back 10 years.

COL STREIT: Let's deal with it this way. When you assumed Command
of Aviation Command in 2021 was that aggregated medium level of risk
you've described, was that in existence at that time?

30 MAJGEN JOBSON: So when I took Command, when Command
commenced of the Army Aviation Command on 2 December it was, yes.

COL STREIT: You have given some evidence to the Inquiry Chair in
35 response to questions about information being communicated down the
Chain of Command about the aggregated medium level of risk. I
understood your evidence was to the effect that you made communications
down to a certain level within the Chain of Command, potentially at the CO
level, and that it was your expectation that information would be passed on
to the aviators on the ground. Is that a fair summary?

40 MAJGEN JOBSON: So I actually communicated this through multiple
fora, and in multiple circumstances. What I was obviously trying to do was
also ensure my communications were effected through the right channels
45 that were associated with discussions about risk, kind of rather than sort of
open up a sort of discourse. You know, this was ensuring that we were

discussing risk with the right fora, with the right personnel, with the right representation of the Army Aviation Command, that those whose responsibility is to communicate clearly with their workforce.

5 COL STREIT: And so the aggregate of those respective fora, as you have described, was the end state your expectation, based on the passage of information, using those different channels, was that the end users of the MRH-90, that is, the aircrew on the ground, were aware and appraised of the aggregated medium level of risk.

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MAJGEN JOBSON: Yes.

COL STREIT: Now, having appraised the Chain of Command under you in relation to this, what were they supposed to do with that information?

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MAJGEN JOBSON: Well, I think there's a number of aspects here. The first is to consume it, is to communicate it, is to have it present when they are making decisions for themselves in their environment, so they're informed. And so, you know, if you were sharing information with your Commanders, and your staffs, and your directorates, and your safety personnel, then they're informed, and so they're able to make decisions with better information.

20

And it's to also ensure that we're mindful of where we need to be applying resources, to be prioritising efforts and effect, so that we can collectively have a unified effort about the trajectory that we need to be on to ultimately retire that risk. And I think finally, there's a moral obligation to ensure that where there is risk that is communicated and that our people are aware of that.

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30

COL STREIT: Sure. In doing all of those things though, as I understood your evidence earlier – and if I have this wrong, please correct me – in doing all of those things, the operators of the airframe, the practical reality is that the aggregated medium level of risk remained.

35

MAJGEN JOBSON: Yes.

COL STREIT: And so they went and used the system with that aggregated medium level of risk extant.

40

MAJGEN JOBSON: Yes.

COL STREIT: And the aggregated medium level of risk was as a consequence, was it, of the underperformance of the MRH-90 system? So not talking about the aircraft here per se but the system. Correct?

45

MAJGEN JOBSON: That's correct.

5 COL STREIT: So that underperformance of the system impacted – I'm just going to identify some things – impacted training for aircrew.

MAJGEN JOBSON: It did.

10 COL STREIT: Impacted available flying hours for aircrew.

MAJGEN JOBSON: It did, yes.

15 COL STREIT: Impacted bespoke pilot and aircrew training for Special Operations.

MAJGEN JOBSON: In various ways it produced a – yes, a complex environment, particularly as the aircraft was coming into service, and bearing in mind it was coming into service in that environment many years late, and with levels of maturity and configuration that required a lot of work and effort. And so as an example, in that environment, there was a Special Flying Instruction that was, I think, over 600 pages of information that the aircrew needed to consume. You know, well over 8000 words. And that clearly produces a friction, and that produces a demand inside of a work environment. Counsel, are you reading from my statement somewhere?

25 COL STREIT: No.

30 MAJGEN JOBSON: No. Okay. Thank you.

COL STREIT: Impacted governance requirements in that it increased the requirement concerning governance.

35 MAJGEN JOBSON: Yes, it did.

COL STREIT: Final question on this matter, sir. We've talked about the communication of that medium level of risk downwards into Aviation Command. Again, only if it's within your knowledge, but you've given some evidence about communication of the underperforming system and the risk upwards to the Defence Aviation Authority, Chief of Army, DFSB, the Defence Aviation Safety Authority.

40 MAJGEN JOBSON: Yes.

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COL STREIT: What about above them into government? Do you know if this aggregated medium level of risk was communicated into government?

5 MAJGEN JOBSON: Counsel, respectfully, ma'am, respectfully, I would appreciate a closed hearing for this actual discussion.

MS McMURDO: That's all right. You can just tell us you can't answer that in this forum, that's all right.

10

MAJGEN JOBSON: I can't answer that in this forum.

COL STREIT: Thank you, sir. Would you like a break?

15 MAJGEN JOBSON: Sure. Thank you.

COL STREIT: Would we be able to have a 10, 15-minute break, please?

MS McMURDO: Yes, certainly.

20

HEARING ADJOURNED

25 **HEARING RESUMED**

MS McMURDO: Yes.

30 COL STREIT: Thank you, Ms McMurdo.

Sir, can I take you to page 6, please, which begins at paragraph 26. There you say:

35 *I regularly reported to higher and flanking organisations on the issues, risks and disposition of the Army Aviation Command and Military Air Operator to the Chief of Army and Defence Aviation Authority.*

40 And you there listed the key mechanisms for the reporting on 26A through to 26E, which is over the page.

MAJGEN JOBSON: Yes, Counsel.

45 COL STREIT: Thanks. If we turn the page, paragraph 27 you say:

5 *Through the period of my appointment as the Military Air Operator Accountable Manager, the Army Military Air Operator Certificate and Operator's Specification were confirmed by the Defence Aviation Authority on the recommendation of Airworthiness Board members and all Airworthiness Boards undertaken.*

Is what I've read correct?

10 MAJGEN JOBSON: That's correct, Counsel, yes.

COL STREIT: You then, sir, on pages 8, 9 and over on 10, identify how you ensured that subordinate Commanders complied with your intent and directions. And you set out a number of orders, instructions and
15 publications on those two pages. Is that right?

MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: If we turn to page 10, please? The question 10 is this:

20 *The Inquiry notes that you issued the Military Air Operator Directive 04/2022 Implementation of the Recommendations from the Aviation Safety Investigation Report into MRH-90 Formation Near Collision, Townsville Field Training Area 11 November '20 and 9 June '22, which outlined 18 action items and sub-actions arising from the Aviation Safety Investigation Report into Improved Flight and Safety and Strength and Systemic Defence in Army MAO with dates for when each items ought to be completed.*

30 You give your responses at paragraphs 33, 34 and 35 of your witness statement. Is that correct?

MAJGEN JOBSON: That's correct, Counsel.

35 COL STREIT: The nub of it is, in terms of that evidence that as at 28 July 2023 – I'll start again, paragraph 34 you say:

40 *On 28 July 2023 I received a Decision Brief from the Deputy Commander, Director-General Army Aviation Command. The brief was a status of the action items in the MAO Directive 04/2022. The brief highlighted the completion of 18 action items and sought the extension to complete the further 10 action items. I approved the extension on 8 August '23 in order to resource the task leads and their organisations with additional time to balance capacity with demands.*

I pause there, sir. Is what I've read correct?

MAJGEN JOBSON: What you've read is correct. Yes, Counsel.

5

COL STREIT: Sir, in relation to this matter, we've had evidence before in relation to the brief of 28 July 23 and the completion of 18 action items with 10 remaining. Noting the near miss was in 2020, November, it was about 12 months for the DFSB report, there seems to be some time before action items are completed. Are you able to assist the Inquiry understand, from your perspective, why that timeline occurred?

10

MAJGEN JOBSON: Counsel, I guess I would refer to the answer that I have provided here and that we have the capacity of our workforce. And that's finite. And so what we're attempting to do continuously is to balance demands being placed on them that can come in from a variety of sources, continuously at a variety of times so that we most efficiently and effectively employ their time and their resources towards the task.

15

We also, through this entire process want to ensure that what we're directing is going to be well consulted. It's going to be appropriately integrated and aligned into the work environment where the work is being done. And that takes time to do properly.

20

COL STREIT: Does it also have to be balanced with the workload that your command was engaging in on other lines of effort?

25

MAJGEN JOBSON: It does. Yes.

COL STREIT: Because I take it, and if this is an obvious question I need to ask it anyway.

30

MAJGEN JOBSON: Yes.

COL STREIT: And that is, I take it that your desire would've – you would have preferred to see a more timely action taken in relation to the action items arising from the DFSB report into the near miss in 2020?

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MAJGEN JOBSON: So, I think any Commander in my position would relish the opportunity to be able to bring such recommendations into fruition as an active outcome in the minimum time possible.

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COL STREIT: Sure. So, the challenge for the command, was it this? That you had a near miss in November 2020, two MRH-90's out of 5 Aviation Regiment, at night, in formation, on NVDs, coming in very close

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proximity of each other, nearly a catastrophic impact. You then have the MRH-90 ditching in the Jervis Bay Territory in March 2023.

MAJGEN JOBSON: Yes.

5

COL STREIT: At that point in time, there was still action items outstanding on the November 2020 near miss. That's correct?

MAJGEN JOBSON: That's correct.

10

COL STREIT: You're then having to deal with another DFSB investigation into that particular matter and then you have, on 28 July, the same time you get a brief seeking an extension for 10 further action items on the 2020 near miss.

15

MAJGEN JOBSON: Yes.

COL STREIT: On that day, is the impact with water of Bushman 83. So in that particular context, it seems that the workload of your Command was to such an extent that you were having to prioritise things in such a way that you, effectively, were playing catch-up.

20

MAJGEN JOBSON: And so, I guess, before that period in 2023, in 2022, in 2021, and the period leading up to that, there are events that are occurring. There is tasks that are underway and so, as I commenced my tenure as the Army Military Air Operator, I inherited tasks that were underway, that were finalised coming into the Command. And once again, you are triaging, you are assigning people, Troops, to tasks.

25

And where a task, for instance, may then be passed off to somebody else for part of the action sequence, then that team are then moving onto a different task at a point to further that. And so that constant flow of tasks coming in, triaging, carefully managing our people, our human resources so that we balance demands against their individual capacity is the cycle that we're constantly involved in.

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COL STREIT: But it's the workload that's imposed by an underperforming MRH-90 system, is that impacting your ability to respond to the outcomes of DFSB reports?

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MAJGEN JOBSON: So, I guess, I've made the point in my submission here, that it's not just the MRH-90. Because of the underperformance of the MRH-90, we needed to preserve the S-70A-9 in service longer. So that's another aircraft system that we're managing. We had to, as an operator and as an Army Aviation enterprise, progress to a point, land

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Project 2097 Phase 4, which is a potential replacement and we're running a non-Defence registered aircraft capability in the form of the AW139.

5 So there is a lot of activity that's occurring there that otherwise wouldn't be occurring if the MRH-90 had been a mature operating system and we just had, you know, one pillar of an aircraft during that time. Does that answer your question there?

10 COL STREIT: It does, sir. But I was describing the workload arising from the underperforming MRH-90 system as aggregating all of those things which you've just identified.

MAJGEN JOBSON: Yes.

15 COL STREIT: Not just the system itself, but as a result of that system having to use and operate another aircraft, maintain and all those things.

MAJGEN JOBSON: Yes.

20 COL STREIT: That all sits under the one umbrella of a cause of an underperforming MRH-90 system. Correct?

25 MAJGEN JOBSON: I couldn't argue with that, Counsel. You know, I've made that point, I guess, earlier today just in terms of our Part 145 organisation, and that's our maintenance organisation. And, to an extent, in concert with that, our engineering and continuing as Airworthiness Organisation that the hours of work required to ensure the aircraft system was operating safely was substantial.

30 The workload on the staff to manage the airworthiness of the MRH-90 was substantial. And I'll give you an example of that. The MRH-90 Airworthiness Board, I am advised was about 6000 pages of documentation to demonstrate the airworthiness of that system and demonstrate the articles of remediation and mitigation and risk minimisation that were occurring in
35 the system.

And our people, some of which have been through here today, were shouldering that workload. And so it was a demanding system, Counsel. I agree with you. Now, I wouldn't want to, sort of, present anything other
40 than it was a demanding system that produced not only, I guess, that elevated level of risk but an elevated liability for our people.

COL STREIT: But it's that system – this is really the nub of my question, sir. It's that system you're having to deal with, and your people, putting to
45 one side their immense efforts to do so, nobody in this forum is questioning

that at all, it's the fact that they've had to deal with it. Why are they dealing with it in the first place is the issue.

5 So, the context of the question is, in that circumstance of workload, its impact on what otherwise would be your desire to have a more timely response to DFSB reports.

MAJGEN JOBSON: Yes.

10 COL STREIT: That was a real impact causing delay in enacting those recommendations and realistic outcomes in your organisation. That's correct?

15 MAJGEN JOBSON: That's correct. But it's part of the story. It's not all of it, Counsel. What we were working hard to do with the backdrop of the 100-day assessment that I completed in 2021, which is a wide-ranging consultation with our workforce. Hundreds of people across the capability who were indicating that the regulations were burdensome for them, and they were having to do a lot of update and absorption of regulation into their
20 environment.

What we were attempting to do with that backdrop is attempt to be coherent and aggregated and integrated in the development of policy that was an outcome of action items that were coming into us. So rather than piecemeal
25 policy – which is hard for our people – we were working hard to kind of listen to them, listen to their needs in the workplace and produce policy that was more coherent, aggregated and susceptible to less amounts of updates.

30 And so that's another aspect here. So you might have a safety event that occurs here makes a recommendation with regard to a function. You might have an audit over here that makes a recommendation for the same function but it's a slightly offset recommendation. Rather than go, "Let's put out some policy there, let's put out some more policy there", what we were trying to do was integrate together, consult with our workforce, ensure that
35 the policy we were going to produce would be aligned to their needs and correctly integrated into their environment once. And that's certainly what they were seeking from us.

40 That's a further element of context there, Counsel, that I hope that helps.

COL STREIT: Can I turn to the Jervis Bay matter which is on page 11 of your statement? So, sir, just in relation to that matter with the ditching of an MRH-90 aircraft in March 2023 in the Jervis Bay.

45 MAJGEN JOBSON: Yes, sir.

COL STREIT: You say at 37:

5 *I was not aware that aircrew in 6 Aviation Regiment were or were not flying with modified engines in 2023. I do not recall any orders, directive or instructions to units to make aircrew aware or otherwise of the modification of engines.*

Is what I've read correct?

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MAJGEN JOBSON: Correct.

COL STREIT: You express an opinion in 39 concerning the history of the management of the MRH-90 HP1 turbine blade. You say this:

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20 *The history of the management of the MRH-90 HP1 turbine blades extending a number of years prior to the establishment of Aviation Command was briefed to me in the aftermath of the ditching of the MRH-90 at the Jervis Bay in March 23. I understand that HP1 turbine blade modification strategy was known to the Military Air Operator, the Capability Acquisition and Sustainment Group, Airbus Australia Pacific and the Defence Aviation Safety Authority through the Engine Structural Integrity Working Group, Configuration Control Board, Fleet Planning Working Group and Risk Management Artefacts.*

25

At 40 you say:

30 *Reviewing the information now, my assessment is, it is likely that the organisational understanding regarding non-modified MRH-90 HP1 turbine blades was influenced by the Part 21J organisation advising the Military Air Operator that the original equipment manufacturer's modification Service Bulletin was not mandatory and that unmodified engines continued to meet the engine safety case where within the Type Certification Basis imposed a comparable residual safety risk of low to modified engines.*

35

Is what I've read correct in those two paragraphs?

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MAJGEN JOBSON: Yes, Counsel.

COL STREIT: So, as distinct from the decision by the Military Air Operator as to when modified engines might be upgraded, do you see any difficulty in the fact that the users of the aircraft, that is, the pilots and the

45

5 aircrewman, on your evidence, were not – well, do you see any utility in a step that they ought to have been informed of that particular matter? So, for context, sir, before you answer. Is that there's some evidence before the Inquiry, including from the pilots and the aircrew that ditched, that they didn't know about that engine issue. And one of them gave evidence to the effect that that made him angry the fact he didn't know. So, it's in that context I ask the question. And it's a question in hindsight. I appreciate you weren't the decision-maker.

10 But, in that context would you agree with me that that information about that risk associated with the turbine blade ought to have been communicated to the users of the MRH-90; that is, the aircrew?

15 MAJGEN JOBSON: Counsel, certainly after the event I communicated very clearly this but, what I wish I guess in this instance to do, is to – in accordance with the answer that I've provided here, I guess, reinforce that in the timeframe that the matter of the HP1 turbine blades was being presented into Defence Aviation in that sort of 2018 sort of period – and that was coming in via the Part 21J.

20 And ma'am, that is the Military Design Organisation, Airbus. That information that was coming out of the original equipment manufacturer environment was that this replacement was not mandatory. And that this was not a defect. And that it was entirely optional if the user wished, my apologies, the operator wished to make the modification. Now, as we've indicated here, in any case regardless of whether the engine was modified or not, if it was not modified it was advised that it stays within the safety case.

30 And the safety case, ma'am, is a safety argument with confirming facts and a case of the assurance and maintenance of safety of the engine. And that it would stay within the Type Certification Basis which is the airworthiness standard set by the regulator to which must be complied in order to receive a type certificate to operate the aircraft.

35 And that the residual risk was comparable between a modified and unmodified engine. And so with that information at hand, that information - - -

40 MS McMURDO: We seem to have lost the microphone amplification there.

MAJGEN JOBSON: Testing, one, two - - -

45 MS McMURDO: It's going, yes. It's working again.

MAJGEN JOBSON: That information being presented at that time then the communications and the management approach to that ensued as such.

5 COL STREIT: Sir, my question was, simply, should the pilots have been told of the risk of the issue with the HP1 blade and engine failure. That's the question.

10 MAJGEN JOBSON: And so with the way that that information was provided, Counsel, the team at that stage were managing numerous lines of maintenance or technical matters on the MRH-90 that had higher levels of risk than a low level of risk. And there were other engine matters that were under management at that stage as well. And that continued to be under management with regard to the engine. That information is present within
15 the Computer-Aided Maintenance Management Version 2 environment.

And I would just also want to make, I guess, the point that preparing for engine failures, in terms of planning, planning to mitigate the likelihood of, planning the performance of the aircraft to minimise the likelihood of a
20 consequence from and being able to respond to, these are aspects of a pilot's training right from the very outside that extend all the way through their training and their careers. Preparing for an engine failure is core business. Preparing to minimise the likelihood of an engine failure is core business, and responding to that. And so, that is also a feature of the
25 landscape here that was present in 2018 – well before 2018, and continues to be present as we go forward.

I've had an engine failure. In fact, I've had two – technically one. It was a failure and then a restart and then it failed again. And that was in a mission
30 that, like all missions, I was considering an engine failure, preparing for an engine failure as a contingency and responding to it in accordance with my training through to that point. Does that answer your question there?

COL STREIT: No. My question is, in hindsight, should the pilots have
35 been told about the risk with the HP1 blade?

MAJGEN JOBSON: I think with the information that the apparatus had at the time and the manner in which that information represented as risk, I think to look in hindsight and to offer an alternative for the team at that
40 stage would be, I think, unfair. And, look, one thing I would say, is to improve our, kind of diligence of the understanding of that sequence there, there are the position holders at the time who are making those decisions.

I was certainly briefed, in the aftermath of the failure, of the decision and
45 the information. But I have never had the opportunity to actually engage

with the team. Counsel, I think looking in hindsight, and trying to offer an alternative view from here, I think would be unfair and potentially not well informed.

5 COL STREIT: Well, sir, I'd just press the question. I mean from what I understand you've said in your evidence is effectively, based on the information that you've identified and the training in relation to engine failures and those types of things, I understood you were potentially leading to a point that the aircrew didn't need to be told because they were properly training in relation to an engine failure anyway and this is just another way the engine might fail, so no harm, no foul. Or are you expressing a view that look, in hindsight, they should have been told, they weren't told, but that was for the decision-makers at the time?

15 MAJGEN JOBSON: Look, I'd certainly be more inclined towards the second. The team were dealing with the information as it was presented to them. They were not seeing an elevated level of risk. They were not seeing substantive changes into the environment that, you know, of the MRH-90 but that first part of your statement there, Counsel, that is absolutely –
20 certainly not my thinking at all.

Our aircrew need to be informed as I look at it, when I have information to supply to them in regards to their safety and their wellbeing. So I just want to make sure I disassociate with the first part there of your sort of lead-in statement. But, in this particular matter, I think looking at, in hindsight, is less than fully informed and unfair.

25 I think at the time, given the information that the team were working with, and the decisions they were making to manage the risk going forward, they were doing their very best to deliver safe outcomes in the MRH-90 system.

COL STREIT: Sure. Third time; I won't ask it again. Third time, sir. Should they have been told about the risk of engine failure from the issue of the blade – that is, the pilots – in hindsight?

35 MAJGEN JOBSON: I guess we will always want to ensure our people are given the information they need to do their job. This was, at the time, as I've indicated, a team that were working hard to acquit an awfully complicated system with many risks under active management and a number of those risks were more substantively elevated than this one. For me, to sit here and offer an assessment, I think, beyond that becomes unfair, unreasonable and less than fully informed.

40 COL STREIT: Okay. Well, why tell them after the event then?
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MAJGEN JOBSON: Well, we - - -

COL STREIT: Why not just tell them it was an engine failure?

5 MAJGEN JOBSON: Well, we'd had an engine failure in an aircraft and a substantial occurrence and I, as the Commander, determined that I would inform our people to the extent of all of the knowledge that I had accrued as a consequence of that failure.

10 COL STREIT: And as a consequence of the ditching, I understand from your evidence – or I understand from the evidence before the Inquiry that the engines, insofar as the aircraft within 6 Aviation Regiment were concerned, underwent a process of having their engines modified and upgraded. Is that your understanding?

15 MAJGEN JOBSON: It's partially correct. Counsel, what there was, was swapping aircraft into the unit there so that we would equip the unit with modified engines. There was another ongoing engine line of activity occurring and we needed to then sort of balance those two. So we were
20 both swapping and modifying in order to achieve the outcome of a fleet at 6 Aviation Regiment of modified engines.

AVM HARLAND: Just a point of clarity. And there's been some – well, you've said there was no elevated risk with the HP1 turbine failure. Was it
25 your understanding that the HP1 turbine failure didn't change the Type Certification Basis of the aircraft?

MAJGEN JOBSON: Sir, the advice that I was supplied in the aftermath of the ditching into Jervis Bay was that the engine remained inside the safety
30 case and the Type Certification Basis.

AVM HARLAND: Yes, I'm actually talking about before – I'm talking about before the accident. So when you were going through the considerations to what option you would select as the accountable manager
35 for the MRH-90, was it your understanding that the aircraft with the HP1 turbine issue remained within its Type Certification Basis?

MAJGEN JOBSON: Yes.

40 AVM HARLAND: Was it your understanding that, notwithstanding that, there was an elevation of risk of engine failure with the HP1 issue on an unmodified engine?

MAJGEN JOBSON: Sir, the advice really didn't change in that period
45 insofar as an unmodified engine continued to be with in the safety case,

continued to be in the Type Certification Basis, you know, continued to have a low residual risk.

5 AVM HARLAND: See, the Type Certification Basis is effectively a statistical band by my understanding. If the HP1 issue didn't increase the risk of an engine failure, then why was it an issue? Why did it need to be dealt with? Why did it need to be changed out? Because there's no statistical basis for any concern?

10 MAJGEN JOBSON: That's right. So going back to the original advice there, as I've indicated, this was not mandatory. This was - - -

AVM HARLAND: Okay, I understand that.

15 MAJGEN JOBSON: This was a Service Bulletin.

AVM HARLAND: Yes.

20 MAJGEN JOBSON: And so this was optional. And so the team determined that out of an abundance of caution, that they would proceed with it.

25 AVM HARLAND: Yes, I'm simply just trying to establish your understanding of Type Certification Basis and elevated risk based on the fact that you'd said previously that there was no elevated risk with the engines with the HP1 turbine issue. That was what you actually said when you were talking to COL Streit.

30 MAJGEN JOBSON: Yes. So there was no elevation of the band of residual risk from low.

35 AVM HARLAND: That's what I wanted to clear up there, was actually it didn't elevate into a different band; that there was an increased risk, otherwise it wouldn't make sense to change the turbines.

MAJGEN JOBSON: I'm sorry, Deputy Chair, we're talking about that original decision, 2018?

40 AVM HARLAND: Prior to the Jervis Bay accident.

MAJGEN JOBSON: Yes.

AVM HARLAND: Yes. Yes, I just wanted to get clear on your

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understanding because either I misread or you misspoke on saying there was no elevation of risk, full stop, which is different to say the risk hasn't elevated into a different band and affected the Type Certification Basis.

5 MAJGEN JOBSON: No, thank you, Deputy Chair. Yes.

AVM HARLAND: It's pedantic but it's important for my understanding.

10 MAJGEN JOBSON: It is, yes.

AVM HARLAND: Thank you.

COL STREIT: And, sir, I'm just going to show you a document hopefully that might assist things. Can I ask you to have a look at Exhibit 153. It's
15 again, the statement of MAJGEN Hafner. I'll just take you to an enclosure to that statement, which will be Enclosure 11.

MS McMURDO: I think you might have that. Yes.

20 COL STREIT: Sir, might you have that folder to your immediate left?

MAJGEN JOBSON: Sorry, Chair.

COL STREIT: Thank you. Sir, can I just take you to Enclosure 11 –
25 sorry, Enclosure 12. My apologies. Yes, I don't anticipate – well, you may not have seen this document before, sir and I'll ask you that question in a moment. But I'll just identify what it is, first. It's a Decision Brief to DG AVN prepared by the officers identified at the bottom of page 4 on 12 November 2020 with a consultation to the civilian identified there.
30 Returning to the first page, the subject heading is, "MAO-AM Decision Brief MRH-90 HP1 Turbine Blade Modification".

You'll see at paragraph 1 it says:

35 *The purpose of this brief is to provide an update as to the status of the RTM 322 HP1 turbine blade modification and inform MAO-AM to the alternate implementation strategy.*

It then provides a series of recommendations and options. Options 1, 2, 3,
40 and "Please discuss". And this concerns the Decision Brief relating to the upgrading program for the HP1 blades. Do you accept that?

MAJGEN JOBSON: Yes.

45 COL STREIT: If you turn to paragraph 3, page 2. It says this:

Reference (b) details the requirement to conduct a design change regarding the management and oversight of MRH-90 operations without single-engine performance –

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reference (b), if you turn back to the references, there's a MAO Decision Brief of 24 September 2018, that's the context. But turning back to paragraph 3, I'll continue the sentence –

10

regarding the management and oversight of MRH-90 operations with single-engine performance as well as presenting options for the incorporation of the HP1 turbine blade replacement on the RMT 322 engine. The loss of a HP1 turbine blade itself will not result in a catastrophic event.

15

The reality of that statement is that what manifested on March 2023 involving an MRH-90 ditching into the Jervis Bay Territory as a consequence of a HP1 turbine blade failure is a catastrophic event. Would you agree?

20

MAJGEN JOBSON: Yes.

COL STREIT: That brief can be returned, thank you. Sir, can I take you, please, to page 15 dealing with workload and tempo. You were asked:

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When you were Commander Aviation Command, outline how you regulated the tempo of operations within units and manage the risks associated with sustained periods of high tempo, particularly in 6 Aviation Regiment.

30

And, sir, you have outlined in response to that question on page 15 over page 16 and over page 17 the things that you did to regulate workload and tempo. Is that correct?

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MAJGEN JOBSON: That's correct.

COL STREIT: Now the Inquiry is able to read your evidence. It speaks for itself. But the reality of that evidence is that you undertook a number of things to regulate workload and tempo within your Command which included, if you look at paragraph 60 –

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ring fencing a unit after it had finished an operational commitment to ensure it wasn't interrupted by external generated demands allowing its members and their families a period of rest, recuperation and recovery.

45

Is that correct?

MAJGEN JOBSON: That's correct.

5

COL STREIT: You provide an example of this in the body of that evidence, paragraph 60, where you say:

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An example of the 30, 60, 90-day ring fence provided to 5 Aviation Regiment after the period of Defence aid to the civilian community of humanitarian assistance and disaster relief in early 2022, then again in 2023, this was not triggered for 6 Aviation Regiment during the period 2022/2023 due to the lesser extent of their tasking and internal mitigations that had been available to put in place by Commander 16 Aviation Brigade and the unit Commanding Officer.

15

Is what I've read correct?

20

MAJGEN JOBSON: Yes, that's correct.

COL STREIT: The reality is though, in the period 2022, at least 6 Aviation Regiment did make contributions to Defence aid to the civilian community and humanitarian assistance relief tasks.

25

MAJGEN JOBSON: That is correct. They did sterling work in support of the communities in New South Wales and Victoria and Western Sydney.

30

COL STREIT: But was it your view, because whatever they were asked to commit to in relation to those matters, was a lesser extent of tasking and there were internal mitigations available to Commander 16 Aviation Brigade and the unit Commanding Officer to manage respite and recovery from those commitments.

35

MAJGEN JOBSON: Yes, Counsel.

40

COL STREIT: You describe, particularly on page 16 from paragraph 62 onwards how you maintained surveillance of units and surveillance not in a parochial sense, but surveillance as in an appreciation of what was going on in their space. Is that a fair assessment?

MAJGEN JOBSON: It is, Counsel, yes.

45

COL STREIT: And the reason you were doing that was by way of a continuous annual cycle of standard orders, including assessments of tempo

and fatigue. The audits would allocate findings, recommendations and action officers in response to the findings. These orders were provided to the co-Chairs of the Army Aviation Safety Program Conference, the Director of Operational Airworthiness and the Director of Continuing
5 Airworthiness Army operating under the supervision of the Hazard Tracking Authority. What I've read is correct?

MAJGEN JOBSON: That's correct, Counsel.

10 COL STREIT: The Hazard Tracking Authority, insofar as 2022/23 was concerned, that was then BRIG Hafner?

MAJGEN JOBSON: That's correct, Counsel, yes.

15 COL STREIT: And the internally – sorry, I'll start again. What, in effect, is what you're describing at paragraph 62 is an internal audit process where you were using senior members of your staff in your organisation to undertake essentially Standards audits of units as to how they are travelling
20 against the requirements you've set out in orders, instructions and publications.

MAJGEN JOBSON: That's a component of it, Counsel, yes.

25 COL STREIT: And if something was identified and there was a need for remedial action then that would result in an action item for that particular unit to address and then report back through the Chain of Command that it had been actioned.

30 MAJGEN JOBSON: So, Counsel, it wasn't specific to a unit. It could be associated with an aircraft system. It could be an ancillary system. It could be an enabling activity or it could be a part of the organisation. But that Army Aviation Safety Program Conference held biannually would take a range of feedback and data and reports that were, in turn, aggregated by members present out of Safety and Airworthiness and Continuing
35 Airworthiness, Operational Airworthiness and so they could then, being informed there of potential hazard, risk trending, they could then make informed decisions on how we would then respond in order to eliminate or to minimise risk.

40 COL STREIT: Can I just take you, sir, to question 21. You were asked:

45 *When you were Commander Aviation Command, explain how you triaged requests for assistance from the government? State whether you ever had to decline a tasking from the government due to Aviation concerns and whether Commanders at the unit level*

ever declined a tasking allocated to them by Headquarters Aviation Command due to Aviation safety concerns.

5 You there describe at paragraph 67 and 68 and 69 over page on page 18, effectively, your engagement at the Command level with members of Army Headquarters and Joint Operations Command in relation to identifying restraints of the requested tasking or indeed, indicating that tasking couldn't be completed for a particular reason.

10 MAJGEN JOBSON: Yes, Counsel, this was a collaborative undertaking at multiple levels when we're triaging. We're attempting to ensure that the tasking is set correctly so that we can undertake it efficiently and we've a workforce that are best disposed. And so it's kind of not – there's a couple
15 of points I would make here because my concern of a sort of balance here in my response. The first thing is that many of these tasking sets assigned to us – well, really all of the tasking sets assigned to us that eventually came into the Army Aviation Command came from people in communities that needed help, and so where their lives and their livelihood are at stake. So
20 that's the actual background to the tasking set here. I just think it's important in an environment and a room like this that I share with you the context there. It's important tasking and it goes to save people's lives.

The second thing is, we actually prepare for this all year round. And the lead for readiness was Commander 16th Aviation Brigade. Commander
25 16th Aviation Brigade would set and ensure the readiness inside of the organisation, so that organisations would know who is on a notice to move and who would be likely to deploy at any one time. That's not to say that it was always effected as such.

30 As I've mentioned, the response to the Queensland floods of 2022/2023 was a very substantial response inside of the Army Aviation Command and that extended quite substantially into the Command. But otherwise, I hope that just provides a more fulsome context as an answer for you, Counsel.

35 COL STREIT: Nobody, and certainly the Chair has indicated to you, is questioning the desire by members of the Defence Force to help members of the community in their time of need. The context of the questions in the section 23 Notice and my questions is the capacity for your command then to respond to those needs given the very important other reasons why your
40 Command exists to provide an operational capability to this country and its people.

MAJGEN JOBSON: Yes.

45 COL STREIT: And so in those circumstances, there were occasions,

weren't there, that as a result of operational necessity some taskings to assist in the community could not be met.

5 MAJGEN JOBSON: So I've advised here that there were – yes. The answer is yes. There were some taskings that could not be met.

COL STREIT: Would that mean that just a different solution would need to be found in relation to that tasking? Is that correct?

10 MAJGEN JOBSON: That is correct, Counsel.

COL STREIT: Because I'm looking at paragraph 69 of your evidence there, you say:

15 *Working with DG Land Army G3, I was able to decline a tasking originating from the Australian Government that required long-range domestic deployment from a unit. The tasking would have pressurised the unit, elevating tempo and fatigue risk.*
20 *Working with DG Land Army G3, Commander 16 Aviation Brigade, I was able to minimise 6 Aviation Regiment involvement in the DACC tasking to another region. This mitigated possible tempo and fatigue risk in the unit.*

Is what I've read correct?

25 MAJGEN JOBSON: Yes, it is, Counsel.

AVM HARLAND: Is HADR and DACC, is that a declared role for Avn Command?

30 MAJGEN JOBSON: So DACC and – my apologies, Defence Aid to the Civil Community, and Humanitarian Assistance and Disaster Response, is outlaid in Army Aviation doctrine as a task for the Army Aviation capability.

35 AVM HARLAND: So it is a task, yes.

MAJGEN JOBSON: It is, yes.

40 AVM HARLAND: And is it resourced adequately to – like, can you cover it, or does it come out of “hide” in the program, so to speak?

MAJGEN JOBSON: Colloquially it comes out of “hide” – colloquially would be to describe that. And so we are, I guess, increasing the quanta of

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our responses to DACC, then we commensurately are doing less other things - - -

AVM HARLAND: Doing less. Yes.

5

MAJGEN JOBSON: - - - to ensure that we balance the capacity and demands inside our workforce.

AVM HARLAND: So in kind of real layman's terms, when you basically have an Army Aviation unit, notwithstanding the fact that HADR and DACC is a task on them, there's not, like, an extra two crews that were added in to cover off on that contingency. It just basically comes out of the operating margin of the unit.

MAJGEN JOBSON: Yes, Deputy Chair.

AVM HARLAND: So when that becomes a greater demand, then that takes a greater toll on the unit. Is that a reasonable assessment?

MAJGEN JOBSON: That's a reasonable assessment, Deputy Chair, yes.

AVM HARLAND: Okay, thank you.

COL STREIT: Sir, can I take you to question 22 on page 18, commencing paragraph 74. You were asked there whether you agree that -

the 14-hour day that has become normalised within Aviation units, particularly 6 Avn Regiment, when you were Commander Aviation Command? And if so, how you monitored the workload of personnel at Aviation units? State whether you expected, as Commander Aviation Command, the average length of an aviator's working day to be how you communicated to be, and how you communicated that to the units.

Sir, your evidence in relation to that particular question spans the balance of page 18, 19 and over to 20. In short compass, you say at paragraph 74 that you do not agree that the 14-hour day has become normalised without checks in Army Aviation units, including 6 Aviation Regiment. However, you say you do not also agree that this statement recognises Army Aviation Operational imperative or context, which includes a legitimate requirement for 14-hour duty days on Army's deployments.

You describe at paragraph 75:

Most people in Army Aviation units, most of the time, commence

work at 0730 hours and work through to 1600 hours daily.

You say this is articulated in routine orders and you provide the enclosures.
You then say –

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variances in barracks, including night flying as well as maintenance shifts which are normally restricted to similar shift lengths.

10

You say at 76:

Setting a 14-hour duty period during tactical exercise deployments and operational deployments is a legitimate means to establish a constant tasking and working cycle for Aviation Force elements.

15

You say:

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This is supported by the DFSB Fatigue Risk Management Chart, which was a component of Army Aviation's Fatigue Management Policy on 28 July '23. That chart states, "Shifts of 12 to 14-hour maximum may be acceptable on deployment so long as a 10-hour minimum sleep/rest period can be guaranteed".

First, what I've read out just then, are those things correct?

25

MAJGEN JOBSON: They're correct, Counsel.

30

COL STREIT: The issue of a 14-hour duty day is a matter that the Inquiry is attempting to come to grips with as a result of some evidence that the Inquiry has received. Can I ask you this: in the context of paragraph 76 where we're talking about – and you quote in your evidence the DFSB Fatigue Management Risk Chart about "shifts of 12 to 14-hour maximum may be acceptable on deployments so long as a 10-hour minimum sleep period can be guaranteed", when you're on deployment like Exercise TALISMAN SABRE, and if you've established a duty period as existed in TALISMAN SABRE in 2023 of manning duty at 1 pm and 14 hours out was the end duty period, how do you characterise Command members undertaking work tasks in the morning, when they get up, because they're confronted with those tasks and how that impacts the start time, if it does at all, on their duty day?

40

45

So the example I'll give you, sir, with that context is, the Squadron Commander getting up on the morning on 28 July, having to deal with a matter raised to him by a Troop Commander in the morning which resulted in ultimately that Troop Commander leaving the exercise. And then the OC

having to speak with CAPT Lyon to convey to him extra duties that he was now required to perform, all occurring in the morning? Whereas that OC is starting duty at 1 pm that afternoon.

5 So, in that context, that's the evidence before the Inquiry, when does the
duty time start, is it when confronted with that work task in the morning
when you get up, when you're doing your morning routine, you have to do
certain things as a result, or is that just par for the course of being on
10 deployment and the duty time starts as to whatever has been briefed in
orders?

MAJGEN JOBSON: Counsel, without, I guess, attempting to sort of
come into the specific circumstance, what I would say is that the policy is
15 very clear in terms of the rest period that must be provided to our aircrew
in their 24-hour duty period prior to assuming flight duties. So that is very
clear. And what I wouldn't want to do is accidentally kind of misrepresent
that. That was my regulation. It was stated in that regulation and it's there
to be observed.

20 I would say that we also have, in terms of our supervision, planning and
risk management, SI 1-204, that makes provisions to both plan, risk manage
in support of the management of our personnel, and explicitly to ensure that
we're risk managing for fatigue in the environment.

25 So we've got clear policy on the minimum rest that should occur, plus clear
policy on the requirement when we're rostering and scheduling to risk
management in support of our people, so that we're eliminating, so far as
reasonably practicable, or minimising risks on account of fatigue under
those circumstances.

30 I appreciate you supplying me the evidence today of this particular
Circumstance, but I think it's important that what I provide you is just
clarity there around the policy to be observed in support of our people where
work is being done.

35 COL STREIT: Sure. Let's move away then from the example I've
provided to you.

40 MAJGEN JOBSON: Yes.

COL STREIT: And let's just talk about the order as it applied on, let's
say, 10 June 2023, just to pick a date. In circumstances where a unit is on
deployment – and this is your evidence that I've referred to - - -

45 MAJGEN JOBSON: Yes.

COL STREIT: - - - in the 14-hour working window that's in your orders, instructions which your subordinates have to comply with.

5 MAJGEN JOBSON: Yes.

COL STREIT: So that's that window where they work and where they fly.

10 MAJGEN JOBSON: Yes.

COL STREIT: But on a deployment, whether exercise or operational deployment, they would inevitably be confronted with work tasks in that period where they've just gotten up in the morning, going through their morning routine, brush their teeth, have some food, have a shave, whatever. And when they're in Command, they'll have to deal with that matter, which does that not then impact when they've mounted their duty, because isn't it work?

MAJGEN JOBSON: So I guess some of the things that you've described there is not work – brushing your teeth, having a meal. It's perfectly acceptable to do that in your own time. Once again, real clarity around what you're presenting to me here – you know, inside of an organisation, you are executing in accordance with our orders, instructions and publications, fatigue management policy. If you find yourself, I guess – I don't want to – you know, we've got Squadron Commanders right now that are working hard. I need to provide them some clarity here in my answer, but I wouldn't want to do it in a way that supposes that I'm any better or was ever any better than them.

But what I would say is this, that there's clear policy. The policy requires there's a minimum requirement and if you are also returning to flying from sort of being outside of that policy, there is also a provision there to ensure that you're risk managed on the way in in case you might need to have more rest or the tasking gets pushed back, so that you can start your rest now and go through that minimum rest cycle so that then you're going on to do your planning, your orders and your mission preparation.

Our Squadron Commanders are out there making these decisions day in/day out. Doing their absolute best. But this policy here is to support them to ensure that they or their people are protected from going flying without having had provisions there for mandatory rest to occur, plus the ability there to provide any further risk management to be absolutely certain that that crew is going to operate that aircraft safely.

45 COL STREIT: Your direction, as it was in June 2023 on the 14-hour day,

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did it provide clarity as to why work was – as in, defined what work was?

MAJGEN JOBSON: So it defined certainly – so it stated aircrew duty. So I'll just go back though, on the premise that you made there: my
5 policy. Firstly, this is an "Official: Sensitive" document that we're referring to.

COL STREIT: I'm just asking you to define - - -

10 MAJGEN JOBSON: But in terms of – yes, in terms of what we actually – in that document determined for duty period there, that is clear for our aircrew undertaking aircrew activity. May I just say that I'm skirting here on an "Official: Sensitive" document.

15 COL STREIT: Sure.

MAJGEN JOBSON: I'm feeling uncomfortable about going - - -

20 COL STREIT: So you can express your opinion about what's contained in a document. So I simply asked you whether it defined "work". Does it?

MAJGEN JOBSON: So I think it certainly outlined aircrew and their duties, the operation of aircraft and if they are undertaking that directly or enabling that or associated with that, then they're covered by both the
25 minimum requirement for rest and also the risk management to ensure that if they are coming from something where they are accruing fatigue, they can enter a risk management activity with their scheduler or rosterer – and by the way, that's also supervised by their Standards staff prior to then determining how much rest they will have prior to the commencement of
30 flight duties; if that's going to be the minimum or if that's going to be the extended period, or waiting a whole cycle in order to re-swap them into the future – you know, delaying the flight.

35 So given the context of Army Aviation is a dynamic context in many different environments – urban field, ship operations – there are many different decisions, I guess, being made. But this policy is anchoring their – it's providing for them the basis on which they can make a decision certainly around minimum requirements and certainly about mandating them to risk manage for their people to ensure that they can supply them
40 with the adequate rest that they need to eliminate the prospect of fatigue so far as reasonably practicable, or to minimise that so far as reasonably practical.

45 COL STREIT: So the 14-hour period that you've identified is really just about a 14-hour period for aircrew duties?

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MAJGEN JOBSON: Okay. So this is an “Official: Sensitive” document. In terms of describing what is in that “Official: Sensitive” - - -

5 COL STREIT: All right, we’ll deal with it in a Private Hearing, sir.

MAJGEN JOBSON: Thank you.

10 COL STREIT: Now, can I take you then, please, to question 23. Sorry, I apologise, at paragraph 82 you say:

15 *My MAO directives included the requirement to advise the Military Air Operator Accountable Manager of any reporting, Aviation safety report, Sentinel fatigue reports, Snapshot, as a non-exhaustive list that indicates fatigue was a significant organisational issue. Through the course of Command outside of Snapshot, this was not raised with me.*

20 Sir, what I’ve read is correct, what’s there, the words?

MAJGEN JOBSON: The words are correct, yes.

25 COL STREIT: Can I just ask for your point of clarification. Where you say “this was not raised with me”, is that a reference to a fatigue issue being “a significant organisational issue” was not raised with you?

MAJGEN JOBSON: Correct.

30 COL STREIT: So nothing from a Snapshot survey, in the course of your command, raised with you a fatigue issue that was a significant organisational issue?

35 MAJGEN JOBSON: So nobody in terms of raising that “Hey, you know, I have an Aviation safety report in there. I’ve got an issue here that’s exceeding my organisational capacity. I need to raise that with you”. What I would say is this, though, given that the sort of nature of the risk that we’re talking about, is that in 2021 I actually reviewed a great many Snapshot reports as I was establishing the Army Aviation Command, planning for that. I actually looked at Snapshot reports across many years. In
40 conjunction with that, I also undertook a 100-day assessment and consulted hundreds of people across the capability. What the workforce were representing to me, through that process, was that they needed more people, that there were challenges managing capacity with demand, and that the regulation environment was burdensome.
45

Now, the reason I answer with this is because those, in themselves, are fatigue-producing aspects. And so I was becoming informed on precursors to fatigue, certainly, and then in conjunction with the Snapshot. So I guess my answer is that – so technically then, those precursors are being raised with me because I’m asking our people to provide me feedback in that regard. Does that make sense?

COL STREIT: It does, sir. I just was seeking clarity on your answer at paragraph 82 about fatigue was not a significant organisational issue raised to you throughout your course of command outside of Snapshot. Is that the effect, that’s your evidence?

MAJGEN JOBSON: No. That’s right. So my Regimental Sergeant Major, Michael Clark and I, we would undertake not just through these, kind of organisational, as we call, battle rhythm events, the Army Aviation Safety Program Conference and so forth, we would actually get out there and we would engage with our people across the units. And we took an approach to this. We took a “meet the Commander and the Command Team” – my apologies – “meet the sort of Command Teams from across the unit and the safety staff”. Then we’d engage with the people in various ways. It could be awards and so forth.

What we didn’t have during the course of those were people coming up and saying, “Hey, fatigue is an issue”. We did have people come up to us in parts of the organisation and say, “There’s pressure here”. You know, and not the 6th Aviation Regiment; this was other parts of the enterprise. And so we were getting feedback there about where there was pressure, where people were working hard, where Force structure wasn’t well suited to the task at hand.

So, I guess, what I’m trying to relay to you here is that there was no absence of feedback. There was no absence of engagement or discussion on things that could be precursors to fatigue, by any means. There was a dialogue. People were very open and upfront with the Regimental Sergeant Major and I wherever we went.

But what we weren’t getting was that kind of feedback in that kind of language, Counsel.

COL STREIT: Thank you, sir.

MS McMURDO: Would you like a break?

MAJGEN JOBSON: Ma’am, that’d be great. Thank you.

COL STREIT: I was just about to ask.

MS McMURDO: We might take a break.

5 COL STREIT: Yes, thank you.

MS McMURDO: Thank you.

10 **HEARING ADJOURNED**

HEARING RESUMED

15

MS McMURDO: Major General, I appreciate it's difficult for anybody giving evidence as a witness for this Inquiry, but just try and relax and take a deep breath, and if I could ask you to listen to the question that COL Streit is asking and other Counsel later, just listen to the question, try and relax and do your best to answer it concisely. If you could do that, I think you'll find you'll get away a lot faster.

20

MAJGEN JOBSON: Thanks, ma'am.

25

MS McMURDO: So I'd ask you to do your best and try to relax.

MAJGEN JOBSON: Thank you.

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

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COL STREIT: Thank you, Ms McMurdo.

Sir, can I just take you to paragraph 85 of your statement, please. And this evidence that you give is evidence in relation to the impact of the regulatory environment, to some extent, on Aviation Command. Would you agree with that?

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MAJGEN JOBSON: Yes, Counsel.

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COL STREIT: Paragraph 85 says:

Feedback from across the Army Aviation capability, my 100-day assessment, indicated that the regulatory environment since the introduction of the Defence Aviation Safety Regulations has grown and pervades the operating environment. The DASRs have

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progressively expanded and have been continuously amended.

5 *This cascades into the operator environment by corresponding air policy and orders, instructions, publications. An example of this is that prior to 2016 the introduction of the DASRs, Army Aviation Standing Instructions were amended on average every eight months. After the introduction of DASRs, this changed to amendments every five months.*

10 Sir, is what I've read correct?

MAJGEN JOBSON: That's correct, Counsel, yes.

15 COL STREIT: Can I just ask, sir, the source of that information? In other words, how you were able to – or did a member of staff advise you in relation to Army Aviation Standing Instructions being amended on an average of eight months prior to 2016 and then the DASRs being amended every five months?

20 MAJGEN JOBSON: Sir, that was raised to me by a member in 2021 as I was undertaking my 100-day assessment. That assessment was an engagement across many organisations, both within Army Aviation and those that were contributing to Army Aviation – hundreds of people. And during that, that was pointed out to me there. So what I'm effectively
25 representing here in this paragraph is the feedback that I received from quite a substantial portion of the community in 2021 in relation to the Regulations.

30 COL STREIT: I see. So should the Inquiry then understand that second sentence where you say, "An example of this is that prior to 2016" – and then it goes on – should understand that evidence as being information provided to you by way of feedback from members of your Command? Is that correct?

35 MAJGEN JOBSON: That is correct, Counsel, yes.

40 COL STREIT: And it's not representative that you, yourself, or a member of your staff you have directed has actually undertaken an audit of Army Aviation Standing Instructions and an audit of DASRs to identify the regularity in which they were amended.

MAJGEN JOBSON: So I did have a look at that myself and it appeared to be about right from my recollection.

45 COL STREIT: So when did you have a look at that?

MAJGEN JOBSON: So I had a look at it at the time, and I sort of reconfirmed it as I was compiling the statement here, that fundamentally the iterations of amendments had shortened in that period, 2016 through to 2021. Yes, so this was an item of feedback that I had received, and it was an anecdote; I had a look at it myself. I asked my staff to itemise the amendments and look, it might be a rough order of magnitude figure but fundamentally, what was occurring there was that prior to the introduction of the DASR in that period, 2016 to 2018, we were amending the SI Aviation Operations at a particular rate and then for a period there, post that, that rate was shorter in its time.

COL STREIT: By about three months on average, yes.

AVM HARLAND: Was that purely down to regulatory change or could there have been other factors influencing that? I guess what I'm asking, was that just like a macro look or did you actually look at causes as to whether it all came back to the DASRs?

MAJGEN JOBSON: So there are other things that come in that result in changes to our regulations and I would want to make clear that I haven't done a thorough assessment here, I guess, providing here feedback from the community that was supplied to me during my 100-day assessment. So there could be other factors there, Deputy Chair, that also contributed, yes.

AVM HARLAND: And it's clearly important to understand where the workload lies. Did you happen to bring this issue up with the Director-General of Defence Aviation Safety Authority as an observation and some feedback for the Regulator?

MAJGEN JOBSON: Yes, I did, Deputy Chair. He actually was involved in the 100-day assessment. And so as I was building and finalising the 100-day assessment, I was sharing it with the Director-General of Defence Aviation Safety Authority, so that he would be intimately aware of the feedback from our workforce.

AVM HARLAND: Okay, thank you.

COL STREIT: Sir, is it the case that prior to – I withdraw that. Was it the case that once the DASRs came into effect in 2016, to your recollection, were there modifications made to the MRH-90 aircraft that required assessments by the Defence Aviation Safety Authority?

MAJGEN JOBSON: So the Defence Aviation Safety Regulations had a compliance period, from my recollection, of 2016 to 2018, and then the MRH-90 was undertaking modifications post that time, Counsel.

5 COL STREIT: Sure. I guess what I'm asking you, sir, a little bit clumsily is that if there is a major change to the aircraft type arising from its own modifications, then there's a requirement to engage with the Defence Aviation Safety Authority to mount a case to seek their licence and approval for that change. Is that correct?

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MAJGEN JOBSON: That is correct, Counsel.

COL STREIT: In the context of MRH-90, that's not a regulatory-directed imposition on your Command, that's a decision by your Command, for
15 whatever operational reason, to effect a change to the aircraft which required regulatory approval. Would you agree?

MAJGEN JOBSON: Look, Counsel, I couldn't disagree. I don't exist, I guess, within the initial airworthiness layer of business undertakings and so
20 I'm not thoroughly familiar with work that occurs there between the Regulator and organisations like the Part 21J, ordinarily. So my answer might not be fully informed here for you, Counsel, but, by and large, these are modifications that we will require, ultimately, as an operator that are assured by the DASR.

25

COL STREIT: And an example of this, where I was coming to is the TopOwl symbology upgrade to 5.1 required, as the evidence before the Inquiry, engagement with the Defence Aviation Safety Authority by way of an application to a major change to aircraft type. Did you understand that
30 what I've said is correct?

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: And that major change to the aircraft type, that was a
35 change that Aviation Command, in its previous form, working under Forces Command, that was a change it wanted because it wanted the upgraded symbology of version 5.1 to be used on MRH-90. Is that your understanding?

40 MAJGEN JOBSON: That's my understanding, yes.

COL STREIT: So the consequence of that example is that there was a need there for Aviation Command, in its previous iteration, to step through a regulatory process in order to obtain service release of that item. So it's
45 the Command generating the work, not the Regulator generating the work

down on the Command. Would you accept that?

MAJGEN JOBSON: I would accept that.

5 COL STREIT: But nonetheless, the net effect is the same, it's additional work that the Command needs to do to persuade the Regulator for service release of that item.

10 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: Sir, can I take you to page 22, please. You were asked there, sir, at question 24, "Explain why personnel" – this is the question:

15 *Explain why personnel at Aviation units that have been tasked by Aviation Command to undertake a mission then have to apply for allowances such as Special Forces Disability Allowance on occurrence which results in an increase in their administrative burden.*

20 That's the context of the question. Your evidence, sir, is:

25 *Special Forces Disability Allowance compensates members for the disabilities associated with service within the Special Forces environment. This work environment is typically extreme and represents the highest degree of endeavour, endurance and Military capability asked of ADF members. Since 2016, 6 Aviation Regiment is permanently assigned under operational control with Special Operations Command.*

30 *The task organised, Special Operations Aviation Task Unit of 6 Aviation Regiment, qualifies for a tier of the Special Forces Disability Allowance. The process of obtaining Special Forces Disability Allowance for members of 6 Aviation Regiment require a level of governance applied to the process in accordance with*
35 *requirements set out by the Pay and Conditions Manual and the delegate for the award of the payment who is Special Operations Commander Australia.*

40 Is what I've read out correct, sir?

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: Your evidence goes on:

45 *A Standard Operating Procedure was developed to guide the*

5 *process underpinning the payment that was agreed to by the
delegate. In order to be eligible for the allowance, members must
be Force assigned to the Special Operations Aviation Task Unit
and held at readiness to deploy. 6 Aviation Regiment must manage
a process of individual readiness, collective readiness and unit
administration in accordance with the SOP to ensure their
members are ready to deploy and in receipt of the Special Forces
Disability Allowance in compensation and medallic recognition for
the disability associated with that readiness.*

10

Is what I've read correct, sir?

MAJGEN JOBSON: That's correct, Counsel, yes.

15

COL STREIT: And so the effect of that, in essence, is because of the role
6 Aviation Regiment, as part of its mission, was required to be prepared for,
it meant that members in 6 Aviation Regiment, provided they fulfilled
certain criteria, were entitled to receive Special Forces Disability
Allowance component.

20

MAJGEN JOBSON: Yes, Counsel.

25

COL STREIT: And the management of that process, is it your
understanding, insofar as at July 2023, the management of that process was
a matter for the CO of 6 Aviation Regiment?

MAJGEN JOBSON: Yes, Counsel.

30

COL STREIT: Sir, turning to question 25. We're now moving into an
area of your evidence dealing specifically with fatigue and fatigue
management. I apologise. Before we move there, there was a question in
relation to why there are no longer any Orderly Rooms in Aviation units to
assist the personnel with administrative tasks, was the question. Your
evidence was:

35

*There are Orderly Rooms in Australian Army units, including
6 Aviation Regiment, who provide certain administrative
functions; however, their structure has changed over time.*

40

And you refer the Inspector-General to the Head Military Workforce
Design, Defence People Group to provide an informed answer on those
changes. Sorry, sir, is what I've read correct?

45

MAJGEN JOBSON: That's correct, Counsel. That's right.

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COL STREIT: So the effect of that evidence is you, like other Army Commanders, are really just the end users of the services set up for the orderly room which are organised and controlled by other parts of Defence.

5 MAJGEN JOBSON: So I guess the management of the Force structure associated with an Orderly Room is something that we certainly contribute towards in the – and we contributed towards it in the Army Aviation Capability Review, inclusive of the Capability Establishment Review. But
10 the basis of provisioning of the Orderly Room is set by according to the scales, I believe, inside the Defence Personnel Group.

And as I've indicated here, I'm sort of rapidly moving outside my lane. I guess, though, we do have Orderly Rooms in units. They're incredible. The ECM 150s, the Chief Clerks and their team, they support our
15 Commanding Officers, they extend themselves to the sub-units, where they have the capacity, and they provide due diligence to the unit on a whole range of things that are of benefit to our people.

COL STREIT: Sir, and we've had this question before because I omitted
20 to lead evidence, the fact the Orderly Room is staffed with people in it as opposed to a room performing a function of its own. In relation to the Orderly Room, in the context of your experience, if we just go back to when you were CO of 5 Avn, I think it was, the Orderly Room – if you cast your mind back to then – the functions that the Orderly Room performed at that
25 point in time in terms of a governance and admin support to your unit, they had greater capacity, did they, to provide administrative support and maintain control of particular functions as opposed to now where a number of functions are sent out to other organisations?

30 MAJGEN JOBSON: So, I think the time span is longer, actually.

COL STREIT: Yes.

MAJGEN JOBSON: I think the evolution in the work performed by
35 Orderly Rooms and the pervasiveness of that towards the sub-unit has changed over a longer period than just since 2011. We've increased digitisation, automation, empowering people inside of the organisation to perform functions that previously only the Orderly Rooms could provide. Therefore, you know, create an assessment, then we'll just know how much
40 Orderly Room has provided into a sub-unit versus what is the actual requirement of a unit given those sort of technologies that have been introduced in the years since.

COL STREIT: Sir, just on your experience comparatively over time,
45 casting your mind back to when you were a Troop Commander to what you

understand now the nature of the role and administrative duties a Troop Commander has and the environment in which they work, do you regard – looking at that longitudinally, do you regard that the governance requirements now, as of today, are greater on Troop Commanders in Aviation Command as compared to when you, yourself, were a Troop Commander? It's a fairly broad question, but I'm just really asking for your sense of things.

MS McMURDO: Governance and administration.

MAJGEN JOBSON: Yes, the Troop Commanders are all out there right now listening to this, probably thinking, "Oh, he doesn't know what we do". So right upfront I was a Troop Commander of a Ground unit in 1995 and of an Aviation unit in 1997. So I just put that there. What I would say is that we were doing things back then that was on paper and that took a long time just to organise for the Troop to do a deployment. That's now sort of automated and exists in the digital environment.

There's no neat description for this. Every time I've been inside of a unit in Command, whether it's a Squadron Commander, or a unit Commander, or the Brigade Commander, or now, the feedback about administration and governance versus flying, that's been pretty consistent. Our people come to Army Aviation to be the most proficient and effective combat aviator they can, and at the very heart of that it's executing flying operations.

One thing that has changed over time, as I've indicated in my response here, is that people are flying less. And so when you look at then comparatively to what they do on a day-to-day basis, they're doing as a proportion more admin and governance and less flying. And having served for decades with aircrew, nobody's ever happy with that. They aspire to the professional combat aviators at the peak of their ability and at the heart of that is flying operations.

It's a very difficult assessment for me to make as to whether administration and governance has truly changed over time. It's different now than what it was. I hope that provides some sort of quality inject here to the discussion. I appreciate this has been something where there's been feedback.

AVM HARLAND: Have there been any assessments done in Aviation Command, or more broadly in the ADF, to determine how much of a work day, work week, work month is taken up with non-military duties, what would be considered non-corps duties? Are you aware of any studies or surveys that have been done recently to try and ascertain that?

MAJGEN JOBSON: I'm not, Deputy Chair. I'm not, no.

AVM HARLAND: Yes, okay. Thank you.

5 COL STREIT: There's a brief respite. I'll sit down.

Sir, can I take you to question 27, please. We're moving now into fatigue management. Question 27 asks you to:

10 *Noting the fatigue management is both a Command responsibility and an individual responsibility, outline what steps Aviation Command took during your time as Commander Aviation Command to ensure that aircrew were not operating when fatigued.*

15 You've set out in detail from page 23 right through to half of page 29 a number of matters in relation to those things that you did. Is that correct?

MAJGEN JOBSON: That's correct, Counsel.

20 COL STREIT: And all of those matters the Inquiry are able to assess and consider so I propose to deal with some brief matters in this space. Can I first take you to paragraph 96. You say:

25 *As discussed in my answer to question 20, I monitored and regulated fatigue through my biannual Army Aviation Safety Program Conference. The AASPC implemented a safety priority "capacity versus demand" on the Command Safety Priority List, along with frequent communications into the Command to manage*
30 *"essential" versus "discretionary" tasking.*

I followed up on this safety priority policy with a large range of cancellations, substitutions and deferrals of tasking demand over the three-year period, 2022-24, extending throughout every level
35 *of the Command. These are catalogued in question 38.*

Sir, what I've read is correct?

MAJGEN JOBSON: Correct.

40 COL STREIT: Thank you. Sir, just in relation to the terminology, "essential versus discretionary", can you just assist the Inquiry understand what you mean by those words?

MAJGEN JOBSON: So can I just state right out front what I didn't supply with this was a sort of definition, so this is for people to be able to interpret for themselves. Going back to the 100-day assessment I had, our people advised me in various places in the Army Aviation capability that the demands could be outweighing their capacity to meet those demands. And that's relevant to the fatigue management piece of this because that is a precursor to fatigue occurring.

And so, for me, when you've got this sort of feedback occurring, we are prioritising this through the Army Aviation Safety Program and through the Command Endorsed Safety Priority List for action. I've indicated here, I think in Annex 30, the tasks, as a result of that feedback, that during the course of 2022 and 2024 we cancelled, deferred and rejected as a result of this.

Now, this goes to "essential" versus "discretionary" because what certainly I was attempting to do there, as the Commander, was to just not talk but was to take action, so that I'd be leading from my position, my appointment, and demonstrating decisions that could be made to stop doing things that weren't essential to safe flight operations and prioritise tasking and look at everything else if the capacity of our workforce was under pressure.

And so just going to that Annexure 30 there, you can see that I was starting off with the Headquarters on things that mattered in terms of our ability to execute tasking, important things but, nevertheless, weren't essential things that related to safe flying operations and essential tasking there. We cancelled all manner of desirable artefacts that we sought to produce, whether that's a Command strategy or a Command Management Systems or whether that's having people just assist me to represent at the Chief of Army's Strategic Advisory Committee, whether that was refurbishing our office building, whether that was ceasing initiatives where we were looking to expand into innovative total workforce system or sort of unactivated Reserve workstreams.

We were stopping tasking on things like a monthly newsletter. We had a recruiting initiative that we moved to another part of Defence. You know, I'm very grateful for the assistance provided by the Defence Aviation Authority to suspend the assumption of a particular Defence Aviation Safety Regulation and we ceased an uncrewed aerial strategy. That's just at the Headquarters. This then filtered through to training activities, exercises and investments.

And some of these – and, Chair, you may, when you look at some of these, see the importance and the gravity and the scale of these things here that we were cancelling that meant a lot to us, but that we cancelled in the interest

5 of reducing the demand signal on our people so that we would reduce the likelihood of that manifestation of fatigue to come out of this – places overseas that our people genuinely wanted to go to and aspects of capability that we genuinely wanted to realise that we made the decision to cut and to not do.

10 In terms of domestic operations, activities and investments there, you can see the list that I've supplied on this document is enormous. The amount of tasking that we cancelled or rejected is very significant. And in that there are things, once again, that our people would like to do that goes towards professional outcomes, their development, but that we didn't do because it was not essential to safe flight operations, and that sort of essential high priority tasking, particularly joint collective training.

15 At the 6th Aviation Regiment, I've laid out for you there at that unit, I've sort of isolated a range of taskings and requirements that we said "No, we need to manage the tempo at the unit". We reduced flying hour targets on aircraft systems under a program to both stabilise the system, produce coherence in the system, and take pressure out of the system. We delayed and extended introductions into service of new aircraft systems, once again, to depressurise those systems.

25 And some of those are examples of direct feedback that the Regimental Sergeant Major and I did receive from our workforce in the workplace where they said, "Hey, there's some pressure here". And we responded to that by releasing that pressure through extending those milestones. One of the things that we also did during this timeframe was reduce the posting mobility requirements on many people and their families through making these decisions.

30 And this is in the Defence context, being supported by the leadership in Defence, by stopping planned movements that were to occur where organisations were moving from one location to another. And that was designed to reduce that burdensome movement that many ADF families do every year to move from one posting locality to the next.

40 And as I've indicated earlier today, as we've discussed, we had a sort of blanket no tasking period after large scale commitments. And I also indicated in there we closed down a sub-unit rather than have conditions there for wholeness, which is also a precursor to fatigue.

45 So that there is a pictorial list for you, Counsel, of what it looks like to prioritise essential and cut away non-essential – and even though some of it is really important, it's highly desirable to show our people that at every level that's the decision that we need to make if we are to mitigate the

likelihood of fatigue coming out of a mismatch between capacity and demand.

5 COL STREIT: Sir, in relation to the environment of orders, instructions and publications that you have either directed or brought into existence during your Command to provide that framework of managing the risk of fatigue, in the context of that framework – and you’ve set it out in detail on the pages I mentioned earlier, in circumstances – well, I just pause there. That’s the context. In that circumstance were the outcomes of Snapshot
10 surveys for – if we just focus on 6 Aviation Regiment – were those outcomes briefed to you for 2022 and 2023?

15 MAJGEN JOBSON: So I was aware of not just 2022/2023, and that was briefed to me. I was aware of Snapshot going back years prior to that time, at all of the units in the Army Aviation Command, and previous to that, Forces Command.

20 COL STREIT: And, sir, you gave some evidence earlier, perhaps this preliminary question will be of assistance to you, but you gave some evidence earlier that when you assumed Command of Aviation Command, you had a briefing – sorry, you undertook a review of Snapshot survey results going back a few years.

25 MAJGEN JOBSON: Yes, I did, Counsel.

COL STREIT: And what was your impression of reoccurring themes from those surveys at that time?

30 MAJGEN JOBSON: And so certainly that the ground trades matrix were difficult in comparison to the aircrew matrix. This is our technician workforce, our ground crew mission support workforce, and our ground crew aircraft support workforce. And what I found was that this was corroborated in our engagements with that workforce, we would get feedback from those workforce segments in relation to how they were
35 feeling in their work environment.

40 So I received direct feedback from the ground crew mission support personnel at the 6th Aviation Regiment, Counsel, who felt that we didn’t have enough of them against the demands that they faced in their work environment. Ground crew mission support personnel are the people who operate the radios, who supply the data to the aircraft, who are there for the aircrew if things go wrong. They’re an exceptional group of men and women, and I’m very proud to serve with them. But they were indicating that it was a demanding place to be on the – and numbers of personnel was
45 an issue for them. As was the maturity of the equipment they were

operating. And the value they felt in regards to their remuneration.

5 So a number of things were sort of contributing around there, but that was an area where you get feedback from the Snapshot, you've got a work segment and you're getting a corroboration through direct feedback from people on the ground in the work environment.

10 COL STREIT: So just in relation to when you assumed Command, you're looking backwards in time to the Snapshot surveys. Were there fatigue and workload themes that were reoccurring?

15 MAJGEN JOBSON: So fatigue is structurally embedded in the Snapshot. It's going to always be a theme because it's there. So you're always going to get feedback on fatigue in a Snapshot. I guess, Snapshot is one source of advice on the health and the disposition of your workforce – obtaining direct feedback from the workforce, obtaining feedback from the Chain of Command, seeing what they're doing, and having experienced these sequences myself, whether it's Defence Aid to the Civil Community, or a deployment, or an exercise, those are coming together to provide myself an understanding of the health of the workforce in various places.

20 So with regard directly to the 6th Aviation Regiment, I would just come back to the matrix that was being advised to me, that I was seeing and then that was being corroborated, was that our ground trades, uniform matrix overall, were more challenging than our aircrew matrix. Now, aircrew matrix, I was seeing aircrewman, 163 – and we've talked about the incredible group of people in the Command – and then the Commanding Officer gave me feedback, represented to me from the unit also that there was pressure in our aircrewman capability. And from my previous experience as Commander 16th Aviation Brigade, supporting them with the raising of the Rotary Fit Program for their musculoskeletal health, it was apparent to me that the ECM 163 aircrewman workforce was under pressure.

35 Now, that aggregated, I guess, analysis and feedback that I undertook in 2021 enabled me to produce a case to go to the Chief of Army and request an Army Aviation Capability Review to remediate people and workforce in the Army Aviation Command. That Army Aviation Capability Review, for instance – and we'll focus here on aircrewman as this is a 6 Aviation Regiment piece – for instance, has for a start resulted in a Defence Force Remuneration Tribunal case, a successful case that comes into effect tomorrow, that will see a pay rise for our aircrewman from the 22nd of this month.

45 In fact, for all of our trades will receive that pay rise. It has also allowed us

to expand entry into ECM 163 aircrewman from not just in the service where they're coming from now but directing to recruiting and then into their training. That's really important because one of the aspects of aircrewman 163 is because it's an older workforce that comes in from other parts of the Army as a Corporal – and there are a segment inside of that ECM that are restricted from full duties due to injuries. And so what we're doing here is we're opening up another entry point. So we'll keep that one. But another entry point into 163, and that provides, I guess, a young cohort to come through without injuries and serve for longer in there.

What's the outcome from that? Well, what that means is that we've got a larger workforce that's more available for their duty, more able to acquit the demands in their workplace. That, ultimately, mitigates then the likelihood of fatigue producing conditions because you've got more people to do the work. Better pay is about retention of people which, once again, goes to more workforce and more efficient.

Complementing this for ECM 163 is the Force modernisation line of effort and through that line of effort we are seeing the UH-60M, or the utility helicopter footprint reduce the number of nodes that we presently operate into a smaller number of nodes. This also incorporates a Houston Review recommendation. And for our ECM 163 aircrewman, what this means is that they'll have two operating bases; one at Oakey and one at Holsworthy, as they go forward. And so they can still obtain variety in each location. They can do black roles, or the Special Ops roles at 6, and then they can opt out and do the green roles there, which is a different lifestyle and pace. And importantly, their families remain in their location, less susceptible to mobility, having to change jobs – and kids – which, itself, once again, is a fatigue producing condition – you know, having moved 27 plus times with a family.

These are the outcomes that we have sought through the Snapshot, through corroborating data with the Snapshot and then using that to mount a case to the Chief of Army in Defence to create important outcomes that will go to mitigate fatigue-producing conditions in the unit.

COL STREIT: Sir, thank you. I appreciate that evidence is important but for different reasons. My question was really about fatigue and it being a theme in Snapshot surveys that you saw at the time you assumed Command.

MAJGEN JOBSON: Yes.

COL STREIT: So I take it that fatigue was a theme of concern in Snapshot surveys for Aviation Command workforce?

MAJGEN JOBSON: Yes, fatigue is a concern.

COL STREIT: And workload?

5 MAJGEN JOBSON: Workload is a concern, yes.

COL STREIT: There's some evidence before the Inquiry to the effect that in May 2022 the 173 Snapshot survey results created some key themes.

10 MAJGEN JOBSON: Yes.

COL STREIT: The first question is, sir, were you ever briefed on those 173 Snapshot survey results for May 2022?

15 MAJGEN JOBSON: So I was briefed on Snapshot for 2022, for the breadth of the Command, inclusive of 173.

COL STREIT: Sure. Just accept from me that some of the key themes of concern that the OC at the time of that Squadron had, as a consequence of reviewing the May 2022 Snapshot survey results, was themes of concern were the cumulative fatigue, the mission and transition type, transitioning from MRH-90 to the Black Hawk, were the key themes of concern.

20 MAJGEN JOBSON: Yes.

COL STREIT: Did you have a similar – I'm asking you to reach back in memory here. If you can't, say so. But did you have a similar impression?

25 MAJGEN JOBSON: Yes, these are themes that were known to me.

COL STREIT: I suppose, the final question, sir, for this afternoon – I'll be requesting an adjournment of your evidence – is, in circumstances where you have detailed orders, instructions, publication framework dealing with the management of fatigue – and that's what we're talking about in this section of your evidence – dealing with the management of fatigue, where it remains a consistent theme of concern in Snapshot survey results, focusing on 6 Aviation Regiment and, in particular, 173 Squadron, on the face of it, does it not mean perhaps that the orders, instructions and publication framework that you have around managing fatigue may not be working as you best hoped?

30 MAJGEN JOBSON: I think it's an imperative for the instructions, orders, and publications. It's an imperative for us to be vigilant, to engage with the workforce, to do this work at all of our levels. I would just make the point here that remember, 173 Squadron didn't want me to be another OC. And

CO 6 Aviation Regiment didn't want me to be another CO. And likewise, Commander 16 Brigade didn't need me to be another Brigade Commander. They needed to be able to respond in the contextualised environment that was in front of them. And if they needed assistance, to ask each layer to provide that assistance, to provide help. Everybody needs everybody at their level to do the things that they can only do at their level.

And so I am cognisant of workload. I am cognisant by virtue of the fact Snapshot institutionalises fatigue survey, that there is fatigue. And so what I'm seeing is I'm seeing CO 6 Aviation Regiment take action, have agency, make decisions. And I'm seeing the same from Commander 16 Aviation Brigade, and I'm doing the same.

So I guess my answer is, no, not necessarily, but it's a clear imperative to ensure that we do employ that OIP in there in combination with being proactive as Commanders to do the things at our level to ultimately reduce, minimise, treat where we see that tempo and workload and fatigue matrix.

COL STREIT: Sir, the question is simply, in circumstances where 6 Aviation Regiment, just a unit under your command at the time in July 2023, the Command is giving effect to the orders, instructions and publications that you issue, and your Headquarters issue, for the management of fatigue.

MAJGEN JOBSON: Yes.

COL STREIT: But in circumstances where the unit is doing that, let's just say it's doing it to the best of its ability, in the Command line.

MAJGEN JOBSON: Yes.

COL STREIT: The issues of, and the key themes of concern, fatigue still permeate through the Snapshot survey as at May 2022.

MAJGEN JOBSON: Okay.

COL STREIT: And the evidence that's been given by the OC was similar themes relevant to the June 2023 Snapshot same Squadron. So in those circumstances, the simple question is, when the rules in place don't deal with the issue that's at hand, or don't treat the issue that's at hand, did you consider perhaps the rules need to be changed?

MAJGEN JOBSON: And so we were executing improvement to our policy in relation to fatigue. We were executing, once again, dynamic outcomes through, for instance the Command Endorsed Safety Priority List

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and demonstrating to our people hundreds, if not thousands, of personnel hours of tasks that can be cut away, that they can also do. And I was seeing that from Commander 16th Aviation Brigade. So to have that cascade down – so the orders, instruction, publications weren't necessarily static.
5 They were under continuous improvement and there was also an element in there of dynamic outcomes that were being delivered.

And I think as GEN Hafner advised here, we were across the period of 2022, '23, '24 really working to improve the matrix overall there, and realising
10 that in the report in 2024.

COL STREIT: Thank you, sir.

MS McMURDO: Yes. Well, we'll adjourn now. I was planning to
15 resume at 9.30 in the morning. Is that convenient to you?

MAJGEN JOBSON: Ma'am, that's fine. I'm happy to go earlier if you'd like.

20 MS McMURDO: Will it be necessary to start earlier?

COL STREIT: Sorry?

MS McMURDO: Is it necessary to start earlier than 9.30?
25

COL STREIT: I'm managing my own fatigue; I don't think it's necessary to start earlier.

MS McMURDO: You haven't got any interest in starting earlier? I still
30 think we'll finish comfortably tomorrow?

COL STREIT: Yes.

MS McMURDO: Is there going to be a lot of cross-examination – or
35 likely to be a lot of cross-examination, lengthy cross-examination? LCDR Gracie? Yes, look, you have a job to do but you don't know how much yet?

LCDR GRACIE: Probably 15 minutes.
40

MS McMURDO: Nobody else is planning, at this stage, to have lengthy cross-examination?

UNIDENTIFIED SPEAKER: Ma'am, maybe about 15 minutes.
45

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MS McMURDO: Yes. So it doesn't look as though there's going to be lengthy cross-examination tomorrow. We should finish comfortably with a 9.30 start.

5 MAJGEN JOBSON: Okay, thank you, ma'am.

MS McMURDO: Thank you. We'll adjourn until 9.30 then.

10 <WITNESS WITHDREW

**PUBLIC INQUIRY ADJOURNED UNTIL
THURSDAY, 8 MAY 2025 AT 0930**