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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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0930, THURSDAY, 8 MAY 2025

DAY 56

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

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Signed	Epiq Australia Pty Ltd	Date	13/06/25	(Transcription)

.MRH-90 Inquiry 08/05/25

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Date: 08/05/2025

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<MAJGEN STEPHEN JOBSON, on former oath

<CROSS-EXAMINATION BY COL STREIT, continuing

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MS McMURDO: COL Streit. Major General.

MAJGEN JOBSON: Good morning, ma'am.

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MS McMURDO: Just try and listen to the question. If you don't understand it, say so. And listen to the question and answer it as directly as you can; that would be great.

15 MAJGEN JOBSON: Yes, ma'am.

MS McMURDO: Thank you so much. Yes, COL Streit.

20 COL STREIT: Good morning, Ms McMurdo, AVM Harland. Before the witness's evidence is commenced, I can indicate that I anticipate families will take up the option to make statements tomorrow publicly to this Inquiry. That mechanism is provided for in the Guide to Families and Friends, which is on the Inquiry's website, and is consistent with the approach taken by some Coroner's Courts in different jurisdictions, particularly New South Wales. I just alert Counsel representing to that particular matter.

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MS McMURDO: That being so, we'll do that after all the witnesses' evidence has concluded.

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COL STREIT: That's correct, yes.

MS McMURDO: So that will be the final part of the Inquiry's Public Hearings work.

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COL STREIT: Yes. Sir, can I take you to your statement, please? Can I just ask you one question concerning paragraph 268 of your statement? We dealt some evidence yesterday, sir, concerning what you describe there in evidence with the heading "Underperforming MRH-90 System". For clarity, can I just ask you to explain to the Inquiry what you mean by "MRH-90 System"? In other words, what does the "system" comprise of?

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MAJGEN JOBSON: Ma'am, the MRH-90 system is the combination of the aircraft itself and then the support and supplies to enable the aircraft to operate in service.

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COL STREIT: To be clear, it's not your evidence that the aircraft – that's a double negative, I put it that way. From your opinion, the aircraft – that is, the MRH-90 aircraft – as at 28 July 2023 was a safe aircraft?

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MAJGEN JOBSON: The MRH-90, as of 28 July and every time we put an aircraft online to supply our aircrew to fly, was a safe aircraft.

COL STREIT: So when you give evidence about the underperforming MRH-90 system, it's the system, inclusive of the aircraft, but it's the system that supports the operation of that aircraft. Correct?

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MAJGEN JOBSON: Correct.

COL STREIT: Coming back to an earlier part of your statement, can I take you to page 31, please, and page 30? The bottom of page 30 you were asked the question:

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Noting the DASR Aviation Fatigue Management listed a Fatigue Management Policy or an Aviation Fatigue Management Recorded Training Competency and Currency as an acceptable means of compliance, state whether Aviation Command had implemented either of these policies as at 28 July '23. If not, explain why not.

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Your evidence is this, paragraph 140:

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As at 28 July '23 Aviation Command had a suite of contextualised fatigue management and extensive training and currency requirements in effect.

As described in your answer to question 27 of the submission, you say at 141:

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All aircrew were required to complete a course of instruction and obtain competency in Aviation Medicine and Non-Technical Skills prior to being authorised to fly in Aviation Command. Each of these disciplines included foundation course and ongoing currency to the satisfaction of DASA. Resident within each course were learning outcomes on fatigue awareness and management. Aviation Medicine education and training was implemented by the RAAF Institute of Aviation Medicine, and Non-Technical Skills education and training was implemented by the DFSB. In addition, aircrew on Aircraft Qualification Courses at the School of Army Aviation were required to complete an

accredited training course inclusive of airmanship training that contained further fatigue training.

Sir, is what I've read out in those two paragraphs correct?

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MAJGEN JOBSON: Correct.

COL STREIT: In that circumstance where your Force, Aviation Command, is being trained as a consequence of the orders, instructions and publications framework that your Command has put in place, but where Snapshot surveys are informing you there were still real challenges in managing fatigue driven by excessive workload, in that particular context, did you then make any adjustments into how your orders, publications and instructions and the training were delivered to your workforce?

15

MAJGEN JOBSON: Yes.

COL STREIT: Are you able to assist the Inquiry understand what adjustments were made?

20

MAJGEN JOBSON: Counsel, may I refer to my statement and comments yesterday, in which I indicated that the – as a component of my answer here that I've supplied, the Army Aviation Safety Program Conference, developed as a product a Command Endorsed Safety Priority List. The Command Endorsed Safety Priority List included the raising of capacity versus demand as a Command priority. And if we do not balance the capacity and the demands of our workforce, then we have a condition that may result in a manifestation of fatigue amongst our workforce.

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Through the enactment of that Command Endorsed Safety Priority, we are effecting dynamic policy that results in the removal from the workplace of thousands of person crew hours of work that signifies a lowering of demands on our people. So that's an active component of policy that is responding to the needs and the contemporary conditions in the work environment.

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Counsel, in addition we are continuously updating and improving our policy. We have expanded, for instance, on our planning, supervision and Risk Management Policy to ensure that it's very clear to our supervisors, to our rosterers and schedulers and those who are supervising this environment, such as our Standards Officer, to actively risk manage when rostering our personnel in regards to their fatigue.

40

We have, as I've indicated in here, evolved our Risk Management Policy through incorporating it into the Standing Instructions Modernisation Project that is attempting to bring together lines of policy such as safety, operations and quality management system, and other directives into a central policy hub that better maps into the Defence Aviation Safety Regulations and into our workforce.

Preceding that was SFI 12 of 2023, incorporated in my answer here, and that related to an enhancement, an improvement of our Fatigue Management Policy. That was then subsequently incorporated into that updated Standing Instructions Operations. Those are examples, Counsel, of pillars of activity inside of our Fatigue Management Policy, whether it's been dynamic or whether it's being updated, as we go into the future.

COL STREIT: So in circumstances where orders, instructions and publications that you and, under your direction, your Command have issued which establish a framework in relation to training on fatigue and the management of fatigue – or the risk of fatigue, rather, in the workforce in that framework context, and where fatigue is still being reported in Snapshot surveys within 6 Aviation Regiment, just to focus on that unit, and 173 Squadron, in particular, in May 2022 and in June 2023, with that context and background, is it not then the driver of fatigue really not so much an inability to comply with orders, instructions and publications – that is, the individuals not complying with orders, instructions and publications – but the driver of fatigue is the significant workload that the workforce is required to complete?

MAJGEN JOBSON: So, Counsel, a really long question. Is the driver of fatigue – I'll just read it back to you. Is the driver of fatigue not so much the inability to comply with OIP, but that significant workload is a driver of fatigue? So, okay, I'll try and answer that question faithfully.

COL STREIT: Let me clarify it for you, sir.

MAJGEN JOBSON: Yes.

COL STREIT: If we assume that your orders, instructions and publications for the management of fatigue in the workplace as a framework were fine, all right. So it was a reasonable response to the risk of fatigue occurring in the workplace. Let's just assume that. So put that to one side. But when you look on the ground, the Snapshot survey results are telling you that there's still a problem with fatigue being present in the workforce. So in that context, just on the Snapshot surveys, is not the driver of fatigue in that context the significant workload that the workforce is required to perform?

MAJGEN JOBSON: Counsel, I would say that it is not “the” driver, it is “a” driver. I agree with you that workload is a driver of fatigue.

5 COL STREIT: Because you can have all the rules in the world
establishing a framework, creating a benchmark or standards of certain
things, but if on the ground the Force is being told, “This is the work and
you need to do this. It needs to be completed by a certain time or this
mission can’t occur”, a highly motivated, team-orientated,
10 mission-focused workforce will do that task and move into potentially
being fatigued to get the job done because that’s what the system is asking
of them. So, in that context, if you accept the premise of that proposition,
is not the driver of fatigue the workload at the local level?

15 MAJGEN JOBSON: I don’t agree with the proposition.

COL STREIT: Sure. What would be your position? What do you think
is the driver of fatigue?

20 MAJGEN JOBSON: That’s an expansive question, Counsel. I would
suggest that - - -

COL STREIT: Let me help you here, sir.

25 MAJGEN JOBSON: My apologies. Can I indicate to you a driver of
fatigue is – and as I’m coming back now onto some answers that I have
already supplied you – and that is an imbalance between capacity of our
workforce, of our people, and the demands placed on them. That, to me,
is a driver that may result in the manifestation of fatigue in the
30 workplace. The Snapshot does provide a methodology there that in effect
uses the Jobs Demands versus Jobs Resources model to describe potential
preconditions to fatigue.

35 But the Snapshot institutionalises the reporting of fatigue. As long as
there is a Snapshot, and as long as there is fatigue institutionalised into the
Snapshot, we are always going to be reporting on fatigue. Counsel, in
terms of myself, though, attempting to explain the full range of factors
that may cause fatigue, it’s a very expansive question and we’d be here for
a while, I think, if I attempted to answer that in its fullest sense.

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COL STREIT: Sure.

AVM HARLAND: Can I perhaps ask it in a slightly different way?

45 MAJGEN JOBSON: Yes.

AVM HARLAND: As a Commander, and coupled with your subordinate Commanders, would you agree that you have a highly motivated team that's inclined to effectively make outcomes happen?

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MAJGEN JOBSON: Yes.

AVM HARLAND: I think we've heard evidence from various witnesses previously on that. So that highly motivated team which is inclined to make things happen, when they're given a task set which may be beyond the reach of their capacity, a hazard that we've discussed previously in this Inquiry is that that can actually create the conditions where people will overstep the mark and they may operate in a fatigued state, which may create safety issues.

15

So I guess I'm asking you, as a Commander, was that in your mind when you were considering fatigue and the creation of all the policy that supports fatigue management within Army, and did you discuss it with your subordinate Commanders about how you manage the workforce to ensure that they don't, in a very well-meaning way, overstep the mark and operate in a fatigued state?

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MAJGEN JOBSON: Deputy Chair, yes, to both questions. Was it on my mind as a factor that could cause fatigue in the workplace? Absolutely it was on my mind. It was in my discourse regularly with my Commanders. And as a matter of fact, it was in my discourse with the entirety of the Army Aviation Command, representing capacity versus demand as a safety priority, as a risk; representing to the workforce to look at what is essential and then look at what is desirable and cut the desirable away, was a constant and pervading discussion with our people.

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At all levels of Command, it was crystal clear that we needed to do that to ensure that we didn't allow the manifestation of fatigue in our workplace. So, yes, it was a definite concern. Otherwise it wouldn't have been made a priority for us on our Command Safety Priority List. And, yes, it was a definite conversation and discourse that was presented universally to the Army Aviation Command.

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AVM HARLAND: Were you confident that your Commanders were making sound judgments in terms of managing the capacity of their subordinate units?

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MAJGEN JOBSON: Not only was I confident that my Commanders were making decisions, I was seeing my Commanders make decisions regularly for the safety and the wellbeing of their people. And those

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Commanders – you know, as I mentioned yesterday, the Command Sergeant Major and I would tour across our units dozens of times throughout our two-year tenure together, and not only would we see our Commanders making decisions, they would clearly and unambiguously represent their needs to us – clearly and unambiguously. They would walk me onto the target of the needs that they had for their unit for the things that they needed to pull me into to offer support, to have understanding, for the benefit of their soldiers and their people. And that gave me great strength and confidence that they were working their hardest to deliver outcomes for their people and their families.

AVM HARLAND: Thank you. I understand that explanation. Now, going to the Snapshot survey, which enquires about a number of things, fatigue being one of them, and people can report that they're not fatigued as much as they can report they are fatigued. So I would consider the Snapshot report to be neutral and the answers are dependent on how people see their fatigue. So they could equally say they're not fatigued and they're good.

But how do you reconcile that view and your confidence with the long-term trend over time that people are reporting significant fatigue on the workplace via the Snapshot survey, which by its design is intended to be non-identifiable so people can provide an honest opinion that won't potentially compromise them? So how did you and your Command chain reconcile those two things?

MAJGEN JOBSON: Well, firstly, can I just reinforce the value and importance of the Snapshot that the Defence Flight Safety Bureau and previous the Defence Aviation – DFAS – previously administered? It's a very important tool. We take it very seriously. It provides us excellent insight into the health and the wellbeing of our workforce. And as I've indicated to you, as I came into from the Army Aviation Command, I actually reviewed a number of years of Snapshot across the organisation so that I would be better informed of the needs of our people. And as you've indicated, it's important in the fact that there's a psychological safety about the way in which they can represent their needs and their concerns in the workplace. And for me, the data is extremely valid. It's our workplace.

I then also corroborate that with the feedback that we're getting from our people on the ground. That just further reinforces what we're seeing in that data. And people of all ranks in the Army Aviation Command, in all of the units – this is what I saw personally. People from all ranks in all units were willing, at points, to represent their needs and concerns to us.

What I wouldn't say – and going back, Counsel, to what you'd like to do here and represent it clearly to the 6th Aviation Regiment – I wasn't receiving fatigue in that direct sense at the 6th Aviation Regiment during those engagements. Whether it's those layers of Command. Whether
5 that's with the safety staff. Whether that's with people just coming up to myself and the Regimental Sergeant Major.

AVM HARLAND: Do you really think that a Corporal is going to come up to you, as the Major General, and say, "Hey, boss, I'm fatigued"?

MAJGEN JOBSON: Not always, no. No, not always. But some do. But sometimes their boss will come up and represent something to me, or their bosses' boss. Commanding Officers are representing formally via the Army Aviation Safety Program Conference, via the Command
15 councils that we're undertake through the year, or my direct engagements with them on our learning tours across to each of the units.

So you're building a picture over time. You're maintaining that picture over time, a corroborated picture where you're getting a variety of input. I
20 guess another factor, too, is understanding what they're doing. So yesterday we mentioned, for instance, that at the 5th Aviation Regiment some of the things they were doing there and some of that was to assist the 6th Aviation Regiment to ensure the 6th Aviation Regiment weren't pulled heavily towards Defence Aid to the Civil Community and
25 HADR. Some of the things they were doing at 5th Aviation Regiment were quite extraordinary in terms of the mass of the response.

So I'm seeing that, and then we're looking at the Snapshot, and we're talking to the people, and we're communicating with Command, and
30 we're sort of building a picture there and it's a corroborating picture about the pressures inside the work environment there. So when you say "reconcile", Deputy Chair, I'm reconciling through this corroborated multi-input approach to understanding the needs, the disposition of our people and their families.

AVM HARLAND: Okay.

MAJGEN JOBSON: Does that answer your question?

AVM HARLAND: It does. But it still concerns me that the Snapshot surveys continue to indicate tempo, fatigue, work rate issues over time, and despite all of the activities that you're doing, which includes moderation of tempo, communication with Command, a suite of orders, instructions and publications, and despite that, we see a continual trend of
45 over-reporting of fatigue. And that's the thing that concerns me, is that

there didn't seem to be any closure on, effectively, addressing it back to a normal state, in terms of an outcome through the Snapshot, which was the independent, non-identifiable feedback that you were getting – not flavoured by any Command or anything like that.

5

MAJGEN JOBSON: Yes. Look, I mean, having been in Command yourself, this is a never-ending commitment and work in progress for us, solving that fatigue metric in the workplace. That's been present for decades. If there was a universal application for us, as Commanders, to apply in there, you know that we'd be the first ones to apply this. And I guess though in the meantime, it's a never-ending commitment from Command to respond to, to mitigate, to prevent, to act in regards to fatigue. These are our people, and it affects them and their families. This matters as Commanders. It's a never-ending, continuous engagement to provide them the very best possible conditions in their workplace.

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AVM HARLAND: I understand. And we heard from Dr Smith in yesterday's evidence regarding a Chief of Air Force study that was reported on in 2013, which I think is clear evidence that this issue has been around for a significant period of time, because that wouldn't have just happened based on an idea to do that study. So the evidence would be that this has been around for a significant period of time. And it would appear from the evidence we're hearing in this Inquiry, that it still is a problem for the ADF, and for ADF Aviation in particular, that needs to be dealt with.

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So is there anything that you could perhaps help the Inquiry with? Because it would appear that doing more of the same and expecting a different outcome is not going to really change anything. So is there anything you could potentially help the Inquiry with about a potential changed approach that might actually finally address this perpetual issue of managing fatigue in the workplace?

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MAJGEN JOBSON: I think I'd go back to just the reference point that you made there: Defence. I think if we are attempting, in our individual, isolated, Commands and environments to attempt to solve this, the thing is, we are integrated. Someone has a preparedness need or undertaking an acquisition activity and all of these things, I guess, cross into our environments, right.

35

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So I think the first thing would be – or to answer your question, my advice would be to take a Defence-level view. A Defence-level view, from a posture that can influence the core operating organisations. So where flying is occurring and the enabling organisations that are influencing into the flying organisations. I think that would be the right posture to effect a

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review into fatigue and take a Defence approach towards continuing to minimise the likelihood of fatigue in our workplace.

AVM HARLAND: Thank you very much. Appreciate.

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COL STREIT: Sir, can I just take you to paragraphs 143 and 144? The question there is:

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Describe what steps, if any, Aviation Command has taken to implement the guidance contained in the DFSB's Aviation Fatigue Management Guidebook which was first issued in April '21 including, but not limited to, the requirements for Commanders and Managers to establish and maintain a Fatigue Management Program that is commensurate with the risk and complexity of their operations.

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You make reference at 143 and 144 that – in particular 144, that:

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Aviation Command applied staff and subject matter expert resources to interpret the DFSB Aviation Fatigue Management Guidebook for consideration in Aviation Command Policy, noting the guidebook is not an acceptable means of compliance in regards to the DASR Aviation Fatigue Management Policy. Further aspects of the guidebook were incorporated into SFI 12 of 2023 and upgraded in SI (AVN) OPS Edition 6, including a hyperlink to the DFSB Aviation Fatigue Management Guidebook Version 2 through Standing Instructions Modernisation Project.

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So what I've read out is correct?

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MAJGEN JOBSON: Correct.

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COL STREIT: Prior to incorporating aspects of the guidebook into SFI 12 of 2023, which the Inquiry understands became extant in December 2023, was the Fatigue Management Guidebook Version 1 referenced in any of your orders, instructions and publications?

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MAJGEN JOBSON: So the Defence Aviation Fatigue Management Guide Version 1 of April 2021 was present inside of our training system since 2021. In 2021 it was incorporated into the Supervisor Op Airworthiness Course as a reference, including some product in that book. As I've answered in another answer in here, that included the Fatigue Risk Awareness Tool.

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COL STREIT: Yes.

MAJGEN JOBSON: In 2022 it was expanded to the Regimental Officer Intermediate Course and the Flight Authorising Officers' Course and referenced in there.

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COL STREIT: So in SFI - - -

MAJGEN JOBSON: Sorry, Counsel, I haven't finished.

10 COL STREIT: Apologies, sir.

MAJGEN JOBSON: In addition, as I've indicated in my answer, you've had, I think, former evidence here discussing this, but we had, in SI (AVN) OPS 6-201, reference to a previous Defence Flight Safety Bureau Fatigue Management Guide. That included material that continued to be brought forward into version 1, into version 2, of subsequent editions.

20 In addition to that, the Fatigue Risk Management Chart that we were referencing in SI (AVN) OPS 6-201, also continued to be imported into subsequent Defence Flight Safety Bureau editions of the Fatigue Management Guide. Thank you.

25 COL STREIT: You're finished?

MAJGEN JOBSON: Finished.

30 COL STREIT: Sorry, sir. Prior to SFI 12 of 2023, the Fatigue Management Guidebook was incorporated into orders, instructions and publications within your Fatigue Framework for Aviation Command as a guide? So, in other words, it wasn't mandatory reading or compliance for your Command?

35 MAJGEN JOBSON: Correct. Well, I guess, once again, material in the guidebook that was resident in the previous version of the guidebook was referred to in our policy. And given that that's imported into that document, and given that the Fatigue Risk Management Chart is imported into that document, there is therefore elements of that Defence Aviation Fatigue Management Guidebook that are being referred to in our policy.

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COL STREIT: The point of distinction I'd like to ask you about is this. In circumstances where there's a lot of information for your Command to absorb in orders, instructions and publications concerning the operation of a Military aircraft, there are things that they – would you agree with this: there are things that they must know, and there are things

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that are desirable for them to know? Would you accept that as a basic premise?

MAJGEN JOBSON: I would accept that.

5

COL STREIT: The context is this, sir, so when you issue an instruction that mandates certain things occur, your expectation is that your Command, relevant to that particular instruction, would read that instruction and comply with those directions contained in the instruction. Correct?

10

MAJGEN JOBSON: That's correct. And in addition to that, to supplement that and confirm that, remember, we have a training system. And in a training system we're assessing, and where we're assessing, that's clearly knowledge that's mandatory to know in order to be successful in the assessment. So if we're assessing material in a Supervisor Operational Airworthiness Course and the material is in that, and it's being assessed, then it's being assessed on your knowledge of that material. Likewise with a Regimental Officers' Intermediate Course or a Supervising Officers' Course. That therefore is mandatory, therefore you need to know that to pass the assessment.

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COL STREIT: I'm just talking about instructions that you might issue. And the expectation is that the organisation or the part of the organisation the instruction is relevant to, given it's a direction, you expect them to read it and comply?

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MAJGEN JOBSON: Yes.

30

COL STREIT: Like crew duty times, for example?

MAJGEN JOBSON: Yes.

COL STREIT: Where that instruction might contain additional information in the form of guidance, "Here's my direction on a topic. You're to do A, B and C. For further guidance on this matter, you can refer to the following link or publication". Circumstances where that's occurring, then it's discretionary on the part of reader of the document as to whether they've got the time, the space and the desire to go and read that additional guidance referencing material. Would you accept that as a basic premise?

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MAJGEN JOBSON: No.

COL STREIT: So you mention in your evidence the distinction between – and this is at 96 of your statement – essential versus discretionary. And in response to the Air Vice-Marshal's question, you talked about essential versus desirable.

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MAJGEN JOBSON: Yes.

COL STREIT: There's only 24 hours in the day. There's a lot of information for your Command to absorb in its daily activities.

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MAJGEN JOBSON: Yes.

COL STREIT: There are things that they must know.

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MAJGEN JOBSON: Yes.

COL STREIT: There are things that are desirable for them to know. And if they've got the time and space, it's desirable for them to get across that. Would you accept that as a basic premise?

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MAJGEN JOBSON: I'd accept that everybody has so much capacity.

COL STREIT: So where your reference to the Aviation Fatigue Management Guidebook Version 1 is a reference link in a publication at some point, where it's not mandated that it's read and complied with, it becomes a discretionary decision on the part of the reader, even if they want to, do I have the time and space to get across that information? Would you agree?

25

MAJGEN JOBSON: So, Counsel, this is a way, I guess, to look at this from certainly my perspective as an Army Aviator and through my career. What the guidebook represents is a resource. There are aspects in there that might not cover every circumstance, but every circumstance might have an aspect in there that can be imported as a resource to ensure safe flight operations to the Commander. I appreciate this is a different vector from the manner in which you're approaching this, Counsel, but through my lens these are resources for our people to employ for safe flight operations.

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COL STREIT: I'm not suggesting otherwise. It's really just a question about time and space to review material that's discretionary or desirable or guidance, as opposed to the must know, which are your orders, instructions and publications. That's the context of the question.

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Perhaps this will assist, sir. Because in December of 2023 you mandated for the first time the application of the Fatigue Risk Awareness Tool for your aircrew. That's right?

5 MAJGEN JOBSON: That is correct.

COL STREIT: But prior to that, at its highest watermark, the application of that Fatigue Risk Awareness Tool within your Command was guidance. Would you agree with that?

10 MAJGEN JOBSON: I would agree with that, yes.

COL STREIT: So that's simply an example where – although I'm not suggesting you didn't make your Command aware of the existence of the Fatigue Risk Awareness Tool.

15 MAJGEN JOBSON: Yes.

COL STREIT: So is this an example where the existence of that tool was contained in your framework for the management of fatigue?

MAJGEN JOBSON: Yes.

COL STREIT: It wasn't mandated, and therefore it becomes discretionary time and space as to whether your workforce can get across that tool and use it. Would you agree with that?

MAJGEN JOBSON: Counsel, once again, what I would say is that concepts/requirements that are mandated include risk management.

30 COL STREIT: Yes.

MAJGEN JOBSON: And what's resident inside this document, for example, in the Fatigue Risk Management Tool, are seven fatigue hazard contexts, with associated risks, and 86 risk controls that are available to our aircrew for use in a range of different circumstances. Now, I appreciate that committing to memory 86 risk controls is – that's a stretch. So though having the resource known to them, through such things as the Supervisor Op Airworthiness Course and the Authorising Officer Course, and their category assessments, ensures they can avail themselves when they're doing their mandatory risk management activity of controls that are inside the Defence Aviation Framework.

COL STREIT: There's some evidence before the Inquiry – and it's at QFI level all the way to CO level in a unit – that they were not aware of

the existence of the Fatigue Risk Awareness Tool, nor the Aviation Fatigue Management Guidebook Version 1. In relation to the Fatigue Risk Awareness Tool, there's some evidence that they weren't aware of it until after the Inquiry had produced it to them. In relation to the Aviation Fatigue Management Guidebook, at a CO level, they weren't aware of that until it was brought to their attention in the first part of 2022 in relation to a different activity.

MAJGEN JOBSON: Once again, just not being privy to this myself - - -

COL STREIT: Sorry, sir, I haven't finished the question. That's the context.

MAJGEN JOBSON: Yes.

COL STREIT: So in those circumstances where the guidebook and the tool are referenced in your material but are not mandatory, is that not evidence that reflects that the mere referencing of material, a guidebook in your material, is not sufficient for your workforce to get across its contents?

MAJGEN JOBSON: I don't know, Counsel, because I don't know complete context to what you're presenting to me today. What I can advise you though is of this timeline, that in 2021, and I've included the actual slides that were in use by the Supervisor Operational Airworthiness Course, that we were availing our people of this information.

In 2022 we expanded that to our Authorising Officers. Supervisor Operational Airworthiness Course has an expansive attendance list, and it's recorded inside Standing Instructions Aviation Operations. That's our Commanding Officers. That's our unit safety staff. That's our Squadron Commanders. That's our staff in Standards and safety and Operational Airworthiness. And then expanding through to our Authorising Officers by the Regimental Officer Intermediate Course means that we're availing a lot of people in a lot of appointments.

I would say one thing, that it's also, remember, not an Army Aviation Command product, it's a Defence Flight Safety Bureau product. So in terms of formalising the manner in which the product is taught to our people and individuals, that is a systems approach to Defence learning outcome, that is a training authority-driven outcome to bring that product into service through training.

So that product is resident, for instance, within the Defence Flight Safety Bureau Non-Technical Skills Foundation Course and the product is

resident within the Defence Flight Safety Bureau Non-Technical Skills Instructor Course. So to bring those formally into effect with the philosophy behind them, with limitations and considerations, context to them, the application of them and so forth, you require that training system to bring that into effect into the training audience, which happens to be both those people that are undergoing their initial training and those that are qualified in the environment via those two courses.

So for me to get ahead of that process and accept that work myself, what I could be saying to my people is, “Hey, here’s somebody else’s demand and requirement. We’re going to take that demand and requirement on ourselves”. And that doesn’t necessarily reconcile with the fact that I’m trying to actually manage demand on our people. My preference would be not to do somebody else’s work. It would be for the agency that has responsibility for the product and the training of the product to implement through a training plan the delivery of that product into the trainee environment.

COL STREIT: So why reference it in your material at all then?

MAJGEN JOBSON: Because it’s an emerging and relevant body of work produced by a professional organisation. And I think it’s a professional outcome to proactively start to increment that into service inside of all of our operating environments.

COL STREIT: You – my words, sir – are a little bit critical of DASA and the DFSB in paragraph 148 in relation to some matters, including the Fatigue Risk Awareness Tool. But before I come to that aspect of your evidence, can I just ask you, you ultimately, in the SFI referred to earlier, 12 of 2023, incorporated and made mandatory the use of the Fatigue Risk Awareness Tool for aircrew. Can you just assist the Inquiry understand the reasoning process as to why you mandated the use of the Fatigue Risk Awareness Tool?

MAJGEN JOBSON: It’s a professional product produced by a professional organisation and we are implementing that in good faith for the benefit of our people. I believe it will be a product though that needs to be understood over time, to be assessed insofar as its efficacy and benefit, and that will still take some time.

I think what we’re seeing in there, as I’ve indicated to you, is a sensible and coherent incremented approach to continuous improvement where we, once again, you know, we started availing our people, advising them, providing awareness of these products, expansively, then we’re introducing the policy. And then, of course, the training system is

effecting. So we're seeing that sensible and methodical implementation of a product into service.

5 COL STREIT: Prior to the implementation of that SFI 12 of 2023 and the requirement for the Fatigue Risk Awareness Tool to be completed by aircrew mounting duty prior to flying, did your Command obtain any training from DASA or the DFSB in relation to the use of the Fatigue Risk Awareness Tool?

10 MAJGEN JOBSON: So the Supervisor Op Airworthiness Course provided awareness of the Fatigue Risk Awareness Tool. The Regimental Officer Intermediate Course and our Supervisor course provided awareness of the tool. The instruction of the tool, as I've indicated to you, originates with the product – for want of a better word – owner, resident
15 inside two courses, the Defence Flight Safety Bureau Non-Technical Skills Foundation Course, and the Defence Flight Safety Bureau Non-Technical Skills Instructor Course. I would need to actually reconfirm with Army Aviation Command any arrangements in the interim that may have occurred in there.

20 Bearing in mind that the tool in itself may be regarded as a tool, as opposed to an active control, so it's a tool that may inform the application of a control later. And also bearing in mind that we already had numerous gated checks on fatigue and training on fatigue and fatigue awareness, that
25 would to me suggest ultimately a lower level of risk of the application of the tool itself. There are some other risks there. Does it divert people now away from a stated system towards something else and so forth? But ultimately, it in itself isn't the control measure. The control measures are coming out of, potentially, what is determined inside the FRAT.

30 COL STREIT: There's some evidence before the Inquiry to the effect that one of the purposes of the Fatigue Risk Awareness Tool, once completed by a member, is to generate a discussion with their Chain of Command subject to what the outcomes might be on the circles that they
35 fill in.

MAJGEN JOBSON: Yes.

40 COL STREIT: Would you agree with that?

MAJGEN JOBSON: I would agree with that.

45 COL STREIT: Sir, perhaps, because I'll ask you just a couple of brief questions about this, it might assist you to have a copy of the Fatigue Risk Awareness Tool in front of you. Exhibit 39, please. Sir, just accept from

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me that this is the Aviation Fatigue Management Guidebook version 1 as at April 2021. And if I could take you to page 35, please?

5 MAJGEN JOBSON: I have it there, Counsel.

COL STREIT: The Fatigue Risk Awareness Tool comprises pages 35 and 36.

10 MAJGEN JOBSON: Yes.

COL STREIT: Would you accept from me that the Fatigue Risk Awareness Tool asks five straightforward questions requiring the person completing the form to colour in a circle relevant to whether something requires an aspect to be monitored, actively managed or a caution. Would you agree?

15 MAJGEN JOBSON: I would agree.

COL STREIT: Can I suggest that the questions are pretty straightforward. For example, the first:

At the start of duty, how many hours' sleep have you had in the past 24 hours?

25 And you fill in the circle either, "Greater than seven hours", "Between six and seven hours", or "Less than six hours". Would you agree?

MAJGEN JOBSON: I agree.

30 COL STREIT: Sorry, sir, would you agree?

MAJGEN JOBSON: I agree.

COL STREIT: The remaining four questions are in similar terms, straightforward, and then fill out a particular – whichever circle you fall into. Is that right?

MAJGEN JOBSON: That's right.

40 COL STREIT: If you turn the page, to page 36, it provides some guidance on what "monitor", "actively manage" and "caution" mean. Would you accept that?

MAJGEN JOBSON: I accept that, yes.

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COL STREIT: So the nub of it is, is that the tool still requires a subjective completion by an individual member by essentially remembering the number of hours they've had to sleep in the last 24, the last 48 hours, for example. Would you agree?

5

MAJGEN JOBSON: I would agree.

COL STREIT: But what it does do is draw their attention to the specific question and give them three options of which to colour in, which then generates a picture as to whether an issue has arisen concerning their fatigue, particularly if they go red, into the caution part. Would you agree with that?

10

MAJGEN JOBSON: Sorry, can you say that again, please, Counsel?

15

COL STREIT: What I'm simply saying, sir, is – perhaps I'll put it this way. A member could complete the tool in a manner of minutes.

MAJGEN JOBSON: Yes.

20

COL STREIT: Subject to the outcome of that, whether they're all in the green, they might be all in the red, there might be one response in the red and the rest is in the green. But it's pretty simple for it to be completed and it can then be used as a discussion with their Chain of Command, like an Authorising Officer, for a flight?

25

MAJGEN JOBSON: Yes.

COL STREIT: As to how they're travelling and whether they're good to go on the flight. Would you agree?

30

MAJGEN JOBSON: Yes.

COL STREIT: So this tool now is mandatory as a consequence of your instruction issued in December of last year for all aircrew to complete prior to undertaking flight. You agree?

35

MAJGEN JOBSON: No, I don't, Counsel. It was '23.

COL STREIT: Beg pardon?

40

MAJGEN JOBSON: December '23, not last year.

COL STREIT: Sorry. What did I say?

45

MS McMURDO: You said '24.

MAJGEN JOBSON: Last year.

5 COL STREIT: Thank you, sir. So to be clear, we're talking about SFI 12 of 2023?

MAJGEN JOBSON: Yes, Counsel.

10 COL STREIT: Thank you. I understand from that SFI, that you issued it in December 2023, but you had a slight caveat on that, that it was not to be applied or come into force until early 2024 to allow units to return from their leave and Reduced Activity Period. Am I correct in that?

15 MAJGEN JOBSON: On request from Commander 16th Aviation Brigade, to ensure that it was implemented in accordance with the needs of her team, yes.

20 COL STREIT: Sir, can I take you to paragraph 148? Just very briefly, at 148 you say:

25 *In terms of a structured approach to incorporation of the FRAT into the Military Air Operator, DASA had notified the operator community that the introduction of an inaugural fatigue regulation would include resources in the form of fortnightly webinars delivered by DASA, DFSB and the RAAF Institute of Aviation Medicine to assist in the interpretation and implementation of that regulation. These webinars would have assisted the Military Air Operator interpret the employment of the*
30 *FRAT into the operator environment down into unit level. That resource was not provided to the operator.*

Is what I've read out correct, sir?

35 MAJGEN JOBSON: That's correct.

40 COL STREIT: Is the Inquiry to then understand your evidence there is essentially that DASA, the DFSB and the RAAF Institute of Aviation Medicine were to provide training by way of fortnightly webinars concerning the interpretation and the implementation of the new Fatigue Management regulation?

MAJGEN JOBSON: Yes.

45 COL STREIT: They didn't do it?

MAJGEN JOBSON: No.

5 COL STREIT: As a consequence from that, therefore was it left to you and your Command to essentially go it alone to identify what needed to be done to ensure that the Command was complying with the requirements of the new Fatigue Management regulation?

10 MAJGEN JOBSON: Yes.

COL STREIT: A question in relation to that. To the extent that you know, the Fatigue Management regulation, the Inquiry understands by way of evidence, came into force in October 2021. There was then a two-year implementation period, which meant that all MAOs in the three
15 services had to be compliant with the regulation by October 2023, that two-year implementation. From your understanding of matters, is it your evidence that in that entire two-year window the DASA, DFSB and the Institute of Aviation Medicine didn't provide any of these fortnightly webinars they were supposed to do?

20 MAJGEN JOBSON: I don't recall the fortnightly webinars occurred. In fact, I recall my staff, they advised me that they weren't occurring.

25 COL STREIT: Sorry, sir?

MAJGEN JOBSON: My staff advised me that that wasn't occurring.

COL STREIT: Right.

30 MAJGEN JOBSON: Yes.

COL STREIT: So when they did advise that to you, I mean was there any action or direction by you to say, "Well, not really good enough. Can you contact these institutions and ask them where's this training?"
35

MAJGEN JOBSON: So, as I assumed, once again, as I was planning to raise the Army Aviation Command, I requested from the Director-General of the Defence Aviation Safety Authority, and I maybe recall the Director of the Defence Flight Safety Bureau being with him. It's a little difficult
40 to recall because this was during COVID and the communications were online.

But I certainly requested support in terms of additional oversight and support from the Defence Aviation Safety Authority. The
45 Director-General was indicating at the time that there was workforce

constraints inside of the area within the Defence Aviation Safety Authority that's relevant to this. The Director-General, very kindly though, extended to the Army Aviation Command an audit in 2022. A more of a higher level audit, but he responded to that request for support.

5

So we were requesting support. I guess, in addition, the next thing that we were asking for the Defence Aviation Safety Authority, in particular, was to understand our modernisation approach here. So instead of piecemealing pieces of policy into effect that might originate from a directive over here, like 04/2022, or the uncrewed aerial system directive, or the Defence Aviation Safety Regulation, what we were doing was aggregating it together in the SI Aviation Modernisation Project and we were keeping – our staff were engaging, and I briefed, at points, the Defence Aviation Safety Board to brief the SI Modernisation approach and the progress of that within which, I guess, the next iteration of our continuous improvement of Fatigue Management Policy was incorporated.

10

15

COL STREIT: Sir, at 149 you say:

20

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Without this assistance, the Army Military Air Operator was required to manage the evolution of Fatigue Management Policy in isolation with internal resources available and an alignment with the needs of the operating community at unit level. There were a number of lines of effort in the Military Air Operator that included fatigue-related direction, so it was determined that a more cohesive, consulted, integrated and incremented approach would be taken.

30

35

Within the context of this approach, fatigue policy was incorporated into Standing Instructions Modernisation Project. The aim of this project was to implement more aggregated cohesive policy mapped coherently to the DASR and aligned to the needs of our people through its clarity and reduced need for excessive policy updates into the future.

Without the ability to clarify the - - -

40

MS McMURDO: Operationalisation.

COL STREIT:

- - - operationalisation –

45

I'll get that word out, thank you, Madam Chair –

of the FRAT, an immediate mandate on its incorporation would have represented piecemeal policy without alignment to the needs of the aircrew community.

5

Is what I've read correct, sir?

MAJGEN JOBSON: It is correct. And that's really what I've, I guess, been expressing.

10

COL STREIT: Yes.

MAJGEN JOBSON: And that's – yes.

15

COL STREIT: One just further question in relation to this space. You say in the body of paragraph 147, about the middle, sir, of that paragraph you say:

20

I am advised 6 Aviation Regiment incorporated the FRAT into a fatigue management trial in 2022.

MAJGEN JOBSON: Yes.

25

COL STREIT: The Inquiry understands that it was a sleep survey that had been initiated by CO of 6 Aviation Regiment in 2022.

MAJGEN JOBSON: Yes.

30

COL STREIT: Is that your understanding?

MAJGEN JOBSON: It is.

35

COL STREIT: And are you aware that ultimately the sleep study, although initially supported by 16 Aviation Brigade Commander, that support was ultimately removed and the sleep study Phase 2 did not proceed?

40

MAJGEN JOBSON: Okay. So, for transparency, I'm aware but in aftermath. So at the time I was not aware, but I've become aware through this process, ma'am.

COL STREIT: Thank you, sir. I was going to ask you that.

45

MAJGEN JOBSON: Yes.

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COL STREIT: If you were aware, then when and how? So your awareness arose – sorry, I’ll start again. Your awareness concerning that initiative by CO 6 Aviation Regiment in the first half of 2022 for a sleep study, the purpose of which to gain empirical data to help better manage fatigue in his unit, you became aware of that as a result of evidence in this Inquiry?

MAJGEN JOBSON: Partially, Counsel. So I was aware that a member of Headquarters Army Aviation Command staff – and I can write that down for you if you’d like – was providing assistance to the 6th Aviation Regiment at the time that had been raised with me. It was common for staff from Headquarters Army Aviation Command to move forward across a variety of disciplines and functions to provide support into the units at the point of need if they sought that.

And also to assist them with lines of activity. I was availed of that information that that member was at 6 Aviation Regiment at the time. So I had that knowledge, Counsel. The other components of the knowledge has come to me subsequent via this process.

COL STREIT: So to just break that down very briefly, there is evidence before the Inquiry that a then captain, now MAJ Sam James was engaged with the CO of 6 and the Australian Catholic University and another institution to set up the sleep study in 2022 for volunteers within 6 Aviation Regiment. Did you have that awareness, or was the awareness simply limited to MAJ James moving forward to 6 Avn to provide some assistance and guidance in relation to fatigue management?

MAJGEN JOBSON: Counsel, more so the latter, as I mentioned. And may I respectfully ask that our preference is to not name members on the live feed here today?

COL STREIT: Sure.

MAJGEN JOBSON: Some members are quite triggered when they’re named.

COL STREIT: As I’ve indicated at the time, I was aware that a member was forward with the 6th Aviation Regiment - - -

MS McMURDO: This was a psychologist. The psychologist?

MAJGEN JOBSON: Yes, ma’am.

MS McMURDO: Yes, thank you. So we can make sense of it, it

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helps - - -

MAJGEN JOBSON: Yes, ma'am, my apologies.

5 MS McMURDO: No, no. No need to apologise, but we need to make sense of it.

MAJGEN JOBSON: Yes.

10 MS McMURDO: So the context of the member was a psychologist.

MAJGEN JOBSON: An Aviation psychologist, ma'am, was - - -

MS McMURDO: With an interest in fatigue management.

15 MAJGEN JOBSON: Yes, ma'am.

MS McMURDO: Yes, thank you.

20 MAJGEN JOBSON: Was forward assisting with the unit. I'm sorry, Counsel, does that answer your question?

COL STREIT: It does. And it's in the extent that – so, therefore, you had no awareness of the existence of the initiative that the CO of
25 6 Aviation Regiment was taking for a sleep study in 2022. You became aware of that as a result of evidence in this Inquiry?

MAJGEN JOBSON: Counsel, I wasn't aware it was a sleep study. What I was aware, that there was a member of Headquarters Army Aviation
30 Command that was forward and assisting as a resource, professional advice, to the 6th Aviation Regiment.

COL STREIT: Sorry, I missed your first response there. So you were or were not aware it was a sleep - - -

35 MAJGEN JOBSON: I was aware that a member of the staff of Headquarters Army Aviation Command that specialised in Aviation psychology human factors was forward supporting the 6th Aviation Regiment. And, once again, does that answer your question?

40 COL STREIT: My question is simply, were you aware in 2022 that that effort - - -

MAJGEN JOBSON: Yes.

45

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COL STREIT: - - - was in relation to a sleep study being conducted at 6 Avn?

5 MAJGEN JOBSON: I can't recall specifically it was in relation to a sleep study.

COL STREIT: Yes.

10 MAJGEN JOBSON: No, Counsel. Yes, I can't recall specifically. But that's not to say I wasn't informed. I can't recall specifically.

15 COL STREIT: I'm only interested in what you can recall, sir. I appreciate, in that context, you will have been told many things over many months about a range of issues, but I'm only interested in what you remember as you give evidence here today, all right. So avoiding speculation.

20 MAJGEN JOBSON: I mean, for me, that was a good outcome because across a range of functions and activities, units would ask for additional assistance, additional resource, and often that would be people that would go forward for a – you know, whether it's a continuing airworthiness matter, whether it's a facilities matter, whether it's an organisational matter, we would assist the units with resources from Headquarters Army Aviation Command, and this was an example.

25 COL STREIT: When you say "good outcome", are you referring to the fact that that psychologist moved forward to 6 Aviation Regiment and provided assistance? Is that what you're - - -

30 MAJGEN JOBSON: Yes, that we were able to help our units.

35 COL STREIT: Just closing this matter off, sir, given your evidence earlier that in terms that it was a sleep survey initiated by CO 6 in the first half of 2022 and becoming aware of that matter in this Inquiry, does that mean that Commander 16 Aviation Brigade, BRIG Dean Thompson at the time – who is a witness in this Inquiry – you don't recall having a discussion with him at all about this request by 6 Aviation Regiment for funding?

40 MAJGEN JOBSON: Counsel, I don't recall.

COL STREIT: Yes.

45 MAJGEN JOBSON: And, once again, though, I just can't recall. No.

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COL STREIT: Sure. Ms McMurdo, I note the time. Would we be able to have a short 10-minute break?

MS McMURDO: Yes, certainly.

5

HEARING ADJOURNED

10 **HEARING RESUMED**

MS McMURDO: Major General, if you need a break at any time, don't hesitate to ask.

15

MAJGEN JOBSON: Thank you, ma'am.

MS McMURDO: Thank you. Yes, COL Streit.

20 COL STREIT: Thank you, Ms McMurdo.

Sir, can I just take you to a different matter which should only, I anticipate, be brief. The Inquiry has received evidence that in August 2022 there was a Regimental Officers' Aviation Course conducted at Gallipoli Barracks upon which CAPT Lyon and other aviators attended. If you cast your mind back, sir, do you recall whether you attended that course at any point in time and gave a presentation? I'm not suggesting you did. I'm just asking you whether you did?

25

MAJGEN JOBSON: Counsel, Regimental Officer Intermediate Course in August 2022 – so I would either – I can't recall that particular course. What I can say is that I did brief Regimental Officer Intermediate Courses in various settings. I can't specifically remember that one.

30

COL STREIT: There's been some evidence before the Inquiry to the effect that CAPT Lyon raised concerns to BRIG Thompson's Commander 16 Aviation Brigade at the relevant time, about the ability of Army Aviation pilots to appropriately develop and maintain safe and adequate levels of airborne confidence, proficiency and competency in their corps primary and safety critical role as Aircraft Captains, and that aircrew, in general, against what was collectively agreed on course where the significant imposition of high demanding secondary positions and appointments that were increasingly being fulfilled by Squadron Troop pilots. That's some of the evidence.

40

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The question is, did BRIG Thompson, or any other person in your Chain of Command, provide you feedback in relation to the feedback provided by course attendees for that course in April concerning concerns?

5 MAJGEN JOBSON: Sorry, April or August?

COL STREIT: Sorry, August.

10 MAJGEN JOBSON: I can't specifically recall BRIG Thompson supplying me advice in regards to a specific Regimental Officer Intermediate Course and feedback. To be helpful to the Inquiry, BRIG Thompson and I did, though, at points, discuss workload on our personnel, yes.

15 MS McMURDO: On some of the evidence, the remarkable thing about this complaint about the burden for Troop Commanders, the administrative burden, was that it was affecting their ability to maintain currency and to be safe pilots and could lead to accidents and fatalities. So that makes it quite remarkable, I would have thought. Does
20 anything like that ever stick in your mind as being discussed and raised with you up the Command by BRIG Thompson about something that a Troop Commander in 6 Avn has said?

25 MAJGEN JOBSON: No, ma'am. But once again, to be helpful to the Inquiry, BRIG Thompson and I had conversations in relation to the perception of our people of administration and governance in the workplace. So, ma'am, I'm afraid I can't offer you a specific insight into that transaction.

30 MS McMURDO: No, that's okay. It's the sort of thing, would you agree, that if you had been told you would be likely to remember, particularly because of the information about potential fatalities? I think that was probably what would make it stick out.

35 MAJGEN JOBSON: Yes, ma'am.

MS McMURDO: So you don't recall any conversation like that?

40 MAJGEN JOBSON: I don't, ma'am. No.

MS McMURDO: No, thank you.

45 COL STREIT: At its highest – and the evidence has been obtained from a number of witnesses, each giving their recollection of events at the time, including BRIG Thompson, of what CAPT Lyon, they recall, saying – but

at its highest, and in terms of the severity of the issue, one witness gave evidence to the Inquiry he recalled CAPT Lyon saying words to the effect, “I no longer have time to remain proficient or confident within the cockpit because of the impost of my secondary appointment and I don’t feel
5 empowered to prioritise my primary role. A role that can ultimately kill me”. That’s what that witness recalled CAPT Lyon saying.

So anything relating to or coming even close to that information, was it
10 ever reported to you by anyone at that time?

MAJGEN JOBSON: They’re quite distinct, the final words. I would recall if that was advised to me.

COL STREIT: Yes.
15

MAJGEN JOBSON: Once again, though, I would make the point that BRIG Thompson did discuss with me administration and governance burden on our personnel. And we’ve had this discourse yesterday as a theme.
20

COL STREIT: Those conversations you’re recalling with BRIG Thompson, are you remembering those conversations because they’re just a general theme of discussion you had with BRIG Thompson, or are you remembering that because he was telling you these things in the
25 context of what had been said to him from that course in August 2022?

MAJGEN JOBSON: I can’t recall, I’m afraid.

COL STREIT: Sir, can I deal with, very briefly – if we move away from
30 the evidence concerning Snapshot surveys you addressed at page 35 of your statement and over the page to 36? If I can take you question 39? You were asked to:

*State whether personnel in Aviation Command are required to hold standby while taking recreation leave (i.e. during the High Risk Weather season or Operation, Deny Christmas, as it is colloquially known). If so, what is the notice to move and what other restrictions are placed on personnel (i.e. proximity to base, alcohol use, and requirement to be in contact). Explain your
35 concerns, if any, on how being on standby can limit a person’s ability to truly disconnect from work, rest and recuperate.*
40

MAJGEN JOBSON: Yes.

COL STREIT: Your answer, sir, contained in the balance of page 37 is
45

to the effect that:

5 *We wanted to ensure our people were given the maximum rest possible over the Christmas period. However, as is the case across the breadth of Defence, people in Aviation Command are required to be at a level of readiness while taking recreation leave.*

10 *As a component of the National Domestic Counter-Terrorism Capability, 6 Aviation Regiment had noticed a move for counter-terrorism in addition to other tasks, such as Civil Disaster Response, that required activity by the unit to manage. The extent of this is stipulated in operational orders set by 16 Aviation Brigade.*

15

And you identify some references. Is what I've read out correct, sir?

MAJGEN JOBSON: It's correct, Counsel.

20 COL STREIT: At paragraph 178, can I deal with this. You say:

My concerns are reliant to Defence's broader concerns as outlined in the national Defence Strategic Review 2023, 5.1-5.5.

25 And then you have Footnote 16 applicable there. You say:

30 *In 2023, I attended the Commonwealth of Australian Senate Select Committee on Australia's Disaster Resilience. The Terms of Reference of that Committee included enquiring into the impact on the Australian Defence Force in responding to domestic natural disasters. My evidence emphasised my concerns, including the pressure domestic disaster response was placing on our members, their families, and our preparedness.*

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

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

40 COL STREIT: So no way your evidence is suggesting that Army Aviation shouldn't make a contribution, if requested, to a disaster response, but it's simply that has to be balanced against the Command's preparedness requirements to undertake its main functions.

45 MAJGEN JOBSON: Counsel, thank you for expressing it in those terms. Ma'am, if you may indulge me, we are in a public forum and so I do wish

to reconfirm the commitment of Army Aviation to this important mission for Australian communities, Defence's aid to the civil community. But thank you for faithfully representing that, Counsel.

5 MS McMURDO: So, in order to continue to provide it optimally, it would be good to have greater capacity to do so?

MAJGEN JOBSON: I agree with you, ma'am.

10 MS McMURDO: Yes, thank you.

COL STREIT: Sir, can I now just deal with one matter briefly concerning some evidence about a RODUM. This is on page 38 and 39 of your evidence. The question was this:

15

Noting that one of the reasons witnesses have stated the doors were shut for the formation sortie on 28 July 2023 was because the aircrewman did not have sufficiently warm cold weather gear to protect them from the wind and the rain, and that the Inquiry has heard evidence that the inadequacies of the cold weather gear have been the subject for RODUM, explain how long Headquarters Aviation Command have been aware of this issue and outline the steps, if any, Aviation Command has taken to rectify this issue.

20

25

The upshot of that, sir, is you've set out that evidence in 179, 180 and 181. You've identified that RODUMs were actually submitted to the Capability Acquisition and Sustainment Group and were considered, but ultimately nothing changed in terms of the provision of any additional equipment. Is that correct?

30

MAJGEN JOBSON: For a period of time between 2020 and the closing of the RODUM through to mid-2024, when I became appraised of it by our aircrewman, there is no evidence that there was, as you've indicated, Counsel, anything to change in that timeframe.

35

COL STREIT: So what then happened was, in fact, you and your Command took action to try to address that issue.

40 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: So just turning to that – and if I could summarise it in this way, a RODUM, the acronym escapes me, sir. I don't know if you're aware of it.

45

MAJGEN JOBSON: A Report of Defective or Unsatisfactory Material.

COL STREIT: Thank you, sir. A RODUM is the mechanism by which a unit or a Command, such as your Command, can record a particular issue concerning equipment, including clothing, that has been issued to your Command to perform a particular function. So the RODUM is a mechanism to raise a Command issue about that matter to seek a response and redress from the organisation that issued the equipment to your Command. Is that a fair summary?

MAJGEN JOBSON: Just one amendment to make, Counsel. It's any individual's prerogative to be able to submit a RODUM.

COL STREIT: Sure. And, therefore, in this case, concerning cold weather clothing to be worn by aircrewman, it was the Capability Acquisition and Sustainment Group which provided a response in relation to three RODUMs. Ultimately, they gave, in those RODUMs, an explanation as to the operation of that equipment and why it wasn't a circumstance sufficient.

The end state was that they did not take any steps to purchase any additional equipment and the RODUM was then closed by them. Is that right?

MAJGEN JOBSON: That's right, Counsel.

COL STREIT: What your Command then did - - -

MAJGEN JOBSON: My apologies. That's right as far as I understand it, Counsel.

COL STREIT: Yes. And that's simply just a strict reading of the Enclosures 34 and 35 and 36 and 37 that you've attached to your statement.

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: And at paragraph 182 you say this:

On 12 and 13 June '24 during a Command circulated visit to 6 Aviation Regiment -

obviously, this is before the 28 July incident.

MS McMURDO: No, no. After.

MAJGEN JOBSON: Counsel - - -

5 COL STREIT: Apologies. This is after the 28 July incident by almost a year.

MAJGEN JOBSON: Yes.

10 COL STREIT: So:

June '24, during a Command circulation visit to 6 Aviation Regiment, you were advised of the aircrew operator dissatisfaction with the current in service AMCU CW Flyers FR.

15 Sir, I don't know if you can assist me, if you can extrapolate those acronyms.

MAJGEN JOBSON: I think it's Australian Multi-Camouflage Uniform Flyers Flame Resistant – Cold Weather Flyers Flame Resistant.

20 COL STREIT: Cold Weather Flyers Flame Resistant. So that's a reference to, essentially, the clothing that the aircrewman would wear in an MRH-90?

25 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: You say you tasked Headquarters Aviation Command G-4 – and you identify the person there, a Lieutenant Colonel – to investigate why that item of equipment – clothing – was not fit for purpose and provide an immediate solution to 6 Aviation Regiment. Is that right?

MAJGEN JOBSON: That's correct.

35 COL STREIT: Ultimately – and you set this out at paragraphs 183 through to 189 – the actions spanning 25 June '24 through to 20 March '25 of your Command's attempt to resolve that clothing issue and actually obtain new clothing for aircrewman – is that right?

40 MAJGEN JOBSON: That's correct.

COL STREIT: Ultimately, that resulted, on 20 March – well, sorry, you were advised by Headquarters Aviation Command, that Lieutenant Colonel you identify there, that:

45

5 *On 20 March 2025, Director of ADF Clothing endorsed the pathway that Headquarters Aviation Command is taking to acquire an interim cold weather clothing solution. The process of acquiring the clothing through L4507 will allow the project to transfer the clothing to CASG for sustainment into the future. And then Enclosure 41 provides confirmation of that matter.*

10 Is what I've read out correct?

MAJGEN JOBSON: It's correct, Counsel.

15 COL STREIT: So the bottom line is, is that aircrewman raise a clothing issue relating to cold weather clothing not being suitable in RODUMs from about at least 2020. Ultimately, the RODUMs were closed in the sense of closed but no resolution to the aircrewman's concerns. Your Command then attempts to get some funds for clothing as an interim solution, which you were ultimately, after stepping through a few gates – they're my words – were successful in obtaining funds for an interim
20 solution. The interim solution of which was to then be picked up for sustainment into the future by CASG.

MAJGEN JOBSON: Yes, Counsel.

25 COL STREIT: I suppose, to the extent you can assist the Inquiry, in circumstances where another organisation is tasked to provide clothing and equipment to your Command, why is it, ultimately, that you, as the Commander, had to inject yourself in this process to get a solution for your Troops?

30 MAJGEN JOBSON: Because they needed the equipment and they needed the equipment immediately, Counsel.

35 COL STREIT: So CASG formed the view, in relation to the RODUMs, that the current equipment was sufficient. They didn't provide any additional equipment. You've stepped in. You've sourced that equipment recognising a need for your aircrewman, which is the same need that the RODUMs were tasked to action.

40 And so you've had to inject yourself in that particular process where the organisation who's responsible for that had not done so because they considered what was issued was sufficient. Is that a fair summary?

45 MAJGEN JOBSON: It's a fair summary, Counsel.

COL STREIT: So, in effect, you have pushed the needs of the members of your Command outside your Command to achieve a positive effect for them when the organisation wasn't delivering. It might have been for good reasons, but wasn't delivering the capability in terms of clothing that they were seeking.

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: Sir, can I turn briefly to the issue of TopOwl, which is on page 41 of your evidence.

MS McMURDO: So just before we leave that. So you were satisfied that the current solution is the best and most cost-effective one moving forward? It is a good solution? Just because it seemed a bit piecemeal in the way it was put together.

MAJGEN JOBSON: Yes, ma'am. So upon being advised of this by our aircrewman, we sought to effect an immediate outcome for them. So we sort of went through a few options to try and create that; to look at complementing or supplementing with items and then we looked at what are the obsolete disruptive pattern camouflage uniform that they were satisfied with, equipment that they'd previously used, to find if we could get that back into service; to test some Royal Australian Air Force equipment that they determined wasn't compatible and then to move into the project environment and seek to obtain something off-the-shelf.

Our focus is that at all times it needs to be the aircrewman that tell us that it's acceptable. And I know that the Lieutenant Colonel here that you referred to in the first instance, who is the G-4 at Headquarters Army Aviation Command, is absolutely attuned to the needs of the workforce and the aircrewman.

She's been there on the ground with them. She knows exactly what they need and is working to deliver that. And I apologise, ma'am, I'm now no longer in Command and so I sought this information afterwards. I believe, though, that there is both the funding and there is the equipment identified that will be to the satisfaction of the aircrewman to employ.

MS McMURDO: So the testing has been done on these aircrewman, and for the moment they're content with this equipment. And I presume it will be an ongoing work in progress. They'll continue to assess the serviceability and will be looked at as to whether it works as well as it is hoped.

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MAJGEN JOBSON: Ma'am, I'm sorry, I'm potentially overstepping a little bit here.

5 MS McMURDO: I understand you're not there now, so it's difficult for you to answer.

MAJGEN JOBSON: Yes.

10 MS McMURDO: So that's fair enough. Okay, thank you. Yes.

AVM HARLAND: Can I just ask – apologies, a follow-on question before we move on, COL Streit. Just with respect to the RODUM, looking back in 2020, we have the aircrew on the ground are saying, “Hey, there's an issue with our equipment here; we're not satisfied”. It goes down to an external organisation, the CLOSPO, Clothing - - -

15

MAJGEN JOBSON: Clothing Systems Program Office.

AVM HARLAND: Program Office. And they come back from their office, which can only be described as an incredibly bureaucratic response that says, “Well, we've done testing and it's okay. So, basically, the RODUM has been closed”. That process basically stopped it, and the aircrewman were left to deal with what they had because that decision had been made.

20

25

And it was only after you intervened, sometime later – which is commendable – but why would we require, in an organisation like Defence, for a two-star to be involved with clothing because the process isn't working? So my question is, is that RODUM process still in place and – in my words – not functioning as it should, by listening to the Troops on the ground or in the air, or will it require continue engagement from two-star officers in Defence to be able to get the right clothing and equipment for Defence people?

30

MAJGEN JOBSON: There are hardworking people in Defence that mean well. That work every day to equip our people with their uniforms and the things that they need to do their job. We all know this because all of us in the room that have served any length of time know that we constantly evolve our equipment and it's constantly about meeting the needs of us.

35

40

In this particular instance, this was the needs of our enlisted workforce, our highly valued aircrewman. They knew exactly what they needed. And we needed to equip them, equip them with that. They were very clear

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in 2020 with their concerns about the equipment and, unfortunately, in that instance, we didn't see the outcome that we needed for our people.

5 MS McMURDO: Would you like a break?

MAJGEN JOBSON: No, ma'am.

MS McMURDO: No. Thank you.

10 MAJGEN JOBSON: Thank you. This is a hard-working part of the Army Aviation capability, these people. As I mentioned yesterday, these are people that genuinely exist to protect others and save other people's lives and we should equip them with what they need to do their job.

15 And we need to ensure that we learn the lesson and we know this as an institution, as a Defence Force. We know that we need to equip our people. We work hard to do that. And we have to have the best systems and the processes in place to ensure that outcome is met for them.

20 Unfortunately, Deputy Chair I'm not intimate with the processes here of that part of Defence. Going through the same material that I've been through with yourself, I saw the methodical approach of its introduction into service, methodical and competent and professional approach. I've attempted to present as much information as I can from that period of
25 2020, or the period from the beginning through to now. There may be aspects that I don't understand, and I need to be aware of that.

There is room for improvement here, though, Deputy Chair, yes.

30 AVM HARLAND: That's what I was after, thank you.

MS McMURDO: Yes, COL Streit.

35 COL STREIT: Sir, can I just deal briefly with TopOwl. In the context that acknowledging that you weren't involved in the decision-making concerning the bringing into service of TopOwl version 5.1, and what you have sought to do on the face of your evidence, it appears, is to be responsive to the question that you were asked and provide particular information.

40 I'm just going to seek clarification of a couple of matters in terms of the evidence you have provided. Sir, at paragraph 197 you say this:

45 *On 26 April 2022 Headquarters Aviation Command received a Comcare Inspection Notice –*

and then you list out the notice –

5 *from Army Headquarters. The Inspection Notice sought information from Defence in response to an allegation that Army was operating TopOwl and FLIR systems of the MRH-90 helicopter in a way that exposed workers and other persons to unnecessary work health and safety risk. Notably, that FLIR was being used as a primary flight aid.*

10

You say at paragraph 198:

15 *Headquarters Aviation Command developed a report with supplemental information to provide responses to specific questions contained in the Comcare Inspection Notice. Headquarters Aviation Command responded to Comcare through Army Headquarters on 30 May 2022, and on 23 August 2022 Headquarters Aviation Command was advised that Comcare required additional information. Headquarters Aviation*
20 *Command responded to Comcare through Army Headquarters on 9 September 2022.*

At 199 you say:

25 *Comcare closed the inspection on 3 November 2022 through final inspection report –*

and there's a number listed there –

30 *which did not identify any non-compliances with the Work Health and Safety Act or Work Health and Safety Regulations. The report noted key certification milestones of the aircraft and introduction of TopOwl and FLIR as a pilotage aid. Responses from: BRIG David Hafner; GPCAT Tan, who was Director DFSB; and GPCAPT David Smith, who was Director Aviation*
35 *Operations DASA.*

And the last dot point, that:

40 *The FLIT was not being used as a primary flight aid.*

I'll stop there. Sir, is what I've read out correct?

45 MAJGEN JOBSON: It's correct, Counsel, yes.

COL STREIT: The simple question I have for you in this space is, to your knowledge, was the Army Test and Evaluation Reports concerning TopOwl version 5.1 provided by Aviation Command to Comcare as part of the materials for its response to Comcare's notice?

5

MAJGEN JOBSON: It's likely. I don't know, Counsel. But may I observe that it's likely.

COL STREIT: You set out, and I'm not going to go through it because it's there for people who have your statement to read matters concerning TopOwl and training on page 42. The bottom line is, from your evidence, is that you regarded that the training – is it your evidence that the training pilots received in relation to the upgraded symbology from TopOwl version 4.0 to TopOwl version 5.1 was appropriate, I take it?

10
15

MAJGEN JOBSON: Yes, Counsel.

COL STREIT: You note at paragraph 208 that:

20 *Pilots were able to practise unusual attitude, recognition and recovery in the flight simulator in the lead-up to the IFA, or in case of a failure of their IFA prior to a reassessment or any other time when practicable.*

25 Just very quickly, sir, "IFA"?

MAJGEN JOBSON: Instrument Flight Assessment.

COL STREIT: Sir, have you been, noting your involvement in the Inquiry, been tracking the evidence from pilots given in this Inquiry in relation to understanding the issue about the ambiguous attitude display in TopOwl version 5.1 when looking off-axis? Have you been tracking that evidence?

30
35 MAJGEN JOBSON: I have, but not consistently. But I am aware of the fundamentals.

COL STREIT: Some of that evidence would seem – the only thing that is consistent about that evidence, on one view, might be that it's inconsistent in the sense of there's a variety of aspects of evidence from you all about the ambiguity and everything was fine. At the other end of the spectrum is, didn't know about the ambiguity.

40
45 In relation to that aspect of evidence that you have observed concerning witnesses, were you left with any sense of discomfort that perhaps the

training regime was not hitting the mark in terms of informing pilots about the ambiguity?

MAJGEN JOBSON: I didn't take that away, no, Counsel.

5

COL STREIT: Turning quickly, sir, to question 45 at the top of page 43. This concerns your evidence as to your understanding as to why, in effect, there was no simulator at 6 Avn Regiment but one was at 5 Aviation Regiment. Now, are you able to assist the Inquiry in relation to that matter, to the extent you can? You've got an MRH-90 simulator operating at 5 Avn. 5 Avn does particular missions and roles which we don't need to go into in this forum. 6 Avn has different missions and roles, some might regard as perhaps more dangerous. In that context, and 6 Aviation Regiment doesn't have a simulator.

15

You've given evidence about the underperformance of the MRH-90 system impacting flying hours and those types of things. So are you able to assist the Inquiry? I'm not suggesting it was your decision, but are you able to assist the Inquiry understand that reasoning process as to why there was no simulator put in 6 Aviation Regiment for the MRH-90?

20

MAJGEN JOBSON: Yes, I'll endeavour to answer that question, Counsel. Just going back to the previous question though, I am actually not aware of discussions about training. So when I say that I didn't have an opinion about training, it's not informed based on what I've heard from this because I can't recall any discussions in here about training with regard to the HMSD. My apologies, just to qualify that.

25

In terms of why no simulator at Holsworthy, once again, without being present in the acquisition phase of the simulator, I'm relaying information here that's been supplied to me by a subject matter expert with familiarity. So the analysis occurred in line with the acquisition for the MRH-90. The basis of the acquisition was the amount of simulator usage required. And so based off that determination, there was the number of simulators that would then need to come into service. And so it was determined that there would be the requirement for two simulators to come into service. So that was as advised to me, the first phase of the consideration around simulators.

30

35

AVM HARLAND: Just a question, just while we're on that. At that time, was it envisaged that 6 Aviation Regiment at Holsworthy would be operating MRH-90 at that time when the decision was made in the project?

40

MAJGEN JOBSON: I don't know, Deputy Chair. I'm unaware. And once the two had been determined, the next determination is where to locate them. And it was determined that it was essential that a simulator was located at the Army Aviation Training Centre where all of Defence's MRH-90 aircrew were undertaking their training.

And then for the second simulator, a decision was made that, as advised to me, the secondary locus of MRH-90 aircrew, and therefore usage, would be in Townsville.

AVM HARLAND: Was that decision reviewed as Plan Palisade developed and the idea of putting MRH-90 into 6 Aviation Regiment? Was there a review of the decision or the simulator requirements made to consider putting a simulator at Holsworthy?

MAJGEN JOBSON: Deputy Chair, I'm unsure of a formal review insofar as the battlefield Aviation in a program was being executed. So what I can say, though, is that during my period as the Commander of the 16th Aviation Brigade, 16 September 2019, I was cognisant of the need for the members of the 6th Aviation Regiment to access a simulator.

My understanding, and once again, this is not a well-informed now commentary because I was not active inside of the acquisition or sustainment or Capability Managers' apparatus, is that because this was not initially envisaged in the acquisition, this would then require a cycle of acquisition to occur into the future.

On planning and then assumption of the Army Aviation Command, the decision to approach the United States government by the Australian Government for the acquisition of UH-60M's was announced in December 2021 which, at that point, it would not be feasible or practicable in that now remaining timeframe for the acquisition of a simulator into Australia.

AVM HARLAND: No, that's very helpful, thank you. Just a question of preference – and I know that hindsight is a wonderful thing – but if you had your preference, would you have a simulator in each geographic location that you were operating a platform like the MRH-90?

MAJGEN JOBSON: So, Deputy Chair, I have had my preference. So, as I mentioned yesterday, I sought from the Chief of Army support to an Army Aviation Capability Review. And in addition to that, the Chief of Army's Army Force Structure Implementation Plan to ensure that we reduce the number of nodes we're operating at, and those nodes are equipped with a simulator for our aircrew.

5 So there will be AH-64 located in Townsville with simulator, Chinook in Townsville with simulator, Black Hawk in Oakey with simulator, at Holsworthy with simulator. So, in answer to your question, I have had that preference and supported by the Capability Manager. Yes.

10 AVM HARLAND: And your preference is yes. So, your preference, in short, is yes. You would prefer to have a simulator in location for where the nodes of operating are for each platform?

MAJGEN JOBSON: Yes, that's correct.

AVM HARLAND: Yes.

15 MAJGEN JOBSON: Earlier in my career there were no simulators and we started flying overseas - - -

AVM HARLAND: Understood. Yes.

20 MAJGEN JOBSON: - - - saw the value, and they became - - -

AVM HARLAND: But we progressed and improved.

25 MAJGEN JOBSON: Over time, yes.

AVM HARLAND: Yes, absolutely. Thank you.

30 COL STREIT: Sir, can I take you to page, sorry, question 46 and onwards. So question 46 and onwards, over to page 44 and 45 is essentially your evidence in relation to pilot career progression concerning Army aviators. That's correct?

MAJGEN JOBSON: That's correct.

35 COL STREIT: Following on from that evidence, you deal with, in some detail, the impact of Defence Aid to the Civilian Community, and Humanitarian Assistance Disaster Relief tasking on 6 Aviation Regiment's and the - my words - significant contribution made by your Command to various operations that you've listed there to assist the
40 Australian community. Is that correct?

MAJGEN JOBSON: That's correct. Thank you for the expression there, Counsel.

45 COL STREIT: We've already, in some sense, sir, had your evidence in

relation to this particular aspect of aid to the civilian community. So what I propose to do now is to move to some brief matters concerning Exercise TALISMAN SABRE 2023, which is page 47 of your evidence. You there list out, sir, on page 47 and through to 49, your evidence in relation to particular questions concerning TALISMAN SABRE 2023 and your understanding and involvement in it. That's correct?

MAJGEN JOBSON: That's correct, Counsel.

COL STREIT: One aspect I just wanted to ask you about, sir, in relation to this concerns question 56. You were asked:

To the extent it is within your knowledge, in your opinion were the CRPs, MRPs and RMPs relevant to the sortie on 28 July 2023 adequate, i.e. did they identify the risk that eventuated during the sortie? If so, explain whether you think the controls contained therein to address such risks were appropriate.

The effect of your evidence is that you considered the risk assessments relevant to the sortie of 28 July 2023 were adequate?

MAJGEN JOBSON: I assessed that the suite of risk management that was in place when you looked at the succession of the mission, from its commencement through to the terminal location and then return, there was consideration given throughout to contingencies with corresponding controls, and in relation to the total system that was undertaking the mission that evening.

I would also say that we look at this in the complete context of our OIP and our training, our learned management packages that are relevant to the mission. So we are taking a complete look insofar as risk controls are concerned. And I was satisfied that important risk controls were present in the mission in relation to the course of events that evening.

COL STREIT: Just one question in terms of that context, sir. At the time, given your particular function and role at that time on 28 July 2023, you are not involved in any authorising process for the conduct of that mission on 28 July, were you?

MAJGEN JOBSON: I'm not involved in the authorisation of that mission, no, Counsel.

COL STREIT: So when you're expressing a view concerning the appropriateness of the suite of risk management tools, that's an assessment looking back in time as to what existed by way of that suite of

risk assessment tools and what you've been informed of in relation to the specific mission. Is that correct?

MAJGEN JOBSON: That's correct, Counsel.

5

COL STREIT: One further question, sir, at paragraph 241 you say:

10

While AVIART entry 105/23 was ultimately retired ahead of the exercise, it is relevant in demonstrating consideration of controls such as tasking window, discipline and controls available in the DFSB Fatigue Risk Management Chart implemented in the course of the exercise.

15

Can you just explain, in relation to that evidence, what AVIART entry 105/23 was?

20

MAJGEN JOBSON: That pertained to the Special Operations Aviation Task Unit deploying forward into a forward operating location and executing flight operations.

COL STREIT: So at some point in time, it was an extant risk management tool, but it was retired in the sense of it no longer applied as a risk management tool at the time of Exercise TALISMAN SABRE '23?

25

MAJGEN JOBSON: It was created. The hazard context and the risks were identified. The controls were identified. I'd noted that those controls then translated into outcomes on the ground in location at the forward operation base.

30

COL STREIT: So, that seems to indicate you had some knowledge and involvement in the assessment of risk concerning the sorties for the Exercise TALISMAN SABRE because you're assessing this AVIART entry 105/2023 and identifying that the risks that it dealt with are actually addressed in other extant documents. Is that correct?

35

MAJGEN JOBSON: That's not correct, Counsel. No, I'm looking in hindsight here.

40

COL STREIT: Okay.

45

MAJGEN JOBSON: So, the entries here in AVIART are captured in AVIART and retained there. So, we're able to understand not just, for instance, an AVIART entry that's active and current and been employed, we can look at now, all of our AVIART entries at whatever stage they're in. Whether they're being made and sort of held for future use.

5 Or whether they've been entered in there and change into implemented, eliminated risks and so forth. It's a whole new level of Army Aviation of now understanding, capturing and continuously improving our risk management processes.

COL STREIT: So this AVIART entry 105/3, do you know when it was retired?

10 MAJGEN JOBSON: I couldn't tell you right now, Counsel.

COL STREIT: What was the reason why you've addressed it in your evidence? In other words, why did you look at that retired AVIART entry?

15 MAJGEN JOBSON: So I could attempt to fully answer the question there. I scanned that myself, looked through there myself in order to attempt to answer the question for you today.

20 COL STREIT: There's some evidence before the Inquiry that there was not – although one was commenced, it was not completed; namely, a specific Risk Management Plan, 6 Aviation Regiment, Level 4 Exercise TALISMAN SABRE 2023. Just in relation to that matter, is that, in your experience, normal business, or is that unusual?

25 MAJGEN JOBSON: When you say "that", Counsel, my apologies, can you expand on that, please?

COL STREIT: Sure. The unit is deploying to an exercise in a different location from where it operates.

30 MAJGEN JOBSON: Yes.

COL STREIT: A risk management process was commenced to assist the risks that the unit would be engaged in in relation to the exercise.

35 MAJGEN JOBSON: Yes.

40 COL STREIT: It was ultimately not completed. And the reason given is because of the nature of matters that needed to be addressed in the document, and we're going to take it out into a particular security classification. And so, ultimately, the unit deployed with the extant risk profiles that have just been talked about, and you've identified in your evidence. But no specific Risk Management Plan for Exercise
45 TALISMAN SABRE for 6 Aviation Regiment. I just ask you whether

that's normal? As in normal response to one of your units deploying on exercise, or whether that's unusual? In other words, you would expect there to be a specific Risk Management Plan?

5 MAJGEN JOBSON: So I would expect, in this instance here, given that this was not an Army Aviation Command exercise, that the Force element was being assigned to another part of Defence, that they would conform to the requirement of that part of Defence. And in that instance, that was the requirement of Commander Joint Operations, who stipulated in the
10 exercise instruction the risk management requirements in a specific format.

And 6 Aviation Regiment, with their partnered Ground Force that they were operating with through the course of that exercise, provided a
15 combined Risk Management Plan which is a feature of the Special Operations Aviation organisation into that requirement there set by the exercise framework.

AVM HARLAND: Is that compliant with the intent of DASRs to
20 address Aviation safety risk?

MAJGEN JOBSON: So in terms of addressing Aviation safety risk? In terms of undertaking risk management, at the identification of whether risk can be eliminated or minimised so far as reasonably practicable,
25 implementation of controls and then monitoring, reviewing the application of those in the environment? Yes.

AVM HARLAND: Yes. The reason I ask is because Aviation risk management and the management of Aviation safety has developed over
30 decades because Aviation is a specific environment, and it's basically designed and fit for purpose for the Aviation environment.

MAJGEN JOBSON: Yes.

35 AVM HARLAND: The question I have in my mind is whether CJOPS, indeed, has the authority to override that and basically impose another method of risk management just by virtue of the fact that it's a command and control function within an exercise. And then you end up coming under the soft component risk management program, which I've had a
40 read of. And I'd say, as an assessment, it's extraordinarily light-on for Aviation.

MAJGEN JOBSON: So insofar as the mission is concerned, it's
45 complemented by a range of AVIART entries that were both raised directly for the mission by the crew and the leadership. They also had a

further range of AVIART entries that were covering activities on the exercise where the controls were implemented which means that they're present as implemented controls.

5 I would also say that the exercise instructions and the risk management framework that Commander Joint Operations set, refers to the Defence Aviation Safety Manual in there to ensure there's that consistency, that there is the import into that exercise environment of the requirements of the Defence Aviation Safety Framework.

10 AVM HARLAND: Again, I've reviewed it, and perhaps you can help me where the risks specific to TALISMAN SABRE '23 – and I want to frame this based on the fact that we're aware that a specific Risk Management Plan was done for TALISMAN SABRE '21 and that was used as a basis to start constructing one for TALISMAN SABRE '23 which, as we've heard, didn't go ahead. So, clearly, that was something that had been done before.

20 But risks such as whether the aircrew were suitable qualification, current and recent for the activities that they were going to be doing under TALISMAN SABRE; whether the Forward Operating Base was, indeed, constructed in a way which would be sufficient for fatigue management given that the crews were going to be operating on the back of the clock in challenging fatigue conditions; and addressing things such as the local topography and seasonal weather; and also operations within Coalition Forces over and above mixed type formation as you've got addressed in AVIART entry 049/22 in paragraph 240 of your statement.

30 So can you tell me whether those considerations were actually weighed up and the risks managed?

MAJGEN JOBSON: Sure. I mean, I guess, when I'm looking at the Risk Management Plan, what I'm seeing is various components of activity that the team are undertaking in a very integrated manner with the Ground Force that represent for the shared spaces, and therefore the risks are presented in that shared risk management format.

40 Then what I'm seeing is further risks that are considered in the context of the additional CRPs that are both relevant to the specific mission that are being briefed and that are in addition to that that are with implemented controls that continue to exist in conjunction with the activity. So, if you look at sort of each, I guess, step that they're taking and sort of activity that they're undertaking, there are, you know, CRPs or resident within the RMP, identification of hazards and articulation of controls.

45

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AVM HARLAND: Thank you. Perhaps you could tell me why one was done in TALISMAN SABRE '21 but not in TALISMAN SABRE '23? Was there a change in policy that would have allowed that to happen?

5 MAJGEN JOBSON: I'm unsure, Deputy Chair.

AVM HARLAND: Okay, thank you.

10 MS McMURDO: Yes, COL Streit?

COL STREIT: Just for the assistance of everyone, I note that lunch is at 12.30. I have just a few more questions for the General.

15 Sir, can I take you to paragraph 244? You say there:

The most consistent control across a range of flight overwater-related AVIART entries was a mandatory requirement.

20 In the SI, you identify there:

That aircraft shall not be flown overwater below 500 feet, above highest obstacle, unless an automated attitude hold mode is selected combined with training application of SOP Formation Flight Procedures Airmanship, and Non-Technical Skills. This was considered a practical control to prevent controlled flight into terrain.

What I've read is correct?

30 MAJGEN JOBSON: It's correct. Yes, Counsel.

COL STREIT: Sir, in the context of maintaining station in a formation of four ships, ship 2 has to maintain station on ship 1.

35 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: Ship 3 maintains station on ship 2?

40 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: And ship 4 maintains station on ship 3.

MAJGEN JOBSON: Yes, Counsel.

45 COL STREIT: So, in those circumstances, ships 2, 3 and 4 are – because

of that cascading effect, are potentially needing to make small changes to their station to keep in formation the required rotor di distance, as briefed in orders, apart from the aircraft they're immediately following, which would require, potentially, adjustments to their speed and their height. Would you agree?

MAJGEN JOBSON: I would agree, yes.

COL STREIT: So, in those circumstances, is there an inherent tension between maintaining station in a formation, particularly in context of being at night and overwater, as against maintaining an attitude hold that you've described as a control?

MAJGEN JOBSON: I'm not sure what you mean by "inherent tension", but would it be more demanding than just simply flying utilising that as a single aircraft? Yes, it's more demanding. It requires more concentration, you know, control inputs, finessing. So it's not the same. There are more demands. There are many features of operating the aircraft that are more demanding than flying straight and level.

COL STREIT: The premise of the question, that inherent tension I'm talking about, because the control of an attitude hold is set, the aircraft attitude holds and so the aircraft will fly along at a certain speed, at a certain height.

MAJGEN JOBSON: Yes.

COL STREIT: All right, sit back, now maintaining visibility of what's going on, of course, but it will just be a bit like a car on cruise control. Correct?

MAJGEN JOBSON: That's fair, yes.

COL STREIT: But if I'm in formation and the aircraft I'm forming off changes height and climbs, for whatever reason, because it's following the flight lead, then I need to either disengage the attitude hold, go to the new height position and re-engage the attitude hold is one option. Correct?

MAJGEN JOBSON: No. So that needs to remain selected if you are operating below 500 feet, above highest obstacle, overwater, at night, Counsel. I need to make that very clear here.

COL STREIT: Sure. No, I'm just saying that's one option to follow the aircraft. I'm not saying what you would do with the attitude hold, but it's just one option. You might say it's not the appropriate option.

MAJGEN JOBSON: So there are a number of options for you to be able to adjust the datum, if this is what we're talking about.

5 COL STREIT: Yes. So that's one.

MAJGEN JOBSON: Okay.

10 COL STREIT: Another option is to push against the attitude hold. So it's still engaged, but you're creating inputs into the collective so the aircraft will climb even though the attitude hold height remains at whatever it was set at. Correct?

15 MAJGEN JOBSON: Correct.

COL STREIT: So whilst I'm at that height that the aircraft in front of me has gone to, the attitude hold remains at whatever I've set it at, but I'm getting that feedback from the collective because I'm having to fight against it to keep the aircraft at that height now on station because I've changed my height datum and I'm following the aircraft I'm forming off.

20 MAJGEN JOBSON: So are we talking about here the operation of the RHT mode, just to, I guess, set the scene here in the MRH-90, Counsel?

25 COL STREIT: Yes.

MAJGEN JOBSON: Okay. The MRH-90 Standardisation Manual discussed four means to adjust the datum of the RHT mode if you are employing that in formation. So you can beep the trim and very slowly the datum will adjust. You can pull against the collective or push against the collective to climb. Once you've released pressure on there, the aircraft will move back to its original datum set. You can combine the two. You can pull and beep at the same time until you re-zeroise there to the new datum; or you can depress the trim, select a new datum, release it and the aircraft will remain at that datum.

Is that what we're talking about here, Counsel?

40 COL STREIT: Yes.

MAJGEN JOBSON: Yes. So four methods stipulated in the Standardisation Manual. But I just want to make it very clear because it's an important control, that does not mean turning it off. That doesn't mean turning it off. Adjusting the datum while the system remains on and

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engaged is possible and the aircraft will simply maintain that datum, you know, with your hands off the control. Is that what we're discussing here?

5 COL STREIT: We are, sir. So when you say – and that's where I'm coming to.

MAJGEN JOBSON: Yes.

10 COL STREIT: When you say "turning it off"?

MAJGEN JOBSON: Yes.

COL STREIT: What does that mean?

15 MAJGEN JOBSON: Deselecting it, so there's no longer a datum in there for the aircraft to remain at in terms of its altitude.

AVM HARLAND: So that's deselecting the AFCS mode?

20 MAJGEN JOBSON: Yes.

AVM HARLAND: So deselecting it altogether.

25 MAJGEN JOBSON: See, you're testing my tech a little bit here on the MRH-90. But the RHT is an upper mode and it performs an altitude hold mode. The aircraft will hold at that altitude that you set as the datum in that upper mode. And so as we've indicated today, you can adjust that either very slowly or you can – that's right – depress the trim if you need to move to a new datum with a little more haste.

30 But in effecting every one of those four methods of adjusting the datum you are not deselecting the RHT mode. It remains on there for you, operating for you to ensure that you will not make contact with the surface of the earth.

35 AVM HARLAND: So I think, if I could just elaborate here, COL Streit. If you pull the trigger and you effectively – the way we've had it described, you pause that mode, the RHT mode, to change your position in formation. Does the AFCS give you protections as if you had – the
40 same protections as when you have the trigger underpressed, or the trigger is in its normal position?

MAJGEN JOBSON: Well, the protection is that the moment you release
45 whatever that force is, whether it's - - -

AVM HARLAND: You haven't released the trigger.

5 MAJGEN JOBSON: - - - action or it's a pull or push action, whether it's a depress action the datum is reset, or you return to the original datum which is the basis of the protection.

AVM HARLAND: Understood.

10 MAJGEN JOBSON: You will remove the capacity to either return to the datum or have a datum set in there if you deselect it.

15 AVM HARLAND: Correct, yes. So I think I'm clear on that. But if you depress the trigger and you were flying to maintain your formation position, for the duration of the time that you depress the trigger, do you have the protections afforded by the RHT mode?

MAJGEN JOBSON: You have the latent protections of the RHT mode in that it will function for you the moment you would release the trigger.

20 AVM HARLAND: So when you have the trigger depressed, the corollary of that is that you don't have the protections of RHT mode; is that correct?

25 MAJGEN JOBSON: Deputy Chair, we're starting to actually work with technical sort of lexicon here.

AVM HARLAND: Not really. I'm just - - -

30 MAJGEN JOBSON: So I want to make sure that I don't represent this incorrectly. In layman's terms, you can, I guess, manually override this, should you choose to do so. You would communicate that with your crew. But those protections afforded by that system exist at all times. While it is on it will ensure that you – whilst having that datum active and operational for you, it prevents you from flying into the earth.

35 AVM HARLAND: Okay.

40 MS McMURDO: But if you're too low by the time you stop using it to actually be saved by the RADALT hold or the automatic RADALT hold, then it's not going to give you that protection. Is that right?

45 MAJGEN JOBSON: I guess, ma'am, there are scenarios where you can establish a trajectory through a manual application that could disrupt the protection that is afforded to you that the RHT provides in ensuring the aircraft remains at the datum that is selected and active in there.

5 MS McMURDO: Yes. Well, what I'm saying is if you get too low, so that you haven't got time before you hit the water or the ground before the RADALT hold gets into effect and starts to lift you up, then it's not going to save you in that circumstance.

MAJGEN JOBSON: Ma'am, I'd be offering you an absolute answer here and - - -

10 MS McMURDO: Okay, that's all right.

MAJGEN JOBSON: Yes.

15 MS McMURDO: Sorry, I interrupted the Air Vice-Marshal.

AVM HARLAND: No, that's okay, ma'am, of course. So getting back to the question, and I want to make it really quite simple and straightforward.

20 MAJGEN JOBSON: Yes.

AVM HARLAND: For the duration that the pilot is pulling the trigger – and we've heard other evidence effectively pausing the RHT mode while they would move to a new datum – do they have the protections that are afforded by the RHT mode or are they paused as well?

25 MAJGEN JOBSON: So, I guess - - -

AVM HARLAND: With no releasing of the trigger. The trigger remains engaged.

30 MAJGEN JOBSON: Yes. So, I guess, look, to attempt to make it, as you've indicated there, I think you said layman's terms. Somebody mentioned, like cruise control in a car. To attempt to, I guess, explain it in the fullest sense, the cruise control is something that you turn on. It is active and you can adjust the datum of the cruise control without turning it off.

40 AVM HARLAND: Correct.

MAJGEN JOBSON: The moment that you, in whatever – I know cars these days are either digital now or analogue, but whatever process that you're enacting to adjust the datum of that speed is a possibility, right? But the moment that you are not adjusting that datum the vehicle will stabilise at the datum that is set, right, because it's on the whole

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time. And that's like an RHT upper mode, it's on the whole time. That's the requirement that is set in Standing Instructions Aviation Operations, and so you had that protection the whole time.

5 But, you know, like that – and probably my Standards aircrew probably are not happy with me comparing it to a vehicle but I'm trying to explain it in layman's terms. It's on at all times. You have that active protection at all times, but the datum can be adjusted without turning it off and so long as you release from whatever you were doing to adjust that datum the
10 vehicle will remain at that datum.

AVM HARLAND: When you have a new datum.

15 MAJGEN JOBSON: Yes.

AVM HARLAND: So, essentially, I'll put it another way to see if we can get to where I'm trying to get to.

20 MAJGEN JOBSON: Yes.

AVM HARLAND: Essentially, if I were to pull the trigger in, my datum was previously set at 200 feet, was to push the cyclic forward and descend below that datum, or drop the collective and descend below that datum to 150 feet, at that time I don't have the protections that would be afforded to
25 keep me at 200 feet because I've effectively paused the system, and then when I release the trigger at 150 feet, that would set a new datum of 150 feet.

30 MAJGEN JOBSON: Correct.

AVM HARLAND: So, effectively, during the period that the trigger is being depressed, the protections of the old 200-foot datum have been paused.

35 MAJGEN JOBSON: Correct. Yes, so if we're talking about depressing the trim here?

AVM HARLAND: Yes.

40 MAJGEN JOBSON: Of those four options that you have available to you.

AVM HARLAND: Yes.

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MAJGEN JOBSON: Then whilst you're depressing the trim, that datum is essentially saying, "All right, the old datum no longer exists" - - -

AVM HARLAND: Waiting for a new one.

5

MAJGEN JOBSON: "Set me the new datum", that's right. And by releasing that trim, it says I'm at the new datum and this is where I stay.

10 AVM HARLAND: And is that, in your mind, in terms of the intent of the instructions, is that something you would be expecting pilots to do to adjust their position and maintain their formation position, to use that mode?

15 MAJGEN JOBSON: I would be expecting myself, as an aircrew member, and anybody as an aircrew member, in the first instance if flying overwater, at night, below 500 feet, to activate that automated altitude hold mode. In terms of if there's a requirement to adjust the datum - - -

20 AVM HARLAND: To maintain your formation position.

25 MAJGEN JOBSON: Well, if there's a requirement to adjust the datum, in any instance, right. If it's to adjust the datum is to ensure that they're complying with the Standardisation Manual which sets out those four options available to aircrew to apply. If it's to maintain station-keeping in formation, there may not be a requirement to adjust the datum. The datum is set. There may be a requirement to adjust the aircraft in its - - -

AVM HARLAND: So they could just pull and push against the - - -

30 MAJGEN JOBSON: Exactly, yes.

AVM HARLAND: But in the case where they pause it, which we've just gone through.

35 MAJGEN JOBSON: Yes.

AVM HARLAND: Is it intended that that's permitted under the SI to adjust your station in a formation?

40 MAJGEN JOBSON: It may be permitted and for a variety of circumstances.

AVM HARLAND: Yes.

45 MAJGEN JOBSON: Operating an aircraft overwater at night.

AVM HARLAND: Yes, so it is permitted.

5 MAJGEN JOBSON: But the pilots need tools and techniques that they can use that correspond to the circumstance that faces them. So that's why you have inbuilt into this system a number of options available to them.

10 AVM HARLAND: So what I'm trying to establish here is that under the intent of the SI, in the case where they effectively pause the datum, is that acceptable under the intent of the SI?

MAJGEN JOBSON: Well, the SI - - -

15 AVM HARLAND: Is that intended?

20 MAJGEN JOBSON: The SI doesn't express in relation to this, that level of, I guess, secondary explanation. The SI is clear, if you're operating overwater, at night, below 500 feet, above highest obstacle, select an automated altitude hold mode in your aircraft.

25 AVM HARLAND: Yes. But there is a case where, if you depress the trim or the trigger where you'll actually pause that datum, and you will not have the protections afforded by RHT mode which would tell the pilot, through feedback, that they're flying below a datum?

MAJGEN JOBSON: Deputy Chair, the altitude hold mode is the protection.

30 AVM HARLAND: Not if it's paused.

MAJGEN JOBSON: As a system though, if you're applying the altitude hold mode, you're applying a protection.

35 AVM HARLAND: Not if it's paused. Because what protection have you got?

MAJGEN JOBSON: Well, you've got the system that remains active.

40 AVM HARLAND: And what feedback are you given? What feedback is the aircraft giving to the pilot that they've drifted off datum? Because the feedback is the protection. So what feedback is - - -

45 MAJGEN JOBSON: The feedback are your instruments, it's your crew, it's your Non-Technical Skills. So we don't just fly according to one

isolated system. We're integrating into our work cycle and our crewing a variety of systems here. So if we were just to simply try and fly according to one individual system, then that would be poor airmanship.

5 What we're flying with is, as a crew, a multitude of systems in a work cycle to assist us to preserve our situational awareness.

AVM HARLAND: So the intent would be that if somebody were to pause that active datum while still having the mode selected, that they
10 would be effectively using the instruments to ensure that they maintain the correct attitude, and altitude all the while, while they're forming off the other aircraft.

MAJGEN JOBSON: The crew are scanning.
15

AVM HARLAND: Yes.

MAJGEN JOBSON: The crew are both scanning in accordance with their crew duties. They're communicating as a crew. They're
20 cross-checking with a variety of instrumentation in the aircraft to ensure that they're preserving their situational awareness throughout the sortie.

AVM HARLAND: Look, and the reason I'm asking is to try and establish some clarity on this because we have heard from different
25 witnesses different interpretations. So while the SI may intend to be clear, the witnesses' evidence would indicate that perhaps it's not. So that's what I'm trying to really establish. And I guess the fact that it's taken us some time to get to where we are is an indicator that there is some interpretation and some lack of clarity there, would be my assessment.
30 But thank you.

MAJGEN JOBSON: Thank you, Deputy Chair.

COL STREIT: Sir, very briefly, I'm just going to identify certain parts
35 of the remaining balance of your statement, just asking for confirmation. So, first, sir, in terms of post-incident, you set out at paragraph 248 onwards the particular engagement that you had with family members over a significant period of time. Is that correct?

40 MAJGEN JOBSON: Yes, Counsel.

COL STREIT: In relation to the evidence of observing – sorry, in relation to what you say and what you've taken away from observing the evidence of aircrew witnesses, which is on page 52, you identify four
45 matters there under paragraph 255. Is that correct?

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

5 COL STREIT: Sir – and just quickly – I appreciate whilst the Inquiry has been ongoing, you also had a Command to run. What proportion would you say you had the opportunity to watch the Inquiry's hearings?

10 MAJGEN JOBSON: You're correct, I had a Command to run, Counsel. And to be honest with you, it was more my staff would alert me to aspects they felt they would like me to observe.

COL STREIT: Sure. You set out on page 53 matters concerning the DFSB investigation and related matters. That's correct?

15 MAJGEN JOBSON: I'm sorry, could you just say that again please?

COL STREIT: Sorry. Just confirming at page 53 you set out matters concerning your evidence about the DFSB investigation and matters related to that.

20 MAJGEN JOBSON: Yes, Counsel. Yes.

25 COL STREIT: One question I'd like to ask you about and refer to your evidence is actually question 71 on page 55. But we need to go to question 19 and your answer to that because you indicate on page 55, "Please see my answer to Question 19". So if we could go to question 19, which is on page 14? For context, the question on page 55, which is 71, says:

30 *Outline your view on the DASA regulatory framework, including the independence of the DASA and whether steps ought to be or will be taken to enhance the DASA's regulatory independence.*

35 Your evidence at question 19 is to this effect, paragraph 55:

40 *Joint Directive 21/2021 establishes the Defence Aviation Safety Authority within the Defence Aviation Safety framework to enhance and promote safety through the implementation of a Defence Aviation Safety program. My view on the role and placement of DASA is consistent with the Joint Directive.*

You say at 56:

45 *If steps are taken to enhance DASA's independence from Defence, I recommend the significant subject matter expert*

5 *capacity resident within that organisation continues to be able to directly enable and clearly communicate with the operating community. Further, I recommend the routine rotation of personnel from the wider Defence Aviation community to enhance DASA's contextualised understanding of the operating environment. My 100-day assessment included a longer-term ambition to place a senior experienced Army Officer in the DASA organisation.*

10 MAJGEN JOBSON: That's right, Counsel.

COL STREIT: Is what I've read out correct, sir?

15 MAJGEN JOBSON: Yes, that's correct.

COL STREIT: In relation to placing a senior experienced Army Officer into the DASA organisation, first, is DASA a tri-service organisation, in the sense of it has people in it of all three services?

20 MAJGEN JOBSON: There are people in it from all three services, yes, Counsel.

COL STREIT: The position of DG DASA, to your knowledge, is that a tri-service position?

25 MAJGEN JOBSON: To my knowledge, it is a Royal Australian Air Force position, Counsel. But I could be wrong.

30 COL STREIT: In your long experience – noting that DASA came online, well, at least insofar as Army is concerned, 2016 – so since 2016 has the DG of DASA ever been an Army aviator?

MAJGEN JOBSON: No, Counsel.

35 COL STREIT: Sir, thank you. They're my questions in-chief. I do have some short questions for a Private Hearing later this afternoon. And with your permission, Madam Chair, once Counsel representing have concluded their questioning in the Open Session, I understand that – and I'll engage with MAJGEN Jobson's Legal Counsel, but I understand
40 there's a final message at paragraph 276 onwards that the General wishes to refer to. That will need to be done in a Public Session if it is to achieve the effect.

45 MS McMURDO: So we'll do that at the close of the Major-General's evidence in the Public Session.

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COL STREIT: Yes.

MS McMURDO: And then move into Private Session.

5

COL STREIT: Yes.

MS McMURDO: So are you content to make your final statement in the Public Session and then we'll go into a Private Session after that?

10

MAJGEN JOBSON: Yes, thank you, ma'am.

MS McMURDO: Thank you. That's how we'll proceed. And if I could also ask all those who want to be present on a need-to-know basis or some other basis in the Private Session, to let Counsel Assisting know over the lunch period.

15

COL STREIT: Thank you.

MS McMURDO: And we can get the appropriate direction framed. All right, thank you. We'll start with cross-examination. Yes, COL Gracie – LTCOL Gracie. I've just given you a promotion, I think.

20

COL STREIT: Sorry, Madam Chair, did you want to – I understand it's 12.30 and lunch is available. Did you want to continue for a short period or - - -

25

MS McMURDO: What would you prefer? What would be more comfortable for you, a break now?

30

MAJGEN JOBSON: Always happy to take a break. Thanks, ma'am.

MS McMURDO: You'd like to take a break. All right, we'll resume at 1.15 then. Thank you.

35

HEARING ADJOURNED

HEARING RESUMED

5 MS McMURDO: LCDR Gracie.

COL THOMPSON: If I may, ma'am, I have a rather quick question.

MS McMURDO: Sure.

10 COL THOMPSON: And I'm indebted (indistinct).

<CROSS-EXAMINATION BY COL THOMPSON

15 COL THOMPSON: Sir, good afternoon.

MAJGEN JOBSON: Good afternoon.

20 COL THOMPSON: COL Thompson for BRIG Dean Thompson.
You'll remember Counsel Assisting asking you some questions about a
conversation between BRIG Thompson and CAPT Lyon and whether you
remember the conversation being reported to you?

25 MAJGEN JOBSON: I remember the question. Yes, Counsel.

COL THOMPSON: I'll just read to you BRIG Thompson's evidence
about that conversation and then I'll ask you whether you remember it or
not.

30 MAJGEN JOBSON: Sure.

COL THOMPSON: Ma'am, I'm reading from page 4 of
BRIG Thompson's statement at Exhibit 100.

35 MS McMURDO: Thank you.

COL THOMPSON: BRIG Thompson says that he attended the
Regimental Officers' Intermediate Course 2022 and gave a presentation at
40 the course on 8 August 2022. He says he remembers CAPT Lyon from
the course. He says:

45 *After my presentation, CAPT Lyon made a statement, the essence
of which pertained in the amount of administration required to
look after his soldiers and officers. Specifically, he raised the*

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issue regarding the requirement on those end leadership positions. I also recall he was concerned about the governance requirements around flying.

5 *His message was that Troop Commanders were required to undertake too much governance and administration at the expense of flying. I remember the topic because this was the second time CAPT Lyon had raised it with me. He had first raised the issue with me when I visited 173 Squadron on exercise*
10 *in Newcastle in May 2022.*

At both times, the point of CAPT Lyon's complaint was that he was required to do too much administration and was not getting enough flying time that he wanted. I did not take away from these interactions that fatigue was an issue. I responded directly to CAPT Lyon's statement.
15

There was no other engagement from the other course members.

20 Do you remember a report to you about a conversation of that effect, sir?

MAJGEN JOBSON: No, I don't.

COL THOMPSON: Is it the sort of conversation that you might
25 remember being reported to you?

MAJGEN JOBSON: Okay, sir, with regard to what you are saying right now, BRIG Thompson was talking to me about governance, administration inside of the organisation, so I do recall. We've had those
30 conversations, yes.

COL THOMPSON: Thank you, sir.

MAJGEN JOBSON: The manner in which it was presented earlier, I
35 would remember that, and I don't recall that. But I have had discussions with BRIG Thompson on supporting our people with regard to governance and administration.

COL THOMPSON: Very good, sir. Thank you, ma'am.
40

MS McMURDO: Thank you. Any other applications to cross-examine? Yes, someone from Airbus. Do you want to go next, do you?

MR O'MAHONEY: I'll be brief.
45

MS McMURDO: Mr O'Mahoney. Yes.

<CROSS-EXAMINATION BY MR O'MAHONEY

5

MR O'MAHONEY: Thank you, Madam Chair.

10 Sir, my name is O'Mahoney. I appear for Airbus. I have a few questions for you. The first line of questions just concerns the Airworthiness Board. Can you just tell the Inquiry when you first started sitting on Airworthiness Boards?

15 MAJGEN JOBSON: Okay, so I don't sit on Airworthiness Boards, Counsel. I'm not a board member on Airworthiness Boards.

MR O'MAHONEY: But you certainly are aware of the process played by Airworthiness Boards?

20 MAJGEN JOBSON: Yes, I am, Counsel.

MR O'MAHONEY: And you're aware of the role that an Airworthiness Board plays within the Aviation part of the Military.

25 MAJGEN JOBSON: Yes, a very important role, a fundamental role.

MR O'MAHONEY: You've anticipated exactly where I was headed. Just in your own words, why do you say to the Inquiry that it's very fundamental and important?

30

MAJGEN JOBSON: An Airworthiness Board conduct is an important component with the Defence Aviation Safety Program to assure the Defence Aviation Authority of the airworthiness of the products that have been operated within the Defence Aviation Safety Framework.

35

MR O'MAHONEY: And is one virtue of the Airworthiness Board mechanism that it provides independent assurance to the Defence Aviation Authority?

40 MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: And is another virtue that it really does assist in achieving or in complementing or supplementing the assurance provided by DASA?

45

MAJGEN JOBSON: My apologies, Counsel, I'll try and help you and help the Inquiry, I guess. From DASA's perspective, they will likely indicate that this is an independent activity of themselves. So I just want to clarify that and not sort of accidentally, in our discourse here, sort of
5 build a sort of an understanding of a sort of a mutualism there between the two. DASA regard the Airworthiness Board as an independent activity.

MR O'MAHONEY: Quite. I'm not, in any way, seeking to confuse you, but you're aware of the role that AIRCDRE Medved plays in DASA?
10

MAJGEN JOBSON: Yes, I am, Counsel.

MR O'MAHONEY: And you're aware of him giving evidence before this Inquiry.
15

MAJGEN JOBSON: Yes, I am, Counsel.

MR O'MAHONEY: He gave evidence to the effect that the Airworthiness Board complements or supplements the assurance provided by DASA. I'm just wondering if you'd agree with that?
20

MAJGEN JOBSON: If you are providing me his testimony to that effect, Counsel.

MR O'MAHONEY: Yes.
25

MAJGEN JOBSON: So you've quoted me from his - - -

MR O'MAHONEY: Quite.
30

MAJGEN JOBSON: And I wouldn't want to disagree with my colleague, Director-General DASA, on that matter.

MR O'MAHONEY: No. I don't want you to accept that as gospel. I'm really interested in your view. Do you have a different view, the same view? Would you frame it a different way?
35

MAJGEN JOBSON: I guess it's a perspective of sort of who views it as complementary. It's probably in the details.
40

MR O'MAHONEY: I see.

MAJGEN JOBSON: DG DASA undertakes oversight assurance. Airworthiness Boards are an independent Board that undertake assurance on behalf of the Defence Aviation Authority.
45

MR O'MAHONEY: Thank you. And I think you touch on in your statement, it's at paragraph 124 – you say something there about the role of the airworthiness reports in the context of your work, and you say – I'll
5 read it out to you:

The AWB reports –

it's the last three lines of paragraph 124 of your statement. You indicate
10 there that:

The Airworthiness Board Reports informed my understanding of the health of the MRH-90 system and the effectiveness of the system of airworthiness.

15 Do you stand by that evidence?

MAJGEN JOBSON: I stand by that evidence, Counsel. It's very important information for my situational awareness on the health of the
20 system.

MR O'MAHONEY: And it's completely consistent with, I think, what you said a moment ago about how fundamental the role of those Boards is to achieving or ensuring Aviation safety within the Military.
25

MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: Is it your understanding that Airworthiness Boards, typically speaking, would meet once every year or two years?
30

MAJGEN JOBSON: The periodicity is set by the Defence Aviation Authority on the recommendation of the Airworthiness Board members.

MR O'MAHONEY: Yes. So it - - -
35

MAJGEN JOBSON: It varies between 12 months and 24 months. I might be mistaken, but generally varies between 12 months and 24 months, to be determined by the Defence Aviation Authority on recommendation of the Board members.
40

MR O'MAHONEY: And in terms of the cadence of these meetings, the regularity or otherwise of them, is it your experience that they more or less convene on an "as needs" basis?

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MAJGEN JOBSON: They'll convene on the advice of the Airworthiness Board members. It can vary, depending upon their assessment.

5 MR O'MAHONEY: Do you disagree with the proposition that they convene on an "as needs" basis?

MAJGEN JOBSON: So I'm not sure what you mean by "as needs"?

10 MR O'MAHONEY: Well, let me break it down for you. I think you'd agree with this, that there's no fixed period, or there's no fixed requirement for regular meetings of an Airworthiness Boards. That's right?

15 MAJGEN JOBSON: I'm sorry, I can't give you a precise answer to that question. I'll go back on, I guess, what I've advised. It can vary. I'm sure there might be something written, procedurally, about this, and I'm unable to recount that presently. My experience is that the Airworthiness Board periodicity will be advised to the Defence Aviation Authority by the Board members in their assessment, their determination, Counsel. Is that
20 answering your question?

MR O'MAHONEY: Not quite. But I'm not being critical of you in saying that.

25 MAJGEN JOBSON: Yes.

MR O'MAHONEY: I'll try to evince an answer a different way.

30 MAJGEN JOBSON: Yes.

MR O'MAHONEY: AIRCDRE Medved indicated that in his experience, his lived experience, he gave evidence to the effect that when the Board met tended to be a risk-based assessment by the Board. And he gave evidence to the effect that, in his experience, sometimes it met once for a
35 platform, once every four years, sometimes once every 12 months, sometimes there was an out-of-session meeting such that there were two meetings in 12 months.

40 But it all came down to a risk calculation, ultimately, by the Airworthiness Board. Do you agree with that?

MAJGEN JOBSON: I would agree that that statement makes sense.

45 MR O'MAHONEY: And so coming back to my original question, if there was deemed to be a need borne of a risk assessment by the Board to

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conduct an Airworthiness Board meeting, typically speaking, it would conduct one.

5 MAJGEN JOBSON: So if I may read back to you. If the Airworthiness Board need to do an Airworthiness Board, they will do one.

MR O'MAHONEY: No. If the Airworthiness Board identifies, based on an assessment of risk, a need to conduct a meeting - - -

10 MAJGEN JOBSON: Yes.

MR O'MAHONEY: - - - it would proceed to do exactly that, conduct a meeting.

15 MAJGEN JOBSON: As in an Airworthiness Board meeting?

MR O'MAHONEY: Quite.

20 MS McMURDO: If you don't know, you should say so.

MAJGEN JOBSON: Yes, I'm struggling a little bit here. I'm sure there is a procedure written and I'm unable to recount it for the moment. The Airworthiness Board will make a determination on when they feel an interval should be set and the organisation that is coordinating those
25 Boards will facilitate that for the need of the Airworthiness Board to meet their requirement.

AVM HARLAND: Perhaps if I could ask a question in a slightly different way to clarify. If a platform was operating at an elevated level of risk, would you expect the period between Airworthiness Boards to be
30 shorter or longer?

MAJGEN JOBSON: Shorter.

35 AVM HARLAND: So for elevated risk, the shorter the period between the Boards, would be your expectation?

MAJGEN JOBSON: Yes, Deputy Chair.

40 AVM HARLAND: Okay.

MR O'MAHONEY: Thank you. I'm grateful, Deputy Chair.

45 And the inverse then applies. For a lower level of risk, you might expect a more lengthy period to occur between meetings.

MAJGEN JOBSON: I would agree that sounds as a reasonable assessment.

5 MR O'MAHONEY: Are you aware, sir, that the Airworthiness Board, in relation to the MRH-90 platform, met pretty much once a year every year between 2007 and 2021?

10 MAJGEN JOBSON: I'd have to have a look at that to give you a concise answer.

15 MR O'MAHONEY: It's not a memory test. And for completeness, if it jogs the memory, there were a couple of years across that journey where there was an out-of-session meeting such that it met twice in a 12-month period. Does that jog any memory?

MAJGEN JOBSON: No.

20 MR O'MAHONEY: Are you aware of the DASA submission playing an important role in the context of Airworthiness Board meetings?

25 MAJGEN JOBSON: Counsel, I'm not sure about the level of importance assigned to it and who assigns that level of importance. They make a submission in the same manner as a range of organisations make a submission.

30 MR O'MAHONEY: Quite. Let me comment that a different way. Do you agree that a feature of the Airworthiness Board structure, as a mechanism, is the receipt of a DASA submission in advance of a scheduled Board meeting.

35 MS McMURDO: Now, you've said you never attended Board meetings yourself. If you're not able to say so, just say so. If you are able to answer the question, then by all means do so.

40 MAJGEN JOBSON: Yes, ma'am. I regularly attended Airworthiness Boards and presented to the Boards. In terms of the mechanism of the Board, its coordination and apparatus, I have not been involved in that process.

MR O'MAHONEY: No. Does that mean you're not familiar with the process of DASA providing a submission - - -

45 MAJGEN JOBSON: I'm familiar that DASA provides a submission.

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MR O'MAHONEY: And in your experience, have you had opportunity, from time to time to review those submissions in relation to the MRH-90?

5 MAJGEN JOBSON: Not in advance of the Board. In conjunction with attending the Board I am aware of the submissions from all of those who submit and have that presented in the course of the Board.

10 MR O'MAHONEY: Would you have read, for example, submissions provided by DASA in relation to the MRH-90 for the Airworthiness Board over the years, say, 2021 to 2023.

15 MAJGEN JOBSON: Sir, in answer to your question, I will clearly be involved in, through the year, the compilation of and submission of reports to the Board. And that really consumes me in terms of ensuring that our obligation to the Board is being met. I will participate in the Board with everybody else in attendance and I will, obviously, then review the product that the Board provide on the conclusion to the Defence Aviation Authority, the Defence Aviation Authority's response to the Military Air Operator and the community, and then my response back to the Defence Aviation Authority on my acknowledgement of the things that I need to do as a consequence of the Board.

20 Counsel, to be helpful for yourself and the Inquiry, I don't explicitly, though, look to review DASA's submission. The Airworthiness Board for the MRH-90 was substantial. It's not practicable to attempt to review everybody's submissions.

25 MR O'MAHONEY: So the answer to my question, I think, is no?

30 MAJGEN JOBSON: That's the best answer I can give you, Counsel.

MR O'MAHONEY: Would you agree with the proposition that in order to get a point in time line of sight as to the safety profile and airworthiness of a particular platform, that the Minutes of an Airworthiness Board meeting would be a very good resource?

35 MAJGEN JOBSON: The Minutes of an Airworthiness Board meeting are a good resource, yes, Counsel.

40 MR O'MAHONEY: And would you agree also that the submission of DASA for any such meeting would equally be a very good resource to give one that point in time analysis as to the safety of a particular platform?

45 MAJGEN JOBSON: I don't think anybody's submission to an

Airworthiness Board that are required to provide a submission would be anything but a good submission and a good resource.

5 MR O'MAHONEY: Thank you. In fact, just thinking out loud, if one wanted to ascertain, as at a point in time, the safety profile of a particular platform, there'd be no better place to look, I think you'd agree, than the Minutes of an Airworthiness Board and the submissions received by that Airworthiness Board at that time?

10 MAJGEN JOBSON: As I've indicated in my submission here to the Inquiry, I regard the Airworthiness Board, and the report of the Airworthiness Board, and the direction provided to me by the Defence Aviation Authority as a consequence of the Board, as an important resource to understand the health of the aircraft system.

15 MR O'MAHONEY: Do you want to say anything in response to my question?

20 MS McMURDO: Well, I think his answer was, it was an important resource.

MR O'MAHONEY: An important resource.

25 MS McMURDO: In the flying safety.

MR O'MAHONEY: I'm grateful. Thank you, Madam Chair.

30 I now want to come to some specific meetings, if I could. The first is, I think you'd agree there was a meeting scheduled to be convened in November 2022. And if you don't remember, it's not a memory test, at all, sir.

MAJGEN JOBSON: Yes, I recall that, Counsel.

35 MR O'MAHONEY: And I think, to be specific, it was 15 November 2022.

MAJGEN JOBSON: Okay.

40 MR O'MAHONEY: You're aware that DASA provided a submission in advance of that scheduled meeting of the Airworthiness Board for the MRH-90?

45 MAJGEN JOBSON: Counsel, can you elaborate, please, on what the submission was and to whom it was provided?

MR O'MAHONEY: Yes. I can do better than that. I'll get a copy in front of you if I may. I'll, just as a courtesy, let you know that there's sensitivity attached to this document, so I won't be questioning you about specific content, on the record, if I can put it that way.

MAJGEN JOBSON: Yes.

MR O'MAHONEY: But if I could ask, please, that the witness be shown Exhibit – it's Annexure D to Exhibit 48. And I have copies for you, Madam Chair and Air Vice-Marshal if that assists.

MS McMURDO: So the classification is?

MR O'MAHONEY: "Official: Sensitive".

MS McMURDO: "Official: Sensitive". So just don't refer to it in any extracts from the document itself. You're just being asked to look at it.

MR O'MAHONEY: Yes, ma'am.

MS McMURDO: And you'll be asked some questions without referring to the content of the document itself.

MR O'MAHONEY: Hopefully, you have opened in front of you Annexure D to that exhibit, which is the submission of DASA before the Board meeting of the Airworthiness Board that was to convene in November 2022.

MAJGEN JOBSON: Yes, Counsel. Heading, "DASA Submission for the 2022 A40 MRH-90 Aircraft Airworthiness Board", on 15 November 2022.

MR O'MAHONEY: Thank you. Now, just looking at this document. Under, "For Information", there's some words there in the first line. Is your understanding that those line items on the front page indicate to who the submission was to go or went?

MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: Thank you. And then if you'd be kind enough to turn to page 12 internally? This is a matter of public record. You know that it was AIRCDRE Medved who, at this time, was drafting submissions of this kind?

MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: And did you follow his evidence in this Inquiry at all?

5

MAJGEN JOBSON: Partially, Counsel.

MR O'MAHONEY: Do you recall him giving evidence to the effect that the submissions that he authorised and signed to the Airworthiness Board for the MRH-90 were only signed by him once he had obtained, or relied up, the view of experts within the authority and once he was satisfied as to its accuracy?

10

MAJGEN JOBSON: Counsel, I'll accept that you're relaying his testimony.

15

MR O'MAHONEY: Thank you. And looking at, if you would, the final two paragraphs, paragraphs numbered 34 and 35 on the page in front of you, if you could just read those to yourself?

20

MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: Now, AIRCDRE Medved gave evidence to the effect that those two paragraphs were a fair summary of the conclusions arrived at by DASA in the context of this submission – just giving you that by way of background. Am I right in thinking that you'd have no reason for disagreeing with that?

25

MAJGEN JOBSON: That's correct, Counsel.

30

MR O'MAHONEY: And looking at, if you would, what occurred on the back of this submission being provided to the Airworthiness Board, it's a matter of history, that the Board meeting scheduled for November 2022 didn't go ahead. That's correct?

35

MAJGEN JOBSON: That's correct, Counsel.

MR O'MAHONEY: And is it the case that an integer, or a driver of that decision to not proceed with the scheduled Board meeting in November 2022 were the views of DASA expressed to that Airworthiness Board? And if you don't know, please say.

40

MAJGEN JOBSON: That's my recollection, Counsel.

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MR O'MAHONEY: You may well not know the answer to this, but do you know if there was a formal Minute or record of any decision by the Airworthiness Board to not proceed with the meeting? A document, for example, that would set out the reasoning or rationale for not proceeding.

5

MAJGEN JOBSON: Counsel, I may be aware, but I cannot recall at this time.

MR O'MAHONEY: Is it your recollection that the Board that was scheduled to meet in November 2022 didn't go ahead with that meeting in circumstances where it was satisfied that there wasn't an immediate safety issue or concern?

10

MAJGEN JOBSON: Counsel, I do not recall that being an imperative.

15

MR O'MAHONEY: Okay, I just want to - - -

MAJGEN JOBSON: Stated imperative.

MR O'MAHONEY: Could I just put this to you? In giving his evidence, AIRCDRE Medved gave evidence to this effect, that if there had been an immediate safety issue or safety concern, the meeting would have gone ahead. Do you agree or disagree or have no view about that?

20

MAJGEN JOBSON: Look, one thing, I certainly, through that period, had no reason to not agree on the judgments being made by the Director-General of the Defence Aviation Safety Authority.

25

MR O'MAHONEY: Thank you. AIRCDRE Medved also indicated that if it was thought that the risks weren't adequately managed, there would have been a Board meeting conducted. Do you have a view on whether that aligns with your understanding?

30

MAJGEN JOBSON: My understanding is the Director-General, DASA was applying – he was consulting broadly in the community, applying judgments on a range of matters and I had no reason, otherwise, to communicate that he was applying sound judgment.

35

MR O'MAHONEY: Thank you. As it happened, the next scheduled meeting of the Airworthiness Board for this particular platform was 9 August 2023². Does that align with your memory?

40

MAJGEN JOBSON: I think so. I can't precisely recall though. But it sounds a reasonable proposition, Counsel.

45

MR O'MAHONEY: Could I just ask that you be shown – if you could turn to Annexure C, to the same exhibit that you have in front of you. Happily, it's just in front of the document I took you to. And I have a couple of copies for you, Madam Chair and Air Vice-Marshal.

5

MS McMURDO: Thanks, Mr O'Mahoney.

MR O'MAHONEY: Now please don't read anything onto the record but you'll see, just to orient yourself, sir – looking at the first page of this document you'll see it is a submission for what was then an upcoming meeting of the Airworthiness Board scheduled for August 2023.

10

MAJGEN JOBSON: Yes, Counsel, agreed.

MR O'MAHONEY: And if you'd turn, please, to page 15, internally of this document.

15

MAJGEN JOBSON: Yes.

MR O'MAHONEY: Just read to yourself what appears in the final two paragraphs, at paras 43 and 44. You've read that?

20

MAJGEN JOBSON: Yes, Counsel.

MR O'MAHONEY: And you've got no reason for thinking that's anything other than a fair summary of the conclusion arrived at by DASA in the context of this meeting scheduled for August 2023?

25

MAJGEN JOBSON: I express no disagreements with the Director-General Defence Aviation Safety Authority on his assessments.

30

MR O'MAHONEY: And there's evidence to the effect that this submission was provided, I think, four days before the tragic accident that brings us here. Does that align with your memory?

35

MAJGEN JOBSON: I can't remember that, Counsel.

MR O'MAHONEY: Does the fact that – and you might not have a view on this, so please indicate if that's the case – but does the fact that the scheduled Board meeting for November 2022 wasn't delayed by a week or two, or even a month or two, but for a period of approximately nine or more months, does that, to your mind, speak to the level of comfort that the Board had with the safety profile of this platform at the relevant time?

40

MAJGEN JOBSON: No, Counsel.

45

MR O'MAHONEY: Well, presumably, if there wasn't a level of comfort – if there was concern, for example, instead of comfort, any deferral of a meeting in November 2022 might have been for a period of
5 days or weeks. Correct?

MAJGEN JOBSON: Counsel, you're asking me here to really get inside of the decision-making process of the Airworthiness Board apparatus. I feel uncomfortable, Counsel sort of accounting for a separate organisation
10 to my own in that regard, if that makes sense?

MR O'MAHONEY: Thanks for making that clear. And, really, is the thrust of your evidence on this front, you just can't speak one way or another to the decision-making process that led to the period between the
15 scheduled November meeting and the August 2023 scheduled meeting?

MAJGEN JOBSON: That's reasonable, Counsel. You're asking me here to account on behalf of a separate organisation their deliberations, their thinking process, potentially their internal communications, with
20 regard to the mechanisms that they're operating in. I'm finding it difficult to account in that space.

MR O'MAHONEY: Thank you. And I think it's a matter of history, but you'd agree with this, that as at August or July 2023 there hadn't been a meeting of the Airworthiness Board for this particular platform since
25 December of 2021?

MAJGEN JOBSON: I agree with you, Counsel.

MR O'MAHONEY: And tell me if it aligns with your memory, that at that last ever meeting of the Airworthiness Board in December 2021 there were no new ACARs issued in relation to the MRH-90 platform?
30

MAJGEN JOBSON: Counsel, you can probably refresh my memory with the information that you have in front of you. I believe there were four open ACARs at that stage. And those four open ACARs remained
35 open through that Airworthiness Board and into the future.

MR O'MAHONEY: Quite. My question was slightly different. There were no ACARs issued at the last meeting of the Airworthiness Board.
40

MAJGEN JOBSON: I believe that is correct, Counsel.

MR O'MAHONEY: Thank you. If I could trouble you to look up or turn up, if you could, paragraph 48? Sorry, paragraph 73 of Exhibit 48.
45

MS McMURDO: Sorry, which Annexure?

5 MR O'MAHONEY: It's actually not an annexure. Sorry, it's
AIRCDRE Medved's statement.

MS McMURDO: Statement. Thank you.

10 MR O'MAHONEY: If I could just draw your attention to the opening
lines of paragraph 73:

15 *For the MRH-90 capability, DASA has been assured that the
aircraft system has been designed, constructed and operated to
approved standards and limitations by competent and authorised
personnel acting as members of an approved organisation.*

And you can read the rest of that paragraph to yourself if you would. I
take it you don't disagree with anything set out in that paragraph?

20 MAJGEN JOBSON: No, Counsel.

MR O'MAHONEY: Thank you. It's the case, isn't it, sir, that at all
points in time while you were Accountable Manager in this space within
the Military before the tragic accident, your view was that the MRH-90
25 was a safe platform?

MAJGEN JOBSON: The MRH-90, at all times, was put online as a safe
aircraft for our aircrew to operate. That is what we endeavoured to
achieve every time that our pilots went to fly an MRH-90 Taipan.

30 MR O'MAHONEY: And you formed that view as the Accountable
Manager ultimately responsible for Aviation safety within the Military.

MAJGEN JOBSON: Yes, Counsel.

35 MR O'MAHONEY: It was a view you didn't form lightly?

MAJGEN JOBSON: No, Counsel.

40 MR O'MAHONEY: And it was a view you formed knowing full well
that if you weren't of that view, you had it within your authority to, for
example, ground the fleet?

45 MAJGEN JOBSON: Counsel, there were provisions for me to cease
flying operations, yes.

- 5 MR O'MAHONEY: It's the case, isn't it – just a couple of other lines of enquiry, very briefly – it's the case, isn't it, that in the years leading up to the tragic accident there was a combination of – well, there were different sources of maintenance for different parts of the MRH-90 fleet? And to be more specific, for some parts of that fleet, Army was heading up the maintenance efforts and for other parts of that fleet industry or Airbus was? And if you don't know, please say.
- 10 MAJGEN JOBSON: Sir, certainly there was a composite organisation that was involved in the maintenance and engineering aspects for the MRH-90 Taipan, Counsel.
- 15 MR O'MAHONEY: Let me see if I can jog a memory by being a little more specific. Does it align with your recollection that in the years prior to the accident – focussing on 6 Aviation for a moment – and feel free to take a note – it relied upon industry, that is Airbus, for the maintenance of the MRH-90 fleet?
- 20 MAJGEN JOBSON: So there was a reliance on Airbus to undertake maintenance within organisations that were operated by the MRH-90.
- 25 MR O'MAHONEY: Thank you. And does it align with your memory that for the years 2022/2023 availability rates at 6 Aviation for the MRH-90 were approximately 76 per cent?
- 30 MAJGEN JOBSON: I can help you here, Counsel. The availability for the MRH-90 at the 6th Aviation Regiment was prioritised in order to ensure that we would have the most available fleet of aircraft for our people to operate there as we could possibly provide. And we had satisfaction in the Part 145 – my apologies – the technical maintenance workforce provisioned by Airbus at Holsworthy. It's a little more expansive than what you were expecting there, Counsel, but is that - - -
- 35 MR O'MAHONEY: No, I'm grateful for the context, but do you agree with the question, the proposition and the question, that availability rates were 76 per cent roughly?
- 40 MAJGEN JOBSON: No doubt you have the data there.
- MR O'MAHONEY: No. And if you don't remember - - -
- MAJGEN JOBSON: I don't have it in front of me, but that's - - -
- 45 MS McMURDO: If you don't know, say so.

MAJGEN JOBSON: I don't know, Counsel, yes. I'm sorry.

5 MR O'MAHONEY: Of course. And at 5 Aviation it was the case, wasn't it, that across those two years it was Defence that was responsible for the maintenance of the MRH-90 fleet?

MAJGEN JOBSON: Yes, Counsel.

10 MR O'MAHONEY: And you've already indicated, there may well be reasons for this, but just focusing on outcomes, is it your understanding that the availability rate for 5 Aviation was around 34 per cent across that two-year window?

15 MAJGEN JOBSON: Once again, I don't have that information in front of me, Counsel.

20 MR O'MAHONEY: Are you aware that Airbus made an offer to assist with the maintenance and serviceability of the 5 Aviation fleet at a point in time? Specifically aimed at bridging that disconnect, trying to bring 34 per cent up to something a little closer to 76 per cent.

MAJGEN JOBSON: Which timeframe are you referring to, Counsel?

25 MR O'MAHONEY: In the years leading up to the accident?

30 MAJGEN JOBSON: So most certainly Airbus offered to provide a supplementary workforce during the period that I was commanding the 16th Aviation Brigade in 2016 for a period of time, and that was enacted. With regard to a further offer – I may be aware of that; I can't recall it. It's likely that that offer would have been made to my counterpart, MAJGEN Jeremy King, who was the Head Joint Aviation Systems Division.

35 MR O'MAHONEY: I see. But it just didn't come across your radar screen?

40 MAJGEN JOBSON: Look, it's familiar, but I couldn't provide a concise recount of that today, Counsel.

45 MR O'MAHONEY: Thank you. And just finally, you gave some evidence at length yesterday about the risk assessment associated with the MRH-90 across the journey of the program, do you remember, in response to learned Counsel Assisting addressing a number of questions in that regard?

MAJGEN JOBSON: Yes, Counsel.

5 MR O'MAHONEY: And I think your evidence was to the effect that across, really, the life of the program, the classification was medium?

MAJGEN JOBSON: I didn't say that, Counsel, no.

10 MR O'MAHONEY: No. Well, I don't want to put words into your mouth, but I thought your evidence was more or less to the effect that for at least 10 years, or around 10 years, there was a medium assessment.

MAJGEN JOBSON: No, that wasn't my testimony, Counsel.

15 MR O'MAHONEY: Okay. You answered some questions yesterday about there being at a point in time a medium level risk?

MAJGEN JOBSON: Yes, Counsel.

20 MR O'MAHONEY: And I think you would at least agree with the proposition that for a sustained period of time – that is, more than weeks or months – there was such a level of risk designated within Military in relation to this program?

25 MAJGEN JOBSON: Yes, Counsel. I was accounting for my articulation of residual risk to personnel in the MRH-90 system.

30 MR O'MAHONEY: Thank you. And in relation to that medium classification or categorisation, is there any written record or document, for the uninitiated, to help one understand what is meant by that?

MAJGEN JOBSON: In terms of classifying that in accordance with the Defence Aviation Safety Manual, is that what you're referring to?

35 MR O'MAHONEY: Well, in any way at all. If, for example, a junior soldier in your purview came up to you after a conference one day or during a lunch break and just said, "Look, I'm really interested in exploring what is meant by this risk assessment. Where can I do some reading about it? Where can I find something that is a bit of a centre of gravity for me in wanting to understand what that means?" How would
40 you have answered that?

45 MAJGEN JOBSON: So I would answer that in what I was articulating. And my messaging was actually meant to be consumed by a large audience of people that weren't necessarily technically savvy as engineers

or technicians. It was meant to be a simple message. Another place that you might refer to is the System Level Risk Assessment that was undertaken in 2022 as we looked to further characterise it in accordance with Aviation Risk Management Principles.

5

MR O'MAHONEY: So am I right in thinking there isn't a written record of what is specifically meant by the "medium assessment" in the context of the MRH-90?

10 MAJGEN JOBSON: There is a clear articulation of medium level of risk, of elevated risk, in the MRH-90 system in numerous documents, including documents that I have attested to.

15 MR O'MAHONEY: I see. And I think yesterday you agreed that one thing you've been focused on in your role – and you used the word "lexicon" a couple of times – was really making it as robust or as clear as possible the risk assessment, lexicon, as it's used within the Military?

20 MAJGEN JOBSON: Yes, attempting to be – I guess, it's easy as an Army aviator to apply a lot of technical jargon and language, but I'm mindful of the fact that I need to communicate broadly to a community outside of Army Aviation that may interact with or consume the product or the service that the Army Aviation capability provides or decision-makers that are making decisions.

25

MR O'MAHONEY: And in response to some questioning from Air Vice-Marshal yesterday, you indicated that you certainly did what you could to share the message of this assessment, this risk assessment, to people beneath you.

30

MAJGEN JOBSON: Yes.

35 MR O'MAHONEY: And you, in effect, gave evidence to the effect that your hope – or your expectation, I think, to be fair with your evidence – your expectation was that that would've been relayed to people below those people in rank.

MAJGEN JOBSON: Yes.

40 MR O'MAHONEY: Did you take any steps to ascertain whether that expectation was met?

45 MAJGEN JOBSON: So I was, I guess, communicating at numerous fora to ensure that my message was clear. And remember that I've got to sort of communicate messages in all directions; whether that's into the Army

Aviation Command through the Chain of Command; whether that is laterally to those organisations that are employing the MRH-90; or whether that is to people in the capability management layer that I'm providing advice to.

5

MR O'MAHONEY: And just finally, Air Vice-Marshal asked you yesterday questions to the effect of, "Well, what was an aviator to do with that knowledge?" Armed with the knowledge that there was a medium risk assessment, how was he or her expected to process that information? And I just wanted to follow up on that by asking you this: was any training provided, formal or informal, to aviators about how to incorporate any such overarching risk assessment into the flight risk assessment mix?

10
15 MAJGEN JOBSON: We're talking about training for Aviation risk management? There's training for our personnel for Aviation risk management, yes.

MR O'MAHONEY: No, but something a little more specific than that. Training aimed at, or guidance aimed at, how to incorporate this overarching risk assessment into a specific flight risk assessment process. In other words, what to do specifically with that information about there being a generalised overarching risk assessment?

20
25 MAJGEN JOBSON: Sure. Is to employ the Seven-Step Risk Management process, which, in the first instance, calls for an appreciation of the hazard and risk context. And so by supplying information and data and advice to our personnel, they're able to consume that information, data and advice, and they're able to input that into that first step of the
30 Seven-Step Risk Management process as they require.

MR O'MAHONEY: I don't have any further questions. Thank you, sir.

AVM HARLAND: I just had one follow-on question, and it relates to the Airworthiness Boards given we've been talking about those. And the question really is about how much weight did you place on the Airworthiness Board reports or the Airworthiness Board outcomes and DASA's submissions given that DASA recommended that you could continue to maintain your permissions under the regulations and the DAA in 2021 allowed you to do the same, which meant that you could continue to operate as a Military Air Operator – you could continue to operate the MRH-90?

40
45 MAJGEN JOBSON: Yes.

AVM HARLAND: So how much work did you put on that when you were considering the issues relating to operating at medium safety risk and how you would continue your way forward?

5 MAJGEN JOBSON: I relied on the advice of the Defence Aviation
Safety Authority. It is a credible institution with professional and
qualified and expert members resident within the organisation. So I
considered their advice to me as important and credible advice. Yes,
10 having said that though, for an MRH-90 Airworthiness Board, in
particular – I'm not sure if I offered this advice yesterday – the
submissions were enormous. It was enormous. And so attempting to, in
detail, cover off on everybody's submissions into that, it was just not
practicable to do.

15 And so my full team are attempting to consume and to relay advice from a
range of organisations that we're considering. But I guess the other thing
too is we want to make sure that when we're supplying advice, we're
doing it sort of without being influenced by other people's impressions of
the system. So that when the Airworthiness Board members sit, they're to
20 consider everybody's submissions, they're getting pure submissions, sort
of uninfluenced or affected submissions from each of the parties that are
supplying those submissions to them.

AVM HARLAND: And, look, clearly, as a Military Air Operator, you
25 maintain the accountability for safe operations of the MRH-90.

MAJGEN JOBSON: Yes, Deputy Chair.

AVM HARLAND: But is it reasonable for me to understand that you
30 took some comfort from the outcomes of the Airworthiness, the DAA's
commentary on that, and also the DASA submissions that you could
reasonably continue to operate the MRH-90.

MS McMURDO: Despite the elevated risk.

35 AVM HARLAND: Yes.

MAJGEN JOBSON: So that was the professional advice. The word –
it's come up a few times – "comfort". I'll just go back to my advice
40 yesterday. I was never comfortable, and I think if I became comfortable,
I'd be complacent. I just want to make that point because that's sort of
crept in. But, certainly, DASA provided important, credible advice and
summations that, for me, it was important to consider.

45 AVM HARLAND: Okay, that's the answer. Thank you.

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MS McMURDO: Anything further, Mr O'Mahoney?

MR O'MAHONEY: No, nothing. Thank you, ma'am.

MS McMURDO: No, thank you. Other applications to cross-examine? Yes, LCDR Tyson.

<CROSS-EXAMINATION BY LCDR TYSON

LCDR TYSON: Sir, my name's LCDR Matthew Tyson. I represent the interests of CPL Alex Naggs.

MAJGEN JOBSON: I'm sorry for your loss.

LCDR TYSON: Thank you, sir. Sir, would you agree that the very fact that four men died, each of whom were valued by their comrades, cherished by their families, while flying an Army Aviation helicopter on 28 July 2023 during peacetime, on a training exercise in Australian coastal waters means that Army Aviation Command failed to achieve a safe working environment for the four aircrew in Bushman 83?

MAJGEN JOBSON: No.

LCDR TYSON: Do you agree that the very fact that four men died while flying an Army Aviation helicopter on 28 July '23, during peacetime, on a training exercise in Australian waters means that there was a breakdown and a failure in the Army Aviation Risk Management System?

MS McMURDO: We can have a break if you want.

MAJGEN JOBSON: Just taking my time with this one.

MS McMURDO: That's fine. That's fine.

MAJGEN JOBSON: Yes. I wouldn't want to sound sort of like I'm hubris in my answers for you, respectfully, Counsel, because you have used words that are inside of, really, every accident, Aviation accident. There are active and there are latent failures resident inside every Aviation accident. But I would say that there's a proportion of what you've said is resident within all Aviation accidents, Counsel.

LCDR TYSON: So are you accepting, on reflection, that there was a breakdown in the Army Aviation Risk Management System?

MAJGEN JOBSON: No, Counsel.

5

LCDR TYSON: Well, I suggest to you, sir, that in circumstances where, during peacetime, on a training mission, when four men died as they did on 28 July 2023, that very circumstance shows you that Army Aviation Risk Management System failed. Do you agree with that, sir?

10

COL STREIT: Before you answer, I need to raise a matter with my friend – I'll do this on the record. I understand the nature of the question. In my submission, the question is broad for this reason: the Army Aviation Safety Framework incorporates duties and responsibilities for the Aircraft Captain, the co-pilot, the aircrewman, the Authorising Officer for the mission, and stepping back every layer of order, instruction and policy. So that, as an umbrella, is the Army Aviation Safety Management Risk System.

15

20

So my friend can ask a question, in my submission, but it needs to be specific because this witness is being asked to address something that is very significant and there needs to be clarity in what is being put, in circumstances where this very Inquiry is examining that matter.

25

MS McMURDO: So perhaps you should make clear what you mean by the "Army Aviation Risk System", I think that was the term.

30

LCDR TYSON: Yes. I accept COL Streit's point. The difficulty, of course, ma'am – and COL Streit is right, there are a number of elements that go into it. But it's hard to work out which witness should – to whom this question should be put. But this was the head of Army Aviation Command, so I took the view that it was reasonable to put the question to him so that someone with overarching responsibility could answer it. But I accept the force of my learned friend's comment.

35

MS McMURDO: All right then.

40

LCDR TYSON: So, sir, I just want to turn to something else. Just consider the flight profile of flying overwater, at a low level, below 500 feet, at night, in formation, where the spacing between the helicopters is about two to five rotor di's and using night-vision devices. So just with that flight profile, sir, have you ever flown that flight profile yourself?

45

MAJGEN JOBSON: Yes, I have, Counsel.

LCDR TYSON: In what aircraft did you fly that, sir?

MAJGEN JOBSON: A Black Hawk, S-70A-9 Black Hawk.

5 LCDR TYSON: Now, would you agree that that's a challenging mission to fly, that flight profile?

MAJGEN JOBSON: It depends on the many variables, Counsel. Many variables can scale the challenge associated with that mission.

10 LCDR TYSON: But there's a whole range of types of missions that a pilot could fly. Correct?

MAJGEN JOBSON: Correct. In a whole range of conditions.

15 LCDR TYSON: Fly a single-ship aircraft on a sunny day with very visible terrain features. Correct?

MAJGEN JOBSON: Yes.

20 LCDR TYSON: And there's also flying overwater, at low level, at night, in formation, using NVDs. Would you agree that that's a challenging mission?

25 MAJGEN JOBSON: I'd agree that it depends on a range of variables.

LCDR TYSON: Well, I'll put it to you directly. It is a challenging mission. Would you accept that or not?

30 MAJGEN JOBSON: Flying in formation, at night, on NVDs can be a challenging mission.

LCDR TYSON: And what sort of experience, specific experience, or training in that sort of flight profile should a pilot have gone before they fly the sort of mission that was undertaken on the night of 28 July '23 under FMP conditions as part of a Military exercise with Coalition Forces? What's the level of simulator hours or training at Holsworthy or Oakey that really someone should fly in that flight profile before they fly that mission under FMP conditions?

40 MAJGEN JOBSON: So they will undertake their individual training through the training system commencing at the Royal Australian Air Force Pilot Training System. They'll progress into the Royal Australian Navy's led Helicopter Aircrew Training System there and then they will
45 convert onto an operational type at the Army Aviation Training Centre

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and through the course of that sequence there, they are being imbued with the knowledge and the skills and the attributes required to operate a Military aircraft in a Military environment.

5 They will then progress from that into the unit, and they will sequence into the Unit Training and Assessment Program where they will continue to accrue knowledge, skills, attributes and experience in the settings that are applicable to the unit operating environment, Counsel.

10 LCDR TYSON: But the specific challenges that that flight profile involves of maintaining formation under those conditions, what specific training, please, would pilots within your Command have undergone as at 28 July '23, to the best of your knowledge and recollection?

15 MAJGEN JOBSON: Training that's relevant to the task. And I would say also, Counsel, that on the night they were training.

LCDR TYSON: But someone like, for example, LT Nugent, who was flying the transit on that mission on that night, what was his experience, if
20 you know, flying that particular flight profile?

MAJGEN JOBSON: I could not recount that for you right now, Counsel.

LCDR TYSON: I just want to turn finally to something else. So, I just want to take you back to July '23. Now, just some context for that, you're aware that the Royal Australian Navy Fleet Air Arm stopped flying MRH-90s in 2022. You're aware of that, aren't you, sir?

MAJGEN JOBSON: Yes, Counsel.

30 LCDR TYSON: And COL Martin Levey did a paper about the maintenance risk involved in MRH-90 operations. Were you aware of his paper at all?

35 MAJGEN JOBSON: Yes, I was, Counsel.

LCDR TYSON: And what I want to suggest to this, going back to July '23 now, you recall, don't you, in March '23 there was the Jervis Bay incident where an MRH-90 helicopter had landed in the water?

40 MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: And you're aware that as at July '23, DFSB had not completed its investigation into that incident.

45

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: You're aware of the near collision of Taipans at Townsville in November 2020?

5

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: You're aware that there were still outstanding actions from that incident as at July '23?

10

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: I think you've already acknowledged that you had received COL Levey's paper. Correct?

15

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

LCDR TYSON: You're aware of reports within Army Aviation and the Airworthiness Framework that the MRH-90 had a medium level of risk to personal safety?

20

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: And you also agree that as at July '23, the MRH-90 project had been characterised by groundings, project slippages, lost flying hours, disruption and remediation and constant reviews. Correct?

25

MAJGEN JOBSON: Correct, Counsel.

LCDR TYSON: You're aware that it was an immature and underperforming Aviation system?

30

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: And it required – your word – extraordinary levels of airworthiness and risk management.

35

MAJGEN JOBSON: Yes, Counsel.

LCDR TYSON: Isn't it the case that as at July 2023, against the background, particularly of the Jervis Bay incident and the other matters, and the long history of the MRH-90 as an immature and underperforming system, that Army Aviation should not have been flying the MRH-90 at all in July 2023?

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MAJGEN JOBSON: No, Counsel.

LCDR TYSON: Thank you, ma'am. Thank you, sir. They're my questions.

5

MS McMURDO: Did you want to do something now or – usually you'd re-examine at the end.

10 COL GABBEDY: No, I didn't want to do something now. I was just suggesting, perhaps - - -

MS McMURDO: A break.

15 COL GABBEDY: - - - a break. I know the General's got a bad back.

MS McMURDO: A break. Of course. All right, yes, just a minute.

20 LCDR GRACIE: It appears, I've been assigned the task of going through the 1700 pages of the folders comprising the exhibits. It appears that the numbering of the tabs do not match up at all with the actual list of enclosures. And I was going to ask if I could access either the Major General's volumes or someone else's to - - -

25 MS McMURDO: I thought that problem had been remedied, but I knew that was a problem at one point.

LCDR GRACIE: I think ours - - -

30 MS McMURDO: Perhaps you can sort it out during the break - - -

LCDR GRACIE: Yes.

MS McMURDO: How about that?

35 LCDR GRACIE: Yes, I just want to have leave, if I could approach someone's folder, that's all.

MS McMURDO: Yes. Yes, we'll sort it out during the break.

40 LCDR GRACIE: Thank you.

MS McMURDO: How many more applications to cross-examine before we hear from Lieutenant Commander? We'll deal with you next then and then – is that the last one before LCDR Gracie? Yes.

45

COL STREIT: Thank you.

MS McMURDO: All right then. Well, we'll have a 10-minute break.

5

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MS McMURDO: Yes, SQNLDR Thompson.

15

<CROSS-EXAMINATION BY SQNLDR THOMPSON

SQNLDR THOMPSON: Sir, my name is SQNLDR Christopher Thompson. I represent the interests of WO2 Phil Laycock.

20

MAJGEN JOBSON: Sorry for your loss.

SQNLDR THOMPSON: Thank you, sir. I accept on behalf of the Laycock family. Sir, do you have your statement and enclosures before you?

25

MAJGEN JOBSON: Yes.

SQNLDR THOMPSON: Thank you. If you could turn to Enclosure 32, the AATES test report on the cold weather clothing for me?

30

MAJGEN JOBSON: I have Flight Test Report 2017, "Cold Weather Australian Multi-Cam Combat Uniform Fire Retardant Ensemble".

35

SQNLDR THOMPSON: That's the one, thank you, sir. Sir, if you could, first of all, I'm going to take you to parts of the report and then ask questions once I have some context for those questions. Sir, if you could turn to paragraph 6 of that report and there's a table - - -

40

MAJGEN JOBSON: Table 2, Counsel.

SQNLDR THOMPSON: Apologies, your Honour, sorry, sir. That may be something this is better left to the Private Hearing, I've just been informed.

45

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MS McMURDO: Classified, is it?

AVM HARLAND: That's become "Official: Sensitive".

5 MS McMURDO: It's changed?

AVM HARLAND: Yes.

10 SQNLDR THOMPSON: Perhaps, in an abundance of caution, ma'am, I'll save that for the Private Hearing.

MS McMURDO: Does that mean - - -

15 SQNLDR THOMPSON: Apologies, sir. I'll come back to that.

MS McMURDO: No, cross-examination from you?

MAJGEN JOBSON: Thanks, Counsel.

20 MS McMURDO: No cross-examination from you at this stage. All right. Now everybody, except LCDR Gracie, who wants to cross-examine has applied to do so? LCDR Gracie.

25 **<CROSS-EXAMINATION BY LCDR GRACIE**

LCDR GRACIE: Sir, LCDR Malcolm Gracie representing the interests of CAPT Danniel Lyon.

30

MAJGEN JOBSON: Sorry for your loss.

35 LCDR GRACIE: And thank you for your gracious and heartfelt comments to the Inquiry and the families. They were greatly appreciated. Sir, I just want to touch on a couple of broad issues before descending into a little bit more detail with the enclosures that you've provided. There's quite a bit of work in assembling them. There's quite a bit of work in reading them too.

40 What I would like to do is to just touch on this notion of medium risk and break that down a bit. And perhaps a helpful starting point is, if the system is working properly, I was going to go to tab 13D of your enclosures. And many of these say similar things and so I won't traverse the whole chronology of these.

45

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But if you track through 13D, which is Minutes of the Safety Program, 9 and 10 May '23? I know there's earlier ones, but I just want to try and cut to the chase a little bit.

5 MS McMURDO: So, again, be careful of the classification.

LCDR GRACIE: Yes. Thank you.

10 And you'll see at the top of page 4 an assessment in relation to the Taipan and the HP1, and there's a reference, "A", to the level of risk and controls being implemented.

MAJGEN JOBSON: Yes, Counsel.

15 LCDR GRACIE: And I'm just providing you a little bit of context here to track through some of these to provide some framework. And then you'll see at 14A a submission for a DS, DASB agenda item. And if you can go over the page, to page 9? This is "Official", so we're not so constrained in dealing with it. But you'll see that in relation to the Taipan,
20 the target rate of effort for financial years 21/22 – sorry, para 9.

MAJGEN JOBSON: Para 9.

LCDR GRACIE: Sorry, sir.
25

MAJGEN JOBSON: Yes.

LCDR GRACIE: Has been reduced.

30 MAJGEN JOBSON: Yes.

LCDR GRACIE:

35 *6 Avn, 808 Squadron continues to be the main effort, and with the reduced ROE allocation, 5 Avn Regiment has a clear mandate to reallocate aircrew to other types.*

40 Did that, in one respect, correlate – to use the terms of Airbus' Counsel – availability? But I think rate of effort is probably more appropriate. Was it the reduction in the number of MRH-90 and the diversion of resources to 6 Avn that impacted on the rate of effort that you were asked about? Or I'll put it differently. The discrepancy in the rate of effort for 6 Avn relative to 5 Avn?

MAJGEN JOBSON: Counsel, so I'll answer you with regard to the assignment of the 6000-hour rate of effort to the MRH-90.

LCDR GRACIE: Yes.

5

MAJGEN JOBSON: So this was undertaken under a collaboration within the Army Aviation enterprise to stabilise the MRH-90 fleet around a forecast rate of effort that would have a minimal amount of variance. The forecast rate of effort was not being met and, as a consequence, that was creating a great deal of misalignment in work regimes, work effort. Predicting against things that were not manifesting creates friction inside of the work environment. So this was a program to stabilise the rate of effort delivery on the MRH-90 to be predictable and coherent and so that we would minimise that variance inside our workforce.

15

It was, in the first instance, designed to allow us to provide rate of effort or flying hours to our pilots for their proficiency in a manner that was predictable and coherent for them in the workplace. And in doing so, by bringing that predictability and coherence into the workplace, we were also moderating some of those factors that can produce pressure inside of a work environment. Counsel, does that answer your question?

20

LCDR GRACIE: It does, in part. One other aspect I was going to touch upon was whether or not the definition of "rate of effort" was changed to only take into account stick hours. Do you recall something to that effect, that it only calculated the hours actually flown, similar to civilian aircraft, by the pilots in assessing compliance with rate of effort.

25

MAJGEN JOBSON: I absolutely don't understand there, Counsel, what you're referring to, I'm sorry.

30

LCDR GRACIE: All right.

35

AVM HARLAND: I think there was a conversation – and I can't recall the full details – about how flight hours were logged and whether it was effectively take-off to landing, or whether it included taxi time.

40

MAJGEN JOBSON: So, Deputy Chair, and if, Counsel, this is what you're referring to, there is a difference, from recollection, between how you log time between the non-MRH-90 and the MRH-90. There is a difference. To give you an accurate recount of that, I would have to take that on notice.

LCDR GRACIE: Is this a fair characterisation too in terms of the

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assessment of risk? This is from an “Official” document. We’ve talked about medium risk, and that’s in relation to risk to personnel and aircraft, isn’t it, that assessment?

5 MAJGEN JOBSON: Yes, Counsel.

LCDR GRACIE: Was there also an assessment of risk to mission and finance that was identified as high risk?

10 MAJGEN JOBSON: So you are correct that there are multiple channels by which we assign risk against. Unfortunately, I can’t give you a precise answer on the levels of risk of those with regard to the MRH-90 Taipan at this time. I could take it on notice for you, Counsel.

15 LCDR GRACIE: If you like, I don’t know whether this is specific only to one aspect of the system, but if you go to tab 14(i), it’s page 14 of that document, you will see - - -

MAJGEN JOBSON: My apologies. Can you, sorry, say that again?

20 LCDR GRACIE: 14(i).

MS McMURDO: Or (i), I think it might be.

25 LCDR GRACIE: I’ve been criticised for calling it (i) by annexure.

MS McMURDO: Well, I think it has letters either side of it, so I think it is (i).

30 LCDR GRACIE: Thank you, ma’am.

MAJGEN JOBSON: “Update to MRH-90 ACAR Remediation Program Plan”?

35 LCDR GRACIE: Let me just check. Yes, correct. Page 14, para 35. And just so you don’t have to keep jumping back and forth, the reference (e) that’s referred to there is the ACAR Risk Assessment Review of 17 February ‘21. And this is – as I said, it’s “Official”. There’s a reference to the “top event”. Is what is italicised thereafter the top event
40 in this context?

MAJGEN JOBSON: Without reviewing the reference there, Counsel, I can only confirm what is written here.

45 LCDR GRACIE: But the point of it is that:

The risk of maintenance not being performed in accordance with the aircraft maintenance program assesses there to be a medium risk to personnel and aircraft –

5

which we've covered –

and high risk to mission and finance.

10 Was that your understanding of the risk assessment in relation to impact on mission and finance?

MAJGEN JOBSON: That's on the face of what I'm reading here and the signatures that are providing this document, I would caveat, without
15 having read reference (e), I – on the face of it, without being fully informed, I guess, on the face of it, it seems reasonable.

LCDR GRACIE: What I'm trying to break down is the fact that although we've identified medium risk in relation to personnel and aircraft, there was something overlaying that medium level of risk, which
20 was high risk to mission capability or performance and cost constraints, that were identified as high risk. So we can't just talk about medium risk, we've got to put it in the overall context of what we're dealing with, don't we?

25

MAJGEN JOBSON: The environment was that there were other risks than safety present that were most certainly elevated that were associated with the performance of the MRH-90, Counsel.

30 LCDR GRACIE: This touches on something that the Airbus Counsel dealt with. Feel free to look at it if you want, but there's a Minute of 11 April 2021 at tab 18(b), and you don't have to go to it, but I'll just read this to you. Because if you agree with it, we probably don't need to go there:

35

Medium risk is reached by assessing an improbable likelihood of a catastrophic event.

Is that how we get to medium risk?

40

MAJGEN JOBSON: It can be, Counsel. There is, in the Defence Aviation Safety Manual, an explanation in there on risk characterisation. The relationship between likelihood and consequence go to form the basis for arriving at a risk quanta.

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LCDR GRACIE: Again in this characterisation of medium risk in relation to aircraft and personnel, to put it again into its context, can you look at tab 15(c) in the second volume, please?

5 MAJGEN JOBSON: Sorry, 15(c)?

LCDR GRACIE: 15(c), yes. It should be “DASB Agenda Item 18, 24 November 2022”, volume 2.

10 MS McMURDO: 18(c)?

LCDR GRACIE: 15, ma’am, I’m hoping.

15 MAJGEN JOBSON: Okay. So, “DASB Agenda Item 18, Army Environmental Commander Submission to the DASB for Discussion”, and it’s dated 24 November 2022.

LCDR GRACIE: Correct. I’ll just wait for - - -

20 MS McMURDO: Yes, got it.

LCDR GRACIE: Thank you, ma’am.

25 So we’ve got high risk in relation to mission and finance. We’ve got medium risk in relation to personnel and aircraft. But characterising it in the context in which you, as CO of Avn Command is operating, the medium risk associated with the MRH Taipan system represents the greatest risk to Avn Command due to the disproportionate management effort required.

30 I just want to suggest this as a proposition. Although it’s been identified as a medium risk, in relative terms it’s the greatest risk to Avn Command.

35 MAJGEN JOBSON: So I’d want to be very clear here, Counsel, for you. Our focus as a team was absolutely the safety dimension of risk – unambiguously. In order to manage down as far as we possibly could the safety risk to our personnel, we were willing to incur other dimensions of risk.

40 LCDR GRACIE: But in relative terms, is the MRH platform – or was the MRH platform the greatest risk that, due to its high risk mission and finance assessment and medium risk in relation to personnel and aircraft, represented the greatest risk that you, as CO Avn Command, had to deal with?

45

MAJGEN JOBSON: So I guess I will reiterate my response to you, Counsel, is that the risk that mattered the most to myself and my leadership, my executive team, to my team in general was, unambiguously, safety risk. That is the risk for us that represented the focus of our attention. In order to ensure that we were managing – that we were eliminating and, if that wasn't practicable, to minimise risk so far as reasonably practicable, if that meant that other dimensions outside of safety became elevated, then I was willing to accept that. And definitely not the other way around. Our focus was the safety dimension of risk.

LCDR GRACIE: Bear in mind you signed this on 3 November 2022, do you stand by that statement at 2(a)?

MAJGEN JOBSON: Yes, Counsel.

LCDR GRACIE: Thank you. I want to deal now with something in this same context, in terms of your reference to mitigating, even eliminating risk. Could you look at tab 20, please? This is a Decision Brief to you and MAJGEN Hafner. I can't see what date he signed it, but it's 8 August 2023. It relates to the DFSB report and recommendations in relation to the 11 November 2020 near miss of the two MRH.

MAJGEN JOBSON: Yes, Counsel.

LCDR GRACIE: We've heard in this Inquiry some mixed variations of what the formation was, but we, I think, can safely say in this environment it was two Chinooks, three MRH and two Tigers. Previously, I think the evidence was that it was just MRH and Chinooks with that formation. The DFSB report identified, as is said here – and just bear in mind again the "Official: Sensitive" status – there's 28 actions to be completed by November '22. I won't say what they are.

You will see in 2(a) what has been completed, 2(b) incomplete requiring further work, and extension in para 3 for 10 outstanding action items to be extended. The evidence from MAJGEN Hafner was that that was to prevent matters distracting from TALISMAN SABRE '23, so there was an extension to implement those items after TALISMAN SABRE '23. Does that accord with your general recollection of matters?

MAJGEN JOBSON: So the Deputy Commander brought this to my attention and sought, effectively, the additional resource of time for our people so that they could diligently and coherently complete tasks that required consultation, that required integration, that required outcomes that were in some instances complex. This was also a period that we were attempting, and we continued to attempt, to lessen the sheer volume of

changes and amendments and policy into our workplace. So we were working to integrate across documents where we had similar functional themes in recommendations.

5 LCDR GRACIE: This was dealt with in MAJGEN Hafner's open
evidence, so I can put this much, and then I'll take you to the schedule of
the items. But two of the matters that had not been implemented in
relation to the DFSB recommendations for the report received on
10 9 December '21, as at July '23 that were outstanding involved policy
changes in relation to formation flying and night-vision devices.

What I want your assistance with, sir, is to understand how you were
overseeing the mitigation or reduction of risks that were identified from an
incident with a near miss at night in formation in November 2020, when
15 by July 2023, where you're going to have the same sort of mission sortie
and delayed the implementation of safety measures identified by DFSB,
how is that reducing or mitigating risk that's known to Army Aviation?

20 MAJGEN JOBSON: So what we were – what everybody was working
hard to do in this environment was to, as efficiently and effectively as
possible, take recommendations and turn those into practical, actionable
outcomes inside our units, inside our work environments where the work
was being done. To do that, deliberately, methodically, properly, in a
manner that both aligns to the needs of the units and in a manner that
25 integrates with a range of activities inside of the unit environment takes
time.

One of the things we wanted to avoid doing was just sort of knee-jerking
multiple stovepipes and iterations of policy into the environment which
30 may cause risk in those workplaces where our people are doing work.

LCDR GRACIE: Or if it's dealt with more expediently, remove or
reduce risk.

35 MAJGEN JOBSON: So we were working to the pace of human
capacity. We're working in a way that our workforce can cope, can return
to work the next week with an acceptable workload. So we are working to
prioritise, to schedule, to resource our people. And one of those resources
is the time it takes to deliver the outcome that is coherent and integrated
40 and aligned with the needs of our people where the work is being done.

LCDR GRACIE: So if you look at para 4 of that Decision Brief, so this
is August '23, you'll see in para 4 that the risk assessments in those action
items covered formation flight and NVIS DVE operations. And nothing
45 had been done since the recommendations from December '21 and rather

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than even as an interim measure introduce something for TALISMAN '23, an extension was sought which, in hindsight, might have been a bit late. Do you agree with that?

5 MAJGEN JOBSON: No, I don't agree with that, Counsel.

LCDR GRACIE: Well, it was identified as a risk. It was specific to formation flight, NVIS in DVE operations, and nothing was done in relation to those items other than seek an extension to deal with it after
10 TALISMAN SABRE. So where's the risk mitigation for those sort of profiles being flown in TALISMAN SABRE?

MAJGEN JOBSON: Counsel, the premise, and your question there, is nothing was done?
15

LCDR GRACIE: "In relation to those items", I said. They're identified as outstanding.

MAJGEN JOBSON: "Outstanding" doesn't mean nothing has been
20 done, Counsel.

LCDR GRACIE: Well, if you want to have a look at the schedule, perhaps I should have used the word "incomplete". If you look at the Annex A to the document, you'll see certain items, like 1(a), 1(b)
25 completed, 1(e) incomplete. It's a very important matter, because it's dealing with formation flying proficiencies.

MAJGEN JOBSON: Counsel, I think I would agree that "incomplete" is a more appropriate term, but that does not mean nothing happened.
30

LCDR GRACIE: Are you aware – and I'll put this in its most general term since it's in the DFSB report – that one of the matters they identified was the need to have formation flying recorded in PEX? If you want to have a look at the report, it's at 14(e).
35

MAJGEN JOBSON: Okay.

LCDR GRACIE: But do you recall that recommendation?

40 MAJGEN JOBSON: I accept what you're saying, Counsel.

LCDR GRACIE: And it never happened, did it?

MAJGEN JOBSON: Never happened.
45

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LCDR GRACIE: As at 28 July 2023, and perhaps even after that. Well, after that perhaps. Formation currency is not recorded in PEX.

5 MAJGEN JOBSON: So, Counsel, the record stands for itself. The facts stand for themselves. There were a sequence of action items that were completed, there were a sequence of action items that were yet to be completed at that timeframe and that were all subsequently completed at a timeframe in the future.

10 LCDR GRACIE: We've had many witnesses come here and say that they cannot determine from PEX the flights they've done in formation. Is that not something you're aware of?

15 MAJGEN JOBSON: I would have to review the testimony and what you're talking about here, Counsel.

LCDR GRACIE: If you run down to 15(a) of that schedule - - -

20 MS McMURDO: So you're still in 15(c)?

LCDR GRACIE: Still in that document, ma'am. Going to the schedule, serial 15(a) or item 15(a), you'll see that deals with roles and responsibilities of the AMC and the flight lead.

25 MAJGEN JOBSON: Sorry, this is tab 15(a)?

LCDR GRACIE: No, sorry, I'm going to the schedule.

30 MAJGEN JOBSON: Sorry.

MS McMURDO: He's still in the 20.

LCDR GRACIE: Still in 20, ma'am.

35 AVM HARLAND: That's in Annex A(5), and 15(a) is the bottom of the page.

MS McMURDO: Annex A.

40 LCDR GRACIE: So there was something there that's still - - -

MS McMURDO: Be careful of the classification, please.

LCDR GRACIE: Yes, ma'am. You will see that there was still

something there in which an extension was requested to clarify those roles?

MAJGEN JOBSON: Yes.

5

LCDR GRACIE: If you can just jump up to item 6(b), it's tucked away a little bit there in terms of action required, but the column dealing with response in evidence, you'll see there something in relation to NVD training that remained incomplete.

10

MS McMURDO: The documents, in a sense, speak for themselves. What's the question to the witness?

15 LCDR GRACIE: Yes. In terms of the importance of drawing a link between certain events that had similarities, such as formation flying, at night, utilising NVDs, which DFSB were dealing with and which was the situation in which Bushmans 81, 2, 3 and 4 were flying on 28 July, there's some similarity which DFSB identified as requiring remedial action to reduce risk, and it was incomplete from December '21 to July '23.

20

25 I appreciate you say that you're trying to do things efficiently and with the resources you have, but that seems an extraordinarily long time to not deal with something that was identified as a risk for formation flying utilising NVDs. And I, with respect, don't understand how you can say that you were doing everything you could to reduce risk from medium to low or eliminate when you have this dilatory response to a safety issue. Can you explain that inordinate delay, sir?

30 MAJGEN JOBSON: Counsel, I refer back to my previous answer, I think, is that the team here in Forces Command, in Army Aviation Command, in the Army Military Air Operator Accountable Manager, are working to their very best ability to acquit these tasks that can be complex and that can take effort to consult with the workforce, to develop plans, to integrate those with a range of other activities, lines of effort, technologies and so forth into that environment and it takes time to achieve these outcomes.

40 I know that we didn't complete, at that point, 10 of the 28 action items. But the effort that went into complete the 18 is consuming our people, and it's consuming their capacity. And we are working our hardest to ensure that we are methodically consulting and delivering the best integrated and aligned outcome for our people where the work is being done.

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At any one time inside the Military Air Operator there are lines of activity of continuous improvement, of enhancements occurring, and they take time.

5 LCDR GRACIE: But, sir, can I suggest this? That the mission imperatives in this case seem to override any safety considerations in relation to what could be done to mitigate the risk for formation flight, utilising NVDs on TALISMAN SABRE. Because you know about the risk reduction measures identified and instead of dealing with that as an
10 interim measure or some sort of mitigating stopgap, you've just deferred it to after TALISMAN SABRE and put these men and women into the very environment that DFSB warned about as needing action. Can you explain that?

15 MAJGEN JOBSON: Counsel, as I've indicated to you, our team were committed to continuous improvement. They were committed to making the enhancements. They were working very hard across the enterprise to deliver these outcomes. It takes time to enact these outcomes from a recommendation into a practical, actionable, safe, well-integrated and
20 aligned process or procedure inside of the unit environment.

LCDR GRACIE: But your own timeline provided for that to be done by November '22, and you still needed another eight months after that.

25 MAJGEN JOBSON: The record stands for itself, Counsel.

LCDR GRACIE: Could I have access to Exhibit D15, please, the statement of D15? It's whatever that exhibit number was that I – 31, thank you. I just want to ask you whether or not you're aware of this
30 matter. Sorry, ma'am, I didn't bring my copy up with me. D15, who, if you want to have a look at the pseudonym list, refers to an incident in a three-ship formation where there was a loss of visual with the ground due to cloud.

35 (Inaudible) going from 29 on (inaudible).

Would you just like to have a look at this? I can read it out, but the oral evidence of D15 was that this incident, this near miss, in formation, night,
40 happened in June or July 2020.

MAJGEN JOBSON: And which part, Counsel, would you like me to refer to?

45 LCDR GRACIE: Just from I think it's 30 on, just so that you get the context of what he's talking about there. You'll see, because of the

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classification of that, which caused some surprise on the part of D15 to regard that near miss as a Category C matter, it didn't go through to DFSB. And it wasn't until December, I think it might be '21 or '22 – it's over the page – that CDRE Smallhorn, CO Fleet Air Arm, contacted him to discuss that incident. Were you aware of – I'm sorry, when you're ready, I'll ask you whether you were aware of this incident.

MAJGEN JOBSON: I'm not aware of this incident, Counsel.

LCDR GRACIE: The reason I raise it is this, that we're not only dealing with the scenario of formation flying at night, NVDs with a near miss on 11 November – Remembrance Day, for goodness sake – in 2020, there's almost a similar scenario in June or July 2020 involving formation and NVDs. And what I want to ascertain is did Army Aviation look at the links between those incidents and possibly the risk associated with formation flying at night for the sorties to be flown on TALISMAN SABRE in introducing any risk mitigation measures?

MAJGEN JOBSON: In order to provide you an informed answer in relation to this passage, I would need to inform myself, Counsel.

LCDR GRACIE: I understand. Is it of some concern to you that you may not know about something like this in 2020, in the six-month period from what happened in November 2020? I suppose my question is this: how do you manage the risk if you don't know about it?

MAJGEN JOBSON: Counsel, to begin with, in 2020 I was serving in Afghanistan in NATO Resolute Support Mission.

LCDR GRACIE: But it comes to the surface, I think if you just go over the page there's a reference to CDRE Smallhorn contacting D15 and dealing with this. So at some point you would think that it would find its way through the system as something for some review, corrective action, mitigation measures? Perhaps even before November '20.

MAJGEN JOBSON: Once again, for me to be able to provide you a fair assessment, I'd just need to be informed further, Counsel.

LCDR GRACIE: I understand. I'll just have that returned to the Secretary. Thank you.

MS McMURDO: Thank you.

LCDR GRACIE: Could I ask you to look at tab 21(a), please, and ask you to look at paragraph 10. In the context of paragraph 10, when you've

read it, I just want to ask if this is a fair assessment. At some point when Army Aviation knew that the MRH-90 was to have a planned withdrawal from service by the end of 2024, Army Aviation effectively decided that it would stick with its medium level of risk and do nothing further in terms of trying to reduce that level of risk. Do you agree with that?

MAJGEN JOBSON: So, Counsel, what I would say is that the rapid replacement of the MRH-90 under Project LAND 4507 was deemed an organisational response to eliminate the cost and the capability inherent in the MRH-90 system to eliminate it as the highest means of treating risk.

LCDR GRACIE: Well, with respect, it says “primary”. That’s your first step. Your first consideration is it’s going out of service. That’s going to be our best risk reduction. So that suggests to me that everything else is secondary to that.

MAJGEN JOBSON: Well, that method of risk – that’s an elimination of the risk. And being done so in the most deliberate and methodical manner that was possible in order to support our people in our work environments as that was occurring. We underpinned the sequence of the elimination of that risk through that activity with a series of organisational level safety priorities. Those included capacity versus demand, rate of effort, management of change and the integrated and quality safety management system as preeminent safety priorities during that time.

So there were very active measures and undertakings that represented controls in relation to those primary risks that were being actively undertaken by the organisation as we moved through that sequence. So that’s a different characterisation, Counsel, to what you put there in your sentence. That’s what we were working hard to achieve through that period.

LCDR GRACIE: It is, up to a point, sir, in terms of eliminating risk. I appreciate that. But there’s other references to how this risk was to be dealt with. And I’m sorry to jump around, but I’m doing it only in fairness to you. If you go to 16(c), this is, 15 June ‘23, Minutes of the DASB. And here that nuance of eliminating risk is not used. Again, given its classification level I won’t read out all of the relevant part. When you’ve got the document, let me know, and I’ll take you to the relevant paragraph.

MAJGEN JOBSON: Counsel, I have DASB agenda item 18 Army Environmental Commander Submission to the DASB for discussion 24 November 2022.

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LCDR GRACIE: No, I've got 16(c) as 15 June DASB Minutes. I hope that's correct.

MS McMURDO: Yes. 16, Annexure C.

5

LCDR GRACIE: Do you have that document, sir?

MS McMURDO: Do you have the document or you need some assistance there?

10

MAJGEN JOBSON: I think I need some assistance here, please.

MS McMURDO: Yes. Just take your time.

15 MAJGEN JOBSON: Okay. Counsel, can you just say that again for me, please?

MS McMURDO: 16C.

20 MAJGEN JOBSON: Minutes of the meetings of the Defence Aviation Safety Board held at Russell Offices on 15 June 2023.

LCDR GRACIE: Correct, sir. Can you look, please, at paragraph 67, which is on page 11? Just read that to yourself in relation to key risk and the way forward. One, I respectfully suggest, can't help but get the feeling that at about this time, at least in June '23, Army Aviation has said there's not much more we can do, the way forward is to just shut these aircraft down at the end of '24 as we've planned and not do anything more. Accept the risk as it is, accept the operating environments as they are, don't worry about doing much else. Just the way forward is to run these to the end of 2024 and stick with what we've got until then. Is that a fair statement?

25

30

MAJGEN JOBSON: No, it's not, Counsel.

35

LCDR GRACIE: There are references, however, to – sorry, I'll just find my notes on this, sir, and then see if I can read them. My apologies. As at 15 June, which I think is this document, 15 June 2023, there are, based on my reading of that, five ACARs that are open. But can I ask you to have a look at the document that's called "Summation of Command Aviation Advice to DASB on MRH-90 Residual Risk", and that's at tab 17.

40

So this seems to be a summation document in relation to that DASB Minute. If you just look at the bottom of that, again, it's

“Official: Sensitive”. There’s references to “disproportionate workload”. Do you see that?

5 MAJGEN JOBSON: Yes, Counsel.

LCDR GRACIE: Then in that same context, if you go to – it’s a bit harder to find, this one – tab 21(a).

10 MAJGEN JOBSON: Decision Brief for Commander?

LCDR GRACIE: Yes. And then you need to track forward quite a bit into the document – and sorry it’s not paginated – but at the top you’ll see a reference to the, “HP1 Turbine Blade Modification Summary”. It’s, I would say, about 20 pages, if you count the duplex, 22 pages in towards
15 the end of that annex.

MAJGEN JOBSON: So we’re talking about the slides?

LCDR GRACIE: It’s after the slides.

20 MAJGEN JOBSON: Yes.

LCDR GRACIE: You will see “HP1 Turbine Blade Modification Summary Notice”. Do you have that?
25

MAJGEN JOBSON: Yes, Counsel.

LCDR GRACIE: Can you go down to that part in bold at about point 8 of the page:
30

The cost of a dedicated replacement program was grossly disproportionate.

35 And why I want to reference that is, because if you go over to the next document, the brief – have you got that there, the brief?

MAJGEN JOBSON: Sorry, on the next page, Counsel?

LCDR GRACIE: Yes, you’ll see the brief.

40 MAJGEN JOBSON: Yes.

LCDR GRACIE: MAO-AM Decision Brief in relation to the turbine blade modifications. If you go over to page 2, you’ll see the
45 recommendations.

MAJGEN JOBSON: Yes, Counsel.

5 LCDR GRACIE: You'll recall your evidence yesterday in relation to
some comments from AVM Harland about the certification, the reliance
that Army Aviation had on the certification, even though in 2017 there's
the Service Bulletin from Airbus and it was dealt with as a
10 recommendation only in terms of the modification that Airbus
proposed. And one of the factors you relied upon was that it was still
certified as airworthy. You'll see that I think it's CDRE Smallhorn again
saying, "I'd like a better understanding of the linkage between that".

15 Then if you just run down to 2(c) you will see that the Commodore goes
for option 1, and I don't know if this is you or I think it's DG AVN, but
you'll see that option 3 is preferred by Army MAO. And if you go over to
page 8, you'll see what those options are. Bear in mind this document is
dated 26 November 2018, option 3 would have had a modification
program of about 15 years, if you look at option 3. Were you involved in
any of this decision-making at that time?

20 MAJGEN JOBSON: No, Counsel.

LCDR GRACIE: But as at 2018 you are on the public record in various
25 scenarios, one of which was to this effect – this is from Australian
Defence Magazine in 2018, when you were a Brigadier.

MAJGEN JOBSON: That's correct. In 2018 I was serving as the
Commander of the 16th Aviation Brigade.

30 LCDR GRACIE: 16th Aviation Brigade, thank you. And it reports you
as saying:

*BRIG Jobson paired with the MRH-90 fleet the combined group
of helicopters –*

35 that is a reference to the Tiger ARH, but the two of them, in effect, you
said, "would offer their proven performance, world-class reliability and a
modernised combat system in a joint advanced amphibious rotary-wing
combat capability which has never been achieved in the ADF's history".

40 That was your assessment at 2018. Having seen your evidence – and in
particular I think it's para 268 where you talk about the underperformance
of everything – you must have been exceptionally disappointed, in those
five years between 2018 and 2023, which was under your Command from
45 December 2020, to go from such optimistic expectations to a platform that

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was shut down in July '23. How do you explain that trajectory from up here to down there?

5 MAJGEN JOBSON: So, Counsel, the development sequence and the introduction into service sequence of the MRH-90 at this stage was incomplete at this point. As a Commander, my role included the maintenance of the morale of my workforce and the workforce, as I entered my Command at the 16th Aviation Brigade, felt that they were under siege from external media and also a general environment of people
10 that were indicating their displeasure with the performance of the MRH-90 system.

So as the Commander of the 16th Aviation Brigade, responsible for, as I've indicated in part, the morale of my people, we absolutely did
15 everything possible to bring the MRH-90 forward and into service, to mature it as a system, so that the really quite extraordinary technological advances that were represented in that aircraft system could be put to good use in the Joint Force.

20 So we were absolutely working to be positive about any achievement that we were possibly able to bring to bear and to give our people some self-esteem, some just thanks, a sense of accomplishment and moving forward. So my role was to support our people, and part of that was their morale. And it's a force multiplier into the work environment. That's
25 certainly what I was attempting to do at that stage, is to message positively, optimistically, to get behind my people and do our utmost to bring the aircraft system to maturity.

LCDR GRACIE: But again in 2018, and it's only a short time between
30 2018 and 2023, where we've seen this change. You're report in Key Aero – and tell me if you recall this:

BRIG Jobson says the helicopter –

35 that's the MRH-90 –

has matured to the point where it's now enjoying levels of performance and reliability that are the envy of other operators around the world.

40 But in para 268 you talk about the immaturity and underperformance of it. So which is it, sir?

45 MAJGEN JOBSON: So I want to make it very clear here that the levels of performance that the Australian Defence Force were able to achieve on

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- the MRH-90, while well below the forecast at the point of acquisition, were nevertheless in comparison to many operators around the world. In comparison to operators around the world, exceptional. That was what our people were creating. Now, I don't wish for us to confuse that that was exceptional in regards to meeting the requirement for output – certainly the requirement forecast at the acquisition. But nevertheless, we all can be very proud at what our hardworking technical workforce, in particular, delivered through their ingenuity and effort, and thank their families.
- 5
- 10 LCDR GRACIE: I want to add one more thing before I bring this to a head.
- 15 AVM HARLAND: Can I just clarify what document you're working off there?
- LCDR GRACIE: It's called Key Aero. It's an article from 16 January 2018.
- 20 AVM HARLAND: Key Aero. Is that a magazine?
- LCDR GRACIE: Yes.
- 25 MS McMURDO: Is that an exhibit?
- LCDR GRACIE: No. It's publicly available.
- MAJGEN JOBSON: This will be in public record, in social media.
- 30 MS McMURDO: Thank you. You've heard of it before, MAJGEN Jobson?
- MAJGEN JOBSON: Yes, ma'am.
- 35 LCDR GRACIE: 16 January 2018. And the other one, from Australian Defence – sorry, I have that wrong, sir. It's 25 October 2018, Key Aero. And the first one I mentioned, Australian Defence, is 16 January 2018.
- 40 MAJGEN JOBSON: Just a little further context for you, Counsel, too. This was 50 years of the Australian Army Aviation Corps and so this was a time that we were attempting to positively message and rally our people, to imbue them with morale, to support them and their families.

LCDR GRACIE: As I said, there's one more factor I want to put into the mix before I bring it to a head. One of your social media profiles – I won't say which one, but it is public – you've described the MRH as a:

5 *Capable step-change that offers levels of safety, performance, reliability and battlefield outcomes that place it as a world-leading combat system. It has become a powerful and versatile force for good.*

10 You don't stand by that, do you?

MAJGEN JOBSON: Just for the record, it's above-board social media, and I only have that.

15 LCDR GRACIE: But you don't stand by it, do you? Paragraph 268 of your evidence says the opposite.

MAJGEN JOBSON: I stand by my attempt as the Commander of the 16th Aviation Brigade, in a difficult time for our people, where they were
20 under siege from numerous media outlets and other people all around them about the performance of the MRH-90, to stand up for my people, stand up for those people working their hardest inside the MRH-90 system, to bring it to maturity, to boost their morale, to give them something to go to work for, to give them some hope, to give them a
25 future, so that they'd continue to be a part of Army Aviation for years into the future.

But just to really give them a, "Thanks, team, for your bloody hard work, you're doing really well, by comparison in the world with this aircraft
30 system. Thanks, team".

LCDR GRACIE: But it was window-dressing, because – and I have raised this with your Counsel, so I think you're aware of what I'm about to ask. But there was a reference to you directing 16 Aviation Brigade to
35 not say anything about the MRH-90. Do you recall that being conveyed to you by your Counsel, and I was going to ask you that question and ask for a response?

MAJGEN JOBSON: I've had some thoughts about it. So that might
40 refer to the fact that – I guess, one of the things that was sort of advised to me was that, "Hey, you know, our workforce feel under siege. We've got morale under pressure inside of our team, and retention inside of this really demanding environment, that is the MRH-90 environment". And the advice that was supplied to me was that, "Look, hey, potentially

there's a misalignment between what we're sort of promoting and what the reality is on the ground".

5 So the only thing I could think of for you, Counsel, is that as a leadership team – and I was always in an enterprise leadership team – we said, “Okay, all right, let's try and achieve some results. Let's try and achieve some results so that we can then promote what we're achieving”, as opposed to say, “Hey, there's going to be good things here”, and not realise that. Because in a way that could compound them.

10 MS McMURDO: Could you just clarify, did you tell your Troops not to refer to the MRH-90 at some point?

15 MAJGEN JOBSON: No, ma'am, I didn't. No, I gave no such instruction to not refer to the MRH-90 as you've indicated there, Counsel. What it might refer to is that we refrained from media engagements for a while to give ourselves the opportunity to achieve some tangible outcomes.

20 LCDR GRACIE: I'll use this in a way that you probably won't embrace, but was part of that window dressing behind the idea to not convey to aircrew the problems with the HP1 turbine?

25 MAJGEN JOBSON: Not at all, Counsel.

AVM HARLAND: I'm just a little bit curious as to how optimistically overstating – my words – the performance of the MRH-90 system might help the morale of a workforce which is really struggling to just make ends meet? And what was on your mind there, and perhaps you could help me understand how it would help?

35 MAJGEN JOBSON: They asked me to message that. They were sick and tired of being told that this is an awful system. And my apologies, I implanted those words. They were just tired of negative sentiments being projected towards them, and they most certainly didn't deserve that. Because while it's nuanced, what they were achieving was extraordinary. And this is both the Army and the Royal Australian Navy. What they were achieving there in the system was extraordinary. They were working so hard as a team. They were doing all of the things that a dedicated group of professionals should do. They were shouldering, they were supporting each other, and they were driving towards maturing the system, creating a more efficient system for the future.

45 But you had a very significant disparity between what the system was forecast and scheduled and so forth to deliver and what it was. And that

space invited a lot of negative sentiment into the environment for our people. And this is the place they've got to come to work to every day. This is where they say goodbye to their family, they go in, they work their guts out and they go home to their family every evening.

5

For me, as a Commander on the ground, that's really tough. So in engaging with our own people, they're, "Hey, boss. Can we be positive? We're working hard. We are delivering by world standards, comparatively, a really good result here. Can we wrap some positive around this capability?" Bearing in mind, I was also experiencing this – my apologies – our people were experiencing this in the ARH system, which just exacerbated the complexity.

10

So, as a Commander, this might be imperfect. I'm not a public relations expert by any means. My attempts were to get behind our people and promote something positive into the environment.

15

MS McMURDO: Thank you. Will you be very much longer?

20

LCDR GRACIE: Five minutes, I said to Counsel Assisting, ma'am. Thank you.

MS McMURDO: All right. Thank you.

25

LCDR GRACIE: So in your statement you talked about a range of matters that you did to work within the constraints of the system. You've provided it both in your statement and a document at tab 30, which is at a "Protected" level. If you just want to have a quick look at that. Again, I'd like your answer in relation to steps to do with safety before the planned retirement at the end of 2024. I just want you to have a look at the third block, "Projecting and Cancelling".

30

MAJGEN JOBSON: Yes.

35

LCDR GRACIE: And want to know how, in the assessment or the reduction, mitigation or elimination of risk, is the cancelling of AATES tasking on the MRH consistent with that?

40

MAJGEN JOBSON: So this ensured that AATES capacity was matched with a sensible demand signal and related to their ability to be able to enact, as I've talked about, that sequence of change that was occurring to support the withdrawal from service of one system, its replacement with another system, underlined by the management of change across the breadth of the organisation, capacity versus demand of

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our people in the organisation and rate of effort and integrated quality safety management system.

5 So I'm listening to my team, including the AATES, who are supplying me with their advice and we're in a discourse here of how I could assist the team with a sensible and coherent demand signal that they can match with their capacity.

10 LCDR GRACIE: But this is MRH-specific.

MAJGEN JOBSON: Yes.

LCDR GRACIE: This is just AATES looking at MRH-90. Why was - - -

15 MAJGEN JOBSON: Well, this is the AATES organisation, yes.

LCDR GRACIE: But in the context then of AATES, I took you to the DFSB report earlier, there's a reference in that report to an AATES
20 PowerPoint presentation from December 2018, looking at the problems with the IITs as they were with the version 4 symbology. Army Aviation obviously took that on board, because they upgraded the system to the Harris L3. Are you with me so far?

25 MAJGEN JOBSON: I'm with you, Counsel.

LCDR GRACIE: Good. But then AATES, in I think April, which is referenced again in the DFSB report, identified that it didn't matter that you've gone from a better IIT system utilising the Harris L3, because the
30 fundamental problem was when you put it into the TopOwl system it lost its effectiveness or visual acuity by 50 per cent.

So it didn't matter that you upgraded to the Harris L3. Once you put it in the TopOwl you've lost 50 per cent. What is Army Aviation doing about
35 putting its pilots into night formation flying with NVDs that have a 50 per cent reduction in their effectiveness by utilising TopOwl? What's going on there? Where's the risk mitigation when AATES identify that?

MAJGEN JOBSON: Counsel, you're pulling me into an area that I
40 would need to review to obtain, I think, a coherent response for you. Though, to assist you, out of respect, may I suggest that the aircrew were advising me themselves that they felt that the upgrade from 4.0 to 5.10 was a sound upgrade, and they were happy with it – the aircrew that I engaged on it.

45

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5 LCDR GRACIE: Well, this Inquiry has had evidence from the Standards Officer from 5 Avn who said quite the opposite. He said that – and there's no pseudonym – I won't give his name, but it's Exhibit 167, ma'am. He's the Standards Officer for 16 Avn Brigade, sorry, not 5 Avn, and he said:

10 *I flew with all variants of HMSD and symbology. The ability of the TopOwl to intensify the available light in the night environments is inferior to the direct view system of ANVIS-6 and ANVIS-9 used by Black Hawk.*

So who was giving you a different perspective on that?

15 MAJGEN JOBSON: Counsel, respectfully, you're coming at a different vector about a different comparison. Previously, my understanding is you were comparing 4.0 – my apologies, the IIT pre-upgrade and the IIT post-upgrade. What you've just provided me there, Counsel, is a comparison between TopOwl IIT and ANVIS. They're two different systems.

20 LCDR GRACIE: I'll do both. I'll do it differently. The Harris L3, when integrated into the TopOwl system, because of the mirrors and the lasers and whatever else is utilised in that system to take it from the periphery to the line of sight, loses 50 per cent of the visual acuity of that system. That's the first proposition. That's what AATES found. Are you
25 aware of that?

30 MAJGEN JOBSON: I'm reluctant to answer. There are characteristics that I'm aware of, but without having refreshed myself here, I'm reluctant to provide you a credible assessment today, Counsel.

LCDR GRACIE: There is also evidence that the visual acuity of the Harris L3 when utilised in the TopOwl is less, by a range between 30 and 50 per cent on the evidence, comparable to the ANVIS-6 and ANVIS-9.
35

MS McMURDO: Or were you aware of that? That's the question.

LCDR GRACIE: Thank you, sorry, ma'am.

40 MS McMURDO: Yes. Are you aware of that?

45 MAJGEN JOBSON: Ma'am, I was qualified on the MRH-90 during my time as the Commander of the 16th Aviation Brigade. I did fly with 4.0 and I flew with that system there. I did indicate to the Direction of Aviation Capability Management that we needed to improve the visual

5 acuity of the IIT, which was – and he advised me that was underway. And at that point I finished my Command tenure and went to Afghanistan. On arrival back in Australia I did consult with some of the team and they advised me that it upgraded and it was a good system and they enjoyed flying with it.

10 LCDR GRACIE: Thank you, ma'am. Look, there's two things. Can I just ask you to quickly look at tab 16(a), and again, I ask this in the context of safety and delivering a safe workforce. There is a – I'm trying to think of the best way to get you to it. So 16(a) is DASB agenda item 17. It's got, it seems, a few annexures comprising agenda, Terms of Reference and a few other documents. If you go a little bit further into that document, you will see a program performance document. It's got green, amber, red columns. Sorry – you might have it there. Would you
15 just go over that?

20 I just want to ask you something, again, this is all in the context of what's – the limitations of the culture of safety and other issues. You'll see at item F5 there's an amber driver in reference to DFSB. And this is, you can take it from me, referable to 15 June 2023. If you go back to that original tab.

25 So as at 15 June 2023 there's an amber driver in relation to DFSB. I don't think this is "Official: Sensitive", but it's talking about a relatively high number of new and inexperienced staff and available training and professional development courses not aligning with Defence posting and employment frameworks. So was DFSB struggling, in terms of staffing and resourcing to provide training and professional development?

30 MAJGEN JOBSON: I'm unaware, Counsel. You're asking me here to account for an organisation outside of my own and I'm not familiar with. I haven't been provided advice as such.

35 LCDR GRACIE: That's okay. Bear in mind, it's a document in your evidence, that's all. That's why I'm asking you.

MAJGEN JOBSON: Yes.

40 LCDR GRACIE: One final thing. Talking about TALISMAN SABRE, talking about resources:

There has been some issues about problem in resourcing DASA, Defence Aviation Safety Program.

There's a reference to:

*Little capacity for managing implementation of recommendation,
of Safety Boards of Review.*

5

That's in tab 16(a). I'm just giving you the context there. There also seemed to be, sir, some problems in terms of the manning for TALISMAN SABRE for 6 Aviation. My understanding would be that, ideally, you would have a night and a day shift so that you've got one lot of crews, aircrew and pilots, for the day shift, one for the night. Is that something that you would expect as an optimum manning for something like TALISMAN SABRE?

10

MAJGEN JOBSON: Counsel, these are operational matters. I would prefer to attempt to address this in a closed setting.

15

LCDR GRACIE: Thank you then. I have nothing further, thank you, ma'am, sir.

MAJGEN JOBSON: Counsel, once again, thank you for the support that you have provided, and I'm sorry for your loss.

20

LCDR GRACIE: Thank you, sir. I appreciate that too.

MS McMURDO: COL Gabbedy, will you be long in re-examination?

25

COL GABBEDY: Very short, ma'am, yes.

MS McMURDO: Very short. We might finish the Public Session now and then we'll have a break before the Private Session.

30

<RE-EXAMINATION BY COL GABBEDY

35

COL GABBEDY: Thank you, ma'am. I've only one thing.

Sir, could you turn to paragraph 276 of your statement? I think you have a message that you'd like to deliver, sir.

40

MAJGEN JOBSON: Thank you, Counsel. Ma'am, with your indulgence. I'd like to finish this statement with where I started by offering my sincere condolences to the families and loved ones of our four fallen aircrew of Bushman 83. Your loved ones gave their last full

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measure of devotion in support of our nation so that others may live in freedom and security.

5 CAPT Danniel Lyon, LT Max Nugent, WO2 Joseph Phillip Laycock, CPL Alexander Naggs will be remembered with honour, dignity and respect. Our fallen and their families, their friends and their loved ones will always be in my thoughts.

10 I pay my respects to The Honourable Margaret McMurdo and AVM Geoff Harland, and the many people involved in this very demanding process.

15 I know the Command that I previously had the privilege to lead are all dedicated to seeking the best honour for our fallen aviators. They seek this for all that they strive for, and they seek to build on the lessons that we are learning here.

20 My sincere gratitude goes to all of those who have given testimony at this Inquiry. Many have come to this place with the weight of previous loss or have battled anxiety, fear or great sadness to be here. All have been compassionate and courageous, and all have my profound thanks.

25 To the survivors of the tragedy of 2023, these four men were your mates. They were your colleagues. They were your fellow combat aviators. I know this time has been hard for you. Some more than others. Just as we cherish their service, I thank you for yours.

30 Finally, I'm thinking of all of the wonderful people of the Australian Army Aviation Team and their families who have worked so hard and given so much for so long, with passion and devotion. Army Aviation is not an inconsequential capability. It's a part of the Army that has selflessly come to the aid of Australian soldiers and citizens in their penultimate moment of need, and I know they will continue to deliver this remarkable service. They can be proud. I hope, through this process, they will be able to move forward in the service of our nation with pride, with vigilance and for the soldier.

35 Thank you, ma'am.

40 MS McMURDO: Thank you for those words. Yes.

COL GABBEDY: Thank you, sir, ma'am. That's the evidence in Open Session.

45 MS McMURDO: Yes, thank you, COL Gabbedy. No re-examination?

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COL STREIT: No re-examination.

MS McMURDO: We'll now have an adjournment and come back in Private Session.

5

COL STREIT: Yes. I can indicate I'll only be brief in a Private Session. Thank you.

MS McMURDO: Thank you.

10

<WITNESS WITHDREW

15 **HEARING ADJOURNED**

(Continued in Private Hearing Session)

HEARING RESUMED

5 MS McMURDO: We'll adjourn now until 9.30 tomorrow morning with
Dr Adrian Smith.

**PUBLIC INQUIRY ADJOURNED UNTIL
FRIDAY, 9 MAY 2025 AT 0930**