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

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

**PUBLIC INQUIRY**

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

**COL J STREIT, with FLTLT A ROSE and MAJ L CHAPMAN,  
Counsel Assisting**

**LCDR M GRACIE, representing CAPT D Lyon  
SQNLDR J GILES, representing LT M Nugent  
MAJ H PEROTTET, with LCDR M TYSON, representing  
CPL A Naggs  
SQNLDR C THOMPSON, representing WO2 J P Laycock  
COL N GABBEDY, representing MAJGEN Jobson  
SQNLDR M NICOLSON, representing D10  
CMDR B JONES SC, representing D19  
COL S THOMPSON, representing BRIG D Thompson  
MS K MUSGROVE, representing the Commonwealth**

**1000, THURSDAY, 15 AUGUST 2024**

**DAY 20**

**TRANSCRIPT VERIFICATION**

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

<b>Signed</b>	.....	<b>Date</b>	.....	(Chair)
<b>Signed</b>	.....	<b>Date</b>	.....	(Recorder)
<b>Signed</b>	Epiq Australia Pty Ltd	<b>Date</b>	04/09/24	(Transcription)

# **EXHIBIT LIST**

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**<D16, on former affirmation**

**<EXAMINATION-IN-CHIEF BY COL STREIT, continuing**

5

MS McMURDO: Yes, COL Streit.

10 COL STREIT: Good morning, Ms McMurdo, AVM Harland. Can I seek leave to continue with the evidence of D16, who is in the witness box.

MS McMURDO: Of course.

15 COL STREIT: First, can I have Exhibit – yes, thank you – D16’s statement, which I think is Exhibit 55?

20 D16, we finished your evidence yesterday with just stepping through some preliminary matters, and what I propose to do now, just to orientate you, is to step through your statement by taking you to particular paragraphs in your statement, and then I’ll just ask you some questions.

25 Some aspects of your statement I will read out to you, and just ask you to confirm that what I’ve read, the contents, is correct. Other parts of your statement, if I need to refer to an annexure, I’ll identify the annexure, give you an opportunity to get to that annexure – noting that there’s quite a number of annexures – and then I’ll draw your attention to the particular part of the annexure.

30 D16: I understand, sir.

35 COL STREIT: And if at any point in time you need to refer to a person, can I just ask you to check that that person’s name – if they have a pseudonym, just to use, obviously, the pseudonym. And if you have a doubt as to whether or not they have a pseudonym, just check the pseudonym list and just let me know you’re doing that and if you have - - -

D16: Yes, sir.

40 COL STREIT: - - - difficulty undertaking that process. Can we begin with your background and qualifications? This is set out at paragraph 1 of your statement, and the way you’ve identified your statement, for succinctness, is simply to identify, effectively, what the question was the Inquiry asked of you in a 23 Notice, and then you set out, in short compass, the information under that particular question. Is that correct?

45

D16: I did, sir, yes.

COL STREIT: In terms of your background career history in Army, you joined in January 2011.

5

D16: Sir.

COL STREIT: You went to ADFA, and then subsequently RMC, Royal Military College Duntroon?

10

D16: Sir.

COL STREIT: What did you study at ADFA?

15

D16: Bachelor of Business.

COL STREIT: Thank you. You then attended, in 2015, the ADF Basic Flying Training School and Intermediate Pilot Course. Is that right?

20

D16: Correct, sir.

COL STREIT: When you first were appointed into the Army, was that on the basis that you knew that once you completed your study at ADFA and your training at Duntroon that you would then undertake pilot training?

25

D16: No, sir. I joined as a General Service Officer, and I was not a Cadetship as other pilots are. I was then appointed to Aviation after probably about the six months' mark of RMC.

30

COL STREIT: Sure, and did you have to undergo any testing for that appointment whilst you were at Duntroon?

D16: I did, sir, yes. I completed my flight screening in a mid-semester break.

35

COL STREIT: Sure. I should say, please feel free to pour yourself a glass of water.

D16: Thanks, sir.

40

COL STREIT: It might assist even if your support person did that for you, so you can keep moving forward with your evidence. Now, in 2016 you completed what you've described as HQC. What does "HQC" stand for?

45

D16: So that is the Helicopter Qualification Course.

5 COL STREIT: And you then commenced Operational Type Transition to MRH-90. So that's in 2016. Does that mean you were trained on another helicopter and then had to transition to MRH-90?

D16: HQC is on the Bell 206 - B 206. It's about a 10-month transition that I was on that platform for, and then the Operational Type Transition to MRH-90 following.

10 COL STREIT: In 2017, you completed OTT, so Operational Type Transition. You posted to B Squadron, 5th Aviation Regiment, in July of that year; correct?

15 D16: Correct, sir.

COL STREIT: And you remained at 5 Aviation Regiment in B Squadron until 2020.

20 D16: Sir.

COL STREIT: In 2020, you deployed overseas to Afghanistan and you then returned to A Squadron, 5 Aviation Regiment, later that year.

25 D16: Correct, sir.

COL STREIT: You remained at A Squadron until end of 2021.

D16: Correct.

30 COL STREIT: And then posted to 6 Aviation Regiment at the beginning of 2022.

D16: Correct, sir.

35 COL STREIT: Was it the case you posted in as a line pilot?

D16: It was, sir, yes.

40 COL STREIT: When you were at 5 Aviation Regiment, you were a line pilot, were you?

D16: I was, yes.

COL STREIT: And save for when you deployed overseas to Afghanistan, as a line pilot, did you have any command responsibilities, or simply the focus was you being a line pilot at the unit?

5 D16: That was just as a line pilot, stayed within the Troop at B Squadron. I did not hold any significant appointments in my time at B Squadron.

10 COL STREIT: At paragraph 3 you set out your pilot training in the Army in a little bit more detail. At the bottom of that page, which is paragraph 4, you describe where you were posted as at 28 July 2023, and what role you had. So as at July 2023 you were at 6 Aviation Regiment and you'd been there for about 18 months.

15 D16: Correct, sir.

COL STREIT: And you've listed at paragraph 4 a number of roles and responsibilities that you had, including being, in 2023, the Adjutant of the 6 Aviation Regiment.

20 D16: Correct, sir.

COL STREIT: Just before I ask you some questions about that role, can you just explain when you transitioned from being a line pilot at 6 Aviation Regiment to then first assuming command, or other responsibilities?

25 D16: I started my handover/takeover with the previous Adjutant roughly about November 2022.

30 COL STREIT: So is the Inquiry on safe ground to understand that you were a line pilot from January 2022 until about November 2022?

D16: That's a fair statement, sir, yes.

35 COL STREIT: And you then moved into a position of being – did a handover and became the Adjutant to the Commanding Officer of the Regiment.

40 D16: Correct.

COL STREIT: Was that, from your perspective, a planned activity for you? Was it something you had put your hand up for?

45 D16: It is, sir. Yes, I asked to be the Adjutant.

COL STREIT: Did that mean that you would continue maintaining your currency as an MRH-90 pilot but it would reduce the availability for you to fly because you would be the Adjutant?

5 D16: Both roles, I would say, are demanding and full-time jobs. Yes, you balance your role as Adjutant, but also maintaining currency with your primary job of being a pilot.

10 COL STREIT: You effectively had to juggle both of those roles - - -

D16: Yes, sir.

15 COL STREIT: - - - to meet the outcomes of both of those roles: one, a line pilot; and the other one, the Adjutant.

D16: Yes.

20 COL STREIT: Can you briefly just describe the role of an Adjutant at 6 Aviation Regiment?

D16: I would say that, briefly, it is extremely dynamic. The variety is huge. As an Adjutant, your primary responsibility is to the CO. A way of thinking as an Adjutant is, is what you're doing at that time helpful to the CO or the chain of command? I have listed a wide range of roles and responsibilities that I filled throughout that year.

25 COL STREIT: So they include, effectively, being one of the Principal Staff Officers to the CO. You help and prepare the CO for meetings, manage the CO's calendar, act as the liaison between the CO and other senior members of the unit, draft and prepare administrative documents for the Commanding Officer's signature.

D16: Sir.

35 COL STREIT: Help and manage the CO's flying currency and recency. So I take it that means just finding opportunities in his calendar so the CO can undertake particular flying requirements.

D16: Yes, sir.

40 COL STREIT: Coordinate travel for the Command team. The Command team is the Commanding Officer, the Regimental Sergeant Major and, what, the 2IC of the unit?



D16: I would say the Command team is pretty much from senior Captains to the CO, encompassing a lot of people. The Executive team is the team I'm referring to there, which would be the Adjutant, the RSM, the CO, and the RXO.

5

COL STREIT: You also, on occasion, are the representative of the unit at events and exercises. So that would be you accompanying the CO to events and exercises?

10 D16: Sometimes, sir, or attend on his behalf.

COL STREIT: In an Infantry unit, do you understand that the Adjutant also has a quasi-mentor and disciplinary function with other Captains and Lieutenants within the Regiment?

15

D16: I do, sir. And that is - - -

COL STREIT: Is that the same with - - -

20 D16: It is the same.

COL STREIT: If we turn the page, you identify one of the things you did was contribute to Human Performance Optimisation. What does that mean?

25

D16: That is – in a summarised view, it is professional military education. Yes, the Adjutant is responsible for the socio-cultural side of it.

COL STREIT: Sure.

30

D16: HPO is quite a wide term.

COL STREIT: Am I correct in understanding that the Adjutant is effectively a senior Captain within a unit who has responsibility to the CO to do all of the things you've identified, but also it's a leadership role for the junior officers, the other Captains and Lieutenants, to look up to and take direction from?

35

D16: Not direction.

40

COL STREIT: Guidance?

D16: But I would describe it as you stated it, and also more a mentoring role.

45

COL STREIT: Sure. In addition to those duties, would you regard – or did you experience all of those duties as a significant workload for you?

D16: Yes, sir.

5

COL STREIT: Added to that, you then also had the workload of maintaining your proficiency as a pilot on an MRH-90?

D16: Yes, sir.

10

COL STREIT: You've listed some additional duties, including being a Special Operations co-pilot, planning and following progression through the 6 Avn Regiment UTAP, participate in and contribute to Squadron exercises, maintain proficiency, recency and aircraft categorisations, and UMTP. So first, in relation to the matters I've just identified, they're all additional things you had to address?

15

D16: That is a short list of jobs that a co-pilot or Aircraft Captain would expect to hold.

20

COL STREIT: What does "UMTP" stand for?

D16: So I was a qualified maintenance test pilot on the MRH-90, and in that year, when required, I would do maintenance test functions on the MRH-90.

25

MS McMURDO: So what was the "U" for?

D16: Unit.

30

MS McMURDO: Unit, thank you.

COL STREIT: So in that first six months, from January 2023 to the accident in July 2023, were you very busy managing these two roles: pilot and Adjutant?

35

D16: It's a large workload, sir, yes.

COL STREIT: How many hours would you estimate you were working on a weekly basis? I appreciate it's probably a bit of guesswork there, but - - -

40

D16: No. Generally, we would get to work between 8, 8.30. In that year, I probably wouldn't leave until 5.30, 6 pm.

COL STREIT: Would you do work at night-time?

45

D16: Sometimes, sir, yes.

COL STREIT: Can I turn to – well - - -

5

MS McMURDO: Did that include your pilot duties or your flying?

D16: I would say that's – one was exclusive of the other, ma'am. If I was acting in pilot duties, the Adjutant duties would – I would just catch up later.

10

MS McMURDO: So were you able to do that catch-up, and your flying duties, working those hours?

D16: Reasonably, ma'am, yes.

15

MS McMURDO: Most of the time?

D16: Most of the time.

20

MS McMURDO: And that was Monday to Friday?

D16: Yes, ma'am.

MS McMURDO: Weekend work?

25

D16: Sometimes, when required, ma'am.

MS McMURDO: Thank you.

30

COL STREIT: Compared to your previous experiences in the Army, did you regard that six months, January 2023 to July 2023, as the busiest experience you've had in the Army at that time?

D16: That's probably a fair statement, sir, yes.

35

COL STREIT: Can I take you to paragraph 5. So at paragraph 5 you're asked to describe the details of your posting to 6 Aviation Regiment and what your primary and secondary roles were during those postings. You have set those matters out there. Do you recall when you completed your Special Operations Co-pilot Course?

40

D16: I do, sir, yes. I completed it prior to posting into 6 Aviation. That was from October to November in 2021.

COL STREIT: So were you released from 5 Aviation Regiment to do that qualification?

D16: I was, sir.

5

COL STREIT: Was the intent therefore that you would do the qualification, then arrive at 6 Aviation Regiment being qualified as an SO co-pilot?

10 D16: Correct.

COL STREIT: Now, paragraph 7, you were asked to set out what category pilot you are. You say you do not hold a category in any operational type at the time of writing of your statement. You previously held an MRH-90 C Category and you've recently completed training on the EC135. Is that correct?

15

D16: Correct, sir.

20 COL STREIT: Paragraph 9, you're presently a Troop Commander within 173 Squadron; correct?

D16: Correct, sir.

25 COL STREIT: When did you take up that responsibility?

D16: Roughly about the same time in the year, about November/December.

30 COL STREIT: Of 2023?

D16: Of 2023.

COL STREIT: We're in August now, so about seven, eight months - - -

35

D16: Correct, sir.

COL STREIT: - - - of solid experience as a Troop Commander?

40 D16: Yes.

COL STREIT: As a Troop Commander, I take it you've also been required to complete training on another aircraft type, the EC135. Is that right?

45 D16: Yes, sir. And also the UH-60M.

COL STREIT: So the new Black Hawk that's come in?

D16: Correct, sir.

5

COL STREIT: So in terms of balancing your Troop Commander responsibilities and also your flying responsibilities, since you became a Troop Commander, how have you found that?

10 D16: Again, challenging, dynamic, very enjoyable.

COL STREIT: In terms of managing your workload, have you found that you've had to work increased hours on a daily or weekly basis as compared to when you were an Adjutant?

15

D16: This year, I don't think it's a fair comparison to my time as Adjutant. We were an operational deployable unit while I was filling the role of Adjutant. Right now we are in a state of transition.

20 COL STREIT: Transition to the new aircraft.

D16: Between aircraft types.

25 COL STREIT: That itself would come, would it, or has it, with an increased training burden for your Troop?

D16: Yes, sir.

30 COL STREIT: I appreciate that you've been in the role as the Troop Commander largely this year, but based on your experience from 5 Aviation Regiment, you were a line pilot working for a Troop Commander within a Squadron, and then your experiences coming to 6 Aviation Regiment, have you made any observations about any difficulties in fulfilling both roles as a Troop Commander whilst trying to be a proficient pilot?

35

D16: Again, I don't think it's a fair comparison. So my time as Troop Commander this year has been overseas on a UH-60M Course.

40 COL STREIT: Sure.

40

D16: And managing people who are subsequently on training courses as well. So if we were flying consistently, the workload would be challenging. I think the measures that are taken this year make it a bit more manageable.

45

COL STREIT: We might come back to that, in terms of those measures. At paragraph 10 and onwards you set out your total hours on different airframes. That's correct?

5 D16: Correct, sir.

COL STREIT: And, in particular, at paragraph 10(a) you identify, at the time of signing your statement, you had 1257.1 total hours, being 1058.1 on airframe and 172 on sim?

10

D16: Correct, sir.

COL STREIT: Just in relation to training on simulator, those 172 hours, are they largely attributable to your time when you were at 5 Aviation Regiment and using a simulator there?

15

D16: A lot of it, sir. But there were some trips that I conducted while at 6 Avn.

20 COL STREIT: And perhaps just a brief segue in relation to simulator training, when at 5 Aviation Regiment – we understand that there was a simulator at 5 Aviation Regiment that the unit could use on MRH-90. Is that correct?

25 D16: Correct, sir.

COL STREIT: And did you find the ability to have access to a simulator, because it's in location where you are, as a Force enhancement?

30 D16: It was extremely beneficial, I think, to our training, and progression, and recency.

COL STREIT: And did that mean that, for whatever reason, if you were not able to fly an MRH-90 due to it undergoing maintenance or serviceability, or any other issue – or even the weather – does that mean you could still get something out of the day by jumping in a simulator?

35

D16: Correct.

40 COL STREIT: Now, just briefly, in relation to hours by night on NVD, you set out a number of hours in different configurations. But if we just look at 10(d), the hours on NVD, including the hours in the airframe and the hours in the sim, you identify, "MRH-90: 249.3", with 239 in the airframe and 10.3 on the simulator. Is that correct?

45

D16: Correct, sir.

COL STREIT: And when we're talking about a night-vision device on the airframe, in your experience you're using TopOwl; is that right?

5

D16: Correct, sir.

COL STREIT: When you were at 5 Aviation Regiment, did you understand which version of TopOwl you were using?

10

D16: I did, sir, yes.

COL STREIT: Do you recall what that was?

15

D16: Originally it was, I believe, version 4. And I was there when the upgrade to version 5.1 occurred as well.

COL STREIT: The Inquiry's received some evidence that, in relation to TopOwl version 5.1, there was a known limitation in that version that, where the pilot turned their head to the left or to the right whilst flying, it affected the attitude information that was displayed on the TopOwl, such that there was a difference between what the instruments of the aircraft were telling you was the attitude as against what the TopOwl symbology was telling you. Had you had any awareness of that particular matter?

20

25

D16: We did, sir. So when the upgrade was installed on the aircraft – the software upgrade – there was gap training provided to all aircrew, and that gap training was recorded in our PEX profiles.

30

COL STREIT: Was that gap training at 5 Aviation Regiment?

D16: Mine was, yes.

35

COL STREIT: And can you remember what that gap training involved? I know it – it's not a memory test.

D16: In summary, it talked about the differences between the two versions – what additional information was going to be displayed – which was a welcome change. It also discussed the – what you described as a “limitation” of the system, being that if you looked off-axis – which wasn't apparent, really, until about the 90 degree mark – the information, there was a discrepancy.

40

45

COL STREIT: And what was taught as, essentially, the workaround, to deal with that discrepancy?

5 D16: My way of describing how we dealt with that is, it's our work cycle, and when we set an attitude with the aircraft, you set that attitude by looking out the front. That was not as a result of HMSD 5.1. That was a result of that's how we train. We set attitudes looking out the front of the aircraft, and then we look into the turn. And, if you need to change, you bring your head back to the front.

10 COL STREIT: And did you experience this discrepancy, whilst flying, that you can recall?

15 D16: I would've. Again, when you're looking out and into a turn, I'm not referencing the attitude information – maybe airspeed or altitude. But you're monitoring the performance of the aircraft, not looking to the right or left, setting a new attitude.

20 COL STREIT: Now, I just want to turn to paragraph 11 of your statement, if I can. So at paragraph 11 you were asked to provide details about what training, if any, you received, up to 28 July 2023, concerning workplace fatigue management at 6 Aviation Regiment, and identify when and where you received that training. So if you turn the page of your statement, you've set out some information there. You say you don't recall any specific fatigue management training delivered in preparation for TALISMAN SABRE 2023. Is that correct?

25 D16: That's correct.

COL STREIT: You do say, though:

30 *As a unit, fatigue was discussed regularly. Group-led discussions and presentations on fatigue, generally delivered at each of the units' safety day.*

And that:

35 *A safety day occurs twice a year.*

40 *Aircrew also cover Fatigue Management whilst completing their Aviation Risk Management and Non-Technical Skills training as part of their flying currencies.*

D16: Correct.

45 COL STREIT: Since the accident in July of 2023, has there been a marked change, at all, in relation to Fatigue Management at 6 Aviation Regiment?



5 D16: There's been Directions and orders, that have been issued from Aviation Command, on how a unit is to manage fatigue. The noticeable change is the change to duty days within the barrack's environment, and also in a deployed or operational context.

10 COL STREIT: Now, there's no need to discuss the detail of it, because it's at a particular classification, but the Inquiry understands a Special Flying Instruction was issued in around December 2023, dealing with Fatigue Management. Is that correct?

15 D16: Correct, sir. And I think the number is 12 of '23. What I'll offer at this point, sir, is, with Fatigue Awareness training, the Australian Defence organisation – meaning Air Force, Navy and Army – we have our mandatory training at the start of every year, and it's about eight or nine courses. Upon march in to 6 Aviation Regiment, it's directed from the Command that you do an additional fatigue awareness training course, which is specified and captured in our retinal trackers.

20 COL STREIT: Did you experience that when you first posted into 6 Aviation Regiment?

D16: I did, sir, yes.

25 COL STREIT: What I want to show you is just a document and I'll just ask you to have a look at it, and I'll ask you some questions. If the witness could be shown Exhibit 37, please? That can be brought up on screen. Thank you.

30 D16: Thank you.

COL STREIT: So, first, have you seen – or is that document familiar to you?

35 D16: It is, sir, yes.

COL STREIT: When was the first time you recall seeing that document?

40 D16: In December 2023.

COL STREIT: And is that document now part of 6 Aviation Regiment's fatigue management regime?

45 D16: It is, sir, yes.

COL STREIT: That's not something you utilised prior to July 2023, I take it?

D16: No, sir.

5

COL STREIT: Now, you've obviously, I take it, utilised the document now that it's part of the 6 Avn fatigue management regime; correct?

D16: I use it prior to each sortie that I fly.

10

COL STREIT: Sure. Now that it's part of the fatigue management regime – I was just about to ask you how is the document used? So you use it prior to each sortie. Can you just describe what you do in relation to that document prior to each sortie?

15

D16: So, for me, this document is a statement of fact, basically saying "How much sleep have you had in the last 24 hours?" It's a self-assessment. But it's a prompt to go, "Yes, I've had greater than seven". You tick the boxes, and it should give you an overall result.

20

COL STREIT: Score?

D16: Yes.

25

COL STREIT: Sure. And what is the next step? Is there any discussion about your results with the aircrew you're about to fly with, or with any other person?

30

D16: As a Troop Commander, I'd expect people to do this: if everyone is green on the Fatigue Risk Assessment or Awareness Tool, I wouldn't expect much discussion; if there was an amber, or a "Caution" as it's discussed, yes, there would be a discussion probably internally to the crew and also with the Authorising Officer.

35

COL STREIT: Are you an Aircraft Captain in relation to any of the new Black Hawk that's being brought in at the moment?

D16: Not at the moment, sir. I don't hold a category on that aircraft yet.

40

COL STREIT: So if I understand your evidence correctly – and if I have this wrong, please say so – so the tool is used by 6 Aviation Regiment as part of its fatigue management structures; correct?

D16: Correct.

45

COL STREIT: It came into effect as a requirement in December 2023?

D16: Correct.

5 COL STREIT: And the way you use it is it's effectively – is it a self-assessment that you step through, answering the questions? And if you're good to go – that is, you're green or no issue arises – you just get on with whatever the day's sortie is; correct?

10 D16: Correct.

COL STREIT: If there was an issue that you ticked a box and you ended up in the "Actively Manage" or "Caution" category, what would you then do?

15

D16: I would make it known. So it doesn't mean you cannot fly; it's just as a heads-up to say to your co-pilot or Aircraft Captain, "I'm feeling a bit fatigued", or "I'm thinking about something else", or "Something else significant has happened in my life. Just keep an eye on me today and we'll manage it as a crew". If you're not okay to fly, that's an individual responsibility, and make that assessment, and bring that up.

20

COL STREIT: Now, in terms of maintaining the record of the completion of that document, is there a record maintained, or you simply just complete the document, you're in the green zone, you're good to go, and then you just be in the document?

25

D16: No. So these are stored on Objective under – each person in our Troop or Squadron has an individual file. So there is a record of these.

30

COL STREIT: Does that mean you, as the Troop Commander, can start to effectively track how individuals in your Troop are moving along on a training continuum or a mission continuum on a – at the end of the week, you can sit down and assess how their fatigue levels are?

35

D16: I wouldn't track it against a continuum. If someone was consistently in amber or on in the "Caution" range, that flags to me as a supervisor, "Why? Are we loading him up with too much stuff? Has he got something significant going on in his family life that we probably need to give him time to deal with?"

40

COL STREIT: In your experience as a Troop Commander, since the start of this year, have you had occasion where anyone has presented with being on the red side of the ledger?

45

D16: Not in my experience, sir, no.

COL STREIT: Are you aware of it occurring in another Troop at the Regiment?

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D16: I can't comment on if it has. I just – I don't know about another Squadron's tools.

COL STREIT: Do you regard the Fatigue Risk Awareness Tool as something that has enhanced fatigue management on an individual basis?

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D16: In my opinion, yes.

COL STREIT: And provided individuals are completing the document honestly, it would then have the ability of enhancing overall unit fatigue management, would it not?

15

D16: I believe so, sir, yes.

COL STREIT: Have you ever come across a situation where individuals may attempt to achieve mission outcome and then simply just push on even though they might be fatigued?

20

D16: Yes.

25

COL STREIT: It's a risk, isn't it, when you're dealing with high-performing individuals who are trying to achieve mission outcome, because if they don't go, maybe the mission can't happen?

D16: The mission can't happen, or you don't get the qualification, or – in my opinion, if I cancel the sortie and it's someone else's category ride, I think that's worse.

30

MS McMURDO: Because they miss out on getting the qualification.

35

D16: Because they miss out, ma'am, yes.

COL STREIT: So there's a knock-on effect to the unit and to the member.

40

D16: Yes.

COL STREIT: And so, in terms of a process, we've had some evidence in the Inquiry where one process that might be of assistance in managing fatigue at an individual level is completion of a form like the Fatigue Risk Awareness Tool, and then a discussion amongst the aircrew flying about

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their results in that Fatigue Risk Awareness Tool, which means everyone has to eyeball everyone else that they're flying with that day. Do you see some sort of advantage to that as a process?

5 D16: I do, sir, and I think it's a good initiative. It forces you to actively stop and think about your fatigue where maybe that wasn't occurring prior in as much detail.

10 COL STREIT: It also might lead to a situation where the Aircraft Captain or an aircrewman might be in a position to challenge an individual about their fatigue results because they know that that person might have had a really busy flying day before, or the day before that, and therefore could not have reached the results they had ticked in the box.

15 D16: Correct, sir, yes. And like I said, it is a statement of fact, so it's a reasonable tool in drawing out whether you're fatigued. And you might feel like you're okay, but, "Hey, it actually turned out I'm in the amber range", and that's a wake-up.

20 COL STREIT: And you, as the Troop Commander, would not want members of your Troop to be afraid to be upfront and honest in completion of the tool?

25 D16: It's encouraged, sir, yes.

COL STREIT: Because that's about safety in the aircraft; correct?

D16: Correct.

30 COL STREIT: And also, if they did identify that they needed to be actively managed or cautioned, then you, as the Troop Commander, would just need to drill into a bit of detail there to work out what were the pressure points that were causing them to fall in today's categories, correct?

35 D16: Correct.

COL STREIT: And you might then talk to them about strategies to manage that, whether it's something occurring on the home front or something occurring in the workplace.

40

D16: Correct.

COL STREIT: And you might be able to, you know, say, "Look, you're not going to fly today, because you're in this position. But you'll fly

tomorrow, and we'll swap you out with another person". Because you can rearrange crew listings, can't you?

D16: I can, sir, yes.

5

MS McMURDO: Do you think it'd be useful in bringing home to those filling out the form the importance of accuracy to include a certification certifying that the information is true and correct to the best of their knowledge?

10

D16: I think - - -

MS McMURDO: Do you think people might be a bit rough and if they're sort of borderline, they might go for the higher category – you know, for the less onerous category, the less serious category?

15

D16: I think they're – to answer your question, ma'am, I think that there is an onus or certification by that member filling it out and uploading it to Objective. As a Troop Commander and supervisor, I wholeheartedly trust that someone is filling this out honestly and accurately.

20

MS McMURDO: In terms of fatigue management, do you think it would be helpful to have available a cool, dark, comfortable room with – a hygienic room where people could have a sleep if, for example, at home things are such – perhaps young children, they haven't been able – sick children, they haven't been able to get the sleep at home that they need, to have a catch-up nap?

25

D16: I don't know if I think it's okay to do that at work. If someone highlights to me that, "Hey, I'm struggling at home, and I'm struggling to balance my work life and home life", there are mechanisms that I would say, "Okay, we can take stress leave, annual leave, if you want to do that". I would give them the time that they need to sort out home life, so that they're prepared to come to work. If it got to that point, ma'am, that they're sleeping at work, I would say that something drastically needs to change.

30

35

MS McMURDO: You don't see that it would be at all helpful in terms of when there are sorties that need to be flown, someone can strategically nap to get themselves over the fatigue that they're in so that - - -

40

D16: I think that would be a golden solution if we could strategically nap at work, but I'm fully aware that there's resources and facilities and investment that needs to be made for that. So I don't see that as an interim fix, ma'am.

45

5 MS McMURDO: And in terms of – just so I completely flesh this out with you, even if it was outside their working hours where they could have this – a room where they could nap outside their working hours, their normal workings hours, to do that rather than sleeping on Army time – which I gather is what you’re concerned about there, that people shouldn’t really be sleeping in Army time but outside Army time?

D16: I’m not concerned about Army time. I just don’t think - - -

10 MS McMURDO: It’s not sustainable. It’s not - - -

D16: It’s not sustainable. I don’t think that’s the best solution, to have a separate room where people can sleep at work, in my opinion.

15 MS McMURDO: All right then. Thank you.

20 COL STREIT: And is that because the unit training program is tailored in a particular way that the mission flying requires mission planning, then the flying, then the debrief? There’s just not the time to build that in as opposed to on exercise, where there might be small windows of opportunity to catch a nap?

25 D16: I think there’s time that we can fill in if – I just think that if you’re going to present at work – to me, if someone is desperately fatigued prior to coming to work, there’s mechanisms and compassionate leave, all these sort of stuff. There’s mechanisms that we can give people more time. There’s definitely time – we can schedule whatever we want, really.

30 AVM HARLAND: In periods of really high tempo, do some people opt to stay on the base, just say at the mess?

35 D16: That is available, sir, yes. And particularly in the SOQC it’s encouraged or directed that people will stay on the base. And that was an initiative from the previous CO.

AVM HARLAND: And what was the reason for that?

40 D16: Purely because you don’t want people finishing late at night and then driving home, frankly, on the dangerous roads that lead to work.

45 AVM HARLAND: Yes, understood. So during SOQC, that would be encouraged and then other individuals, if they’re looking at their future workload, they could opt to stay on the base to reduce their, I guess, transit time to and from home so they could get better rest?

D16: That's an option available, sir, yes.

AVM HARLAND: Thank you.

5 COL STREIT: Can the witness be shown Exhibit 39, please? And Exhibit 37 can be returned and the screen can return to its normal display. Thank you.

10 Exhibit 39, the document you have is an Aviation Fatigue Management Guidebook, Version 1. If you turn the cover to the back of the first page, you'll see it says, down the bottom, "Version 1, April 2021". Do you see that?

15 D16: Correct, sir.

COL STREIT: Have you seen this Fatigue Management Guidebook previously?

20 D16: I can't hand on heart say that I have. We may have been briefed on it, but – or using it, but – no.

COL STREIT: It's not something that stands out?

25 D16: I'm not familiar with this.

COL STREIT: Can I have that returned, thanks.

30 I just want to turn now to – before I leave fatigue, is there anything else you'd like to say to the Inquiry in relation to fatigue based on your experiences before and after the accident in July?

35 D16: The only addition that I spoke of last night, sir, was the directed training that people have to complete upon march in, and part of Centurion overhaul, and it's now written in our routine orders.

40 AVM HARLAND: Just a follow-up. Regarding the rooms on base, so during SOQC, would the individuals who were on the course, or the instructors who use those rooms, do they pay for those rooms or are they considered Duty Rooms?

D16: No, sir. They are duty, yes.

45 AVM HARLAND: And if you were coming into a high-tempo period and you elected to stay on base, would that be considered a Duty Room as well?



D16: I believe so, sir, yes.

AVM HARLAND: Thank you.

5 MS McMURDO: And how are these set up, these Duty Rooms? Was the set-up bunks or - - -

D16: Not bunks, ma'am; individual rooms. I haven't stayed in one or been on course when - - -

10

MS McMURDO: An individual room for each person?

D16: Yes, ma'am.

15 MS McMURDO: Air-conditioned, do you know?

D16: Yes, ma'am.

20 COL STREIT: Could I just turn to question 12? You were asked to provide details about any ADF or civilian search and rescue courses you've attended, including when you attended them, why you attended them, and what the contents of the course were. You set out some information there that you completed a military search and rescue course facilitated by SAR Training Australia during October 2018. Is that correct?

25

D16: Correct, sir.

COL STREIT: That was done at HMAS *Harman* in Canberra.

30

D16: Correct.

COL STREIT: You were at 5 Aviation Regiment at the time; is that right?

D16: I was, sir. Yes.

35

COL STREIT: Now, you've set out in response to the question that you have, in effect, a personal interest in search and rescue and how rescue is carried out. Is that correct?

40

D16: Correct, sir.

COL STREIT: Is that how you attended that course, or you expressed an interest to do it. Or was that something that the unit was just doing regularly?

45

D16: I believe a call for nominations was released.

COL STREIT: Yes.

5 D16: And it came down into the Squadron at that point, “Who wants to attend?” And, yes, I put my hand up for it.

COL STREIT: You set out the matters the course provided training on. You’ve listed a number of items there. Immediately under that you say:

10

*In May 2023, I also attended the MILSAR –*

so Military Search and Rescue Course –

15

*as a visiting lecturer.*

Is that correct?

D16: Correct, sir.

20

COL STREIT:

*The purpose of the visit was to keep in touch with other search and rescue professionals and pass on some lessons learned from the MRH ditching in March.*

25

That’s the Jervis Bay MRH-90 - - -

D16: It is, sir, yes.

30

COL STREIT: You say you took the opportunity, again, to visit AMSA. What does “AMSA” stand for?

D16: That’s the Maritime Safety – Australian Maritime Safety Authority, which is in Canberra.

35

COL STREIT: In May 2023, obviously you were at 6 Aviation Regiment. So was 6 Aviation Regiment conducting or sending people on similar type search and rescue courses as of 2023?

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D16: On that course, we had another 6 Avn person.

COL STREIT: Does that person have a - - -

45

D16: As a student.

COL STREIT: Does that person have a pseudonym? One of the pseudonym lists is in alphabetical order, which might be easier.

5 D16: He does, sir. And I'll go to - - -

COL STREIT: Well, you just give us the pseudonym name, that's okay – the pseudonym number, I'm sorry.

10 D16: Yes, I'm just trying to find it, sir.

MS McMURDO: One of those is in alphabetical order, so - - -

15 COL STREIT: If the person doesn't have a pseudonym and you're concerned that they should, then we'll simply ask you after your evidence today as to who that person is.

D16: I can come back to you with that.

20 MS McMURDO: They may not have a pseudonym allocated. If you could perhaps give the current role that they're in.

D16: They were a CP supervisor. I'll get back to you with a name, sir.

25 COL STREIT: All right. No, thank you. Now, at paragraph 13 you deal with preparation for Exercise TALISMAN SABRE and you set out various details by date from 10 July through to 23 July. In broad compass, can you just summarise what your role was going to be in relation to Exercise TALISMAN SABRE?

30 D16: In the lead-up, in summary of my statement, the visiting Force/partner Force that we were working with arrived around 10 July. And in my role as the Adjutant, I felt some responsibility to make them welcome to the unit. The real preparation for us began the following week, on Monday, 17 July, where we were doing basic and advanced HIET – the Helicopter Insertion and Extraction Training – in preparation for our deployment the following week. Within that week, there was also Scheduled Force Integration Training which is essentially familiarisation training and an SOP synchronisation with that Force.

40 COL STREIT: You were also the lead planner under supervision for Full Mission Profile 1 with D2 and D14; is that correct?

45 D16: Correct, sir.

COL STREIT: Now, you say at the end of responding to question 13 that you had no involvement with TALISMAN SABRE Search and Rescue Planning. And you say:

5                    *My experienced pilots within a Regiment are generally not consulted for search and rescue and emergency response planning for large scale exercises such as TALISMAN SABRE 2023.*

10                    So was it your understanding that 6 Aviation Regiment deploying on Exercise TALISMAN SABRE, that the organisers of TALISMAN SABRE would have a search and rescue responsibility?

D16: Correct, sir.

15                    COL STREIT: That if something happened concerning 6 Aviation Regiment, whether it involved an aircraft or not, then that search and rescue capability would be activated?

20                    D16: I believe so, sir, yes. The exercise designers would've had to have considered Help Support Plans, Risk Management Plans, and also a Search and Rescue Plan.

COL STREIT: But you weren't aware of that in your role at 6 Avn?

25                    D16: Not at that point of time, sir, no.

COL STREIT: Were you aware later?

30                    D16: Yes.

COL STREIT: I guess we'll get to that, as we unfold it. To your knowledge, before or after arriving on Exercise TALISMAN SABRE, did you become aware of whether or not there was a search and rescue capability maintained by the organisers of Exercise TALISMAN SABRE?

35                    D16: So I was aware that there were some search and rescue platforms that had been moved in support of TALISMAN SABRE.

40                    COL STREIT: When you say "platforms", are you talking about aircraft?

D16: The main one I was familiar with was an aircraft.

45                    COL STREIT: And if you're able to say, when did you become aware of that?

D16: That would've been on day one or two of arriving in Proserpine. I was aware that a CareFlight asset had been pre-positioned.

COL STREIT: But that was a civilian asset?

5

D16: It is, sir, yes.

COL STREIT: That was in support of the activity?

10

D16: I believe so, sir.

COL STREIT: Now, you've set out some details in relation to questions at 15, 16 and 17. What I just want to do in relation to those matters is just ask you to summarise what your role was on exercise.

15

D16: So my main reason for being part of TALISMAN SABRE '23 was to achieve that Lead Planner Unit Training and progression event.

COL STREIT: Yes.

20

D16: And so I achieved that on FMP 1. That involves the preparation and planning prior to departing. The Air Self-Deploy was basically us getting to Proserpine. But the Full Mission Profile 1, for me, was essentially the tick in the box on the UTAP.

25

COL STREIT: Did you fly on Exercise TALISMAN SABRE?

D16: I did, sir.

30

COL STREIT: Did you fly that Full Mission Profile 1?

D16: I did, sir.

COL STREIT: Was that the only Full Mission Profile that you flew?

35

D16: I did, sir.

COL STREIT: When that Full Mission Profile concluded, what day was that?

40

D16: So FMP 1 actually commenced on the 26th, which was the Wednesday.

COL STREIT: Yes.

45

D16: And flew over the night, into the 27th.

COL STREIT: And so from the 27th onwards, what did you transition to as being your role?

5

D16: To be honest, at that point I started just looking for work, looking to assist the Troop Commanders at that time with anything that needed to be done.

10 COL STREIT: Because your function in attending the exercise was to do that training and get that qualification as a planner?

D16: Yes. And I saw opportunities where I could assist the next lead planner in any way I could.

15

COL STREIT: Once you completed what you were tasked to do, you then became a bit of a free agent, so you were able to assist the unit where it needed that assistance?

20 D16: I did whatever work needed to be done.

COL STREIT: And that largely meant, did it, that you were in the Ops Room, assisting?

25 D16: Sir.

COL STREIT: Now, in terms of sleeping accommodation on TALISMAN SABRE, you slept in a tent; is that correct?

30 D16: Correct, sir.

COL STREIT: And there were a number of people in the tent?

35 D16: Yes. I approximate 12 to 14 people in the junior tent that I was sleeping in.

COL STREIT: So the junior aircrew tent comprised MRH-90 pilots and aircrewman?

40 D16: It did, sir.

COL STREIT: How did you find that experience in terms of sleeping, and getting to sleep?

D16: In my opinion, it was not that bad. Yes, like, Central to North Queensland, but it was also July. I don't think it was too hot. The showers were probably the biggest issue. But, relatively, I thought it was comfortable enough.

5

COL STREIT: Now, you flew, did you, to Proserpine on 24 July?

D16: I did, sir.

10 COL STREIT: Did you actually physically fly an aircraft?

D16: I did, sir.

COL STREIT: And at a point in time, did you transition to a night routine?

15

D16: Yes, sir.

COL STREIT: For you, can you recall when that started?

20 D16: Immediately, the day after. So we arrived there, I imagine, around 5.30, 6 pm at night, because it was just getting slightly dark.

COL STREIT: Yes.

25 D16: That next day, we didn't start duty until probably mid-morning, and that was to confirm and continue planning for FMP 1, now that we were in location.

30 COL STREIT: When you were at 5 Aviation Regiment, had you deployed on exercise before?

D16: I had, sir.

COL STREIT: With MRH-90?

35

D16: Yes.

40 COL STREIT: Did you consider that you had a good sense of sleep discipline and its requirements, when you were on TALISMAN SABRE in July 2023?

D16: I think it was managed as best it could've been.

45 COL STREIT: And that is as a consequence of the environment that you found yourself in?

D16: Yes, sir.

5 COL STREIT: You're adjacent to – or you're close to an airfield, aren't you?

D16: Close to an airfield, and close to other tents, where there is opposite shifts.

10 COL STREIT: Sure. And even in your tent, were there persons involved in opposite shifts?

D16: Not from my memory, no.

15 COL STREIT: Did you observe whether more junior aircrew – so aircrew junior to you – had any difficulties in managing their sleep discipline? So, in other words, being up earlier than perhaps they should have, drinking coffee perhaps earlier than they should?

20 D16: I did, sir, yes.

COL STREIT: And did you see whether or not – what you were observing, was that ever addressed by any of the more senior pilots?

25 D16: It was, sir, yes.

COL STREIT: By reference to a pseudonym, can you indicate by way of example what you observed and then who addressed it?

30 D16: Yes. So D6 was very vocal about it. He understood the risks and he was quite passionate about being safe, and fatigue awareness. He raised that to D10 and D20, who then reiterated what D6 was saying.

COL STREIT: D10 was deemed the OC of the Squadron?

35 D16: Correct, sir.

COL STREIT: And D20 was then the CO of the Regiment?

40 D16: D20 was the Troop Commander.

COL STREIT: I understand, yes.

D16: Or one of the Troop Commanders up there.

45



COL STREIT: Quite right; I remember now. So was the Commanding Officer there during the course of the exercise, if you can remember?

5 D16: Not initially. He did arrive, I believe it was on the Tuesday or Wednesday. He observed FMP 1. I believe he actually flew in the jump seat of my aircraft for FMP 1, and then departed either the Thursday or Friday morning of.

10 COL STREIT: Which pilot was the Aircraft Captain in your aircraft for FMP 1, the pseudonym?

D16: D14.

15 COL STREIT: At paragraph 17 you were asked to describe any coordination you had with the Regimental Operations Officer and the Squadron Operations Officer in 6 Avn and any other person with respect to preparation of Exercise TALISMAN SABRE, who you coordinated with, and when, and what documents you provided to them, or received about the exercise. You set out a response there that, internal to 6 Avn, the main  
20 coordination you had was with CAPT Lyon and D20; is that correct?

D16: Correct, sir.

25 COL STREIT: Is that because they were both the Troop Commanders for the Squadron?

D16: Correct.

30 COL STREIT: I'm just going to read out your responses to question 18 and on in relation to the individual members. When I do so, I'll just ask you to confirm as to what I've said is correct. So you were asked about your relationship with the members of Bushman 83. You say, in relation to CAPT Lyon, this:

35 *I first met CAPT Lyon in 2011 at ADFA. We did not fly together at 5 Aviation Regiment. We were both junior pilots. At 6 Aviation Regiment, we flew together six times in total.*

40 And you list some hours. You say that:

*He was a very capable pilot. He was very confident with the MRH-90 from his experience at 5 Aviation Regiment, overseas and at 6 Aviation Regiment.*

5 Your view was he thrived as a mentor. It was evident how much he loved teaching and sharing his knowledge with others. Administration was not one of his strengths, and you would try to help him in that regard. He loved being in the Troop with members of the Squadron. You and he were meant to be Troop Commanders together in 2024, and you were both excited about that. Is that all correct?

D16: Correct, sir.

10 COL STREIT: In relation to LT Nugent, you say:

15 *I met LT Nugent in Townsville, prior to him marching into 6 Aviation Regiment. He was excited to be posting to 6 Aviation Regiment. We met again on his march in, but had minimal contact after march in as he was in the Troop and I was the Adjutant. Generally, our paths would not cross unless we fly together or there was welfare or –*

20 other issues. My word “other issues”. You say:

*We flew together on two sorties in preparation for TALISMAN SABRE, and some other matters.*

25 You didn’t have a lot of time to observe Max; however, from your flight together and the days leading up to TALISMAN SABRE, you thought he was focused, deliberate and safe.

30 *He did not have much time to consolidate his skills due to posting into 5 Aviation Regiment and then 6 Aviation Regiment.*

Is that all correct?

D16: Correct.

35 COL STREIT: In relation to WO2 Laycock, you say you first met WO2 Laycock when he was a student – when you were a student, I’m sorry, on the Special Operations Qualification Course in November 2021. You flew approximately 20 sorties together. You always – it was always great to fly with WO2 Laycock because of his experience and guidance. You felt an extra level of safety with him in the crew. You considered he was knowledgeable, confident and assertive. He had an excellent attention to detail. He ensured all aircrew actions were in accordance with the standards. He would always speak up and offer a well-considered solution. Is that all correct?

45

D16: Correct, sir.

COL STREIT: In relation to CPL Naggs, you say you first met CPL Naggs when you were a student on the Special Operations Qualification Course in November 2021. After your post into 173 Squadron, you sat almost side-by-side in the Troop Room. You flew together approximately 20 times. You considered CPL Naggs was a good team member.

10 *He was keen to learn and always offered to help others. I thought he was a good aircrewman. He was conservative and safe.*

You never had any issues with him. Is that all correct?

15 D16: Correct, sir.

COL STREIT: Just turn to TALISMAN SABRE now, and you've described some matters concerning what your role was, the sleeping arrangements on Exercise TALISMAN SABRE, and we've largely dealt with those matters. I just want to now turn to the sortie on 28 July 2023. So your role for the sortie, was it, that you were helping out in the Ops tent; is that correct?

D16: Correct, sir.

25 COL STREIT: When CAPT Lyon and the other aircrew of Bushman 81 through to 84 were sitting on the tarmac in the rain, waiting for the green light to lift, you had an exchange of messages with CAPT Lyon, didn't you, which are set out at Annex K of your statement?

30 D16: Correct, sir.

COL STREIT: In effect – and I won't read out those messages – but the purpose of that exchange of messages was CAPT Lyon was reaching out to you in relation to preparation for the Full Mission Profile Number 3?

35 D16: That's what the message reads. In summary, he was asking me – so by this point in time, D20 had departed, so I was stepping up in that role to help out Dan. And what he's referring to in this message is can I please help coordinate the next day's activities, regardless of what that was.

40 COL STREIT: Yes, sure.

MS McMURDO: So at this time, because D20 has left, he's actually looking after two Troops?

45

D16: I'd say there's one Troop-worth of people up there, but there was two Troop Commanders to share the load.

5 MS McMURDO: Thank you. Well, he was taking on the work of two Troop Commanders.

D16: Yes, ma'am.

10 MS McMURDO: So here he is going out on this sortie, and he's starting to think about what he's got to do tomorrow.

D16: Yes, ma'am.

15 MS McMURDO: Yes.

COL STREIT: And you were just trying to help him out?

D16: Sir.

20 COL STREIT: I just want to turn, if I can, to what happened when you learnt of the crash of Bushman 83. And we'll deal with this fairly briefly, because your statement has set out in some significant detail a very useful timeline which commences in response to paragraph 27. Can I just ask you first, where you obtained that timeline from which commences at  
25 2237 hours?

D16: So that 2237 is, from memory, from when I know the call came through. The subsequent timings after – and I've put this as a bit of a disclosure at the start – is all the timings, I would say, are approximate;  
30 however, a lot of it is backed up with data from the annexes I've provided.

COL STREIT: Sure.

35 D16: Which are emails, Signal messages, phone calls and Skype chat logs.

COL STREIT: Sure. I'm not going to take you to any of those annexes, but I will ask you some questions in relation to the timeline. Can I just begin by reading out first what you say initially in response to paragraph 26? You're asked to describe where you were and what you were doing when you learnt of the crash of Bushman 83. You say:  
40

*I was sitting in the deployed 6 Avn TOC at Proserpine Airfield.  
That night, I was assisting with a –*

I won't say what it was. You were doing some things. You then go on to say that you'd exchanged some messages with CAPT Lyon prior to mission launch. If you turn the page, you say:

5                    *We heard the formation depart at approximately 2210 hours.*

Is that correct?

D16: Correct.

10

COL STREIT: And at 2337 you say:

*We heard "Knock it off" over the radio. This was followed by the call, "No duff. Fallen angel".*

15

So I take it at that point in time the Operations Room was already busy, but would have sprung into action?

D16: It did, sir.

20

COL STREIT: What happened then you set out in your response to paragraph 27. And that when you heard the call come through over the radio, D14 and you immediately turned around and began listening in. And you then set out the matters that occurred, approximately, by way of timeline from thereon from 2337, 28 July 2023, to 1000 hours, 29 July 2023. That's correct?

25

D16: Correct, sir.

30

COL STREIT: Now, the first thing you did – what was done was, at 2337 you declared DETRSFA in the TOC. What does that acronym stand for?

D16: So that is – it stands for Distress Phase. In search and rescue, there's three phases: the Uncertainty Phase, Alert Phase, and Distress Phase. Depending how you find out about an incident will determine what phase you immediately jump to. The key phraseology with a Distress Phase is, like, "grave or imminent danger", or that "aircraft or occupants need immediate assistance".

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40

COL STREIT: The next thing you did was you called Triple Zero.

D16: Correct, sir.

45

COL STREIT: And then, subsequent to that, were various actions occurring in the Ops Room, including at 2312 you called AMSA to

establish a link into the 6 Avn Regiment ECC. So what does “AMSA” stand for?

5 D16: That’s Australian Maritime Safety Organisation (sic), the Canberra-based organisation.

COL STREIT: So when you’re doing this, is there some sort of electronic manual or hard copy manual you reached for, and stepping through a checklist about what was needing to be done?

10 D16: Yes. So there’s two things I used, and I believe I talk about it in the next question. It is the deployed printed out 6 Avn Emergency Response Plan, and that has checklist actions, allocating roles and responsibilities if an aircraft incident was to occur. I also used the electronic version of the  
15 National Search and Rescue Manual for further reference.

COL STREIT: When you rang Triple Zero, do you recall what information you imparted when you made that phone call, or did that connect through?

20 D16: It did, sir, yes.

COL STREIT: Can you recall, in broad summary, the information that you provided when you rang Triple Zero?

25 D16: I do, sir. So I basically told them, trying to give them context of what we were doing, that we were military operating at Proserpine, we had a helicopter go out in formation and one had crashed in the water in the vicinity of Lindeman Island.

30 COL STREIT: Sure. What did they do? Did they respond of their own volition, or did they transfer you to another emergency service?

35 D16: I think they responded. I don’t remember being transferred. Sorry, the initial transfer, yes. I asked for police. So, yes, sorry, to back it up. I called Triple Zero. I asked for police. You speak to the police operator, and I asked for assistance, essentially.

40 COL STREIT: Subsequently, QPS arrived, did they – and I’m looking at the top of the next page – at 0030. You’ve got “QPOL GD arrived”. General Duties?

45 D16: Yes. I’d love to give you an accurate time of when they did. That’s just an approximation. But, yes, two General Duties Officers arrived at the time, and their names are there.

5 COL STREIT: I appreciate a lot was happening, and approximation of times is better than no times, so that's no issue at all. So about 0030, so 30 minutes after midnight, your recollection is approximately QPOL General Duties arrived, and their names were Aaron and Harris. Is that correct?

D16: I believe so, yes, sir. Yes.

10 COL STREIT: Just coming back to the timeline down the bottom there, at 2316 you called DASA, the Defence Aviation Safety Authority, and you spoke to an officer at that time. Was that on the checklist, to ring DASA as part of a process?

15 D16: I believe it is, sir. So at that point I'd gone through the Distress Phase checklist. I was satisfied that those actions were either complete or occurring. I then went through the other checklists, the Uncertainty Phase checklist, and the Alert Phase checklist, just to double-down and make sure that we are covering off everything that we can do. The DASA phone call, the timing on that is basically a screenshot from my phone.

20 COL STREIT: At 00 – so nine minutes past midnight you called Comcare, and you got an automated call back in business hours.

25 D16: Yes, sir.

COL STREIT: That would have been unhelpful.

D16: Sir.

30 COL STREIT: So that, again, calling Comcare was part of a checklist response, or - - -

D16: I believe so, sir. Yes.

35 COL STREIT: The timeline speaks for itself, that you have set out. I just want to ask you a couple more questions about this. So on the second page, at 0330 you say you're preparing to back brief Commander 16 Brigade. And then at 0345, D14 briefed Commander 16 Brigade on the Mission Profile and what had occurred during the flight. You briefed Commander  
40 16 Brigade with an update on the search and rescue effort so far, and briefed the plan to continue until 0500 hours. That's correct?

D16: Correct, sir.

COL STREIT: Commander 16 Brigade at the time was BRIG Dean Thompson.

D16: Correct, sir.

5

COL STREIT: Now, at 0451 hours, same page, bottom third, you say:

*Received a call from CAPT Phillipa Hay.*

10 She told you she was coming on HMAS *Brisbane* to take over command of the search and rescue. Is that correct?

D16: Correct, sir.

15 COL STREIT: What do you understand HMAS *Brisbane* – what type of ship do you understand it to be?

D16: I'm not very good with ships, but I would say it's a medium-sized - - -

20

COL STREIT: Sort of a destroyer? Sorry, it's not a test. That's okay.

D16: I don't know, sir, but it's capable of carrying aircraft, and it was accompanied by HMAS *Adelaide*.

25

COL STREIT: All right.

AVM HARLAND: Up until that point, had you called the Exercise TALISMAN SABRE command chain at all?

30

D16: No, sir. We had an Exercise Control member that was at 6 Avn. She was basically the White Space Coordinator. The Exercise Control staff - I'm not too sure what they were called specifically, but they at some point walked in to the TOC as well.

35

AVM HARLAND: Was that shortly after the incident or shortly after that notification?

40 D16: This is again approximate time. I'm assuming between midnight and 1 am. So if you refer to 0108, at some point in the night those two personnel – MAJ Moon, LTCOL Murgatroyd – entered the ECC. From my understanding, those two members were EXCON, Exercise Control.

45 AVM HARLAND: Were they already deployed on the base?



D16: They were in the region, yes.

AVM HARLAND: In the region.

5 D16: I don't know if they were at the base at Proserpine or in the  
Whitsundays region. They appeared in the TOC.

10 AVM HARLAND: So just to confirm then, in your emergency response  
processes there was no requirement for you to contact the exercise chain of  
command?

D16: Not that I'm aware of, sir.

15 AVM HARLAND: Okay. I'll leave some questions for later. Thank you.

COL STREIT: Do you recall at any point in time where the search and  
rescue aircraft asset you referred to earlier in your evidence was engaged?  
I think you mentioned CareFlight.

20 D16: So my priority on the night was, in terms of developing a Search and  
Rescue Plan, was continual coverage overhead the incident site.

COL STREIT: Yes.

25 D16: We were able to achieve that with just the MRH-90s alone, but that  
initial call to AMSA that I made, I requested further assets, and that was in  
the form of Rescue 412, which is based out of Mackay. They came up and  
superimposed the search.

30 COL STREIT: Approximate – only if you can answer this – approximate  
sort of flight time - - -

35 D16: Roughly 40 minutes from Mackay, sir. I've got the flight radar data  
of that.

40 COL STREIT: Am I correct in understanding that the practical reality of  
how quick the matter unfolded, and the fact that 6 Aviation Regiment had  
aircraft in the vicinity participating in the same sortie, that 6 Avn, through  
you and others in the Operations Room, effectively managed the initial  
search and rescue engagement process, using 6 Avn assets in the area?

D16: We did, sir. It's when you fly formation, that's part of what we call,  
like, a formation contract or part of our SOPs, is you look after each other.

COL STREIT: It'd be nonsensical to send the 6 Avn Regiment assets home and wait for CareFlight to be engaged and come, wouldn't it?

5 D16: So that CareFlight asset, to my understanding, did not have a winch. So we deliberately said, "We'll keep you in reserve to cover any gaps".

COL STREIT: Okay. But the MRH-90 did?

10 D16: The MRH-90 is a very capable search and rescue platform. And the Rescue 412 that came on station after also has a winch and electronic search capability.

15 AVM HARLAND: Just a question regarding that. Just in terms of operating formations when you're at 6 Aviation Regiment, do you effectively hold mutual search and rescue responsibilities for each other?

D16: Correct, sir.

20 AVM HARLAND: So, like, an organic search and rescue capability.

D16: Correct.

25 AVM HARLAND: Is that briefed as part of your mission briefings or is that something which is just routinely assumed and someone would take a search and rescue scene of action command at the time?

D16: It's basically part of our actions on that are discussed in orders and also listed in the 6 Avn SOPs.

30 AVM HARLAND: Do you carry a SAR checklist with you so that when you switch into that mode you know that all things have been covered off on in the aircraft?

35 D16: I would say we've got our electronic flight books that has all that reference material. But in terms of providing support to another aircraft, I would say our training and intuition means that we can provide a pretty decent response.

40 AVM HARLAND: Thank you.

COL STREIT: On the second page of that timeline you record at 0730 that HMAS *Brisbane* was on scene coordinating surface and air search efforts; is that correct?

45 D16: Correct, sir.

COL STREIT: At paragraph 29 of your statement you say that search and rescue mission coordination was handed over to the Australian Maritime Safety Authority on 28 July.

5

D16: That was the pen amend to the 29th.

COL STREIT: The 29th, at 0427. Correct?

10 D16: Correct, sir. That was at the – approaching the end of what we were able to provide as a unit. At that point we were already operating on an extended crew duty and so, to me, that was the point in which we no longer became the best-placed search and rescue authority.

15 COL STREIT: In your experience, was the process that was adopted and gone through on 28 July, over to 29 July 2023, did that build on some lessons learnt from 6 Avn's experience with the Jervis Bay ditching?

D16: I believe so, sir. Those experiences helped me out a lot.

20

COL STREIT: I just want to deal briefly with what happened next. You subsequently departed Proserpine on 29 July 2023 at 1440 hours?

D16: Correct.

25

COL STREIT: Had you been interviewed by Queensland Police Service prior to that time?

D16: No, sir.

30

COL STREIT: Have you been interviewed by QPS at all in relation to this matter?

D16: No, sir.

35

COL STREIT: Have you been interviewed by Comcare?

D16: No, sir.

40 COL STREIT: Were you interviewed – I see at paragraph 34 you say you were interviewed by the DFSB on 17 October 2023.

D16: Correct, sir.

45 COL STREIT: Had they spoken to you before that, that you can recall?

D16: In my role as Adjutant, I basically coordinated some of the visits, but that was not in terms of an investigation, that was coordinating their visit to the unit and giving them office space.

5

MS McMURDO: Could you just give me some details? Back on the timeline that you have, you said, “Around about” – and you’re very approximate – “12.30 am some Queensland Police Officers arrived – Aaron Harris.” You said that you continued to engage with these two police officers over the next few hours. Could you expand on that? What happened? What was your contact with them? What was that all about?

10

D16: Yes, ma’am. So that might even be even earlier. I think they were probably there within the hour of me calling police. I just really can’t remember the exact time that they appeared. So when they arrived, the tent was relatively closed down. We were trying to control the amount of traffic in and out. Someone came and got me and said that, “There’s two police members outside”. So I went outside and introduced myself, explained what my role was, and then invited them into the TOC.

15

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MS McMURDO: The TOC is?

D16: Basically the Operations tent.

25

MS McMURDO: Right.

D16: So, yes, I needed their help and was requesting any search and rescue air assets or maritime vessels. So I invited them into the TOC and they stayed there until they were relieved by, I guess, the senior ranking District Duty Officer.

30

MS McMURDO: Do you remember when that was?

D16: I’m assuming that was about 2.30 to 3 am in the morning.

35

MS McMURDO: Do you remember who it was who relieved them?

D16: His first name is Tony, ma’am.

40

MS McMURDO: So was there any other – did they provide any services to help you?

D16: They did, ma’am. The two General Duties staff, I would try and, you know, balance my – share my time with them and also back in my roles.

45

MS McMURDO: Of course. I can imagine you're very, very busy.

5 D16: It was busy. I was trying to get the police rescue – police vessels, which I think is the Damien Leeding – I was trying to get them to launch that at the moment that it happened. For me, that couldn't come soon enough. And it did launch, it was just they were waiting until about first light.

10 MS McMURDO: So did the first two police officers on the scene, did they do any investigation? Did they take any photographs, do anything?

15 D16: They were definitely taking notes. They had a big iPad – I don't know if it was an iPad or another work – that was how they were coordinating assets, getting their feeds. So, yes, it was quite helpful for me to understand that the police were actively requesting assets. They would have taken notes.

20 MS McMURDO: Did they talk to you about the need to interview anybody?

D16: No, ma'am.

MS McMURDO: Did they talk about a Coronial Inquiry?

25 D16: No, ma'am.

MS McMURDO: Do you know anything about the lead-up to or the decision to remove most of 6 Aviation Regiment at 1440 from Proserpine?

30 D16: I do, ma'am.

MS McMURDO: Can you tell me about that?

35 D16: So immediately after incidents – I'll give you from my perspective. We had people at the unit who, I guess, were in two minds: some wanted just to get back to their families; and then some wanted to stay. There was others there that wanted to go out and actively be on the boat, or the Volunteer Marine Rescue, or any of the surface search assets, and pick things up out of the water.

40 The CO made the decision that no one from 6 Avn is doing that. There are better-placed assets that are coming in, more well-resourced, and also a team that was coming in that hadn't just been working, realistically, about 24 hours straight. So, yes, the decision was that 6 Avn Regiment, leaving  
45 some representatives behind, would go back.

MS McMURDO: And in making that decision, was there any discussion about Queensland Police, and talking to them, or not talking to them?

5 D16: At the point of departure, which was at Proserpine – so we were operating on a disused runway, separate to the main terminal. At some point in the morning, we moved over from our area of operations, into the terminal area where the military plane came. There were Queensland Police representatives there collecting statements from members of the crew that flew.

MS McMURDO: So you say they were actually taking notes and interviewing the crew that flew?

15 D16: Yes, ma'am.

MS McMURDO: So was there any instruction given not to talk to Queensland Police, or to talk to them?

20 D16: No, ma'am. No, it was if they're asking to speak to you, yes, you'll speak to them.

MS McMURDO: Was there any mention of a Coronial Inquiry or - - -

25 D16: To my knowledge, not at that point, ma'am. My role – so the only – the remaining Troop Commander was in the aircraft. I, from that morning, stayed on to answer questions and facilitate the search and rescue, but once we handed over, a lot of that coordination had been done.

30 That phone call from CAPT Hay coming in was a massive relief for me; that it was going to be left in good hands. They had rotary-wing assets. They had all of the maritime search assets that were out on the water. Someone was going to be there, coordinating the airspace and the maritime search.

35 At that point, the OC, basically the Direction was that we were going to be leaving Proserpine. With that Direction, it meant a lot of quarantining of our notes. The Direction was, from me, "Write down everything. Put it in the Pelican cases" – whatever we had there. "Don't touch the whiteboards. Leave all your notes as they are". And I've tried to make it as – tried to give the IGADF an illustration of how the TOC was laid out.

40 One of the lessons we learnt from the Jervis Bay incident is, be as transparent and open as possible. So, yes, we tried to leave everything that we could for the investigation that was going to follow.

45

MS McMURDO: Do you know if that material went to the DFSB?

D16: It would have, ma'am, yes.

5

MS McMURDO: And all to the DFSB, rather than to the Queensland Police. Yes, okay. Now, naturally, after such a terrible event affecting your friends and colleagues, you taking on the role as Troop Commander, did you debrief with them at different times over the coming days/weeks/months?

10

D16: So we arrived back into Sydney on the Saturday, probably about 5 pm, 6 pm. Again, it was getting slightly dark. The next touchpoint we had as a unit was the following day, on the Sunday. That was basically just to get everyone together, give everyone an update of what just had occurred. And, yes, I was, at that point, in a bit of a – I'd handed over Troop command back to D20 because she was in Sydney. And so, yes, I filled in, in that regard.

15

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Once I arrived back into Sydney, I started filling the role of Adjutant again. And immediately following the incident and arriving back into Sydney, was the welfare support, the update briefs, to the Regiment. We tried to keep people as informed as we could. In my experience, I was still getting the search and rescue feeds, so I was providing that to the unit, just to say, "This is what is occurring" – because I know there was some mixed opinions – "This is what is occurring up there, and the search and rescue effort is still undergoing, and it's well-resourced".

25

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MS McMURDO: So what I asked you though was, over those coming days, weeks and months, did you talk to those flying on the mission about what had happened, the debrief?

D16: Yes, ma'am, those conversations were – yes.

35

MS McMURDO: Yes, with all of them at different times, would that be right?

40

D16: Yes, ma'am, I suppose those conversations naturally occurred over the next few days. We were together as a unit, yes, we were talking about the incident. And it was also, "Hey, start writing notes down and get this on paper because, you know, it's going to help later".

MS McMURDO: Thank you.

AVM HARLAND: Could I just go back to Ops tent? Were you the, effectively, shift boss for the Ops tent on that night?

5 D16: Did you say “shift boss”, sorry?

AVM HARLAND: Yes. Were you?

10 D16: No, I was there just doing work and trying to play catch-up. The thing that falls out of a FMP is storyboards and the reporting after, post-activity lessons learnt, how it went.

AVM HARLAND: So you were doing some, I guess, unit admin around the exercise?

15 D16: Unit admin, and also exercise admin.

AVM HARLAND: Who was the ops boss at the time?

20 D16: So the Operations Officer is D15.

AVM HARLAND: D15. Okay. So when you left in the afternoon and you gave the Direction to make sure that everything had been preserved, including the whiteboards. Who was in charge of the tent at the time, who was in charge of the TOC? Never mind, it may be a pseudonym.

25 D16: So I guess the day after, like, the day – the morning after, that area was preserved.

AVM HARLAND: Under whose direction?

30 D16: I would say either the OC or the CO. And so it was preserved, “Don’t erase anything. Put your notes in there”. The laptops that were in there, one of them went into the Pelican case. I did a walk through at the end, and everything was sort of packed up and left kind of as it was.

35 Who would have been in charge of that afterwards? I’d probably say the camp Commandant, because a lot of the staff were departing Proserpine.

40 AVM HARLAND: So at the time you left the ops, the TOC was effectively as it was: your laptops had been closed, but it was really, you know, as it was at the time of the incident?

45 D16: Whiteboards were left in place, yes. Yes, sir. And the desks, essentially, didn’t change.



AVM HARLAND: Were you aware if there was any Direction given to the maintenance staff to do similar, in terms of the maintenance records for the aircraft?

5 D16: They've got their procedures. As soon as something happens, it's quarantine everything. The fuel, for example. So all the supporting assets into Aviation Operations, they've got their procedures too. Fuel samples are taken. The maintenance, I suppose all of that data is backed up on the system. So, yes, that would have occurred, sir.

10 AVM HARLAND: Okay, thank you.

COL STREIT: As far as you were concerned, when you departed Proserpine at approximately 1440 hours, the TOC was left with all of the information in there that you'd been working with, and it was effectively sealed off?

D16: All of the information that we could've left there. So you wouldn't leave "Secret" laptops and things behind.

20 COL STREIT: Sure. But information on – the whiteboards hadn't been wiped down, for example.

D16: No, sir.

25 COL STREIT: So that was your understanding as you jumped on the plane to come home?

D16: Yes.

30 COL STREIT: Just in relation to the Jervis Bay incident in March 2023, it's the last matter I just want to ask you about. The Inquiry has received evidence that what occurred in relation to that matter was there was a failure in a turbine blade in the engine and the aircraft subsequently impacted the water. Were you at the Jervis Bay Territory?

D16: I was not, sir, no.

40 COL STREIT: In relation to the issue concerning the turbine blade, the Inquiry has received evidence that that was a known issue within the command. Were you aware that there was an issue requiring the engines to be upgraded?

D16: Not at the time of the incident, sir. I became very familiar with the reporting that I saw afterwards, the documents, decision briefs and Service Bulletins.

5 COL STREIT: Sure. When that happened in March 2023, you were the Unit Adjutant?

D16; Correct, sir.

10 COL STREIT: After the Jervis Bay incident in March 2023, you learnt after that that, in fact, there was a known issue with the engines which required that they be upgraded.

D16: Correct, sir.

15 COL STREIT: Did it concern you that you were learning about that issue after the incident and hadn't been told about it, given you were flying MRH-90s?

20 D16: I suppose I could answer that question in two parts at this point.

COL STREIT: Well, just tell me what you thought when you first learnt of that particular issue after the incident.

25 D16: I was surprised. Particularly because there is a mechanism through SFIs and also Flight Crew Information Files – the FCIF – there is a means of disseminating that information to aircrew. And I can give you an example of when that information has been used as a good example, if you want.

30 COL STREIT: But that's not necessary. Because we're just talking about this particular matter. So given that you expressed surprise, I suppose in relation to you flying an MRH-90 and planning missions and training on an MRH-90 prior to learning of the issue with the engine, it was a risk that was  
35 known within the command, but had not been briefed to you as an MRH-90 pilot?

D16: No, sir.

40 COL STREIT: And, therefore, not knowing that the risk existed, you can't plan for a risk you don't know about.

D16: Yes. I agree with that statement. I counter with the fact that us, as  
45 aircrew, we are always conscious that an engine failure can happen at any time.

COL STREIT: Sure.

5 D16: In my opinion, you know, we talk about an engine failure on departure and to approach whatever style approach we're doing. In my opinion, if this was known, it wouldn't have changed the profile that we flew. We probably just wouldn't have used an aircraft with pre-modified engines. That is my view on that.

10 COL STREIT: Why take the risk, if you can eliminate it by using an aircraft with modified engines doing particular mission risk profiles?

D16: Correct.

15 COL STREIT: Thank you, Ms McMurdo, and D16, for your evidence. Those are my questions.

D16: Thanks, sir.

20 AVM HARLAND: I just have a few more follow-up questions. Noting your work in search and rescue and your familiarity with it, are you familiar with a crash exercise, or CRASHEX?

25 D16: I am, sir, yes.

AVM HARLAND: And do you routinely do those at 6 Aviation Regiment?

30 D16: I do not. But crash exercises I've routinely done, sir. And they're done for each exercise or operation that we deploy on.

AVM HARLAND: Had you conducted a CRASHEX in that first week on TALISMAN SABRE '23?

35 D16: I believe one was done. So, yes.

AVM HARLAND: Was that an actual CRASHEX or was that like a desktop activity?

40 D16: It would've been a desktop, sir.

AVM HARLAND: By "desktop", we're just walking through the responses to make sure that people are familiar?

45 D16: Correct, sir.

AVM HARLAND: Another question, did the aircrew who were flying in TALISMAN SABRE '23, were they required to attend a mass Air brief for the exercise where they would be – well, go through where the TALISMAN SABRE chain of command would go through the expectations for conduct of air operations in the exercise?

D16: To my knowledge, no, sir. We had our deployment orders that were held at 6 Avn. Myself and Max, we gave presentations on the particular threat systems that we'd be training against on TALISMAN SABRE '23, but not a mass - - -

AVM HARLAND: Are you familiar with the concept of a mass Air brief? Perhaps it's my experience in Air Force, but that would be - - -

D16: I'm familiar – not that term, sir. I am familiar with a Reception Staging Onwards and Integration, an RSO&I. Maybe it would form part of that, but - - -

AVM HARLAND: In your briefings prior to TALISMAN SABRE, did you cover things such as how, you know, the management of air space was done? What would happen in the event of an incident, things like that?

D16: Not directly, sir, no.

AVM HARLAND: Not directly, okay. And another question, given that you've got over 1000 hours in MRH-90, quite a depth of experience, including a lot of night flying, have you been subject to any of the, you know, kind of illusions that would lead to spatial disorientation when flying on night-vision systems?

D16: I've had probably only one or two. One comes to mind – one or two instances where, yes, spatial disorientation plays a part.

AVM HARLAND: And can you describe that?

D16: Yes, so one was doing deck landings, practised deck landings to a ship. On approach, developed a high rate of descent and if that wasn't corrected, it would've continued. And so that was one intervention. The second one was in Townsville – and this is overland – but you would describe it as completely flat. It's almost like a billiard table. There's minimal vertical sort of extent. So, yes, it's almost like overwater. And yes, we were in a turn and we started descending through the authorised height, and what saved us was the decision height.

45

AVM HARLAND: So you got the alert that you'd gone through your minus 10 per cent of your minimum altitude?

5 MS McMURDO: But then did you have a look through – readjust yourself by looking outside, and how did you deal with it?

D16: I wasn't the flying pilot in that instance. But, yes, it was – okay, well, yes, we're overland but that's actually kind of – yes, we got caught out.

10 MS McMURDO: Yes. But you rescued the situation.

D16: We did, ma'am, yes.

15 MS McMURDO: How did you remedy it? How did you realign yourself?

D16: We got out of the turn and then we climbed.

20 AVM HARLAND: So if you find yourself where you're spatially disoriented, you're the flying pilot, what would your typical actions be? How would you effectively get yourself out of that situation as soon as you recognised it?

D16: So the first action that we took at the time was correct the attitude and get back to wings level and then commence a climb.

AVM HARLAND: And how would you know where wings level was if you were spatially disoriented?

30 D16: You could look up, basically ahead, try and find the horizon line and then glance down at your Primary Flying Display and roll back to wings level, if that was left or right.

AVM HARLAND: And so if you had no horizon?

35 D16: You'd be referencing the Primary Flying Display.

AVM HARLAND: That's all. Thank you.

40 MS McMURDO: So at night, in poor weather conditions, really, that's all you've got, your Primary Flying Display, to realign because you look outside, there's not much you can see?

45 D16: Not much you can see, but you do have the artificial horizon in your HMSD as well, ma'am.

MS McMURDO: Thank you. Did you have something further? Yes, COL Streit.

5 COL STREIT: Yes, if I may.

D16, I overlooked one particular matter. You have undertaken some research on the internet using Flightradar24; is that right?

10 D16: Correct, sir.

COL STREIT: And as a consequence of that, in relation to the incident on 28 July 2023, you have identified, at least that program revealing the tracking of Bushmans 81 through to 84; correct?

15

D16: Not for Bushmans 81 to 84. The Bushman 81 appears only because they had their transponder settings to be able – to visible, but I've got the military fixed-wing platform that was in support at the time.

20 COL STREIT: Yes?

D16: There's the Cairns Challenger – the AMSA Challenger, that responded from Cairns. We've got Rescue 412. And, like I said, Bushman 81, as well, there's tracks.

25

COL STREIT: So you've got that data and you can make it available to the Inquiry, can you?

D16: I can, sir, yes.

30

COL STREIT: All right. Thank you. We'll do that.

MS McMURDO: Applications to cross-examine? No applications?

35 SQNLDR NICOLSON: (Indistinct).

MS McMURDO: Yes. How long do you expect to me?

SQNLDR NICOLSON: About 10 to 15 minutes.

40

MS McMURDO: And how many issues are you covering?

SQNLDR NICOLSON: There's a few that impact upon the person I represent, who's the Officer Commanding.

45

MS McMURDO: Yes, all right.

**<CROSS-EXAMINATION BY SQNLDR NICOLSON**

5

SQNLDR NICOLSON: I might just start off – SQNLDR Nicolson. I appear for D10 in these proceedings. If I could just get you to look at the pseudonym list; D10 was the Officer Commanding?

10

D16: He was, sir.

SQNLDR NICOLSON: Sir, the Air Vice-Marshal asked you a question about the mass Air brief before. Do you recall that there was a debrief of one of the members of the aircrew that attended that mass Air brief? I'm just testing your recollection.

15

D16: I'm not aware of it, sir, sorry, no.

SQNLDR NICOLSON: Do you recall seeing a PowerPoint in the Ops Room about that mass Air brief? Here, I'm just testing your memory about - - -

20

D16: No. Okay, yes, there was a – I believe on the following day afterwards there was an Air brief to the members up there. Now that you say that, yes, it does ring a bell.

25

SQNLDR NICOLSON: And that would've been in the Operations tent, this PowerPoint?

30

D16: It would've been, sir, yes.

SQNLDR NICOLSON: Thank you. Can I ask you just about a desktop crash exercise? You were asked some questions about that. Now, there was a desktop crash exercise conducted?

35

D16: I believe so, sir, yes.

SQNLDR NICOLSON: Prior to the mission?

40

D16: Yes.

SQNLDR NICOLSON: And that was available, and all members of the various – the maintainers, aircrews, pilots attended that exercise?

45

D16: It wasn't widely – normally, the Squadron OPSO runs that with their CP staff. Yes.

5 SQNLDR NICOLSON: Do you recall three different types of exercises were run at this desktop?

D16: Do you mean three separate events that they were practicing?

10 SQNLDR NICOLSON: Correct.

D16: No, sir. I wasn't at the desktop CRASHEX.

15 SQNLDR NICOLSON: Do you recall there was sheets up there in the Ops Room that contained all the critical numbers in terms of if there was an accident - - -

D16: Like a phone number?

20 SQNLDR NICOLSON: Correct.

D16: Yes, we – yes.

25 SQNLDR NICOLSON: Are you aware of the concept of the Concept of Operations Plan?

D16: I am, sir.

30 SQNLDR NICOLSON: And that was an approval for each particular mission profile that 6 Aviation was conducting?

D16: We did, sir. And I worked with D10, in preparation for FMP 1, developing that CONOP.

35 SQNLDR NICOLSON: And that mission profile needed to be approved by the task force group?

D16: Yes, sir.

40 SQNLDR NICOLSON: So in terms of the exercise, 6 Aviation was performing the aviation component of that exercise?

D16: Correct, sir.



SQNLDR NICOLSON: And any of the missions that were to be conducted in that week needed joint task force approval. Is that how you understand it?

5 D16: The CONOP back brief is informing that chain of command of the occurrence. I think there's a bit of a grey line here, who authorises the flight versus who – yes.

10 SQNLDR NICOLSON: Can I ask you, just in relation to command and control of the Ops tent ? I think you referred to some reference to a question asked about – you assumed D15, in terms of the Ops Room. Can I just get you to check the pseudonym list to confirm D15, was he at the rank of [REDACTED]?

15 D16: He was, sir.

SQNLDR NICOLSON: I just want to ask you about D14. Did D14 hold the command rank of [REDACTED]?

20 D16: Correct.

SQNLDR NICOLSON: Was he also in the Ops tent at the time?

25 D16: Correct.

SQNLDR NICOLSON: Is it possible that D14 was in control of the Ops tent at the time?

30 D16: I don't believe D14 assumed command of any element. Yes, he's the senior ranking, but he was in the Ops tent maintaining awareness and helping decisions. He did not seek, I don't believe, to takeover from the Squadron OPSO or myself for search and rescue purposes.

35 SQNLDR NICOLSON: So when – this is – we're talking directly about when the incident has taken place?

D16: Yes.

40 SQNLDR NICOLSON: And this is the search and rescue phase?

D16: Yes.

45 SQNLDR NICOLSON: Just in terms of the context of D10, now. Prior to the mission set, were you doing some taskings for D10 as well in terms of some admin tasks?

D16: Correct.

5 SQNLDR NICOLSON: And that was a way of you providing assistance to the pilots and people in command?

D16: Correct. My intent is to support the OC and the Troop Commander.

10 SQNLDR NICOLSON: Your timeline that you refer to at paragraph 27 of your statement, do you recall D10 arriving back at Proserpine airbase some time between midnight and 1 am?

D16: I do. And, again, an approximation, sir.

15 SQNLDR NICOLSON: And, once again, when D10 arrived back at Proserpine airbase, did he take command and control of the incident as it unfolded?

20 D16: Yes, I believe so, sir. So him, as the OC, we all look to him and he makes the calls. He also had seen the incident site and had quite good situational awareness, in my opinion.

25 SQNLDR NICOLSON: So prior to D10 arriving back at Proserpine Airport, at the FOB, he was the Air Mission Commander for the operation – mission?

D16: He was.

30 SQNLDR NICOLSON: And, through the radio traffic, he was taking control onsite?

D16: Correct.

35 SQNLDR NICOLSON: And then when he arrived back at the airport, he then took over control, at that stage?

D16: I'd say, yes, he was – overhead, he was the on-scene Commander.

40 SQNLDR NICOLSON: And in terms - - -

D16: When he arrived back in the tent, he was acting as the OC.

SQNLDR NICOLSON: Thank you. In terms of the incident that we've talked about and the following processes after the incident, you'd agree that

there are Standard Operating Procedures in the Standing Instructions about what to do in the event of an incident?

5 D16: I would agree.

SQNLDR NICOLSON: And in terms of what steps that took place, that you gave in your statement, you were following those Standard Operating Procedures?

10 D16: Yes. Confirming those with, also, guidance on the Search and Rescue Manual, and also my knowledge of what to do next.

15 SQNLDR NICOLSON: So you were obviously there as a valuable tool because of your knowledge going on that course at 5 Aviation about search and rescue?

D16: I believe so, sir, yes.

20 SQNLDR NICOLSON: You mentioned in your evidence this morning about there was effectively only one Troop on exercise at the time of the incident.

D16: Yes.

25 SQNLDR NICOLSON: What did you mean by that? Was it just that - - -

D16: Given that a Troop is generally about three to four helicopters.

30 SQNLDR NICOLSON: So that was basically, effectively, one Troop?

D16: Yes. There was, physically, two Troop Commanders there and, I say, one Troop-worth of people - - -

35 SQNLDR NICOLSON: You also - - -

D16: - - - doctrinally.

40 SQNLDR NICOLSON: Sorry. You also gave some evidence about after the incident there was a preservation of the scene still at the Ops Room. Was that as a Direction from D10, to your recollection?

45 D16: I think that Direction came from multiple people, to be honest. I was one of them. I believe D10 would have said, "Leave it as it is. Do not wipe off anything. Take notes".

SQNLDR NICOLSON: And is that because that's part of the Standard Procedures that's taught in terms of when the incident takes place, because it needs to preserve the whiteboards and the Ops Room as it was at the time?

5 D16: In fairness to the investigators, yes, we're trying to be open and transparent and facilitate an investigation.

10 SQNLDR NICOLSON: And the other issue about – in terms of recording the events shortly afterwards, that was another tool just to aid, in terms of the debrief, as to what events took place?

D16: Can you ask that question again, sir?

15 SQNLDR NICOLSON: You were asked some questions about recording the events that occurred prior to the incident. And you wrote down some of the information that you contained, obviously, with your timeline and that was a way or a tool to use to preserve what happened for the DFSB investigation?

20 D16: In my experience, I'm trying to give the investigators a sequential timeline of events, and trying to keep it as factual as possible.

SQNLDR NICOLSON: Thank you. Thank you, ma'am.

25 MS McMURDO: COL Gabbedy, how long will you be?

COL GABBEDY: About 10 minutes, ma'am.

30 MS McMURDO: Thank you.

**<CROSS-EXAMINATION BY COL GABBEDY**

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

40 D16, I'm COL Nigel Gabbedy. I appear for MAJGEN Jobson. I've just got a few short topics I want to take you through. You were asked some questions about TopOwl and the fact it has a known irregularity. Do you recall that?

D16: Correct, yes.

45 COL GABBEDY: I believe you said that you really have to rotate your head through a 90 degree angle before that became apparent; is that right?

D16: It was a progressive thing, but that was when the error was the most.

5 COL GABBEDY: And I understand that because it was a known irregularity, there were two things that applied in order to remediate it. One was you were informed about it and trained with how to deal with it, if it came up. Is that right?

10 D16: Correct.

COL GABBEDY: And the other was that you were trained to fly, effectively, looking out the front of the aircraft. Is that right?

15 D16: Correct.

COL GABBEDY: In relation to fatigue and the safety culture, you were asked some questions by the Chair in relation to, effectively, a room for crew to sleep in at the Squadron. Is it the case that if someone was fatigued to that extent, that if they arrived at work the culture was such that they simply would be taken off flying operations?

D16: Yes.

25 COL GABBEDY: And that's standard? That's happened in the past? If people had felt that they weren't capable of flying, they'd been removed or a sortie had been cancelled or modified?

D16: I suppose the way I view this is if you – you apply some emotional intelligence here. You look at someone in the eye and if you see that their eyes are falling out of their head or they're red or sore, you, as a human being, should ask, "Hey, are you okay? Like, what is going on in your family life that you're coming to work in this state?"

35 COL GABBEDY: And there are several opportunities for that to occur, aren't there? If someone arrived at work and you saw them in that state, you might have a conversation on the spot?

D16: Yes.

40 COL GABBEDY: And if now they're using the FRAT check, that might come up as part of the FRAT check?

D16: Yes.

45

COL GABBEDY: And previous to the FRAT check, there were FACE checks, which I understand still occur. That's sort of the last chance to check everybody in your crew to make sure they're okay. But if it came up there, you'd have a serious conversation about what you did.

5

D16: The FACE checks, yes, they are still relevant. The FRATs is just, to me, the fatigue part of that. There's the attitude, complacency, external factors that are still extremely relevant prior to going for a fly.

10

COL GABBEDY: And that's because there's a safety culture in both the Squadron and the Regiment, is there not?

D16: I believe so, yes.

15

COL GABBEDY: And just a last topic for you. You were talking about your role on TALISMAN SABRE, and after 27 July you essentially became an additional resource. Is that right?

D16: Yes.

20

COL GABBEDY: You were there both to help with planning and flying?

D16: Yes.

25

COL GABBEDY: And if one of the other pilots became fatigued, for example, if there was a need to swap somebody out, you were available to the OC for that purpose?

D16: Yes, I could have been. That would have taken the training opportunity off someone else. But if, yes, someone put their hand up, that would have been available.

30

COL GABBEDY: Thank you. There's nothing further.

35

MS McMURDO: Any other applications to cross-examine?

CMDR JONES: Yes. I seek leave to appear.

MS McMURDO: Yes.

40

CMDR JONES: My name is Jones. I appear for Commanding Officer D19.

MS McMURDO: Yes. Yes, you've got leave, haven't you, already?

45

CMDR JONES: I have yet to appear formally here, and I think maybe - - -

MS McMURDO: Yes, granted leave. You've been granted leave in the past.

5

CMDR JONES: Thank you very much. I have some very brief questions to the witness.

MS McMURDO: Just on the TopOwl issue?

10

CMDR JONES: No. No, just on the safety issue and the unit's attitude and the Commanding Officer's attitude to it. It will be less than five minutes.

15

MS McMURDO: All right then.

**<CROSS-EXAMINATION BY CMDR JONES**

20

CMDR JONES: Could you, in your own words, just explain, from the time you had to observe him, the Commanding Officer of 6 Avn Regiment's attitude to safety?

25

D16: Yes. What was the question?

CMDR JONES: How would you explain his attitude, your observation?

30

D16: Proactive, passionate. I think he had a very, very good eye for fatigue. He had a very good eye in terms of emotional intelligence. He made a point to walk around the unit and speak to people. And, in my opinion – and I think it's quite an admirable thing – is he would put himself in the shoes of a lower ranking person so that the rules and decisions and flow-on effect of his actions, what that means to someone on the ground. I think he did that pretty well.

35

CMDR JONES: And you'd agree that he had, with the position he had, a safety first attitude?

40

D16: Yes.

CMDR JONES: And in terms of fatigue, fatigue is a fundamental aspect of safety, is it not, in a flying Squadron?

45

D16: Yes.

CMDR JONES: And the CO encouraged open lines of communication with his pilots?

5 D16: I believe he did and he, I guess, made an effort to break down the barriers of the rank mismatch so that people could speak freely with him.

CMDR JONES: And, from your observations, they did speak freely with him?

10

D16: I feel people were empowered to speak freely with him, yes.

MS McMURDO: I'm just wondering how this affects your client?

15 CMDR JONES: Well, my client - - -

MS McMURDO: Your client's interests?

20 CMDR JONES: Well, this is fatigue is obviously an issue that's loomed large. It's been asked by Counsel Assisting today.

MS McMURDO: It's a different issue to the issue that affects your client, that's all. Look, I don't want to spend a lot of time arguing - - -

25 CMDR JONES: No. Well, the - - -

MS McMURDO: I just do want to keep people focussed on that their applications for leave are limited - - -

30 CMDR JONES: Quite.

MS McMURDO: - - - to the interests of their client.

CMDR JONES: And that was my final question.

35

MS McMURDO: All right. Well, then we're both happy. Thank you.

CMDR JONES: Thank you.

40 MS McMURDO: Any other applications to cross-examine?

COL THOMPSON: I'll be less than five minutes.

45 MS McMURDO: And it's only concerning the issues affecting your client?



COL THOMPSON: Yes, ma'am.

MS McMURDO: Thank you.

5

COL THOMPSON: Guaranteed.

MS McMURDO: Just while COL Thompson is coming up, can I just ask you – and I know a lot of the young pilots had young children – have you been in that experience yourself, have you experienced young children and fatigue associated with sleeplessness nights with young children?

10

D16: I do not have kids myself, ma'am. But, yes, there is – I'll always ask how things are going at home for some people. And, yes, young kids – we're all in our 30s and that's the time. So, yes, it's quite common for people to have kids.

15

MS McMURDO: Thank you. Yes, COL Thompson.

COL THOMPSON: Thank you, ma'am.

20

**<CROSS-EXAMINATION BY COL THOMPSON**

25

COL THOMPSON: Good afternoon, [REDACTED] D16. And good afternoon, ma'am. COL Thompson, Legal Officer for BRIG Dean Thompson of course, Commander of 16 Aviation Brigade last year. If I can take you to paragraph 27 of your statement, which is on page 11 of the electronic document I have here, and to the timestamp 0345 hours? Have you got that there in front of you?

30

D6: Yes, I know it well, sir. Yes.

COL THOMPSON: And you refer to a [REDACTED] D14 briefing Commander 16 Brigade on the mission profile and what occurred during the flight. And then you briefed Commander 16 Brigade with an update. Were you present during [REDACTED] D14's briefing of Commander 16 Brigade?

35

D16: I was, sir.

40

COL THOMPSON: You heard everything that happened during that briefing. Now, over the page, at paragraph 33 on page 12 of my document, you were asked, "Were you ever directed not to speak to QPS?", and you've answered, "No". Do you see that?

45

D16: Yes.

5 COL THOMPSON: Can the Tribunal (sic) take it that during [REDACTED] D14's brief and your brief of Commander 16 Brigade that topic never came up, of not speaking to QPS?

D16: No.

10 MS McMURDO: Not that you heard?

D16: I was present for those briefs, ma'am, sir.

MS McMURDO: Yes.

15

D16: D14's brief was the context of the mission and what we were doing, and the aim of the sortie. My brief was to give him an update of who those people were, the decisions that we were seeking from him – which was, “Can we please start the notification process?” – and also an update on the search and rescue, what assets were overhead in the air, and on the surface.

20

COL THOMPSON: Thank you. If you can go to paragraph 30 of your statement on page 12, you were asked what time and date – just to backtrack, that conversation at 0345 hours, that would have been on 29 July - - -

25

D16: The 29th.

COL THOMPSON: - - - '23, of course. So at paragraph 30 you were asked the time and date you left Proserpine after the incident on 28 July, and you said:

30

*Most of 6 Avn Regiment departed at 1440 hours on 29 July.*

35 D16: Correct.

COL THOMPSON: And you also departed with them at 1440 hours on 29 July '23. Can the Tribunal take it that BRIG Thompson didn't address any part of 16 Aviation Regiment, or any collective part of them, between your briefing with him at 0345 hours that morning and when you left at 1440 hours? Sorry, have you understood my question?

40

D16: I believe so. He briefed those personnel at Proserpine at about 6 or 7 in the morning.

45

COL THOMPSON: Were you present during that briefing?

D16: Yes.

5 COL THOMPSON: Again, can the Tribunal take it that there was no mention of talking, or not talking, to QPS?

D16: The priority at that point, sir, was letting us know what was happening with the families and the notification process.

10 COL THOMPSON: And, just finally, if you go to paragraph 43 on page 14 of my document – I’m just struggling with my little pad here – and you discuss a brief on 13 October 2023 back at 6 Aviation Regiment, and you name some people who were present. And at the end of your answer you say, “others who I do not know/remember”. If BRIG Thompson had been there, do you think you would have remembered him being there? It’s not a memory test, but if - - -

20 D16: I would hope that I would, yes. The other members were, I guess, civilian members. Jazz Dee rings a bell. I don’t – I’m sorry, sir, I don’t remember.

COL THOMPSON: That’s fine. Thank you, D14. Thank you, ma’am.

25 D16: 16.

COL THOMPSON: Thank you, D16.

30 MS McMURDO: Any other applications to cross-examine? Any re-examination?

COL STREIT: No, thank you, Ms McMurdo. If the witness can - - -

35 MS McMURDO: Thank you very much, D16 . We greatly appreciate your assistance to the Inquiry. We know how difficult it is for you to give evidence about these matters. You’re free to go now. Thank you.

D16: Yes, ma’am.

40

**<WITNESS WITHDREW**

45 MS McMURDO: Do you want to start the next witness, or shall we break for lunch?

COL STREIT: I'm told the next witness is outside, and will be taken by FLTLT Rose. If you were minded to, we could do the preliminaries and - - -

5

MS McMURDO: Do you think that's beneficial to do that, or do you think it's better just to start fresh after lunch, rather than getting them in and then out again? I'm in your hands really. I don't mind.

10

COL STREIT: I was only thinking the witness had been brought down and placed outside, Ms McMurdo, but I'm content to - if we take the luncheon - - -

15

MS McMURDO: All right. Well look, we can - we'll warn them that it will only be a - we'll do some formalities and then have the lunch.

COL STREIT: Dip in the water.

20

MS McMURDO: Yes.

FLTLT ROSE: I call the witness known as D14.

MS McMURDO: Thank you, FLTLT Rose.

25

FLTLT ROSE: For those watching on the livestream, the vision will continue to be switched off on the witness.

30

**<D14, Sworn**

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

35

MS McMURDO: Yes, FLTLT Rose.

FLTLT ROSE: Could you please turn over one of those A3 sheets in front of you and confirm that you are the person with the pseudonym D14?

40

D14: I am.

FLTLT ROSE: What is your rank?

45

D14: My rank is [REDACTED].

FLTLT ROSE: What unit are you currently posted to?

D14: I'm currently posted to the School of Army Aviation.

5 FLTLT ROSE: Is that in Oakey or in Holsworthy?

D14: The unit is based in Oakey, but I'm currently working detached to Holsworthy Barracks here in Sydney.

10 FLTLT ROSE: Can you confirm that you were sent a section 23 Notice requiring your evidence – to appear to give evidence today?

D14: That's correct.

15 FLTLT ROSE: Did you also receive an extract of the Inquiry's Directions?

D14: That's correct as well. Yes.

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

20

D14: That's correct.

FLTLT ROSE: And a Frequently Asked Questions Guide for Witnesses?

25

D14: Yes.

FLTLT ROSE: And a Privacy Notice?

D14: Yes.

30

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

D14: Yes, I did.

35

FLTLT ROSE: I hand the witness a document.

D14: Thanks, Kevin.

40

FLTLT ROSE: Could you please have a quick look through the statement and confirm whether that's the statement you prepared?

D14: Yes, it is.

45

FLTLT ROSE: Dated 24 July 2024?

D14: That's correct.

FLTLT ROSE: And does it have 23 pages?

5 D14: It does, yes.

FLTLT ROSE: Would you like to make any amendments to it?

10 D14: No amendments at this stage, thank you.

FLTLT ROSE: I tender the statement.

MS McMURDO: Yes, that will be Exhibit 56.

15

**#EXHIBIT 56 - STATEMENT OF D14 DATED 24/07/24**

20 FLTLT ROSE: D14, the public hearing today is at the "Official" level. If myself, or any other person, asks you any questions which you think may lead you to provide answers that are at "Official: Sensitive" or above, I just ask you to let us know and, if we need to, we can have a private hearing to discuss those matters.

25 D14: No worries.

FLTLT ROSE: Ms McMurdo, would you like me to continue at this stage?

30 MS McMURDO: Well, we're not going to finish your evidence, I'm afraid, before lunch, so it was thought that it might be useful just to get you in and get the statement tendered.

D14: No worries, ma'am.

35 MS McMURDO: And get you to feel a little more comfortable in the Inquiry Room. We will now have a lunch adjournment for 45 minutes.

D14: Understood.

40 MS McMURDO: And then finish your evidence this afternoon. All right, thank you. We'll adjourn now until 1 o'clock. Thank you.

**HEARING ADJOURNED**

45

## HEARING RESUMED

- 5 MS McMURDO: Yes, FLTLT Rose.
- FLTLT ROSE: I'll start by asking you some questions about your background and qualifications. You joined the Army in 2001.
- 10 D14: That's correct.
- FLTLT ROSE: And you started flying Black Hawk in 2005.
- D14: That's correct.
- 15 FLTLT ROSE: And then you posted to 6 Aviation Regiment for the first time from 2005 to 2012.
- D14: That's correct, yes.
- 20 FLTLT ROSE: You can pour yourself some water, if you wish. During that time in 6 Aviation Regiment, you were a Troop Commander.
- D14: That's correct.
- 25 FLTLT ROSE: Then you started your Qualified Flying Instructor training on the Kiowa in 2013.
- D14: That's correct.
- 30 FLTLT ROSE: And you transitioned to the MRH-90 in 2014.
- D14: Correct.
- 35 FLTLT ROSE: So you were a QFI on MRH-90 at the School of Army Aviation from 2014 to 2018.
- D14: Correct.
- 40 FLTLT ROSE: Was that a posting at Oakey?
- D14: That was a posting at Oakey, yes.
- 45 FLTLT ROSE: Then you posted back into 6 Aviation Regiment in 2019 as a Qualified Flying Instructor.

D14: That's correct.

FLTLT ROSE: And that was to lead the introduction of the MRH-90 into  
173 Squadron in 6 Aviation Regiment.

5

D14: Correct.

FLTLT ROSE: Then, from 2021 to 2022, you were the Aviation Safety  
Officer in 6 Aviation Regiment.

10

D14: Correct.

FLTLT ROSE: That was at the same time as being a Qualified Flying  
Instructor.

15

D14: That's correct, yes.

FLTLT ROSE: And also a pilot, or Aircraft Captain.

20

D14: Correct, yes.

FLTLT ROSE: What was your primary duty out of those three roles at that  
time?

25

D14: The primary duty was flying safely and teaching folks, and the  
secondary duties obviously varied depending on the year, but they all  
involved an office job with an office role, with various kind of  
responsibilities and duties through those years.

30

FLTLT ROSE: I take it whenever you've been a QFI in a Squadron or in a  
Regiment, that's been your primary duty?

D14: That's always been my primary duty, yes.

35

FLTLT ROSE: Then in 2023 you became the Regiment Flying Standards  
Officer for 6 Aviation Regiment.

D14: That's correct.

40

FLTLT ROSE: And that meant you were responsible for Unit Flight Rules,  
Standing Instructions?

D14: That's correct, yes.

45

FLTLT ROSE: And instructor development?



D14: That's correct, yes.

5 FLTLT ROSE: And for maintenance of flight standards?

D14: Correct.

10 FLTLT ROSE: Did you remain as the QFI and a pilot at the same time as fulfilling the Regiment Standards Officer role?

D14: Yes, I did.

FLTLT ROSE: And you were also a Special Operations flight lead.

15 D14: Correct, yes.

FLTLT ROSE: And an Authorisation Officer.

D14: Correct.

20 FLTLT ROSE: Did you have any other particular qualifications at that time?

D14: Nothing else specific, no.

25 FLTLT ROSE: Those are many different roles that you were fulfilling simultaneously. Which role was your primary duty in 2023?

30 D14: Every role I've had that involved flying, my flying duty was always primary.

FLTLT ROSE: How were you able to manage the responsibilities of the Standards Officer, flying, QFI, flight lead, and Authorisation Officer?

35 D14: I had really good support from my Commander, and he provided me unwavering trust and flexibility to be able to manage those things, with the advice and guidance that flight and flight safety was always to be my primary task and job, and other things were always secondary to that.

40 FLTLT ROSE: Can you confirm that your Commanding Officer you are referring to is on that list, and what their pseudonym is?

D14: Correct. That's D19.

FLTLT ROSE: How did he encourage you to be able to manage your own time within the construct of working in a Regiment and then flying for a Squadron?

5 D14: He gave me his own trust and flexibility. I worked physically in an office five doors down from him through 2023. We had a very open and frank line of communication between myself and him as my superior, and he always reassured me about what my role and what my task was.

10 FLTLT ROSE: In terms of the Regiment and the structure of it, you have the CO, and then I understand there's an Adjutant that assists the CO.

D14: Correct.

15 FLTLT ROSE: As the Standards Officer, are you the first person that the CO will call on in respect of flying?

20 D14: It's generally – yes, I'm his conduit to the flying Squadrons on things related to flying standards, rule adherence. And things generally regarding flight safety would be my kind of lane.

FLTLT ROSE: And when was it that you posted out of 6 Aviation Regiment?

25 D14: December 2023.

FLTLT ROSE: And that's now, you're posted to the School of Army Aviation, still at Holsworthy?

30 D14: That's correct.

FLTLT ROSE: Is that as a senior instructor on the UH-60M Black Hawk?

35 D14: That's correct.

FLTLT ROSE: So have you completed your own Black Hawk conversion course or transition course?

40 D14: Not at this stage, no. I'm scheduled to commence that training next month.

FLTLT ROSE: So you're able to instruct on or provide some sort of flying instruction even though you haven't converted yourself to the - - -

D14: At the moment, I'm providing a supervisory role from an office desk in a management role, yes, until I commence flying again.

5 FLTLT ROSE: So how long is it that you haven't flown for?

D14: The military aircraft, I have not flown since the day before the accident. But I've been flying, courtesy of Defence, some civilian aircraft to maintain skills.

10 FLTLT ROSE: And do you have to do that off-base, or is the civilian aircraft - - -

D14: Correct, that's off-base. That's a leased civilian aircraft off-base, yes.

15 FLTLT ROSE: So how often are you flying at the moment?

D14: Very irregularly. I've conducted approximately, I would say, in the order of 20 flights in the last 12 months, in various aircraft.

20 FLTLT ROSE: So does that mean that you have been able to maintain currency?

D14: No.

25 FLTLT ROSE: So at the moment you don't have a category on any airframe?

30 D14: No, I have no categories and no current qualifications on any military aircraft.

FLTLT ROSE: And I take it then from that evidence that you would also agree with me that you are no longer – or your proficiency levels are low currently?

35 D14: I would say, yes, they are low.

FLTLT ROSE: And recency also low?

40 D14: Recency is very, very low.

FLTLT ROSE: Your Black Hawk training is to start in September this year, in the USA?

45 D14: That's correct.

FLTLT ROSE: And how long is that for?

5 D14: The first phase of the training will be the simulator training that runs for one week. The remainder of the training is done in a helicopter here in Sydney, and that will run for approximately 7 to 12 weeks, depending on weather and the training levels I need to attain.

10 FLTLT ROSE: So you don't need to be in the USA? Did I misspeak?

D14: I will only do a short component in America, which will include emergency training.

15 MS McMURDO: So is that the simulator training in the US?

D14: That's right, ma'am. Correct.

MS McMURDO: Isn't the new Black Hawk simulator in Australia yet?

20 D14: That's correct, ma'am. Correct.

FLTLT ROSE: Can I take it from your evidence then that although you've got a desk job essentially at the moment, and you have got a management role, you're not actually instructing any trainees on any aircraft currently?

25 D14: No, I'm not doing any instruction at the moment.

FLTLT ROSE: Paragraph 16 of your statement, you set out some of your current responsibilities. Can I take it that there is a smaller team – without going into exact numbers – there is a smaller team in 173 Squadron now than there was in the middle of 2023?

30 D14: Yes, that's correct.

35 FLTLT ROSE: And can I take it that those personnel are in a similar position to you, waiting to finish their conversion to the new Black Hawk before they can commence flying regularly?

40 D14: That's correct. Defence has afforded some of those members at 173 Squadron a more sustained pathway to maintain proficiency, and they're continuing to fly a civilian leased aircraft under the military FMS Rules, Regulations and authorisation to kind of keep them in the FMS and keep them current and recent prior to then recommencing operations on Black Hawk.

45

FLTLT ROSE: "FMS" stands for?

D14: Flight Management System.

5 FLTLT ROSE: And you – earlier evidence – yourself, you stated that you weren't – your proficiency is low currently?

D14: Correct.

10 FLTLT ROSE: And even though Defence is giving some support to members of the Squadron to try and maintain proficiency, it essentially hasn't been enough for you?

D14: It's been sufficient to maintain some very basic skills.

15 FLTLT ROSE: Paragraph 8 of your statement, you set out the pilot qualifications you did have when you were a Category A pilot on the MRH-90?

20 D14: Yes, correct.

FLTLT ROSE: And as we noted before, you were Special Operations flight lead?

25 D14: Correct.

FLTLT ROSE: And you were also a Category A QFI on MRH-90?

D14: Correct.

30 FLTLT ROSE: And that means that you were able to train other Qualified Flying Instructors?

D14: That's correct.

35 FLTLT ROSE: And in terms of your total flying time on the various military aircraft, you set that out at paragraph 11, and on the Kiowa, you had 330.4 total hours?

40 D14: Correct.

FLTLT ROSE: On the S-70A-9 Black Hawk, you had 1917.6 hours?

D14: Correct.

45

FLTLT ROSE: And on the MRH-90, you had 2000.6 hours?

D14: That's correct.

5 FLTLT ROSE: And then we further break that down. So of that 2000 hours, you had 704.6 hours flying at night?

D14: That's correct, yes.

10 FLTLT ROSE: And of those, 657.1 hours were on NVDs, on night-vision devices?

D14: Correct.

15 FLTLT ROSE: And then you had about 400 hours flying in formation on the MRH-90?

D14: That's correct.

20 FLTLT ROSE: I take it you had other hours in formation on those other airframes?

D14: That's correct, yes.

25 FLTLT ROSE: The Inquiry has heard some evidence that on the afternoon of 28 July 2023, CAPT Danniell Lyon conducted a ceremony of sorts for you to celebrate you reaching 2000 hours on the MRH-90?

D14: That's correct, yes.

30 FLTLT ROSE: Can you describe what that ceremony was?

D14: A very informal ceremony that's a tradition in Military Aviation where we celebrate the 1000-hour milestones on aircraft. It was just a small gathering of the work staff to discuss that milestone.

35 FLTLT ROSE: Does it involve someone pouring water on you?

D14: Generally something is poured on the person that's achieved the milestone.

40 FLTLT ROSE: Does it make you soaking wet or just slightly wet?

D14: Generally the intent would be to soak the – make the person soaking wet.

45

FLTLT ROSE: And could I take it that CAPT Lyon said a few words, together with the wetting?

5 D14: He did. CAPT Lyon took the role of running that very informal ceremony and having people pour something over my head, which was water.

FLTLT ROSE: I've heard you were lucky it was water.

10

D14: That's correct.

FLTLT ROSE: Paragraph 56 – this is jumping ahead in your statement – you state that you flew with Dan Lyon on many occasions?

15

D14: I did, yes.

FLTLT ROSE: Did you call him Dan or Diesel?

20

D14: I called him Diesel. But, yes, I flew with him on a number of occasions, including from the commencement of his time on MRH, all the way through to his time in the unit.

FLTLT ROSE: Did you conduct some category assessments for him?

25

D14: I did, yes.

FLTLT ROSE: And I take it did you instruct him on SOQCs?

30

D14: I did. I instructed him as a trainee when he was learning to fly the aircraft initially. And I also instructed him through his time as he moved through the continuum of categories as a mission pilot.

FLTLT ROSE: And you said he was a very hard-working pilot.

35

D14: A very hard-working pilot, a very hard-working officer.

FLTLT ROSE: And I take it as a hard-working Troop Commander as well?

40

D14: Correct, yes. Very dedicated.

FLTLT ROSE: And you said that he had strong and consistent flying skills?

45

D14: Correct.

FLTLT ROSE: Did he look up to you, as in a mentoring role?

5 D14: We had a close personal friendship outside of work as well. He may – he – potentially, yes.

FLTLT ROSE: I'd like to turn now to your experience flying the MRH-90. And this is from paragraphs 21 and 22 of your statement. You've set out some advantages and disadvantages of flying the MRH-90 as compared to other airframes you've flown. And I note that you said that:

10

*The HMSD TopOwl did not perform as well as the current night-vision goggles that Army Aviation is using, which made it more difficult to fly the MRH-90 in low ambient light at night.*

15 D14: That's correct, yes.

FLTLT ROSE: So when you're referring to "the NVGs that Army Aviation is currently using" – noting that you're not – don't have a category on an airframe at the moment – what NVGs are you referring to?

20

D14: So I'm referring to the M949 white phos night-vision goggle system that is in current service with Army Aviation.

25 FLTLT ROSE: Is that on things like the ARH Tiger, or are you referring to Black Hawk?

D14: It's not on the ARH Tiger. It's currently being used on the CH-47D Chinook – Foxtrot model Chinook, apologies. And the current fleet of Black Hawk also use that system.

30

FLTLT ROSE: And then you would be using that system yourself moving forward?

35 D14: Correct.

FLTLT ROSE: And you have used it in the past?

40 D14: I have used it, but I've not used it in a flying role.

FLTLT ROSE: So you've been on the ground and placed it on your head?

D14: Correct. I've done a famil on the system; I haven't flown with it.



FLTLT ROSE: Why is it that you can then make a comparison as to say the TopOwl is not as efficient or as good as the current model?

5 D14: I've used various iterations of night vision on TopOwl. I've used various iterations of green phosphor night-vision goggles, ANVIS-6 and ANVIS-9 over the years. And I have used the M949 night-vision goggle in low light conditions. And I can unequivocally say that the M949 white phosphor goggles system provides a better – a far better kind of visual image to the crew using that system.

10 FLTLT ROSE: Is it better acuity?

D14: It's better visual acuity. The figure of merit, which is a score of a number of factors that the goggle can produce in various lighting conditions, is a higher figure of merit score for that system.

FLTLT ROSE: Did the TopOwl have a white phos or green phos?

20 D14: It used green phos.

FLTLT ROSE: And is it, in your experience, white phos gives better acuity?

25 D14: No, that's not always the case. How far do we want to go into the detail on this one?

FLTLT ROSE: Which element is it of the TopOwl you think that makes the acuity less effective than the current - - -

30 D14: There's a number of things in the TopOwl – the gen 3 TopOwl system that I'll talk about to start with. There was a certain amount of visual acuity losses as the system - - -

35 MS McMURDO: Can we just clarify, is that the TopOwl 5.1 we're talking about?

40 D14: Ma'am, we're talking about the – I'll initially talk about the image intensifier, and the TopOwl software version 5.1 was the version of the Head-Up Display, the software that we were using at the time of the incident.

MS McMURDO: Yes. Sorry, you were talking about then TopOwl version 4, or just TopOwl generally?

5 D14: I'm talking initially about the TopOwl generation 3 Image Intensifier Tube, which is the item in the TopOwl system that intensifies the light for flight at night. The way the system is designed is that there is a number of losses in visual acuity as it moves through a series of mirrors and is then projected onto a screen in front of the pilot's eyes. So every pathway where it's reflected, some of the visual acuity is lost.

10 In 2020, I believe it was – I'd have to check my statement – we upgraded to an improved Image Intensifier Tube, and we refer to that as the L3 improved IIT, and that helped to increase the visual acuity of the system; separate completely to the upgrades that were made to the Head-Up Display software system.

15 FLTLT ROSE: When you're referring to "it was more difficult to fly the MRH-90 in low ambient light at night", what is "low ambient light"? I take it is that low moon, or is it in relation to contrast?

20 D14: Yes. So when I refer to "low ambient light" in my statement, I'm generally referring to night conditions where there is no moon at all. So starting at roughly two millilux, which would be a benchmark for starlight with a clear sky, no other cultural lighting available, all the way down to, you know, the low decimal millilux number. So two millilux and below would be considered low light, so no moon at all.

25 FLTLT ROSE: Would 6 Aviation Regiment be expected to fly in less than two millilux?

D14: Routinely.

30 FLTLT ROSE: Were there ways that you could counteract the disadvantages that you noted with the use of the TopOwl on the MRH-90, as a pilot?

35 D14: Yes, there were tools and techniques that we used to counter the lack of visual acuity in night conditions where there was low ambient light, or very little ambient light. There was definitely techniques and procedures that we used for that.

40 FLTLT ROSE: Does that include the use of the Forward-Looking Infrared?

D14: Yes, FLIR would definitely be an enabler for that. In very low light, it was definitely a tool that I relied on heavily, particularly if we talk about prior to the upgraded L3 Image Intensifier Tubes. That version of TopOwl

system, at night you needed to lean on the FLIR system sometimes in low light to help build your situational awareness.

5 FLTLT ROSE: And then pilots were able to rely less on the Forward-Looking Infrared, once the L3 IITs were introduced?

D14: That's correct. That's correct.

10 FLTLT ROSE: If you're flying in formation at night, in less than two millilux using the TopOwl, would another technique a pilot could use be to pinch in, so that you could see the formation lights clearer of the aircraft in front?

15 D14: Correct.

FLTLT ROSE: Are there any other techniques?

20 D14: There's a variety of techniques. You need to maximise the use of the autopilot system that you have available, and it's all going to be dependent on the surface that you're flying over. The flight lead of the formation, in darker conditions, needs to be cognisant of the conditions and fly very smoothly to allow the formation to kind of be in those correct positions in the formation.

25 FLTLT ROSE: And you had flight lead qualifications yourself. Can I take it that that means that the flight lead would rely heavily on the automation systems of MRH?

30 D14: Absolutely, in low light conditions it was an essential.

FLTLT ROSE: But less essential for the following ships to be reliant as much on automation systems?

35 D14: Flying a formation flight, particularly at night, on night-vision systems, is a manual flight technique and it's assisted by some autopilot modes that you can use to help you maintain position. For example, overwater you would use a radar altimeter hold, and then you would have your hand, attentive hands-on, on the collective, and you would use your right hand to manually fly the station for the formation.

40 FLTLT ROSE: Was there a requirement to have the RADALT hold engaged overwater?

45 D14: Correct. It was a mandated legal requirement for Army aviators.

FLTLT ROSE: It wasn't a fact that you could choose between engaging the BARALT or the RADALT hold?

5 D14: You had to have a - below 500 feet, you had to have RADALT hold engaged.

FLTLT ROSE: Can I take it that 6 Aviation Regiment often flew, or usually flew, below 500 feet?

10 D14: We would routinely fly below 500 at night overwater.

FLTLT ROSE: Was there a requirement to have a decision height set at a certain parameter?

15 D14: That's correct. So the decision height that we're talking about is an oral warning to the crew. The routine was to set two decision height warnings; there was two available to the crew. The first one would be set 10 per cent below your minimum authorised height. So for routine operations at 200 feet in a formation we would set that at 180. And then  
20 we'd set our second one somewhere below 50 feet. The second oral warning was the last warning to the crew that they were in the final landing phase of the flight.

25 FLTLT ROSE: Would it be common for one of the pilots to set their decision height at the 10 per cent below the minimum, and the other pilot to have theirs set at that second level?

D14: That's correct.

30 FLTLT ROSE: Could pilots disengage the decision height once it was set?

D14: Once the decision height was set, it remains that way until it was changed by one of the pilots. You could disengage the oral warning. I believe it was two iterations of the oral warning, that the aircraft would  
35 say to you, "Decision height", in a female voice. You could choose to disengage that or you could choose to listen to it. Again, it was an oral warning; it didn't actually kind of interface with the autopilot. So crews could choose to ignore that.

40 FLTLT ROSE: Was the oral warning coming out of the functions, the display at front, or was it coming through the comms?

D14: It comes through the comms system, directly into the pilot's helmet.

45 FLTLT ROSE: Did the aircrewman hear, "Decision height warning"?

D14: No, they did not.

5 FLTLT ROSE: Would there ever be a reason for pilots to disengage decision height warnings?

D14: No, there would not be a reason to do that.

10 FLTLT ROSE: So when is it that the pilots set the decision height warning?

D14: So the decision height is set as per a sequence in the checklist. The exact number in the checklist, I can't remember right now. But it was a mandatory part of the flight crew checklist to set the decision height for the left-hand pilot and the right-hand pilot.

15 FLTLT ROSE: And the Aircraft Captain would do an oral check with the co-pilot to ask them what they've set the decision height at?

20 D14: Correct. The procedure would be something like, "My decision height is set at X. What's yours?" And that would be the final confirmation amongst the crew.

25 FLTLT ROSE: And there would never be any cause to set the decision height at zero?

D14: If a pilot chose to do that, that would be against procedures.

30 MS McMURDO: So if one pilot set it at, say, 180, and the other has set it at, say, 45, will both pilots hear the warning at 180?

D14: That's correct, ma'am, yes.

MS McMURDO: Not just the pilot?

35 D14: That's correct, ma'am.

MS McMURDO: Thank you.

40 FLTLT ROSE: The function of the RADALT hold when you're flying low overwater, what inputs – what information does that give? What advantage does that give the pilot, having that engaged?

45 D14: So overwater it provides a height hold function, using the radar altimeter that the aircraft has, and it interfaces with the collective system on the aircraft and maintains the height that the pilot sets it at. And the pilot

can manipulate that height. They can – in a variety of ways, using the autopilot interfaces in the aircraft.

5 FLTLT ROSE: So they can override it by pushing in the trim or pushing down the collective?

D14: Correct. That's correct.

10 FLTLT ROSE: It's there as a "just in case" or to take some of the workload off the pilot?

D14: Absolutely.

15 MS McMURDO: Although it would be against the Regulations to do so, are you aware of pilots sometimes just preferring to turn off the automatic system and fly manually?

D14: Overwater, ma'am?

20 MS McMURDO: At all.

D14: You've probably been into this in a lot of detail prior to this, so I won't go through it in too much. But there was two basic flight modes for the aircraft. There was an attitude hold mode, which had autopilot functionality; and there was a tactical flight mode that the autopilot and the handling of the aircraft was slightly different. If the aircraft was flown in the tactical mode, then the autopilot functions were not available. Overland, some pilots preferred to use the tactical mode because it had a slightly different feel to the control of the aircraft, in formation flight particularly, and low-level tactical flight.

MS McMURDO: So it wasn't all that unusual for that to happen overland?

35 D14: That's correct, ma'am.

MS McMURDO: What about overwater?

40 D14: Overwater, that was prohibited. You couldn't fly in TAC mode overwater because you must use RADALT autopilot hold below 500 feet.

MS McMURDO: So you're not aware of it being any sort of cultural thing, or - - -

45 D14: No.

MS McMURDO: - - - macho thing, to fly overwater manually because it was better to get the feel of the aircraft yourself? No?

D14: No, ma'am. No. It's - - -

5

MS McMURDO: It's sometimes done overland, but not overwater?

D14: That's correct, ma'am.

10 MS McMURDO: Thank you.

FLTLT ROSE: At paragraphs 31 to 35 of your statement you describe your experiences using TopOwl. At paragraph 35 you state that you:

15 *Were aware of the design characteristics on the HMSD Head-Up Display where the angle of bank indicated would wash out to zero as the pilot turned their head off-axis left or right.*

D14: That's correct.

20

FLTLT ROSE: But you said this was not an issue for you because you only set your attitudes when looking straight out the front.

D14: That's correct.

25

FLTLT ROSE: So were you setting your attitudes off the aircraft in front of you?

30 D14: So the military training system, from the first time you hop in an aircraft, has you set attitudes by looking out the front of the aircraft and using the references at the 12 o'clock of the aircraft's position. And that carries through to a variety of different aircraft types in Army. I'm assuming Air Force and Navy are very similar. In formation flight, the setting of attitudes is less important than the maintenance of the station. You're primarily looking at the other aircraft for the maintenance of your station.

35

40 FLTLT ROSE: Were you aware of any other pilots or trainees reporting to you that they had issues with this flaw in the TopOwl where the angle of bank washed out when you went off-axis?

D14: When we did the conversion to HMSD 5.1 software across our fleet, we described it in detail to the crews. After that time, not – I never heard a single person talk about the HUD or the software ever again.

45

FLTLT ROSE: In paragraph 36 you state that you were one of the pilots involved in an operational evaluation of the revised HMSD symbology, 5.10, and that was in 2019.

5 D14: That's correct.

FLTLT ROSE: It was that operational evaluation that led to the introduction into Service of the upgrade?

10 D14: That's correct.

FLTLT ROSE: You said you had no issues with the system during that operational evaluation testing period?

15 D14: No issues whatsoever.

FLTLT ROSE: Did you fly sorties at night for the OPEVAL?

D14: Correct.

20

FLTLT ROSE: And by day?

D14: I did numerous sorties at day and night.

25 FLTLT ROSE: You state that there was a marked improvement in the upgrade 5.10 than on the previous version 4.0?

D14: That's correct. So I did put that in my statement, I did say, "a marked improvement". There were some items of the Head-Up Display that were removed that initially I did miss, because I had learnt to use those systems. But overall the upgrade provided a closer field of view for the information and some other pieces of information in the Head-Up Display that we didn't previously have.

30

35 FLTLT ROSE: Did you have that same view in 2023, that it was still a marked improvement?

D14: Correct.

40 FLTLT ROSE: And the flaw that you were aware of, of when you looked off-axis and giving the wrong attitude information, by 2023 you still did not find that a problem?

D14: Never even was of – never a problem.

45



FLTLT ROSE: Were you aware of the AATES' testing that occurred prior to the operational evaluation?

5 D14: I was. Not in detail at the time that I did that testing in November 2019. I was aware that a panel of experts with far better – far more training and experience than I have, tested that system independently and had some serious concerns about it. But as an operator, at the operator unit level, I had no problems using this system whatsoever.

10 FLTLT ROSE: You're not a test pilot, I take it?

D14: I am definitely not a test pilot, and those individuals are far more qualified to talk about that than I am.

15 AVM HARLAND: Just a question about the OPEVAL. Would you normally fly representative profiles, operational profiles?

D14: Yes, sir, that's correct. Yes, we did fly a number of mission profiles that would represent how we'd use the system.

20 AVM HARLAND: Did you fly night, low level, on TopOwl, formation overwater during the OPEVAL?

D14: No, we did not, sir.

25 AVM HARLAND: Is that a representative profile?

D14: That is a representative profile, yes.

30 AVM HARLAND: Was there a reason why you didn't do that?

D14: You're going to test my memory now, sir. Did we fly formation during the OPEVAL? I don't believe I did.

35 AVM HARLAND: Just going back to your previous conversation about when you were in formation you were primarily referencing the other aircraft rather than purely setting precision attitudes in the aircraft. If that is the case, that would, if you were in number 3, for example, typically have you looking not in line with the longitudinal axis?

40 D14: That's correct, sir.

45 AVM HARLAND: So if that was the case and you were effectively trying to maintain visual on the number 2 aircraft, you're looking off boresight – off the centre line?

D14: That's correct.

5 AVM HARLAND: Which means that you're being presented with the ambiguous information?

D14: Theoretically that's correct, sir, yes.

10 AVM HARLAND: So had you flown in that scenario with TopOwl?

D14: Many, many times.

AVM HARLAND: And after the OPEVAL?

15 D14: Yes. Yes, sir.

AVM HARLAND: Did you find the presentation of the angle of bank sort of captured your attention in that situation?

20 D14: Never. Never noticed it.

AVM HARLAND: Okay.

D14: Yes.

25 AVM HARLAND: That's all, thank you.

D14: Thanks, sir.

30 FLTLT ROSE: During your sorties for the operational evaluation, did you specifically look off-axis and try and set your attitudes off the symbology?

D14: Yes, we went – during the OPEVAL, we went through it in ad nauseam detail about the fault, how it presented, what it looked like, and the errors that could be induced if the incorrect techniques were used.

35 FLTLT ROSE: What did you do when you were trying to set your attitudes off that incorrect information on the symbology?

40 D14: The test pilot I flew with initially – I flew with two different test pilots during the event we're talking about. We were shown the characteristic of the HUD, and I don't – I was kind of slightly – I would never set an attitude looking off-axis. So that, to me, at the time, as an operator level user of the system, it did not concern me at that time.

45

FLTLT ROSE: So your instincts kicked in and just looked straight ahead and set your attitudes?

5 D14: That's correct.

FLTLT ROSE: So you essentially ignored the symbology.

D14: That's correct.

10 FLTLT ROSE: I'd like to ask you some questions now about aligning the TopOwl system. Are you familiar with the go/no go test in aligning?

D14: Yes, absolutely.

15 FLTLT ROSE: The HMSD?

D14: Yes.

20 FLTLT ROSE: Were there any facilities at 6 Aviation Regiment for you to conduct a go/no go test for alignment prior to a sortie?

25 D14: So we're talking about alignment, okay. Yes, I'm with you now. So are we talking about alignment of the HMSD system itself? To check the alignment of the system, you'd use a 50-metre range, whether it be a red ring of LED lights, approximately one metre in diameter. And then you would look at that red ring and you would mark the position of the red ring versus the image presented in the HMSD. And then you would put that into a computer program and check the alignment of the system.

30 We did not have the range set up at the 6 Aviation Regiment. The testing, I believe, was done under maintenance. The interval for that testing, I'm not sure. But essentially it was an on-condition test where, if the pilot believed that the alignment was off for that system, they could have the maintenance staff retest it and reconfirm the alignment of that HMSD.

35 FLTLT ROSE: Is that the maintenance staff at 6 Aviation Regiment Holsworthy?

40 D14: I believe so.

FLTLT ROSE: Did maintenance have access to a range, a 50-metre range?

45 D14: I believe so. I never physically saw that test being carried out by maintenance staff.

FLTLT ROSE: So you're not sure if there's a 50-metre range at Holsworthy anywhere?

5 D14: I never physically saw it.

FLTLT ROSE: If there was one there, pilots weren't encouraged to do their own alignment checks?

10 D14: That's correct.

FLTLT ROSE: Is that different to the set-up at Oakey?

15 D14: That's different at Oakey. Oakey's a training environment. And, in the training environment, we would have the pilots test their HMSD using an alignment range every single time they used the system, and that was to provide an understanding of the differences of the alignment between different individual HMSDs, and also to just have them confident in using that if they did need to do an alignment in the future.

20 FLTLT ROSE: In the other airframes that you've flown, was it the responsibility of the pilot to do their own alignment tests for their night-vision devices?

25 D14: Yes, that's true. Alignment tests – HSMD is fairly unique, that you do an alignment check of it. Other goggle-based night-vision systems don't require it.

30 FLTLT ROSE: So the current goggles – or the current goggles you start using shortly, will there be a requirement for you to check the alignment of those goggles prior to - - -

D14: No. No, that – alignment is not required.

35 AVM HARLAND: On the TopOwl, when you were at Oakey and you were taking the students through, how many of the TopOwl helmets would come up “unserviceable” or “unaligned”? Just a rough idea?

40 D14: Yes, it's a good question, sir. When we first started using the TopOwl system, the handling and husbandry, if you will, of the system was quite poor as we learnt how to – it's quite a fragile piece of equipment. Once every four weeks we would have a system go out of alignment that would have to be sent back to the manufacturer to be adjusted or repaired. Once we got through that first six to 12 months of using it, and people understood how to take care of the system, they would rarely go out  
45 of alignment.

AVM HARLAND: We heard from another witness, we think, that there was a check that you did on the aircraft to get the horizon and flight vector sorted out?

5

D14: That's correct.

AVM HARLAND: Could you describe what that is?

10 D14: Yes. So there's a – in front of each pilot there's what looks like a rifle scope. It's called a Boresight Radical Unit, BRU. And the pilot would look down the Boresight Radical Unit whilst holding down a button in the cockpit, and then they would brace their head against the canopy of the aircraft and they would align the Boresight Unit to a set of crosshairs that  
15 were presented in the HMSD. And then, using that, they could adjust the conformal component of the HUD, so the part that is attached to the horizon in the real world.

20 Each time a pilot got in the aircraft and started it up, you'd have to go through the process of making sure that where the horizon was displayed was actually where it was in the real world.

FLTLT ROSE: Did you - - -

25 AVM HARLAND: So was there – sorry. Was there a spot inside the cockpit where you'd rest your helmet, so - - -

30 D14: You could. There was a technique where you could rest your hand on the canopy and brace your helmet, the HMSD, with your thumb to provide a stable base for doing that alignment.

AVM HARLAND: And that gave you confidence that the horizon that was represented in TopOwl was actually in line with the - - -

35 D14: That's correct, sir, yes.

AVM HARLAND: - - - real world.

40 D14: You'd have to – depending on who'd been flying the aircraft, where their head was in the aircraft, you'd have to – you'd always have to spend time adjusting that to make sure it was spot-on.

45 AVM HARLAND: Once you adjusted it on the ground, would you be confident that it would be spot-on when you took off and you were airborne? Sometimes a discrepancy?

D14: Sometimes there'd be a discrepancy, particularly if you didn't have a good horizon. For example, if you're starting up with a mountain in front of you.

5

AVM HARLAND: Okay.

D14: You could re-boresight it in flight, but it was difficult to do. Yes.

10 FLTLT ROSE: Could you only do that as the non-flying pilot, re-sighting your boresight?

D14: Yes, that's a non-flying pilot duty. Yes. You'd need to take both hands off the controls for that.

15

MS McMURDO: When you learnt about the error in the software for 3.10 – 5.10 - - -

D14: 5.10, ma'am, yes.

20

MS McMURDO: - - - for 5.10 and you taught how to correct that when flying, do you know whether CAPT Dan Lyon had that training, and whether Max Nugent had had that training?

25 D14: I can't remember exactly. The pilots that we had in the unit late 2019 and early 2020, ma'am, all did a conversion package that included a flight with a Flying Instructor to train them. Max conducted his training initially on aircraft with the version 5.10 software at Oakey. I could only assume that that was included as a part of his course, ma'am.

30

MS McMURDO: Okay.

FLTLT ROSE: Do you know what that training would be called or listed as in a pilot's logbook?

35

D14: We managed it through our online currency and logbook software called Patriot Excalibur. We had a restriction placed on each of the members and then, when the training was carried out, we'd remove the restriction, with comments saying when the training had been carried out and who had carried out the training. That was the way we managed the kind of throughput of that training.

40

MS McMURDO: Okay. And one of the pilots who's given evidence, who flew in the fatal sortie, has said that he did have an episode with TopOwl

that night. And I'm reading from D5's statement at paragraph 25. Prior to departing, he believed his symbology was correct:

5                    *However, when we were airborne, I could see that the horizon was higher than the actual horizon. TopOwl symbology includes a vector ball which would take current aircraft information and show where the aircraft is currently flying if no parameters are changed. The result was that I had a vector ball showing below the symbology horizon line –*

10                    and I think this is what was discussed earlier –

*when we were in level flight.*

15                    *When the actual horizon was lost due to cloud coverage, I experienced the illusion that the aircraft was descending when we were still in level flight.*

20                    And so there was some – he did rise before it – he was talked through it - - -

D14: Yes, ma'am.

25                    FLTLT ROSE: - - - by the co-pilot, to level-off. Is that something that you found happened from time to time?

30                    D14: Yes. Yes, ma'am. The accurate alignment of your HMSD was an incredibly important part of flying this aircraft, especially in poor visibility and at night. I would always train folks to spend a lot of time with that, because it was quite a critical part of the system. But, yes, ma'am, that definitely could happen. That does not surprise me, that that could have happened to D5 during the sortie in question.

35                    FLTLT ROSE: If that was to occur when you were the Aircraft Captain, and you were not flying at that time, and your co-pilot said to you, "I have an issue with my vector ball. I can't find the horizon in my symbology", would you then take over controls?

40                    D14: Yes, I would take over and just ask him to re-boresight. And just kind of re-boresight and get his horizon line correct.

FLTLT ROSE: And what if there wasn't a visible horizon to set that new boresight at?

45                    D14: Well, I'd have to probably fly until we could get a horizon. If we couldn't get a horizon and the weather conditions and lighting was suitable

that it was – you know, that was required, then we'd probably have to terminate that mission.

5 FLTLT ROSE: Have you experienced illusions when flying on TopOwl?

D14: There's a number of illusions that are taught and are common to the use of night-vision, particularly in a helicopter. All of those night visions I have experienced in one way, shape or form. Nothing that is specific to TopOwl that would cause an illusion that wouldn't be present on some other  
10 night-vision system.

FLTLT ROSE: And what have you done in those situations where you've had an illusion? How did you regain your situational awareness?

15 D14: At the time, the Army had a standardised drill across all aircraft. It was called an AHPA drill: attitude, heading, power and airspeed. The first port of call would be always to look inside at the attitude indicator and verify what the attitude was, if you found yourself disoriented.

20 FLTLT ROSE: Would it also be to hand over controls to the other pilot if you were the flying pilot when this occurred?

D14: That's correct. If you couldn't reorientate yourself and you are visually spatially disoriented, handover.  
25

FLTLT ROSE: And if you weren't able to reorient yourself, and you were flying in formation, were you trained to separate from the formation?

D14: Not formally trained to separate in the cases of spatial disorientation  
30 in a form. So we did not specifically go through that technique or drill. We did, however, go through the conduct of an inadvertent instrument meteorological conditions, inadvertent flight into cloud, or low visibility in a formation, where the formation would conduct a drill that separated all players into different stack heights so that they could safely move apart  
35 from one another.

FLTLT ROSE: Deconflict?

D14: Deconflict, that's right.  
40

FLTLT ROSE: Did you conduct unusual attitude drills?

D14: Every time I – so a UA drill is a mandatory component of an annual instrument flight assessment for every pilot. I would also personally have



pilots carry out a UA drill during their annual night-vision mission check rides.

5 FLTLT ROSE: Was that in the sim or the aircraft?

D14: Whatever I could get access to.

FLTLT ROSE: So you would conduct UA drills in the aircraft?

10 D14: Absolutely, routinely.

AVM HARLAND: Was that required?

15 D14: What was that?

AVM HARLAND: Was that required, or was that your preference as a QFI?

20 D14: It was not required for a mission check ride using night-vision, but that was my preference as a QFI.

25 AVM HARLAND: If I could just go back to your comments – and sorry to keep on going over this – just regarding you’re in formation; you’re on TopOwl; you’re not using the attitude references in TopOwl while you’re flying formation; you’re primarily looking at the other aircraft, which is off Boresight. So you’re in a situation where you’re the flying pilot and you’re struggling to keep awareness on where your number 2 is. So you’re in the 3 position in a – what do you call it?

30 FLTLT ROSE: Heavy left.

35 AVM HARLAND: A heavy left formation. So imagine that situation: you’re low level, at night, overwater, on TopOwl, struggling to keep visibility on number 2, and you’re flying. You then lose visibility or you start losing awareness in terms of what your attitude is. You now look forward to the PFD, because that’s what you do, you look forward to confirm your attitude and basically sort yourself out. You’re in low visibility conditions, you’ve now lost visual on number 2. What happens next?

40 D14: That’s an immediate AHPA drill. It has now changed. It’s a slightly different sequence but it’s the same unusual attitude recovery drill. You would go into an AHPA drill and you would climb to your pre-briefed Inadvertent IMC height. So every mission has, for each position and tail number, a pre-briefed “climb to” height. So AHPA, turn to heading, climb.

45

AVM HARLAND: So you effectively – “Well, okay, now my situation is difficult”, look inside, AHPA drill, and execute your safe separation from the formation - - -

5

D14: Correct.

AVM HARLAND: - - - so you didn't conflict with any other aircraft?

10

D14: That's correct, sir, yes.

AVM HARLAND: If you're the flying pilot, difficult conditions, you know, you're coming in on the last run of a holding pattern, about to go to the IP to go to the LZ, you're really struggling, you really want to hold on to number 2 because this is the mission, this is why you're out there, how do you reconcile the whole idea that you're trying to hold on to number 2 visually but now you're kind of mandated to look inside, which means you break formation?

15

20

D14: I see.

AVM HARLAND: And now all of a sudden you're in a situation where the mission has to recollect itself and almost start again.

25

D14: That's right, yes. That's a really good question. So I suppose I can't stress enough for the Inquiry that flying formation is a manoeuvre where 99 per cent of the time the pilot that's flying would have their head out looking at the other playmates in the formation. When the visibility reduces, the procedure that I would do would have the formation pinch in, to kind of, you know, bring those aircraft closer together, make it easier to see.

30

If the weather deteriorated to a point where you could no longer fly formation, then any member of the formation could call “Popeye”, which is the code word that we use for, “I'm now no longer visual flying”, and they'd execute that AHPA drill and climb to their pre-briefed height. So we're either conducting visual flight, in which case we're looking at our formation player, or we're out of there and we're climbing away.

35

40

AVM HARLAND: So how do you teach that for junior pilots? Because there are two motivations going on here.

D14: Absolutely.

AVM HARLAND: One is safety and the other is maintaining a formation integrity to achieve the mission safety.

5 D14: Yes. It is a difficult thing to learn. Over the years, the pilots will be exposed to various weather conditions at night that will slowly broaden their scope and their comfort levels and give them exposure to that so they have the confidence that they can safely fly in those conditions. The only training event that we had in place to train that skill was that formation Inadvertent IMC drill that we used to carry out fairly routinely, which is that Popeye drill. The lead aircraft would call their heading and the formation would execute that separation.

15 AVM HARLAND: And how many times would you fly night formation, low level overwater, in challenging conditions, per year?

D14: I've put that in my statement. I estimated 5 to 10 per cent would be night formation overwater. Yes.

20 MS McMURDO: But less than that would be, necessarily, in challenging conditions; that is, challenging weather condition?

D14: Yes, that's right, ma'am. Yes, that's right. That's correct.

25 AVM HARLAND: One final question before I let FLTLT Rose get on with it. Are you able to practise that scenario in the simulator?

D14: Absolutely.

30 AVM HARLAND: And do you routinely practice in the simulator?

D14: Absolutely. Yes, we do, sir.

35 AVM HARLAND: How often would a 6 Aviation pilot practice that in the simulator?

40 D14: We mandated Annual Simulated Development Training. We refer to it as ASDT. We mandated that they conduct one period a year that includes a minimum of two sorties with a mandated list of emergencies that each pilot must do. The Inadvertent IMC drill, I can't remember right now, off the top of my head, if that's in there. But, yes, generally, a minimum of once a year they'd go to the sim. Two separate sortie events, minimum, of about three hours would be the absolute baseline that we would expect from every person.

45 AVM HARLAND: So once a year for it?

D14: Once a year was the minimum mandated. Generally, it was a lot more than that.

5 AVM HARLAND: When you say “a lot more”, what, two times a year, or three times?

D14: Most Regiment pilots would go twice a year, maybe three times a year.

10 AVM HARLAND: And did you have a budget for sim?

D14: We had a budget for that, yes. We were really supported with that.

15 AVM HARLAND: And did you routinely expend that budget?

D14: Whenever we requested a sim block, we were never denied funding for that.

20 AVM HARLAND: Okay.

D14: Yes.

AVM HARLAND: Thank you.

25 FLTLT ROSE: Do you recall going to the sim to conduct that type of training in 2023?

D14: I’d have to check my logbook.

30 FLTLT ROSE: You talked about the AHPA drill and, if the pilot was in a situation where they had to climb, they’d go to a pre-briefed climb height?

D14: That’s correct.

35 FLTLT ROSE: Say if you were flying at 200 feet, is there a standard pre-brief climb height?

40 D14: There’s not a standard one. We’d assess the terrain in the AO that we were using and then we would find the lowest safe altitude given the area of operations, and then we would commence the stack from there upwards. So in - - -

45 FLTLT ROSE: The pilots that have lost the situational awareness climb first, or would the flight lead?

5 D14: It depended. If it was initiated by flight lead, the flight lead would call "Popeye" and the formation would immediately commence the drill. If one of the players in the formation lost visual, they would just execute their drill independently and climb to their pre-determined height.

FLTLT ROSE: And they would call "Popeye" themselves?

10 D14: That's right, yes.

FLTLT ROSE: I want to take you back to a question about the misalignment. You gave evidence before that a pilot in 6 Aviation Regiment would really only know if HMSD was misaligned once they put it on.

15 D14: That's correct.

FLTLT ROSE: Is it the case that they'd see double?

20 D14: Not particularly. That could happen if it was quite badly misaligned and it was unserviceable. Sometimes for a very, very minor misalignment you would come back after a few hours and you'd have a very slight headache. If the system was grossly misaligned, you could tell straightaway as soon as you turned it on. A minor misalignment that would be within tolerances would just be uncomfortable after some period of time of using it.

FLTLT ROSE: And then you would take it back to – is it ALSE at - - -

30 D14: That's correct, yes.

FLTLT ROSE: - - - TopOwls? And you would tell them, "I think this is misaligned".

35 D14: That's correct.

FLTLT ROSE: Would another indicator be that the pilot had sore eyes?

40 D14: Not in my experience using the system, no.

FLTLT ROSE: So if there is a slight misalignment that's causing the pilot headaches, I take it that's fatiguing for the pilot when they're flying?

45 D14: Yes, that could add additional fatigue to the flight. That's correct.

FLTLT ROSE: And increases their workload because they're - - -

D14: That's correct.

5 FLTLT ROSE: - - - having to concentrate harder on the symbology?

D14: That would be correct.

10 FLTLT ROSE: Would you keep flying, as a pilot, if you had a headache?

D14: Myself, personally? Is this a personal – have I flown with headaches? Yes, I have. Yes, I would continue flying as long as I considered it was safe and reasonable to continue doing so.

15 FLTLT ROSE: What about with your trainees, what do you encourage them to do?

20 D14: If it was a trainee, it all depends on what the mission profile was and what the conditions were like. If someone presented to me on a very straightforward mission at daytime and they had a headache and it was minor, and I asked them if they were okay, I would encourage them that if they were comfortable, to continue. If someone presented at a night mission with a headache, I would encourage them to knock it off and go home and have some rest.

25 FLTLT ROSE: Did that occur on occasion?

D14: Routinely.

30 FLTLT ROSE: Routinely when you were training?

35 D14: Routine flight in the Regiment involved people getting out of the aircraft mid-mission; people unable to fly because they were sick. It was very routine for a pilot to present, conduct orders, and then not be fit to fly, or something else happened that caused them to not be fit to commence that sortie.

FLTLT ROSE: Is that effectively them FACEing out?

40 D14: That's correct, yes. FACE – F-A-C-E – is the acronym that we use for that, yes.

45 FLTLT ROSE: Did those pilots wait until the Aircraft Captain conducted a FACE check, or could they stick up their hand earlier than that, at any time, and say, "I'm not fit to fly?"

- 5 D14: Any time. At the start of mission orders, I would generally just check in with the crews, "Hey, is everyone okay? Is everyone – would anyone like to FACE-out at the start of the mission?" Fatigue, attitude, complacency, and exhaustion. "Would anyone like to knock it off before we get started?" I would just kind of throw that out to the crews. If everyone was okay to continue, then we'd start the – we'd crack on with that particular event via the briefing, commencement of the briefing.
- 10 FLTLT ROSE: Just one last question on that alignment issue. Was there any reluctance amongst the members of 6 Aviation Regiment to return their HMSDs to ALSE and say, "Look, this is misaligned", because it might hold up the mission, or there may not be enough HMSDs left to use?
- 15 D14: No, we had spares. We were well-supported in that space, yes.
- FLTLT ROSE: In ALSE, do you know if they were stored in air-conditioned units?
- 20 D14: They were, yes.
- FLTLT ROSE: So when you checked them out, did they come in a bag, an insulated bag?
- 25 D14: When we would sign them out, they came in a fit-for-purpose bag. We would take the HMSD out of the bag and conduct a pilot pre-flight inspection of the device, and then we'd put it back in the bag when we'd walk out to the aircraft. There was a device that we used. It's called a Hoffman 2020. It's a bit of a strange name, but it was a device that we used
- 30 to check the visual acuity of the system before we went out flying and using it at night in the aircraft.
- FLTLT ROSE: Were you ever given any instructions about how to store the device when you were actually in the aircraft, in terms of its heat
- 35 regulation?
- D14: Yes. Yes, so you could store the – so the HMSD system itself was a fragile piece of equipment and it needed to be carefully looked after. You could not drop it. You had to be careful handling it. In cool conditions and
- 40 night conditions, it could be stored on the dashboard, between the dash and the windshield of the aircraft. During the day, if you did that, you could potentially damage it because the sun would warm it up, just like it would on the dashboard of your car. So we would always try and keep the system, at day, in the back of the aircraft. It would be somewhere that was, you
- 45 know, a bit cooler.

FLTLT ROSE: What temperatures could it get up to in the back of the MRH-90 on a hot day, say, a Sydney summer?

5 D14: Shoot. Quite warm. I'd be speculating, but it would be, yes, quite - - -

FLTLT ROSE: It could be over 30 degrees in the cabin?

10 D14: I'd be speculating, but that's feasible.

FLTLT ROSE: And are you speculating because there isn't a temperature gauge anywhere in the aircraft?

15 D14: That's correct. That's correct.

FLTLT ROSE: But it felt warm and hot on those hot summer days?

D14: That's correct.

20

FLTLT ROSE: Were you ever given any briefing that heat – I'm sorry, changes in temperature, extreme changes in temperature – it's cold or hot – could affect the alignment on the HMSD?

25 D14: Yes, we were. Yes, we were. During our initial training we were provided all of that information about the fragility and the care required for that system.

FLTLT ROSE: Have you ever been tested at any stage of your flight screen  
30 – or your pilot training to see if you have stereovision?

D14: Stereovision?

FLTLT ROSE: It's a type of eyesight test.

35

D14: Not specifically that I recall, but I have had a number of tests on my eyes over the years. Yes, every year I have a mandatory eyesight test.

FLTLT ROSE: You're not sure – to your knowledge, it's never included a  
40 stereovision test?

D14: So a stereovision test, I'm a bit unsure about what that would be referring to. So I can talk to the IPD – the interpupillary distance – that is measured when the TopOwl helmet is cut to fit each individual pilot's head.  
45 They have a measurement of that. And obviously the disparity, the vertical



disparity, between the eyes is also measured. And you're provided that information to make sure that you're within the scope of the tolerance for the system.

5 MS McMURDO: I think this is to do with both eyes working together, rather than each eye working separately. I think that's what it is.

D14: No worries, ma'am. Yes, so I do know my IPD fell within the tolerances for the system when I had my fitment (sic).

10

MS McMURDO: So you had eye tests, many eye tests, regular eye tests?

D14: Yes, ma'am.

15 MS McMURDO: But whether it was stereovision or not, you don't know?

D14: I'm not sure.

MS McMURDO: Thank you.

20

FLTLT ROSE: AVM Harland asked you some questions then about how often you would fly a mission with the profile that was low, overwater, in formation, at night, on NVDs, and you have provided that estimate in your statement of how often you would have flown that per year. The Inquiry has heard evidence of the sortie on 28 July 2023 being described as benign, or a standard mission for 6 Aviation Regiment. Do you agree with that?

25

D14: Yes, I'd agree with that.

30 FLTLT ROSE: So in terms of "benign", that's relating to the mission profile, not the weather?

D14: That's correct. When I would say "routine", I'm talking about the threat scenario, the complexity of the landing zone, the individual landing points that were chosen for the mission, and the timelines and navigation required to get to that objective. So I would describe it – and I described it on the night – as a very routine mission for the crews that undertook it.

35

FLTLT ROSE: So it's routine and standard, even though you only fly it about five to 10 times per year, or 10 per cent of your flying profiles are with this - - -

40

D14: Yes. I mean, the 10 per cent that I provided in my statement is an estimate. We do have some activities where you could operate for three weeks and you could be overwater at night to ships every night in

45

formation for three weeks straight, and then you might not do it for another few months. So it all depends on where we're at in the annual training continuum. But my rough guess would be somewhere around 10 per cent of the total mission time would be in form overwater at night.

5

FLTLT ROSE: And then, of course, you add the weather on top of that, which is always context-specific.

D14: That's correct.

10

FLTLT ROSE: And that could take a standard or benign mission into different territory?

D14: That's correct.

15

FLTLT ROSE: At paragraph 26 of your statement you set out that it's difficult to fly in ship 3 in a four-ship formation unless the correct technique is used.

20

D14: Yes.

FLTLT ROSE: That you had to remain vigilant not to get high on aircrafts 1 and 2 during a turn as the dashboard area could block your field of view.

25

D14: That's correct.

FLTLT ROSE: Is that the coaming?

30

D14: That's correct.

FLTLT ROSE: So what techniques would someone flying – the flying pilot in ship 3 of a four-ship formation – should they do to be able to keep their station, effectively?

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D14: The technique that we taught was height line spacing. We would always encourage our pilots to stay on plane, or slightly below, particularly in the MRH-90 because it did have quite a large dashboard area compared to some other helicopters that we operate. So I would always encourage my crews to be really vigilant being on plane in your position, and not to get high.

40

FLTLT ROSE: So what if you were high, you did enter a turn, ship 2 was slightly higher than ship 1; ship 3, because its contract is with ship 2, is

probably slightly high as well, and you're going into a turn? Would the coaming get in the way then?

5 D14: The routine formation, if you're in position, was lovely to fly. If you mishandled it and did the incorrect technique, it could quickly become difficult to fly. But I need to stress for the Inquiry that flying this thing in formation is quite enjoyable if the techniques, correct techniques, are used.

10 FLTLT ROSE: When you're saying "correct techniques", what are incorrect techniques if you're in that situation where you're ship 3, you're slightly high on ship 2, ship 2 slightly high on ship 1, and you're going into a turn?

15 D14: If the second – in that scenario, the picture that we've painted, if the second aircraft went high on lead and I was flying with a student in the third aircraft, I would – you always take your height and line off the lead aircraft and the spacing is taken off 2 – so I would say, "Let them go. Stay in your slot".

20 FLTLT ROSE: So let 2 go high?

D14: Let 2 go high.

25 FLTLT ROSE: Stay low.

D14: Yes. And in a formation – you may have covered this, ma'am, so I apologise – but formation, it's a bit like a sine wave. It's kind of – everyone's kind of – you're never perfectly welded together. It's just this constant flow of small movements and adjustments to make sure everyone's staying together.

30 MS McMURDO: We heard about the arc of safety.

35 D14: That's right, ma'am, yes.

FLTLT ROSE: If you're ship 3 in a four-ship heavy left formation, and you're conducting a turn, you effectively should take that turn quite tight because your arc of freedom is less in a turn than it would be for ship 2, who's got a greater arc of freedom.

40 D14: Yes. So obviously if we're displaced laterally, the aircraft that's on the inside of the turn is going to have less distance to cover. So if we were to think about it, the aircraft's going to have to travel slower through the air to kind of stay in that station. But in a practical sense, for the Inquiry, you don't think about accelerating or decelerating or different – you just fly in

that formation position and you just stay in your slot and you – and it's quite enjoyable and it's - - -

5 FLTLT ROSE: You don't need to - - -

D14: There's no specific cognitive process saying, "Oh gosh, I'm on the inside, I'm going to need to slow down". You fly that formation position, the aircraft in lead does whatever the lead needs to do, and you're with that lead aircraft and you hold your station.

10 FLTLT ROSE: So you don't actively have to decel when you're in ship 3 to be able to take that tighter turn?

15 D14: If the formation is quite spread out and it's a big turn, the aircraft that are on the inside will either have to decelerate or they'll have to move their plane out so that they've got a similar diameter circle to the lead aircraft. But if we're talking about formation flight in a close formation, you know, two to three rotor diameters, then there's no cognitive process required to decelerate if you're on the inside. You just kind of – you just continue to fly your position in the formation.

20 AVM HARLAND: So what's the non-flying pilot doing at this time?

D14: In the event of a turn, sir, like in the event of the mission itself?

25 AVM HARLAND: Yes, in a general sense. So you're forming and you're kind of, like, maintaining your position in the formation. What's the non-flying pilot doing?

30 D14: If we're in cruise flight, if we're in transit, it'd be monitoring that co-pilot. Generally, the co-pilot would fly the formation during the navigation and the transit to the objective area. So they'd be monitoring that co-pilot the whole time, checking the crew. I would always, and fairly routinely, take turns in the formation just to kind of ease the workload on the flying pilot duties.

35 AVM HARLAND: If the Captain was flying, what would the co-pilot be doing?

40 D14: Co-pilot would be doing - - -

AVM HARLAND: In close formation, I'm talking.

45 D14: In close formation? If the Aircraft Captain was flying, the co-pilot would then take over those standard non-flying pilot duties. So he'd take

over all the radio comms and he would take over the management of the aircraft and monitoring of the formation position and assisting the other pilot.

5 AVM HARLAND: Is there any requirement to kind of keep a bit of an eye on, in a kind of sensor gross error, the attitude and airspeed of the aircraft?

D14: Absolutely. Absolutely, sir, yes.

10 AVM HARLAND: So if you were overbanking or you were really decelerating at an unusual rate - - -

D14: Absolutely.

15 AVM HARLAND: - - - anything unexpected, the expectation would be for the non-flying pilot to call that?

D14: Absolutely. That would be – an absolute non-flying pilot duty would be to monitor the flying of the aircraft.

20 AVM HARLAND: So that's the aviate before navigate?

D14: Correct, sir, yes.

25 AVM HARLAND: Okay, thank you.

FLTLT ROSE: If the Aircraft Captain was the flying pilot and was struggling in form to keep form, or attitude was incorrect, would the co-pilot have the ability to take over the controls?

30 D14: Gosh, that's a good question. Would the co-pilot have the ability to take over from the Aircraft Captain if the Captain was struggling? Yes. I think the answer is unequivocally yes to that question. Yes, the co-pilot would have the ability to do that. I think if we were to talk about  
35 the interaction between the crew members, that would require the Captain to acknowledge to his crew or her crew, "I am having difficulty here. I'm blind. I can't hold the slot".

40 FLTLT ROSE: So there would be a hesitation on behalf of the co-pilot to (indistinct).

D14: I think that's fair. I think that statement is fair.

AVM HARLAND: What if the Captain didn't have situational awareness that they were actually disoriented or not in the position or in an unusual attitude?

5 D14: If the Aircraft Captain was in a – was blind and lost sight of the preceding aircraft in the formation, the standard call is “Blind”. Everyone in the crew knows what that means. I would expect, if – I would expect crews that are flying in the Regiment, if they lost sight of the aircraft in front of them, to call “Blind”. If the co-pilot couldn't see them, they'd say,  
10 “I'm blind”, and they'd execute the AHPA immediately. That's what I would expect of the crews.

AVM HARLAND: So you're talking about a situation where the flying pilot, the Captain in this case, has situational awareness, and you probably  
15 heard the term, “If you know that you've lost situational awareness, then you have some situational awareness”. The issue with situational awareness and not having it, is that you may not know that you've lost situational awareness. So you're the flying Captain, you think you've got the picture, how would then the co-pilot intervene?

20 D14: The co-pilot would – I mean, if I was co-pilot, I would say, “Have you still got the formation?”, or “You're climbing”, or “You're descending”, or “Speed” – throw out a keyword.

25 AVM HARLAND: A cue, yes.

D14: Yes, a cue to that person that's flying. I mean, we teach, “Keyword, keyword, takeover”, is the – you know, Prompt, Prompt, Takeover” – PPT – is what we teach to our crews. So I'd be expecting that prompt/keyword  
30 twice and then a takeover. There was - - -

FLTLT ROSE: Is that intervention? Is that what you call an intervention?

35 D14: That's correct, yes.

FLTLT ROSE: Is that only QFIs that have that training, or Aircraft Captains that get that intervention training?

40 D14: Yes. We teach that intervention training formally during the NVD Captain upgrade for all the crews.

FLTLT ROSE: But co-pilots aren't taught that unless - - -

45 D14: Co-pilots are not - - -

FLTLT ROSE: - - - (indistinct) upgrade?

D14: No, that's correct, they're not taught it. Yes, that's correct.

5 AVM HARLAND: But wouldn't co-pilots need that training if they are in that awkward situation where an experienced pilot, as the Captain, may have lost situational awareness and they need to be in a situation where they need to take control?

10 D14: In that situation, you're correct, yes, they would need that training.

AVM HARLAND: So why would that only be taught when you're doing your Captain training?

15 D14: That's an excellent question.

AVM HARLAND: Thinking, like, non-technical skills or crew resource management.

20 D14: Yes, that's an excellent question. The reason we introduced it during the NVD Captaincy upgrade was that we deemed that that would most likely be the first time where an Aircraft Commander would have to intervene, because the chances of making a flying pilot error are higher obviously at night-time.

25 The formalised Prompt, Prompt, Takeover drill, why was that not taught to co-pilots? I can only say that my opinion on that is that I did not think that that was a formal technique that would be required. But if you asked me that question now, sir, that's a very reasonable question.

30 AVM HARLAND: Yes. Because it sounds like you're teaching it as an aircraft command skill rather than a non-technical skill or crew resource management skill that a more junior person may be, because they may be the only person in the aircraft that has awareness.

35 D14: That's correct. That is true and correct.

MS McMURDO: When you're in a hierarchical structure like military, it makes it even more difficult for the co-pilot.

40 D14: Yes, that's correct, ma'am.

AVM HARLAND: No, thank you.

FLTLT ROSE: I'd like to move to a different topic now, and this is about your role in 6 Aviation Regiment as the Standards Officer. We touched on this before. At paragraph 6 of your statement you said that you managed the 6 Aviation Regiment Standing Instructions?

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D14: That's correct.

FLTLT ROSE: That's a unit-specific rule book for the safe conduct of flying?

10

D14: That's correct.

FLTLT ROSE: This is not the Standing Instructions Avn Operates? That's a different document?

15

D14: That's correct, it's a separate document.

FLTLT ROSE: Is the Regiment SIs specific to Special Operations, or was it more general than that?

20

D14: So the Standing Instructions, Army Aviation, would provide the overarching rules, and then we would only write a rule that requires refinement or further restriction upon the rules that are provided by our Command. So our unit ones were more refinement and more restrictions-specific to what we do on our mission sets.

25

FLTLT ROSE: So if there was a particular safety concern relevant to Special Operations, or the type of flying that 6 Aviation Regiment would do, you would write those new instructions?

30

D14: That's correct.

FLTLT ROSE: Did you then need to seek approval from them, from the Commanding Officer?

35

D14: That's correct. So if we introduced a new Standing Instruction, a new rule, we would consult with our subject-matter experts. And then the Commanding Officer – in this case, D19 – would be the approving authority to introduce a new rule, or to remove a rule that had then become redundant.

40

FLTLT ROSE: It didn't have to go to Brigade level for - - -

D14: No, not for the unit SIs.

45

FLTLT ROSE: As Standards Officer, who did you directly report to?



5 D14: I reported directly to D19.

FLTLT ROSE: Who did you work with in the Standards Cell?

10 D14: I worked with the Squadron Commanders, the Flying Instructors, the Regiment Aviation Safety Officer, all as peers, in my role.

FLTLT ROSE: Standards Warrant Officer?

15 D14: Standards Warrant Officer as well.

FLTLT ROSE: Was that Phil Laycock?

20 D14: That's correct.

FLTLT ROSE: If there was a safety incident in 6 Aviation Regiment, were you notified?

25 D14: Yes, I was notified.

FLTLT ROSE: And did you play any role in the investigation into the incident?

30 D14: I was also a Aviation Safety Officer, so I was available to do safety investigations if required of me by the Commanding Officer or the unit.

FLTLT ROSE: So we've heard evidence that D6 – if you would remind yourself who that is – was the Squadron Safety Officer.

35 D14: That's correct.

FLTLT ROSE: Were you the Regiment Safety Officer?

40 D14: No.

FLTLT ROSE: Were you another Squadron Safety Officer?

45 D14: I was – I had previously been the Regiment Safety Officer, and had done the courses of training required to do investigations on safety in the Regiment.

FLTLT ROSE: So you were just an extra qualified person, without a particular role, that could assist in safety investigations?

D14: That's correct.

FLTLT ROSE: Did the Standards Officer have to be a QFI?

5 D14: They did, yes.

FLTLT ROSE: Did you work closely with Phil Laycock in 2023?

10 D14: Yes.

FLTLT ROSE: At paragraph 58 of your statement you set out that you flew with WO2 Laycock many times in the MRH-90.

15 D14: That's correct.

FLTLT ROSE: You said that he was an exceptional aircrewman and soldier.

20 D14: That's correct.

FLTLT ROSE: Paragraph 59, you also flew with CPL Alex Naggs 12 times.

25 D14: That's correct.

FLTLT ROSE: And you state that he was an excellent soldier and a skilled aircrewman with developing experience in his trade.

30 D14: That's correct.

FLTLT ROSE: Can I take it that part of your role as Standards Officer, or in fact QFI in the Regiment, was to manage and instruct on the SOQCs?

35 D14: That's correct.

FLTLT ROSE: You do that together with the Squadron QFI?

40 D14: That's correct.

FLTLT ROSE: Can you confirm who they were in - - -

D14: Yes. So the QFIs that we delivered the SOQC training with was D6 and D2.

45 FLTLT ROSE: You conducted instructor development as well in 2023?

5 D14: Specific instructor development flights with either of those two gentlemen, D6 and D2? I'd have to check my logbook. I can't remember off the top of my head, sorry.

FLTLT ROSE: Can you recall whether you did their instructor category assessments?

10 D14: I believe I may have done them, yes, but I cannot recall exactly. Apologies to the Board (sic).

FLTLT ROSE: It's all right. You did, though, complete annual flight reviews, and instrument flight rules reviews, on unit pilots?

15 D14: That's correct.

FLTLT ROSE: Are those desktop reviews or are they flying assessments?

D14: No, it's all practical, yes.

20 FLTLT ROSE: And you manage the flying rate and experience of the unit pilots, in consultation with the Squadron Commanders?

D14: Yes, that's correct. The Squadron Commanders had – obviously, I was not in a command role, but I would assist in managing what the flying rates were across the unit, and reporting that annually to our annual and external Air Force-driven Review Boards.

25 FLTLT ROSE: Was part of that role trying to ensure that the pilots could fly the minimum flying hours?

30 D14: That's correct.

FLTLT ROSE: Was it difficult for certain people, in certain roles in the Regiment, to maintain the minimum flying hours?

35 D14: Yes, it was. Yes, it was.

FLTLT ROSE: Was that due to their impost of their secondary duties?

40 D14: This is my personal opinion: yes.

FLTLT ROSE: Was that standard for anyone in, say, a Command role such as Troop Commanders, Operations Officer, Executive Officer, to not be able to fulfil the minimum hours?

45

D14: Yes, it was. Yes, it was.

5 FLTLT ROSE: Was that your responsibility, to try and help them get their hours up?

D14: Yes.

10 FLTLT ROSE: How did you go about that?

D14: That was a difficult part of the job. I would routinely try to encourage members that were in supervisory and command positions to – I would encourage them to do less work and more flying, which was easy for me to say given that they had a far higher workload than I did, in their command roles. So in that space, as peers and other pilots, I could only provide encouragement and verbal guidance. You know, “This is my opinion”, leading by example, by making sure that flying was the primary task that you undertook as a Regiment member.

20 FLTLT ROSE: Did you complete the PARs for any persons in the Regiment?

D14: WO2 Laycock’s PAR, I wrote. There was no other PARs that I was required to write, so I had a very, very small team.

25 FLTLT ROSE: Who wrote the PARs for the Troop Commanders?

D14: That was the Squadron Commander.

30 FLTLT ROSE: The OC?

D14: That’s correct.

35 FLTLT ROSE: If you could just check the pseudonym list, who that was in 2023?

D14: That was D10.

40 FLTLT ROSE: Was D10 struggling to maintain his minimum flying hours?

D14: That’s a good question. His exact flying rate, I can’t remember from the top of my head. I can’t recall. I do know for the Board – that the previous Airworthiness Board submission that was in quarter 4, 2022, had approximately half of the 23 pilots that we took to the Board that flew

MRH-90 helicopters – approximately half of them flew less than 200 hours, which was the Unit Standing Instruction minimum hours required that was dictated by the CO, to maintain proficiency.

5 I know D10 worked incredibly hard, and I know that – I don't remember D10 ever not being able to fly because of his other duties and command roles. But he did, he worked incredibly hard.

10 FLTLT ROSE: Did you just say that approximately half of the 23 pilots that you took to the Airworthiness Boards weren't able to maintain the minimum flying rate?

D14: Correct.

15 FLTLT ROSE: The minimum flying rate is set at 200, because that is what is considered sufficient hours for a pilot to be proficient?

D14: That's correct.

20 FLTLT ROSE: So can I take it from that, that almost half the pilots in 6 Aviation Regiment weren't proficient?

D14: At that Airworthiness Board, without that submission being at the Board, that that is a fair statement, yes.

25 FLTLT ROSE: How did the Board react?

30 D14: The Board reacted to that statement by making sure that the key mission individuals and the flight instructors, and people that had difficult roles in the flying mission, met those hours, which they all did. And the Board deemed that that was a suitable defence against the lower proficiency for the other team members that were flying MRH-90s at that Airworthiness Board.

35 FLTLT ROSE: So you're saying the people with the higher, more dangerous flying roles, such as the SO Captains, were they able to maintain their flying rate?

D14: That's correct.

40 FLTLT ROSE: So was CAPT Lyon able to maintain 200 hours per year?

D14: I can't recall. I believe, yes, but I can't recall for the Board.

5 FLTLT ROSE: The Inquiry has heard evidence from a number of different sources that it was, in a way, a bit of a Catch-22: people wanted to increase their flying hours, but then perhaps couldn't get a seat on a particular SOQC or other training flight, and so they were held back. Or their secondary duties took them away from flying because they were, in effect, assessed on their secondary duties and their PARs, rather than their flying skills as a pilot.

10 D14: That's correct.

FLTLT ROSE: So you had people wanting to fly more, who couldn't fly more. And was it the case that the unit was actually prioritising flying for the SO Captains because they had the more dangerous roles?

15 D14: Yes, that's correct.

FLTLT ROSE: And yet the SO Captains also had these more significant command roles?

20 D14: That's also true.

FLTLT ROSE: So the burden is on them. They almost had two jobs at once – two full-time jobs at once?

25 D14: The challenge of – and I don't think this is unique amongst the 6 Aviation Regiment. The challenge always is that the folks with the most difficult job in flying are the folks that have the most difficult job in the office.

30 FLTLT ROSE: Has it always been that way in 6 Aviation Regiment? You've been there since 2005?

35 D14: I would say that my personal opinion since 2005, having been a Troop Commander for five – correction – four of those years, that the work required of a Troop Commander – and I can say this for the Board, having watched CAPT Lyon do this – the work required of him was far, far more than what was required of me flying the same amount that he did, and having roughly the same size team that he had to manage.

40 MS McMURDO: What's the remedy?

D14: Is this my opinion, ma'am?

45 MS McMURDO: Yes.

5 D14: Well, the remedy across Defence Aviation – this is my personal opinion, is that the resource bill – if we want to have excellent pilots, is that we have to enable them to do lots of flying. And if you want to enable someone to do lots of flying, then you have to remove other extraneous duties that, in a command and supervisory and overwatch sense, are very important, but in the guise of flight safety and proficiency and development of excellent skills in jobs that are difficult, actually are not important. That’s my opinion.

10 MS McMURDO: So the person who - - -

D14: So we would - - -

15 MS McMURDO: Sorry. The person doing the role that you’re separating, the admin role, it’s obviously an advantage to a Regiment like 6 Aviation Regiment if they have found – they understand pilots and flying an aircraft.

D14: That’s correct, ma’am, yes.

20 MS McMURDO: You wouldn’t want someone in there who hadn’t had some experience with flying.

D14: That’s correct, ma’am. Yes, I think that’s correct.

25 MS McMURDO: You’ve still got to get people into those roles who have had that experience, but may be prepared to not fly any longer, or not fly at such a high level?

30 D14: Yes. And this is a challenge that, in my time working in Army Aviation – and I’m sure Navy and I’m sure Air Force is very similar – this is a challenge that we have not yet been able to – this is my opinion – we have not yet been able to find a solution.

35 MS McMURDO: Is it a challenge to find people to fill those roles? Because most people want to keep flying, they don’t want to do the admin?

D14: That’s true, ma’am, yes. Yes.

40 AVM HARLAND: Just a question here. Are you aware of the Operations Officer category in Air Force?

D14: I am aware of that, sir, yes.

45 AVM HARLAND: They’re people who – they don’t fly.

D14: Yes.

AVM HARLAND: Or generally haven't flow, and yet they fulfill a number of those duties that you're talking about?

5

D14: Yes, over the years in the Regiment we've had a number of non-flying officers come into the unit from different corps to fulfill those very, very busy roles. Like you were saying, sir, the Operations Officer is one of the key planning and scheduling roles. And during those times – this is my personal opinion – the Squadron has operated very well and it's facilitated that Captain that would've otherwise had that full-time office job, with the ability to move back into a helicopter, which again is going to provide the ability to increase the proficiency in that person's flying skills.

10

AVM HARLAND: You said two things. You said (1) as you become more senior, your flying role becomes more difficult and has more overhead. That may not have been the words you said, but would you agree - - -

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D14: That's correct.

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AVM HARLAND: - - - that's the idea behind - - -

D14: That's correct.

25

AVM HARLAND: And that the other roles that you have to perform in the unit become more onerous and difficult?

D14: That's correct.

30

AVM HARLAND: As you move forward, you end up in the situation where you've got lots of things to be juggling at the same time and you don't necessarily have any relief from that?

35

D14: Yes, that's correct, sir. You know, the example that I could give the Board is D10. And I watched D10 as a peer. He was always expected to operate with his flying skills at the top of the unit pilots, but had the burden – not burden – he had the responsibility that comes with the burden of kind of managing the Squadron and being a Commander.

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AVM HARLAND: Absolutely. Yes, that makes sense. And you also indicated, if I read you correctly, that since you were a Troop Commander compared to in 2023, when you observed Dan Lyon being a Troop Commander, you thought that the overheads in the non-flying duty had gone up significantly. Would that be a fair statement?

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D14: That's correct, sir, yes.

5 AVM HARLAND: They now have more to juggle in that non-flying role. My last question is really about where was the Squadron's priority? Was there a greater focus on your abilities to be able to manage your non-flying duties or your flying duties?

10 D14: I can speak from my personal experience working for D19. I was always empowered to keep flying as my primary job and task, and to the detriment of everything else. That was the guidance that I was continually given and encouraged to do by D19. Well, I'll speak of officers – a good Army Officer is one that, you know, carries out all of the admin tasks and command tasks provided to them as best they can.

15 We have this dichotomy of, as you said before in your previous question, a good officer is someone that is good in the office, a good Commander and a good Manager. We also need that person, that guy or girl, to be an excellent pilot as well. Those two things can sometimes go head to head.

20 AVM HARLAND: Yes, so a very difficult thing to balance. Would you say that as you become more experienced, you become a little bit more adept at not only balancing those but also being able to get feedback in a frank and honest way?

25 D14: Absolutely.

30 AVM HARLAND: From what we've seen from other witnesses we see more junior pilots being given those roles over time and that's the sense that I got. Would you agree with that?

D14: That's fair, sir, yes.

35 AVM HARLAND: What we're doing is, we're seeing that the experience of the pilots going into those roles is reducing, which, if you agree with my previous comment, that would mean that we're putting people who are probably less equipped to be able to manage, yes, the rigors and overheads of balancing both workloads and also being able to give really pointed advice back to command to say, "Hey, we need to stop here".

40 D14: Yes, that's fair, I think, sir. I mean, yes, that's a fair statement.

45 AVM HARLAND: In fact, I lied about the last one. There is one more observation/question. The conversation about the Airworthiness Board where 50 per cent of the pilots in the unit were not getting the minimum

flying hours that were required. And you said that the Airworthiness Board had made a comment about providing the people who are most senior. And I'm guessing in that sense they meant they would be able to provide better flying supervision?

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D14: That's correct, yes.

AVM HARLAND: Was there a conversation at the Squadron, given you had a very close line to the Squadron boss there, about, "How do we moderate the workload so that we can actually drive up the proficiency of those juniors?" Do you not have that as a standing arrangement, where it's only the supervisors who were getting flying, but drive the Squadron back onto a level where everybody is getting the opportunity to generate the proficiency they require? Was that conversation had at the unit?

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D14: Yes, there was, sir. Yes, that's a good question. And that conversation was an ever-present, ongoing discussion about, "How do we get these folks in helicopters more? And how do we fly them more? And how do we safely kind of build up their proficiencies whilst we meet all our mission and training obligations through the year?" So I think for the Board as well, it's important to remember that the role of the unit – and D10's role, particularly – was to deliver a mission in support of Army soldiers. And he very rarely had the opportunity to take dedicated time to train his crews and provide, you know, upgrades and proficiency training to them as a standalone event.

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FLTLT ROSE: We've heard some evidence about the fact that 6 Aviation Regiment had to do its own Force Generation as well as being an operational unit, and that potentially, someone suggested, the FORGEN could be taken out of the unit into a separate Squadron. Would you think that would be advantageous?

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D14: My personal opinion is, I don't think that would work. And the reason I don't think it would work – yes, that would be advantageous. I don't think it would work because of the challenges of the posting cycle that we have with moving officers through the continuum. And by the time we grab hold of a Captain or a Lieutenant and get them to the point where they're highly proficient at night, to the point where they can supervise someone else that's junior in a formation, they're kind of getting towards the end of their career and generally will either post out to other roles or they'll discharge from the Army.

35  
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That's been, generally, the experience that we have. The difficult thing that we are experiencing is that it does actually take a lot of time to get someone

to the point where they can do everything, and they can do everything safely, to the point where they can supervise other folks.

MS McMURDO: And a lot of money.

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D14: It takes a lot of money as well. That's correct.

MS McMURDO: Is there any – you've said that, really, you do need that flying experience to be in a role like Troop Commander or higher up, doing the management role. But there is a lot of admin in that management role that could be given to someone who wasn't a flyer, as long as someone who was a flyer was supervising?

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D14: Yes, ma'am.

15

MS McMURDO: Would that be fair enough?

D14: That's fair, yes.

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MS McMURDO: So one solution might be to bring in people who aren't flyers to assist key roles, like Troop Commanders, in the administration role?

D14: That would definitely assist.

25

MS McMURDO: Okay. Thank you.

FLTLT ROSE: I'm going to move to another topic, which does dovetail - - -

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MS McMURDO: Well, one more thing. And another thing that would help you would be better access to simulators for the training because they can be used in all weather - - -

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D14: Yes, ma'am, that's - - -

MS McMURDO: - - - and those difficulties?

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D14: Yes, that would definitely help, absolutely. As sir said before, we were really well-supported with the ability to travel to the simulator. Our closest simulator was in Oakey, so it was a short domestic flight for us. The gold-plated solution would be to have a simulator on our base. But it was not onerous to travel on an hour and a half domestic flight. That was – we didn't find that to be too onerous.

45

MS McMURDO: Was it difficult finding time to get on the simulator?

D14: No, we generally got what we wanted. Yes, that was fine. Access was good, ma'am.

5

MS McMURDO: Thank you.

FLTLT ROSE: I'm going to ask you some questions about fatigue now. And at paragraph 41 of your statement you said that your CO, D19, supported you to keep your working hours down to about 40 hours per week so that you could maintain balance in your personal life and manage your own fatigue?

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D14: That's correct.

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FLTLT ROSE: The Inquiry's heard evidence from a number of other witnesses that they were working in excess of 40 hours a week routinely, and sometimes far in excess, up to about 76 hours per week for the QFIs that were on the SOQC in June 2023. How is it that you were able to maintain your working hours to 40 hours a week? Was that just your seniority?

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D14: I mean, look, I say 40 hours; if you were to ask my wife, she may have a different number there. So during the SOQC course delivery, the weeks were very long. We'd routinely work a 14-hour day, up to a maximum duty, at that time, the Regulations allowed. When I was not required to assist with the delivery of that training, my Commander gave me the ability, and enabled me and empowered me, to kind of manage my workload and my work-life balance.

25

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FLTLT ROSE: And do you think that is because you have been in 6 Aviation Regiment for a very long time, you're a [REDACTED] – you're a senior QFI, that you were able to manage it better?

35

D14: I think that's a fair statement. I think that's correct, yes.

FLTLT ROSE: Was part of your responsibility as a Regiment Standards Officer to manage fatigue in the Regiment?

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D14: Yes, that was. Yes, that was in the remit of my responsibilities.

FLTLT ROSE: Who else had responsibility for managing fatigue?

D14: We all – I had the responsibility to kind of dictate the rules that would be adhered to for the management of fatigue. The individual managers

45

5 were responsible for managing the fatigue in their individual teams. Obviously, they had much closer, professional contact with them, and could do that in a more refined way than I could at that time in that particular role. So Commanders at all levels – from Sergeants and Captains, upwards – are responsible for the fatigue of their own crews. But, yes, I had the responsibility of dictating the rules that would provide the framework for that.

10 FLTLT ROSE: Could the witness please be shown Exhibit 49?

MS McMURDO: Yes.

15 FLTLT ROSE: Now, this is a DASA AVFM – Aviation Fatigue Management – Regulation. You’ve seen that?

D14: That’s correct. Yes, I’m aware of this Regulation.

20 FLTLT ROSE: So when did you first become aware of this Regulation? I can tell you that it was introduced in October 2021. Would you have been aware of it then?

D14: Yes.

25 FLTLT ROSE: And I take it part of your remit and responsibilities was to implement the rules that came out of this Regulation?

D14: Correct.

30 FLTLT ROSE: Could I just take you to various parts of it? Page 1, it says, “AVFM.10”, and it talks about scope. So this is the GM, which I think we understand as Guidance Material. Does that - - -

D14: That’s correct.

35 FLTLT ROSE: You agree with that. So its purpose and the context is under the WHS Act, Work Health and Safety Act.

40 *Accountable managers are accountable for the fatigue management of all staff at all levels of the command chain within their scope of control, including unit level Commanders.*

That is, essentially, the evidence you just gave then, that it is a collective responsibility?

45 D14: That’s correct.

FLTLT ROSE: And then, further on, it says, under “Hazard”:

5 *Personnel who are identified as safety-critical positions are required to perform under high levels of stress and work periods without the ability to rest, are subject to fatigue-induced human factor errors that may compromise Aviation safety.*

10 So “safety-critical positions”, does that include pilots?

D14: Yes, that’s correct.

FLTLT ROSE: So that would include every pilot in 6 Aviation Regiment?

15 D14: That would be correct.

FLTLT ROSE: And then, on page 1 again, if you go down to “AVFM.20”:

20 *The accountable manager must utilise defined management controls that eliminate, or otherwise minimise, organisational Aviation Fatigue Risks – SFARP, IAW, DASA, SMS.*

“SFARP”?

25 D14: So Far As Reasonably Practicable. ”In Accordance With” - - -

FLTLT ROSE: “In Accordance With”?

30 D14: “DASA Safety Management System”.

FLTLT ROSE: And if you go to page 2 – turn over – “Guidance Material SMS Integration”, halfway down the page. So that’s, “Safety Management Systems Integration”? Is that correct?

35 D14: That’s correct. Yes.

FLTLT ROSE: If you go to “Purpose”, and you look at “Context”:

40 *How personnel are employed should always be weighed against their ability to perform without error over the required time periods.*

Do you see that?

45 D14: That’s correct. I’ve seen that, yes.

FLTLT ROSE: If you skip “Hazard” and if you go down to “Defence”? It’s in brackets. It says:

5                    *Two globally accepted significant Aviation Fatigue Management*  
*controls are the imposition of duty limitations and rostering*  
*practices. However, these two controls alone may not eliminate or*  
*minimise, so far as reasonably practicable, Aviation fatigue risk.*  
10                   *The integration of Fatigue Management and Safety Management*  
*Systems ensures that further identification, and continuous*  
*improvement of all controls, to minimise Aviation fatigue risk.*

15                   So the Inquiry has heard evidence about the duty limitations that are set out  
in the Standing Instructions, but we’ve not heard any particular evidence  
about rostering practices. Can you explain if you took any efforts, or what  
they were, to adjust rosters or implement particular types of practices for  
rostering?

20                   D14: Yes. So the rostering guidelines were – we left the rostering  
guidelines management at the lowest levels, the Troop Command level.  
The start and finish time would be set out on a daily basis. We would try  
and set that one week at a time, to allow some routine to develop. Yes, the  
Troop Commanders would set the roster. They would set the crewing for  
each of the flights that were scheduled for that particular training week, and  
25                   that was how they would manage that.

FLTLT ROSE: Were the Troop Commanders given any specific training  
on what rostering practices they could implement to manage fatigue?

30                   D14: There is a module, yes. There is a module in the Regimental  
Officers’ Intermediate Course – ROIC. That’s a pre-requisite course prior  
to becoming a Troop Commander that includes rostering practices and shift  
scheduling as a junior Commander in Army Aviation.

35                   FLTLT ROSE: We have heard evidence that 6 Aviation Regiment were  
generally flying nights for the first six months of 2023. We’ve also heard  
evidence that on 24 July, the deploy up to Proserpine was a day shift – quite  
an early morning shift. And D20 gave evidence that she was concerned  
about the shift in cycle from night shifts to day shifts - - -

40                   D14: That’s correct.

FLTLT ROSE: - - - and then back to night shifts on the exercise. Were you  
aware of those concerns?

45

D14: Yes, I was aware of those concerns by D20.

FLTLT ROSE: Were you able to assist her in any way to have those concerns heard at the high levels?

5

D14: I was not privy to any conversations. I was not privy to any conversations about those concerns directly. However, leading up to the activity there was a lot of discussion about the initial 24 to 48-hour shift scheduling. In other words, how do we get the folks to go from a day in to night in a kind of controlled fashion. You know, we moved from – you know, our general understood practices at the time of the incident were that if we were to move a start time shift further, later in the day, that it, you know, was better for fatigue than kind of trying to advance that shift earlier in the day.

15

And that was how I understood that we were going to run this activity. We would start the shifts early on the day of deployment and then we would move the shifts – the start time of the shift later in the day for the subsequent days to support the activity and the missions.

20

FLTLT ROSE: Did you have any particular guidance that you could pass on to the Troop Commanders about how to effectively and safely get pilots to shift from day to night, and how much time they needed to shift between day and night shifts?

25

D14: Did I have guidance on that?

FLTLT ROSE: To hand on to the Troop Commanders, or - - -

30

D14: Yes.

FLTLT ROSE: - - - to implement that regimen?

35

D14: Yes, I did. There is quite a good book released by DFSB. It's a few years old now, but it's a Defence Fatigue Management Guidebook. It's about a hundred-odd pages. That provides guidelines on best practice shift changes, and how that's to be conducted.

40

FLTLT ROSE: Could the witness be shown Exhibit 39?

MS McMURDO: Yes.

45

D14: That's what I'm referring to. I can see it already. Yes. Now, there's a few versions of this. Yes, version – yes, this is - - -



FLTLT ROSE: This is version 1.

D14: That's correct.

5 FLTLT ROSE: And if you look on – it was introduced in April 2021. So did you use this guidebook in the course of your duties?

10 D14: I had studied this guidebook during my Aviation Safety Officer Training Courses. I was aware of it. I was aware of the principles in the book. I was not actively promoting the principles on the – I was not actively promoting these principles for the exercise.

15 FLTLT ROSE: Were you actively promoting these principles at other times?

20 D14: I'd say yes. The one rule that I can talk to the Inquiry about is a rule that points to the DASA Aviation Fatigue Management Regulation that you referred to. We had a specific 6 Aviation Regiment Standing Instruction that said that members that are conducting the course that are in supervisory and command roles are to be isolated from those command roles for the period of the course. So the CO's guidelines kind of dictated how those members that had busy jobs were to manage their working weeks when they were trainees on the Special Operations Qualification Course continuums.

25 FLTLT ROSE: Did that same thing apply when Troop Commanders and other persons with command positions were on exercise? Were they - - -

D14: No, it did not apply on exercises.

30 AVM HARLAND: Are exercises high tempo?

35 D14: Exercises provide – in a perfect world, everyone would turn up to the workplace completely fresh and ready to start a long shift of work. The realities of Army Aviation and the mission that we were safely trying to rehearse for required us to find a SFARP solution where the members are not sleeping in an air-conditioned hotel room, but they're provided somewhere that would be considered reasonable, and what would be considered likely to be a representative of a deployed situation for the mission being carried out. Would that provide an optimal sleeping solution for the member? Absolutely not because it would have some deficiencies, but the exercise was an opportunity to put a framework on that and have crews operate in those environments in order to rehearse the missions.

40

FLTLT ROSE: Sorry, my question was more directed to were Troop Commanders alleviated of their administrative duties whilst on exercise so that they can concentrate on flying?

5 D14: Whilst we are away from the home base, the connectivity to the Defence Network is reduced, which normally frees up their ability to operate more in their command and flying roles rather than in the administrative and supervisory office-related roles.

10 FLTLT ROSE: But there was no actual CO Directive or OC Directive stating that, “Once you’re on exercise, your primary and sole job is to fly the missions”?

D14: Not a written – no, not a written order.

15 FLTLT ROSE: Did you observe the Troop Commanders on Exercise TALISMAN SABRE continuing to try, as best as they could without having a computer at their side, or in an office they could go to, to continue their Troop Command duties?

20 D14: That’s correct.

FLTLT ROSE: If you can turn to page 3? If you go back to the Regulations and you flip over to page 3, and it talks about guidance material, use of benchmark information. Sorry, I think I forgot to – can you see that at about point 2 on the page?

D14: Roger, yes.

30 FLTLT ROSE: Do you see the “(Hazard)”? If you go to where it says, “(Hazard)”?

*Not considering this benchmark information may result in deficient Aviation fatigue policy that could compromise Aviation safety.*

35 And then it says:

*In Defence fatigue management solutions suitability is particularly based on access to defensible benchmark information that can assist with development of local contextualised solutions.*

40 And if you go down, it says one of these benchmark informations includes the guidebook we just referred to. And it says:

*It has been developed for ADF Aviation Commanders and Managers, summarising relevant global benchmark information, and it aligns with ICAO's Fatigue Management Standards and recommended practices.*

5

D14: Yes.

FLTLT ROSE: And it reflects Defence's unique Aviation fatigue context. So you gave evidence just before that you were aware of the guidebook, you'd read the guidebook, but you weren't actually implementing the principles within it.

D14: Implementing the principles. I was aware of the principles. I would talk about them often. Did I write a policy for the unit specific to all the principles in this book? No, I did not. But the guidelines stipulated in this book I was aware of, and would – you know, I would use those guidelines to kind of help discussions, and shift scheduling, and guidance for peers and other Commanders in the unit.

FLTLT ROSE: Do you know if other Commanders in the unit were aware of this guidebook? Did you discuss it with them?

D14: I know my Commanding Officer was aware of it, and other kind of supporting references that this book refers to – or the next version refers to. The Troop Commanders and Squadron Commander, I don't know if they were aware of this book.

FLTLT ROSE: Could the witness please be shown Exhibit 37?

MS McMURDO: Yes.

FLTLT ROSE: Were you aware of this Aviation Fatigue Management Guidebook?

D14: Yes.

FLTLT ROSE: Sorry, just going back to the Exhibit 39 for a moment. Were you aware if Aviation Command Brigade level were aware of this guidebook?

40

D14: Yes, this was – my Commanders knew about this book. My Commanding Officer knew about the guidelines in this book, and the best practice guidelines for fatigue shift management and shift scheduling. This book, amongst the Command and supervisory world, as far as safety goes, was well-known.

45

FLTLT ROSE: Were there any Brigade level instructions about policies to implement derived from this guidebook?

5 D14: Not that I'm aware of at the time of the incident.

FLTLT ROSE: You've got the Exhibit 37 before you, which is the FRAT. If that could be brought onto the screen as well? It's all right, it'll come up. Have you seen this before?

10

D14: I have seen it before.

FLTLT ROSE: When did you first see it?

15

D14: It references it in the – I'm not sure if it's in this version 1 of the Fatigue Management Guidebook, but it's definitely in version 1.1.

FLTLT ROSE: It is in that?

20

D14: It's in this version? Yes, that's when I first saw it, was during my Aviation Safety Training.

FLTLT ROSE: So were you using this at any stage when you were in 6 Aviation Regiment?

25

D14: I have personally not used this as a kind of awareness tool during authorisation myself, at the time of the incident.

FLTLT ROSE: Were you aware if anyone else in the unit was using this routinely, or at all?

30

D14: At the time of the incident, no.

FLTLT ROSE: Have you seen anyone use it post-incident?

35

D14: Yes.

FLTLT ROSE: When did that first start?

40

D14: It's routine now for every mission.

FLTLT ROSE: Do you recall when that came into routine?

D14: I believe it was quarter 4, 2023, it was released from Brigade as mandatory guidance for authorisation for all missions within Army Aviation.

5 FLTLT ROSE: At the same time that Brigade instituted this particular FRAT – we’re calling it the FRAT, the Fatigue Risk Awareness Tool – did Brigade introduce any other guidance or policy in relation to fatigue management?

10 D14: Apart from that guidance, I am unsure.

FLTLT ROSE: Were you there in the unit, working within the unit, when this was introduced?

15 D14: Yes.

FLTLT ROSE: Did it come with a briefing on how to effectively use it?

D14: Yes.

20

FLTLT ROSE: So if I could just take you to one part of it? You see obviously they’ve got the five questions that take you into a green, amber or red. And then it has on the right-hand side some actions to take if you fall into either of those categories. So it says here, if you look at amber, “Actively manage fatigue and alertness”. Can you see that?

25

D14: Yes, I can see this.

FLTLT ROSE: So it says:

30

*Advise your supervisor of your heightened fatigue risk and ask team members to monitor you; consider adjusting tasks; increase team communication and task cross-checking.*

35

And then it says:

*Consider taking a break or accessing controlled rest napping, and consider strategic use of caffeine and food intake.*

40

Was napping encouraged at 6 Aviation Regiment?

D14: On exercise, are you referring to?

FLTLT ROSE: At any stage.

45

5 D14: In the Regimental environment, whilst staged out of Holsworthy Barracks, no, it was not encouraged. In a green field deployed context, it would be considered normal operations. If you could – one person, if they were on a quiet period during mission planning, one person would grab a cup of coffee and another member might choose to grab a half an hour nap. That would be considered very routine in a deployed field environment.

10 FLTLT ROSE: Why is it not encouraged then at Holsworthy?

D14: I think – this is my opinion – my personal opinion is that I think culturally it's perceived as unprofessional. That's my personal opinion.

15 FLTLT ROSE: Is there anywhere to nap?

D14: Yes, there is.

FLTLT ROSE: So the mess, is it? The rooms at the - - -

20 D14: Yes, the closest – on previous postings, the closest napping area would be the mess, that's correct.

FLTLT ROSE: How far away is that from - - -

25 D14: It would be a two-minute drive.

FLTLT ROSE: But it's seen as unprofessional.

30 D14: I believe, yes. I think if I was to roll out my swag in the office at lunchtime and have a nap, I think that that could be perceived as unprofessional in a barracks-related environment.

FLTLT ROSE: Has that changed at all, since the introduction of this FRAT?

35 D14: I don't know.

FLTLT ROSE: It says, the next line:

40 *Consider strategic use of caffeine and food intake.*

What do you understand by “strategic use of caffeine or food intake”?

45 D14: Caffeine is a stimulant, obviously, depending on where you are in your shift. And food intake to obviously kind of – you wouldn't want to

have a large meal if you were due to go out and do something that's going to be difficult. But the controlled intake of food and caffeine to help your awareness.

5 FLTLT ROSE: Have you received any particular briefings about understanding what strategic use of caffeine and food intake is?

D14: Over the years, yes. Specific ones in the years 2022 and 2023, no.

10 FLTLT ROSE: This might be a good time to have a strategic use of caffeine.

MS McMURDO: I think it might. We'll adjourn. We'll resume at 3.15.

15

**HEARING ADJOURNED**

**HEARING RESUMED**

20

MS McMURDO: Yes, FLTLT Rose.

25 FLTLT ROSE: D14, at paragraph 45 of your statement you set out that an Army Aviation psychologist visited 6 Aviation Regiment twice in 2022.

D14: That's correct.

30 FLTLT ROSE: And that was to observe fatigue and provide tools to you to further manage and improve fatigue.

D14: That's correct.

35 FLTLT ROSE: Was that a one-on-one session or was that a unit briefing?

D14: That was an opportunity where we brought an Aviation psychologist specialist in to observe the unit in the deployed location. And we were in Melbourne on an exercise, and we brought this individual in as an independent SME to help advise the Command on management.

40

FLTLT ROSE: Do you know the name of that psychologist?

D14: I do, yes.

45 FLTLT ROSE: Are they outside of 6 Aviation Regiment?

D14: They are outside of the 6 Aviation Regiment.

5 FLTLT ROSE: I think you can say their name.

D14: That, at the time, was CAPT Sam James, now MAJ Sam James.

FLTLT ROSE: Was that a male or female?

10 D14: It's a male.

FLTLT ROSE: Were you aware that the Commanding Officer, D19, asked D21 – and you may wish to refer to that list. So I'll ask the question again. Are you aware that the CO asked D21 to help him conduct a fatigue study in 2022?

15 D14: Yes.

FLTLT ROSE: Were you involved in that study?

20 D14: No.

FLTLT ROSE: You're just aware that it was occurring?

25 D14: I was aware that that was occurring.

FLTLT ROSE: You observed D1 undertaking tasks related to that study?

D14: Correct.

30 FLTLT ROSE: Do you know why the CO wanted that study to take place?

D14: The CO, like D10, was concerned about the levels of fatigue and was looking for data and tools to manage it – better manage it.

35 FLTLT ROSE: But you weren't involved at all in setting up the parameters for the study?

D14: No.

40 FLTLT ROSE: Or observing the data?

D14: No.



FLTLT ROSE: In March 2023, you said the CO gave a unit-wide presentation at the safety day on unit fatigue scores and the importance of managing and monitoring workplace fatigue.

5 D14: That's correct.

FLTLT ROSE: Where did those scores come from?

10 D14: The scores came from the annual DFSB-led snapshot survey where all members are asked to complete an online survey. That data then goes to the Commanders and Commanding Officer.

FLTLT ROSE: So I take it you have received a number of briefs over your many years in the Army on the results of snapshot surveys?

15

D14: Correct.

FLTLT ROSE: And does fatigue feature highly every year?

20

D14: Yes, it does.

FLTLT ROSE: What's the trajectory? Is fatigue getting worse or better?

25

D14: I can't speak specifically for 2023, but I can speak specifically to 2022 and the preceding four years. And the fatigue scores were low across the aircrew workforce for that period of time.

FLTLT ROSE: You also are aware of the process of filing fatigue reports in Sentinel.

30

D14: Correct.

FLTLT ROSE: Did you read any fatigue reports from the QFIs involved in the SOQC in June 2023, and hours that they worked?

35

D14: Not that I recall.

FLTLT ROSE: Do you recall the QFIs speaking to you about the hours they worked on that particular SOQC?

40

D14: Yes.

FLTLT ROSE: Did you take any steps to follow up them reporting to you the number of hours they'd worked?

45

5 D14: I was alongside with them during that period. We were all working together. We had a two-week no-fly period that was scheduled for the end of that intense flying period, and we were using that as a mitigation tool for fatigue prior to moving on to the exercise where the accident occurred.

FLTLT ROSE: Whose responsibility was it to actually read fatigue reports that were filed within the unit?

10 D14: That was the Regiment Aviation Safety Officer.

FLTLT ROSE: Was that yourself?

D14: That was not me.

15 FLTLT ROSE: And who was that, by reference to the pseudonym list?

D14: At the time of the incident, that person was – standby. Just be a moment, sorry.

20 FLTLT ROSE: I suspect that somebody is not listed - - -

D14: The member is not listed on the pseudonym list, but the member is part of 6 Aviation Regiment.

25 FLTLT ROSE: We won't ask you to say their name. We'll just ask you, at the completion of the evidence, to provide the Inquiry with that name.

D14: Sure, will do.

30 FLTLT ROSE: Turning now to the Jervis Bay incident. This is from paragraph 48 in your statement. You were flying the night that the MRH-90 ditched in Jervis Bay?

D14: That's correct.

35 FLTLT ROSE: And you were flying with LT Max Nugent?

D14: That's correct, he was my co-pilot.

40 FLTLT ROSE: So your aircraft had moved away from the scene, just prior to the aircraft ditching?

D14: That's correct. We were the lead aircraft in a two-aircraft formation, and we'd commenced our take-off manoeuvre and we'd commenced a turn.

45

FLTLT ROSE: And D2 was the Aircraft Captain of the aircraft that ditched?

D14: That's correct.

5

FLTLT ROSE: You flew with Max on three sorties, including this particular sortie?

D14: That's correct.

10

FLTLT ROSE: You said that:

*He was a competent junior pilot, with an excellent attitude and developing experience.*

15

D14: That's correct.

FLTLT ROSE: Paragraph 49 you said you're aware of various issues with the Safran engines over the life of the MRH-90.

20

D14: That's correct.

FLTLT ROSE: And you were aware that Airbus had issued a Service Bulletin recommending that the defective HP – or High Pressure 1 turbine blades in the MRH-90 engines be modified?

25

D14: That's correct.

FLTLT ROSE: And that some of the engines at 6 Aviation, in the aircraft 6 Aviation were using, were unmodified?

30

D14: Yes.

FLTLT ROSE: So you were aware of that before the Jervis Bay incident?

35

D14: Yes.

FLTLT ROSE: Who else was aware of that, in the Regiment?

40

D14: All of the maintenance supervisors, I believe, were aware of it. The fleet managers were aware of it.

FLTLT ROSE: Was any aircrew, from Troop Commanders down to line pilots, aware of it?

45

5 D14: I don't think many of the line pilots would be aware of it. And this modification, I think I need to stress for the Inquiry, was one of an ongoing and continuous barrage of modifications, upgrades and changes to the aircraft fleet that were an ever-present component of operating this fleet of helicopters.

FLTLT ROSE: Was there a decision not to brief the entire flying pilot cohort about this defect in unmodified engines?

10 D14: No, I don't think that that's the case.

FLTLT ROSE: Was it included in the CAMM2 information when an Aircraft Captain signed out the aircraft?

15 D14: At the time, it was not. So if you were using the Computer Maintenance Tool and you were signing for a helicopter to take that aircraft to fly, it was not easily visible by the crew signing for the helicopter at the time.

20 FLTLT ROSE: Were other defects with aircraft, or componentry of aircraft, listed in that section when Aircraft Captains booked out aircraft?

25 D14: There was a practical list of components and mods that were available to be referenced by the crew, but it was impractical to list every modification because the list was quite long.

30 FLTLT ROSE: The Inquiry has heard evidence from pilots flying on that sortie where the engine did fail, that they wished that they had known in advance that they were flying aircraft with unmodified engines and that would've been incorporated into the risk management systems, if they'd known about it. Are you aware of that?

D14: Yes.

35 FLTLT ROSE: What is your opinion on that?

40 D14: My opinion is that that would've been excellent information for the crews to understand. Having said that, we always operated a twin-engine helicopter and every single landing and departure briefed actions on the event of a power loss. That was kind of standard protocol. So whilst the information would be good to be privy to it, I don't think it would've been – like, yes, it would've been good for the crews to know that information.

45 FLTLT ROSE: The Inquiry understands that after this incident there was a change in policy so that 6 Aviation Regiment could only fly aircraft with

modified engines – two modified engines for the operations it was conducting.

5 D14: That's correct.

FLTLT ROSE: Even though yourself and other people in Command at 6 Aviation were aware of the potential defect prior to the incident, there wasn't a decision made then to only allow 6 Aviation Regiment to fly with modified engines?

10 D14: I was completely comfortable, and felt completely safe in the aircraft and the system pre-modification and post-modification. For myself, it made no difference.

15 FLTLT ROSE: Was it within your purview of the various roles that you held in the Regiment to make that decision about whether or not 6 Aviation Regiment could fly with unmodified engines, or was that higher - - -

20 D14: No, that's outside my scope of responsibility.

AVM HARLAND: If there was no difference between having both engines modified and only having one modified, or unmodified engines, and you had confidence in that, are you aware of why there would've been a change in decision after the Jervis Bay incident? Because it's just really a matter of statistics, so why would there be a change?

25 D14: My understanding of it – and again, I'm not an engineer so I can't speak to that in detail – the modification process for the HP2, the High Pressure 2 turbine system for the engines, was a process that was underway. It had a certain costing and risk factor attached to it, is my understanding. But the process, the timeline, the decisions, the rollout schedule, that stuff is outside of my lane, sorry, sir.

30 AVM HARLAND: Yes, because I can only imagine there must have been another reassessment of the risk that would've driven a change in the policy in terms of how many modified engines you had. But you're not aware of that, you're saying?

35 D14: I'm not aware of that, sir, yes.

40 AVM HARLAND: Okay. Perhaps we can explore that.

FLTLT ROSE: Paragraph 55 of your statement. This refers to a different incident back at SOQC in 2020. The Inquiry has heard evidence that there

was a night sortie to Singleton, where you were flying with a trainee in ship 2, in a multi-ship formation.

D14: That's correct.

5

FLTLT ROSE: And that your ship almost crashed, was the evidence we've heard provided; that they were flying into a bowl and there was a situation where the aircraft - - -

10 D14: I would – no, I don't think that's correct.

FLTLT ROSE: What's your recollection of what occurred?

15 D14: My recollection is that my co-pilot, during the landing deceleration manoeuvre raised the nose of the helicopter, because the lead aircraft had decelerated. The co-pilot went blind, the co-pilot called, "I'm blind". I took over and commenced flying the formation, and then I rejoined on the lead helicopter and we flew low level out of a bowl to clear some weather. And then we rejoined our other formation playmate, who was the  
20 third helicopter in the formation – rejoined us.

FLTLT ROSE: The Inquiry has heard some evidence that when you took over to avoid running into the aircraft in front of you, you ended up in an ugly hover about 15 to 20 feet off the trees. Do you recall that?

25

D14: That's not the words I would use. I would say that I moved into a close formation position from lead, and matched lead's height and speed so that I knew where they were. And then we exited that bowl, and that kind of – that weather.

30

FLTLT ROSE: It was a significant enough incident for you to draft an investigation report and file it in Sentinel?

D14: Correct.

35

FLTLT ROSE: And it was classified as a Class C event?

D14: That's correct.

40 FLTLT ROSE: Who decided it was a Class C event?

D14: I believe at the time, it was my Commanding Officer that provided guidance on the classification.

FLTLT ROSE: Was it referred to the DFSB for them to assess what class it was?

5 D14: I cannot recall at this time if we used external assistance on that one.

FLTLT ROSE: Did you agree that it was a Class C event?

D14: Yes, I did.

10 FLTLT ROSE: Would you describe that event as a near miss?

D14: No, I wouldn't.

AVM HARLAND: How close did the aircraft get?

15 D14: To each other, sir?

AVM HARLAND: Yes.

20 D14: I don't remember flying inside two rotor diameters, which is our briefed minimum for the mission. We did descend quite low. I remember the aircrewman saying, "No lower". You know, there was 10 to 15 feet below the helicopter to the tree line, so we did just have to descend quite a bit to maintain visual reference, and I just moved into my position with lead,

25 and lead guided us out of that valley.

AVM HARLAND: So did you descend below your briefed minimum altitude?

30 D14: For the phase of flight that we were in, and the speed we were at, we were within the scope of the authorisation. But as – we were within the scope of the authorisation for the weather conditions that we encountered.

AVM HARLAND: Okay. Thank you.

35 FLTLT ROSE: Were you aware of a near-miss event that occurred in 5 Aviation Regiment in November 2020?

D14: Yes.

40 FLTLT ROSE: And that that was under "Classified", at first instance?

D14: Yes, I'm aware of that.

45 FLTLT ROSE: And that the DFSB investigated the incident - - -

D14: Correct.

FLTLT ROSE: - - - and rated it as a higher class incident?

5

D14: Yes.

FLTLT ROSE: Is there any pressure on you to under-report incidents in  
6 Aviation Regiment?

10

D14: No, not at all.

FLTLT ROSE: I'll ask you some questions now about Exercise  
TALISMAN SABRE, and this starts from paragraph 60 of your statement.  
So you were involved in the planning for Exercise TALISMAN SABRE  
2023?

15

D14: That's correct.

20

FLTLT ROSE: And what was your role?

D14: My role in the exercise was one of two flight leads to support the  
exercise.

25

FLTLT ROSE: How early on in the planning process were you involved?  
Was it just immediately in the weeks prior to the exercise?

D14: In the approximately six weeks prior, I started going to the planning  
conferences for the activity to understand where the area – what the AO  
was and what the targets could look like for that area.

30

FLTLT ROSE: During any of these planning sessions, was there any  
discussions about the sleeping arrangements on the exercise?

35

D14: Yes.

FLTLT ROSE: And were there any discussions about how those sleeping  
arrangements would affect fatigue of aircrew?

40

D14: None specifically that I can recall.

FLTLT ROSE: In your experience in your many years in the Army, when  
you go on exercise with other units – infantry and Ground Forces and the  
like – is there ever any consideration of – special consideration given to  
aircrew and their sleeping arrangements?

45



5 D14: Yes, there is. I can give specific examples. But, yes, there is. Where available, we provided the best available solution for where we are deployed to.

FLTLT ROSE: So if you're close to towns, it could be that you're placed in hotels?

10 D14: That's correct, and that has happened many times in the past.

FLTLT ROSE: And if you're close to bases, you could be - - -

D14: That's correct.

15 FLTLT ROSE: - - - housed in barracks?

D14: That's correct.

FLTLT ROSE: And, at Proserpine, there are towns nearby?

20 D14: That's correct, yes.

FLTLT ROSE: And was there a reason why the aircrew weren't put in motels or hotels there?

25 D14: Yes. So we were – the exercise was designed to simulate a deployed location, and exercises that kind of support assets and arrangements required for that.

30 FLTLT ROSE: And were the aircrew on Proserpine, considering that they were going to be in tents, given some kind of better tent or any other advantages that other Ground Forces weren't going to get on the exercise?

D14: Various exercises – some exercises are in air-conditioned tents. Some exercises are in canvas tents. Some exercises you're sleeping under a car park. It all varies, depending on the exercise and the activity.

35 FLTLT ROSE: And were the members of 6 Aviation Regiment that were going on this exercise given any briefing about how to manage their fatigue in the tent environment?

40 D14: Not specifically. I think the collective knowledge and experience amongst the crews was suffice that they could do that without any specific training prior to this activity.

45

FLTLT ROSE: Were they encouraged or reminded to bring things like earplugs or eye masks?

D14: Yes.

5

FLTLT ROSE: And were they provided to the members, or did they have to - - -

D14: Earplugs.

10

FLTLT ROSE: - - - buy them themselves?

D14: Earplugs – provided always. Eye masks: not specifically provided for this activity.

15

FLTLT ROSE: And did you have any personal concerns about the sleeping accommodation for the aircrew?

D14: I had no concerns whatsoever.

20

AVM HARLAND: Given the sleeping in tents, you know, there are options that you can take to make tent accommodation as suitable as possible. Like the layout away from noisy areas; managing by shift; you know, potentially managing the cooling of the tent in some way so that you get below – I think we nominally heard 25 degrees is a good temperature for getting good rest. Are you satisfied that, you know, all the available measures were taken to have the Proserpine camp set up in a reasonable way for aircrew who are operating on the back of a clock?

25

30

D14: Yes, it was, as – from my previous experience, it was a very well set up, deployed site. We had excellent separation between the aircraft ramp, the Headquarters area, the admin area, and where the sleeping quarters were. It was a really well-designed field location, as far as field locations go.

35

AVM HARLAND: Were the tents separated by shift? So did you have dayshift people in your tent, for example?

40

D14: We were – the different trades occupied different tents, and people that were in one tent were working on the same shift, in the same role.

AVM HARLAND: Okay.

45

FLTLT ROSE: What was your role on the exercise? Were you flying in some of the FMPs?

D14: Yes.

5 FLTLT ROSE: Were you acting as an Aircraft Captain, as opposed to a QFI, on this exercise?

D14: Yes.

10 FLTLT ROSE: In terms of the HMSDs, how many were taken up to Proserpine, are you aware?

D14: Unsure.

15 FLTLT ROSE: And where were they stored?

D14: They were stored in a canvas tent, near the maintenance area, where all our flight equipment was stored.

20 FLTLT ROSE: Is that like an ALSE tent?

D14: Yes, that's correct.

FLTLT ROSE: Was it air-conditioned?

25 D14: It was not – I cannot remember. I don't think it was, but I cannot recall right now.

FLTLT ROSE: Do you know if the sleeping quarters were air-conditioned?

30 D14: The sleeping quarters were not.

FLTLT ROSE: Were they supposed to be?

35 D14: They had provision to be air-conditioned, but they were not, on that exercise.

FLTLT ROSE: What were the temperatures – average – by day and by night in Proserpine?

40 D14: I cannot recall. It wasn't very hot. I'd say that, yes, the maximums were – I'd only be speculating now. It was fairly mild weather conditions for that time of year.

45 FLTLT ROSE: Was there any way to check the alignment of the HMSDs at Proserpine? Like a range or - - -

D14: We did not have one set up, that I knew about.

5 FLTLT ROSE: At paragraph 75 you state that you were the Incident Response Commander in the Command Post for the recovery in the aftermath of the incident involving Bushman 83?

D14: That's correct.

10 FLTLT ROSE: What does that mean? Were you tasked as the Incident Response Commander? Was that your role during that FMP?

D14: No.

15 FLTLT ROSE: Or was that something you assumed when the incident occurred?

20 D14: No. I flew an FMP the previous night. The night of the incident, I was planning a mission that I was going to execute the following night, period of darkness. So I just happened to be off-duty in the Planning Room, and leaving to go to bed, when the accident occurred.

25 FLTLT ROSE: Was there anybody else who had a specific role – they were standby for search and rescue – if any sort of incident occurred?

D14: No.

30 FLTLT ROSE: Is it normal to have somebody in that role when an FMP's being conducted overwater?

35 D14: No, depends on the AO. The exercise was such that we had enough organic aircraft in the formation that could provide search and rescue capability. So each aircraft was fitted with a hoist and capable of doing search and rescue tasking. We were also in a civilian kind of AO where search and rescue civilian assets were, you know, in that theatre.

40 FLTLT ROSE: So apart from the aircraft that were actually involved in the sortie, who was there on the ground in the Operations tent? Whose role was it to coordinate incident responses for that FMP?

45 D14: So the person that was assigned that role just – you'll have to give me just two moments. So the person that was assigned that role on the night, in the Command Post, was D37. Now, D37 was the Commander of the CP for that mission.

FLTLT ROSE: Sorry, what does that “CP” mean?

D14: The “Command Post”. Yes.

5 FLTLT ROSE: Is the Command Post the same thing as the Operations tent? Or is that a different tent?

D14: Yes, they’re ubiquitously the same meaning.

10 FLTLT ROSE: So D37 had that role. Did D37 implement that role when the incident occurred?

D14: Yes.

15 FLTLT ROSE: And, D15, was he in the Operations tent?

D14: D15 was as well.

FLTLT ROSE: And was involved - - -

20

D14: Yes.

FLTLT ROSE: - - - in coordinating responses?

25 D14: That’s correct.

FLTLT ROSE: D16?

D14: Yes.

30

FLTLT ROSE: D29?

D14: Yes.

35 FLTLT ROSE: Was anyone else involved in coordinating the response?

D14: No.

FLTLT ROSE: Just the four of you?

40

D14: Yes.

FLTLT ROSE: And the Inquiry’s heard evidence that D10 landed at about 1 am and came to the Operations tent?

45

D14: Correct.

FLTLT ROSE: Did anyone else join you in the Operations tent in the early hours?

5

D14: Yes. D9 also joined us in the Operations tent. There were other staff there that I moved out of the tent because I didn't want people there, so we could run the Command Post and the recovery effectively.

10 FLTLT ROSE: Can I take it from your evidence before, when you said it was effectively the other helicopters in the sortie that were available to conduct search and rescue efforts, that there wasn't another civilian helicopter assigned to assist incidents on the exercise?

15 D14: There was not a dedicated search and rescue civilian rotary-wing asset on the exercise, that I was aware of.

FLTLT ROSE: Is that normal for exercises?

20 D14: It depends on the AO. For example, if we were in Shoalwater Bay, we would bring in a contracted rotary-wing solution. If that was not available, we've had other exercises where we've maintained a rolling 24-hour shift with a dedicated Army platform to provide search and rescue to an activity.

25

FLTLT ROSE: But not in this instance?

D14: In this instance, in the AO that we had, it was SFARP to use our own organic search and rescue assets, and also lean on the civilian agencies, if required.

30

FLTLT ROSE: Did you see QPS Officers enter the Operations Centre at any stage?

35 D14: Yes.

FLTLT ROSE: And what was their role?

40 D14: So I spoke with Queensland Police Service Officers at some stage during the early hours of the morning after the incident, and I briefed them in as best we could for what we knew, what we were doing, what the Command Post role was. But I did keep them outside the Command Post, because at that stage we were still conducting a search and rescue activity.

FLTLT ROSE: At any stage, did those QPS Officers, or other officers, seek to interview members of the sortie?

5 D14: Not that I'm aware of, no.

FLTLT ROSE: And not to interview you, or other people involved in the search and rescue?

10 D14: No.

FLTLT ROSE: Were you ever given any Directions by your CO or other persons in your chain of command, not to speak to QPS, or allow them to officially interview any members of the sortie?

15 D14: When we got back to Holsworthy, we were given guidance – we were given best practice guidance by our Commanding Officer about the maintenance of the integrity of our individual accounts of what had happened on the exercise, and during the incident.

20 So I don't remember specific guidance about who we should and should not talk to, but the guidance was, "At your next available opportunity, provide an accurate statement that could be used by DFSB. And please don't collude on what you would think to be the outcomes. Let the process happen naturally, as part of the investigation". That was the guidance from  
25 Command.

FLTLT ROSE: Do you recall receiving information that QPS wanted the  
30 aircrew, and those involved at Proserpine, to also answer questions, separate to the DFSB investigation?

D14: I was not aware of that.

FLTLT ROSE: When you finished the search and rescue efforts, which we  
35 understand was around 5 am that morning - - -

D14: Correct.

FLTLT ROSE: - - - did you, or anyone else, take steps to quarantine the  
40 Operations tent for the investigation that was to follow?

D14: Yes, we did. So through the search and rescue and the recovery, we  
45 did a whole bunch of recording. We had a timeline on a whiteboard; we were plotting positions. There was a lot of information coming into the Command Post. We did our best to quarantine the information, and the Command Post before we kind of went off that shift to get some rest.

FLTLT ROSE: Who did you hand over to, once you left?

D14: I honestly can't recall right now.

5

FLTLT ROSE: Was it Defence personnel?

D14: Yes, it was another member of the Regiment.

10 FLTLT ROSE: So it wasn't to the DFSB or to QPS?

D14: Not that I recall.

15 AVM HARLAND: Was there a central point of coordination for the response, in terms of quarantine for the maintenance part of the organisation, and the Ops part of the organisation? And if so, who was that person?

20 D14: Yes, so we have a crash response checklist that goes through the quarantine for each of the components. So when the incident occurred, we pulled out our crash checklist and we started doing the actions in the crash checklist. The Refuel Team Leader came in to see me, and said, "I need to quarantine the fuel source", and I asked him not to do that; we needed fuel for the aircraft to continue the search. And the maintenance staff came to  
25 see me to talk about the quarantining of flight maintenance records. All very standard procedures for those experts in those lanes, were carried out.

AVM HARLAND: So how did you know at that stage that the fuel wasn't contaminated and that was the cause of the accident?

30

D14: I didn't know that. That was a decision I made at the time, with the information I had.

35 AVM HARLAND: Was there another source that you could've used, rather than the part of the FARP that the formation used to refuel? For example, was there another source, another tanker, another bag?

40 D14: Practically, in the time that we had, no. I spoke to the FARP Commander, who is someone I know quite well professionally, and I asked him if he had confidence in the fuel supply. He said, "Absolutely". And I said, "Okay. Please, I would like you – my guidance is to leave the FARP open against – I don't want to quarantine it". And that was the decision I made at the time, given the info I had.

45 AVM HARLAND: Did they re-sample, for example?



5 D14: They did. Sir, I think there's a number of samples. I think there's, like, 11 samples that they take, the different components of the refuelling truck, different areas of it. I believe they might have sampled at that time. I don't know when they did sample, but they did do the official sampling of the refuel truck in question.

FLTLT ROSE: Did you leave Proserpine on the afternoon of 29 July?

10 D14: Yes, I did.

AVM HARLAND: Sorry, could we get to who was the overall coordinator of the quarantine activity, including all the maintenance. So maintenance and operations?

15 D14: Yes, that's a good question. I don't know. I was in charge of the Command Post at that time, and was responsible for quarantining that. The Maintenance Manager on shift at the time was responsible for quarantining the records. And the gentleman that was the FARP Commander at the time  
20 was responsible for quarantining that FARP. So each member had a specific quarantine role, in their lane.

AVM HARLAND: So would you have just seen yourself at that stage as being the central point of coordination at the unit for this activity?

25 D14: At that time, yes. Yes, for that period of time I was.

AVM HARLAND: Okay, thank you.

30 D14: No worries, sir. Yes.

FLTLT ROSE: By the time that you left Proserpine, did you see parts of the camp being collapsed?

35 D14: No.

FLTLT ROSE: And the Operations tent or Command Post wasn't being collapsed at that point?

40 D14: No. Gosh, no. No, that was still – yes, that was still all there.

FLTLT ROSE: Just turn to some issues after the incident. I note that you've had some involvement with the Lyon family following the incident.

45 D14: Correct.

FLTLT ROSE: And that you went to the funerals of all four members of Bushman 83.

5 D14: Correct.

FLTLT ROSE: At paragraph 87 you state that you also attended the Anzac Day service at Holsworthy this year that was conducted by 2 Commando.

10 D14: Correct.

FLTLT ROSE: Did you see Caitland Lyon there?

15 D14: Yes, I did.

FLTLT ROSE: Did you hear the Honour Roll being read out?

D14: Yes, I did.

20 FLTLT ROSE: Do you remember who read out the Honour Roll?

D14: I believe it was the Regimental Sergeant Major of the Regiment.

FLTLT ROSE: Of 2 Commando?

25

D14: Correct.

FLTLT ROSE: Did you hear the names of the crew of Bushman 83 be read out?

30

D14: No, they were not.

FLTLT ROSE: Did that surprise you?

35 D14: When they read that out, I initially thought – the Honour Roll that I understood was members that had passed on operations. There was a number of people on that Honour Roll that were not read out that I know had died in training or exercise-related activities. So I was aware of that, yes.

40

FLTLT ROSE: Nothing further.

MS McMURDO: Just in respect of that. Were you aware that there was an expectation that their names would be read out?

45

D14: I was not aware of that, ma'am, at that time.

MS McMURDO: You didn't know then that some family members had attended with that expectation?

5

D14: I wasn't aware. Ma'am, I was not aware of that, yes.

MS McMURDO: Just a couple of other questions. You've said you were never directed not to speak to Queensland Police. You didn't hear anybody else being directed not to speak to Queensland Police?

10

D14: No, ma'am.

MS McMURDO: Now, after this terrible thing had happened, and given your role and your closeness to the aircrew involved on the night, and indeed to the whole Regiment, but given your closeness to the aircrew involved on the night of the exercise, over the days, months and weeks following, would you debrief, talk about it, comfort each other?

15

D14: Yes, absolutely. Look, it was tempered because we knew that an Inquiry of some form was coming, and we wanted to maintain the integrity of our individual stories and accounts. But, yes, absolutely we would talk about what happened on the night and, you know, as normal folks that work in a team – a close team environment did. Yes, absolutely.

20

25

MS McMURDO: But everybody who was involved made notes at an early stage for the DFSB?

D14: Yes, that's correct. Yes, our Commanding Officer gave very clear guidance on that.

30

MS McMURDO: And you, yourself, made notes for the DFSB?

D14: Yes.

35

MS McMURDO: Do you have a copy of them?

D14: Not with me today, but I'm absolutely happy to provide that to the Inquiry.

40

MS McMURDO: Great, thank you. We'll chase you up about that later. Thank you.

AVM HARLAND: I just had one more question regarding the lead-up to TALISMAN SABRE 23. My information might be a bit dated from my

45

experience, but are you familiar with the idea of a mass Air brief before an exercise?

5 D14: Absolutely, yes.

AVM HARLAND: And was a mass Air brief conducted at 6 Avn for TALISMAN SABRE '23?

10 D14: Yes, there was.

AVM HARLAND: When was that conducted?

15 D14: Gosh, sir, there was a large number of briefings that were conducted prior to the activity. The mass Air brief that described the air space, the control points, the in and out routes for the aerodrome and control measures for air space, that was definitely conducted. I can't remember exactly when that was conducted.

20 AVM HARLAND: Before you got to Proserpine or after?

D14: Yes, before we deployed. Yes, that's correct.

25 AVM HARLAND: Did all aircrew who were flying in TALISMAN SABRE '23 attend that?

D14: Yes, I believe so. I believe so, yes.

30 AVM HARLAND: Did you have a check for that? Like, so that, you know, when you go on the exercise you make sure your - - -

D14: Yes.

AVM HARLAND: - - - theatre entry requirements are satisfied?

35 D14: I can't remember if it was a place of parade for the Commander. I can't remember if we actually ticked off a nominal roll in that brief or not.

AVM HARLAND: Would it normally be the case that you did?

40 D14: For something like that, that would – I mean, for mission orders, absolutely. We check in with every crew member to make sure that they're there, and we account for every single person. For a mass brief, we generally would not because the team is quite small and people will know immediately if one member of the crew is not there.

45

AVM HARLAND: How would you be comfortable and confident that everyone who is flying in the exercise had the correct setting and understood how it was all set up?

5 D14: So the mass Air brief occurred in Holsworthy prior to leaving. I did  
a series of special – sorry, Standard Operating Procedure briefings where I  
had the – every member that deployed on the exercise, I gave them an  
in detail brief about how we were going to integrate with the other Aviation  
10 elements. Before every single activity that we did where someone was  
hopping in an aircraft in any role, they had a detailed mission brief about  
the air space, the weather, you know, the formations to be flown, the risk  
profile, the authorisation.

15 So two days after we arrived I led the first rehearsal briefing where we  
looked at the objective, we flew with our American kind of compatriots, we  
did our formation rehearsals. We had a large rehearsal day, if you will. So  
I was really, really confident that everyone knew the air space, had seen it  
by day, and was prepped to kind of get into the activity in a really kind of  
controlled way.

20 AVM HARLAND: Were you aware if there was a requirement by the  
command chain for TALISMAN SABRE '23, as an exercise, that mandated  
attendance at a mass Air brief?

25 D14: No, I was not aware of that.

AVM HARLAND: No, that's fine.

30 D14: Thanks, sir.

AVM HARLAND: Thank you.

MS McMURDO: Applications to cross-examine? So how many have we  
got? Who is wanting to cross-examine?

35 LCDR GRACIE: Ma'am, five to seven minutes.

MS McMURDO: Yes.

40 LCDR TYSON: Ma'am, 10 to 15 minutes.

COL GABBEDY: I'm happy to wait my turn, ma'am.

MS McMURDO: Yes. How long? How long, COL Gabbedy?  
45

COL GABBEDY: Five minutes.

MS McMURDO: Yes.

5 SQNLDR NICOLSON: Just five minutes, ma'am.

MS McMURDO: Yes.

10 COL THOMPSON: Five minutes.

MS McMURDO: All right. And all focussed on your particular clients' interests. Thank you.

15 <CROSS-EXAMINATION BY LCDR GRACIE

LCDR GRACIE: Thank you. D14, my name is LCDR Malcolm Gracie. I represent the interests of CAPT Danniell Lyon. There are two matters I  
20 want to cover in your statement and your evidence. The first, if you could look at it, is paragraph 55 of your statement? And I appreciate it's some time ago, but it's the incident about which you were asked some questions from Counsel Assisting on 9 June 2020.

25 D14: Yes.

LCDR GRACIE: I just want to ask you a couple of things. First off, was it just a two-ship sortie, or was it a formation?

30 D14: It was a formation of three MRH-90s.

LCDR GRACIE: And you were in which aircraft?

35 D14: I was in number 2.

LCDR GRACIE: 2. And were you - - -

40 FLTLT ROSE: Sorry, could I just object at this moment? Ms McMurdo, you did remind Counsel to stick to issues that were relevant to their client, and CAPT Lyon was not flying in that sortie.

LCDR GRACIE: But it has some similarities to the incident on the 28th that I want to explore.

45 MS McMURDO: Right. Look, I think I'll allow it. Yes.

LCDR GRACIE: Thank you, ma'am. Were you sitting in the left or the right?

5 D14: So that particular landing serial on the event in paragraph 55 of my statement, so it was a three-ship formation. The aircraft in 82 was positioned on the echelon left position, so the rear and left of the lead aircraft. The co-pilot that lost sight of number 1 was in the left-hand seat. He was flying cross-cockpit. And I was in the right-hand seat, the closest  
10 to the lead helicopter.

LCDR GRACIE: So he was cross-cockpit, the co-pilot.

15 D14: Correct.

LCDR GRACIE: And how far apart were you in terms of rotor di's?

D14: Two rotor di's, standard spacing.

20 LCDR GRACIE: And I think you said that when you took over, you went down and low on - - -

D14: Correct.

25 LCDR GRACIE: Is that - - -

D14: That's correct.

30 LCDR GRACIE: Can I ask you what would have made you prefer that scenario to up and away?

D14: That's a good question. I could still – I still had crystal-clear sight of the flight lead, and I felt completely comfortable to take over and continue flying formation. So I still had full sight when my co-pilot called,  
35 "Blind".

LCDR GRACIE: For example, if you were flying in that same scenario in cloud, would down and low be - - -

40 D14: Absolutely not.

LCDR GRACIE: No?

45 D14: No.

LCDR GRACIE: So there are a couple of variables that would make you make that instant decision.

D14: Correct, yes.

5

LCDR GRACIE: Whether you go up and away or down and low.

D14: That's correct. So down and low, those words – so let's, like – so the left-hand pilot was blind. I was the right-hand pilot. I was in formation and could see the aircraft lead clearly. I took over and continued flying formation.

10

LCDR GRACIE: Understand.

D14: Yes. So the down and low, there was no aggressive manoeuvring down or up; it was just I took over and continued flying the station.

15

LCDR GRACIE: Understand.

D14: Yes.

20

LCDR GRACIE: Thank you. Look, the other matter concerns the OPEVAL that you participated in. I just want to ask you a couple of things about it. You deal with it at the top of page 12. It starts at paragraph 36. If you need to see the OPEVAL, I can make it available. It's not "Sensitive". But just based on your recollection – I'll lead a couple of scenarios to you and tell me if this assists in your recollection. You did two sorties for that OPEVAL.

25

D14: No, there was more than that. So, from what I recall, I did two sorties with a Navy test pilot, and then I did two further sorties, from what I can recall – there may have been more – with my co-pilot, being quite a senior Army test pilot. So they were conducted on separate days.

30

LCDR GRACIE: Okay.

35

D14: So that was the day - - -

LCDR GRACIE: Not just 26 November?

40

D14: No. So it was 25 November; I was the co-pilot for a Navy test pilot. And then, on 26 November, I was the Aircraft Captain, and I had an Army test pilot as my co-pilot.



LCDR GRACIE: So maybe I'll put it this way. You were the Captain and flying pilot then for two sorties?

5 D14: Well, there was a day and a night on the 25th, so there was two sorties on the 25th, and then there was a day and a night on 26 November. So there was four sorties in total, from what I recall, from that OPEVAL. But I may be incorrect on that one.

10 LCDR GRACIE: That's all right. Look, ma'am, given the evidence that is in the OPEVAL, and the evidence just given, it might help if I provided Exhibit 41, Annex E, to the witness.

15 MS McMURDO: Yes, all right. If you could hurry this along and be as smart as possible, please?

LCDR GRACIE: I can find it, if you need – Annex E. It's tabbed, is it? E, Echo. And if you go to page 6 of that document, please? Table 3, it's got you listed there as the Captain of two sorties on 26 November.

20 D14: Yes, that's correct.

LCDR GRACIE: Do I take it then that the other sorties you referred to, you were co-pilot?

25 D14: That's correct. So - - -

MS McMURDO: He's already said that. Yes.

30 LCDR GRACIE: All right.

D14: That's correct.

MS McMURDO: Sorry, you wanted to say something more?

35 D14: No, ma'am.

MS McMURDO: No? Thank you.

40 LCDR GRACIE: And you were asked some questions by sir about the representative mission profiles.

D14: Correct.

45 LCDR GRACIE: Can I just ask you about the test parameters here? You've already told sir that there was no low flight overwater.

5 D14: Not that I recall. I do recall those missions being low-level terrain flight in and around the Holsworthy Training Range, and we used a number of different landing areas on the range.

LCDR GRACIE: At night, what was the level of illumination?

D14: Gosh, I cannot recall right now.

10 Lcdr GRACIE: Do you remember if there was a parameter that it had to be in a horizon environment?

D14: Not that I can recall from the Test Plan, but that may have been the case.

15 Lcdr GRACIE: Any flights in rain?

D14: Not that I recall from the Test Plan.

20 Lcdr GRACIE: Low cloud?

D14: Not that I can remember.

LCDR GRACIE: All right. Formation?

25 MS McMURDO: I think we've already had uncontested evidence about this, haven't we?

D14: I don't think we flew formation flight. No, I don't think there was formation.

30 Lcdr GRACIE: And what sort of rotor di distances, if there was a two or three-ship sortie?

35 D14: During the OPEVAL?

LCDR GRACIE: Yes.

D14: I don't think there was formation flight carried out.

40 Lcdr GRACIE: At all?

D14: I don't think so, no.

LCDR GRACIE: All right, thank you. I'm sorry, I'll ask one more question. Was the FLIR used – the FLIR?

D14: The FLIR, yes.

5

LCDR GRACIE: During the OPEVAL?

D14: Yes.

10 Lcdr GRACIE: Okay, thank you. Nothing further, ma'am.

MS McMURDO: Thank you.

15 **<CROSS-EXAMINATION BY LCDR TYSON**

LCDR TYSON: D14, my name is LCDR Matthew Tyson. I'm representing the interests of CPL Alex Naggs. I want to take you to the scenario that sir put to you in some questions where the scenario was it's a heavy left formation and number 3 has lost attitude, perhaps lost sight of number 2, and it's at night, flying overwater, and you talked about doing the drill, the AHPA drill. In that scenario, would you use the radio frequency applicable to the formation to actually tell the AMC what your difficulty is if you're the third one in that formation?

20

25

D14: Yes, absolutely. So the standard protocol in a formation flight was that there was a dedicated radio frequency available for inter-mission coordination of the aircraft in the form that was dedicated for that purpose.

30

LCDR TYSON: So if it – whatever the issue is, I've lost attitude or I'm losing number 2, or even I'm losing the flight lead - - -

D14: It would just be a case of you'd hear something on the radio along the lines of, "83, blind", and everyone in the formation would know exactly what that aircraft would be doing and what's going on.

35

LCDR TYSON: You gave some evidence about the pre-brief climbing heights. If it were the case that you were number 3 and you did the drill, would it be your expectation that it would be apparent to the AMC, "Look, I can see 3. 3 is up there, and that's the reason they must have lost attitude or position in the formation"?

40

D14: If they – were they still with the formation, do you mean?

45

LCDR TYSON: Yes. So do you think it would be apparent if you're number 4 in the formation, if you're looking at the height of 3 and it's - - -

D14: Gosh.

5

LCDR TYSON: - - - at an abnormal height?

D14: Yes. Yes, you can see instantly when someone's in their correct slot. And you can see instantly when they're not in their correct position – instantly. You can, straightaway.

10

LCDR TYSON: If they had lost their position and they'd gone high – let's say, for example, they've done the attitude drill, the unusual attitude drill, or something like that, would it be apparent to the AMC in number 4, "Look, that's why he's up at that point"?

15

D14: Not apparent. So there could be a number of reasons why someone would depart their pre-brief position in the formation. For example, if that aircraft was to have an engine failure and they were now limited on power, they may choose to decelerate and not say anything because their primary focus at that moment would be flying the aircraft safely. And the other formation players would just smoothly move away from them and let them have that space, and wait for them to do their drills and brief the formation on what's happening.

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So, yes, if – but if someone wants to move away from their pre-brief station and not say anything, the assumption would be that there's a malfunction with the aircraft and to give that crew some room to deal with that malfunction.

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LCDR TYSON: Just to introduce another variable into sir's scenario, if it were the case that 1 and 2 in the formation had flares, and the flares were actually going to be used, you know, say, in the next 15, 20 minutes or so, or half an hour or so, would that affect the way that you're flying number 3? For example, would you be more cautious? Would you be more careful about your rotor diameters and so forth?

35

D14: So it can, yes. It depends on – so it depends on a few things. So the normal spacing for the flares that you're referring to, if it's the type of flares – there's a few different types – was six to eight rotor diameters, and that was to allow the flare to move away from the aircraft and not hit the aircraft flying behind them in the formation. Obviously, they come out to the side of the aircraft. If the flare suite is operated, and it's not in an automatic mode so it requires pilot input to actually actuate the flares, then it won't affect the formation spacing or kind of configure of that mission. And

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again, it depends if the flares were armed or not. It depends on a few factors. If the flares were in automatic mode and there was a threat, and the aircraft were all armed, absolutely the formation spacing would be adjusted to account for that.

5

LCDR TYSON: If the flares weren't going to be discharged in the course of the flight but after, for example, the flight had gone to an LZ and then discharged them, would that affect the flight? So prior to the LZ, when the flares are going to be used, what impact would that have on the formation flying if you're in number 3 and number 1 and number 2 have got flares that are going to be used later?

10

D14: No impact. Yes. So, as the flight lead, you would – if you weren't planning to use those flares and they weren't being used in an automatic fashion, so they could deploy without pilot input, it would make no change to the formation spacing and position. If you intended to use them, or you intended to arm them in a threat area, then you'd spread the formation out prior to them giving the command to arm-up for the formation.

15

AVM HARLAND: Could I just clear that up then? So if you're in an aircraft and your flare system is armed in manual mode, do you need to take up that extended rotor di spacing?

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D14: No.

25

AVM HARLAND: But if they're armed and in automatic mode, then you would have to take that extended formation separation.

D14: That's correct, sir.

30

AVM HARLAND: And then if you're approaching an area in manual, where you expect to use the flares, would you then take up that extended spacing?

D14: It depends on if you – yes, if you were going into a threat area and you were intending to use them, you'd want to have that kind of – you know, that spacing, six to eight rotor di's, to facilitate that.

35

AVM HARLAND: Realistically, if you were in the situation where you're in transit, Bushman 81 and 82 have flares on board, they're armed but in manual mode, you can just operate at your normal rotor di spacing.

40

D14: Yes, that's correct. Yes, that is correct. And, also, in aircraft you can designate which side, or you can choose to dispatch from both sides, or

you can choose one side or the other, depending on your layout of the formation. There's a few variables.

AVM HARLAND: Yes.

5

LCDR TYSON: Thank you, sir.

10 And just I might not have followed your evidence about the call "Popeye", but is this the case: that if you do lose formation, again in sir's example of a four-ship heavy left, at night, overwater, it's never the case that you would regain formation just on your own individual initiative. It would always be the formation would be involved in resetting, or having awareness of what's happened. Is that the case?

15 D14: That's correct, yes. So if someone goes blind and they climb away from the formation – or they depart, they then need to call, "Visual", and they can't rejoin the formation until the flight lead clears them to rejoin. So they would say, "Hey, I'm visual now". They would request clearance to rejoin, and then lead would either tell them to standby, or give them a height heading or position to go to, and either do a hasty rejoin or a kind of pre-planned rejoin. And that's a very routine manoeuvre that we rehearse  
20 all the time.

LCDR TYSON: I'll just turn to another topic now. So you gave some  
25 evidence to FLTLT Rose about the – you talked about a mandated legal requirement overwater to use the RADALT hold. Do you remember you gave that evidence?

D14: That's correct.

30

LCDR TYSON: Could I just – and this might be testing your memory. Are you able to confirm that it's Standard Instruction 3/209, paragraph 2, that says that:

35 *When flying an MRH-90 overwater at 500 feet or below, the pilot is required to engage the radar altimeter hold function.*

Which is part of the AFCS on the helicopter?

40 D14: That's correct.

LCDR TYSON: And sometimes Standard Instructions use the language of "may", which gives - - -

45 D14: That's correct.

LCDR TYSON: - - - a pilot a choice. But this particular instruction uses mandatory language, doesn't it?

5 D14: That's correct.

LCDR TYSON: And you're aware, aren't you, that there aren't any caveats or exceptions provided for within that instruction?

10 D14: No.

LCDR TYSON: In terms of when it's actually affected the engagement, would you agree that the Standard Operating Procedure is that either as soon as the helicopter goes feet wet – or perhaps you're just about to cross land and go from land, overwater.

15 D14: That's correct. That's correct.

LCDR TYSON: That's the point that you would engage the radar altimeter hold function?

20 D14: Yes.

LCDR TYSON: Yes?

25

D14: Correct.

LCDR TYSON: Is there any reason you can think of why, in a scenario where you're flying overwater, below 500 feet, that you wouldn't engage the hold function at that point, when you go feet wet, but you'd actually wait, say, 15 or 20 minutes into the flight and then - - -

30 D14: 20 minutes?

35 LCDR TYSON: Yes. And then engage it?

D14: No. There's a caution in the Flight Manual about flight over a cliff edge or quite heavy undulating terrain prior to kind of going overwater. For example, if you were to cross a large cliff and then you'll go overwater, and then you would engage RADALT hold, there is a caution in the Flight Manual about engaging RADALT hold and that potentially causing a descent command on the RADALT. So you would wait, you know, five to 10 seconds. I think the Flight Manual says, from my memory – I'd have to check – it's up to a minute. But that would be the only case – if you had

very, very large undulations in the RADALT signal prior to then engaging it in an overwater situation.

5 But for normal overwater flight over normal terrain, you'd just engage it immediately upon going feet wet.

LCDR TYSON: And you can't think of any reason why you would delay in engaging it?

10 D14: No, none at all.

LCDR TYSON: What if I introduce this variable into the scenario: that you're transiting overwater at 500 feet, and then there's a descent to 200 feet?

15 D14: Yes.

LCDR TYSON: Is it the case, if I'm an experienced pilot, I've flown the actual flight path, say, the day or two days before, that I might say, "Look, I'm not going to set the hold at 500; I'll wait until we get to 200"?

20 D14: No.

LCDR TYSON: "I'll wait until we do the descent before I engage the hold."

25 D14: No. At 500 feet, the pilot could use barometric altitude hold. And they could use that in the cyclic channel or the collective channel; their choice. But below 500, it was absolutely mandatory use of RADALT hold. And there was a variety of different techniques and ways to engage that smoothly in a formation setting so that you were protected the whole time with that RADALT hold engaged.

LCDR TYSON: And I wouldn't wait until I go from 500 feet to 200 feet?

35 D14: Absolutely not, no.

LCDR TYSON: And if I did engage the RADALT hold function in the course of the flight – say, I'd been flying for 15 or 20 minutes – can you think of a reason why, within two or three minutes after that, I would then disengage the RADALT hold?

40 D14: The only time I would disengage it would be if I was crossing a coastline to land, or if I was crossing the deck of a ship. That's the only time I would disengage it.

45



LCDR TYSON: But overwater and at least, say, five to seven minutes from land, you wouldn't disengage it?

5 D14: No. No, I would have it – I would absolutely recommend, and train, my crews to have that engaged.

LCDR TYSON: Have you ever encountered a problem with an unserviceability issue with a radio altimeter when flying an MRH-90?

10 D14: No. No.

LCDR TYSON: And you've done, what, over 2000 hours flying MRH-90? What do you know, if anything, about the maintenance check on the radio altimeter pre-flight? Is it something that you have any knowledge if it's actually tested – its function – before the flight?

D14: As in from the – like, can the pilot determine if the equipment is operating correctly?

20 LCDR TYSON: Well, that's – certainly. But I think I was really asking are you aware whether the Maintenance Manager tells you before you take over the ship that, "I've checked the altimeter", or - - -

25 D14: Gosh. So there's a Minimum Equipment List – an MEL – and there are – for flight at night, the infrared landing and searchlight suite and the RADALT are the mandatory pieces of equipment for that. So you would not be able to sign for a helicopter unless it had those pieces of equipment serviceable for flight at night.

30 LCDR TYSON: All right.

MS McMURDO: We know one of the helicopters that was to fly that night had a faulty RADALT and they had to change aircraft. Do you recall that?

35 D14: I did not recall that, ma'am. I was not aware of that.

LCDR TYSON: And I think you were saying you, as the pilot, can actually pick up a fault as well – and that might be what ma'am is talking about, that the pilot can pick it up, as we know happened for one of these helicopters.

40 D14: Gosh, yes. Yes, absolutely. Yes, you can tell instantly when the system is offline.

LCDR TYSON: Because the radio altimeter works both the hold function but it also actually runs the decision height function too, doesn't it?

D14: That's correct.

5

LCDR TYSON: Is there any reason why, if you did disengage the RADALT hold function, say, at about 200 feet – what effect, if any, would that have on the stability of the aircraft, or the trim of the aircraft? Would it have any effect?

10

D14: Okay. So the RADALT hold function works in the collective channel. So if you were to disengage it – and there's two different switches you could use to disengage it on the controls – the collective now would just, essentially, be whatever power setting that the pilot manually sets for the profile and speed that they're flying. So the maintenance of height then immediately would switch from the autopilot assistance to the pilot manually having to fly it.

15

LCDR TYSON: But it wouldn't necessarily affect the stability of the aircraft, would it?

20

D14: No, the stability of the aircraft would – yes, it's the same.

LCDR TYSON: And then just in relation to decision height function, so in a scenario where you're going to fly an MRH-90 at night, you're going to be flying at 200 feet, in the course of the mission, overwater, in a heavy left formation, at what height would you set the decision height function?

25

D14: I would recommend that we set it in accordance with the procedures, so 10 per cent below the authorised height, 180 feet. And I'd set my second decision height either at 40 feet or 50 feet, depending on where I was landing.

30

LCDR TYSON: And you're talking about two settings. What about as between you and the co-pilot, would the co-pilot have the same settings that you, as the Aircraft Captain, have on that? So those two settings, or - - -

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D14: There was two – each side had a height that could be set for the oral warning. So you had two oral warnings available to you. You could choose to set them both at zero. That was obviously not our procedures, but you could choose to set them at zero, so that there would be no oral warning set. But, generally, in the start-up checklist, one of the checklist items, it says "decision height". And then I would say, "My decision height is set at 480 feet", for another example. "What is yours?" And they'd say, "I'm 100. Please set yours at 50", or "40", or whatever that mission is.

40

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LCDR TYSON: But why would you set it at zero if you're going overwater?

5 D14: Well, you would not set it at zero. You'd use the tool – so as I previously spoke about, the first setting of decision height and the first warning is to say your in-flight phase is now lower than what you planned. So that's your first prompt, "Hey, you need to climb". The second warning is that you're now in the landing phase.

10 So the first one is for in-flight, and the second one is for the landing phase. And there's only two calls that can be given by a crew member when they hear that. One is, "Acknowledged", which means I heard it, I'm going lower deliberately. And the second one is, "Climbing", I'm coming back up to where I need to be.

15 LCDR TYSON: I haven't been able to locate it, but is there something in the manual about how you set the decision height function?

20 D14: That's correct, yes.

LCDR TYSON: And you'd be able to get that reference and make it available to the Inquiry?

25 D14: As in how the decision height mode is set and how it works?

LCDR TYSON: Yes. And what you do with it in the pre-flight - - -

30 D14: Absolutely. Absolutely.

LCDR TYSON: You'd be able to provide that to the Inquiry?

D14: Yes. Yes, I'd be happy to provide that to the Inquiry.

35 MS McMURDO: Are you wanting him to talk about how you'd decide what level to set it at, what height, or how you physically set it?

LCDR TYSON: The former, ma'am.

40 MS McMURDO: How you determine the height? Well, that it is 10 per cent less than the flight of the mission.

LCDR TYSON: Yes. So the source of the training on that, the doctrine on that.

D14: Yes, I could go and find that, and I'd be happy to provide that to the Inquiry.

5 LCDR TYSON: All right. But, certainly in this mission, you would set it at 10 per cent less than the 200 feet - - -

D14: That's correct.

10 LCDR TYSON: - - - in the scenario. So what's that? About 180?

D14: 180 feet.

LCDR TYSON: But you would set the second setting at about 40 to 50?

15 D14: That's correct.

LCDR TYSON: Assume then that there was a setting at 40 to 50. Now, given your knowledge of the handling characteristics and the flying characteristics of the MRH-90, if it were the case that the helicopter breached or hit that second warning, the level set at 40 to 50, and you hear the audible, what would you immediately do?

D14: So if you were intending to land the helicopter?

25 LCDR TYSON: No. So let's say - - -

D14: You weren't intending to land the helicopter?

30 LCDR TYSON: - - - you're flying overwater, and it's at night, and you get the audio warning that you've hit the 40 or 50 level in an MRH-90, what are you going to do?

35 D14: I would hope that my crews would execute the AHPA drill, so the unusual attitude drill. Because at that stage, if you're that low in an aircraft and you're not intending to land, then you are spatially disoriented and you need to execute it immediately for recovery.

LCDR TYSON: Yes. Are you going to use the collective and increase torque and just try to climb - - -

40 D14: That's right, attitude heading. So you'd set 00, a climbing attitude, and power and airspeed, to kind of develop that climb to kind of bring the aircraft back to a safe position.

5 LCDR TYSON: Well, assume you did hit that level at 40 to 50 and you get the warning. Given your knowledge of the handling characteristics, the flying characteristics, 2000-plus hours in the MRH-90, is it likely that you're going to be able to climb away, or is there a high risk that you're actually going to hit the deck?

10 D14: It all depends on what your rate of descent is at that point in time and how heavy the helicopter was. Yes, I don't know if I could answer that. Like, if the aircraft was light and you were slow, then yes. If you had a high rate of descent, then potentially no.

LCDR TYSON: But there is a risk in that scenario that you would actually crash?

15 D14: It depends on the speed and the weight of the helicopter. So, yes, it all depends on – at 50 feet, you could be operating completely safely in a hover, or you could be at cruise speed with a high rate of descent. In which case, one would be incredibly safe; one would be incredibly dangerous.

20 LCDR TYSON: Thank you, ma'am. Thank you, sir.

MS McMURDO: Thank you.

25 AVM HARLAND: Just a quick question about the RADALT warnings. Is the oral tone different for the left seat versus the right seat?

D14: No, there isn't, sir.

30 AVM HARLAND: Or they're both the same tone?

D14: They're exactly the same.

AVM HARLAND: Thank you.

35 MS McMURDO: COL Gabbedy.

**<CROSS-EXAMINATION BY COL GABBEDY**

40 COL GABBEDY: Thank you. Good afternoon, D14 . I'm COL Nigel Gabbedy. I appear for MAJ - - -

45 D14: Hi, sir. How are you?

COL GABBEDY: Good, thanks. For MAJGEN Jobson. Just a few questions for you. If you go to paragraph 36 of your statement? This is when you were doing the OPEVAL.

5 D14: Yes.

COL GABBEDY: You indicated in your evidence that you had no issues with the system.

10 D14: Correct.

COL GABBEDY: You were flying in two serials, on two days, with qualified test pilots.

15 D14: Correct.

COL GABBEDY: I assume that you discussed between yourself and the pilots you were flying with whether they had any concerns?

20 D14: That's correct.

COL GABBEDY: Did they communicate to you any concerns that they might have had?

25 D14: No. No, not that I can recall. I mean, I was flying the system as an operator and looking at the system as how I would operate it and how I would teach it. They were looking at it through the lens of a qualified test pilot and, you know, capturing data points to kind of assess the system. But no specific concerns that they communicated to me.

30 COL GABBEDY: Thank you. Onto a different topic. The Board (sic) asked you a few questions in relation to napping as a way of alleviating fatigue. Do you differentiate between, perhaps, a Regimental situation and an exercise or operational situation when it comes to tactical napping?

35 D14: That's correct, yes.

COL GABBEDY: And how would you approach that sort of thing in each situation?

40 D14: Yes. So, I mean, on an exercise in a deployed environment, if someone was not required to plan a mission or they weren't required for active duties, they could go and, you know, move back to a tent or somewhere else and nap, listen to music, whatever they decide to do to recuperate on that particular activity.

45

COL GABBEDY: There's a bit more freedom in that environment?

D14: Absolutely.

5

COL GABBEDY: D16 was asked similar sorts of questions to this and he indicated that if somebody presented to him in a Regiment environment indicating that, for example, they'd had a difficult night at home with young children or whatever, and they were tired and needed a nap, his solution would be send them home, explore their issues, try and manage their work-life balance, look at some leave. Are they solutions that you'd look at before perhaps a nap room at work?

10

D14: Absolutely. Absolutely.

15

MS McMURDO: Well, sending someone home with small children who aren't sleeping mightn't be the solution.

COL GABBEDY: I'm not sure we can farm their children out for them, ma'am, but we could look at that. We could come back to you with that.

20

MS McMURDO: Sleep in the car park.

COL GABBEDY: If you go to paragraphs 52 and 53 of your statement?

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D14: Yes.

COL GABBEDY: You were talking about the defect that you were aware of in relation to the engine.

30

D14: Yes.

COL GABBEDY: And you indicated that you felt perfectly safe. And you were talking about a check that was done, which I think you refer to in paragraph 52. What is that check? Sorry, "briefing" rather than a "check".

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D14: Paragraph 52?

COL GABBEDY: Yes.

40

D14: What do we do during that period of time? In paragraph 52 - - -

COL GABBEDY: If I start that again, because I seem to have butchered it. You were talking about a defect that you were aware of, but that some of the other pilots weren't aware of.

45

D14: Yes. Potentially, yes.

5 COL GABBEDY: Then, in paragraph 52, you refer to a briefing. How is that briefing conducted?

D14: Right, yes. Yes, thank you. Okay, paragraph 52:

10 *Every take-off and landing in a helicopter, the actions in the event of engine failure or power loss are briefed to the crew. It's always anticipated.*

The briefing is conducted – there's a standard format that we use. WODOCL is the acronym that we use, and we discuss for every take-off and landing in the aircraft, we discuss a number of standardised factors that include where the wind is, what the operating weight of their aircraft is and the – you know, we essentially go through what is the actions in the event of an engine failure or power loss for this particular landing, or this particular take-off.

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COL GABBEDY: And that's briefed before every mission?

D14: No, it's briefed - - -

25 COL GABBEDY: Sortie.

D14: - - - for every single take-off and every single landing. That's a mandatory briefing component. So it could be briefed, you know, 30 or 40 times. It's every single landing and take-off.

30

COL GABBEDY: And just one final – I don't think Counsel Assisting took you to paragraph 53 of your statement, but in paragraph 53 you were asked a question and provided an answer in relation to the safety culture at 6 Aviation Regiment. Would you just like to give your opinion as to what sort of safety culture the Regiment has?

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D14: My opinion is, I think it's fantastic. There's a number of avenues that folks can use to voice concerns across the chain of command. D19 always reinforced to every member that his door was open. His email was always there if they needed to voice a concern direct to him. We have a confid system in Defence Aviation where you can send a confidential safety report direct to DFSB, and that's confidential and is held in confidence. So there's a number of avenues there. And I was very, very comfortable with the culture and the reporting mechanisms that we had available to us.

45



COL GABBEDY: I think you've worked across Squadron, Regiment and Brigade positions. Are you comfortable that that culture exists right across the formation?

5 D14: I haven't worked at the Brigade level, sir.

COL GABBEDY: All right then.

10 D14: Yes. Look, I am really comfortable with the safety culture and reporting culture that we have, yes.

COL GABBEDY: Thank you, D14 . I've nothing further.

15 MS McMURDO: Yes.

**<CROSS-EXAMINATION BY SQNLDR NICOLSON**

20 SQNLDR NICOLSON: My name is SQNLDR Nicolson. I appear for D10 in these proceedings. And you're familiar D10 is the Officer Commanding?

25 D14: Yes.

SQNLDR NICOLSON: The questions I have for you relate to D10 as the Officer Commanding.

30 D14: Yes.

SQNLDR NICOLSON: Can I just ask you, in your role in '23 as the Standards Officer, did you have involvement with the Brigade Standards Officer?

35 D14: Yes.

SQNLDR NICOLSON: Did you have involvement with the Brigade Standards Officer to run certain learning management packages? Are you familiar with that?

40 D14: Yes. So, yes, we delivered a number of learning management packages across my time in that role, across a whole bunch of different skill sets.

SQNLDR NICOLSON: And did you find that that improved the Squadron culture in terms of standards, having the Brigade involved as well?

5 D14: The Brigade's standards and safety staff were kind of always – there's these touch points though the year where they visit the unit. There's an audit process that happens every year where they bring an external team in. So the contact with Brigade was kind of ever present at the Regiment level.

10 SQNLDR NICOLSON: And when you talk about audits, does that relate to the rules or the SIs in place with - - -

D14: Absolutely everything – flying rates, Rules, Regs, fatigue.

15 SQNLDR NICOLSON: And so they're all regularly audited by someone external to 6 Aviation?

D14: Annually; that's correct, yes.

20 SQNLDR NICOLSON: Can I just take you to your statement, page 14 to 23? This is paragraph 45. FLTLT Rose asked you a couple of questions about some involvement with issues relating to fatigue workplace management and some attempts for 6 Aviation to get involved with external sources and a psychologist. Was D10 involved with that process, to your  
25 knowledge?

D14: Yes, he was. Yes, he was.

30 SQNLDR NICOLSON: You talk at the first dot point about the Melbourne course in August '22?

D14: Correct.

35 SQNLDR NICOLSON: You referred to the Army Aviation Captain Psychologist. You say, in the second line, that he was able to observe and provide tools to yourself to further manage and improve fatigue. I just wanted to ask you – it wasn't covered off in your evidence today – what sort of tools did he give to you to manage and improve fatigue? Do you recall what that - - -

40 D14: Yes. So this gentleman is a subject-matter expert in Aviation fatigue, and he has been for some time. He gave back briefs to myself and D10 on what conversations he'd had with the staff independently in his role as a psychologist just to give us a snapshot of where the team were, the  
45 fatigue levels, and how they were feeling in regards to that from an external

observer.

5 He provided tools to us. Essentially, the narrative of the tools that he provided were that the course that we were delivering was too long to have people engaged in that type of difficult flying for that period of time.

SQNLDR NICOLSON: What course were you talking about? Was that the - - -

10 D14: This is the SOQC continuum of courses.

SQNLDR NICOLSON: And was that the reason why, I think, in June '23 the SOQC course that you were a part of tried to be put into a shortened version?

15 D14: That's correct, yes. So we were in the process of making steps to – and this process has continued – to refine the training events and shorten that course so that it wasn't so fatiguing for the instructional staff or the students.

20 SQNLDR NICOLSON: You also mentioned in the same paragraph, in October '22 (sic) there was another psychologist. Was it the same psychologist you referred to?

25 D14: The same psychologist, sir, yes.

SQNLDR NICOLSON:

30 *Later then, he visited the Regiment to observe the fatigue levels in the unit.*

Once again, from that engagement, was there any tools and guidance or management that the psychologist gave you?

35 D14: Yes. So it was, again, along the same themes of strategies to shorten the course, strategies to implement to make the workplace, kind of less fatiguing in the long term. And that was, you know, a project and an interest that both D10, D19 and myself had going forward with the unit.

40 SQNLDR NICOLSON: And moving, finally, just to paragraph 45, you refer to the March '23 unit-wide presentation. Was that done by D19?

D14: Correct, it was.

SQNLDR NICOLSON: The other factor, just on the fatigue management issue, I just wanted to cover off: did you consider another issue of fatigue relating to the transition in '23 from the MRH-90 into the Black Hawk platform? Was that an issue in '23?

5

D14: Not that I can recall, no.

SQNLDR NICOLSON: Thank you. I just want to move on from that. Can I just talk about in terms of – there were mentioned some matters about Inadvertent IMC drill. Is that a brief, and it's regularly given with the mission orders?

10

D14: Yes. So it's for a formation flight. The Standardisation Manual that we use for the helicopter has a series of – I believe with the MRH-90 it was 19 mandatory points that we had to brief. One of those mandatory points was the Inadvertent IMC drill, the Inadvertent IMC heights. And every single person would walk to the aircraft with a mission pack, is what we called it. And in that mission pack it had printed on it the position in the formation and their Inadvertent IMC drill height and the datum that we'd be using for that height.

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SQNLDR NICOLSON: And would that be able to assist with the pilots? Would that be on their knee pads?

25

D14: Every pilot had that on their knee pad.

SQNLDR NICOLSON: The other issue in terms of – I'm talking now about the mission on 28 July. You weren't part of that mission.

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D14: No.

SQNLDR NICOLSON: But did you have any observations about the Mission Plan or mission orders from your - - -

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D14: Yes, I witnessed the mission orders. And I was privy to the Mission Plan – not in detail, as I was planning another mission for the next period of darkness – but, yes, I knew what the profile was and what the basic mission entailed.

40

SQNLDR NICOLSON: And, in your opinion, did you have any concerns about the mission - - -

D14: No, none.

45

SQNLDR NICOLSON: - - - orders or the mission planning that you saw?

D14: No.

5 SQNLDR NICOLSON: Just finally, I just want to talk about the after-incident, about the search and rescue issues.

D14: Yes.

10 SQNLDR NICOLSON: You were off duty at the time but you obviously came and gave the assistance.

D14: Correct. Correct.

15 SQNLDR NICOLSON: Are there standard checklists in place when there's obviously an incident that takes place?

D14: That's correct.

20 SQNLDR NICOLSON: And, to your knowledge, were those standard checklists proceeded with and the procedures were adopted after the event?

D14: Yes.

25 SQNLDR NICOLSON: And was that something called a Unit Emergency Management Checklist?

30 D14: It's called an ECCG, and it's a checklist we review every 12 months. It's a hard copy checklist, with a whole bunch of tabs in it. And it has all the roles in the Regiment that could be filled in a crash and you open to that page and it goes through step-by-step kind of what you do. And we had those in the Command Post, and we poured those out and started using those checklists.

35 SQNLDR NICOLSON: Is there also something in the Standing Instructions about an incident where there's an Aviation safety report investigation to follow?

D14: As in a Sentinel safety report to be - - -

40 SQNLDR NICOLSON: In terms of 6-202, that might prompt you in terms of a procedure to follow where there's an Aviation safety report investigation – some steps to follow. Is that - - -

45 D14: Yes, that rings a bell. I can't remember off the top of my head right now.

SQNLDR NICOLSON: Yes, thank you, ma'am.

MS McMURDO: Yes.

5

COL THOMPSON: I seek leave - - -

MS McMURDO: Yes.

10

**<CROSS-EXAMINATION BY COL THOMPSON**

COL THOMPSON: Good afternoon, [REDACTED] D16. COL Thompson - - -

15

D14: Yes, sir.

COL THOMPSON: Sorry, [REDACTED] D14. COL Thompson for BRIG Dean Thompson. Just two questions. You were asked about a fatigue study at 6 Aviation Regiment. Do you remember being asked about that?

20

D14: That's correct, yes.

COL THOMPSON: Do you recall if the results or outcome of that study ever went up to the Brigade, 16 Aviation Brigade?

25

D14: Fatigue study? Is it the snapshot survey that you're referring to, sir?

COL THOMPSON: No, I think it was – it's sometimes being called a sleep study or a fatigue study?

30

D14: Okay. So I was privy to a sleep study that D19 was trying to implement in 2022. That sleep study, I believe, did not go ahead. I did not take part in any of those studies.

35

COL THOMPSON: Thank you. Now, the incident occurred on 28 July 2023. Did you say you left Proserpine to come back to Holsworthy the day after, 29 July?

40

D14: Correct, sir, I did.

COL THOMPSON: Did you take part in any of the briefings with BRIG Thompson between midnight and - - -

45

D14: Yes.

COL THOMPSON: Or after the incident - - -

D14: Yes.

5

COL THOMPSON: - - - and leaving Proserpine? How many briefings? In what circumstances?

D14: Specifically, when the Commander arrived, myself and two other staff gave him a sit update, just kind of the state of play right now so that we could brief him in because he's obviously travelled to the site kind of as soon as he could. So when he came in, we sat him down and gave him a quick five-minute - - -

MS McMURDO: When did he arrive?

D14: Ma'am, in the early hours – I believe it was in the early hours of 29 July. Yes. So we briefed the boss in, just so he knew what was going on. There may have been follow-up briefs; I can't remember this time, sir.

20

COL THOMPSON: Can the Tribunal (sic) take it that in any of the discussions or briefings that you and your colleagues had with BRIG Thompson, nothing was said about whether you should or should not speak to JMPU and QPS?

25

D14: Nothing like that was said by the Commander.

COL THOMPSON: Thank you, D14 , ma'am.

MS McMURDO: Thank you. Any re-examination?

FLTLT ROSE: No.

MS McMURDO: Thank you very much, D14 .

35

D14: Thanks, ma'am.

MS McMURDO: We appreciate you coming and giving difficult evidence. You're free to go.

40

D14: Thank you.

**<WITNESS WITHDREW**

45

MS McMURDO: Yes, COL Streit.

5 COL STREIT: Thank you, Ms McMurdo. I call D9, who should be just outside.

<D9, Affirmed

10

<EXAMINATION-IN-CHIEF BY COL STREIT

15 MS McMURDO: Help yourself to the clean glass and a drink of water.

D9: Yes, ma'am.

20 COL STREIT: D9, just to orientate you, in front of you on the table on your right-hand side is a pseudonym list. One is in alphabetic order of names. As we move through your evidence, if you know the pseudonym of an individual, please say so and use that pseudonym. If you're unsure as to whether a person has a pseudonym or not, before you say that person's name, if you could just check the list that's in front of you. Do you understand?

25

D9: I understand.

30 COL STREIT: Thank you. First, can I just deal with some preliminary matters. Did you receive a section 23 Notice requiring your appearance here today?

D9: I did.

35 COL STREIT: And did the section 23 Notice contain some questions for you to answer in the preparation of a statement?

D9: It did.

40 COL STREIT: Now, did you provide two statements to the Inquiry? One at the "Official" level?

D9: Yes.

45 COL STREIT: And one at the "Official: Sensitive" level?



D9: That's correct.

COL STREIT: And did you also make a statement in November 2023 in response to a notice issued by the Central Queensland Coroner?

5

D9: I did.

COL STREIT: I'll refer to that, for ease, as "the Defence statement". And I'll refer to your statement under the section 23 Notice as "the Inquiry statement". I'll just ask you to turn the pseudonym list over and confirm that the pseudonym D9 is you?

10

D9: That's correct.

COL STREIT: Can I provide you a bundle of documents? On the top of the bundle will be your – what I understand is an "Official" statement prepared by you. There will also be an annexure to that statement, which I understand is at the "Official: Sensitive" level. You also have an "Official: Sensitive" statement and then you have your Defence statement. I'll take you through those documents. Thank you.

20

First, let's deal with the "Official" statement. If you could just pick that up, thanks. Can you just confirm that that is your statement - - -

MS McMURDO: Sorry, do you mean the Inquiry statement?

25

COL STREIT: Yes, the "Official" statement on the top of the pile.

That's your statement made for the Inquiry?

30

D9: That's correct.

COL STREIT: And it's dated 8 August 2024; is that correct?

35

D9: The one I have is 24 July.

COL STREIT: Can I just have that returned to me for a moment, please? Sorry, I was looking at your digital signature at the back. If I return the document to you. Could I ask you to turn to the back of your Inquiry statement? There appears to be a digital signature there of 8 August 2024; is that correct?

40

D9: That's correct.

COL STREIT: Did you cause that digital signature to be there?

45

D9: I did.

5 COL STREIT: Now, in relation to your Inquiry statement we've just identified, although it has the date of 24 July 2024 on the front, you have digitally signed the statement on 8 August 2024. Is that correct?

D9: That is correct, yes.

10 COL STREIT: Are there any additions you wish to make to that statement?

D9: No, there's not.

15 COL STREIT: Thank you. Now, could you just put that down for a moment. The next document can I just ask you to pick up is a document which has an "Official: Sensitive" classification at the top and it comprises five pages. Is that document Annexure A to your "Official" Inquiry statement?

20

D9: Yes.

25 COL STREIT: Just put that down for a moment, thank you. And pick up the next document, which is your entitled "Official: Sensitive", a statement made for the Inquiry. Do you have that?

D9: I do.

30 COL STREIT: And if you could just turn to the back page, it contains a date, 8 August 2024; is that correct?

D9: Correct.

35 COL STREIT: Have you digitally signed that statement? Did you digitally sign that statement?

D9: Yes, it's signed.

40 COL STREIT: You can recall? Can you just satisfy yourself, therefore, that the statement that you have is your statement of 8 August 2024?

D9: That's correct.

45 COL STREIT: And it was witnessed by a person whose name is now redacted; is that correct?

D9: That's correct.

5 COL STREIT: Thank you. If you just put that down for one moment. Pick up what I described earlier as your Defence statement. Would you just satisfy yourself that that is your Defence statement made on 30 November 2023?

10 D9: That's correct.

COL STREIT: Are there any amendments you wish to make to your Defence statement?

15 D9: No, there's not.

COL STREIT: Are there any amendments you wish to make to your "Official: Sensitive" statement to the Inquiry?

20 D9: No, there's not.

COL STREIT: Ms McMurdo, I tender the "Official" Inquiry statement of 8 August 2024, with Annexure A which is at the "Official: Sensitive" level. I tender the "Official: Sensitive" statement made by the witness on 8 August 2024. And I tender the Defence statement made by the witness, signed on 30 November 2023.

MS McMURDO: The statement of the witness, D9, Inquiry statement and annexure, will be 57A.

30 **#EXHIBIT 57A - INQUIRY STATEMENT OF D9 DATED 08/08/24, TOGETHER WITH ANNEXURE A**

35 MS McMURDO: His "Official: Sensitive" statement will be 57B.

40 **#EXHIBIT 57B - STATEMENT OF D9 ("OFFICIAL: SENSITIVE") DATED 08/08/24**

MS McMURDO: And his Defence statement will be 57C.

45 **#EXHIBIT 57C - DEFENCE STATEMENT OF D9 DATED 30/11/23**

COL STREIT: Thank you. And for the assistance of the Inquiry and Counsel representing, I don't propose to go into a private hearing with this witness in relation to his "Official: Sensitive" statement or annexure. However, should Counsel representing consider that they may need to do that in relation to their matters, I would be grateful if they could raise that with me during the overnight adjournment.

D9, can I just begin by asking you some questions in relation to your background. And what I propose to do is, I will start with your statement to the Inquiry and, as necessary, move to your Defence statement. And I'll indicate when I do that so you know which statement I'm referring to and you can obviously have regard to those matters that are before you.

Just in relation to your Inquiry statement, at paragraph 3 you say your background and qualification had previously been provided to Comcare. Do you recall when you were interviewed by Comcare?

D9: I was interviewed by Comcare in February of this year.

COL STREIT: Now, you're presenting as the Officer Commanding of 173 Aviation Squadron in 6 Aviation Regiment; is that correct?

D9: That's correct.

COL STREIT: When did you take up that command appointment?

D9: November last year.

COL STREIT: And did you take over Commander responsibility from a person who has a pseudonym?

D9: I did.

COL STREIT: If you just turn the list and just confirm who that person is, and then tell me who the pseudonym is?

D9: Witness D10.

COL STREIT: D10. Thank you. Did you receive a handover brief?

D9: I did. We spent a week together dedicated to handing over at the end of October, prior to my official handover, along with other times throughout the year leading in where we conducted minor activities and stuff for my

situational awareness.

5 COL STREIT: Now, at paragraph 4 you say at the time of your appearance here today – or appearance in the hearing, you’ll have completed the Aviator Qualification Course in the United States. Is that correct?

D9: That’s correct now.

10 COL STREIT: You’ve completed that course now?

D9: UH-60M; correct.

COL STREIT: Yes. So what did that course teach you?

15 D9: It’s a basic qualification on the UH-60M Black Hawk in the three flight profiles with day, instrument and NVD, with a combination of aircraft and simulator training involved.

20 COL STREIT: And it was necessary, I take it, for you to do that course because 6 Aviation Regiment is transitioning to flying Black Hawk?

D9: That’s correct.

25 COL STREIT: How long were you on course for in the United States?

D9: Including the indoctrination period – i.e. march in – 10 weeks.

30 COL STREIT: And whilst you were away, was a person appointed to act as the Acting OC of the Squadron?

D9: They were.

35 COL STREIT: And having a look at the pseudonym list, can you just tell the Inquiry who that person was?

D9: It was D16.

40 COL STREIT: D16, for 10 weeks, assumed your command responsibility as the Ops Commanding of 173 Squadron at 6 Aviation Regiment?

D9: Yes. And I retained some of the planning responsibilities specific to the workforce, and he was essentially delegated the command responsibilities for the day-to-day business of the Squadron.

45 COL STREIT: You’re presently a B CAT pilot on the H135; is that

correct?

D9: That's correct.

5 COL STREIT: And you are a qualified Special Operations co-pilot on MRH-90. Yes?

D9: That's correct.

10 COL STREIT: You are an Aircraft Captain for general flying. Is that on the MRH-90?

D9: It was, yes.

15 COL STREIT: Yes. And you've presently been designated as an Aircraft Captain and flight lead on attack helicopters; is that correct?

D9: That's correct.

20 COL STREIT: You actually started life, if I understand your statement correctly, as an armed reconnaissance helicopter pilot. Is that right?

D9: That is correct.

25 COL STREIT: Now, you say also that you've completed a Special Operations Advanced Course, completed a H135 transition through a civil provider, and a UH-60M AQC. What does "AQC" stand for?

D9: Aviator Qualification Course.

30 COL STREIT: Thanks. So that's the Black Hawk?

D9: Correct.

35 COL STREIT: In terms of flying hours, just in relation to your Inquiry statement, you have flown a total of 1339.9 hours by day, 532.1 hours by night, 483.6 hours by night-vision device. Correct?

D9: That's correct. And that's in a physical helicopter machine.

40 COL STREIT: And in a helicopter. And 204.7 by day, 75 night and 18.4 NVD hours in a certified simulator?

D9: That's correct.

45

COL STREIT: Is that a combination – of those hours, total hours, is that a combination of all your hours of flying in all aircraft types?

D9: Correct.

5

COL STREIT: At paragraph 5 you say you recently converted to MRH aircraft. When did that conversion occur?

D9: That conversion roughly commenced on the end of July, early July 2022, and I completed it by the end of that calendar year.

10

COL STREIT: At that time, what posting did you have? Where were you?

D9: At that point in time, I was posted to Headquarters 16 Brigade as Brigade Major.

15

COL STREIT: And doing the conversion, what process did you have to go through to undertake that?

D9: I essentially went to Oakey, being the School of Army Aviation, and conducted a transition course which is designed for previously qualified Army pilots to transition on a new aircraft type. I, essentially, took a leave of day-to-day business whilst conducting that and segmented it into a few different parts while directed activities came up that I was required to conduct as Brigade Major.

20  
25

COL STREIT: In 2022, you were the Brigade Major - - -

D9: Correct.

30

COL STREIT: - - - at 16 Aviation Brigade. And in broad compass, could you just outline what roles and responsibilities you had?

D9: I was specifically speaking to the conduct of the MRH-90 transition and where that was segmented over a period of time, so that I could conduct key activities as the Brigade Major.

35

COL STREIT: But in terms of your role as the Brigade Major, did you have any particular role?

40

D9: Correct. So, in a broad sense, the Brigade Major is responsible for current operations and resourcing of the Aviation Brigade. In this instance, when I took over in 2022, there was the three Regiments: 1, 5 and 6. And then by November/December 2022, there was the addition of 20 Regiment to 16 Aviation Brigade.

45

COL STREIT: How did you find fulfilling those roles as the Brigade Major and then having to do the transition to MRH-90, in terms of workload?

5

D9: At the time of transition, it was a lower-tempo period, so I was able to take a backward step and, with the spare time that I had on transition, keep business as usual, work rolling over. But my direct supervisor provided me the opportunity to train on the helicopter type and then when I was required, which was, from memory, only about a month-long period, I took a deliberate step away from training, conducted my duties as Brigade Major and then finalised my training, which I was, again, given the space to do in that period.

10

COL STREIT: At paragraph 5 you also say, when you did your conversion to the MRH-90 you were still in the process of building confidence on the platform. Correct?

15

D9: Correct.

20

COL STREIT: There was some synergy, was there, in the sense of the ARH reconnaissance helicopter also used TopOwl and you used TopOwl on MRH-90?

25

D9: That was one of the synergies, yes. Also, broadly, the design philosophies, both being an Airbus product, were similar. So the lexicon was similar, the flight control systems were similar, and it was a reasonably straightforward read-across. Noting the MRH was a newer helicopter than the ARH, so there were definitely some nuance to the transition.

30

COL STREIT: How many years had you flown armed reconnaissance helicopter, the Tiger?

D9: In total, including training, it would've been six years.

35

COL STREIT: So you were well-experienced on the armed reconnaissance helicopter, I take it?

D9: Relatively, yes.

40

COL STREIT: At paragraph 5 you say you were comfortable with your ability to fly the helicopter – that's the MRH – both day and night; however, the management of the systems was something you were continuing to work on. Is that correct?

45



D9: That's correct.

COL STREIT: When you say "management of the systems", what's that a reference to?

5

D9: It's just understanding the nuance of the computer. So broad application and operation of the aircraft I was comfortable with, management of flight control computers, physically flying the helicopter. But a lot of awareness you could gain from menus and sub-menus within the flight management system, and just navigating them was the next step of, I guess, my awareness. And that just takes reps and recency, basically.

10

COL STREIT: You say, in 2023, you were flying about one week per month. You were stationed in Brisbane, but you'd do your flying at Oakey; is that right?

15

D9: I'd travel down to Holsworthy to do the flying.

COL STREIT: The purpose was to build your proficiency in operating the systems?

20

D9: Additionally, to starting to get some of the qualifications that I'd be required to have for the subsequent role that I'm currently filling.

COL STREIT: Did you know at that time – when you were travelling down to Oakey and you were flying MRH-90, did you have an awareness that your next role was to be the OC of the Squadron?

25

D9: I did. I conducted the MRH transition with the purpose to take over as OC.

30

MS McMURDO: It's after 5 o'clock.

COL STREIT: Thank you, Ms McMurdo. Perhaps if I could pause there with the witness. Sorry, I lost track of time there. Can I indicate, Ms McMurdo, that we have obtained confirmation that the Inquiry can start a littler earlier tomorrow, should it wish to do so. I understand the families have been engaged about that possible early start and the response was largely positive, as I understand it. And so we're able to start a little bit earlier, at 9.30, if that was convenient. I note your indication to sit to, potentially, 5 o'clock tomorrow.

35

40

MS McMURDO: If necessary, to finish your witness.

COL STREIT: If that's - - -

45

MS McMURDO: If it's necessary to finish your witness.

COL STREIT: That's right.

5

MS McMURDO: Obviously, we wouldn't want to be part-heard with a witness at the end of the week.

COL STREIT: No. So what I propose is obviously finish the witness that's presently with us at the moment, D9, and then to call D1 tomorrow. So D1 will be the last MRH-90 pilot involved in the sortie. His evidence will take a little while; very similar to the other MRH-90 pilots. And we potentially have one other witness on standby, just in case we were to finish early. But certainly, the intent would be to finish D9 and D1 tomorrow. And the other witnesses will be moved to the October sittings.

15

MS McMURDO: All right then. We'll resume at 9.30 tomorrow morning.

COL STREIT: Thank you.

20

**<WITNESS WITHDREW**

25

**PUBLIC INQUIRY ADJOURNED UNTIL  
FRIDAY, 16 AUGUST 2024 AT 0930**