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

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

PUBLIC INQUIRY

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CPL A Naggs
SQNLDR C THOMPSON, representing WO2 J P Laycock
COL N GABBEDY, representing MAJGEN Jobson
SQNLDR M NICOLSON, representing D10
COL S THOMPSON, representing BRIG D Thompson
MR D WELSH, representing the Commonwealth**

1000, MONDAY, 12 AUGUST 2024

DAY 17

TRANSCRIPT VERIFICATION

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

Signed	Date	(Chair)
Signed	Date	(Recorder)
Signed	Epiq Australia Pty Ltd	Date	25/08/24	(Transcription)

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MS McMURDO: Yes, good morning, COL Streit.

5 COL STREIT: Good morning, Ms McMurdo, AVM Harland. Briefly in terms of the witnesses to be called this week, today we'll hear from D3, who was an aircrewman on Bushman 81, followed by D2, who was Bushman 81 Aircraft Captain and is an MRH-90 Qualified Flying Instructor.

10 Slight change of order to Tuesday's witnesses. First, the Inquiry will hear from D6, who was Bushman 83 Aircraft Captain and is an MRH-90 Qualified Flying Instructor. We'll then hear from D5, Bushman 82 co-pilot. The witness identified last week as D21 will be moved potentially to later in the week, and perhaps on Friday.

15 On Wednesday, we'll hear from D13, who was the Camp Commandant for 6 Aviation Regiment Deployed Forces on Exercise TALISMAN SABRE. We'll also hear from D16, who was an Operations Officer on Exercise TALISMAN SABRE '23.

20 On Thursday, we'll hear from D14, the then 6 Aviation Regiment Standards Officer and MRH-90 Qualified Flying Instructor, and D9, who was the co-pilot of Bushman 84.

25 On Friday, we'll hear from D1, who was the co-pilot of Bushman 81, and Dr Adrian Smith will also give evidence. I should note that Dr Smith is present in the hearing room as per your permission, Ms McMurdo, that he hear the evidence of 6 Aviation Regiment's witnesses this week.

30 The first witness will be taken by FLTLT Rose.

MS McMURDO: Thank you. Yes, FLTLT Rose.

35 FLTLT ROSE: I call the witness who has the pseudonym D3. As per your Direction, Ms McMurdo, the camera to the witness has been turned off and shall remain so for any witness that has a pseudonym.

MS McMURDO: Yes, thank you. I remind everyone that no images or any information identifying this witness are to be published.

40

<D3, Sworn

<EXAMINATION-IN-CHIEF BY FLTLT ROSE

45

MS McMURDO: D3 , just help yourself to water as you require, thank you. Yes, FLTLT Rose.

5 FLTLT ROSE: Can you please refer to the pseudonym list that is in front of you – that A3 piece of paper – and confirm that you are the person that has been given the pseudonym D3?

D3: Yes.

10

FLTLT ROSE: What is your rank?

D3: [REDACTED].

15

FLTLT ROSE: What unit are you currently posted to?

D3: Currently, the Australian Defence Force Academy.

FLTLT ROSE: Is that in Canberra?

20

D3: Yes.

FLTLT ROSE: Can you confirm you were sent the following documents by the Inquiry? A section 23 Notice requiring your appearance to give evidence?

25

D3: Yes.

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

30

D3: Yes.

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

35

D3: Yes.

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

40

D3: Yes.

FLTLT ROSE: And a Privacy Notice?

D3: Yes, I have.

45

FLTLT ROSE: Have you prepared two statements in relation to the incident the focus of this Inquiry?

D3: Yes.

5

FLTLT ROSE: I'll hand you both those documents now. If you refer to the top document, is this the statement that you prepared in November 2023 at the request of the Queensland Central Coroner?

10 D3: Yes, it is.

FLTLT ROSE: Did you prepare that statement with the assistance of lawyers appointed through Defence Legal?

15 D3: Yes.

FLTLT ROSE: Is that statement dated 30 November 2023?

D3: Yes, it is.

20

FLTLT ROSE: Is it 10 pages?

D3: Yes, it is.

25 FLTLT ROSE: On the back page, underneath paragraph 48, there is a redaction. But did you sign that statement at the time?

D3: I believe I would have signed the statement at the time, yes.

30 FLTLT ROSE: Do you wish to make any amendments to that statement?

D3: Without going through it thoroughly, I can't say that I would. It'd be true and accurate as at 30 November.

35 FLTLT ROSE: For the ease of giving your evidence today, I'm going to refer to this statement as your Defence statement.

D3: Okay.

40 FLTLT ROSE: Can you turn to the second document you were handed?

MS McMURDO: Do you want to tender the first document?

45 FLTLT ROSE: Yes. I was going to tender – with your permission, I was thinking to tender them together. It'd be an A and B - - -

MS McMURDO: Just an A and B. Okay.

5 FLTLT ROSE: Have you also – that second document, is that the statement you prepared for the Inquiry?

D3: Yes.

10 FLTLT ROSE: Is it dated 23 July 2024?

D3: Yes.

FLTLT ROSE: Is it 14 pages?

15 D3: Yes.

FLTLT ROSE: There is a redaction over your signature, but I take it you signed it at the time?

20 D3: Yes, I did sign it.

FLTLT ROSE: Do you wish to make any amendments to this statement?

25 D3: No.

FLTLT ROSE: I tender both of those statements.

30 MS McMURDO: The statement of 30 November 2023 for the Coroner will be 51A, and the statement prepared for the Inquiry, 23 July '23, will be 51B.

35 **#EXHIBIT 51A - STATEMENT OF D3 FOR THE CORONER DATED 30/11/23**

40 **#EXHIBIT 51B - STATEMENT OF D3 FOR THE INQUIRY DATED 23/07/23**

45 FLTLT ROSE: Can I please ask you, D3, to be mindful of your security obligations during the course of your evidence? This hearing is at the “Official” level. If you are asked a question by myself or any other person that you think the answer to which would raise it into “Official: Sensitive” or above category, then please let the Inquiry know, and if needs be, we can

have a private hearing to hear that evidence.

D3: Yes, ma'am.

5 FLTLT ROSE: I'd like to start by asking you some questions about your background and your qualifications. If you refer to your Defence statement in the paragraphs 3 and 4 and 8 to 11, you joined the Army in 2008?

D3: Yes.

10

FLTLT ROSE: You spent about five years as a plumber in Engineering Regiments?

D3: Yes, ma'am.

15

FLTLT ROSE: And you completed your aircrewman training at the School of Army Aviation in Oakey in 2014?

D3: I completed it in 2014, yes.

20

FLTLT ROSE: You posted to 5 Aviation Regiment in Townsville in 2015?

D3: Yes, ma'am.

25

FLTLT ROSE: Then you posted to 6 Aviation Regiment in 2018?

D3: Yes, ma'am.

30

FLTLT ROSE: You were flying Black Hawk at that stage?

D3: Yes, I transitioned to Black Hawk at the end of 2017 to start flying Black Hawk at 2018.

35

FLTLT ROSE: Which airframe were you flying prior to Black Hawk?

D3: In Townsville, I was flying MRH-90.

FLTLT ROSE: Then you were promoted to [REDACTED] in 2020?

40

D3: Yes.

FLTLT ROSE: And you became an Aircrewman Supervisor and posted into 3 Squadron Operations Headquarters.

45

D3: I spent 12 months in the Troop Sergeant role in the Squadron, and then I spent another 12 months in the operations in the Squadron, and then I moved over to the Regiment Headquarters post that.

5 FLTLT ROSE: Were you still conducting your primary role as an aircrewman flying an MRH-90, or Black Hawk, at that time?

D3: The 6 Aviation went through a transition period when they picked up MRH-90, and I transitioned back to MRH-90 in 2020, so from 2018 to 2020
10 I was flying Black Hawk, and then 2020 onwards I was flying MRH-90.

FLTLT ROSE: Paragraphs 6 to 7 of that Defence statement, you said that as at 28 July 2023 you were a Special Operations aircrewman senior; is that
15 correct?

D3: Which paragraph was that, sorry?

FLTLT ROSE: 6 and 7, these next questions are in relation to.

20 D3: Yes, I was an aircrewman senior.

FLTLT ROSE: Was that flying an MRH-90 in 2023?

D3: Yes, I had a Senior Special Operations endorsement on the MRH-90.
25

FLTLT ROSE: Were you also the Regiment Training Administration Sergeant in 6 Aviation Headquarters Training Cell?

D3: Yes, in 2022 and 2023, I took that position.
30

FLTLT ROSE: Who did you report to in that role?

D3: In 2022, it was through the - - -

35 FLTLT ROSE: Sorry, if you're going to mention it, you can say the posting, name of the posting position. But if you are going to refer to someone, just check whether that person has a pseudonym.

D3: Just give me a second. I'll find it on this list. In 2022, I reported to
40 D23.

FLTLT ROSE: I'm told that there is also a different alphabetised version of the pseudonym list, if you're struggling to find the name.

45 D3: Yes, that might help me, if it's available, just to - - -

FLTLT ROSE: Might the witness be shown this version of the pseudonym list, and it could remain at that side of the table.

5 MS McMURDO: Yes, that's a good idea.

D3: I can't find the member's name on the pseudonym list, but he was the Regiment S7, or Training Officer, who I reported to, who was of 04 rank. That was for the 2023 period.

10 FLTLT ROSE: We might obtain that name from you at a later date.

D3: Yes, ma'am.

15 FLTLT ROSE: What were your duties as the Regiment Training Administration Sergeant?

D3: I was responsible for ensuring all the training administration that left the unit went back to the respective training organisations complete, so when we were – if we exported a course from AAvnTC, for example, they would send all the course packageware to myself, and then I would provide it to the instructors. I was essentially just the quality assurance person to make sure all the paperwork was done correctly.

25 FLTLT ROSE: Did you work with the Regiment Standards Warrant Officer closely in that role?

D3: Yes, ma'am.

30 FLTLT ROSE: In 2022 and 2023, who was that? If it's WO2 Laycock, you can say his name.

D3: Yes, it was WO2 Phil Laycock, ma'am – Joseph Laycock.

35 FLTLT ROSE: When did you post out of 6 Aviation Regiment?

D3: At the end of 2023.

40 FLTLT ROSE: As you noted before, you are currently posted to the Australian Defence Force Academy.

D3: Yes, ma'am.

45 FLTLT ROSE: In what role is that?

D3: I am a Divisional senior NCO, so I take care of the administration for the ADFA Cadets that come through there. So I'm their first point of call for welfare and administration.

5 FLTLT ROSE: If you can turn to your Inquiry statement now, paragraph 3? You state that you are a C CAT Aircrewman; is that correct?

D3: Paragraph 3, you said?

10 FLTLT ROSE: Yes. You're a - - -

D3: Yes, ma'am.

FLTLT ROSE: And that's as a Qualified Aircrewman as well?

15

D3: Yes, ma'am.

FLTLT ROSE: And you're a senior Special Operations Aircrewman?

20

D3: Yes, ma'am.

FLTLT ROSE: You noted before that that qualification is on the MRH-90.

D3: Yes, ma'am.

25

FLTLT ROSE: Are there any additional qualifications you obtained on the MRH-90?

D3: Not that are outside what it says in the job description.

30

FLTLT ROSE: Have you started any conversion training for the new Black Hawk?

D3: No, ma'am.

35

FLTLT ROSE: Paragraph 6 of that statement, in terms of your flying hours on the MRH-90, you have a total of 1197.3 hours in total.

D3: Yes, ma'am.

40

FLTLT ROSE: Which is made up of 604.3 of those hours are by night.

D3: Yes, ma'am.

45

FLTLT ROSE: And 577.1 of those hours are on NVDs.

D3: Yes, ma'am.

5 FLTLT ROSE: That's night-vision devices?

D3: Yes.

10 FLTLT ROSE: What type of night-vision device were you using as an
aircrewman?

D3: I believe it was what they refer to as the ANVIS-9.

FLTLT ROSE: So you never used TopOwl?

15 D3: No, ma'am.

20 FLTLT ROSE: You spent a considerable amount of time flying in
formation, but you can't put a specific number on the hours of that. Is that
correct?

D3: Not for myself, no, ma'am. I'd have to go through PEX, and it would
take me a long time to do an itemised list of formation, and it's not that –
the fidelity issue is not in there.

25 FLTLT ROSE: Is it the case that you can put, say, a percentage of time
that you would spend flying in formation? Was it fifty-fifty single-ship or
formation flying?

30 D3: I would say most missions that were conducted at 6 Avn were in some
kind of formation, whether that be two-ship or more, and there would have
been a considerable amount in Townsville done as well.

35 FLTLT ROSE: Turning to paragraph 37 of your Inquiry statement, you
flew with CAPT Danniell Lyon on the MRH?

D3: Yes, ma'am.

40 FLTLT ROSE: And you flew 59.1 hours with him in 6 Aviation
Regiment.

D3: Yes, ma'am.

FLTLT ROSE: Did you also fly with him in 5 Aviation Regiment?

D3: I don't have any record of flights with him in 5 Aviation, but I had a working relationship with him up there.

5 FLTLT ROSE: You said that he was a good pilot, and you felt safe flying with him.

D3: Yes, ma'am.

10 FLTLT ROSE: Paragraph 38, you only had 2.8 flying hours with LT Max Nugent.

D3: That's correct.

15 FLTLT ROSE: Is that because he only posted into 6 Aviation Regiment at the start of 2023?

D3: Yes, ma'am, and I wasn't filling a position in the Squadron on a daily basis. I was up in Regiment Headquarters.

20 FLTLT ROSE: Can I take it from that evidence that you weren't flying every day when you were fulfilling that Headquarters' role?

D3: Not as much as what I would be flying if I was down in the Squadron. So, no, not every day.

25 FLTLT ROSE: Can you put a figure on it, on average, how many days a week you would be flying?

30 D3: It depends. It would have depended on the flying tempo of the Regiment at the time. Maybe one or two days a week, depending on the mission.

35 FLTLT ROSE: At paragraph 39 you state that you first met WO2 Phil Laycock in 2022.

D3: Yes, ma'am.

FLTLT ROSE: Did you call him Joe?

40 D3: Yes, in the aircraft.

FLTLT ROSE: Sorry, was that Joe in the aircraft, and outside the aircraft - - -

D3: Sorry, his name is Joseph Laycock. In my statement it says “Phil”. We call him – Phil has been his unanimous nickname since I’ve known him.

5
FLTLT ROSE: So you either called him Joe or Phil?

D3: Yes.

10
FLTLT ROSE: You said that he was an experienced aircrewman, and you always looked to him for guidance.

D3: Yes, ma’am.

15
FLTLT ROSE: At paragraph 40 you set out that you met CPL Alex Naggs when he posted into 6 Aviation Regiment in 2020.

D3: Yes, ma’am.

20
FLTLT ROSE: And that he has been assessed at his job standard by the Qualified Aircrewman Instructors.

D3: Yes, ma’am.

25
FLTLT ROSE: Did you state before that you were a Qualified Aircrewman Instructor?

D3: No, ma’am, I’m not a Qualified Aircrewman Instructor.

30
FLTLT ROSE: I’ll ask you some questions now about your experience flying in the MRH-90. This starts at paragraph 13 of your Inquiry statement. You state that which side you sat on – and I take it sat on in the cabin area of the MRH-90 – was situation-dependent?

D3: Yes, ma’am.

35
FLTLT ROSE: Were you always the senior aircrewman when you flew?

40
D3: That would depend on who I was flying with at the time, depending on – how many aircraft we were putting up would depend on the crew composition. However, I was at aircrewman senior, so the majority of the time I would act in that role, yes.

FLTLT ROSE: And as the senior, was it your discretion as to which side you placed yourself on during any mission?

D3: Yes. However, that was done in conjunction with a discussion from the flying pilot – sorry, not the flying pilot – the Aircraft Captain. So the senior aircrewman and the Aircraft Captain would discuss the best seating positions for the crew, in order to achieve the task.

5

FLTLT ROSE: Generally, if there was a difficult part of the flight for the aircrewman, the senior aircrewman would sit on that side of the aircraft?

D3: Yes, the more likely there was to be a significant hazard in the landing point, most senior aircrewman – I can't speak for everyone – would probably try and align themselves so they could see the hazard the best. In that way, they could give the Aircraft Captain, or the flying pilot, the most situational awareness at the time.

FLTLT ROSE: In terms of the visibility from the aircrewman's seat in row 7 on the MRH-90 at night, you state that if the doors were open and you were on your night-vision devices, you had a 40 degree field of view. Is that correct?

D3: That's what the ANVIS-9 gives the aircrewman. So if you turned your head, you could see a lot more, obviously, but if you were just looking straight ahead, 40 degrees is pretty much what you got.

FLTLT ROSE: Do the aircrewman generally move their head when they're looking out of the cabin doors?

D3: I'd like to hope so.

FLTLT ROSE: So it's 40 degrees within the ANVIS-9, but that 40 degrees changes, dependent on where you're pointing your head at that time?

D3: Yes.

FLTLT ROSE: And I take it by "I'd like to hope so", is that you, as an aircrewman, could in fact, and should in fact, be looking as far as you can to the left and as far as you can to the right and panning?

D3: What we're taught on our courses, from when we start to all throughout, is a technique called "the diamond scan". So you look forward, then up, then back to the tail, then down to create your complete field of view.

FLTLT ROSE: You also state that if the doors were closed on the MRH-90, you had no visibility.

45

D3: In the context of by night, under NVD?

FLTLT ROSE: Yes.

5 D3: Yes, at that point if we were on our seatbelt, sitting in our seat, we were pretty much a passenger from that point.

FLTLT ROSE: Was there a window on the cabin door?

10 D3: Yes, ma'am.

FLTLT ROSE: Is it the case that even though there was a window, you couldn't see out of it when you had your NVDs on?

15 D3: In the context of sitting in your seat with your seatbelt done up, on NVD, you could see a slight aperture to the forward left or right, depending on where you were sitting.

FLTLT ROSE: Would you ever sit in the aircrewman's seat without your
20 NVDs on, at night?

D3: Not if you were – only if you were acting as a passenger and not a crewman on the aircraft.

25 FLTLT ROSE: So does that mean that the aircrewman in the MRH-90, at night, with the doors closed, on NVDs, could not assist the pilots with situational awareness if the doors were closed?

30 D3: No, they wouldn't be able to provide effective commentary on what was going on in time and space, if they were sitting in their seat with their seatbelt done up.

FLTLT ROSE: How often would you fly at night with the doors closed on
35 the MRH-90?

D3: That would depend on the context.

FLTLT ROSE: So it could be open or closed, depending on the situation?

40 D3: Yes, ma'am.

FLTLT ROSE: Paragraph 20 of that - - -

45 MS McMURDO: Could you give us some guidance as to when it might be open and when it might be closed?

5 D3: So if we're doing a long transit, and we needed to, say, fly for an hour prior to landing, the doors would be closed in that position because the weather effects become quite taxing on the body after an hour flying in 120 knot winds.

MS McMURDO: So that's, you'd say, an hour or more would be long? Less than an hour?

10 D3: I guess, ma'am, it depends on a lot of things, like the weather at the time. But anything - - -

MS McMURDO: So let's say the weather is inclement, showery, night-time.

15 D3: Yes, ma'am. So I guess are you referring to the conditions on the night of the accident?

MS McMURDO: I am, I am.

20 D3: We made a decision, on the guidance of WO2 Laycock, to keep the doors closed, up until we hit the initial point. That was because with the inclement weather – and we were comfortable that we were just doing a pretty benign form – that the weather would've deteriorated from our ability to do our job effectively. As you can imagine, if you were driving down the highway in your car, and you had your head out the window at 25 120 knots, the showers can get quite annoying.

MS McMURDO: Absolutely. And how long was it expected to be, that 30 sortie, do you recall? Just approximately.

D3: I do not recall. I don't recall the specifics, but it was what I would call a pretty standard mission. We had planned on flying for a fair time that night because we had to do a couple of extractions from the objective site.

35 MS McMURDO: The first night, okay. The first part of the flight with the extractions, were you going to land?

D3: Yes, we were going to land.

40 MS McMURDO: So the first flight was expected to be approximately how long?

D3: We were on call for the extraction initially, so at an educated guess, I think we would've been landing on the ground at about 2010 that night, or 2015 that night.

5 MS McMURDO: After leaving when?

D3: I think it was 9.30-ish.

10 MS McMURDO: So it was longer than an hour, the first flight was expected to be?

D3: Yes, definitely.

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

FLTLT ROSE: You mentioned there that it's difficult to have your head sticking out of the doors at 120 knots. Is there a particular airspeed when you can have the doors open, and anything above it, you can't? Is there anything in the Standing Instructions about it?

20 D3: It's detailed in our flight manual, on the door speeds and that kind of stuff.

25 FLTLT ROSE: So is it that your evidence is that at 120 knots it is possible still to have the doors open?

D3: Yes, ma'am.

30 FLTLT ROSE: And whose decision is it, whether doors are open or doors are closed during a sortie?

D3: Ultimately, that decision rests with the Aircraft Captain.

35 FLTLT ROSE: Does the Authorisation Officer have a view on that level of detail?

D3: For a formation, he should, yes.

40 FLTLT ROSE: But the senior aircrewman is not the Deciding Officer or person to make that decision?

45 D3: No, ma'am. As senior NCOs in Defence, we're there to advise officers on the best – advise officers on decisions that may affect missions like that, and that's based on experience from previous things that we've done.

FLTLT ROSE: At paragraph 20 of your Inquiry statement you state that the tempo in 6 Aviation Regiment in 2022 and 2023 was high.

5 D3: Yes, ma'am.

FLTLT ROSE: And that the culture was to get things done to effect the SOCOM mission and any other mission that came down through 16 Brigade, i.e., fire, flood, PAX transfer from Canberra.

10

D3: Yes, ma'am.

FLTLT ROSE: And by "SOCOMD", do you mean Special Operations Command?

15

D3: Yes, ma'am.

FLTLT ROSE: What do you mean by "PAX transfer"?

20

D3: We would occasionally get a request from higher up to transfer people from Canberra to Sydney, just for meetings and tours and that kind of stuff.

FLTLT ROSE: Can I take it from that evidence, there was a mixture of missions that you would fly in 6 Aviation Command? Would they include training sorties?

25

D3: Yes, ma'am.

FLTLT ROSE: Qualification sorties? Would they also include call-outs to Defence civil or DACC taskings?

30

D3: Yes, ma'am. That's what I was referring to in the fire and flood and - - -

35

FLTLT ROSE: And then there'd also be additional requests, in a sense, to taxi people from various places?

D3: Yes, ma'am.

40

FLTLT ROSE: Those are my words, not yours. But, essentially, was that what you were referring to as "PAX transfers"?

D3: Yes.

FLTLT ROSE: Were there any other types of missions that you were required to do in 6 Aviation Regiment?

5 D3: Not that we didn't cover: the DACC, the PAX transfer stuff, or training missions, training sorties.

FLTLT ROSE: At paragraph 22 you state that:

10 *The serviceability and maintenance issues for the MRH-90 resulted in constant change in the Regiment, which increased stress and workload, which led to increased fatigue.*

D3: That was my observation, yes, ma'am.

15 FLTLT ROSE: By "serviceability", is that there were issues with the maintenance of the MRH-90 and there weren't enough aircraft, essentially, available for all the missions you required?

20 D3: I can't really speak to that level of detail on it, but I just know that if something breaks, it creates change, which then creates stress, whether it's micro or macro, that people then have to pivot and change to do other things.

25 FLTLT ROSE: So you have flown on other aircraft types – Black Hawk, you mentioned. Was it the same issues with that airframe, or was it at a heightened level with MRH-90?

D3: I can't remember, ma'am, to be fair.

30 FLTLT ROSE: But in terms of you're saying changes caused stress and increased workload, which led to fatigue, can you provide an example of how that would increase fatigue?

35 D3: Yes, it'll be a pretty specific example. So imagine if we had four aircraft going for a mission and then all of sudden one of the aircraft was deemed unserviceable for whatever reason, then we'd have to go down to three, which then might require replanning the mission, or that kind of stuff, which just puts more workload on the crews and the maintenance staff.

40 FLTLT ROSE: And would you have much time to readjust those plans, or it had to occur within a matter of minutes?

45 D3: Minutes is probably a bit extreme. There'd be an hour or so, or a couple of hours. We'd get it done because we're trained to do that, but it doesn't make it any easier.

FLTLT ROSE: And did that happen often?

5 D3: Often enough for me to remember it. But I wouldn't say "often" is every day, kind of thing.

FLTLT ROSE: So it wasn't every day. And I take it from your evidence before that you were only flying one or two days in 2023 per week. Is that correct?

10 D3: Yes, ma'am.

FLTLT ROSE: Of those one or two days that you were flying, did it happen every week?

15 D3: I'd say it'd happen weekly, yes.

AVM HARLAND: With the "get done" culture that you spoke about at the top of para 20(b), what would happen in the case where you didn't have the aircraft, didn't have the crews, people were fatigued? Did you feel there was an open conversation with Command to be able to say no to that tasking?

25 D3: Well, if we didn't have the people or the equipment to do the mission, we wouldn't do it. Like, I wouldn't say that culture was at the expense of getting things – I wouldn't say it was at the expense of safety.

AVM HARLAND: And in terms of fatigue, where the crews were feeling very fatigued over time, did you feel there was an open culture of being able to have that conversation?

30 D3: People are very mindful about whinging, I guess is the term I would use for that. Everyone took pride in the fact that we could work harder, we could get things done. So I wouldn't say it was an extremely open culture about saying, "I'm tired", "Oh, no, we'll just turn the mission off, but people could voice their concerns and we would accommodate it."

AVM HARLAND: But fair to say that the aircrew and the technicians at 6 Avn took pride in being able to just continue to get things done?

40 D3: Yes, ma'am.

AVM HARLAND: Yes, thank you.

45 FLTLT ROSE: In terms of crewing - - -

D3: Sorry, sir.

AVM HARLAND: No worries. I figured you meant that.

5

FLTLT ROSE: In terms of crewing, is it the case that you would have additional aircrewman available for every mission just in case somebody needed to step off the mission because they were fatigued or ill for another reason?

10

D3: That was the dream; I don't think we ever had it.

FLTLT ROSE: At paragraph 23 you describe some manning - - -

15

MS McMURDO: Sorry to interrupt. Just following on then, things had to be pretty bad if you actually complained and – is that the position?

D3: Yes, things had to be, like - - -

20

MS McMURDO: Because you didn't want to be seen as whingers. You wanted to get things done, to make things happen rather than to find reasons not to make things happen?

D3: Yes, that is definitely the way to say it, ma'am.

25

MS McMURDO: And you described the tempo as high in 20(a).

D3: Yes.

30

MS McMURDO: You used that phrase, "the tempo was high". What did you mean by that, "the tempo was high"?

D3: Every day there was something to achieve. Like, always a task to achieve. There was never days where you didn't have a high sense of purpose, whether that had been from a flying mission or some greater Army training to achieve. We were trying to forge to have a high skill set. And having high skill sets doesn't come without training efficiently and effectively for those skill sets.

35

40

MS McMURDO: Okay, thank you. Yes, thanks for that, FLTLT Rose.

FLTLT ROSE: Was there a delineation between the officers and the non-commissioned officers and then again the Troops in terms of perhaps not being able to speak out to say that you were fatigued for fear of letting down the pilots or the other officers in the Regiment?

45

5 D3: I don't think it was from a position we didn't want to let certain pilots or people down; it was more so we were all carrying the load together at the same time. And every aircrewman, aircrewperson, pilot, tradie at that Regiment is working for the greater good of that team. So I can only speak for myself. I felt if I couldn't fly a certain day, one of my friends would have to pick up a bit more slack and it wasn't fair on them.

10 FLTLT ROSE: You were saying before, it was a dream, the idea was to have an additional aircrewman crewed for a spare, in a sense, crewed for a mission, but it didn't happen. If you were to step down off a flight, someone would have to be called in from home?

15 D3: No, we'd probably end up dropping an aircraft off that.

FLTLT ROSE: And if it was a single-ship mission, that would mean no mission?

20 D3: Yes. We very seldom did single-ship missions. But sometimes the minimum force for a mission was two helicopters. So if we only had enough people to man two helicopters because of people getting sick, or families at home needing extra support, or people being fatigued, that would – could potentially stop a mission.

25 FLTLT ROSE: Putting fatigue aside for one moment, what about just being sick? Was there an obligation or a feeling that you should fly even if you had, say, a cold?

30 D3: We all did our own – if you get sick, you go through the medical system and you get assessed by an AVMED doctor. However, we'd all kind of just do our own checks initially before we thought there was a threshold to go to a doctor, whether it's – you could equalise the pressure in your ears, for example. That was a pretty common thing. If you could equalise the pressure, most people would, in my experience, go flying.

35 FLTLT ROSE: And you know how to do that, do you, from the ground, to check whether you can - - -

40 D3: Yes, they take us all through that in our Aviation Medical Course on doing certain things.

FLTLT ROSE: What about if you had sore eyes and you couldn't see properly for any reason?

45 D3: Yes, if you couldn't see properly, you wouldn't go flying.

AVM HARLAND: Did you have good access to the medical facilities at your home base?

5 D3: It was a bit frustrating. So our sick parades were 7.30 to 8.30 in the morning and we were predominantly on evening/night shift. So if you were sick and you'd finished flying at 1 or 2 in the morning – sorry, if you finished flying at 1 or 2 in the morning and then you woke up sick, you would have to go in for sick parade at 7.30 in the morning.

10 AVM HARLAND: So did you have any priority access to medical, or were you in with the rest of the base?

15 D3: We had our own doctor assigned to the Regiment, but in my experience we were just in the mix with everyone else with going to sick parades. You could book an appointment, but trying to get an appointment was quite difficult.

20 AVM HARLAND: So did that act as a motivator to maybe – or did that create the instance where you might carry a medical condition because it was just too much of a hassle to get down to medical and go through the sick parade process?

25 D3: I can't speak for everyone on that. There was times where I had a niggle here and there and it's just like, "I'll just go flying and get it sorted out when I've got time".

AVM HARLAND: Understood. Thank you.

30 MS McMURDO: If you did have to pull out because you were sick – you had a cold, or just had a bad night with the kids, or you had a sick family member who was keeping you up at night – not only would that mean that an aircraft might have to pull out, it could mean that the whole day's work could be cancelled. Is that right?

35 D3: Sometimes. It depends if we had spare days, like, for – usually we had a buffer on spare days. So sometimes it was an issue, sometimes it wasn't.

40 MS McMURDO: But then if people didn't fly, not only did you not complete the exercise but it would also mean that people didn't get their training hours up, to move on to other - - -

D3: Yes, that's a really good point, ma'am. Sometimes we were trying to get training outcomes to then lighten the load on the rest of the Regiment.

So the more qualified people we had, the easier things were going to be. So there was a fair bit of pressure on that, to try and get things done.

MS McMURDO: Thank you.

5

FLTLT ROSE: For those who may be following along who aren't members of the Defence Force, is it the case that if you woke up ill with quite a heavy cold or the beginnings of a flu, you couldn't just call in to your chain of command to say, "I'm not coming in today, I'm under the weather"? You actually had to go to the base and report to a Medical Officer; is that correct?

10

D3: In my experience, that's how I've always done it – I don't know what other people have done – because I always wanted to get medication to make myself be able to get through a day, if I'm that sick.

15

FLTLT ROSE: So there's, in effect, a pharmacy or access to a pharmacy once you have a prescription from your Medical Officers on base?

20

D3: Yes, you need the prescription to get the – if you have, like, a – if you were that congested, you'd need medication to get through it, I guess. Yes.

FLTLT ROSE: So that involves getting out of bed and driving to the base to be able to do sick parade?

25

D3: Yes, ma'am.

FLTLT ROSE: You're already at work by that stage. Is it the case that once you present to the doctor and perhaps you get your decongestants, you just go flying anyway, because you're - - -

30

D3: No, not a chance.

FLTLT ROSE: No?

35

D3: If you've got a script from a doctor, it means you're medically unfit to fly, and everyone was pretty red hot on that.

FLTLT ROSE: Is that called TMUFF, temporarily medically unfit to fly?

40

D3: Yes, ma'am.

AVM HARLAND: Just another question related to this. Were you aware of people in the Regiment who were seeking medication and medical advice

or treatment outside the Defence medical system because of the access issues with it?

5 D3: Not that I know of. But we didn't, as a group, commonly discuss our medical ailments.

AVM HARLAND: Thank you.

10 FLTLT ROSE: At paragraph 23 of your statement you describe some other manning and workforce issues at 6 Aviation Regiment, including that there were not enough members to conduct flying duties and complete all the administrative requirements that Defence placed on members of 6 Aviation Regiment.

15 D3: Yes.

20 FLTLT ROSE: The Inquiry has heard from a number of pilots in 6 Aviation Regiment about their secondary duties and the burdens that placed on them. But can you describe what type of secondary duties aircrewman in 6 Aviation Regiment could have had?

25 D3: I can speak for my own experience. So as an SO senior aircrewman, I was still expected to complete all the training administration in my training administration job and assist in planning exercises as well as maintain a flying category, and at a high level.

FLTLT ROSE: Were you also responsible for doing the PARs, or performance assessments, of any juniors to you?

30 D3: When I was filling Troop Sergeant role in 2020, yes.

FLTLT ROSE: But not otherwise when you weren't in that role?

35 D3: No.

FLTLT ROSE: So was it the case that the primary role of the junior aircrewman, or the aircrewman juniors, was to fly, but the primary role of the aircrewman seniors was in fact their administrative role?

40 D3: No, not – it wouldn't be presented like that. I would say the more time you spend in the military, the more experience you have and the more knowledge you have, the more you are required for those administrative roles. But due to the fact we didn't have enough senior aircrewman at the Corporal level, means that Sergeant and above level were doing a lot of
45 flying and the administration role.

5 The junior aircrewman in the Regiment, they still had secondary duties as well. And whether that be maintaining equipment or assisting in running courses, whether that be weapons or – depending on what their background was, yes, everyone had a secondary duty and it did take up a considerable amount of time. But definitely the senior NCO and officer level, it was a lot more.

10 FLTLT ROSE: At the senior level, those secondary duties were more administrative rather than, say, for example, taking care of particular equipment on the airframe?

15 D3: Yes. But it was still all aircrewman are responsible for their equipment as a whole.

FLTLT ROSE: Then did you have other generalised secondary duties, such as Duty Officer, every now and again at Holsworthy Barracks?

20 D3: Yes.

FLTLT ROSE: You gave evidence before about the high tempo in 6 Aviation Regiment, particularly during flying periods. Would you fit your administrative requirements in during the meal times, or before and after flying?

25 D3: Yes.

30 FLTLT ROSE: The Inquiry has heard evidence of a mission bubble; the term being referred to in 6 Aviation Regiment for a period of time before you went flying. Is that familiar to you?

D3: Yes.

35 FLTLT ROSE: Was there a practice of aircrew being in a mission bubble for a period of time before a flight?

40 D3: I can only really speak from my experience on that. Depending on how much other stuff I had going on, sometimes I'd be working right up till I walked out the door. Some days I'd say I was in a mission bubble and would sit down and have a cup of tea before I'd go flying.

45 FLTLT ROSE: So what was the difference between the days when you could have your mission bubble, or enforced your own mission bubble, and the days that you didn't?

5 D3: It's probably just the way I handle my admin. So if I've got administration that affects people's welfare, pay, and that kind of stuff, I'll make sure that's done before I do anything else. Because the people are probably more important than the mission, in that respect.

FLTLT ROSE: So part of your administrative roles were in fact ensuring that people had the right documentation so that they would get paid?

10 D3: When I was in the Troop Sergeant stuff and you're handling welfare on a daily basis, a lot of those – I can't say, like, a specific example would be pay, but anything that would affect someone's morale and will to turn up to work, definitely.

15 FLTLT ROSE: You felt that that was – you put a priority on completing those administrative tasks because it affected other people in the Troop or the Regiment?

D3: Yes, ma'am.

20 AVM HARLAND: Just as a sort of rough order of magnitude, if you like, but how often would you preserve your mission bubble so you stayed focused on the flying you're about to do, compared to interrupting your mission bubble to carry out those tasks?

25 D3: I wouldn't be able to give you a specific percentage or number, or - - -

AVM HARLAND: Was it more likely than not that you would interrupt your mission bubble?

30 D3: It would really depend on the importance of the administration or task that I was trying to complete or trying to get completed.

AVM HARLAND: So I guess if I'm to flip it around another way, you would prioritise administration over focus on flying?

35 D3: When that administration affected someone's day-to-day life – sorry, when that administration affected their personal wellbeing, yes.

AVM HARLAND: Thank you.

40 MS McMURDO: So just following up on that, would you say that happened about 10 per cent of the time, 5 per cent, 20 per cent, roughly?

45 D3: Roughly, I'd say 20 to 30 per cent.

MS McMURDO: Thank you. And while I've interrupted you, if I could just take you back to you've had a bad night sleepwise and you wake up with a heavy cold – you'd usually be flying in the afternoon; is that right?

5 D3: Yes, most of the flying we did at 6 Avn was in the afternoon.

MS McMURDO: But if you were going to go to the doctor, you'd have to get up at 7.30, before 7.30 obviously, to get into work for sick parade. Correct?

10

D3: Yes, ma'am.

MS McMURDO: So would you often not get up and just think, "Well, I'll see how I go and I'll have a few more hours sleep and I'll probably be all right by the afternoon"?

15

D3: I can only speak for myself. I have definitely said, "I'll just see how I go in a couple of hours; have some water and some Panadol and hope for the best".

20

MS McMURDO: If you could speak about your practice, and if you know the practice of your friends because you've said that you did talk about medical issues, was it the practice generally, or your practice, to only use the medical facilities at Defence rather than going to your own private doctor?

25

D3: I've only ever used the Defence medical system, unless it was beyond working hours, then I would do the 1800 IMSICK.

30 MS McMURDO: Thank you. Thank you, FLTLT Rose.

FLTLT ROSE: How long was your average working day at 6 Aviation Regiment in 2022 and 2023?

35 D3: That depends on the workload, I guess. If I was flying, I would probably do a 14-hour day if I was flying and had to do administration as well, which I always seem to have had to do. When I was probably just flying, maybe 10 hours would be pretty normal.

40 FLTLT ROSE: So between 10 and 14 hours were your workdays consistently throughout 2022 and 2023?

D3: Yes.

45 FLTLT ROSE: Is that five days a week?

D3: Four and a half. Fridays you'd probably try and get out a little bit earlier if you'd done a pretty solid week.

5 FLTLT ROSE: Were you on call at all?

D3: Yes.

FLTLT ROSE: For various times of the year you were on call?

10

D3: Depending what position you were held against at an operational level would depend on your recall notice.

15 AVM HARLAND: Did that include periods when you were on recreation leave?

D3: No, if you had recreation leave, you weren't on the document.

20 AVM HARLAND: Over Christmas, for example, the high-risk weather season?

D3: No, we were on call for that, yes, sorry.

25 AVM HARLAND: Were you on leave as well?

D3: Yes.

30 AVM HARLAND: So to re-ask the question, if you're on recreation leave, can you be on call as well?

D3: Yes.

AVM HARLAND: Okay, thank you.

35 FLTLT ROSE: Did you receive additional pay for being on recall?

D3: The pay, I think, only came – I think at the start – was it the start of 2020 – 2022? I think the start of 2022 I think we started getting paid in line with that, but don't quote me on that. That's just a guess.

40

FLTLT ROSE: You also state that if a crew member got sick or was injured on the course, it put pressure on the rest of the workforce that resulted in fatigue. So you gave evidence earlier that you felt an obligation potentially to come in to work and potentially to fly because if you didn't,

it may affect another person's ability to get a qualification or move to the next stage of their training. Do you remember that evidence?

D3: Yes.

5

FLTLT ROSE: Is that what you mean when you say that if another member got sick – so this is not yourself now, someone else got sick or injured and couldn't fly, that put pressure on you and the remaining members to fly, which resulted in fatigue?

10

D3: Yes.

FLTLT ROSE: So you may essentially fly a few extra sorties that you weren't intending to fly, to cover that person that has stepped out of the role?

15

D3: Yes.

FLTLT ROSE: Is it the case that there were aircrewman – and I'm not going to ask you for specific numbers here – but there were aircrewman in the Squadron, 173 Squadron?

20

D3: (No verbal reply).

FLTLT ROSE: Sorry, you have to verbally respond.

25

D3: Sorry, yes. Can you ask the question again, sorry?

FLTLT ROSE: What I'm trying to tease out is where the various aircrewman were – their positions were attached to that could go flying for 6 Avn. So there were some specifically in the Squadron, 173 Squadron?

30

D3: Yes.

FLTLT ROSE: There were some in Squadron Headquarters?

35

D3: Yes.

FLTLT ROSE: There were some in Regiment Headquarters?

40

D3: Yes.

FLTLT ROSE: Were there any other places where aircrewman could be utilised from, other places of Avn Command, for example?

45

D3: Yes, if we were coming up to a course and we needed someone who held a qualification such as a QAI or QFI, we would request for them to come and support the course.

5 FLTLT ROSE: So they could be at the School of Army Aviation at Oakey, for example?

D3: Yes.

10 FLTLT ROSE: Or they could be in 5 Aviation Regiment.

D3: I can't recall us doing it from anyone from 5 Aviation but definitely Helicopter Aircrewman Training School.

15 FLTLT ROSE: At paragraph 25 of your Inquiry statement you state that you, yourself, were not fatigued but rather stressed.

D3: In which paragraph, sorry?

20 FLTLT ROSE: Twenty-five.

D3: Yes.

25 FLTLT ROSE: What's the difference, in your mind, between being fatigued and being stressed?

30 D3: Fatigue to me is a cumulative thing. I felt I was getting enough rest on my weekends, but the stress of trying to meet deadlines with a lot of training paperwork, or just paperwork in general, and balance flying was what made me stressed; trying to do everything with the minimal amount of resources that we had in the Regiment.

35 FLTLT ROSE: Had you received any briefings or training sessions from whether it be fellow colleagues in 6 Aviation Regiment, or in fact from Medical Officers, about what fatigue is?

D3: Not a specific guidance or definition, no.

40 FLTLT ROSE: Do you recall any training that you received when you were in 6 Aviation Regiment about managing fatigue?

D3: We'd always talk about it through our crew resource management is what we used to call it, but non-technical skills training.

FLTLT ROSE: What specifically were you told about how to manage your own fatigue or the fatigue of your crew?

5 D3: I can't remember any specifics.

FLTLT ROSE: Have you received any specific training on fatigue management in your current role?

10 D3: No, it's probably something I've researched myself.

FLTLT ROSE: As in you became interested in fatigue management at a certain point of time and you researched it yourself?

15 D3: Yes.

FLTLT ROSE: Can you remember when that period of time was?

D3: In 2020, I'd say.

20 FLTLT ROSE: Is that a result of feeling fatigued at that time and wanting to manage it yourself a bit better?

25 D3: It was probably more so it was researching on how to balance stress, and the fatigue kind of, I guess, come hand in hand with it, yes.

30 FLTLT ROSE: At paragraph 27 you state that you don't think the aircrewman were honest with the chain of command about fatigue because every member in the Regiment wanted to perform their best and there was an expectation that you would perform to a high standard in places and conditions that others can't or won't?

D3: Sorry, ma'am, do you mind if we just take a break for a bit?

35 FLTLT ROSE: Of course.

MS McMURDO: Yes, we'll have a short adjournment.

D3: Yes, sweet.

40 MS McMURDO: How long would you like, 10 minutes or something like that?

D3: Yes, just enough time to just - - -

MS McMURDO: Get it together. I understand. Thank you very much. The Inquiry appreciates this is very difficult for you, but you're of great assistance, so thank you.

5 D3: I was just trying to make sure I get all my stuff right for you guys.

MS McMURDO: Sure, thank you. We'll adjourn for 10 minutes. Thank you.

10

HEARING ADJOURNED

HEARING RESUMED

15

MS McMURDO: D3 , any time you need a break, just let me know.

D3: Thank you.

20

MS McMURDO: Yes, FLTLT Rose.

FLTLT ROSE: D3 , I'll re-ask the question I asked just before the break. At paragraph 27 – this is of your Inquiry statement – you state that you don't think the aircrewman were honest with the chain of command about fatigue because every member in the Regiment wanted to perform their best and there was an expectation that you would perform to a high standard in places and conditions that others can't or won't.

25

30 D3: Yes, ma'am.

FLTLT ROSE: Was the expectation that you would perform even if you were fatigued?

35 D3: Yes, ma'am. I think Defence, as a whole, needs to be able to operate under some form of fatigue, whether that be a little bit or a lot.

FLTLT ROSE: And when you say they need to be able to perform in fatigue, does that include for training purposes, training exercises?

40

D3: Yes. However, I caveat that with you need to have exposure to what fatigue is. I don't think that should be whilst operating a helicopter, but I do think that unless you've been exposed to certain levels of fatigue, you don't know what the threshold is.

45

5 FLTLT ROSE: When you say you don't think it should apply to those who are operating helicopters. Is it your understanding that the ethos or the culture in Army – we'll use as a specific here, rather than just Defence – is that no matter what role you hold, you should be able to push yourselves to the limits and test what that's like, operating at those limits?

10 D3: In certain contexts, yes. I wouldn't make a daily habit of – like, that's why we do difficult things like battle PT and that kind of stuff, so you can experience tiredness, fatigue – even just kind of shake out exercises.

FLTLT ROSE: Do you think there is an understanding, however, within Army that aviators should be considered in a different category because they're operating helicopters and safety critical roles?

15 D3: Can you just – what's the actual - - -

20 FLTLT ROSE: The question is, do you think there is an understanding in Army that aviators are somehow exempted from the culture that you just explained before, that they need to be tested how they can operate to those limits of fatigue?

25 D3: Well, as aviators we need to know what the threshold for tiredness and fatigue are so we know exactly when to put our hand up. There is, I guess, from maybe an outsider's perspective, that we get treated a little bit better on certain exercises. Like, we don't have to just lay a sleeping bag out on the floor. We should be in an environment conducive to rest versus, say, an infantryman who is digging a pit to sleep in for the night. But, obviously, we know what happens if, you know, we don't pay that fatigue level a bit of respect.

30 FLTLT ROSE: Sorry, could I just check that you just said before – your evidence was that sometimes as aviators you are exempted from sleeping in sleeping bags on the floor?

35 D3: Yes, we shouldn't be sleeping in sleeping bags on the floor because we're not going to get a good night's rest, are we?

40 FLTLT ROSE: Is it the case that if you were doing joint exercises with other units within Army, you would sleep elsewhere, other than a sleeping bag on the floor?

D3: Yes, ma'am.

45 FLTLT ROSE: And where would those sleeping quarters be?

D3: Through my time in Defence, we've slept in hotels sometimes or barracks' environment at certain bases. It also isn't the first time that I've slept in a tent, on a stretcher. But I wouldn't be – as aircrew, I wouldn't be expected to throw my hoochie up and lie on the grass out in the field.

5

FLTLT ROSE: Is it your understanding that sleeping on a stretcher in a tent is more conducive to sleep than sleeping on the grass in a hoochie?

D3: I would much prefer to sleep on a stretcher than on the grass.

10

FLTLT ROSE: I might come back to that point and how it relates to the exercise at Proserpine later in your evidence. Just to return to the issue of fatigue, who is it that you would actually report feeling fatigued to, if you did feel fatigued? Was it the Aircraft Captain or someone else in your chain of command?

15

D3: Initially it would be your Aircraft Captain or your Troop Sergeant, the person who manages your welfare on a day-to-day basis.

20

FLTLT ROSE: And would that person, either the Aircraft Captain or the Troop Sergeant, would they be the person that decides whether or not you're going to fly?

25

D3: Yes and no. You have the opportunity to put your hand up and say, "I'm too tired to fly". But it wouldn't be uncommon if someone was – a Troop Commander, a Troop Sergeant, another aircrewman points – or Captain – or, sorry, pilot says, "Hey, are you okay? I don't think you're right to fly. Let's just get you off this sortie".

30

FLTLT ROSE: And have you done that in your career in 6 Aviation Regiment in the last – so 2022 and 2023? Have you put your hand up and said, "I'm too tired to fly"?

35

D3: I've never said, "I'm too tired to fly". I know some other members have. I've put my hand up and said there's other things going on in my life that I couldn't fly because of.

FLTLT ROSE: And what was the response when you said that? Were you taken off the sortie?

40

D3: Yes.

FLTLT ROSE: Was there ever an indication – was there ever an instance when you raised your hand up and said, "I don't think I'm right to fly", that you still were told to fly?

45

D3: No.

5 MS McMURDO: How many times in your career so far has that been the position?

D3: Sorry, do - - -

10 MS McMURDO: That you've had to say, "I'm just not in a position to fly today"?

D3: I think I've done that twice.

15 MS McMURDO: Twice. Over how many years?

D3: Eleven.

20 FLTLT ROSE: Were you ever given a fatigue tool that you could use to be able to identify, for example, how many hours you'd slept the night before, how you were feeling that morning, whether you were fit to fly in terms of fatigue?

25 D3: There was at one point – I can't remember the year – it was definitely 2020 onwards, that we had a – someone created a document that we could log when we went to sleep, when we woke up. I don't know where that is or who – I can't even remember who took it. I just remember putting my details in and my sleep time. I don't know what happened with the data on that.

30 FLTLT ROSE: Was that an internal 6 Aviation Regiment document?

D3: Yes.

35 FLTLT ROSE: It wasn't something issued, for example, by the Defence Flight Safety Bureau?

D3: Not that I can recall.

40 MS McMURDO: So it was effectively a sleep diary, was it?

D3: Yes. I think they called it a Fatigue Tracking Tool.

FLTLT ROSE: And it was only used for a certain amount of time?

45 D3: Yes, I think we used it on an exercise.

FLTLT ROSE: Was it in relation to a fatigue study that was being conducted within 6 Aviation Regiment?

5 D3: I think so, yes.

FLTLT ROSE: Can you look at the pseudonym list and look at D21? Do you know that person?

10 D3: Yes, ma'am.

FLTLT ROSE: Was that person involved in this sleep tracking exercise?

15 D3: Yes, ma'am.

FLTLT ROSE: Had you received a briefing from that person about the purpose of the sleep tracking?

20 D3: Yes, ma'am.

FLTLT ROSE: And was it to inform a sleep study or fatigue study being conducted within 6 Aviation Regiment?

25 D3: Yes, ma'am.

FLTLT ROSE: And were you ever told what the results, or the outcome of the results, were from filling in your sleep diary?

30 D3: I don't recall.

FLTLT ROSE: And did any new changes get introduced to 6 Aviation Regiment after this sleep study was conducted?

35 D3: Not that I know of.

FLTLT ROSE: Can I show the witness Exhibit 37?

MS McMURDO: Yes.

40 FLTLT ROSE: I also understand that we're able to put up Exhibit 37 on the screens. Have you seen this Fatigue Risk Awareness Tool before?

D3: No.

FLTLT ROSE: So I take it from that, it's not something you use in your current role?

D3: No.

5

FLTLT ROSE: And it's not something you used ever when you were in 6 Aviation Regiment?

D3: No.

10

FLTLT ROSE: Have you used anything similar to that before? If you look at the questions, the five questions on the left-hand side, have you ever gone through any type of exercise where you've had to answer similar questions when you were in 6 Aviation Regiment, prior to flying?

15

D3: Sorry, can you just repeat the question?

FLTLT ROSE: See the five questions that are asked on the left-hand side, in the boxes?

20

D3: Yes.

FLTLT ROSE: Were you ever asked by the Aircraft Captain or someone else, prior to flying, to tell them how many hours sleep you had in the past 24 hours?

25

D3: Yes, we kind of conducted that as part of our FACE checks before we went flying. We'd have a quick discussion on how much sleep we'd had, especially on exercise.

30

FLTLT ROSE: And would only go back to 24 hours? Is that essentially the discussion, when you had your FACE checks?

35

D3: No, if it was a pretty busy week, we'd probably discuss, "How does everyone feel? It's been a pretty busy week", for example, and then, "Is everyone still happy to go flying?"

FLTLT ROSE: And "FACE checks", does that stand for something?

40

D3: Yes.

FLTLT ROSE: Can you recall what that stands for?

45

D3: Fatigue, Attitude, Complacency, Extenuating Circumstances, I think, from my - - -

FLTLT ROSE: External Factors?

5 D3: Yes. Yes, there you go.

FLTLT ROSE: That exhibit can be taken down off the screen. You can put that to the side. So a FACE check, that's when you and your fellow crew members have a discussion prior to a flight to discuss whether you're fit to fly?

10 D3: Yes, ma'am.

FLTLT ROSE: Is it something that you also to do – conduct within the aircraft mid-flight for any reason?

15 D3: I think I've only ever done that once, and that was on the night of the incident.

FLTLT ROSE: So, essentially, is it done just before you go flying, or is it done at duty start?

20 D3: Kind of in that preamble before you go to the mission orders you'll just have a bit of a, I guess – I'd always have a discussion with myself on how I was feeling when I turned up to work, and then I'd get down to the aircraft for our mission brief at the aircraft, and then have that final check there.

FLTLT ROSE: What's the tempo of work like now that you've posted out of 6 Aviation Regiment?

30 D3: I'd say light.

FLTLT ROSE: Do you notice the difference in your stress levels?

35 D3: My partner definitely does.

FLTLT ROSE: And do you yourself, with the lighter workload, notice a difference between your stress levels from when you were working in 6 Aviation Regiment and now?

40 D3: Yes.

FLTLT ROSE: And if you were feeling fatigued in your current workplace, could you raise that with your chain of command?

45

D3: I don't think there's a risk in me being fatigued at my current workplace.

5 FLTLT ROSE: But essentially you could have a discussion with your managers if that was the case?

D3: Yes.

10 FLTLT ROSE: I want to turn to ask you some questions now about Exercise TALISMAN SABRE. So if you look at paragraph 41 of that statement in front of you, you set out that you worked five days a week between 12 to 14 hours per day in the two weeks leading up to Exercise TALISMAN SABRE 2023?

15 D3: Yes.

FLTLT ROSE: And that was a mixture of day and night shifts.

20 D3: Yes.

FLTLT ROSE: Was that a fairly standard workload for you?

25 D3: If we're in the middle of Special Operations Qualification Course, yes. And to put that in context, we were running about two or three a year, depending on the year.

FLTLT ROSE: And was the Special Operations Qualification Course being run in the lead up to Exercise TALISMAN SABRE?

30 D3: Yes.

FLTLT ROSE: And is that why you were working those hours?

35 D3: Yes.

FLTLT ROSE: But were they standard hours when you weren't doing an SOQC?

40 D3: No.

FLTLT ROSE: That's slightly more because of the SOQC?

D3: Yes.

FLTLT ROSE: And you said you were working a mixture of day and night shifts. Was that standard, for you to be shifting between day and night shifts?

5 D3: In my role, yes, because most of the Army – or most of Defence work on that 7.30 to 4 roster. So if I needed to make phone calls, I'd have to do it in the morning to try and get other external organisations to assist me with anything.

10 FLTLT ROSE: Did you get any training on how to shift your cycles like that?

D3: We get taught about the stuff at AVMED, at Aviation Medicine school.

15 FLTLT ROSE: And is that a training that you have once a year or at the beginning of your training? How often did you have that training?

20 D3: You do an initial – I can't remember the exact time, but we're down in Adelaide for a couple of days at the start of our careers when we first become aircrewman, and pilots would be similar. And then every two years, we do an AVMED refresher.

25 FLTLT ROSE: Do you think you were confident in being able to manage your own sleep hygiene so that you could routinely shift between a day shift and a night shift?

D3: I'm quite diligent and protective of that for myself, so yes.

30 FLTLT ROSE: Because of your own research that you had done into fatigue management?

D3: Yes.

35 FLTLT ROSE: Not because you had received specific training through Defence?

40 D3: They do talk about it, but I would say if I hadn't done extra research myself on the actual effects of sleep hygiene, sleep, and all that stuff, I probably wouldn't be as confident as what I am now.

FLTLT ROSE: Did you try and impart that knowledge on those junior to you?

D3: Not really. I guess it's my own personal journey, so I just kind of kept it for myself.

5 AVM HARLAND: Could I just ask a clarifying question just about the day/night swaps. You talked about the need to be in that kind of – like, in the day routine to be able to get the administration done, because that's when other people who you were dealing with were at work. Would that be, like, a day shift separately or were you saying that when you're flying nights, that you would, often case, be doing administration in the mornings?

10 D3: Yes, I'd do administration before going flying.

AVM HARLAND: So would that be outside your normal duty time?

15 D3: No, no. That'd be included in that 14-hour workday.

AVM HARLAND: Yes, okay. Thank you.

20 FLTLT ROSE: At paragraph 43 of your Inquiry statement you set out that you deployed to Proserpine on 24 July 2023.

D3: Yes, ma'am.

25 FLTLT ROSE: At paragraph 44, that you slept in tents, on stretchers, with about 14 people in your tent.

D3: Yes, ma'am.

30 FLTLT ROSE: And it was next to the Proserpine runway, so that you could hear the air traffic.

D3: Yes, ma'am.

35 FLTLT ROSE: So was the air traffic commercial air traffic?

D3: Yes, ma'am.

FLTLT ROSE: And so were they flying during the day and at night?

40 D3: There was definitely sorties coming in off the Proserpine runway after dark, yes.

FLTLT ROSE: Was that Army sorties?

45 D3: No. No, sorry.

FLTLT ROSE: Commercial flights.

D3: Commercial sorties, yes.

5 FLTLT ROSE: There was also a fire station near you.

D3: Yes.

10 FLTLT ROSE: And was that noisy?

D3: I don't recall.

FLTLT ROSE: So you don't remember sirens going off at all hours.

15 D3: I've probably blocked it out of my memory, to be honest.

AVM HARLAND: Were you given clear briefings as to what sleeping conditions would be up at Proserpine so you could make adequate preparations?

20 D3: Not that I can recall.

AVM HARLAND: Thank you.

25 FLTLT ROSE: Did you bring earplugs or Softears, or an eye mask with you to Proserpine?

D3: Not an eye mask, because I find them uncomfortable. But Softears, yes.

30 FLTLT ROSE: And did you do that off your own back or were you told to bring Softears with you?

D3: I could have been told, but I definitely did it off my own bat because I'm not a stranger to communal living.

35 FLTLT ROSE: You gave evidence before that on occasion – or on exercise, even more on occasion, the usual system was that aircrew would be placed in hotels or in barracks. Do you recall that?

40 D3: Yes.

FLTLT ROSE: Were you surprised that you were sleeping in a 14-person tent, on a stretcher, for this exercise?

45

D3: No.

5 FLTLT ROSE: Because you had been pre-briefed?

D3: No; because it's the Army. I've definitely slept in those kind of conditions in – when I was posted to 5 Avn on TALISMAN SABREs.

10 FLTLT ROSE: So you hadn't been pre-briefed what the sleeping arrangements were on Exercise TALISMAN SABRE, but you came prepared for anything?

15 D3: I won't say I haven't been pre-briefed, but I don't recall being pre-briefed. Like I said, that it's over 12 months ago. But, yes, I'd just kind of pack my kit like I'm ready.

FLTLT ROSE: Were you concerned about sleeping next to the active runway as it was not conducive to rest?

20 D3: Yes.

FLTLT ROSE: On previous TALISMAN SABREs, had you been placed next to an active runway, the sleeping quarters?

25 D3: Yes.

FLTLT ROSE: Was it typical for exercises for aircrew or 6 Aviation Regiment to be positioned next to an active runway?

30 D3: That was the first time I had experienced it at 6 Aviation, but I had experienced it at 5 Aviation when I was posted there.

35 FLTLT ROSE: And you state that you didn't raise any issues with this because, I understand, that you being in the Army, you're trained to live in austere conditions?

D3: Yes, ma'am.

40 FLTLT ROSE: Was this one of the outcomes for 6 Aviation Regiment from Exercise TALISMAN SABRE 2023?

D3: I can't answer that, sorry. I don't know.

45 FLTLT ROSE: Were you involved in any planning for TALISMAN SABRE?

D3: No.

5 AVM HARLAND: What were the conditions inside the tent? Was the tent air-conditioned, or was it just ambient temperature, and what sort of temperatures were you sleeping in?

10 D3: Just ambient temperature. So whatever the conditions were at Proserpine at that time.

AVM HARLAND: And they were – can you recall?

15 D3: Raining, apparently. Yes, just typical North Queensland rains, gets a little bit humid.

AVM HARLAND: So heat, was it?

20 D3: I can't recall, I'm sorry. I can't tell you what temperature it would have been.

AVM HARLAND: Okay. Thanks.

25 FLTLT ROSE: If you stated then before that being in the Army, one of the issues is that you should learn to train to live in austere conditions, and that you had been placed next to active runways before, is it your understanding that the flying missions that were on TALISMAN SABRE would have proceeded no matter how tired the aircrew were because it was actually part of the training outcomes for TALISMAN SABRE?

30 D3: No, I don't think that would've been the case. If people were fatigued, they would've put their hand up and said, "I'm fatigued", and they would've not put that person on the mission.

35 FLTLT ROSE: Do you recall having any conversations with your colleagues during Exercise TALISMAN SABRE about being fatigued?

40 D3: The only conversation I think we had was we – when we got there, we were a bit frustrated about the change in going from a day cycle, straight into a night cycle.

FLTLT ROSE: That was concerning for you because of a particular reason?

45 D3: It's not in – like, it takes time to adjust a circadian rhythm. You can't just get up at – I think what – we left at about 8 o'clock on 24 July and we

were expected to go to sleep that night and then start doing night works straightaway.

5 FLTLT ROSE: So were any changes made once that was raised as a concern?

D3: Sorry, I'll just clarify that. We got there on the 24th, and on the 25th we were supposed to be doing afternoon/night operations. Sorry.

10 FLTLT ROSE: Did those continue on the 25th as afternoon/night operations?

D3: I flew an afternoon/night operation on the 25th, yes.

15 FLTLT ROSE: So even though concerns were raised about the change in circadian rhythm, the missions went ahead?

D3: I don't know how far those frustrations were raised, I guess. So - - -

20 FLTLT ROSE: So was this something you talked about amongst your – with you and your colleagues?

D3: Yes.

25 FLTLT ROSE: But you're not sure whether it went up to the OC?

D3: I wouldn't be able to tell you if it went to the OC or not.

FLTLT ROSE: You don't know if it went up to the Commanding Officer?

30

D3: No, ma'am.

FLTLT ROSE: The OC and Commanding Officer – if you can check the names there, can you tell me if D10 is the Officer Commanding?

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D3: Yes, ma'am, he was the Officer Commanding at the time.

FLTLT ROSE: And D19, was he the Commanding Officer?

40 D3: Yes, ma'am.

FLTLT ROSE: Are they both aviators?

D3: Yes, ma'am.

45

FLTLT ROSE: Would they be – is it your understanding they would be aware of the difficulties for aircrew shifting between day and night cycles?

5 D3: They should be aware. They would've done it in their time as aviators, yes.

FLTLT ROSE: The Inquiry understands that there was a tent for the senior aircrew and a tent for the junior aircrew on TALISMAN SABRE. Does that accord with your memory?

10 D3: I don't recall it being senior and junior aircrew. I think it was just aircrew scattered throughout. I wasn't in a different tent from anyone else.

FLTLT ROSE: Was it just 6 Aviation members in your tent?

15 D3: There was aircrew members in the tent. So, typically, aircrew get their own spot because we do shiftwork. So we try and keep ourselves away from people who aren't doing shiftwork.

20 FLTLT ROSE: Were the sleeping quarters and other tents on TALISMAN SABRE quite near each other?

D3: Yes.

25 FLTLT ROSE: Very near each other?

D3: Yes.

30 FLTLT ROSE: So there were people in tents, very near to you, who were on different shifts to you?

D3: Yes.

35 FLTLT ROSE: And did you hear them getting up and going about their business when you were supposed to be sleeping?

D3: Yes.

40 FLTLT ROSE: Did that distract you from sleeping?

D3: Yes.

FLTLT ROSE: Did you raise that as a concern at TALISMAN SABRE?

D3: It would've just been a, "Hey, can you guys move along, or just be a bit quiet? We're trying to get some rest". So we try and correct that stuff at the lowest level. There's no point bringing higher in, unless it's becoming a routine issue.

5

FLTLT ROSE: So there would've been no option, you think, to have one – your tent or their tent – moved to a different part of the camp?

D3: I don't think it would've made a difference.

10

FLTLT ROSE: Because of the active runway?

D3: Yes, ma'am.

15

FLTLT ROSE: It was going to be noisy anywhere you sleep?

D3: Yes.

20

FLTLT ROSE: So you gave evidence – sorry, no. You gave evidence that you flew some sorties on 25 July, that was on the Tuesday. Orally, you just gave that evidence.

D3: Sorry, nil flying in accordance with my – my thing. But I – we did plan to go flying that day, but I'm pretty sure the weather cancelled it.

25

FLTLT ROSE: Potentially didn't fly on the 25th. Did you fly on the 26th?

D3: No.

30

FLTLT ROSE: At paragraph 49(c) of your statement you state that you flew two sorties on 27 July.

D3: Yes.

35

FLTLT ROSE: And they were rehearsals for the mission the following night?

D3: Yes.

40

FLTLT ROSE: Now, if you turn back to your Defence statement, paragraph 19, you said that you went to sleep at about 2230 or 2300 on 27 July?

D3: Yes, ma'am.

45

FLTLT ROSE: And then, at paragraph 20, that you woke up between 7.30 and 9 on 28 July?

D3: Yes.

5

FLTLT ROSE: And that duty commenced at 1300?

D3: Yes.

10 FLTLT ROSE: At paragraph 21 you said you felt a little tired when you woke up on 28 July and could've done with a few more hours sleep, but were not overly tired or fatigued?

D3: Yes.

15

FLTLT ROSE: So you were less than fresh?

D3: Yes.

20 FLTLT ROSE: Did you discuss this with anyone?

D3: No.

FLTLT ROSE: Why not?

25

D3: Because I was comfortable I could still do my job.

FLTLT ROSE: So did you feel more fatigued or less fatigued than you had at any other stage during the exercise that morning?

30

D3: Like I said in my statement, I'd feel – I said I felt tired, not fatigued, I guess.

FLTLT ROSE: So you were crewed on Bushman 81 for the sortie on 28 July 2023?

35

D3: Yes, ma'am.

FLTLT ROSE: Could you please look at the pseudonym list again, whichever one's easier for you to refer to, and let me know who the Aircraft Captain was for your ship?

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D3: Aircraft Captain, ultimately, was D2.

FLTLT ROSE: And the co-pilot?

45

D3: D1.

5 FLTLT ROSE: Were you the senior aircrewman?

D3: Yes, ma'am.

FLTLT ROSE: And who was the aircrewman junior?

10 D3: D4.

FLTLT ROSE: What did you mean "ultimately" it was D2? Was there a change in crewing?

15 D3: No. D1 was doing some development where he was acting as Aircraft Captain under guidance of D2.

FLTLT ROSE: And that's a flight lead role, is it?

20 D3: Yes.

FLTLT ROSE: During the afternoon, you went through various processes, including making mud models?

25 D3: Yes, ma'am.

FLTLT ROSE: What's a mud model?

30 D3: It's a geographical representation using different things – so rocks for containers, just to give people an idea on a scale of what the mission area would look like.

FTTLT ROSE: So you had rocks for the ships, and containers for something else. And - - -

35 D3: For example, yes.

FLTLT ROSE: And you talked through the mission plan?

40 D3: Affirm. Yes.

FLTLT ROSE: Then you attended mission orders?

45 D3: Yes, ma'am.

FLTLT ROSE: Were you briefed that doors were going to be open or closed for that sortie?

5 D3: We were briefed that doors were going to be closed up until – no, sorry – we decided that, when the rain started coming in – so we were going to go doors open; however, the situation was the rain started getting heavier and more frequent, so we had a discussion, collectively, and decided that we'd keep the doors closed until the IP.

10 FLTLT ROSE: So it was raining during the day at Proserpine on the 28th?

D3: Intermittent showers.

15 FLTLT ROSE: Was there a stage in the mission where you were going to open the doors again?

D3: At the Initial Point.

20 FLTLT ROSE: And who made that decision?

D3: It was a collective decision. But, the ultimate person, that would've been the AMC would've said, "Yep, that's appropriate".

25 FLTLT ROSE: What does AMC stand for?

D3: Air Mission Commander.

FLTLT ROSE: And who was that, looking at the pseudonym list?

30 D3: D10.

FLTLT ROSE: Who was also the OC?

35 D3: Yes, ma'am.

FLTLT ROSE: Then at 25 of that same statement you describe the mission on the 28th as a "pretty benign, standard mission"?

40 D3: Yes, ma'am.

FLTLT ROSE: So when you're referring to "pretty benign", is that in reference to the mission itself, as opposed to the weather?

45 D3: Yes, ma'am, it was. Essentially, we were just taking four helicopters to go pick some people up, and then return.

FLTLT ROSE: The Inquiry has heard reference to people saying weather can be “benign” as well.

5 D3: Yes, weather can be benign. I wouldn’t say the weather on the night was overly complex, because we’ve definitely flown in weather similar to that before. We’re trained to be able to fly in conditions like that.

10 FLTLT ROSE: But it’s not that you’re describing weather as benign in this instance; it’s the mission?

D3: No, ma’am, I’m not describing the weather as benign.

15 FLTLT ROSE: Then you attended a rehearsal of concept drill?

D3: Yes, ma’am.

FLTLT ROSE: What is that?

20 D3: It’s where we walk through the mission step-by-step to – so everyone is on the same mental model of how that’s going to be executed.

FLTLT ROSE: Is that physically you stand up and walk around - - -

25 D3: Yes, ma’am.

FLTLT ROSE: - - - in directions you might be turning?

30 D3: Yes, ma’am.

FLTLT ROSE: Hover where you might be hovering.

D3: Yes.

35 FLTLT ROSE: Then you set up your gear and you went to the aircraft?

D3: Yes, ma’am.

40 FLTLT ROSE: At paragraph 28 you state that:

All aircrew gathered together at about 1500 or 1600 so that CAPT Danniell Lyon could say a few words to celebrate D14 reaching 2000 flying hours.

45 D3: Yes, ma’am.

FLTLT ROSE: Could you just remind yourself who D14 is on the list?
You know that person – that's the person you were referring to?

5 D3: Yes, ma'am.

FLTLT ROSE: And somebody, was it you, that poured water over D14?

10 D3: No, it wasn't me, ma'am. I think it was some of the aircrewman.

FLTLT ROSE: Is that some sort of Aviation tradition?

D3: Yes, ma'am. Usually it's off milk, but - - -

15 FLTLT ROSE: But D14 was lucky and just got water this time?

D3: Yes, ma'am.

20 FLTLT ROSE: Then you had a crew brief from D2, and prepped your aircraft?

D3: Yes, ma'am.

25 FLTLT ROSE: And had dinner and spoke to your kids.

D3: Yes.

30 FLTLT ROSE: At paragraph 31 you recall at that time, around dinner time, CAPT Lyon speaking to his kids as he was showing you all his kids while he was on his phone to them?

D3: Yes. He used to do that a fair bit. If he'd call his kids, he'd just show everyone who was around.

35 FLTLT ROSE: That was a Facetime call or some sort of video call?

D3: Yes, ma'am.

40 FLTLT ROSE: Paragraph 32, you went to the aircraft at about 1930 or 2000?

D3: Yes.

45 FLTLT ROSE: And you sat on the Auxiliary Power Unit until going through the Hot Refuel point?

5 D3: Yes, ma'am.

FLTLT ROSE: Do you remember how long you were on the APU for?

10 D3: Not – no.

FLTLT ROSE: Was it uncommon or common for you to be waiting on the APU for extraction orders in missions like this?

15 D3: It's mission-dependent. Sometimes we don't lift until the objective is complete from the Ground Force Unit.

FLTLT ROSE: Is it quite boring whilst you're waiting?

20 D3: Yes.

FLTLT ROSE: Have you ever been given any training on how to manage your sort of boredom or fatigue levels when you're in those long periods of wait?

D3: I guess you just learn it after being in Defence, the old "hurry and wait", and you get pretty imaginative.

25 FLTLT ROSE: You were in Bushman 81 and you discovered a fault with the RADALT on your aircraft, so you had to change to the spare?

D3: Yes, ma'am.

30 FLTLT ROSE: Was that a common fault to experience with the RADALT?

D3: Yes, I've seen it a fair few times in my career.

35 FLTLT ROSE: And "RADALT" stands for?

D3: Radar Altimeter.

40 FLTLT ROSE: And what's the purpose of having a functional RADALT on a sortie?

D3: It tells us how high we are off the ground.

45 FLTLT ROSE: So it's essential that you have that information.

D3: Yes.

FLTLT ROSE: And is it the case that you can't, in fact – it's a no go if there's a fault with the RADALT?

5

D3: Yes, especially for overwater missions.

MS McMURDO: While you're waiting in these boring periods for things to happen, is it routine that you might have a mobile phone with you, to look at that for entertainment or - - -

10

D3: For that night, we did have our phones on us, but – actually, no, I didn't take my phone with me that night. No. No. Most of the times we would fly with our phone on us, but for some reason that night I didn't take my phone with me. I can't speak for the other crew, but it's handy to have your phone for a couple of reasons: while we're sitting on the APU we can do weather updates and that kind of stuff or, if something happens between aircraft it's probably the quickest way to get a message from one aircraft to the other.

15

20

FLTLT ROSE: There isn't an internal comms system that you use for communicating with other aircraft?

D3: There is. However, like, if one of the aircrewman needs to speak to one of the aircrewman about something, it's probably just quicker if we just shoot a quick text message as opposed to radioing through.

25

MS McMURDO: And in the long periods of waiting that you have, before you take off, is it common to, you know, text – using messages to text personal things, check your emails, that sort of thing?

30

D3: I can only speak for my own personal accord here, but I'd just always text my partner before I'd go flying – just because. But on that night I texted her and then just left it in my helo bag. I probably just wanted to be in the mission bubble for that night.

35

MS McMURDO: Sure. So in the other helicopters, they may or may not have had their phones on them?

40

D3: Yes, it would be person-dependent.

MS McMURDO: Thank you.

FLTLT ROSE: If you did have your phone with you, was there some sort of check you had to do about safe securing that phone in a particular place

45

in the aircraft so that it doesn't move around?

D3: Yes, that's what we call a FOD check, foreign object or debris check. It's part of our downwind checks in the aircraft or pre-take-off checks.

5

FLTLT ROSE: And you did it on that night, foreign object check?

D3: Yes. It's part of the pre-take-off check. So as the Aircraft Captain is doing his checks, the aircrewman in the back are making sure everything is safe and secure and they're not going to sling around in the cabin if we have to do a manoeuvre. But most aircrewman would keep their phone in the map pocket.

10

FLTLT ROSE: Is that a top pocket up here?

15

D3: No, I'd say a side pocket on the leg, on the upper thigh.

FLTLT ROSE: With a zip?

20

D3: Yes.

FLTLT ROSE: Do you remember what time you lifted off?

D3: Does it say it in my statement? Be about – I'd have to refer to my statement.

25

FLTLT ROSE: I'm not sure that it's in there. It's not a memory test. If you have an approximate time of when you lifted off?

30

D3: No, I can't give you an accurate time, no. Sorry.

FLTLT ROSE: Evening?

35

D3: Yes, it was after dark.

FLTLT ROSE: Just going back to that foreign object check, is it the case that you have to announce to each other that you've completed the foreign object check?

40

D3: Yes.

FLTLT ROSE: The Aircraft Captain asks each one of you individually, "Have you done your check?"

45

D3: He'll run through his start, taxi, take-off checks and then in the back

5 we'll just – I can give you verbatim what we would be running through in our own head. It would be our harness is checked; we have nil loose articles; both doors are open or closed, depending on where we are. And then “Set in the back” is the command that we would give for the Aircraft Captain.

FLTLT ROSE: So we're just returning to you're not sure what time you lifted off, but it was the evening?

10 D3: Yes, ma'am.

FLTLT ROSE: And paragraph 34 of your Defence statement states that once you heard the mission code word, you departed from Proserpine Airport towards Lindeman Island.

15 D3: Yes.

FLTLT ROSE: Now, you have mentioned the weather and you said that it was not overly complex. Can you describe the weather during the sortie?

20 D3: Intermittent showers reducing visibility on those showers, with cloud cover.

FLTLT ROSE: How low was the cloud?

25 D3: I wouldn't be able to tell you off the top of my head.

FLTLT ROSE: Intermittent showers. So was it the case that it wasn't raining the whole time during this sortie, it was at various points?

30 D3: Yes.

FLTLT ROSE: At paragraph 36 you actually called it as “low misty cloud and crawling showers”. Does that mean something particular, “crawling showers”?

35 D3: It kind of reflects intermittent. It just means those showers are moving through the area.

40 FLTLT ROSE: And that you recall asking D2 if he wanted you to open the doors to improve your visibility?

D3: Yes.

45 FLTLT ROSE: Was that something that even though it was briefed that

doors would remain closed until the initial point, that it was within the Aircraft Captain's purview to decide to have the doors opened if the weather required it?

5 D3: Yes, ma'am.

FLTLT ROSE: And in your evidence you gave before, I understand, is it that you would be able to have that extra visibility if the doors were open - - -

10

D3: Yes.

FLTLT ROSE: - - - to provide additional situational awareness?

15

D3: Yes.

FLTLT ROSE: So did something arise during the sortie that you thought that it was necessary for the aircrewman to be able to give that additional situational awareness?

20

D3: As the visibility started to reduce with the showers and, as it says, those clouds started to form, through my experience, it's kind of a good spot to start trying to increase your situational awareness in those positions. So if we've got the doors open, we could assess better route options for avoiding terrain and cloud, and that kind of stuff.

25

FLTLT ROSE: And what did D2 say back to you?

30

D3: As it says in accordance with my statement there, he said, "Hold off for a second. We need to avoid this rain shower", or words to the effect.

FLTLT ROSE: Was it the case that he was focussing quite hard on getting through the rain shower and didn't want to be distracted by providing orders for doors to be open, or did opening doors create a distraction generally within the aircraft?

35

D3: I can't tell you.

FLTLT ROSE: But, in any case, you didn't open the doors at that time?

40

D3: No.

FLTLT ROSE: Did you hear any words from the pilots in the cockpit, or read any of their cues, to suggest to you that they were struggling to maintain situational awareness at this time?

45

5 D3: No. Like I said, through our experience, aircrewman are pretty astute to figuring out where you're going to start losing situational awareness. So we just – through experience, we just know when the appropriate time to start asking questions is.

FLTLT ROSE: That, for you, was when there were showers?

10 D3: Yes.

FLTLT ROSE: And the cloud forming?

D3: Yes.

15 FLTLT ROSE: Do you remember at what point that was in the flight, when you first asked that question? Was it when you were still at 500 feet or was it when you were lower?

20 D3: I wouldn't be able to tell you the height.

FLTLT ROSE: Was it when you were conducting – was it prior to conducting the hold?

25 D3: Yes.

FLTLT ROSE: Minutes before?

D3: I don't know.

30 FLTLT ROSE: This is back into your Inquiry statement, at paragraph 59 you said:

The flying conditions were challenging but manageable, and within authorised limits.

35

D3: With the Inquiry statement, sorry?

FLTLT ROSE: Fifty-nine.

40 D3: Yes.

FLTLT ROSE: What did you mean by “challenging”?

D3: In the same aspect that driving in showers of rain would be in a car, essentially. Like, it's not easy but it's not the most difficult thing in the world you'll ever do.

5 FLTLT ROSE: Do you recall what the moon illumination was?

D3: No.

10 FLTLT ROSE: Were there any lights that were cultural lighting?

D3: I don't know. We had the doors closed.

FLTLT ROSE: You couldn't see that. Okay.

15 MS McMURDO: So the heavier the shower, the more challenging the conditions?

D3: Yes.

20 MS McMURDO: And the showers were very intermittent, so it could be heavier quite close to you but a bit lighter somewhere else?

D3: Yes.

25 MS McMURDO: And because it was not so heavy for you, it didn't mean it wasn't considerably heavier for, say, Bushman 83 or Bushman 82, for example?

30 D3: I wouldn't be able to know what the other aircraft - - -

MS McMURDO: No. What I'm meaning is that it was – the showers were all over the place, and sometimes they could change and become heavier in quite a small distance.

35 D3: Yes.

MS McMURDO: Yes, thank you.

40 AVM HARLAND: Just a question. In late 2023, updated SIs and SFIs were released, by my understanding, that addressed the night flying conditions. Were you familiar with those before your posting?

45 D3: I would have been at the time, but I've probably unpacked a few penguins off that iceberg since I've posted out.

AVM HARLAND: Yes, fair enough. Just did they strike you as being a substantial change to the way you would approach flying and particular weather criteria?

5 D3: I'd have to read the SIs to answer that question, sir.

AVM HARLAND: That's okay. Thank you.

10 FLTLT ROSE: Do you recall in your time in 2021 to 22/23 in 6 Aviation Regiment ever having to fly in less than two millilux illumination?

D3: I can't recall.

15 FLTLT ROSE: This is back to your Defence statement. At paragraph 37 you state that:

D2 decided to do a non-standard left-hand turn to avoid the showers.

20 D3: Yes, ma'am.

FLTLT ROSE: Do you know who the flying pilot was in Bushman 81 during this hold?

25 D3: I couldn't recall.

FLTLT ROSE: Did you have to slow down to enter the hold?

D3: Yes.

30 FLTLT ROSE: Do you know from what airspeed you were travelling and to what the new airspeed was in the hold?

D3: Not off the top of my head, no.

35 FLTLT ROSE: But you felt a deceleration?

D3: Yes.

40 FLTLT ROSE: Do you know if that was announced on the internal comms to the other ships in the formation, that you were decelerating?

D3: I can't recall.

FLTLT ROSE: Can you hear what the pilots from the various ships are saying to each other on your comms?

5 D3: We have a net that talks to all four aircraft, but we can't hear each individual aircraft's internal communications, no.

FLTLT ROSE: So what can you hear in your aircrewman seat or on your comms?

10 D3: We can hear our internal communications. We can hear Air Traffic Control, any other call-sign that's operating on a frequency we require for the mission, and then we have an overarching mission net as well.

15 FLTLT ROSE: So you can hear from those other aircraft but you can't communicate, as in you can't - - -

D3: I could communicate if I needed to, but I guess what I'm getting at is each aircraft has their own internal communications, which is just for that crew to hear.

20 FLTLT ROSE: Yes. So on a different channel, is it?

D3: Well, it's internal.

25 FLTLT ROSE: Yes.

D3: So it's not broadcast out to the rest of the formation. To broadcast out you have to press a specific button.

30 FLTLT ROSE: Were you in a sterile cockpit environment during the hold?

D3: I don't imagine we would have been because we would have been discussing the weather and what was going on.

35 FLTLT ROSE: Generally, do you have sterile cockpits from the IP to target?

D3: At that point, yes, it goes sterile; we only need to talk about what's important for the mission.

40 FLTLT ROSE: I take it that in the lead aircraft you can't see what any of the other aircraft are doing behind you?

45 D3: If I was sitting in my seat with the doors closed, I would not be able to see what the other aircraft are doing behind me.

FLTLT ROSE: At paragraph 37 you state that you were flying two rotor di's apart from the other aircraft?

5 D3: Yes.

FLTLT ROSE: How did you know that?

10 D3: Because it was briefed.

FLTLT ROSE: So you didn't actually know if they were two rotor di's behind you, but you expected them to be two rotor di's behind you?

15 D3: Yes.

FLTLT ROSE: Were you carrying flares on Bushman 81?

D3: I don't recall.

20 FLTLT ROSE: If you were carrying flares, do you know how many rotor di's you were meant to fly apart from each other?

D3: Without looking at the exact wording, I couldn't tell you.

25 FLTLT ROSE: So you don't recall jettisoning any flares during that mission?

D3: No. Is it possible to have a bathroom break?

30 MS McMURDO: Yes. We can take a lunch break now.

FLTLT ROSE: Yes.

35 MS McMURDO: We'll adjourn till 1245.

HEARING ADJOURNED

HEARING RESUMED

MS McMURDO: Yes, FLTLT Rose.

5

FLTLT ROSE: D3, prior to the break, we were discussing certain aspects of the sortie on 28 July 2023. But before we return to that, I just wanted to ask you one or two other things about your statement. If you have the Inquiry statement in front of you? At paragraph 45(c) you state that you took Temazepam on the first night that you were at Proserpine to help you sleep?

10

D3: Yes, ma'am.

15

FLTLT ROSE: But you had a disrupted sleep anyway, so you decided not to take any more.

D3: Yes.

20

FLTLT ROSE: So, in effect, was that on the evening of 24 July 2023?

D3: Yes, ma'am, the first night we got there.

25

FLTLT ROSE: I take it you'd undertaken a ground trial for the use of Temazepam?

D3: Yes, ma'am.

30

FLTLT ROSE: Do you recall when that was?

D3: When I went on leave in May 2022.

FLTLT ROSE: So you had to go on leave to undertake the ground trial?

35

D3: No. The ground trial come with a two-week period of no flying. So I just used that target of opportunity to exercise the ground trial.

40

FLTLT ROSE: So was it the case that you didn't have to come on base during the ground trial, you just recorded your reactions to the Temazepam at home?

D3: Yes, ma'am.

45

FLTLT ROSE: I take it that it worked for you in those conditions at home?

D3: Yes, ma'am.

FLTLT ROSE: Had you taken Temazepam on other exercises with
6 Aviation Regiment?

5

D3: No.

FLTLT ROSE: So this was the first time you were using it in a field
environment?

10

D3: Yes, ma'am.

FLTLT ROSE: You found it didn't work in that situation?

15

D3: No, ma'am, it didn't work for me.

FLTLT ROSE: On the same statement, paragraph 55(a), you state that
your crew in Bushman 81 conducted a FACE check prior to flying.

20

D3: Yes, ma'am.

FLTLT ROSE: Do you recall when you did that FACE check? Was it
whilst you were at the aircraft or earlier in the day?

25

D3: From my memory, it was at the aircraft.

FLTLT ROSE: Is it typical for the FACE checks to be done at the aircraft?

30

D3: Yes, ma'am.

FLTLT ROSE: In that situation, when you were at the aircraft, presumably
in your gear ready to fly, do you think it's an appropriate time to conduct a
FACE check, which includes a fatigue check, just before you're about to
step into the aircraft?

35

D3: We're not usually in our gear when we turn up to the aircraft. We'll
talk about that before we put our gear on. That's up to the person, I guess.
I don't have an issue with it having been done there because sometimes it's
the last touchpoint that you have prior to going flying. So the last safe
possible moment, if you will. Because prior to flying, everyone is off doing
other tasks, whether that be mission planning, making mud models, or
getting something ready for the mission.

40

FLTLT ROSE: So there is no other time from crew duty start until getting into the aircraft that the particular composition of that aircraft's crew are together to have that discussion about fatigue?

5 D3: At orders would be the other time that everyone is together in a crew.

FLTLT ROSE: Have you ever done FACE checks at orders?

D3: Yes.

10

FLTLT ROSE: At whose discretion is it when the FACE check is conducted?

D3: Aircraft Captain or AMC.

15

FLTLT ROSE: So they would lead the discussion at that point, whatever time they wished to have that discussion?

D3: Yes.

20

FLTLT ROSE: There's nothing in the Standing Instructions about when it should be conducted?

D3: I don't have the Standing Instructions in front of me. I don't know.

25

FLTLT ROSE: Turning back to your Defence statement, paragraph 39, we're now back in the aircraft during the mission on 28 July 2023, and you state that you were completing some turns in a hold.

30

D3: Yes, ma'am.

FLTLT ROSE: And that you were turning left.

D3: Yes, ma'am.

35

FLTLT ROSE: And you conducted one turn, and you were onto your second turn.

D3: If that's what it says in my statement, yes.

40

FLTLT ROSE: Is it you don't have an independent recollection of how many turns you'd conducted in the hold?

D3: No, ma'am.

45

FLTLT ROSE: At some point during the hold, you heard D10 say over the radio, “83, come up. Come up. Come up”.

5 D3: Yes, ma’am, or words to the effect of.

FLTLT ROSE: Then you heard him say, “83 is in the water. Knock it off. Knock it off”.

10 D3: Yes, ma’am.

FLTLT ROSE: What does “knock it off” mean?

D3: Stop.

15 FLTLT ROSE: Stop the mission for all four ships?

D3: At that time, yes ma’am, it would’ve meant stop the mission.

FLTLT ROSE: What does it effectively mean when the mission is called stop? What should the aircrafts do?

20 D3: Make themselves safe. So make sure they – making sure they’re away from all possible hazards, aviate, navigate, communicate.

FLTLT ROSE: If you were conducting turns in a hold at that point, would you stop turning and fly straight?

25 D3: If it’s safe to do so, they would’ve rolled out of the turn. However, if in the circumstances you couldn’t stop that turn, you’d just continue until it was safe to stop.

30 FLTLT ROSE: At that point in time, did you know what was happening behind you, in the ships behind you?

FLTLT ROSE: When D10 said, “83 is in the water”, I assumed that we had a helicopter in the water. And then that’s when I was trying to (a) understand/comprehend what that would look like, without having visual on it. Yes.

35 D3: When D10 said, “83 is in the water”, I assumed that we had a helicopter in the water. And then that’s when I was trying to (a) understand/comprehend what that would look like, without having visual on it. Yes.

40 FLTLT ROSE: So you didn’t see 83 enter the water?

D3: I did not see the impact, no.

FLTLT ROSE: Did you hear a splash or some sort of noise?

45

D3: Not over the helicopter noise, no.

FLTLT ROSE: At paragraph 40 you state that you then got permission from D2 to open the doors.

5

D3: Yes, ma'am.

FLTLT ROSE: And you opened the doors?

10

D3: Yes, ma'am.

FLTLT ROSE: Both doors?

15

D3: I opened my door. The other aircrewman, D4, opened his door.

FLTLT ROSE: You say that you saw, at that point, Bushman 83 in the water.

20

D3: Or the remains of, yes, ma'am.

FLTLT ROSE: You say that the water was bubbling and the aircraft was sinking.

25

D3: That's the image that I distinctly remember, was the whitewash kind of visual.

FLTLT ROSE: Were you on your ANVIS-9s at this point?

30

D3: Yes, ma'am.

FLTLT ROSE: At paragraph 41 you describe D10 taking charge of the search and rescue and directing your aircraft and Bushman 82 to land at Lindeman Island.

35

D3: Yes, ma'am.

FLTLT ROSE: And you did that?

40

D3: Yes.

FLTLT ROSE: At paragraph 43 you state that D10 coordinated with the Safety Officer in Command.

45

D3: Yes, ma'am.

FLTLT ROSE: If you look at your pseudonym list, D17.

D3: Yes.

5 FLTLT ROSE: Where was the Safety Officer?

D3: He was on Lindeman Island.

10 FLTLT ROSE: That's a Warrant Officer Class 2 position, is it? That particular person holds that rank?

D3: I don't know what their Force structure is, so I can't say if it's linked to a particular rank.

15 FLTLT ROSE: Were there also Safety Officers at Proserpine Airport?

D3: In what context, ma'am?

20 FLTLT ROSE: Is there another person responsible for safety in 6 Aviation Regiment?

D3: We would have a Regiment Safety Officer, yes.

25 FLTLT ROSE: Can you tell me who that is by reference to the pseudonym list?

D3: I don't recall who it was.

30 FLTLT ROSE: Was there a search and rescue capability at Proserpine Airport, outside of 6 Aviation Regiment, to respond to any incidents that occurred on TALISMAN SABRE?

D3: I believe there was a search and rescue agency that operates out of Proserpine.

35

FLTLT ROSE: Agency?

D3: Yes.

40 FLTLT ROSE: A civilian agency?

D3: Yes, ma'am.

45 FLTLT ROSE: And they were working on the night of 28 July?

D3: I don't recall. Sorry, I don't recall if they were working prior to the incident, but they were definitely working after the incident.

5 FLTLT ROSE: Is it your understanding that on exercises there is usually a safety – or a search and rescue helicopter that's available to assist in incidents that occur on exercises?

D3: Like, one dedicated to that exercise?

10 FLTLT ROSE: Yes.

D3: I've seldom experienced it. I know the Air Force have their own search and rescue helicopters on their bases, but I don't know if we had that specific one for that exercise.

15 FLTLT ROSE: Is it your understanding that in effect one of your crews would turn into the search and rescue helicopter, if needed?

D3: That's usually how we do it, yes.

20 FLTLT ROSE: Do you know was there a particular ship that was assigned to that role out of the ones that were flying in the formation on 28 July?

D3: I don't recall.

25 FLTLT ROSE: But it wasn't you in any event?

D3: It was never one of our primary tasks, no.

30 FLTLT ROSE: At paragraphs 44 and 45 of your statement you describe Bushman 84 returning to Proserpine so that D10 could coordinate the search and rescue from there.

D3: Yes, ma'am.

35 FLTLT ROSE: Was that all communicated over the comms?

D3: Yes, ma'am.

40 FLTLT ROSE: And then Bushman 81 and 82 took turns to hover over the impact site until 5 am that morning.

D3: We started doing search patterns. Yes, we remained in the vicinity of the impact area to try and find survivors.

45

FLTLT ROSE: Did you have to refuel on occasion?

D3: Yes, ma'am.

5 FLTLT ROSE: Did you also land at Lindeman Island on occasion?

D3: Yes, ma'am.

10 FLTLT ROSE: So, in a sense, 81 and 82 were taking turns to hover over the site. Is it the case that you were pointing lights down at the site?

D3: In regards to landing at Lindeman Island, we did that initially to declutter the air space so we could essentially regain control of the situation. And then that was the only time we landed on at Lindeman Island that night. 15 The rest of that would be 81 and 82 took turns in maintaining some kind of situational awareness on the site, looking for debris, objects, survivors, and we did that by splitting the air space so we didn't come – we just remained separate from – or 81 and 82 were operational, so we maintained our separation so we didn't operate in the same area.

20

FLTLT ROSE: So you were both in the air at the same time, just covering different fields?

D3: Yes, until 81 – sorry, 82 – sorry, initially 81 went and got a refuel 25 post-landing on at Lindeman Island, whilst 82 remained on station. And then when 82 was starting to get low on fuel, we went back out to take up the search and rescue.

30 FLTLT ROSE: Did you have doors open the whole time when - - -

30

D3: Yes, ma'am.

FLTLT ROSE: Were you lying on your stomach, looking out the doors?

35 D3: Yes, ma'am. We were trying to just – whatever we could do to operate in the environment for the time that we needed to, whether it was lying on our stomachs, looking underneath the aircraft, or trying to gain that fidelity of what was actually in the water at the time.

40 FLTLT ROSE: Is it less fatiguing with the doors open to be on your stomach?

D3: No, it just – when you've got a helmet on and night-vision goggles on, 45 and you're looking down on a certain angle, it can become quite stressful on your musculoskeletal system after a time. So if we were lying on our

stomachs, it was because we were trying to look directly below the aircraft and try and find out what we were looking at. It was quite straining after a while, to be looking through a night-vision device for the amount of time that we did without a break.

5

FLTLT ROSE: Did you see debris floating on the water?

D3: Yes, ma'am.

10 FLTLT ROSE: Do you recall seeing lifejackets?

D3: Yes, ma'am.

FLTLT ROSE: What did you think when you saw those lifejackets?

15

D3: We thought we'd found some survivors initially, so it was a bit of an emotional rollercoaster. Then, after some time, we realised that it was the lifejackets for the passengers that we were supposed to pick up that were strapped into the back of the aircraft.

20

FLTLT ROSE: How low were you flying during the search and rescue?

D3: I don't recall. It would have been around 200 feet though, otherwise we wouldn't have been able to – if we were up too high, we wouldn't have been able to see anything.

25

FLTLT ROSE: Were there vessels helping with the search and rescue?

D3: Yes, ma'am.

30

FLTLT ROSE: Including Defence assets?

D3: Yes, ma'am.

35 FLTLT ROSE: Civilian assets?

D3: Yes, ma'am.

40 FLTLT ROSE: At paragraph 47 you said that authorisation was granted for the crew of Bushman 81 to fly beyond your flying endurance until 5 am.

D3: Yes, ma'am.

FLTLT ROSE: Who granted that extension?

45

D3: That came down through D10, and I think that came – I can't tell you exactly. That would be just me speculating. I don't know who the overall authority who held that was.

5 FLTLT ROSE: So, essentially, you had been flying from about 2200 on the 28th until 0500 on the 29th?

D3: It was from about 9.30 when we got to the aircraft, I think.

10 FLTLT ROSE: So it was seven and a half hours of flying on that evening?

D3: Yes.

FLTLT ROSE: I take it you don't usually fly for that amount of time?

15

D3: No, usually we're about – the maximum I think I've ever flown on a night-vision device was five.

FLTLT ROSE: Were your eyes sore after that long flying?

20

D3: Yes.

FLTLT ROSE: Was other parts of your body sore?

25

D3: No.

FLTLT ROSE: Did you have headaches?

D3: Not that I can recall.

30

FLTLT ROSE: You landed at 0500, and you state that, at paragraph 60 of your Inquiry statement – so it's the other statement – you state that you left Proserpine the next day. Does that mean you left on 29 July or 30 July?

35

D3: I didn't go to sleep, so after the incident occurred. At 5 am the next morning, we were out of there that afternoon. So whatever date that would be. Sorry, it doesn't make much sense.

FLTLT ROSE: 29th, I understand it from that evidence.

40

D3: Yes, 29th.

FLTLT ROSE: Where did you fly back to?

45

D3: Richmond.

FLTLT ROSE: Were you interviewed by any police officers from the Queensland Police Service while you were at Proserpine?

5 D3: No.

FLTLT ROSE: Were you interviewed by any Military Police at Proserpine?

10 D3: No.

FLTLT ROSE: At paragraph 61 you said you'd never been interviewed by police officers from the QPS about the incident.

15 D3: No.

FLTLT ROSE: Do you recall being passed a series of questions that QPS Officers wanted you to answer, and preparing any answers to those questions?

20 D3: Yes.

FLTLT ROSE: Do you recall when you were given those questions that the police wanted you to answer?

25 D3: No, I don't recall the time.

FLTLT ROSE: Was it close to the incident?

30 D3: Within a month.

FLTLT ROSE: A month. Were you interviewed by personnel from the Defence Flight Safety Bureau close to the incident?

35 D3: Yes, ma'am.

FLTLT ROSE: Do you recall what day they interviewed you?

40 D3: I don't recall the day.

FLTLT ROSE: Was it within days of the incident?

D3: I can't recall.

FLTLT ROSE: Did you continue to parade at work after you returned to Richmond?

D3: Yes, ma'am.

5

FLTLT ROSE: Did you parade the next day at Holsworthy?

D3: Yes, they wanted to keep everyone – keep an eye on everyone for their emotional and mental state, so they just got us to keep turning up to work every day, just so they could have a touch point and – yes.

10

FLTLT ROSE: How long was that for, that you kept turning up to work?

D3: I can't remember the end state, but it was definitely at least a period of a week.

15

FLTLT ROSE: Do you recall being able to take any leave after that?

D3: I don't think I ever had in my mind that I was going to take leave, so I didn't bother. So, no.

20

FLTLT ROSE: When you said that you received some questions from the QPS that they wanted you to answer, did you start taking notes of what occurred during the incident?

25

D3: Initially, post-incident, as soon as I landed that night after the incident, I got my notepad out and wrote down my recollection of events because I knew all this – all these inquiries and interviews were going to happen. So I wanted to make sure I had some kind of note there on it.

30

FLTLT ROSE: Did you give those notes to anybody?

D3: We put them in a box, and I believe they went to DFSB.

FLTLT ROSE: Did you make a copy of those notes before you put them in the box?

35

D3: No.

FLTLT ROSE: You don't have a copy of those notes anymore?

40

D3: No.

FLTLT ROSE: Have you been interviewed by Comcare in relation to the incident?

45

D3: Yes, ma'am.

5 FLTLT ROSE: Was that shortly after the incident?

D3: No, that was this year.

10 FLTLT ROSE: At paragraph 67 of your statement you set out that you attended all four funerals for the crew of Bushman 83.

D3: Yes, ma'am.

FLTLT ROSE: You were the coffin bearer at two of those funerals.

15 D3: Yes, ma'am.

FLTLT ROSE: Do you remember whose funerals they were?

20 D3: Yes, it was LT Maxwell Nugent and CAPT Danniell Lyon.

FLTLT ROSE: Those are my questions.

25 MS McMURDO: Thank you. Could I just ask a couple of questions about the statement that's been called the Defence statement that was signed by you on 30 November. Did you start making it earlier than that, or when did you actually make the statement?

D3: I think I started making that August.

30 MS McMURDO: When you made that, were you able to refer to those notes that you'd given the DFSB?

D3: No, for the most part this was - - -

35 MS McMURDO: Just remembering what you could from about August onwards?

D3: Yes, ma'am.

40 MS McMURDO: Thank you. When you left Proserpine Airport, do you remember any discussion about the Queensland Police wanting to talk to you?

D3: Yes, there was some discussion on that, but I was not involved with QPS or anything. I just remember hearing that QPS had turned up to the gate of the compound that we were staying at, and that's all I know.

5 MS McMURDO: Did somebody tell you that you wouldn't be talking to QPS, you'd be flying out that day? Or was there any general discussion about it?

10 D3: Yes, we were informed by D19 not to speak to QPS regarding the matter.

MS McMURDO: Thank you very much. Do you have any more questions at this stage? Would you like a break? There will probably be some questions, I expect, from Counsel, particularly those representing the
15 deceased. Would you like a break before questioning continues or would you prefer to keep going?

D3: No, let's get on it.

20 MS McMURDO: You're okay for the moment. Well, let me know if you need a break.

D3: Thanks, ma'am.

25 MS McMURDO: Yes. Applications to cross-examine?

LCDR GRACIE: Ma'am, if I may, I'll be very brief.

MS McMURDO: Yes, LCDR Gracie.

30 Lcdr GRACIE: Thank you.

<CROSS-EXAMINATION BY LCDR GRACIE

35 Lcdr GRACIE: My name's LCDR Malcolm Gracie. I represent the interests of CAPT Danniell Lyon. Thank you for your time this morning. I'll be brief. Could you look at your Defence statement, please, at
40 paragraph 38? And you mention at the end of paragraph 38 that there was some role between the senior pilot and the junior pilot, some discussions there. Then you say at paragraph 39:

45 *As our aircraft completed the second left-hand turn.*

Do you have a distinct recollection of there being two left-hand turns?

D3: If it says that in my statement, we would have – that’s what I would have recalled at the time of writing the statement.

5

LCDR GRACIE: Yes, okay. And your reference to completing the second left-hand turn, what gives you that recollection? Was there something said, or was there a change in the aircraft speed or something to give you that impression?

10

D3: Could you just clarify that for me, please?

LCDR GRACIE: Yes. Just what gives you the recollection of completing the left-hand turn, the second left-hand turn? Is there something that triggers that recollection?

15

D3: No. Other than just what I would’ve been going through, trying to recreate the memories, when I was writing a statement.

20

LCDR GRACIE: Yes. And you’ll see that you mention that – sorry, I’m just looking for it here – where you mention that in para 38:

When D2 made the decision to turn left –

25

that’s the first left –

he communicated this to the other aircraft.

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And you heard the other aircraft in the formation acknowledge it. Do you recall the same thing for the second turn?

35

D3: No. Because it was discussed in orders that we were going to turn right, initially. That was the mental model of the whole formation. When the decision was made to do something different, that’s not expected in orders, that we hadn’t rehearsed in the rehearsal of concepts drill, that – he communicated that over the radio, so everyone was aware of the change that was about to happen.

40

LCDR GRACIE: I understand. And what about the second left, though, do you recall anything there?

D3: Well, we were entering a holding pattern, so you wouldn’t then go and turn back the other way.

LCDR GRACIE: I understand. And at the end of para 39 you then refer to “slowing down” and “opening the doors”. Do you have a recollection of the aircraft, after completing the second left-hand turn, slowing down?

5 D3: To get the doors open?

LCDR GRACIE: Yes.

10 D3: After we completed that second turn, and after we heard that we had an aircraft in the water, I said to the Aircraft Captain, “We need to slow down so we can get the doors open, so we can gain some situational awareness”, or words to the effect of.

15 Lcdr GRACIE: Yes.

D3: And he would’ve slowed down so we could get the doors open as quick as possible, because the most important thing at that time is to make sure everyone knows what’s going on, so we can make prompt and informed decisions.

20 Lcdr GRACIE: I understand. And, look, just one last thing, it’s a minor matter, but in para 40 you say, “I looked out the right-side door”. You’re on the left, aren’t you?

25 D3: Yes.

LCDR GRACIE: And so you can see out the door when it’s - - -

30 D3: The cabin – set up the way it was – if you have both seats facing forward the way that they were, and both doors open, it’s pretty easy to see through the cabin.

35 Lcdr GRACIE: You’re not needing to stand up and harness to be able to - - -

D3: We would’ve been on harness at that point, once we’d got those doors open.

40 Lcdr GRACIE: All right. Thank you. Nothing further, ma’am. Thank you for your time.

MS McMURDO: Thank you.

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<CROSS-EXAMINATION BY LCDR TYSON

5 LCDR TYSON: D3 , my name's LCDR Matthew Tyson. I'm representing CPL Alex Naggs' interests. D3 just in relation to the two left turns, are you able to confirm that are they outbound turns, so they're turns to the north, away from Lindeman Island? Is that right?

10 D3: I wouldn't be able to tell you. I didn't have any navigational aids in the back of the helicopter at the time.

LCDR GRACIE: And were they full 360-degree turns, both of the turns?

15 D3: I can't recall, I'm sorry.

LCDR GRACIE: And do you also – you may not be able to answer, but do you know the distance of the turns? For example, was it about one nautical mile or so, or less than that, or more than that?

20 D3: I don't know.

LCDR GRACIE: Were you aware at any stage that during the turns – Bushman 83 – and I know that you wouldn't have seen this, but were you aware of anything over the radio suggesting that Bushman 83 was starting to flare and needed to slow down? Did you hear anything to that effect?

D3: No. No, not – the first I heard of any kind of thing out of the ordinary was, as I stated in para 39, about D10 speaking on the radio.

30 LCDR GRACIE: But what about Bushman 83 being positioned in an abnormally high plain during one of those turns, was that something that you heard after the event? Did any other pilots or aircrew discuss that?

35 D3: That was briefed to me towards the end of last year, when some of the Headquarters' elements from AVN Command come down to give us a brief.

LCDR GRACIE: But you've got no direct knowledge of Bushman 83's position in the turns?

40 D3: No. At the time, I was more concerned about trying to gain situational awareness for my aircraft, as opposed to worrying about what 83 was doing.

LCDR GRACIE: And just to go back to a different issue in relation to aircrew. So it was during the orders on the afternoon of 28 July that the

decision was made to keep the helicopter's doors closed until the initiation point was reached. Is that right?

D3: Yes.

5

LCDR GRACIE: And that really came on the recommendation or the guidance of WO2 Laycock?

D3: It would've been a combined effort. It wouldn't – that decision wouldn't have been made in isolation. There was too many stakeholders, being the Aircraft Captains and senior aircrewman. We would've discussed it together.

LCDR GRACIE: And just to understand the precise mechanics of opening the doors, so when you're aircrew you're sitting in effectively a seatbelt-type arrangement; is that right?

D3: Yes. A four-point harness.

LCDR GRACIE: So to open the doors, you take the seatbelt harness off and you attach yourself to some sort of tether; is that right?

D3: We're already on a tether. We would be tethered to the helicopter itself. And then, to open the door, we release our harness – it's a twist harness – and then you need to reach forward about a metre to open the door.

LCDR GRACIE: And had the tragedy not occurred, at some point you would've had to do that release, going from, what, the initiation point through to the LZ? Is that right?

D3: We would've had doors open slightly prior to rolling through the IP. So we would've just asked for permission from the Aircraft Captain, "Am I clear, on harness, to open the doors?" The Aircraft Captain would've given us words to the effect of that, and we would've opened the doors.

LCDR GRACIE: And, of course, you never reached that point on this mission?

D3: No. However, I did ask for – to be on harness, to open the doors, once all the weather started to deteriorate further.

LCDR GRACIE: And that was almost imminent before you were told to effectively, "Just wait. Just wait for a moment", and then – but it never got to that point?

45

D3: Imminent in what regard, sorry?

5 LCDR GRACIE: Well, I think the Aircraft Captain had told you just to wait until the weather cleared, and then presumably you would've made the request again, and then you would've had permission to move forward and open the doors? Or - - -

10 D3: I can't speak for the Aircraft Captain, but what I could assume would be he would've just tried to get through the task that he was trying to complete at the time. And then it would've only been a couple of seconds – or to the effect of – and then we would've had the doors open, yes.

15 LCDR GRACIE: All right. Thank you, D3 . Thank you, ma'am, sir.

D3: Yes.

MS McMURDO: Any other applications for leave to cross-examine?

20 SQNLDR NICOLSON: I have just a couple of questions.

MS McMURDO: Thank you.

25 **<CROSS-EXAMINATION BY SQNLDR NICOLSON**

30 SQNLDR NICOLSON: Thank you. My name's SQNLDR Nicholson. I appear for D10 in these proceedings, and D10 is the Officer Command, and he was the pilot in Bushman 84. I just want to ask you just a couple of questions, and these relate to the period that he was the Officer Command, and that was in the start of '22, up until July '23. Can I ask you about the safety culture in 6 Aviation over that period? Do you accept it was a good safety culture?

35 D3: Yes. Safety-wise, I don't have any issues with it, from where I sit.

SQNLDR NICOLSON: And do you recall - - -

40 MS McMURDO: Could I just ask you what you understand by "safety culture"?

45 D3: So if – by "good safety culture", I felt that if I saw something unsafe, I could speak up and it would be addressed and there'd be due process afforded to that issue.

MS McMURDO: Thank you.

5 SQNLDR NICOLSON: And in terms of the issue of safety culture, there was safety days within 6 Aviation?

D3: Yes, sir.

10 SQNLDR NICOLSON: And, in terms of the issue about the Jervis Bay crash, you were aware of that?

MS McMURDO: Could I just ask again, so what is a safety day and what did that involve? What did it mean?

15 D3: So a safety day is where we get together as a Regiment, and we'll go through some briefings in regards to some safety issues, usually designed by the Regiment Safety Officer. And then that's usually on guidance from the CO, from what I understand, who'll say, "We need to look at this safety-wise for the Regiment". We'll then sit down, go through some
20 PowerPoints, talk about some safety stuff. And then we'll do a – usually a case study on an incident, to see how we could've done things better.

MS McMURDO: Thank you.

25 SQNLDR NICOLSON: And some examples of these safety days, does that include, for example, the Jervis Bay incident with the MRH-90? There was discussions about the engine failure?

30 D3: I don't recall a specific safety day. That's not to say it didn't happen; I just don't recall it.

SQNLDR NICOLSON: Yes. Do you recall having discussions within 6 Aviation about the cause of the Jervis Bay incident?

35 D3: Yes.

SQNLDR NICOLSON: And dealing with – when we talk about duty limits and fatigue, 6 Aviation operate from the rules, the SIs, that were in place at the time?

40 D3: Yes.

SQNLDR NICOLSON: And in terms of with duty limits, for example, if you needed to go over those duty limits, you needed approval?

45

D3: Yes.

5 SQNLDR NICOLSON: And, for example, you mentioned in your evidence about the search period on the – at Lindeman Island that needed approval to extend the duty limit on flying on goggles that evening?

D3: Yes.

10 SQNLDR NICOLSON: One of the questions you spoke about was about the staffing levels. Do you recall asking about the shortage of staffing levels with crews and pilots when you're obviously going on a sortie, preparing for a sortie?

15 D3: So the question about the duty limits is over and we're moving on to the next - - -

SQNLDR NICOLSON: We're moving on to staffing limits.

20 D3: Okay, yes.

SQNLDR NICOLSON: The topic I want to talk about is staffing limits. There was some questions and answers you gave was relating to the time that you didn't want to stop going on a mission because you were short-staffed with crews?

25

D3: Yes.

30 SQNLDR NICOLSON: And was it the case that to draw an aircrew or aircraft, you needed to be a competent, and qualified, and certified aircrew or air pilot?

D3: To crew an aircraft, yes, you had to be all those things.

35 SQNLDR NICOLSON: And part of the training process, in terms of qualifying and maintaining currency, that was part of the training package that was operated at 6 Aviation?

D3: Yes.

40 SQNLDR NICOLSON: And you couldn't just crew a person if they weren't qualified or certified for a particular mission?

D3: Yes, you needed to have the current qualifications to do anything.

SQNLDR NICOLSON: So in terms of those workforce issues those sort of gaps really related to the training and currency?

5 D3: No, there was still a manning issue. Like, we can't just start handing out qualifications to people just because they keep turning up. They've still got to meet gates. But we also can't push more people into the Regiment because there's no people to push into it.

10 SQNLDR NICOLSON: And that's important, it takes time to train a person, aircrew or Aircraft Captain, to get to that currency and competency?

D3: Yes.

15 SQNLDR NICOLSON: In respect to – you talked about the mission bubble. Is that prior to a mission there's that period of time that the aircrew and aircraft are given time just to prepare for the mission?

D3: Yes, sometimes it's referred to as the OC's hour.

20 SQNLDR NICOLSON: Yes, I was going to ask you that. So it's obviously referred to as the OC's hour or the mission bubble?

D3: Yes.

25 SQNLDR NICOLSON: And that's a mandated time that's given to the aircrew just so they can prepare for the mission?

D3: Yes.

30 SQNLDR NICOLSON: In respect to when you went on the exercise, Exercise TALISMAN SABRE, do you recall prior to going on the exercise, at Holsworthy, having what's called deployment orders?

D3: Yes.

35 SQNLDR NICOLSON: Was that given to all the 6 Aviation on preparing to go for the exercise that was TALISMAN SABRE?

D3: To my understanding it was, yes.

40 SQNLDR NICOLSON: Do you recall – and this is testing your memory – do you recall if the deployment orders, whether there was any discussions about the sleeping arrangements and what to expect when you were going to stay at Proserpine airport for that period?

45

D3: We were briefed in those deployment orders the conditions, I guess, that we were - - -

5 SQNLDR NICOLSON: Yes, I'm just trying to test your memory. Do you recall that would be part of the deployment orders?

D3: It would be part of – if it wasn't, people would definitely be asking questions because that's important to people: food and where I'm sleeping.

10 SQNLDR NICOLSON: And then, over the passage of time, you probably just can't recall exactly what was said in those deployment orders?

D3: No, not a chance, but - - -

15 SQNLDR NICOLSON: That's not being critical. I'm just trying to just test there is a process in place, that you'd accept?

D3: Yes.

20 SQNLDR NICOLSON: And the process is in relation to the deployment orders that are in place prior to going on exercise; correct?

D3: Yes.

25 SQNLDR NICOLSON: Thank you. I just want to now just turn to the topic in terms of – this is your Defence statement – I just want to talk about paragraph 42.

MS McMURDO: Was that 42?

30 SQNLDR NICOLSON: Forty-two, ma'am.

MS McMURDO: Forty-two. Thank you.

35 SQNLDR NICOLSON: This is at page 9 of 10. This relates to the two rotors. Is that the two rotor distance between aircraft when flying in formation?

D3: Yes.

40 SQNLDR NICOLSON: You refer at the last line of paragraph 42 that:

Flying at two rotors is the SOP for this mission set.

45 I take it "SOP" is Standard Operating Procedures?

D3: Yes.

5 SQNLDR NICOLSON: For this sort of mission, a distance in formation for two rotor, is that normal?

D3: Yes, for a mission where we're just going to go fly formation to a place and pick some people up.

10 SQNLDR NICOLSON: And in respect to height, that's 200 feet?

D3: Yes.

15 SQNLDR NICOLSON: Is that a normal height that you, 6 Aviation, would fly, from your experience?

D3: It's typical of military aircraft to fly at 200 feet across Australia.

20 SQNLDR NICOLSON: Thank you. In terms of the distance in formation at two rotor distance, is that a common theme when you're flying in formation, for different types of mission sets in 6 Aviation?

D3: Yes.

25 SQNLDR NICOLSON: That was a yes, sorry?

D3: Yes.

30 SQNLDR NICOLSON: Thank you. I just want to move now to another - - -

MS McMURDO: It was yes with a grimace.

35 D3: No, I was just trying to clear my throat.

MS McMURDO: Okay, fair enough.

SQNLDR NICOLSON: I won't be too much longer.

40 D3: No, take your time.

SQNLDR NICOLSON: Can I now talk about this issue about the doors closed and the doors open? And I think that's in your Defence statement at paragraph 36. Do you recall you gave evidence in respect to the issue about

at the mission planning there was a discussion amongst a collective group - - -

D3: Sorry, paragraph 36?

5

SQNLDR NICOLSON: Paragraph 36. That was – sorry, I’ll just start again. That was just in terms of your request in paragraph 36, when you requested D2 to open the doors.

10 D3: And what would you like to know, sorry?

SQNLDR NICOLSON: I’m just talking about, now, in terms of the mission planning there was that collective agreement in the mission planning that the doors be closed?

15

D3: Yes.

SQNLDR NICOLSON: And was that in part because of the weather conditions?

20

D3: Yes, because we’re not super effective when we’re sopping wet and having rain blasting in our face at 120 knots.

SQNLDR NICOLSON: So if we had – the helicopters has the doors open at the start of the mission with the weather events that were occurring that night, that would have meant the Aircrew would have been wet?

25

D3: It would have reduced my effectiveness for the longevity of what we were planning to fly for the mission.

30

SQNLDR NICOLSON: Does it also have the impact upon yourself getting wet? What about your equipment that you’re using, if that got wet, would that malfunction, or a possibility of that happening?

35 D3: Not that I can imagine.

SQNLDR NICOLSON: And at 36 you then talk that during the flight you then made that request to D2 to open the doors. Was there any reason behind why you thought he should open the doors at that point in time?

40

D3: Because I made my assessment that it was more important for me to have more situational awareness than to be – to try and be more effective for a longer period of time, if that makes sense. So it was a trade-off of – comfort is probably the low reaching term that I would use. So I’ll sacrifice my comfort to then increase my situational awareness, but it will also

45

increase my fatigue levels by being that wet and being blasted in the face by rain.

5 SQNLDR NICOLSON: And you were the aircrew in the lead helicopter at that particular point in time?

D3: Yes.

10 SQNLDR NICOLSON: And you were close to the IP at that time you made the request to D2, in paragraph 36?

D3: I couldn't tell you where we were in time and space without having that (indistinct).

15 SQNLDR NICOLSON: And I understand from your evidence that the mission plan was, when the IP was reached, that the doors would be opened at that point in time?

D3: Yes.

20 SQNLDR NICOLSON: And given your request that you made, if D2 had accepted that request, it would have needed to slow the helicopter down to 80 knots so that the doors could be opened; correct?

25 D3: Yes.

SQNLDR NICOLSON: And that would require communication with all the helicopters following to slow down, because I assume at that time you weren't doing 80 knots.

30 D3: There wouldn't have been a command to slow down because we're all expecting it in the form to approach the IP and slow down. It was all pre-briefed. As you can imagine, if we transmitted for every single manoeuvre that we had in an aircraft, we'd be forever talking on the radio.
35 So the more we can brief to the level of information, the more assumed knowledge everyone has.

SQNLDR NICOLSON: And is that why it's an important feature about what you call the ROC drill?

40 D3: Yes.

45 SQNLDR NICOLSON: And that was what you refer to at paragraph 26 of your Defence statement? If you just turn to that, please? That's page 6 of 10. When you talked about the ROC drill at paragraph 26, that's effectively

the walkthrough that all aircrew, Air Captains of all the helicopters in formation are expecting what's to occur during the course of the mission?

D3: Yes.

5

SQNLDR NICOLSON: And so everyone's well and truly aware of the distance, speed, and the process in terms of what the formation was going to do in terms of the mission set?

10

D3: Yes.

SQNLDR NICOLSON: And is it that time that if any of the aircrew had any questions or concerns, they could raise it at the ROC drill?

15

D3: Yes.

SQNLDR NICOLSON: Yes, thank you. Thank you, sir.

20

MS McMURDO: Just a couple of things to clarify in my mind about the decision to open – or your concern about opening the doors. When you made the request to open the doors to improve situational awareness, you hadn't then reached the IP; is that right?

25

D3: No, we hadn't reached the IP.

MS McMURDO: And you said that because visibility was getting worse and you were concerned about giving as much assistance as you could to the pilots, or situational awareness?

30

D3: Yes.

MS McMURDO: And earlier when you – a decision was made not to open the doors on this mission until you reached the IP; you were concerned about getting wet. Was there also concern about cold and the temperature?

35

D3: Not so much, because it was a pretty tropical climate up there. It's more so it is really – until you've done it, it's really fatiguing to sit in the rain for a couple of hours at 100-plus knots. It's - - -

40

MS McMURDO: I'm sure that's right. I have no doubt about that. I just wondered if temperature up there – although it was in the tropics – when you're moving at that speed, with doors open, is also a concern?

D3: Not really, and I've never been concerned about it, because at the end of the day, ma'am, we're in the military and we need to be able to do these kind of difficult things.

5 MS McMURDO: All right. I understand that. Yes, thank you. Yes, any other applications to cross-examine?

COL GABBEDY: Just briefly, thanks, ma'am.

10 DS McMURDO: COL Gabbedy.

<CROSS-EXAMINATION BY COL GABBEDY

15 COL GABBEDY: D3, I'm COL Nigel Gabbedy. I appear for MAJGEN Stephen Jobson, the Commander of Army Aviation. I've just got a few short things for you. You were asked some questions about deploying in tents to Proserpine, and you gave some answers about being
20 in the Army and that sort of thing isn't unusual. It's the case, isn't it, that you train the way you intend to fight?

D3: Situationally-dependent. Obviously, there's a crawl, walk, run kind of system to it. We don't just get an aircrewman straight through course and
25 then go expecting to be at 100 per cent job standard. There's still that development.

COL GABBEDY: I understand that. But certainly in relation to the question of tents, it was the case, wasn't it, that there was the possibility or
30 likelihood that if you were deployed to a place outside of Australia, you might need to stay in tents?

D3: Maybe. Like - - -

35 COL GABBEDY: Maybe?

D3: Aviation, as a whole, is a pretty big manoeuvre – like, needs to manoeuvre around the world. I can't – but this is just me; I can't really
40 understand how, in this climate, we would be trying to operate a pretty resource-heavy aircraft in a really super austere environment.

COL GABBEDY: Were there any options other than tents available to you at Proserpine Airport?

45 D3: Not that I was briefed on.

MS McMURDO: Do you think there may have been other accommodation at Proserpine itself or nearby?

5 D3: Yes, ma'am.

MS McMURDO: Thank you.

10 COL GABBEDY: You gave some evidence that you tried Temazepam on one occasion and didn't find it effective, but you also had Softears with you that you didn't use. Did you have a need to use Softears?

15 D3: It's one of those things, I take them with me just in case. I find it rather difficult to sleep with things in my ears, so they were there in case, but I was only going to use them if I – like, if it was really bad.

COL GABBEDY: And it was the case that you didn't need to use them. It wasn't that bad; is that right?

20 D3: I probably thought that I might get a better sleep in the conditions without sticking things in my ears, but - - -

25 COL GABBEDY: Were you aware that there was an AVMED doctor deployed with the unit at Proserpine?

D3: Yes.

30 COL GABBEDY: And you were aware that you had ready access to that doctor?

D3: Yes.

COL GABBEDY: Did you have any need to consult the doctor?

35 D3: He was the one who prescribed me Temazepam.

COL GABBEDY: Was that the only time you consulted him?

40 D3: For medical advice, yes.

COL GABBEDY: And moving on to the particular night of this mission, was there any - - -

45 D3: Sorry, I'll just clarify that. For medical advice for that exercise. I'd seen him previously on some other things, but not relating to this exercise.

COL GABBEDY: Thank you. My question simply wasn't precise enough. I was only talking about the exercise.

5 D3: Okay. Yes.

MS McMURDO: And could I just clarify? Did he prescribe you Temazepam there at Proserpine or before you went?

10 D3: Yes, they were controlling it, so you were only getting one night's worth of the tablets at a time.

MS McMURDO: And could you just remind me, did you get that before – as soon as you arrived there, or did you do that after you had had a bad
15 night's sleep?

D3: No, we were briefed by D20 saying that we were transitioning to an afternoon/night cycle, so in order to assist in getting us into that circadian rhythm, we were offered the Temazepam if we had done the ground trial.
20

MS McMURDO: And had you, at that stage, seen the accommodation you would be sleeping in?

D3: Yes.
25

MS McMURDO: And was that a factor?

D3: Yes.

30 MS McMURDO: Thank you.

COL GABBEDY: Thank you, D3. In relation to the mission on 28 July, you've talked about the mission bubble or the OC's hour. Did you have any particular admin burdens that would have interfered with that
35 bubble for you on that particular night?

D3: No, on that activity, I took that OC's hour, and I just went and set up my aircraft and sat down in the aircraft, waiting.

40 COL GABBEDY: And do you think you had an adequate opportunity to rest before that particular mission?

D3: Through that whole activity, I wouldn't say I was overly fatigued. I was mildly tired or, as it says in my other statement, "a little less than fresh".
45

COL GABBEDY: And you've given evidence that the FACE check was conducted immediately prior to the mission. Would you mind talking us through precisely how that FACE check is conducted? What do you do?

5 D3: The Aircraft Captain gets us to the aircraft. Well, once we've put all our stuff down, then he'll go, "Righto. First thing: FACE checks. How is everyone's fatigue/attitude?" And then we'll just talk through it. "Yeah, I feel okay". And, yes, it's a collective effort, I guess.

10 MS McMURDO: So what you've just described is the general what happens generally for a FACE check, or - - -

D3: That's how it has happened in my experience, yes, ma'am.

15 MS McMURDO: And do you have a specific recollection of the FACE check that day?

D3: Yes, that – we got to the aircraft and D2 said, "FACE check".

20 MS McMURDO: Thank you.

COL GABBEDY: And that's the last opportunity to raise any issues that might have arisen up until that point in time, is it not?

25 D3: Yes.

COL GABBEDY: And if you had any concerns that affected your ability to participate in the mission, you could have raised them at any time up until that point?

30

D3: Yes.

COL GABBEDY: My final question for you, D3, is in relation to the extended flying post the accident. You've given some evidence that you flew for an extended period of time, and it was communicated to you that approval had been granted for that to happen. I'm assuming it was the case, was it not, that you and the crew members of all the other aircrafts wanted to do as much as you could to help in the search and rescue operation?

40 D3: On the ground at Lindeman Island, we – D2 conducted another FACE check – for lack of a better term – there and we just made sure that we were happy to continue flying post-incident. Because as you can imagine, when something like that happens, it's not easy just to jump back out there and do that. So between D2 and the Aircraft Captain of aircraft number 2, we
45 made sure that everyone was (a) safe, (b) emotionally and mentally well

enough to go out and continue flying. And then we relayed that back to D10, and then D10 sought approval for us to continue flying post the expected end of our endurance for that night.

5 COL GABBEDY: So it was only after those important checks had been made, and confirmation had been received, that approval was sought?

D3: Yes.

10 COL GABBEDY: Thank you very much. I have nothing further, ma'am.

DS McMURDO: Thank you. Any other applications to cross-examine? Yes.

15 SQNLDR THOMPSON: Thank you, ma'am. Some short questions.

<CROSS-EXAMINATION BY SQNLDR THOMPSON

20 SQNLDR THOMPSON: D3, I'm SQNLDR Chris Thompson. I represent the interests of WO2 Laycock. I just have some general questions to ask you at first, and then maybe something more specific. With regard to the night-vision goggles that you wear to start with, putting discomfort and fatigue aside, does rain affect how you can see through that eyewear?

D3: Yes.

30 SQNLDR THOMPSON: In what way?

D3: Well, you're still using your eye to see, so it doesn't make your eyesight better, it just – it's an enabler to see better at night. It doesn't turn night into day, as they like to tell us.

35 SQNLDR THOMPSON: And if you're flying through rain and you're effectively looking through open doors, the goggles will get wet?

D3: Yes.

40 SQNLDR THOMPSON: And what do you do about that? Can you wipe them, or do you just have to put up with the water on the lens?

D3: You can wipe them. You're supposed to use lens-cleaning cloth, but an aircrewman's glove just works as well. And I've never had an issue with

water stopping me from seeing on the end of – like, you just wipe it off and it's okay, it's good to go.

5 SQNLDR THOMPSON: And does rain affect them, if you're trying to look through rain, rain that may be in the distance, and you're trying to see something that was in the rain or on the other side of rain, does that affect the goggles, how you can see?

10 D3: The same as it does to the naked eye. Like, it's just an aid in seeing at night-time.

SQNLDR THOMPSON: Specifically on the night of the accident, did you fly through rain or go around it, or a bit of both?

15 D3: We flew through it. We can't avoid every single rain shower.

SQNLDR THOMPSON: Okay. Thank you. There's no further questions.

20 MS McMURDO: Any other applications to cross-examine? All right, I will indicate at this stage I've had another application for leave to appear from a lawyer, COL Stephen Thompson, for BRIG Dean Thompson, and I have considered that on the papers, and I consider it's appropriate to grant that application for leave to appear. So thank you, COL Stephen Thompson.

25 COL THOMPSON: Thank you, ma'am.

MS McMURDO: Any re-examination?

30 <RE-EXAMINATION BY FLTLT ROSE

35 FLTLT ROSE: Just one point. You were asked a question that said that the OC's hour is a mandated hour before the mission starts for the aircrew to prepare for the mission. Do you recall that?

D3: I don't know if I said "mandated", but I think - - -

40 FLTLT ROSE: He said "mandated", and you said, "Yes". So I just wanted to ask in terms of – is it mandated, the OC's hour?

D3: I've never used the word "mandated" for it.

45 FLTLT ROSE: So it's not in any policy?

D3: Not that I've – not to say it doesn't exist, but I've never read it as mandated.

5 FLTLT ROSE: So instead of saying “the OC's hour is mandated”, is it better to say it's “encouraged”?

D3: That's how I would say it, yes.

10 FLTLT ROSE: Nothing further.

MS McMURDO: Thank you.

15 Thank you very much, D3 . You have been really helpful to the Inquiry. Because you're the first of the aircrew who flew on 28 July in the mission, there's been a great deal of interest and a lot of questions from everybody, and thank you for your assistance. You're excused and free to go. Thank you.

20 D3: Thank you, ma'am. Thank you.

<WITNESS WITHDREW

25

MS McMURDO: Yes, COL Streit.

COL STREIT: Thank you, Ms McMurdo. I call D2.

30

<D2, Affirmed

<EXAMINATION-IN-CHIEF BY COL STREIT

35

MS McMURDO: Feel free to help yourself to a glass of water, thank you. Yes, COL Streit.

40 COL STREIT: Thank you, Ms McMurdo.

D2, can I just ask did you receive a section 23 Notice requiring your appearance here today?

45 D2: I did.

COL STREIT: As a consequence of that Notice, were you interviewed by two members of Counsel Assisting?

5 D2: I was.

COL STREIT: Subsequent to that interview, did you review and sign a statement for these proceedings?

10 D2: I did.

COL STREIT: Prior to that, did you also review and complete – well, complete and review a Defence statement back in November of last year?

15 D2: I did.

COL STREIT: I should also, for completeness, confirm with you that in addition to the section 23 Notice for your appearance here today, you received a Frequently Asked Questions Guide for Witnesses?

20 D2: I did.

COL STREIT: A Privacy Notice?

25 D2: I did.

COL STREIT: And an extract of the Inquiry's Directions?

30 D2: I did.

COL STREIT: What I'm going to do is just show you both documents, which I understand are your statements, and I'll ask you to review those documents, and I'll ask some questions. But before I do that, can I just remind you – no doubt you're across it – just to be mindful of your security obligations.

35

If I ask a question where you consider that responding to that question would mean a response that would move into a higher classification than "Official", could you indicate to me; and, likewise, should anyone else ask you a question that gives rise to the same issue, just identify that issue to them?

40

D2: I will.

COL STREIT: For the benefit of Counsel representing, I have no inclination at this stage to venture into a private hearing in relation to this particular witness, and indeed in relation to one of the annexures, for the benefit of Counsel representing, which is Annexure A, even if a private hearing was necessitated for that matter, given the classification of that matter, no private hearing could occur this week in relation to the contents of that particular matter.

I also identify for the benefit of Counsel representing that I don't intend to identify the name of D2's current civilian employer; that that name will not be the subject of public disclosure.

So with that in mind, can I provide to you, D2, two witness statements? Can I just ask you to first look at the document, which was a statement I understand you made back in November of last year, which I shall refer to as the Defence statement, and just satisfy yourself that that is indeed your statement?

D2: It is.

COL STREIT: That statement comprises 16 pages, does it?

D2: It does.

COL STREIT: Although the signature is redacted, do you recall signing that statement on the date there, which is 30 November 2023?

D2: I do.

COL STREIT: Was it witnessed by the person whose name appears to the immediate right of your redacted signature?

D2: It was.

COL STREIT: And witnessed by that person on the same day?

D2: Correct.

COL STREIT: Just in relation to the preparation of this Defence statement, you will see on paragraph 3 it says:

I am informed by Caroline Rice, Deputy General Counsel of the Department of Defence –

and then it goes on in relation to matters concerning pseudonyms. Did Ms Rice provide you any assistance in the preparation of this statement, that you can recall?

5 D2: Limited assistance, yes.

COL STREIT: Are you able to say how this statement came into existence? When were you first approached for the preparation of this statement?

10

D2: I think we were alerted to the requirement for this statement potentially August or early September, and then we were issued Notices by the Queensland Coroner, just a compulsion to provide the statement. And we were given a list of questions, I believe, which we then went through in the creation of the statement.

15

COL STREIT: Did you have anyone assist you? I'm not suggesting or asking you to disclose any legal advice you may have received from any admitted practitioner, but did you have somebody assist you in the preparation of the statement or did you draft the statement itself?

20

D2: Mostly, in terms of drafting, in terms of formatting, the pseudonym list, language that could and couldn't be used, and yes, I think that was about it.

25

COL STREIT: All right. So that was assistance you were provided, or – I withdraw that. Did you draft the words of the statement for everything that appears in paragraph 4 and onwards?

30

D2: There was some assistance with drafting it, but I reworded what I needed to. And those are my words, so that was why I signed it. Yes.

COL STREIT: Do you recall approximately when you started the process of drafting the statement in your words?

35

D2: It would've been, I think, sometime in September, but we found that process just a fair bit of backwards and forwards, so it took a while. And I think there was an extension for the deadline for when it was to be submitted.

40

COL STREIT: Your signature – I withdraw that. I understand your evidence is that it was signed by you on 30 November 2023; is that correct?

D2: That's correct.

45

COL STREIT: And I take it, at least at that date, you were satisfied as to the contents of the statement, that it – to the best of your ability, it recorded effectively your memory of the events back in July 2023?

5 D2: Correct.

COL STREIT: In the preparation of the statement, did you have any notes that you could have regard to?

10 D2: So I had some handwritten notes that were what I gave to DFSB, so it was correlated with that for accuracy.

MS McMURDO: Did you keep a copy of the notes you gave to the DFSB?

15 D2: Yes, I do have a copy of those.

MS McMURDO: You gave handwritten notes to them when, approximately? Was it very soon after the crash?

20 D2: Yes, it would've been within a week of the crash. It could've even been as early as my first interview with the accident investigation team.

MS McMURDO: From DFSB?

25 D2: Yes.

MS McMURDO: Yes, great. Thank you. And between then and – well, really at any time after the crash, did you talk to others in your flying team, or others who were flying that night, about the incident and your various recollections?

30

D2: We were effectively advised not to because it would be witness collaboration.

35 MS McMURDO: Yes.

D2: And so, effectively, apart from immediately after the incident, when we were all at Proserpine Airfield, and a couple of conversations we've had, we haven't really discussed the incident.

40

MS McMURDO: So you were advised not to, and you followed that advice?

45 D2: Yes.

MS McMURDO: In that case, thank you. Yes.

COL STREIT: Do you recall who advised you not to discuss your recollection with other persons?

5

D2: I believe it was Caroline Rice, or a member of her team.

COL STREIT: I should, before I ask the next question, just to orientate you, in front of you is an A4 sheet which is face down. And if you were to turn it over?

10

D2: Mm-hm.

COL STREIT: You will observe that the A4 sheet contains a list of pseudonyms with the names of individuals. The one that is now on the bottom of those two sheets should be the one in alphabetical order of names - - -

15

D2: Okay.

20

COL STREIT: - - - which might be easier to check against.

D2: Sure.

25

COL STREIT: If you have a concern or lack of certainty in relation to responding to a question I ask you about whether the person has a pseudonym, can I ask that you just pause and have a look at the list - - -

D2: Mm-hm.

30

COL STREIT: - - - to satisfy yourself, and then respond to the question? Just returning to matters concerning the completion of your Defence statement, do you recall when you first spoke with Ms Caroline Rice?

35

D2: I don't, I'm sorry.

COL STREIT: But your recollection is it was Ms Rice that's indicated to you that you shouldn't be having any discussions with any other persons who may be required to make a witness statement?

40

D2: I believe it was, yes.

COL STREIT: If the accident has occurred on 28 July 2023 – and if you have regard to paragraph 2 of the Defence statement, you'll see that you say:

45

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

5 should we take that to mean also that your contact with Ms Rice is more than likely to have occurred either on 5 September or shortly thereafter 5 September, noting that the Form 25 requirement by the Coroner wasn't issued until 5 September?

10 D2: We were in contact with Ms Rice and her team prior to the issuing of that Notice.

COL STREIT: Are you able to identify with any – it's not a memory test, I should say.

15 D2: Yes.

COL STREIT: But are you able to identify, by reference to a weekend or a week or an event, as to when you're comfortable that that contact had
20 occurred?

D2: No, sorry, I couldn't accurately say. I probably have emails, but - - -

MS McMURDO: Sure. But do you have a feeling as to whether it was
25 within days of the crash or whether it was more months? Was it sort of - - -

D2: I think it was within a couple of weeks.

MS McMURDO: Within a couple from - - -
30

D2: Yes.

MS McMURDO: And she was the first one who gave you the advice about
35 not to talk to the others about it?

D2: I believe so, ma'am. I think so.

MS McMURDO: Sure.

40 D2: Yes, I'm - - -

MS McMURDO: All you can do is give your best answers.

D2: Yes.
45

MS McMURDO: And if you're not sure, please say so.

D2: Yes.

5 MS McMURDO: So what I'm saying is – well, what I'm going to ask you is, before then, had you discussed it with each other?

D2: I only recall conversations at the airfield between myself and another Aircraft Captain and another co-pilot.

10 MS McMURDO: Yes.

D2: And then we were basically into the events that – after the incident, I believe, in Proserpine. So - - -

15 MS McMURDO: Sure. So it's a fairly natural thing, having gone through such a terrible, terrible event, that you might want to sort of talk to and support each other through it.

20 D2: Mm.

MS McMURDO: So there's no criticism in this. I'd just like to know what the position was. Is that the best you can do, really: you remember talking to some of the other aircrew involved?

25 D2: Well, I can give you their pseudonyms if that - - -

MS McMURDO: Yes, sure.

30 D2: Yes. It was D6 and D9, in the immediate aftermath. And, like, it's normal after a sortie for us to debrief something in-depth.

MS McMURDO: Of course.

35 D2: And in instances like this, the absence of that is abnormal. But we understand that there's requirements around investigations. So, yes.

MS McMURDO: Thank you for that. And could I also say, do you happen to have your notes with you, the original notes you made of the incident?

40 D2: Not on me, no, ma'am.

MS McMURDO: No. But you've got them?

45 D2: Yes, I could probably find them.

MS McMURDO: You could probably find them?

D2: Yes.

5

MS McMURDO: So could we just ask you to preserve them and not destroy them?

D2: For sure.

10

MS McMURDO: Thank you.

D2: No worries.

15

COL STREIT: Just in relation to the Defence statement, you've had an opportunity to review that statement before giving evidence today?

D2: I have.

20

COL STREIT: I'm not suggesting there are, but I'll ask you this as a formality. Are there any amendments you wish to make to the Defence statement?

D2: No.

25

COL STREIT: Thank you. Turning now to what I'll describe as the addendum statement – or your addendum statement. If you just have a moment to have a look through that document? I'll just ask you some questions. I'm just wanting you to satisfy yourself as to whether or not that's your statement, including the annexures?

30

D2: I'm satisfied that that's my statement.

COL STREIT: Thank you. And with your addendum statement, is that a statement comprising 25 pages?

35

D2: That's correct.

COL STREIT: Is that a statement that you signed on 2 August 2024?

40

D2: That's correct.

COL STREIT: And you'll see that your signature has been redacted; is that right?

45

D2: Correct.

5 COL STREIT: You've had the opportunity – I withdraw that. Just in relation to the annexures, there's Annexure A, Annexure B and Annexure C to your statement; is that correct?

D2: That's correct.

10 COL STREIT: You've satisfied yourself that those annexures are correct and form part of your statement?

D2: They are correct.

15 COL STREIT: And just for Counsel representing's benefit, obviously Annexure A is not something that can be led even in a private hearing in this proceeding this week. Annexure B is something that can be led, although I would ask Counsel representing, should they wish to ask questions, to respect my guidance in relation to not identifying D2's civilian employer. And Annexure C is something that can be led in these
20 proceedings, but it would need to be done in a private hearing. And if Counsel representing are wishing to do that, I would ask they raise it with me at the appropriate afternoon break. Thank you.

25 D2, are there any amendments or additions you wish to make to your addendum statement? Again, I'm not suggesting there are, but I'm just asking you.

D2: No.

30 COL STREIT: I tender the addendum statement and the Defence statement. Thank you.

MS McMURDO: The statement of 30 November 23 will be Exhibit 52A.

35

#EXHIBIT 52A - STATEMENT OF D2 DATED 30/11/23

40 MS McMURDO: And the statement of 2 August 2024 and the three annexures will be Exhibit 52B.

**#EXHIBIT 52B - STATEMENT OF D2 DATED 02/08/24,
INCLUDING THREE ANNEXURES**

45

COL STREIT: And, D2, you of course will have those statements in front of you. And what I propose to do now is, as best I can move through your statements chronologically. There may be a need to move from the
5 addendum statement to your Defence statement as we move closer to particular matters.

I will, in part, read out aspects of your statement, and when I do that, I'll just simply be asking you to confirm that I've accurately read out the
10 contents. And in other aspects, I'll ask you to provide some additional information in relation to what's in your statement. At any point in time, should you wish a break, please indicate that to the Inquiry Chair.

D2: Okay.
15

COL STREIT: Thank you. So, first, just beginning with your addendum statement, paragraph 4, and your qualifications as a pilot. This also is taking into account what you've said at paragraphs 4 to 9 of your Defence statement. But can I briefly ask the following matters? So you joined the
20 Defence Force in July 2008; is that correct?

D2: That's correct.

COL STREIT: You're presently a [REDACTED] in the Australian Army Reserve – sorry, Regular Army – but in the process of transitioning to the Army Reserve?
25

D2: That's correct.

COL STREIT: You were promoted to [REDACTED] on 1 January 2014?
30

D2: Correct.

COL STREIT: Now, you have already, in essence – although you're still
35 a member of the Regular Army, you're transitioning to the Reserve, and you have obtained and are engaged in civilian employment as a helicopter pilot. Is that correct?

D2: Correct.
40

COL STREIT: At the time back in – as of July of last year, you were posted to the 6 Aviation Regiment?

D2: Correct.
45

COL STREIT: And you were a member of the 173 Special Operations Squadron; is that right?

D2: Correct.

5

COL STREIT: And your role at the time, as of July of last year, you were a Qualified Flying Instructor on MRH-90 at 6 Aviation Regiment?

D2: Correct.

10

COL STREIT: And that involves being responsible for flying training, maintenance of flying standards, and assisting Command with exercise planning?

15

D2: Correct.

COL STREIT: And just briefly by way of your other military background, you attended officer training at Royal Military College Duntroon on 14 July 2008; is that correct – paragraph 7 of your Defence statement?

20

D2: Correct.

COL STREIT: And prior to joining the ADF, you had obtained a Bachelor of Science from the University of Queensland?

25

D2: Correct.

COL STREIT: Just in terms of your training as a pilot in the ADF, if we look at paragraph 8 and 9 of your Defence statement. So upon your graduation from Duntroon in December 2009, you were promoted to lieutenant, and allocated to the Army Aviation Training Centre as a pilot trainee. Is that right?

30

D2: That's correct.

35

COL STREIT: When you went to Duntroon, were you already aware that you would, on completion of training at Duntroon, undertake training as a pilot?

40

D2: I was on an Aviation Cadetship, yes, with the caveat to pass Duntroon. Yes.

COL STREIT: It's always subject to something.

45

D2: It was the light at the end of the tunnel.

5 COL STREIT: So after you finished your training at the Aviation Training Centre, you posted, did you, directly to 6 Aviation Regiment as a Black Hawk pilot in January 2013?

D2: That's correct.

10 COL STREIT: And, on 16 January 2017, you posted as a Troop Commander to the 6 Aviation Regiment; is that right?

D2: Yes. In 2016, I was a Troop 2IC, my Troop Commander deployed overseas in September of that year, and I took up the duties of Troop Commander at that point, and then I was officially posted into that position as of 16 January 2017.

15 COL STREIT: Had you undertaken the transition to MRH-90 at that time, or were you still on Black Hawk?

D2: That was on Black Hawk.

20 COL STREIT: You held that position until posting into MRH-90 Operations Support Troop on 21 January 2019 at the Aviation Training Centre, and you commenced MRH-90 training. Is that correct?

25 D2: That's correct.

COL STREIT: So during the first half of 2020, you completed the Qualified Flying Instruction Course on MRH-90?

30 D2: Correct.

COL STREIT: And on 20 August 2020, you started instructing within MRH-90 Wing at the School of Army Aviation?

35 D2: Correct.

COL STREIT: And on 2 July 2021, you posted as a Qualified Flying Instructor to the 6 Aviation Regiment, to the position you held at the time of the incident in July '23?

40 D2: Correct.

COL STREIT: So, effectively, you did your training at Duntroon. You did your pilot training which ultimately saw you at 6 Aviation Regiment as a Black Hawk pilot; is that right?

45

D2: Correct.

5 COL STREIT: You then did an MRH-90 course, posted to the Aviation Training Centre, became an MRH-90 Qualified Flying Instructor. Correct?

D2: Correct.

10 COL STREIT: Yes. And then returned to 6 Aviation Regiment, this time as a MRH-90 Qualified Flying Instructor, in 2021?

D2: Correct.

15 COL STREIT: During your career in the ADF, you've qualified on the following aircraft: MRH-90 Taipan; the S-70A-9 Black Hawk helicopter; and the Bell Kiowa 206B helicopter. Is that correct?

D2: Correct.

20 COL STREIT: Your total flying hours, at the time that you made the Defence statement, i.e., back in November 2023, your total flying hours in the MRH-90 helicopter, as at 28 July 2023, was 1142.7 hours?

D2: Correct.

25 COL STREIT: Being 937.6 hours spent in that airframe, and 205.1 hours in the simulator?

D2: Correct.

30 COL STREIT: That's broken down into 739.7 total daytime hours, and 403 total night-time hours?

D2: Correct.

35 COL STREIT: Your total flying time in the Black Hawk helicopter as at that same date is 1256.8 hours, both being airframe and simulator time?

D2: That's correct.

40 COL STREIT: Just a question. When you did Black Hawk training – I'll start again. When you were at 6 Aviation Regiment in 2017, where was the Regiment located?

45 D2: It was in Sydney, at Holsworthy Barracks.

COL STREIT: Was there a simulator, a Black Hawk simulator, with the Regiment at that time?

5 D2: The Regiment has never had a simulator, to my knowledge, of a type that's operated.

COL STREIT: I see. Was there a Black Hawk simulator at that time, to your knowledge, in Townsville, at the 5th Aviation Regiment?

10 D2: I don't recall that there was a Black Hawk simulator in Townsville. I think Oakey held the similar.

COL STREIT: I see. Now, if you go to paragraph 12, it lists your training and courses concerning your career in the ADF; is that correct?

15 D2: Correct.

COL STREIT: What I'd like to do now is return back to your addendum statement, if I could. Going to the end of the chronology of your evidence, just dealing at a time you transitioned – or left the 6 Aviation Regiment and undertook employment with your civilian employer. On 4 December 2023, you commenced working for your civilian employer as a helicopter pilot; is that correct?

25 D2: That's correct.

COL STREIT: And in relation to that role, you fly two aircraft; one's an EC135?

30 D2: Correct.

COL STREIT: And the second is a Bell 429 helicopter?

35 D2: Correct.

COL STREIT: And you fly both of those airframes concurrently in your civilian employment?

40 D2: I do.

COL STREIT: And you presently work four shifts on, and then four shifts off; two of which can be at night?

45 D2: Correct.

COL STREIT: Your employer, civilian employer, has a Bell 429 simulator, and your experience is that you're rostered on once or twice a month to use it?

5

D2: That's correct, yes.

COL STREIT: Are you able to assist the Inquiry and explain whether you consider there's any benefit or advantage, or disadvantage, in the fact that you have access to a simulator as part of your civilian employment, as against no simulator at 6 Aviation Regiment?

10

D2: Yes. So the simulator's quite easy to access, so it doesn't require any external staff. The fidelity of the flight modelling is quite good, but not at the level that the military simulators are at. But the simplicity of the simulator allows us – effectively, you can be a single pilot rostered on that day, go in, turn it on, get it up and running and log four or five hours of any type of continuation training, currency, emergency scenario training, that's of benefit to you.

15

20

And then you can also, if you're rostered on with one of the Flying Instructors, they can run through some more targeted training or development with you. And that simulator is located within easy access of all of the pilots within the organisation. So the ease of access side of things is the benefit that I've found working for that employer.

25

COL STREIT: So if aircraft operations, for whatever reason – terrible inclement weather, serviceability of aircraft or anything else – just the aircraft's not available, you could just easily gain access to the simulator and push yourself through a particular exercise?

30

D2: Yes, that's correct.

MS McMURDO: So it's a good way of getting your training hours up?

35

D2: Yes, ma'am. Yes, I think I describe it in the statement that we just – we've just been through a period of build-up for the Bell 429, and I haven't, in my career, felt more proficient on an aircraft, and I think it was just because of the regular access to that simulator.

40

MS McMURDO: Could I just clarify, in paragraph 10 there of the addendum statement, you talk about simulators at Oakey and Townsville, and I think earlier you said there was only one at Oakey. Would you like to clarify that?

45

D2: So that was with regards to the Black Hawk simulator, ma'am.

MS McMURDO: The Black Hawk.

5 D2: So there was two simulators for MRH.

MS McMURDO: Thank you.

10 COL STREIT: So just with the MRH-90, paragraph 10, one simulator was located at Townsville with the 5th Aviation Regiment; is that correct?

D2: Correct.

15 COL STREIT: And the other simulator for MRH-90 was at the Aviation Training Centre at Oakey?

D2: Correct.

20 COL STREIT: You say in paragraph 10 – I'll just read it out to you:

25 *It would have been beneficial to have an MRH-90 simulator co-located with 6 Avn Regiment so that pilots could jump in the simulator on days they were not rostered to fly the aircraft, so they could run through tactical scenarios, emergency handling, or just to maintain currency.*

Is that correct?

30 D2: Correct.

COL STREIT: At paragraph 12 you say you've reviewed your logbook and note that you visited the MRH-90 simulator three times in 2022 and two times in 2023. Just in relation to the three times in 2022, do you recall where you went? Was it Townsville or Oakey? And how much – if you can recall that, how much time you spent in the simulator, approximately?

40 D2: All of those trips mentioned in paragraph 12 were to the Oakey simulator. And the trips would vary in time from two or three hours to, if I was conducting assessments, up to five, six plus, depending on the requirements of that trip.

COL STREIT: I take it you're not travelling alone. Are you going as a group from 6 Avn?

D2: Yes, usually twos or threes. And we tend to cycle people up and back, and the instructors typically would be the ones that would stay up there for a couple of extra days just as people cycle through.

5 COL STREIT: In terms of the simulator activity in 2022, three times, did that, to your memory, incorporate simulator sorties at night?

10 D2: Probably unlikely. The MRH simulator was not very good at replicating night-time conditions and it was prone to making most people feel a bit unwell, just the way that the image was – I don't actually know the technical side of it, but the way the image was displayed to you just made people feel unwell. So we tended to not operate night sorties in there unless it was specified in our learning management package that it had to be done in the simulator.

15 COL STREIT: Two times in 2023. So is that your memory, again, that it was largely daytime sorties?

20 D2: Yes. Unless – we would log night-time sorties if we were doing instrument flight simulator or instrument rating assessments. Sometimes that would be the – we'd log that at night-time and under instrument meteorological conditions. But that's not using ANVIS or any sort of night vision.

25 COL STREIT: At paragraph 15 you say this:

My total flying hours in the EC135 as at 1 August 2024 is 179.1 hours. My total flying hours in the Bell 429 as at 1 August 2024 is 121 hours; 82 hours of which are simulator time.

30 How does that compare to – well, are you able to draw a comparison between how much you're flying in your civilian work as against your flying on a yearly basis in the MRH-90?

35 D2: So in paragraph 14 I discuss I consulted my logbook and I was averaging 290 to 300 hours a year as an MRH-90 Flying Instructor. And in my civilian employment, those numbers are about 300 hours between December and August. So it's, what, a much higher flying rate, in my opinion.

40 COL STREIT: Considerably more high flying rate, is that correct?

D2: Yes, it's probably one and a half times, I guess.

45 COL STREIT: Over a lesser period of time.

D2: But over a lesser period.

5 COL STREIT: You were a CAT A pilot on the MRH-90 and a CAT C QFI; is that correct?

D2: Correct.

10 COL STREIT: So at paragraph 18 you say:

When I posted back to 6 Aviation Regiment in 2021 as a QFI, I was posted into X Troop. An internal office renovation meant that the QFI and QAI office spaces were deleted and a space was found for us in the Squadron Headquarters' corridor.

15 Can I just ask you, "QAI", what does that stand for?

D2: Qualified Aircrewman Instructor.

20 COL STREIT: The paragraph goes on:

We were then under the direct supervision of the Squadron QFI and QAI, respectively. However, we integrated daily with the Aviation Troops and their leadership teams.

25 So from 2021 onwards, as the Squadron QFI, prior to arriving to take up that function, what was your view about whether it was going to be a busy posting at 6 Aviation Regiment or not? What did you think?

30 D2: Yes, I knew that I would be going back into a busy posting. The school is a predictable workplace in terms of its weekly routine and I requested that posting so we could have children around that period, so it would be a bit quieter. And having spent six years in the Regiment prior, I knew I was going back to a Regiment, but it was also in the midst of a transition of a new type, which comes with its own extra levels of friction.
35 So I knew that I was going back to a busy job.

40 COL STREIT: In terms of support, was your workload as a QFI shared with another QFI or other people?

D2: From 2021 onwards?

COL STREIT: Yes.

5 D2: Yes. So there's one other Squadron QFI, or the Squadron QFI, and then myself as a Troop QFI. And then we had initially three other MRH instructors. One of them, the probably most senior, more experienced one, needed to post out, he'd been there for quite a long time. And then we had two remaining in Regiment Headquarters as well. So there's four in total.

10 COL STREIT: Is it fair to say that a large component of the QFI work from when you posted there in terms of the role you had was largely something that fell on your shoulders and your other QFI, the Squadron QFI?

D2: When it came to management of the Squadron and the personnel within the Squadron, yes, and then we were able to request assistance from the Regiment Headquarters Flying Instructors whenever we needed it.

15 COL STREIT: Could I just ask you some questions about your experience, comparatively speaking, from when you first posted to 6 Aviation Regiment in 2013 to 2018 when you flew Black Hawk, as against your second experience in the Regiment from 2021 onwards to 2023? You deal with some of this commencing at paragraph 19 of your statement.

20 You say that when you first posted to the 6 Aviation Regiment 2013 to 2018, you flew Black Hawk. You considered Black Hawk was well suited to 6 Avn Regiment's mission sets, and that the Regiment also seemed to be in a steady state in 2013, with aircrew routinely working through Annual Training Plan and exercises. And you then say:

The tempo in the Regiment back then was similar to 2022/2023, if not busier, with more away-from-home exercises.

30 Can you just explain what you're saying there?

D2: So the Regiment was just in an annual routine at that point, when I turned up, and there was a set number of Special Operations Qualification Courses that were run annually. There was a sort of an annual training cycle with regards to build up to big exercises like TALISMAN SABRE, and then we'd go into annual trips to Papua New Guinea, and it was quite a predictable calendar year, but it was quite busy.

40 And then there was a lot of – two of the three SOQCs back then were outside of Sydney Basin, just to alleviate the people of Sydney from noise, and to take us away and operate in a different environment. So we were spending four or five individual trips away from home each year, and that got reigned in a little bit as a fatigue management thing – which I think we go into later, later on down the track. So, yes, the annual calendar was busier back then.

45

COL STREIT: At paragraph 20 you say in the middle:

5 *Arguably the mission set at 6 Aviation Regiment was least suited to the MRH-90, and the Regiment, I believe, made this argument to Army Command in the years prior to the commencement of Plan Palisade. The Houston Review in 2016 into Army Aviation also reflected this, with a recommendation to, "Cease plans for Taipan helicopter to be transferred to 6 Avn Regiment", citing configuration and reliability issues.*

10 In broad compass, did you regard the Black Hawk as a more suited helicopter to 6 Aviation Regiment mission sets - - -

15 D2: Yes.

COL STREIT: - - - compared to the MRH-90?

20 D2: I think the general understanding in the Regiment at that time was that it was better suited to our mission sets, and we were probably best placed to make that assessment. However, we didn't have enough people in the Regiment that had operated MRH-90 to provide probably good counter-arguments, and so I believe a decision brief – and I haven't personally seen it – was sent up, making a counter-argument to it being put into the Regiment, and obviously I don't know what the result was for that.

25 But, yes, the Houston Review sort of reflected that as well.

COL STREIT: Your observation, as a pilot in the ADF over a number of years, the four and a half year period up until the accident, saw the Navy remove MRH-90 completely and commit further to the Sea Hawk platform.

30 D2: Correct.

COL STREIT: And that 5 Aviation Regiment drew down from operating two MRH-90 Squadrons to one, and then had a contract solution to deal with service gaps. Is that correct?

D2: That's my observation. Yes.

40 COL STREIT: You say at paragraph 23 that:

45 *Due to its mission set, 6 Avn Regiment was prioritised, resource-wise, with regards to spare parts, and we saw evidence of that during the HP1 turbine modification issues post the Jervis Bay ditching.*

Is that correct?

D2: Correct.

5 COL STREIT: At paragraph 25 you say:

After the decision was made to introduce the MRH-90 into 6 Avn Regiment, I began flying the MRH-90, started to recognise some of the advantages and disadvantages of the airframe.

10

In broad compass, can you just explain those matters?

15 D2: Yes. So from an advantage perspective, we generally sort of looked at it as the MRH, most of its advantages existed in the en route phase of the mission, getting us to an objective area. It excelled at that, that part of the mission. It had a very good automatic flight control system, and very accurate inertial navigation system, which helps from a tactical standpoint, but we won't go into that.

20 And then, additionally, we've got systems like weather radar, which assists in your situational awareness en route, moving map displays. It had five displays in front of you that you could – apart from the two outside ones, which you had to have primary flight display information on – you could adjust to the information that you needed.

25

30 So in terms of building situational awareness on the target and reducing your workload to the target area, or objective area, it was very good. But then from a 6 Avn mission-specific, at the objective area, we saw some tangible decreases in capability and, for us, where the heightened level of risk is in training specifically, yes, we saw some disadvantages around that.

COL STREIT: What about the issue of hyper-stereopsis? Are you able to explain, first, what you understand hyper-stereopsis is?

35 D2: So it's an illusion that only really affects the operator, or the pilot, at night-time because you're using the Image Intensifier Tubes that are on the outside of the HMSD, that effectively increase your bifocal distance. It simply means that when I, as the flying pilot, look at an obstacle, it appears closer, and I will err further away – naturally, err further away from that
40 obstacle.

45 And it typically affects pilots in the early phases of their training and then, as you become – your brain becomes more adjusted to where you are in space relative to those obstacles, it becomes less of an issue unless they do actually get quite close, and then there is more communication required

from the aircrewman to get you in closer to those obstacles. And where we typically operate, we will be closer to obstacles at a target.

5 COL STREIT: You say at paragraph 31 – I mean, you list what you identify as some disadvantages or limitations, if I could describe it that way, in paragraphs 28, 29 and 30. At paragraph 31 you say that:

10 *All airframes have their advantages and disadvantages. Some are just more suited to specific mission sets than others. To some of us, the differences in capability were more obvious with the benefit of experiencing the same mission set on both aircraft types.*

15 So, in other words, because you had the advantage of flying Black Hawk for 6 Avn, you were able to use that experience to compare doing similar type missions in an MRH-90, whereas somebody else who has just been trained on the MRH-90 doesn't have that capacity to compare with another aircraft.

20 D2: Yes, that's correct. I think up until the introduction of MRH into 6 Avn Regiment, there probably was limited scope amongst Army Aviation with people who could make that direct comparison. A lot of it was judgment. And then up – you know, four or five years down the track we're pretty well placed to sort of make a direct comparison, I guess.

25 COL STREIT: Could I just ask you something about progression of pilots? So your experience straight out of Oakey was to post to 6 Aviation Regiment where you flew Black Hawks in 2013 to '18. Is that correct?

30 D2: That's correct.

COL STREIT: In relation to pilots coming down from 5th Aviation Regiment on MRH-90 to be posted to the 6th Aviation Regiment, is there some disadvantage or advantage for a pilot to have more time on flying MRH-90 at 5th Aviation Regiment, or is it not an issue?

35 D2: I mean, there's an advantage to having someone who's more experienced on the platform, and there's similarities between the 5 Avn UTAP and the 6 Avn UTAP. And if they were able to complete certain milestones or specific learning management packages that are also part of the 5 Avn Regiment UTAP, that unloads us a little bit on not having to complete the same course within our Regiment.

40 So there's advantages in that. However, sometimes individuals might express a desire to come to 6 Avn Regiment, that end up in 5 Avn Regiment, perform very well and become quite valuable to that environment, and then

45

maybe less likely to be released to us. So maybe at an individual level, not organisationally, but that could be a disadvantage.

COL STREIT: At paragraph 34 you say:

5

Some of the more experienced pilots from the 5th Aviation Regiment were able to progress a bit faster due to some similarities in the unit training and progression between Regiments. However, 6 Avn Regiment has specific learning management packages attached to Special Operations qualification which need to be achieved regardless of experience.

10

Is that correct?

15

D2: That's correct, yes.

COL STREIT: You say in paragraph 35:

20

By 2021 to 2023, it was difficult to get all aircrew through the Special Operations Qualification Course.

Is that correct?

25

D2: That's correct.

COL STREIT: Was that due to some sort of backlog that you're aware of?

30

D2: So the decision under Plan Palisade to move MRH-90 into the Regiment, part of that plan, from my understanding, was that all aircrew who were previously qualified under the Black Hawk Special Operations learning management packages were required to do each one of those learning management packages again, except for a few Flying Instructors who were given a recognition of prior learning.

35

So when I came back in 2021, I fell into that initially and I was required to do a full co-pilot's course, wait a few months, do a full Captain's course, wait a few months and then I upgraded as a flight lead. Each time I took up a position on that course, that was a position that someone else who's waiting to do their initial qualifications couldn't occupy, and so I think it was resource-intensive just the way that we were managing that transition, and that created a backlog in qualifications for people.

40

COL STREIT: At paragraph 38 you say:

In terms of the tempo at 6 Aviation Regiment in 2022/2023, for a QFI, it was busy. And as a QFI and flight lead, my workday would typically start at about 11 am. Mission orders would be at about 1200 hours.

5

Is that right?

D2: Correct.

10 COL STREIT: At 39 you say:

It generally accounted for the one-hour flying bubble from about 1300 to 1400.

15 I pause there. What's the flying bubble? What do you mean by that?

D2: So we called it OC's hour. It was OC's hour from the time I started in 6 Avn in 2013. So in my mission training or planning timeline, I would always account for an hour between post orders to when we needed to be at the aircraft, starting the aircraft. And that hour was effectively to allow people to discuss amongst their crews, go and have something to eat, try and remain as distanced as they can from external influences like relating to the mission and just within that you've had orders. We're in the mission window now and that just gives them time to process what we've just been through for the last hour, which is the mission orders and rehearsal.

20 COL STREIT: To your observation during your time at 6 Aviation Regiment in that sort of one-hour flying bubble, were on occasion people with command responsibility sort of dragged away to do admin tasks?

30

D2: Yes, that would probably happen fairly frequently, yes.

COL STREIT: You go on, at paragraph 39, to say that – sorry, I'll start again. A one-hour flying bubble from about 1300 to 1400, which you called the OC's hour, you would then fly from 1400 to 1700, break for dinner, and then 1900 to 2200. When you say, "and then 1900 to 2200", does that mean you're back flying in that window?

35

D2: Yes, thereabouts.

40

COL STREIT: Then post-flight routine, formation debriefs, and trainee debriefs would generally take the evening out to 2300. You would work those shifts from Monday to Thursday and then instead of flying on a Friday, the Squadron Executive and instructional staff would catch up on administration.

45

D2: Correct.

5 COL STREIT: You were not part of the Squadron Executive, but you were instructional staff as the QFI; is that correct?

D2: Correct.

10 COL STREIT: So the Squadron Executive, that would include the Squadron OC?

D2: Correct.

15 COL STREIT: The two Troop Commanders at the time: D20 and CAPT Lyon?

D2: Correct.

20 COL STREIT: Would it also include there the 2ICs of the Troop?

25 D2: Not officially, but they may have come in to do some extra work. It would include the Squadron XO, which was D1, the Squadron OPSO, D15, and we had a TAC OPSO which was an Assistant OPSO, but I actually don't recall who that person was at the time, and I apologise to whoever that is.

COL STREIT: That's okay. Just to complete, before the next topic, you say at paragraph 40:

30 *Key appointments or qualifications tended to work longer hours.*

Is that correct?

35 D2: Yes. Yes, because when you're in an airframe, you're not sitting at your computer doing administrative tasks, you're flying an aircraft. And if we're flying 15 to 20 hours in a working week, that's 15 to 20 hours that an office worker would be sitting at their computer.

40 When you look at the daily rhythm, from orders through until completion, you're not in your office. So administrative work still needed to get done, and it would either be a "do it outside of those hours" or, for some of the Executive staff, just not fly and get the work done. Instructors were a bit luckier, that we had to be in the aircraft.

COL STREIT: Thank you. Ms McMurdo, I note the time and that the Inquiry has not had a comfort break this afternoon. Is that an appropriate time.

5 MS McMURDO: All right. We'll have a 10-minute break.

HEARING ADJOURNED

10

HEARING RESUMED

MS McMURDO: Yes, COL Streit.

15

COL STREIT: Thank you, Ms McMurdo.

D2, we were just coming to that part of your evidence where, in your statement at least, you give some evidence concerning TopOwl and your experiences using TopOwl. I just want to ask you about those matters, briefly.

20

First, I understand from paragraph 41 of your statement that you found TopOwl symbology enhanced your situational awareness more than NVD and HUD combination you used on the Black Hawk and, therefore, enhanced your ability to fly the MRH-90. Is that correct?

25

D2: Referring specifically to the symbology, yes, I think it enhances your situational awareness. It's probably worth saying that the IITs that were part of that set up, in my opinion, were not as good in terms of an acuity at night-time than an ANVIS set-up.

30

COL STREIT: Sorry, I missed what you said. When you said that, did you say IIC?

35

D2: IITs, the Image Intensifier Tubes, sorry.

COL STREIT: Your view was the Image Intensifier Tubes for TopOwl did not provide as good acuity as what you were to experience using ANVIS night-vision device.

40

D2: ANVIS or, yes, subsequent iterations of ANVIS.

COL STREIT: For clarity's sake, when you say "acuity", what do you mean?

45

D2: I guess the visual definition of the picture that you were looking at and your ability in terms of contrast or to make out or derive the information that you need to see to operate an aircraft at night-time from that picture.

5

COL STREIT: Was there something else about TopOwl as well that was a limitation in relation to the matters you address at para 42 of your statement?

10 D2: In terms of the attitude information being displayed?

COL STREIT: Yes.

D2: So I'm aware that there was a discrepancy when you looked off-axis to left and right 90 degrees with some of the attitude information that would be displayed within TopOwl. And I believe there was a – on our ADELE training system, there was a PowerPoint or a lesson module that introduced the new 5.1 symbology and where to look and where the new information was, and that particular error – for want of a better term – and – yes.

15

COL STREIT: So just to explain what the error was, on what you understood it to be, you mentioned that if you looked off-axis, that is instead of looking front out the aircraft and you turned your head to the left or right, there was different information displayed in the TopOwl symbology as to the aircraft's attitude. Is that correct?

20

D2: Yes. So I believe it was if you stabilised a pitch attitude at, say, 10 degrees nose up, for an example, and if you looked off-axis, that that 10 degrees nose up attitude would appear like a roll attitude at 90 degrees. I don't know to the magnitude if it was 10. I don't know. And if you set an angle of bank out the front and then looked off-axis again, left or right 90 degrees, that that angle of bank would wash out. So if you were at – set it at 30 degrees, when you looked off-axis, it would no longer be indicating a 30 degree angle of bank, even though the aircraft was still maintaining that, is my understanding of it.

25

COL STREIT: So there was a discrepancy between the information that the aircraft was providing the pilot by way of its instruments - - -

40 D2: Correct.

COL STREIT: - - - as against the information that the aircraft pilot would receive if they turned their head left or right. There would be a discrepancy between the information TopOwl would display in aircraft attitude as

opposed to the aircraft attitude that was actually correct as to what the aircraft instrument was telling a pilot?

5 D2: That's my understanding.

COL STREIT: Would that error be magnified to the extent if you were travelling at night?

10 D2: Well, the aircraft doesn't necessarily know it's night-time, so you're – if a pilot relied on the HMSD symbology more at night-time, then potentially. But I'm not aware of too many pilots that relied on the pitch and roll attitude information within the symbology. I certainly didn't.

15 I've basically trained my brain to ignore it, because I found that it was quite dispersed within the symbology and you actually had to find the individual bits of information to get a – to understand the overall picture in terms of, "Am I between five and 10 degrees, or am I above 10?", to understand that sort of pitch ladder information. And I found it faster, like if you're driving a car, to just glance inside – if you're in a car, you're going to glance inside and check your speed – to just glance inside, look at the AI, which gave me
20 an entire picture in an instant, and then look back outside again.

25 And I found I basically operated under that, and I derived the information I needed to from the HMSD – speed, distance to run – under the new one, the vector, the horizon line, everything that I liked, and then used something else for that. And I don't know that that was necessarily because of the error, I just didn't like the display of the pitch ladder. It's not to say other pilots weren't using it, but I don't think it was common.

30 COL STREIT: So would you accept that there's a level of pilot choice within boundaries as to how they might navigate an aircraft's systems, and how they might fly an aircraft?

35 D2: Yes, correct.

COL STREIT: If you were engaged in flying in a sortie where there was another aircraft perhaps in front of you and off to the left, or to the right, depending if you're heavy left or heavy right, and you're doing that at night, there would be a natural drive, wouldn't there, to be more eyes out to keep
40 sight on where the aircraft in front of you is than necessarily looking in the aircraft for your attitude information?

45 D2: If you're forming off an aircraft, then that aircraft – because a formation typically is not large attitude changes, it's quite slow and deliberate – that aircraft that you're forming off is giving you your rough

attitude information as well. So if your aircraft is roughly aligned to it and he is spiny side up to the sky, then you're probably going to be spiny side up to the sky. So between – particularly if you're deeper in the formation, you've got two aircraft that are giving you that, they're also creating a
5 pseudo-horizon line.

So you can spend more time looking outside, and there's where your nearest threat is – for want of a better term – are those other aircraft. But, however, again, it's similar to driving a car. You have a constant scan of mirrors, speed, and you're just constantly looking around. You're not just staring at
10 those aircraft. You're looking in front of you because you're still responsible, as the flying pilot of your aircraft, to not fly into terrain or any obstacles.

15 If the flight lead happens to go too close to something, you're responsible for not hitting it, not the flight lead. So you've got a constant scan around your environment and moving your head. You're not just staring at those aircraft that you're forming off. So, yes, there might be a little bit more reliance on the symbology at night-time, but from my experience, again,
20 not with regards to the pitch ladder or the roll information.

COL STREIT: Sure. But is it your observation that within permissible boundaries pilots would fly the aircraft slightly differently? No one pilot's exactly the same?
25

D2: Yes, there's probably slight differences between everybody, in terms of just where they look and where they derive certain information. That can be sometimes hard as an instructor to look across and work out where someone is actually getting that information. But, yes, some people
30 probably get it differently.

COL STREIT: The MRH-90 itself had – broad description – as you sat in the seat as a pilot, left or right-hand side, in front of you was the instruments and various parts of what you would use to fly the aircraft, the cyclic, collective. Correct?
35

D2: Correct.

COL STREIT: And have windows in front to look out on – straight ahead on an axis, yes?
40

D2: Correct.

COL STREIT: And you had windows to the left and to the right of the pilot?
45

D2: Correct.

5 COL STREIT: The pilot could, what, lean forward a little bit and look out to the left or to the right?

10 D2: Yes. In your standard seated position, if you just turned your head, you'll see outside those windows. Usually, in formation, particularly if you were the pilot flying on the active side, so closest to the other aircraft you're forming off, you might actually have to lean forward and around the main pillar that's next to you on your side of the aircraft to properly see those aircraft.

15 COL STREIT: Yes.

20 D2: Or if you get yourself out of position, or they move out of position. So that was actually more uncomfortable sustained flight from the right seat than the left seat. Left seat had some cross-cockpit limitations as well, but you could sort of keep both aircraft neatly in the windscreen. I found it a bit easier flying cross-cockpit, to be fair.

25 COL STREIT: What about executing a left or right-hand turn? Whether – just flying, if you're the flight lead, as you might be, is there a tendency to look into the turn as the aircraft – so if the aircraft was turning left and you were flying, you were in the left seat, is there a tendency to look to the left into the turn, depending on the sharpness?

30 D2: You would clear your aircraft's path through that turn. So you would, at points, be looking away from the aircraft that you're forming off. And at night-time, unless the other pilots called "eyes in" because they're doing something within the cockpit, both pilots should be looking out, looking at the aircraft, and clearing the flight path into the turn.

35 COL STREIT: That might be one of the purposes of the fact you have windows on the left and right-hand side of the aircraft in the cockpit.

D2: Yes.

40 AVM HARLAND: So if you were out at night, wearing TopOwl, turning left, it would be ordinary for you to look off-axis into the turn to clear your turn?

D2: I would look – it would probably be more into the – almost into the 12 o'clock position – 12 o'clock to 11 o'clock position to clear the turn

because it – I would only have to look off-axis if it was quite a steep turn, and we typically don't fly very steep turns in formation. Yes.

5 AVM HARLAND: So you wouldn't look in left just to make sure there wasn't another aircraft if you were the second or third to make sure they hadn't become somehow displaced, so that you were guaranteeing you were clearing your vector?

10 D2: If I was second – are you talking about me as the flight lead aircraft, sorry, sir?

AVM HARLAND: No, as somebody in the formation where - - -

15 D2: Someone in the formation.

AVM HARLAND: - - - you could potentially be conflicted by one of the other formation members. So you're basically saying if you turn left, you just keep looking straight ahead, turn, and that would be comfortable?

20 D2: No, well, in a heavy left formation, which is the formation we were in, predominantly you would be looking at about the 30-degree mark from the 12 o'clock, so maybe the 1 o'clock, 1.30. And then – so, therefore, if you're looking out there to clear into the turn, you would be looking through the 12 o'clock into maybe the 11 o'clock to clear into that part of the turn.

25 AVM HARLAND: I guess the point I'm trying to understand is with TopOwl, the description that we've had of the attitude error is that as you increasingly look off-axis, the error becomes more apparent, and it becomes – it seems to maximise at 90 degrees. That's kind of the impression that I got, and it's a gradual move. So I guess what I'm trying to establish here is whether when you are flying with TopOwl, you are moving your head away from that straight-on axis - - -

35 D2: You are.

AVM HARLAND: - - - point of view - - -

D2: You are.

40 AVM HARLAND: - - - whenever you're manoeuvring?

45 D2: Correct. And when you're established in formation, you're looking across at the other aircraft, so your head is off-axis as well. So that error – not that I ever noticed it – probably is there the whole time.

AVM HARLAND: And that's kind of where I'm getting to, is that you would be looking off-axis with TopOwl, which would, from what we understand, indicate that there would be a attitude display error – or ambiguity, I think it's been characterised as. So would that be a true statement? It would be there, but you happen to not notice it?

D2: It would. Yes, correct. Yes.

AVM HARLAND: Okay.

MS McMURDO: And this problem with TopOwl, did you notice it before the upgrade, which I think was 5.10?

D2: I was trying to remember back, ma'am. I don't know – I can't recall if the pitch ladder when you looked off-axis was there in the previous iteration of it. I can't remember, and I, again, might be confusing it with Black Hawk HUD symbology as well, where when you looked off-axis, I'm pretty sure the pitch ladder wasn't – it didn't follow you. You had to look out the front to see that attitude information. So, I'm sorry, I don't recall.

MS McMURDO: You're not sure about that.

D2: Yes.

MS McMURDO: That's all right. Thank you.

COL STREIT: We understand the evidence before the Inquiry is that the version of TopOwl before 5.1 did not have the same attitude – did not have an attitude error. We also understand that an evaluation process was engaged in by Aviation Command in response to an unacceptable risk outcome from an Army test and evaluation report. That then generated an operational eval assessment, which some MRH-90 pilots participated in, including a couple of test pilots. Were you involved in that assessment yourself?

D2: No.

COL STREIT: Were you ever asked to be involved in that assessment?

D2: No.

COL STREIT: And if I hadn't mentioned it, what I've just indicated to you, had you any previous awareness that such an operational evaluation had occurred?

45

5 D2: I was aware of – no, sir, sorry. I was aware of the AATES and that there was an AATES’ finding that generated the product that we had, the learning product that we had, but I wasn’t aware of that OPEVAL. Although, I mean, it stands to reason that it got into Service somehow. So, yes.

10 COL STREIT: I’m just going to now address some matters you have indicated and set out in your statement concerning your knowledge and experiences with the four aircrew of Bushman 83. Rather than ask you questions, I’m just going to read out what your evidence is for the families, who will obviously – this will be somewhat difficult. And at points in time, I’ll just stop and ask you just to confirm that what I’ve said is correct.

15 This commences at paragraph 45 of your statement concerning CAPT Lyon. You say:

20 *I met CAPT Danniel Lyon in the first half of 2021. I referred to him as “Dann” or “Diesel”. CAPT Danniel Lyon and I developed a friendship in 2022, when he was the Squadron Executive Officer, and his office was across the hall from mine.*

25 *We would go surfing together before work, when time allowed, often accompanied by CAPT D15. We would often talk about workplace and the high workload, and how it was not sustainable across the long-term (multiple postings) with a young family at home.*

30 *We both shared a similar philosophy that “work was work”, and we had to put our families first. So on Fridays we would often walk into each other’s offices and say words to the effect of, “Hey, get out of here. It’s just work. Go home”.*

35 *I flew with Dann numerous times between 2021 and 2023 and found him to be a passionate aviator and adept pilot. He was also passionate about the representation of his subordinates and placed a large emphasis and considerable time on the management of their welfare.*

40 *Dann valued family above all else, committing and putting genuine effort into his relationships. Dann was aware that I had accepted the job outside of the military before we went on Exercise TALISMAN SABRE 2023, and I know that he aspired to something similar.*

I believe he saw me as somewhat of a mentor, as we had similar philosophies on life, similar family situations, hobbies, and I had achieved career milestones that he aspired to.

5 *He wanted to break away from the command path and become a QFI, and I think he saw my career path and new job as a light at the end of the tunnel, something to work towards.*

Is everything I said correct?

10

D2: That's correct.

COL STREIT: I turn now to LT Max Nugent. Commencing at paragraph 49 you say:

15

I believe I first met LT Max Nugent when he arrived at 6 Aviation Regiment in 2023. I referred to him as "Max". I had the privilege of instructing him multiple times in that short period.

20

Max was enthusiastic in his duties, and you could tell he was genuinely excited to be flying at 6 Aviation Regiment. I experienced this excitement first-hand through his SOQC, as we repeatedly flew low-level over his dad's golf course and the area he grew up.

25

50:

Max was an excellent student to instruct; attentive, quick to understand, hands and feet beyond his experience. Max was respectful, confident, and intelligent. He had the makings of a future leader within the capability.

30

Everything I said correct?

35

D2: Correct.

COL STREIT: "Hands and feet beyond his experience", what does "hands and feet" mean? What do you mean? I understand he was quite tall, but what - - -

40

D2: Yes, I'm not talking about the size of his feet. It's almost – it's a coordination thing. Some people who play a lot of sport as young, and is quite coordinated. And when you, as an instructor, can show someone something and they can replicate it the first time on their turn, or you can simply explain something to someone and they can execute it as you've

45

asked them to, that's what I mean by "hands and feet beyond his experience".

5 COL STREIT: Thank you. I turn now to your evidence concerning WO2 Laycock. At paragraph 51:

10 *I first met WO2 Phil Laycock in 2013, when I marched into 6 Aviation Regiment. I referred to him as "Phil". I first flew with Phil in Feb 2013 and would go on to fly with him a further 58 times up until 2023.*

15 *Phil was a constant throughout my career; his presence always felt within the Aviation community. Phil was the most technically proficient aircrewman I worked with. His calm demeanour in the aircraft was reassuring to the crew, and he could always be relied upon to provide sound advice.*

20 *He was able to effectively communicate with all rank levels, had an unmatched ability to diffuse tension, and was a trusted leader within the Special Operations Aviation community. Phil was a consummate professional in his role as Regiment Standards Warrant Officer and was constantly seeking to advance the capability.*

25 *I was fortunate to spend some downtime with him mountain biking, and we would regularly discuss, over coffee, riding adventures and bike builds. I have a deep level of personal respect for Phil.*

30 Is everything I said correct?

30

D2: Correct.

COL STREIT: Turning to CPL Alexander Naggs, you say at paragraph 54:

35 *I believe I first met CPL Alex Naggs in 2022, when I marched back into 6 Aviation Regiment. I referred to him as Naggsy. Naggsy was a quiet professional. He was a guy you could rely on to show up. Hard-working, enthusiastic and patient, Naggsy was highly regarded and respected within the aircrew body.*

40

45 *I flew with Naggsy over 30 times on MRH-90. He was diligent in his duty, technically proficient, and not afraid to speak up if he identified an issue. I respected his dedication to progressing his craft. Naggsy would often be the first person you would see at work each day, occupying his second home, the 6 AVN gym.*

Is that all correct?

5 D2: That's correct.

COL STREIT: Were you joining him in the gym?

D2: I was trying to.

10 COL STREIT: Trying. All right.

D2: He was hard to keep up with.

15 COL STREIT: What I'd like to do now is turn to the Jervis Bay, which is the ditching of an MRH-90 in Jervis Bay Territory in March 2023, which commences at paragraph 56 of your statement. You were the Aircraft Captain of the aircraft that ditched in the Jervis Bay, March 2023; is that correct?

20 D2: I was.

25 COL STREIT: So just before we move to that terrible experience that you had, and briefly discuss it, I just want to ask you some questions about how you came to be there in the first place. So I understand, from paragraph 57 of your statement, you say you were involved in the planning for the exercise and conducted day/night training on Monday, 20 March 2023. Is that right?

30 D2: That's correct.

COL STREIT: There was a plan, was there, for you to conduct non-flying duties until Thursday of that week? You had a discussion – sorry, is that right?

35 D2: That's correct.

40 COL STREIT: You had a discussion with D10 around crewing that week, so that you could undertake some lighter workdays "as my flying rate had been quite high in the weeks proceeding". Is that right?

D2: That's correct.

45 COL STREIT: Can you just explain what you had been doing, in the weeks preceding, that led to that necessity to undertake some lighter workdays?

5 D2: We had planned the first order – maybe third of the year – to be a bit of a build component because we had – we were receiving new intakes from 5 Avn fairly regularly and we identified that we'd like to gain some progression within the unit training and progression milestones for a lot of those members.

10 And we were also waiting for our SOQC review to go through the process and be signed off. So we were focusing on UTAP requirements, under individual requirements and component training that can be quite – well, is instructor led for the most part. So it was quite instructor heavy up to that point for the few instructors that we had, yes.

15 COL STREIT: How many hours would you say you had worked on a weekly basis up to that point where you needed lighter workdays, approximately?

D2: I was probably averaging up to about 50 hours a week.

20 COL STREIT: I know it's casting your mind back a little bit here, but did you regard – you obviously identified there was a need to take lighter workdays. Correct?

25 D2: Correct.

COL STREIT: And does that mean, within yourself, there was a level of tiredness, a level of fatigue?

30 D2: Yes. And probably – looking at that activity for that week, I believe the instructional side of it was at the start of the week, and I think I saw an opportunity to have other people fly some of the serials later in the week. So we saw an opportunity to get the instructors out of the cockpit, and the qualified guys down to do some of that tasking, and just sort of share the load a bit. And I can't remember what was supposed to follow that week, 35 but I think I was also using it to plan and prepare for the follow-on training the following week.

40 COL STREIT: So on one of the nights later in the week – so later in the week from 20 March, the Squadron was conducting serials with clearance divers. An Aircraft Captain that was meant to be flying in the serials, had to leave the exercise, so another Aircraft Captain was needed to essentially fulfil that person's place?

45 D2: Correct.

COL STREIT: And you'd just had the previous day off, so you offered to step in to the serial because you felt refreshed enough again to fly?

D2: Correct.

5

COL STREIT: Now, you've set out in some detail in your statement – from paragraphs 59 onwards, through to about 64 – about the mechanics of your memory about what you say happened. But, in broad summary, is this accurate: two MRH-90s, one of which you were the Aircraft Captain, were involved in a sortie or an activity in the Jervis Bay at night? Correct?

10

D2: Correct.

COL STREIT: That involved clearance divers performing an activity in the water underneath the MRH-90 aircraft?

15

D2: Correct.

COL STREIT: And that during the activity, the aircraft that you were in, where you were the Aircraft Captain, it was being flown by the co-pilot?

20

D2: Correct.

COL STREIT: And that your aircraft experienced an engine failure?

25

D2: Correct.

COL STREIT: How high off the water – you were overwater at the time?

30

D2: We were.

COL STREIT: How high off the water do you recall being?

D2: Approximately 55 feet.

35

COL STREIT: Fifty-five. Do you know what that is in metres?

D2: That's putting me on the spot.

40

COL STREIT: It's sort of a maths test. But - - -

D2: Seventeen metres?

COL STREIT: About 17 metres?

45

D2: Maybe a bit more. 18?

COL STREIT: And underneath the aircraft, at that time when the engine failure occurred, were clearance divers performing an activity?

5

D2: There was - - -

COL STREIT: Is that correct?

10

D2: Correct.

COL STREIT: And so one of the immediate responses by your co-pilot was to attempt to move the aircraft forward from its position; is that right?

15

D2: Yes, correct.

COL STREIT: And is that a trained response in that type of emergency?

20

D2: He had just completed that course of instruction within the previous couple of weeks. And within the preceding 12 months, myself and D6 had developed an emergency annual sim development training session for the guys that focused on those specific emergencies. So, yes, for everybody within the Squadron who was qualified, that was a procedure they'd been through.

25

He, unfortunately, hadn't been to the simulator to experience that, but we had an in-depth discussion about emergencies around that, to try and cover that off. And then, fortunately for myself and everyone involved, he responded and remembered and acted appropriately.

30

COL STREIT: The importance of that activity was to move – if you could – move the aircraft forward so, when it hits the water, you've done your best to ensure it doesn't hit the people that are in the water?

35

D2: Yes, correct, sir.

COL STREIT: So about 17 metres off the ground, doing an activity per normal, engine failure. Did you hear something that told you that it was an engine failure, or something had happened to the engine?

40

D2: Yes, the rotor RPM, NR we call it, decreased pretty rapidly, and I heard that audibly, which pulled my gaze in to the indication for that, and I could see that that was decreasing rapidly, and then I believe I announced an engine failure to the crew.

45

COL STREIT: In your statement, at paragraph 60, second-last sentence, you say:

5 *At some point on the way down there was a large explosion on the left side of the aircraft that filled my vision with orange light.*

Is that correct?

10 D2: It was a significant explosion, yes.

COL STREIT: So you're only 17 metres off the water. You're in an aircraft that's in a hover, performing an activity with clearance divers underneath. You have an engine failure, co-pilot moves the engine forward in an effort to ensure that the aircraft doesn't come down on the clearance
15 divers. [REDACTED]

D2: [REDACTED]

COL STREIT: Sure. In any event, the aircraft moves forward. I take it
20 you thought at that time – you were only 17 metres off the deck – you thought you were going in, to impact the water?

D2: The aircraft was going in the water, yes.

25 COL STREIT: No doubt there would have been 101 things going through your mind at that time.

D2: Correct.

30 COL STREIT: And it's very little time to respond, I take it, because you're only 17 metres off the deck; correct?

D2: Yes, seconds.

35 COL STREIT: Can I just pause there? You later learn, don't you, that there was a risk with the engines on the MRH-90, which hadn't had a particular upgrade. Is that correct?

D2: That's correct.

40 COL STREIT: So at the time you were experiencing this engine failure and about to impact the water, you had no knowledge at that point in time that there was a risk with the engines on the MRH-90?

45 D2: I did not.

COL STREIT: So the helicopter impacts the water, and fortunately it's correct, isn't it, that everyone was able to get out of the helicopter?

5 D2: That's correct.

COL STREIT: The aircrew, and you, and the co-pilot?

10 D2: Mm.

COL STREIT: And fortunately no divers that were in the water doing an activity were injured; is that correct?

15 D2: A couple were injured, but everybody survived.

COL STREIT: Before we go to conversations that no doubt occurred after that experience you've just gone through in the Jervis Bay about what happened, can I just ask you about paragraph 65 where, in the second-last sentence, you say:

20

I also cut holes in my gloves for dexterity, which I wore for general overwater flight.

Why did you do that?

25

D2: There was a requirement for a pilot during a HUET egress drill to remove the HMSD, or disconnect the HMSD from the aircraft. You had two options to remove the two cables at the aircraft end, which is a quick release pack, and a quick release connection.

30

However, they release vertically, so if you forget and you end up outside of the aircraft, you can't pull on the cable and release them horizontally. And I believe some AATES testing had shown that. And so the other option to the pilot is to undo the chin strap and remove the helmet and the entire TopOwl configuration, and leave it behind, and exit the aircraft.

35

And HUET training – probably from the safety side of things, not having cables within the HUET machine doesn't simulate that part of the HUET egress drill, and so it was up to the pilot to fill the gap between the requirement to egress and how they were going to egress, and then get to the point where the HUET training would kick in.

40

And part of that, we decided that we would need a level of dexterity to perform either of those functions, and leaving your gloves on was probably

not the best solution for that, or having gloves with fingers still remaining probably wouldn't offer you enough dexterity for that.

5 COL STREIT: At the time that this event was unfolding for you whilst you were in the aircraft working out very quickly what you were going to do, you had an awareness that two Dutch NH90 pilots had both tragically drowned when their NH90 aircraft contacted with water and flipped over. Is that correct?

10 D2: That's correct.

15 COL STREIT: Your understanding was that neither of those pilots sustained life-threatening injuries from impact. It was rather their difficulty in egressing from the aircraft, and that one was found entangled in lines connecting to the helicopter.

D2: Yes, one of the pilots was outside of the airframe, but entangled in the cables that I'm talking about.

20 COL STREIT: So all of this is obviously going through your mind, isn't it, 17 metres off the deck with an engine explosion – or what you understood was an engine failure and an explosion, and that you were about to impact the water?

25 D2: Correct.

COL STREIT: Can I turn now to discussions after that harrowing event for you? Now, when we look at paragraph 68, you say:

30 *About a week after the incident MAJ D10 sent the aircrew 173 Squadron the 2018 and 2020 decision briefs outlining the issue with the HP1 turbine blades in the engine in some unmodified MRH-90s that we had used.*

35 In summary, you had the opportunity to read those briefs; is that right?

D2: I have.

40 COL STREIT: In summary, what did you learn from the briefs, in broad compass?

45 D2: That there was a known fault with this particular turbine blade. It had been attributed to, I believe, seven, maybe, later, eight engine failures across the NH90 fleet worldwide, and the engine manufacturer had developed a fix, a replacement blade, I believe, that the operators had the option, at cost,

to install into their engines to eliminate that specific risk of those blades malfunctioning.

5 COL STREIT: Upon reading these briefs, and learning that this risk of an engine failure was known to the chain of command within Aviation Command, but not you as an MRH-90 pilot, just having survived what had just happened, were you angry that you hadn't been told?

10 D2: Well, obviously I was quite emotionally attached to the incident, so yes, initially there was a bit of anger. I don't understand engineering processes. I'm not an Aviation Engineer, but it – I couldn't recall that being included in any risk management profiles that I was aware of. So just being unaware sort of raised questions on what else are we not aware of in regards to the aircraft?

15 COL STREIT: It had the effect, did it, of undermining confidence about safety issues generally for you?

20 D2: Somewhat. I believe in the system, and if someone tells me that an aircraft is safe, I have faith that that aircraft is safe to fly, and, you know, probability-wise that aircraft probably was safe to fly. It just happened to occur at the exact time that we were basically trying to have it not occur.

25 COL STREIT: So I suppose risk mitigation doesn't mean no risk - - -

D2: Correct.

30 COL STREIT: - - - in military operations, but in this case if you had been told of the risk, would you – I appreciate this is a question in hindsight – but if you had been told of the risk, might that have figured into your planning for missions and how to take account of what might occur if an engine was to cease functioning or explode?

35 D2: Yes. Well, I guess we didn't have that opportunity to go through that process. I'm not sure that it would've changed how we operated it. But I certainly would've questioned the data from – at least raised the question of whether the data that influenced the decision in 2018 was still current in 2022/2023 and was being reviewed annually against how the aircraft was being used, because the data that influenced that decision was Black Hawk data from the Regiment. So - - -

40

COL STREIT: At para 69 you say:

MAJ D10 was good at disclosing information to the aircrew and he thought we should be aware of the likely cause of the engine issue with some of the MRH-90s we were flying.

5 Do you recall him ever telling you when he became aware of the engine issue?

D2: I don't, no.

10 MS McMURDO: At that stage, had any of the Squadron MRH-90s been modified to correct this fault?

D2: Short answer, I don't know, ma'am. There was, I believe, up to 44 modified engines across the fleet by 2020. But there was no indication to us, as Aircraft Captains signing the aircraft, whether you had modified or
15 unmodified engines.

MS McMURDO: No. But if you'd known about the fault, I imagine you would probably have sought to have a modified helicopter rather than an
20 unmodified helicopter.

D2: Given the nature of 6 Avn's flying and the amount of time that we can spend in precarious situations where we don't have one engine in operative performance, I would have asked for prioritisation. And Navy did – during
25 that decision brief, Navy requested that all of their engines get modified, looking at their usage requirements for the platform. So, yes.

MS McMURDO: Thank you.

30 COL STREIT: The Navy weren't, on your understanding, prepared to accept the risks, and they get their engines fixed. Whereas Army were prepared to accept the risk, and entered a modification regime to swap the engines out over a period of time. Is that correct?

35 D2: Correct. Correct.

COL STREIT: That's your understanding, anyway.

D2: That's my understanding.

40 COL STREIT: Paragraph 21 – 71, I'm sorry, you say:

I recall that in 2019 there was a similar issue, this time related to tail rotor bonding straps.

45

Can you just explain what's a tail rotor bonding strap, if you're able to? I appreciate you're not an engineer.

5 D2: I'm not, no.

COL STREIT: As a pilot, what do you understand a tail rotor bonding strap to be?

10 D2: I actually have no idea, sir. I apologise.

COL STREIT: Right.

D2: I just know that that was the related issue.

15 COL STREIT: Anyway, something that if it goes bad is bad for the aircraft if it's in the air, I take it?

D2: The tail rotor is pretty important for a helicopter in flight, yes, sir.

20 COL STREIT: Yes. I thought we'd get there. You say:

25 *To my knowledge, a Service Bulletin was released and inspection regime rather than an immediate replacement option selected, and subsequently a 5 Aviation Regiment MRH-90 departed a ship and was forced to return under emergency conditions due to significant vibrations resulting from the identified tail rotor bonding strap issue.*

30 That's your understanding?

D2: That's my understanding, yes, sir.

COL STREIT: You further say at paragraph 71:

35 *To my knowledge, the RNZAF –*

the Royal New Zealand Air Force –

40 *elected to incorporate the modification and, effectively, eliminated the risk.*

D2: That's my understanding, yes, sir.

45 COL STREIT: At paragraph 72 you say this:

After the incident, I had read the decision brief and the Bushman 82 crew were afforded some time with MAJGEN Jobson, the Commander of Aviation Command.

- 5 You say you politely made a request of him with words to the effect of, “Sir, can you please look into whether there’s a trend within Engineering decision-making around a bias for choosing more cost-effective implementation solutions using a mathematical justification rather than just eliminating the risk?”
- 10 Your recollection is that MAJGEN Jobson said, “Everything surrounding the incident will be looked into thoroughly”. That’s correct, your recollection of what he said to you?
- 15 D2: That’s my recollection.
- COL STREIT: Do you recall where this conversation occurred with GEN Jobson?
- 20 D2: Yes, it was in a – Hangar 8 or Hangar 9 of the 6 Aviation Regiment compound.
- COL STREIT: And did you ever receive a response to your question, either via GEN Jobson or communicated through the chain of command, as to the matter you raised?
- 25 D2: I did not. It’s rare to interact with a two-star General, though, sir.
- COL STREIT: But, nonetheless, no word came down the line from the chain of command in response to the question you asked GEN Jobson?
- 30 D2: No. I’m hoping the DFSB report will touch on that.
- COL STREIT: Okay. You asked the question of GEN Jobson, I take it, because, from your observation, it seemed like Army were opting for the cost-effective solution, focusing on the likelihood of occurrence rather than eliminating identified risks. That’s your view?
- 35 D2: That’s my view.
- 40 COL STREIT: And you considered it felt, essentially, like a gamble with regards to the Jervis Bay had not paid off and the people at stake were unaware of, effectively, the risk of engine failure?
- 45 D2: That’s my view.

COL STREIT: It's difficult to assess the level of risk for an activity you're involved in as an operator if you aren't aware of the full picture of risk.

5 D2: Correct.

COL STREIT: Now, at 74 you say this – and I just want to ask you some questions about this – you say:

10 *I believe in a just culture.*

What do you mean by that phrase, “I believe in a just culture”?

15 D2: I believe that, you know, everyone who goes to work in our organisation goes to work with good intentions and will conduct their duties to the best of their abilities. And that if there is an error, then potentially – or an error, then we look at our organisational issues that might have contributed to that person making an error – training, et cetera. I don't like to point fingers. I thought, potentially, I had seen something in that from
20 my sample size.

COL STREIT: You go on at 74 to say you –

25 *believe everyone at all levels to be good, honest people, with the best of intentions, working within a complex environment. So I was not pointing pictures - - -*

MS McMURDO: Fingers.

30 COL STREIT: Thank you, Madam Chair.

I was not pointing fingers. My sample size was only two incidents in what appears to be similar circumstances.

35 When you say “sample size”, you're talking about the tail rotor matter we talked about earlier and your experience at Jervis Bay in March 2023?

D2: Correct.

40 COL STREIT: Now, in response to the Jervis Bay incident, the MRH-90 fleet was grounded for a short period of time, but you felt confident to get back in the aircraft when flying resumed?

45 D2: I did.

COL STREIT: And at no point did you think the aircraft was unsafe?

D2: No.

5 COL STREIT: I'm just going to turn now to deal with issues about fatigue
and your experiences throughout your flying career, but largely focussing
at 6 Aviation Regiment, and then we'll deal with some matters in your
civilian role. So dealing with paragraph 76, you were posted back to 6 Avn
10 Regiment as a QFI in 2021. You did not have any secondary duties, other
than the Standard Officer duties around the Regiment, including Duty
Officer, et cetera.

15 *And in 2022, achieving the Special Operation flight lead
qualification arguably became my secondary duty and the role of
QFI is not within its share of administration.*

20 When you have a flight lead qualification, there's an attraction to get you
to come and fly in a sortie even if you're not performing in a QFI role in
that sortie because you have that flight lead qualification?

D2: Yes, the qualification is separate. It's a mission qualification,
irrespective of Flying Instructors. And it's an essential role within every
single mission that we fly.

25 COL STREIT: At paragraph 77 you say:

30 *I often felt a level of cumulative fatigue when I was at 6 Aviation
Regiment, both when I was there in 2013, 2018 and, again, in 2021
and 2023. I would describe this as unable to recover to a fully
rested state (top score on Alertness Consideration Table) in a
single rest period. Usually, this would require a long weekend, a
low-tempo period of standdown, to be achieved.*

35 In your time at 6 Aviation Regiment, with a focus on 2022/2023, can you
just describe, to the best of your recollection, the nature of any fatigue
management training or briefings you received?

40 D2: I believe under our non-technical skills currency there's a – and it used
to be a career source management, but I think it's under non-technical skills,
there's some information in those briefs that are around fatigue
management, and then some safety days will feature on fatigue
management. Otherwise, it's just learned practices and it's more of an
individual level of managing your own rest periods and making sure you
get the required amount of rest.

45

COL STREIT: I just want to show you Exhibit 39 and I just want to ask you if you've seen it before.

D2: Thank you.

5

COL STREIT: I'm not suggesting you speed read this booklet that's been provided to you, but if you could just have a flick through it and tell me whether or not you've seen that before?

10 D2: I've seen it in recent times, but it's not something I was familiar with prior to July of 2023.

COL STREIT: So you've seen it in recent times, but not something you're familiar with prior to July 2023. Is that correct?

15

D2: Correct.

COL STREIT: When you say you've seen it familiar (sic) times, is there something that's twiggling your memory about that?

20

D2: In recent times?

COL STREIT: Yes.

25 D2: No, you showed it to me in our pre-interview.

COL STREIT: So perhaps not that recent. What about when you were at 6 Aviation Regiment?

30 D2: Not at 6 Aviation Regiment.

COL STREIT: Can I take you to paragraph 35 – page 35, I apologise. Page 35 contains a diagram with a heading, "Fatigue Risk Awareness Tool". Now, had you seen this Fatigue Risk Awareness Tool during your time at 6 Aviation Regiment, before you left at the end of 2023?

35

D2: Not that I recall, but that's not to say it wasn't present in a brief at some point on one of those safety days. But we weren't using it at the time.

40 COL STREIT: Now, can I have that exhibit returned, please? Thank you. I'll just take you to paragraph 83. We'll then have to return back to some early paragraphs in your statement, but just for chronological purposes, paragraph 83 you talk about:

Every year, 6 Avn Regiment would be briefed on the results at DFSB Annual Snapshot Surveys, and fatigue would be a feature as an issue.

5 First, what's the DFSB Annual Snapshot Surveys?

D2: It's a data collection opportunity for DFSB that's used within all Aviation units to provide a snapshot in time of particular indicators that are relevant to Aviation flight safety of that unit. It's somewhat anonymous and then that data is collected and given back to the Regiment in a brief and a format that the Regiment can try and derive some, hopefully, quantitative measures from it on where the Regiment's at, and the Command team, and anyone really, can use it to try and put measures in place if needed.

10
15 COL STREIT: In relation to the snapshot surveys, your recollection is that fatigue would feature as an issue?

D2: That's my recollection.

20 COL STREIT: Do you recall when was the last snapshot survey brief you received?

D2: I'm not sure if we'd received the '21 and 2023, but I know I received one in 2022.

25 COL STREIT: Insofar as the one in 2022 is concerned, fatigue was a feature?

D2: Yes, it was apparent to me, coming back to the Regiment, that fatigue had potentially gotten a bit worse and then it was either steady state or on the decline in the two and a bit, three years that I was there.

COL STREIT: At paragraph 83 you say just that, that:

35 *Fatigue responses at 6 Aviation Regiment were sustained, if not getting worse over time.*

And in recent times you considered that could probably be attributed largely to the introduction of the MRH-90 into the Regiment and the inherent friction any introduction of type causes. Is that right?

40 D2: Yes, from a big lever perspective. Yes.

COL STREIT: What you're saying there, if I understand it correctly, is that when you introduce a new airframe into a Regiment to be learnt and

picked up, there's a necessary training process it needs to go through to get everyone trained up on the airframe?

5 D2: Yes, that's correct, including maintainers, mission support staff, pretty much everyone involved.

COL STREIT: Sure. And that training has to occur concurrently, at the same time as 6 Aviation Regiment needs to maintain an operational capability to deliver an outcome for government?

10 D2: Yes, it can be quite complicated.

COL STREIT: The training liability and the operational liability for the unit is being undertaken by the same people, i.e., you as a QFI?

15 D2: Correct.

COL STREIT: At paragraph 84 you make some observations about what the Regiment was doing to attempt to combat workload. You say:

20 *There were several initiatives over the years to address workload, including restricting the number of away-from-home base exercises annually, and dedicated reduced tempo periods are examples of those.*

25 You say that:

30 *It is the case that at the time of the accident, some additional plans were being explored and implemented relating to Regimental structure.*

Correct?

35 D2: Correct.

COL STREIT: Can I just ask you, did you have any knowledge – I withdraw that. The Inquiry understands in 2022 a Fatigue/Sleep Survey, or equivalent, was conducted at 6 Aviation Regiment. Are you aware of that?

40 D2: Not that I recall.

COL STREIT: That's okay. At paragraph 85 you say:

It was observed that 173 Squadron has to force-generate its own specific aviators, as well as operationally-generate and provide and sustain a fighting force.

5 So am I correct in understanding what you're saying there is that 6 Aviation Regiment is given a qualified MRH-90 pilot, whether out of 5 Aviation Regiment or out of Oakey? Correct?

D2: Correct.

10 COL STREIT: You then have to take that pilot and they have to then be qualified as a co-pilot on a Special Operations Qualification Course?

D2: Correct.

15 COL STREIT: Therefore, the course has to be conducted for them to do it; correct?

D2: Correct.

20 COL STREIT: In terms of positions available on the course, those positions are limited?

D2: Correct.

25 COL STREIT: Was it the case that there were always more pilots needing to do the course than there were, at least at your time there, the capacity to get those pilots through the course?

30 D2: On MRH, yes.

COL STREIT: Yes. Until a pilot was qualified as a co-pilot on the Special Operations Qualification Course, they couldn't do Special Operations missions?

35 D2: Yes, that's correct.

40 COL STREIT: Can I just pause there and go to your recent civilian experience, if I may? So we're looking now at paragraph 79 of your statement.

D2: Okay.

45 COL STREIT: Here you say this:

For context, I started in my current civilian role on 4 December 2023 and since then, I have flown over 300 hours on helicopters, which is a much higher flying rate than when I was flying in 6 Avn Regiment.

5

You say:

Rarely in the last seven months have I felt cumulatively fatigued. I have felt short-term fatigue a few times after a busy shift, but after a period of rest, the fatigue has gone away.

10

You say, the last sentence:

When my four shifts end, I'm away from work and do not have to think about work.

15

So this is sort of four days on – or four shifts on/four shifts off approach?

D2: Correct.

20

COL STREIT: You're flying more than you were when you were at 6 Aviation Regiment; correct?

D2: Correct.

25

COL STREIT: But you're feeling – well, rarely in the last seven months, do you say, you've felt cumulatively fatigued?

D2: Correct.

30

COL STREIT: So I take it your experience is chalk and cheese from your military experience at 6 Aviation Regiment as a QFI, flying less hours but feeling more tired than being in the civilian world flying more hours but being nowhere near as tired?

35

D2: Yes, I guess I was – I'm trying to articulate that flying rate doesn't necessarily equate to increased fatigue and that the nature of the task and all of the extra administration and risk management requirements around that task is what I believe increases the workload and contact hours at 6 Avn Regiment, having now experienced something external where I am flying a much higher rate and it's not impacting me as much.

40

COL STREIT: Now, it's fair to say, when you look at paragraph 80, also your experience in flying missions at 6 Aviation Regiment had a level of greater complexity than flying in your civilian role?

45

D2: Correct.

5 COL STREIT: Including flying in multiple ship, multiple elements and various tasks even within a single mission.

D2: Correct.

10 COL STREIT: Can you just explain within your current civilian role the approach to dealing with the risk of fatigue when you arrive to start your duty, in broad terms?

15 D2: Yes, so we – the crew gets together at the start of each shift. I, as the pilot in command, ask each flight crew member – we go through a similar tool to the one that I was just shown, which is a – effectively a survey on sleep and the person’s perceived alertness, how much sleep they’ve had in the last 24 hours/48 hours, and what time they woke up that morning to then what time that shift is programmed to end. And we do – I ask them that so I can look them in the eye and they tell me what rest they’ve had. And then
20 we calculate a score based on that for the fatigue component, and then we weigh in other aspects, operational risk - - -

25 COL STREIT: So the document you complete, that’s at Annex B of your statement?

D2: Correct.

30 COL STREIT: So that’s completed – well, it’s stepped through and completed at the commencement of each shift.

D2: Correct.

35 COL STREIT: You, what, as the Aircraft Captain, have a responsibility to ensure the document is completed for your crew?

40 D2: Yes. So we fill it out on an A3 sheet of paper that’s laminated, and we just write on it with a pen and we leave that in the Crew Room, so that if we are out and there is an incident that’s back at base and can be consulted. And then at the end of each shift, when I put the post-flight information in, I also record two fatigue scores for that shift as well.

45 COL STREIT: Thank you. Ms McMurdo, I note the time. It’s just after 4. I’ve received a note whilst D2’s been giving evidence to say that we can go a little bit longer, to 4.30 if you wish. It is a long day for the witness.

MS McMURDO: You're probably unlikely to finish the witness today
or - - -

5 COL STREIT: Unlikely to – I will not finish the witness today.

MS McMURDO: You won't finish the witness today.

COL STREIT: Yes.

10 MS McMURDO: And then there's likely to be cross-examination, I would
imagine, as well, by a number of people. So we're not going to finish today.
We can do a bit more if you like, or would you like to finish up and have a
break now?

15 D2: I'll leave it up to you, ma'am. I'm happy either way.

MS McMURDO: Well, we can - - -

20 COL STREIT: Perhaps if I finish off this area.

MS McMURDO: Yes, perhaps if we sit on a bit till 4, 4.15. But we have
also undertaken to the families to not sit beyond 4 o'clock much.

25 COL STREIT: Yes.

MS McMURDO: So perhaps just finish off this area and we'll come back
tomorrow then.

30 COL STREIT: You were giving some evidence about the use of the tool
that you've identified at Annex B of your statement and how it's completed.
Can I ask you, so if in relation to that tool things move into the amber
lighting or the high-risk areas, what happens? Well, first of all, have you
ever experienced that in your role so far?

35 D2: I've had one flight crew member end up in the red, the high-risk
section for fatigue. And we – in that instance, we were just able to shuffle
the person's position within the aircraft so that they weren't a person who
was contributing to the safe operation of, physically, the helicopter. And,
40 yes, that would be considered a normal procedure if that person – if we had
an extra person, we could just remove that person from the flight and
substitute.

45 COL STREIT: Can I just ask you this? You've had – probably one of only
a couple of pilots at this stage that are giving evidence that have had the
experience of operating at a very high level within 6 Aviation Regiment,

including significant qualifications, and then experiencing live flying helicopters outside in a civilian construct. In terms of the approach that your civilian employer is taking to the use of this tool which you've set out at Annexure B, obviously I take it that you regard it as an enhancing tool in terms of safety?

D2: Yes, I mean, I think it gives you a better snapshot in time at the start of a shift of every member of the crew – it's recorded. There's some self-assessment and then there's some data that sort of backs it up, and then it also just gives us options in who to contact if people hit certain limitations within the tool.

The thing that I have found useful, having a family at home with small children, is that I can look at the tool, know what time my shift's ending, and then turn to my wife the night before and say, "Hey, I need to be in bed until 9 am, otherwise I'm going to come down from a green score into the ambers". And so it just allows, from the home front, to give a line in the sand I can turn up green and good to go for my sortie. And I've found that beneficial.

COL STREIT: So does it force, effectively, a greater level of sleep discipline and management of fatigue than you had previously experienced?

D2: Yes. Probably more in expressing, potentially, to non-aviators the importance of it - - -

COL STREIT: I don't want to get you in trouble at home.

D2: The importance of when you need to wake up, because it's data, right.

COL STREIT: Yes. Sure, no, understood. Thank you, that's the questions I had for you in that area. That might be a convenient time.

MS McMURDO: We'll adjourn now till 10 o'clock tomorrow morning.

Thank you very much for your assistance to the Inquiry. I know that we've been covering some very difficult grounds and your assistance is greatly appreciated. Thank you.

<WITNESS WITHDREW

**PUBLIC INQUIRY ADJOURNED UNTIL
TUESDAY, 13 AUGUST 2024 AT 1000**