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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
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Counsel Assisting**

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

0930, MONDAY, 14 OCTOBER 2024

DAY 22

TRANSCRIPT VERIFICATION

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

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| Signed | | Date | | (Chair) |
| Signed | | Date | | (Recorder) |
| Signed | Epiq Australia Pty Ltd | Date | 20/10/24 | (Transcription) |

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MS McMURDO: I warmly acknowledge the traditional owners, the Turrbal and Yuggera people here in Meanjin Brisbane and in the Whitsundays and Proserpine, where the events of 28 July 2023 at the heart of this Inquiry occurred, and the Ngaro and Gia people. For thousands of
5 years before colonisation, they cared for and prospered on their lands and waters and looked for ways to do things better in their communities, just as we are doing today in this Inquiry. We are uniquely privileged as Australians to reflect on that ancient tradition as we go about our work. I pay my respects to their elders, past and present.

10 Since the last hearing, I have granted leave to appear to FLTLT Scott Seefeld to appear for D10, principally when SQNLDR Nicolson is unavailable, and to Mr Craig Pratt to appear for Detective Sergeant Luke Scells from Queensland Police Service, who will give evidence later this
15 week.

I've also issued a further non-publication Direction, adding three pseudonyms to the previous Direction. The new Direction, Direction
20 Number 13, will now be published and be available on our website. Many witnesses during this hearing have pseudonyms. I remind everyone that it is an offence to publish any identifying information in respect of those people, including their images.

On Monday, 21 October, immediately following this hearing, weather
25 permitting, AVM Harland and I, together with Counsel Assisting COL Streit and FLTLT Rose, a number of Counsel representing, a family member and support persons, will travel to Proserpine Airport. We will meet there with D13, who is giving evidence tomorrow. D13 will indicate various points of interest to the Inquiry, including where the 6 Aviation
30 Forward Operating Base for Exercise TALISMAN SABRE was positioned. The inspection will be video recorded.

The following day, the Inquiry hopes to obtain a video recording from a
35 helicopter of the route taken by Bushman 83 from the point of take off at Proserpine Airport until its fatal crash off Lindeman Island. The Inquiry well appreciates that this will not be an accurate reconstruction of Bushman 83's fatal flight; just as our inspection of the Proserpine Airport will not be a reconstruction of conditions existing on and around 28 July 2023. The purpose of the video recorded flight and the inspection is,
40 however, apt to assist the Inquiry to better understand the events of 28 July 2023.

Our final Inquiry hearing for 2024 will be at the Pullman Hotel, Brisbane,
45 for one week, commencing on Monday, 18 November. The Australian Government Solicitor, on behalf of the Commonwealth, has requested the

Inquiry undertake a review of facilities at 6 Aviation Holsworthy Barracks. The Inquiry hopes that this inspection will occur immediately prior to the November hearing, but is waiting for confirmation from AGS and the Commonwealth. Hopefully, Ms Musgrove can provide more information about that matter later.

The Inquiry understands from the AGS and the Commonwealth that the much-anticipated Defence Flight Safety Bureau Final Report relating to the crash remains scheduled for delivery to the Inquiry in December this year. With that in mind, the Inquiry anticipates further Inquiry hearings in 2025. Those hearings will likely be held in Brisbane for two weeks from Monday, 24 February 2025 and a further two weeks from Monday, 24 March 2025. Counsel Assisting, COL Streit, will have a little more to say about those matters shortly.

Yes, COL Streit.

COL STREIT: Thank you, Ms McMurdo, and good morning to you and AVM Harland. With the Inquiry's permission, I'll make some brief opening remarks as to the purpose of this hearing, including identifying witnesses to be called. Before I do that, can I recall my earlier submissions in previous hearings that Bushman 83 is the call-sign of the MRH-90 Taipan aircraft in which CAPT Lyon, LT Nugent, WO2 Laycock and CPL Naggs were flying in at night on 28 July 2023.

The Inquiry is required to examine issues before the crash of Bushman 83, find out what happened at the time of the crash and what happened after the crash. The Inquiry's Directions described these broad areas as pre-incident issues, the incident, post-incident issues, and other issues. The term "incident" refers to the crash of Bushman 83 on 28 July 2023.

The Inquiry will recall that in the first week of the August hearings, the Inquiry heard evidence about the search and rescue for Bushman 83, Defence's Aviation safety framework and processes, including its regulation; evidence about the benefits, limits, and issues arising from the use of night-vision devices by MRH-90 aircrew, including the use of TopOwl, the helmet-mounted sight display used by MRH-90 pilots on 28 July 2023.

In the second week of the August hearings, the Inquiry heard evidence from a number of current and former 6 Aviation Regiment witnesses, including aircrews of Bushman 81, 82 and 84, who were involved in the sortie with Bushman 83 on 28 July 2023, and others who were MRH-90 pilots at 6 Aviation Regiment. The Inquiry's consideration of those important

pre-incident issues, incident, and post-incident issue matters will continue this week and into future hearings.

5 In terms of evidence to be called this week, today the Inquiry will hear from D7, D8, D4, and D12, all of whom were aircrewman aboard Bushman 82, 81 and 84. Tomorrow the Inquiry will hear from D13, who was the camp Commandant for 6 Aviation Regiment personnel deployed to Proserpine Airport in July 2023. The Inquiry will also hear from D21, who was an MRH-90 pilot at 6 Aviation Regiment, and in 2022 was the Regiment
10 Technical Adjutant and was involved in a 6 Aviation Regiment Fatigue/Sleep Study in 2022.

The Inquiry may also hear from Dr Adrian Smith, an Aviation medicine expert witness who has previously given evidence before the Inquiry in
15 June 2024, and will continue his evidence. I anticipate Dr Smith's evidence will be of some duration and will continue into Wednesday, 15 October. Dr Smith's evidence will be followed by CAPT Phillipa Hay, Royal Australian Navy, in relation to the Australian Defence Force search and rescue efforts on 29 July 2023, and onwards. Her evidence will be
20 followed by BRIG Damien Hill, who at the relevant time was a member of Headquarters Joint Operations Command, and was also involved preliminarily in the search and rescue of Bushman 83.

On Thursday, the Inquiry will hear from Detective Sergeant Luke Scells, a
25 Queensland Police Service Officer in relation to the QPS investigation of the MRH-90 crash. An application will be brought that he gives evidence via video. His evidence will be followed by Mr James Roberts, who was a member of the Volunteer Marine Rescue in the Whitsundays. That organisation, the Inquiry understands, was engaged in the very late hours of
30 28 July 2023 to participate in the search and rescue.

Mr Roberts' evidence will be followed by GPCAPT Terrence Lewis, who is the Provost Marshal of the Australian Defence Force. His evidence will relate to engagements between the Australian Defence Force, the Coroner's
35 Office, and Queensland Police in relation to the investigation of the crash.

GPCAPT Lewis's evidence will be followed by CMDR Nigel Shaw, who at the relevant time of the crash of Bushman 83 was the Acting Provost Marshal, and he too will give evidence about his engagement with various
40 stakeholders, including Queensland Police and representatives of the Coroner's Office.

On Friday, two witnesses will be called. Both are MRH-90 test pilots. Both were members of the Army Test and Evaluation Centre. Those two persons
45 are MAJ Ian Wilson (ret'd), and MAJ David Lamb, and they will give

evidence in relation to testing that was undertaken by the Army Test and Evaluation Centre concerning TopOwl version 5.10.

5 Can I say something briefly about future planned hearings. During the course of previous hearings, the Inquiry has received significant evidence in relation to matters including aircrew workload and the impact of fatigue on the performance of duties; including flying duties; the impact of command duties on Army pilots in maintaining recency in the MRH-90; issues arising from the use of TopOwl version 5.10; the deployment to Proserpine and the conduct of the mission on 28 July 2023; the challenges in the initial search and rescue of Bushman 83; the engagements between Queensland Police and the ADF more broadly; and the notification process engaged in by the Department of Defence notifying the families of what had happened.

15 As I have previously remarked, an Inquiry such as this is a fact-finding process. It is necessarily dynamic in the sense that, unlike a Court or a Tribunal, an Inquiry follows an administrative pathway and a process to find evidence and answer questions in relation to the Directions that have been issued by the Inspector-General. Where the evidence may lead is not always clear and anticipated. This can, of course, impact planning for the conduct of an Inquiry, including planning for hearings.

25 It's important to recall that you can't properly understand what may have happened in the crash without understanding the state of relevant matters before the crash of Bushman 83. There's little point in rushing to the finish line and risk overlooking a critical matter that's significant for the Inquiry's consideration.

30 Based on Counsel Assisting's assessment, there will be three hearing phases after this week. Those hearing phases, Counsel Assisting considers, are necessary. Counsel Assisting's planning takes into account the delivery of the DFSB Aviation Safety Investigation Report, which is anticipated, as the Inquiry Chair has noted, to be completed and delivered to the Inquiry in December 2024.

40 The DFSB – Defence Flight Safety Bureau – Aviation Safety Report is but one piece of evidence to be considered by the Inquiry. Counsel Assisting, members will recall, intends to call DFSB witnesses, and witnesses who assisted DFSB in the investigation, to give evidence about those matters.

45 In terms of the hearings, the hearing in November to which the Inquiry Chair has referred, at this stage will comprise 15 witnesses. Those witnesses will give evidence about TopOwl and that will continue in terms of evidence being called by senior Aviation officers about the decision to

bring TopOwl version 5.10 into service; decision-making concerning the notification process to families of the aircrew; evidence from senior Aviation Commanders about their roles at the time of the crash of Bushman 83, and what has occurred since that time and things they may have done since that time in relation to their commands; evidence from a senior Queensland Police Assistant Commissioner about the engagement with Defence at a higher level; evidence from senior Air Force and Navy Officers regarding their service structures and training for junior pilots up to the rank of Lieutenant Commander and Squadron Leader.

10 The Inquiry will not conduct any hearings in December or January – December of this year or January next year. That period is a Defence reduced activity period and makes provision for ongoing activities for Defence, including postings of personnel. Sometimes those postings are in locations, sometimes they are to another part of the country. The Inquiry will not be conducting hearings in that period to afford everyone the opportunity to have a break.

20 The next hearing following November will occur, as the Inquiry Chair has identified, commencing 24 February. It is intended that evidence will be called in that hearing, including evidence from senior Aviation Commanders, and witnesses called concerning the Defence Flight Safety Bureau Report. Aspects of the DFSB evidence will necessarily need to be conducted in a private hearing, it's anticipated, due to the security classification of some evidence.

25 The final hearing, at this stage, will be in March 2025, commencing on 24 March. It's anticipated evidence will be given by witnesses, including D10, the former Officer Commanding and involved in the mission on 28 July 2023, the former Commanding Officer of 6 Avn Regiment, and MAJGEN Jobson, the then and current Commander of Avn Command. There may, perhaps, be others.

35 Turning briefly to the matters of security, I note the Inquiry Chair's previous guidance, particularly in August, concerning security matters and the delineation between public and private hearings. Counsel Assisting does stand ready to assist Counsel representing with those matters and will, at appropriate times, foreshadow to the Inquiry and Counsel representing if it is considered necessary to move into a private hearing to hear a witness's evidence.

40 Thank you. They are my opening remarks.

45 MS McMURDO: Thank you, COL Streit. Yes, FLTLT Rose.

COL STREIT: Sorry, Ms McMurdo, I overlooked one matter. I understand that Counsel for the Commonwealth may have a brief submission.

5 MS McMURDO: Thank you. Yes, Ms Musgrove.

MS MUSGROVE: Good Morning, Ms McMurdo. You would be aware that on 20 September 2024 the Australian Government Solicitor wrote to the Inquiry to inform that AM Chappell, who was appointed as the Chief of
10 Air Force on 3 July 2024, issued a Directive on 23 August 2024. In short, the Directive aligns Defence policy and procedure in line with the Defence Aviation Safety Framework as confirmed in chapter 5 to Volume 1 of the Defence Aviation Safety Program Manual.

15 In effect, what that means is the DASP, which is the Defence Aviation Safety Program Manual, delegates authority held by the Chief of Air Force as the Defence Aviation authority in relation to investigation by DFSB of all Aviation accidents. In line with that delegation, it is not necessary to have an appointing authority to commence Aviation investigations by
20 DFSB. As such, the Directive indicates that MAJGEN Jobson is the appointing authority in relation to this investigation by DFSB. There's no requirement for that appointing authority and so those authorities have been removed. And the Directive indicates that moving forward, whilst those authorities have been removed, the appointment of the DFSB investigation
25 is still valid.

In those circumstances, that means that MAJGEN Jobson, as the Military Air Operator for Army will still be informed of any air safety issues as they arise, should they arise, throughout the DFSB investigation. So it's a
30 change in the Directions and the Directives that are in place, but it does not impact upon the DFSB investigation, or the timeframe for their investigation.

35 MS McMURDO: Thank you very much, Ms Musgrove, for publicly clarifying that.

MS MUSGROVE: Thank you. And I can indicate and confirm that it's intended that the view at Holsworthy will occur on 15 November 2024.

40 MS McMURDO: Thank you. Yes, FLTLT Rose?

FLTLT ROSE: I call the first witness, D7. And in line with Direction 13, which you made on 3 October, the visual feed to the witness box will be turned off so that only the audio of the witness will be livestreamed.
45

MS McMURDO: Thank you.

<D7, Affirmed

5

<EXAMINATION-IN-CHIEF BY FLTLT ROSE

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

D7: Thanks, ma'am.

MS McMURDO: Thank you. Yes, FLTLT Rose.

15

FLTLT ROSE: Could you please refer to that laminated A3 list in front of you and find your own name and confirm to me whether you are D7?

D7: That's correct.

20

FLTLT ROSE: Now, I understand you have a support person sitting next to you. I will not ask you to say who they are. But if I could hand the support person a piece of paper and just ask them to put their name – and a pen – and then we will tender that document. Ms McMURDO, I tender the name of the support person.

25

MS McMURDO: Exhibit 59.

30 **#EXHIBIT 59 - NAME OF SUPPORT PERSON FOR D7**

FLTLT ROSE: D7, what is your rank?

35 D7: [REDACTED].

FLTLT ROSE: And what unit are you currently posted to?

D7: 6 Aviation.

40

FLTLT ROSE: And can you please confirm that you were sent the following documents by the Inquiry prior to today: a section 23 Notice requiring your appearance to give evidence?

45 D7: I did.

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

5 D7: I did.

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

D7: Yes.

10 FLTLT ROSE: A Frequently Asked Questions Guide for Witnesses?

D7: Yes.

FLTLT ROSE: And a Privacy Notice?

15 D7: Yes.

FLTLT ROSE: I'd like to hand you two documents. Did you prepare a statement back in November 2023 at the request of the Queensland Central

20 Coroner?

D7: I did.

FLTLT ROSE: If you just look at that document on top, can you please confirm to me that that's the statement you prepared dated 30 November

25 2023?

D7: It is.

FLTLT ROSE: And it comprises eight pages?

30 D7: It does.

FLTLT ROSE: And you did sign it on the back page; however, the signature has been redacted.

35 D7: That's correct.

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

40 D7: No.

FLTLT ROSE: I'll refer to this document as your Defence statement. Did you also prepare a statement for the Inquiry?

45

D7: I did.

5 FLTLT ROSE: If you look at the second document I handed you. Now, it says, “9 September”, on the first page, “2024”. Do you see that?

D7: Yes.

10 FLTLT ROSE: But if you turn to page 13, and you see that’s your digital signature.

D7: That is.

15 FLTLT ROSE: It’s also been redacted, but it notes that it was signed on the 20 September 2024.

D7: Yes, correct.

20 FLTLT ROSE: And there were two annexures provided with your statement?

D7: Correct.

25 FLTLT ROSE: Do you wish to make any amendments to your Inquiry statement?

D7: No.

30 FLTLT ROSE: Ms McMurdo, apologies. No, that’s correct, that’s all the annexures that there were. So I tender each of those statements.

35 MS McMURDO: The Defence statement 30 November 2023 will be Exhibit 60A; and the Inquiry statement 20 September 24, and annexures, will be 60B.

#EXHIBIT 60A - D7’S DEFENCE STATEMENT

40 **#EXHIBIT 60B - D7’S INQUIRY STATEMENT AND ANNEXURES**

45 FLTLT ROSE: D7, can I please ask you to be mindful of your security obligations during the course of your evidence, so that if I or anybody else asks you a question that you believe is above “Official”, then just to let us

know. We won't be discussing issues that are above "Official" in the public hearing.

D7: No worries.

5

FLTLT ROSE: And if needs be, we can turn to a private hearing if there is something from "Official: Sensitive" or above that we need to discuss.

D7: Okay.

10

FLTLT ROSE: If we can turn to your Defence statement? At paragraph 4 you state that you joined the ADF in 2015.

D7: Correct.

15

FLTLT ROSE: And then, from paragraph 7 to 9, you set out that you completed four and a half years as a Forward Arming and Refuelling Point Operator in 1 Avn Regiment in Darwin.

20

D7: That's correct.

FLTLT ROSE: Paragraph 10, you completed your aircrewman training in 2021.

25

D7: Correct.

FLTLT ROSE: Was that on the MRH-90?

D7: It was.

30

FLTLT ROSE: And then you posted to 5 Avn Regiment in Townsville.

D7: Yes.

35

FLTLT ROSE: Then, from paragraph 11, in January 2023 you posted into 6 Avn Regiment in Holsworthy in Sydney.

D7: Correct.

40

FLTLT ROSE: And that's where you remain today?

D7: Yes.

45

FLTLT ROSE: So you were only in 6 Avn Regiment for six months before Bushman 83 crashed?

D7: Yes.

5 FLTLT ROSE: And you completed your Special Operations Aircrewman Junior course on the MRH-90 in 2023?

D7: Yes.

10 FLTLT ROSE: Now, in terms of your flying hours – in paragraph 13 – on the MRH-90, you have a total of 413 total hours?

D7: Correct.

15 FLTLT ROSE: And 252 hours by day, and 160.8 by night.

D7: Yes.

20 FLTLT ROSE: Now, if you just turn to your Inquiry statement, paragraphs 4 to 5?

D7: Yes.

25 FLTLT ROSE: You completed your conversion course on the UH-60M Black Hawk this year?

D7: Yes.

30 FLTLT ROSE: And you've completed your Special Operations Qualification Course on the Black Hawk as well?

D7: Yes.

35 FLTLT ROSE: And you're CAT C, Special Operations junior aircrewman currently?

D7: Yes.

40 FLTLT ROSE: Were you also a CAT C aircrewman on the MRH-90?

D7: Yes.

45 FLTLT ROSE: Now, I'm just moving forward to paragraph 48 of your Inquiry statement. You met LT Nugent, or Maxy as you called him, at Oakey - - -

D7: I did.

FLTLT ROSE: - - - during your training, and then you were posted to 5 Avn Regiment together?

5

D7: Yes.

FLTLT ROSE: And then you went to 6 Avn Regiment at the same time.

10

D7: Yes.

FLTLT ROSE: And you flew with Maxy about 19 times?

15

D7: Yes, roughly.

FLTLT ROSE: You state that:

20

Maxy was a great pilot. He always listened to the crew, whether it was an experienced Flying Instructor or junior aircrewman. His knowledge about the systems and publications were very impressive. I would refer to him as a walking flight manual. I believe he was a great pilot and would've gone a long way in Army Aviation.

25

You then set out that you met each of CAPT Daniel Lyon, WO2 Phil Laycock and CPL Alex Naggs when you posted into 6 Avn Regiment at the start of 2023; is that correct?

30

D7: Correct.

FLTLT ROSE: So at paragraph 47 you state that you flew with CAPT Lyon, who you called Diesel; is that right?

35

D7: Yes.

FLTLT ROSE: You flew with him three or four times. And you state that:

40

Diesel was a highly respected pilot known for his willingness to advocate for his Troop. During my limited time flying with Diesel, it was evident that he brought extensive experience from his flying days in New Zealand and his knowledge of Special Operations missions. He was a great mentor to junior pilots and aircrewman.

45

As a Troop Commander, Diesel consistently went above and beyond to assist any aircrew member and ensure both the crews

and their families were well-supported. His selflessness and dedication was recognised and appreciated by both Troops.

5 And then at paragraph 48 you state that you flew with WO2 Laycock, who you called “Phil”; is that correct?

D7: 49.

10 MS McMURDO: 49.

FLTLT ROSE: 49, apologies. You called him Phil?

D7: Yes.

15 FLTLT ROSE: And you flew with him 11 times?

D7: Yes.

20 FLTLT ROSE: And you state:

Phil was my instructor for most of my training throughout 2023. I thought very highly of Phil. He taught me most of what I know today when it comes to Special Operations related flying. He was a great and approachable instructor. I knew I was safe with Phil looking over my shoulder when I flew.

25 At paragraph 50 – now, you only flew with CPL Naggs – who you called “Naggsy”; is that correct?

30 D7: Correct.

FLTLT ROSE: You only flew with him once.

D7: Yes.

35 FLTLT ROSE: But you were in the same Troop, and he sat behind you in the office.

D7: Yes.

40 FLTLT ROSE: And you state that:

Naggsy was a dedicated and knowledgeable aircrewman. We would quiz each other every day on publications and look up references to see who was right. From my one flight with Naggsy,

and working with him every day, I could tell he was reliable, experienced, loved aviation, and I would take on any advice he would give me.

5 I want to turn now to your experience flying in the MRH-90. And this starts at paragraph 13. So if you could just switch back to that same statement. Now, you describe the right-hand side of the MRH-90 as the active side.

D7: Yes.

10

FLTLT ROSE: And that when you sat there, you had more responsibility for controlling the aircraft?

D7: Correct.

15

FLTLT ROSE: What do you mean by that?

D7: So it's not always the case but the majority of the flying, the right-hand aircrewman is the active crewman. So the left-hand crewman can take calls, but the pilot won't act on those calls until the right-hand crewman tells him to. That can change; you just have to positively hand over. But, yes, the right predominately is the person that calls everything.

20

FLTLT ROSE: Can I take it that your field of view, though, was the same from whether you were sitting in the right-hand side of the aircraft or the left-hand side, in the back of the aircraft, in the aircrewman's seat? You have the same field of view when looking out?

25

D7: Yes. Yes, correct.

30

FLTLT ROSE: And that would be the same whether the doors were shut or whether the doors were open?

D7: The doors would restrict the field of vision just because you would have to look through the window. But in saying that, if you're operating in your seat, in your seat harness, you wouldn't get too much more field of view even with the door open or closed, purely because you're restrained back into your seat. So then you need to operate on harness to be able to clear outside, or near the tail and things like when in formation.

35

40

FLTLT ROSE: So if you're on harness, you're effectively able to stand up and look out the doors?

D7: Correct.

45

FLTLT ROSE: Is there ever a situation where you'd be on harness with the doors closed?

5 D7: If you were moving around the cabin to secure anything or check on passengers or whatnot. But, essentially, if you don't need to be on CHAD for any reason, it's always required to be dual restraint, so seatbelt and harness on.

10 FLTLT ROSE: And is it often the case that the active side is the right-hand side because the pilots line up the aircraft to the landing zone, with the landing zone to the right?

15 D7: Not necessarily. It's just the way it is, I guess, how I've been taught and how the publications are written. But you can have a left-seat pilot flying to a left objective, and have the left crewman calling, or you can have the right pilot flying whilst the left crewman calls. It's situation-dependent, really. So you might have an obstacle on the left side, so the left-side pilot will call that he's flying it because he can see it better. And you might pass your calls off to the left because he can see those.

20 FLTLT ROSE: And, essentially, that's discussed in orders prior to take-off?

25 D7: Yes. Every time, yes. And every time you're flying into somewhere there's a brief in the aircraft. You'll have a before landing brief, yes, so everyone is on the same page.

30 FLTLT ROSE: At paragraph 14 you state that when you're flying at night with the doors closed in the MRH-90, you would lose your peripheral vision and have to rely more on moving your head.

D7: Yes, correct.

35 FLTLT ROSE: Is that because you're on night-vision goggles, or is it essentially because of the restrictions from sitting in the aircrewman's seat?

40 D7: It's because it's night, it's because of night-vision goggles. So you're sort of just looking through tubes; you have to physically move your head to be able to get any sort of situational awareness. You can't just rely on your peripheral vision, like daytime. Yes.

FLTLT ROSE: So, essentially, the aircrewman are scanning with their eyes the whole time that they're in the back of the MRH-90?

45 D7: Yes. You can look under the goggles as well, if you've got some sort

of moon ambient light or anything. You can sort of see around the cabin, but depending on the night, really, if there's high illume or not.

5 FLTLT ROSE: "Illume", you mean illumination?

D7: Yes.

10 FLTLT ROSE: So if you're sitting in your aircrewman's seat – which is seat 7, is that correct - - -

D7: Yes. Row 7, yes.

15 FLTLT ROSE: - - - in the MRH-90, and you're on harness, and it's at night-time, would you typically be leaning forward to look through the window of a closed door and then keep scanning your head for other aircraft or other obstacles?

20 D7: So you can sort of – you can see through the window forward and you can sort of manoeuvre with your shoulder strap still done, just kind of loosened off. But anything rearward, with the door closed, would be impossible to see rearward. But, yes, I can be sitting and look forward and, depending on the formation, you'll be able to see the aircraft in front if they're on that side.

25 FLTLT ROSE: If they're on your side that you happen to be sitting on?

D7: Yes.

30 FLTLT ROSE: And if you were flying in a heavy left or heavy right formation – so if you were on the outer side of the outer aircraft in a formation, you can't see any other aircraft?

D7: No.

35 FLTLT ROSE: And if you were in the lead aircraft you also can't see any other aircraft in the formation?

D7: Correct.

40 FLTLT ROSE: In your Defence statement, at paragraph 37, you state that when you are seated in the harness with the doors closed, you can only see about 30 degrees to the front left or right from wherever you are sitting?

45 D7: Yes, I'd say approximately. Yes.

FLTLT ROSE: So that's about 11 o'clock on the clock face to 9.30 on the clock face?

D7: Yes.

5

FLTLT ROSE: If you were in the left-hand seat?

D7: Yes.

10 FLTLT ROSE: And the equivalent would be 1 o'clock if you were in the right-hand seat – 1 o'clock to 3.30?

15 D7: Yes. Well, probably even 2.30, to be honest. I think, yes, because the window is a bit forward, it would be about the 2.30, maybe 3, if you could look forward a bit and lean forward.

FLTLT ROSE: I want to ask you some questions now about your time in 6 Avn Regiment. So at paragraph 9 of your Inquiry statement you set out some secondary duties that you had as at 2023.

20

D7: What paragraph, sorry?

FLTLT ROSE: Paragraph 9.

25 D7: Yes.

FLTLT ROSE: So you were the Squadron's Dangerous Goods Pack and Accept Representative?

30 D7: Yes.

FLTLT ROSE: You were managing the deployable Tricon.

D7: Yes.

35

FLTLT ROSE: Is that "Tricon" the full word there, or is it short for something?

40 D7: We just refer to it as Tricon. It's like a square shipping container, just a smaller version.

FLTLT ROSE: And you're also in the Squadron social club?

D7: Yes.

45

FLTLT ROSE: Do those duties interfere with your flying time at all?

D7: No.

5 FLTLT ROSE: No. And in 2023 you were still on target – prior to the crash of Bushman 83 and the cessation of MRH-90 operations, you were on target to fly over 200 hours that year?

D7: Yes.

10

FLTLT ROSE: Is that because you were new to the Regiment and you were still undergoing training in those first six months, so you were actually getting a lot of flight time?

15 D7: Yes. A bulk of the hours would've been to the amount of courses I was on. So - - -

FLTLT ROSE: And that, as before you established, included your Special Operations Qualifications Course.

20

D7: Yes.

FLTLT ROSE: Did you complete that SOQC with LT Nugent?

25 D7: Yes.

FLTLT ROSE: So that would've been end of June 2023?

D7: I'd be having a guess but around that time.

30

FLTLT ROSE: So not too long before you went on TALISMAN SABRE?

D7: No. No, it wasn't.

35 FLTLT ROSE: And I take it you didn't hold any leadership positions in 6 Avn at that time?

D7: No.

40 FLTLT ROSE: If you just look at the pseudonym list again? Can you please look at D20, and just familiarise yourself with their name?

D7: Yes.

45 FLTLT ROSE: Was she your Troop Commander in the first half of 2023?

D7: She was.

5 FLTLT ROSE: And can you look at D30 and just confirm whether he was your Troop Sergeant?

D7: He was.

10 FLTLT ROSE: At paragraph 21, in terms of fatigue, you state that you were able to rest adequately during 6 Avn Regiment's rest periods. Is that correct?

D7: Yes.

15 FLTLT ROSE: But at paragraph 22 you state that the serviceability issues of the MRH-90 in 2023 would increase workload and sometimes increase stress levels, which could contribute to fatigue because you were trying to fix the issues or swap to a spare aircraft.

20 D7: Yes.

FLTLT ROSE: How often would you encounter a serviceability issue on start-up with MRH-90?

25 D7: It could be probably – it ebbed and flowed. So you could have it almost every day. You might have just a system issue that usually you could take batteries off or just reset it like a computer. Sometimes you could go months without a single issue. It's kind of just luck of the draw, but it was fairly consistent, and it's heavily commented on, so it obviously
30 had issues.

But, yes, that just created a bit more stress if you were under time restraints and you had to try and move to another aircraft. It was getting quite frustrating at some points.

35 FLTLT ROSE: And when you say "it was fatiguing", is that because it was physically hard to pick up all your gear and quickly run to the spare?

40 D7: Yes, if you start moving to two to three aircraft and you're moving all of your gear and you're back and forth, it gets pretty tiring. Yes.

FLTLT ROSE: Do you do a FACE check after you – say, you've had an incident and you've had to move to three aircraft?

45 D7: Mm.

5 FLTLT ROSE: Is there an additional FACE check that's performed prior to take off with the aircraft that is serviceable to take account of the fact that you've just rushed around and moved equipment?

10 D7: Yes. So usually the Aircraft Captain will say it. But anyone in the crew will usually say, "FACE checks. Are we still good?" And then it's up to you to tell the truth or not. So, yes, there's FACE checks throughout. Even if you're flying for a couple of hours, you'll probably get one after about an hour or two. You'll get asked again what's the FACE value.

15 FLTLT ROSE: Just to check we're on the same page, what do you think "FACE" stands for?

20 D7: So Fatigue – I knew this would happen to me – Attitude, Complacency, External factors.

25 FLTLT ROSE: At paragraph 23 you also state that workforce issues contributed to fatigue because there were not always sufficient Special Operations qualified aircrew to fly Special Operations missions, so that those that were qualified had to fly more, which added to their fatigue.

30 D7: Yes.

35 FLTLT ROSE: Did that include yourself? Because I note that you were only SOQC qualified in June 2023.

40 D7: No. I had a – because I was on course, it was well – I was well rested still. And then we had the opportunity to stay on base as well. So there was no transit time. So it was more for the instructors.

45 FLTLT ROSE: So you only stayed on base during training courses?

D7: I did, yes. Yes, for that course.

FLTLT ROSE: So I take it what that observation – was your observation other people in the Troops who were SO qualified, you noticed that they were more fatigued because they were being used for a lot more missions?

D7: Yes.

FLTLT ROSE: At 24 you state that you were flying nightshifts in 2023.

D7: Correct.

FLTLT ROSE: So what time would you usually start duty?

5 D7: I think last year was around 1500 would be the start time – maybe before. And then everyone would usually do some sort of personal training before that for maybe an hour.

FLTLT ROSE: So you'd do personal training. Say, if your duty start was at 1500, you'd do your personal training from 1400 to 1500?

10 D7: Yes, you could.

FLTLT ROSE: And then you'd fly for, what, between eight to 12 hours after that?

15 D7: You wouldn't fly for that. You'd probably fly for two hours. You did two waves, maybe four hours for the day. The rest of it is just publications and just going through emails and all that sort of stuff.

FLTLT ROSE: But was it a typical day? A duty day was about 12 hours?

20 D7: I would be guessing because I can't really recall last year as much. But, yes, there was a lot of 12-hour days.

FLTLT ROSE: At paragraph 33 you state that you were fairly – sorry, I withdraw. You state that you are fairly undermanned at present in 6 Avn Regiment because of the transition to UH-60M Black Hawk, and that this impacts the workforce with lack of experience and mentoring.

25 D7: Yes.

30 FLTLT ROSE: Are you currently in a mentoring role?

D7: No.

35 FLTLT ROSE: So you're still receiving mentorship from more senior aircrewman, I take it?

D7: Yes.

40 FLTLT ROSE: In terms of being – in relation to fatigue, what is the current impact your observations then about your own fatigue or the fatigue of the workforce?

45 D7: Currently?

FLTLT ROSE: Currently.

5 D7: For myself, it's manageable but probably starting to get to the top of the bell curve where we are. It's the back-end of the year and we've got long days and hours. Yes, I think the others – I can't speak for anyone else, but I'd imagine they're going through the same fatigue levels as myself.

FLTLT ROSE: Is it something that you discuss amongst yourselves?

10 D7: Yes. So we use a FRAT score before we fly, and then FACE checks as well. And then you just generally chat in the crew room if people aren't feeling too well or tired, you just send them home or just restrict them from flying.

15 FLTLT ROSE: Do you have any role in making decisions about whether someone goes home in your current position in the Troop?

D7: Currently, yes.

20 FLTLT ROSE: : Do you hold a command position in the Troop?

D7: Currently, just Acting Troop Sergeant at the moment, temporarily.

25 FLTLT ROSE: Now, you referred then to a FRAT. I take it you're referring to the Fatigue Risk Awareness Tool?

D7: Yes.

30 FLTLT ROSE: I'm going to show you a document. I'll also bring it up on screen. I'll just hand the witness a hard copy – Exhibit 37. Is that the Fatigue Risk Awareness Tool? Have you seen that before?

D7: Yes, it is.

35 FLTLT ROSE: And is that the tool that you use - - -

D7: I do.

40 FLTLT ROSE: - - - in 6 Avn Regiment? Do you use it before each sortie?

D7: Yes. Well, you use it the day of the sortie. So that's mandated as well. So, you can't fly unless you've done that.

45 FLTLT ROSE: Do you use it on days that aren't flying days?

D7: No, but if you're doing anything aviation-related, then you will.

FLTLT ROSE: And you're saying – so it's at duty start you will discuss – say if duty starts at 1500, is it at 1500 that you fill out this tool?

5

D7: It's whenever you can do it. If you know you're green, you can leave it until maybe an hour, two hours before you fly, and then you just message your Aircraft Captain. If you're an amber, possibly two. That's when you'll go to your Aircraft Captain straightaway, just so they know if they need to either manage you or just take you off the sortie.

10

FLTLT ROSE: Just so I understand this correctly, your evidence is that you fill it out, say, at your desk yourself?

15

D7: Yes. So we'll do an electronic version, and then we will have our own Objective folder. So anyone can go in there and check that you've done it, and then it's just on you to do it whenever you can throughout the day before you fly.

20

FLTLT ROSE: Do you send a link to the actual tool to the Aircraft Captain or your OC?

D7: You'll just let him know. You can either just message him or go and speak to him directly – him or her.

25

FLTLT ROSE: So you go up to him or her and say you're a green, amber or red today?

D7: Yes, essentially.

30

FLTLT ROSE: And you say you're saving them in your own Objective folder. Objective being the document management system for Defence; is that correct?

35

D7: Yes, correct.

FLTLT ROSE: And you said anyone has access to that folder?

D7: Correct, yes.

40

FLTLT ROSE: By "anyone", do you mean anyone in 173 Squadron?

D7: Anyone in 6 Aviation. So anyone from RHQ, 173, or 171.

FLTLT ROSE: Are you aware if there's anybody in the Regiment who's keeping track of your results over time?

5 D7: There would be; I'm just not sure who that person is.

FLTLT ROSE: Have you received any specific training on how to best use this tool?

10 D7: No.

FLTLT ROSE: So if you look at the amber box which is on the right-hand side where it says "actively managed", can you see that?

15 D7: Yes.

FLTLT ROSE: Now, it says:

Advise your supervisor of your heightened fatigue risk.

20 And you've just mentioned it's your practice to do that; is that correct?

D7: Correct.

25 FLTLT ROSE: And then:

Ask team members to monitor you.

And then:

30 *Consider adjusting tasks.*

Is it the Aircraft Captain that makes the decision about how those tasks are to be adjusted, or the OC?

35 D7: It can be either.

FLTLT ROSE: Either. Then it says:

40 *Increase team communication and task cross-checking.*

D7: Yes.

45 FLTLT ROSE: So does that occur if you present as amber, or somebody else presents as amber in your aircrew?

D7: Yes, that would. Yes, it does.

FLTLT ROSE: Look at the next sentence:

5 *Consider taking a break or accessing controlled rest/napping.*

Have you, yourself, ever come up as amber on a FRAT?

D7: Yes.

10

FLTLT ROSE: Were you encouraged or given the opportunity to take a rest or a nap?

D7: I wasn't encouraged because I haven't required it, but no one would – like people would tell me to if I needed, or I could tell someone if I wanted to, and that would be fine.

15

FLTLT ROSE: Where would you actually nap?

D7: Probably just in the office, with a closed door, or something like that – on the lounge.

20

FLTLT ROSE: So there's lounges in 173 Squadron?

D7: Yes, there's one. There's no designated nap area if that's what you're asking - - -

25

FLTLT ROSE: Yes, I suppose.

D7: - - - but you could use the duty room. It does have available rooms.

30

FLTLT ROSE: How far away is the duty room from your office?

D7: 100 metres.

35

FLTLT ROSE: And there's an actual bed or stretcher in there?

D7: Yes, there's bunkbeds.

FLTLT ROSE: Bunkbeds? As in there's two beds?

40

D7: Yes. There'd be four total, so two bunkbeds.

FLTLT ROSE: Have you ever seen anybody take a nap in the duty room because they were fatigued?

45

D7: No.

5 FLTLT ROSE: Have you seen anybody go and use the beds – you said before that you could stay on base during training, I assume you’re actually given a room in the mess somewhere?

D7: Correct, yes.

10 FLTLT ROSE: Have you ever seen anybody go to the mess and have a sleep?

D7: Yes, members have used it this year during training.

15 FLTLT ROSE: But that’s at the end of their shift that they’re sleeping?

D7: Yes.

20 FLTLT ROSE: Have they actually used it for napping during the day?

D7: Not that I’m aware of.

FLTLT ROSE: Then you see the next final sentence is:

25 *Consider strategic use of caffeine and food intake.*

Have you been trained on what “strategic use of caffeine and food intake” means?

30 D7: If I felt tired, I would have a coffee, I think.

FLTLT ROSE: Sorry, so your evidence is no, you haven’t.

D7: No.

35 FLTLT ROSE: But you just had a guess what it means?

D7: Yes. There’s no training. It’s just how it’s worded really.

40 FLTLT ROSE: Have you ever presented as red on the FRAT?

D7: No.

45 FLTLT ROSE: Have you ever worked with any aircrew that have presented as red?

D7: No.

5 FLTLT ROSE: But you have seen other people present as amber?

D7: Yes. Yes, a big one is 2200 to 0200 on the fourth line. You're always going to be in amber because you'll be flying in that window. There's nothing wrong with that; it's just "Hey, we're flying at this crucial time. Let's keep an eye on each other and talk more", essentially.

10 FLTLT ROSE: So when you say "talk more", is it essentially that you're having FACE checks more often?

15 D7: You could be, or you're just generally asking people, "How are you feeling?"

FLTLT ROSE: Has anyone FACE'd out after presenting as amber at the beginning of crew duty and then continued to fly, and then had to FACE out?

20 D7: Not that I'm aware of, no.

FLTLT ROSE: At paragraph 38 of your Inquiry statement you set out that you think the FRAT is very effective.

25 D7: Yes.

FLTLT ROSE: Why is that?

30 D7: I think it's just worded for people that, even if they're fatigued, they can read it; it's pretty easy to understand. It's also another tool. If you present yourself and you say, "I'm tired", and you don't know how to take it to the OC or whoever, you can just give them this and it has a clear picture of what you're feeling and what he understands, and then he needs to then assess if the risk is worth the reward. And he can say, "Go home", or "Rest".

FLTLT ROSE: When did you start using it in 6 Aviation Regiment?

40 D7: I can't remember the month, but it was late last year.

FLTLT ROSE: After the crash?

45 D7: Yes, correct.

5 FLTLT ROSE: That can be taken off the screen now, and you can just put that to the side. I'll ask some questions now about TALISMAN SABRE 2023, if you can just turn to paragraph 53 of your Inquiry statement. You deployed to Proserpine Airport early on 24 July 2023?

10 D7: Correct.

15 FLTLT ROSE: In paragraph 54 you set out that you slept in large tents on stretchers with about 12 to 13 people in a tent?

20 D7: Correct.

25 FLTLT ROSE: The Inquiry's heard evidence that there was a tent for senior aircrew and there was a tent for junior aircrew on TALISMAN SABRE. Does that accord with your memory?

30 D7: Not necessarily. It was more of a Command tent. We still had senior aircrew in my tent. They did it strategically. So you'd have command and planners - - -

35 FLTLT ROSE: Sorry, Command and who?

40 D7: Command and Planning team.

45 FLTLT ROSE: Planning. Sorry. Yes?

D7: Yes, so then they would be on relatively the same hours.

FLTLT ROSE: Did you share a tent with CAPT Lyon?

30 D7: I did not.

FLTLT ROSE: Did you share a tent with LT Nugent?

35 D7: I did not.

FLTLT ROSE: Did you share a tent with WO2 Laycock?

40 D7: No. He was also in the Command tent.

FLTLT ROSE: Did you share a tent with CPL Naggs?

D7: He was next to me, yes.

45 FLTLT ROSE: So he was in your tent?

D7: Yes.

5 FLTLT ROSE: You listed some things that affected your ability to sleep well on TALISMAN SABRE, and those included sleeping in a small space with multiple people?

D7: Correct.

10 FLTLT ROSE: You recall that, and noise from other people?

D7: Correct.

15 FLTLT ROSE: Does that include people talking to each other?

D7: Not - - -

FLTLT ROSE: Using their phone?

20 D7: Yes, it could be people calling partners and whatnot. It wasn't too bad late at night, but if you're trying to rest in the morning or afternoon, you just had other Ground Forces around, so it made it a bit more difficult.

25 FLTLT ROSE: How about people getting up and down to go to the toilet throughout the night?

D7: Yes, that would play a factor.

30 FLTLT ROSE: How about snoring?

D7: That's why I took the earplugs, yes.

FLTLT ROSE: You did wear Softear plugs.

35 D7: Yes.

FLTLT ROSE: Did that help out to drown out some these external noises?

40 D7: Yes, it did.

FLTLT ROSE: I'm going to ask you about some environmental conditions. Was it hot during the day in those tents?

45 D7: Yes, most days it was pretty warm, and in the tent, yes, it's hotter.

FLTLT ROSE: Was it humid as well?

D7: Yes.

5 FLTLT ROSE: So if you were trying to sleep during the day or take a nap, it would be affected by the heat and the humidity in the tent?

D7: Yes, I would say that.

10 FLTLT ROSE: And also by those people around you who were speaking to each other?

D7: Yes, correct.

15 FLTLT ROSE: Or calling loved ones?

D7: Yes.

20 FLTLT ROSE: Was there any protocol that at least the aircrew adopted to be conscious of each other's sleep in the tent? Did you have an understanding or some sort of briefing at the beginning that said, "Everyone, let's limit phone use in the tent"?

25 D7: Yes. Yes, everyone would. It wasn't too much effective throughout the day because everyone's awake anyway and no one really wanted to rest in the heat. But, yes, during those times when people try and rest, any phone calls would be outside. Or if you're eating or anything like that, it would all be outside. So just common courtesy.

30 FLTLT ROSE: The tents were also near a commercial airfield; is that correct?

D7: Correct.

35 FLTLT ROSE: So there were planes or helicopters taking off throughout the day?

D7: Yes.

40 FLTLT ROSE: Were they also taking off during the night?

D7: Yes.

45 FLTLT ROSE: So in addition to your MRH-90 six Aviation helicopters, there were other helicopters that were taking off at night-time as well?

D7: Yes, that's correct.

5 FLTLT ROSE: Did you take any sleeping medication?

D7: No.

10 FLTLT ROSE: Had you done a ground trial so that you were able to take sleeping medication if needed?

D7: Yes, I have.

15 FLTLT ROSE: At paragraph 54 you state that you actually slept all right because you'd been in these conditions before.

D7: Correct.

FLTLT ROSE: By that, you mean sleeping in communal tents?

20 D7: Yes. Pretty much all my Army career I've always just been out in the field in a tent, so it was nothing out of the ordinary.

25 FLTLT ROSE: So was that when you were a FARP operator, or when you were an aircrewman, that you'd been doing a lot of sleeping in field?

D7: Both. So 5 Avn, they still operate it that way as well.

30 FLTLT ROSE: Once you've become aircrew, was it more typical for you to be accommodated on base when you were deployed, or perhaps potentially even in a hotel, or in field?

D7: I've never had the luxury of a hotel, but I, yes, couldn't really comment on that.

35 FLTLT ROSE: But it wasn't the first time that you, as an aircrewman, had slept in the field?

D7: No.

40 FLTLT ROSE: And had it been in a similar situation where you had up to 13, 14 people in the tent with you?

D7: Yes.

45 FLTLT ROSE: And with the same environmental conditions: hot, humid?

D7: Yes.

5 FLTLT ROSE: Had you ever deployed in tents with air-conditioning before?

10 D7: No, they've got the – sort of where you've got all the mission planning and stuff, that tent is air-conditioned, but it's not an accommodation one, so you'd just go in there if you needed to get out of the heat.

FLTLT ROSE: I take it that the tent that you were sleeping in at TALISMAN SABRE, that wasn't air-conditioned?

15 D7: No.

MS McMURDO: When you say you slept all right because you were used to sleeping in these conditions because that was what Army life was like, is that because you just accepted that that was the night's sleep you were going to get?

20 D7: Pretty well, but I just have my own - - -

MS McMURDO: When you compare it to, say, a good night's sleep at home?

25 D7: I think I sleep probably better out field, if I'm honest. I don't take a phone. I just leave that off. I don't listen to music and stuff. I just read a book, and then put in those little Softear plugs and have a pretty decent sleep.

30 MS McMURDO: So it is just as good, if not better, than home?

D7: That's for me.

35 MS McMURDO: For you, yes.

D7: Yes. There's probably something wrong with me, but - - -

40 FLTLT ROSE: Do you take an eye mask?

D7: No.

45 FLTLT ROSE: The Softears that you're talking about, I assume they're sort of ear buds, are they?

D7: Yes, just the same you'd get in - - -

FLTLT ROSE: Putty sort of things?

5 D7: Those 3M squishy ones for anything. People use them for the yard, I guess, or – we just have a bunch because we take them for people that fly with us.

FLTLT ROSE: So they're issued by Defence to you?

10

D7: Yes. Yes, they're just for the passengers, when we pick them up.

FLTLT ROSE: So it's part of your helicopter equipment?

15

D7: Yes, pretty much.

FLTLT ROSE: So it's not that you were given, specifically for the sleeping conditions at TALISMAN SABRE, the ear plugs?

20

D7: No.

FLTLT ROSE: So you took it upon yourself to bring them?

D7: Yes, correct.

25

FLTLT ROSE: At paragraph 59 of your statement you set out that you flew in two sorties on 26 July 2023.

D7: Yes.

30

FLTLT ROSE: Was that a day sortie and a night sortie?

D7: Yes, it was.

35

FLTLT ROSE: Was that part of one of the missions that was set for TALISMAN SABRE?

D7: Yes.

40

FLTLT ROSE: Then there was another sortie on 27 July 2023.

D7: Correct.

FLTLT ROSE: Was that by day?

45

D7: Yes.

FLTLT ROSE: Did you fly with CAPT Lyon on that sortie?

5 D7: I did, yes.

FLTLT ROSE: You've described that neither of those were complex; is that correct?

10 D7: Correct.

FLTLT ROSE: Do you recall there being some challenging weather on the night sortie on 26 July?

15 D7: I do, yes.

FLTLT ROSE: Do you recall it being knocked off early because of the weather?

20 D7: It was.

FLTLT ROSE: So when you're saying the sorties weren't complex, are you meaning the mission plan wasn't complex?

25 D7: Yes.

FLTLT ROSE: But there were some complexities to the sortie because of the weather?

30 D7: Correct.

FLTLT ROSE: How many aircraft were flying in formation, do you recall, on that sortie?

35 D7: I believe there was just two that night.

FLTLT ROSE: Who knocked it off?

40 D7: I believe D1 spoke to D10.

FLTLT ROSE: Can I take it then that D1 was the Aircraft Captain in the lead aircraft?

45 D7: Correct.

FLTLT ROSE: At paragraph 59(d) of your statement you then describe the sortie on 28 July, and you say:

5 *It was a common sortie, but could be considered complex as it was flying formation by night, overwater, at low altitude.*

D7: Yes.

10 FLTLT ROSE: Was that mission profile the same mission profile that you were flying on the 26th? Was it overwater, low flight formation?

D7: Yes.

15 FLTLT ROSE: Was the sortie on the 28th slightly more complex because there were more aircraft in the formation?

D7: Yes, I'd say that.

20 FLTLT ROSE: Was there anything else about the mission profile that made that particular sortie more complex than the one on the 26th?

D7: No.

25 FLTLT ROSE: So otherwise it was a similar sortie, just with more aircraft?

D7: Yes.

30 FLTLT ROSE: And you say it could be considered complex by yourself. Do you consider it more complex?

35 D7: Yes, any time you add more aircraft, there's going to be more complexity to it. So if you have to, say, rejoin the form or you need to go to a different LP, or a contingency where you can't land and you have to go around, you just have to be more aware of where all the aircraft are. So it just adds a layer of complexity.

40 FLTLT ROSE: I asked at paragraph 15 – this is turning back to paragraph 15 – earlier in your statement you said that you would have flown a sortie with a profile similar to the one that you flew on 28 July about four or five times per year.

D7: Yes.

45 FLTLT ROSE: Just to be sure, you're talking about in the MRH-90?

D7: Yes.

5 FLTLT ROSE: At night?

D7: Yes.

FLTLT ROSE: On NVDs?

10 D7: Yes.

FLTLT ROSE: Overwater?

D7: Yes.

15 FLTLT ROSE: In formation?

D7: Yes.

20 FLTLT ROSE: And lower than 500 feet?

D7: Yes.

FLTLT ROSE: So you've got a mission profile with those parameters.
25 Four or five times a year you fly them.

D7: Yes.

FLTLT ROSE: That's the same mission profile that you flew on 28 July?

30 D7: Pretty much, yes.

FLTLT ROSE: And the same on 26 July?

35 D7: Yes, just minus the aircraft. So only two aircraft for that one.

FLTLT ROSE: Yes. So when you say it was a common sortie, I'm just
trying to understand what you mean by that because if you were only flying
this type of mission with those parameters four or five times a year, just
40 describe why you say it's common.

D7: So without saying, like – I think everyone keeps saying “benign” or
whatever – it's, yes, we sort of look at it like it's just a very standard sortie
where we're just flying to an area that's large, open, picking people up and
45 flying away. There's nothing too much going on there. So for me to say

“common”, it’s just like, to us, it’s just a basic flight to somewhere, pick them up and leave. If you tell that to someone that flies in the civilian world, it’s probably quite complex because it’s under NVGs, multiple aircraft, low heights, high speeds.

5

FLTLT ROSE: So in a sense it’s common for personnel in 6 Aviation Regiment, but you appreciate that there are some elements to it - - -

D7: Yes.

10

FLTLT ROSE: - - - which, in terms of helicopter flying, is quite difficult.

D7: The same as at 5 Avn as well. It was no different there.

15

FLTLT ROSE: By that stage, you had been flying MRH-90 for about two years?

D7: Yes.

20

FLTLT ROSE: If you turn to your Defence statement now, paragraph 22?

D7: What one, sorry? 32?

FLTLT ROSE: 22. This is on 28 July 2023.

25

D7: Yes.

FLTLT ROSE: You attended mission orders.

30

D7: Correct.

FLTLT ROSE: And you state that WO2 Laycock stated that you would all be flying with the cabin doors shut to protect the aircrewman from any cold or wet weather.

35

D7: Correct.

FLTLT ROSE: And that was because the aircrewman did not have any wet or cold weather clothing with them.

40

D7: Yes, nothing that’s effective.

FLTLT ROSE: Is that the case, that you didn’t have anything that was effective in general, or you just didn’t bring it with you on TALISMAN SABRE?

45

D7: I had it with me but it was useless to wear, essentially.

5 FLTLT ROSE: So Defence had issued you with some wet weather clothing?

D7: Yes.

10 FLTLT ROSE: You'd used it on previous occasions?

D7: Yes.

FLTLT ROSE: And it hadn't worked? It hadn't kept you warm or dry?

15 D7: No, I'd prefer not to wear it. Yes, it creates more complexities. It's very restrictive. It doesn't keep you warm. It's just a waste of time, generally.

20 FLTLT ROSE: Has that changed since 28 July 2023? Have you been issued with any different - - -

D7: No.

25 MS McMURDO: I was just going to ask, do you recall if Phil Laycock was campaigning, if I could use that word – or trying to get better and more appropriate wet and cold weather gear for the aircrewman?

30 D7: Yes, I believe he was. I don't know. But a lot of the crewmen, they've put in a RODUM. Since I've been aircrewman I've known about this continuous cycle of RODUMs going in to try and get that changed, and an improved jacket, but yes, we've still got the current, same one at the moment.

35 MS McMURDO: So there's equipment around that would have been more fit for purpose that you could have had, you could have worn at night - - -

D7: Yes, I would imagine.

40 MS McMURDO: - - - and left the doors open?

D7: I would imagine so, yes. But the restriction with that is in our SIs you cannot wear anything you want. So it has to be approved.

45 MS McMURDO: Sure.

D7: And it has to be that NSN number. So if you see anyone wearing a random jacket, some people might look the other way, other people might go – be cold instead, which – you know, it’s what’s better.

5 MS McMURDO: Yes, sure. But my point is there was equipment available that Defence could have purchased for the aircrew which would have kept you relatively dry and warm.

D7: Yes, I would imagine.

10

MS McMURDO: And allowed you to have the doors open.

D7: I believe - - -

15

MS McMURDO: It was that sort of equipment that Phil Laycock was wanting the Army to get; is that correct?

D7: Yes, I believe so, ma’am, yes.

20

MS McMURDO: Thank you.

AVM HARLAND: The quality of the equipment that you had access to, did that over time influence the decision to fly with the door closed more often than would have been the case had you had good equipment?

25

D7: I would say, yes, it would have influenced it more.

AVM HARLAND: Thank you.

30

FLTLT ROSE: You said “RODUM” before. Is that some sort of application form?

D7: Yes, RODUM. So, like, R-O-D-U-M. I don’t know what it stands for, but essentially you submit it when there’s an issue with any equipment, and then after a certain amount, they’re supposed to do something about it.

35

FLTLT ROSE: Do you know the reach, the amount of RODUMs needed to have an equipment change?

40

D7: We’ve got trials for new cold weather gear this week, so I imagine something’s been done now; whether it’s from the RODUMs or this, I’m not sure.

45

FLTLT ROSE: If you cast your mind back – we were talking about mission orders on 28 July 2023, and you stated before that WO2 Laycock

said the doors would be shut during the sortie. Was there any discussion about when doors were meant to be opened, at what point in the sortie?

5 D7: I think it was at the IP.

FLTLT ROSE: Now, the “IP” is initial point?

D7: Yes.

10 FLTLT ROSE: Do you remember in terms of minutes how far the IP is from landing zone?

D7: That night, maybe one minute, two minutes, yes, would be a guess, sorry.

15 FLTLT ROSE: So, essentially, it was to be shut – the doors were to be shut for the entire sortie, except for the last few minutes?

D7: Pretty well, yes.

20 FLTLT ROSE: Is it the case that the SI say that the doors have to be open when you’re approaching landing zone?

25 D7: I’d have to re-read that but, yes, I think it’s written in there that – yes, I think you’re right.

FLTLT ROSE: In terms of your own experience flying, is it typical for the doors to be open as you’re approaching the landing zone?

30 D7: Yes, absolutely.

FLTLT ROSE: Because you want to be looking out of the doors to check for obstacles.

35 D7: Yes.

FLTLT ROSE: So it would be a very unusual sortie if the doors were closed all the way through to landing?

40 D7: At the landing point, yes. In the air you could argue that you could have them shut because it’s more safety because if you’re using the door open to see more, you’re not really affecting too much in your seats and then you would have to be on your CHAD, so your harness, which you try to limit that use as much as possible. So you’d only use that sort of hoisting
45 for external loads and then when you’re coming in to that built-up area,

that's when you can stand up and be on CHAD and you ask the Aircraft Captain.

5 FLTLT ROSE: So, in effect, what you're saying is in the design of the MRH-90, it wasn't; actually that having the doors open didn't provide you that much more additional field of view to provide the benefits weighing against the negatives of having the doors open for the aircrew?

10 D7: Yes, it's very situation-dependent. If you're going into small areas, doors open absolutely all the time. Flying just a normal sortie at high altitudes, doors closed all the time. If you're in formation, doors open or closed. I don't really see too much of a difference, realistically, affecting the aircrewman, yes, because it depends on what aircraft's on what side. You can't see behind you even with the doors open, so you can just look
15 through that window.

FLTLT ROSE: Is it usual that you would wait for the flight lead to give you permission to open the doors when you're flying in formation?

20 D7: Yes, you would ask for permission.

FLTLT ROSE: From your own Aircraft Captain, or do they have to get the permission from flight lead?

25 D7: No, you just ask the Aircraft Captain or anyone, flying pilot or Aircraft Captain can make the decision.

FLTLT ROSE: Now, you were in Bushman 82 on that sortie?

30 D7: Correct.

FLTLT ROSE: Now, if you just have a look at the pseudonym list, can you confirm who the Aircraft Captain was?

35 D7: D6.

FLTLT ROSE: Co-pilot?

40 D7: D5.

FLTLT ROSE: Senior aircrewman?

D7: D8.

FLTLT ROSE: Now, at paragraph 34 of your Defence statement you set out that you were positioned on the left-hand side, in the back of the aircraft.

D7: Correct.

5

FLTLT ROSE: As your aircraft was the second in the formation, you were out to the right as you were flying heavy left; is that correct?

D7: Yes, correct.

10

FLTLT ROSE: So you were to the right of 81?

D7: Yes.

15

FLTLT ROSE: So you, in the left-hand side, could see through your window and see 81 as you were transiting?

D7: Correct, yes.

20

FLTLT ROSE: But D8, sitting on the right-hand side, couldn't see 81 at all?

D7: He may have been able to, but I can't speak for him because he would be able to look through the left, through the window still.

25

FLTLT ROSE: Understood, okay. But, essentially, your job during transit then is just to, as you said before, keep scanning out your window, the small field of view that you had from 11 o'clock to 9.30. You were just scanning your head during that transit.

30

D7: Yes, the biggest one for us for formation is closure. So if we start getting close, we'll just tell the pilot "Closure", or try and tell them to come back a bit.

35

FLTLT ROSE: So you're talking about how many rotor diameters you are between that aircraft in front?

D7: Yes. So we avoid 1, and then 3 avoids us, because you can't see behind.

40

FLTLT ROSE: How many rotor di's were you flying on that sortie?

D7: We were allowed up to two rotor di.

45

FLTLT ROSE: So up to two, meaning the closest you could be was two?

D7: Yes.

5 FLTLT ROSE: You could be further apart though if you needed to be?

D7: For that sortie, I think we were trying to maintain two di's all the time.

FLTLT ROSE: So two during the transit, two as you approached the IP?

10 D7: Yes.

FLTLT ROSE: Two for landing?

D7: Yes.

15 FLTLT ROSE: Consistently two?

D7: Yes.

20 FLTLT ROSE: Were you carrying flares on Bushman 82?

D7: We were.

FLTLT ROSE: Was there any discussion about flying further apart
25 because you were carrying flares? Were they armed?

D7: We had discussions. I just can't recall, but they were in a safe manner.
So we did have a separation that when we were going to arm them, we
would then – it was in SIs. I just don't know what it is at the moment, but
30 there's a certain distance, yes. So whilst flying that close, they would have
been on safe.

FLTLT ROSE: Do you recall if they were armed during that part of the
35 sortie, prior to the crash?

D7: They may have been armed, but they wouldn't have been used that
close.

FLTLT ROSE: Do you recall jettisoning any flares at all that night?

40 D7: No. I thought that was the initial flash but, yes, it wasn't.

FLTLT ROSE: Do you recall if any other aircraft were carrying flares?

45 D7: I believe 81 and, yes, our aircraft, 82, were the only ones with flares.

FLTLT ROSE: Do you have a distinct memory of the flares being removed from your aircraft at any point that evening?

5 D7: No, I don't recall.

FLTLT ROSE: At paragraph 31 of your Defence statement, you said you were waiting on the APU.

10 D7: Yes.

FLTLT ROSE: Can you remind me what "APU" stands for?

15 D7: Auxiliary Power Unit.

FLTLT ROSE: So that's a particular computer within the MRH-90?

D7: Sorry?

20 FLTLT ROSE: So that's a particular computer-based system within the MRH-90?

D7: No, it's an engine. It's essentially just a smaller engine that would power the computers, yes.

25 FLTLT ROSE: You said you were waiting on APU from 1955 hours.

D7: Approximately, yes.

30 FLTLT ROSE: Until the order for extraction came through at about 2220 hours?

D7: Yes, I think so.

35 FLTLT ROSE: During that time, you also went through a hot refuel?

D7: Correct.

40 FLTLT ROSE: Is it fatiguing to be waiting on the APU for that amount of time prior to take off to launch?

45 D7: I don't think it's fatiguing but it definitely drags out your attention span, I guess. You start talking a lot and trying to just wait until you've got to go, but I wouldn't say it's fatiguing.

FLTLT ROSE: Did you have your mobile phone with you in the aircraft?

D7: No, we had phone restrictions.

5 FLTLT ROSE: So where was your phone.

D7: In the – they call it the TOC, where all the mission planning and that is. You just put it in a box.

10 FLTLT ROSE: So there's some box in the Command Post where you put your mobile phone?

D7: Yes.

15 FLTLT ROSE: Did anyone else in your aircrew have their mobile phone with them?

D7: Not that I was aware of.

20 FLTLT ROSE: At paragraph 33 you mention that 81 identified a problem with their radar altimeter on pick-up.

D7: Correct.

25 FLTLT ROSE: In terms of the checks that the pilots perform, are the aircrewman informed of what they've set their RADALT DH warning heights to?

30 D7: Are the aircrewman? You will be told or you will listen to what the pilot sets, but we have no audio tone or visual cue for that.

FLTLT ROSE: So if the DH warning goes off in the cockpit, can the aircrewman hear that in the back?

35 D7: Yes.

FLTLT ROSE: But if you're on comms, you will hear – and you're listening to the pilots going through their start checks, you could hear them if they're, essentially, setting their DH heights?

40

D7: Yes, they might say the number, but you won't have any idea when that's going to go off. You won't have any audio cues or anything.

45 FLTLT ROSE: It's not part of your checks to double-check what the DH is set to?

D7: It's good crew coord to listen into that and question if it was incorrect, but it's not really a responsibility that's written down.

5 FLTLT ROSE: Look, I'm asking you to cast your mind back to something that occurred over a year ago, but do you have any memory of what the DH heights were set to in your aircraft?

D7: I'd say 190, maybe one of them set at 50 or 40.

10 FLTLT ROSE: So the co-pilot and the Aircraft Captain would purposely set their DH heights to different heights?

D7: Yes.

15 FLTLT ROSE: What's the reasoning for that?

D7: The reasoning is so you don't have the two – essentially, if you're flying at 200 feet and you start dipping below that, you can have two audios continuously going, which then creates more of a hazard because it drowns out situational awareness. So the pilots will set one to a lower – so, say, 50, if you're terrain flying, and then the higher one will be 10 per cent of whatever you're cleared to, and it pretty much just gives you more situational awareness.

25 FLTLT ROSE: What number of feet were you cleared to for that sortie?

D7: I believe it was 200 feet.

30 FLTLT ROSE: So you would've expected that your pilots would've set their DH heights to one just below 200, and one could be at 50?

D7: Yes, I would imagine.

35 FLTLT ROSE: It would be of interest to you if you heard them setting their DH heights to, say, zero?

D7: Yes, I would raise my ears.

40 FLTLT ROSE: And you would challenge that?

D7: Yes. I would ask why.

45 FLTLT ROSE: Has there ever been a good reason why it would be set to zero, that you've been told by a pilot?

D7: Not that I'm aware of, no. But I don't know if that's right or wrong either; I'm not a pilot.

5 FLTLT ROSE: But it's something that you're trained to pick up on.

D7: Yes. I would question it because it's different to what we do.

10 FLTLT ROSE: If MRH-90 pilots were changing their DH heights during flight, would you hear that in the back on the comms?

D7: If they discussed it, yes, but there would be no aircraft tone or anything that you would hear, so you would have to physically see them or hear them talk about it.

15 FLTLT ROSE: There's no way for you, from your aircrewman strapped in harnessed seat, to be able to look in and see the dials in the cockpit?

20 D7: Not at night. You can't even see the pilots at night because there's a curtain there. You can't see any of the controls.

FLTLT ROSE: If you turn to paragraph 69 of your Inquiry statement? So go back to the other one but keep them both near you because I will be moving between both of them.

25 D7: Was that 59 or 69?

FLTLT ROSE: 69. You state that the weather caused flying conditions to be "challenging" that night – that's 28 July – as you were trying to avoid some bad weather.

30 D7: Correct.

FLTLT ROSE: So what were the "challenging" flying conditions?

35 D7: We had sort of, like, scattered rain showers out to the 1 o'clock and I think we were just trying to avoid that. It was pretty similar to the night of the 26th.

40 FLTLT ROSE: But you didn't fly through any rain showers?

D7: No, I don't recall going through any. I think we avoided all of it, yes.

45 FLTLT ROSE: Do you remember what the moon illumine was?

D7: No, I'd have to guess.

5 FLTLT ROSE: Now, at paragraph 38 and 39 of your Defence statement you state that 81 and 82 started banking to the left to conduct a left-hand turn to avoid some rain showers when you heard D10 say, "83, pull up, pull up, pull up", over the radio.

D7: Correct.

10 FLTLT ROSE: And you couldn't see 83 during this turn?

D7: No.

15 FLTLT ROSE: Because they were behind you?

D7: Yes.

20 FLTLT ROSE: How many rotor di's do you think were between you and 81 at this time?

D7: It would've been two.

FLTLT ROSE: Two?

25 D7: We were two, yes.

FLTLT ROSE: Then you state that you looked out the window, and I take it that's the left-hand side window of your aircraft?

30 D7: Correct.

FLTLT ROSE: And you observed a large flash of yellow or white light from the window and you started to open your door?

35 D7: Yes. On comms, as well, I asked permission, but I think at that point my head put together what was happening, so I just opened the door.

40 FLTLT ROSE: So you may not have received confirmation from D6 or D5 at that point?

D7: I remember – sorry, yes, I remember D6 saying, "Yes" – like, he said, "Yes, get them open" as soon as I asked, and I think it was just all in the one motion.

45 FLTLT ROSE: You initially thought that it was a flare going off?

D7: Yes, I thought we may have short a flare into there.

5 FLTLT ROSE: I take it that the ability to shoot a flare is a pilot action and not an aircrewman action in the MRH-90?

D7: Yes, correct.

10 FLTLT ROSE: Then you observed large waves in the water beneath the formation, and you saw 83 in the water?

D7: Correct.

15 FLTLT ROSE: At paragraph 40 of your Defence statement you then said you heard D10 calling for the formation to “Knock it off” and to end the exercise.

D7: Yes.

20 FLTLT ROSE: And you heard him saying “No duff”, and “Fallen angel”?

D7: Yes.

25 FLTLT ROSE: And that indicates that there’s an emergency and an aircraft has gone down?

D7: Correct.

30 FLTLT ROSE: I take it that it’s this point when the search and rescue mission started?

D7: Yes.

35 FLTLT ROSE: Now, 81 and 82 flew to Lindeman Island to ground laager for a period of time.

D7: That’s right, we did.

40 FLTLT ROSE: Then you flew to Proserpine to refuel?

D7: Correct.

45 FLTLT ROSE: At paragraph 44 of your Defence statement you said that Bushman 82, yourself and your crew, returned to the incident site. And I take it that the incident site is in the water where 83 went in?

D7: Yes.

5 FLTLT ROSE: And that you returned there at about 12.30 on the 29th.

D7: Yes.

10 FLTLT ROSE: And that was to relieve 81, which had been hovering above the incident site prior to that.

D7: Yes.

15 FLTLT ROSE: And then you state that you saw about four or five boats at the crash site?

D7: Yes.

FLTLT ROSE: And that includes civilian and Defence assets?

20 D7: Yes – I can't recall – at that stage I think it was just Defence, but then further into the search we had assistance from civilian assets.

FLTLT ROSE: Did you also have a rescue helicopter from Mackay?

25 D7: We did.

FLTLT ROSE: At paragraph 46 you said that you and your crew spent three hours searching the incident site.

30 D7: Roughly three hours, yes.

FLTLT ROSE: Were you harnessed on CHAD at that point?

35 D7: Yes.

FLTLT ROSE: Were you lying on the floor of the aircraft and looking out over the - - -

40 D7: Not "lying", no.

FLTLT ROSE: Standing up?

D7: Standing up, yes, with one foot on the step.

45 FLTLT ROSE: Holding on with your hand and the harness?

D7: Yes.

5 FLTLT ROSE: For the whole three hours?

D7: Yes.

10 FLTLT ROSE: And you were scanning the water, looking for debris and survivors?

D7: Yes.

FLTLT ROSE: I take it that you saw some strobe lights at one point?

15 D7: Yes.

FLTLT ROSE: Were they strobe lights from the life jackets?

20 D7: That's what I think. At first, I thought it was a person, but unfortunately it wasn't. Then we also thought maybe it was the – there's external lights that the aircraft have, and they blink. But then, because it wasn't attached to anything and it was slowly sort of sinking, I think it was just the life preserver. They have a light as well, like they're the ones we carry in the back, so I think it was water-activated.

25 FLTLT ROSE: I take it you found no survivors.

D7: No.

30 FLTLT ROSE: Then you say that 82 returned to Proserpine to refuel at about 3 am.

D7: Yes.

35 FLTLT ROSE: And then D10 instructed you to shut down your aircraft.

D7: Correct.

40 FLTLT ROSE: I want to ask you some questions now about what happened after the incident. So you left Proserpine at about 1400 on 29 July?

D7: Yes, about that.

FLTLT ROSE: Did you see any police at Proserpine Airport prior to leaving?

5 D7: I saw them, but I didn't speak to them.

FLTLT ROSE: Did you see any Military Police as well?

10 D7: They were at the gate, I believe, into where we were staged, but at the actual airport itself I didn't see them, no.

FLTLT ROSE: Did you see the camp, the Forward Operating Base being collapsed prior to leaving?

15 D7: No.

FLTLT ROSE: Have you ever been interviewed by the Queensland Police Service about this incident?

20 D7: Not interviewed, no.

FLTLT ROSE: At paragraph 76(b) of your Inquiry statement you do set out that you were asked to respond to some written questions that the police had provided.

25 D7: Yes.

FLTLT ROSE: And that you did respond to them.

30 D7: Yes.

FLTLT ROSE: And that you provided your responses to the Commanding Officer of 6 Aviation Regiment.

35 D7: Correct.

FLTLT ROSE: Can you just check the pseudonym list and tell us the pseudonym for the Commanding Officer at the time?

40 MS McMURDO: I think you'll find on the other page they're in alphabetical order.

D7: Alphabetical, yes.

45 MS McMURDO: Yes.

D7: D19.

FLTLT ROSE: So you gave your written responses to D19?

5 D7: Correct.

FLTLT ROSE: Where did D19 tell you those responses were going to go to?

10 D7: I can't recall.

FLTLT ROSE: But you expected they would go back to the Queensland Police Service somehow?

15 D7: Yes, that's what was directed, to answer these and then they'll go back.

FLTLT ROSE: Was this shortly after the incident?

20 D7: Yes, I believe it was within a week.

FLTLT ROSE: Do you have a copy of those responses that you provided?

D7: I do now, but I didn't before this week.

25

FLTLT ROSE: I'll hand the witness a document. Is that your handwriting?

D7: It is.

30

FLTLT ROSE: And are these the responses you provided to the questions posed by the Queensland Police Service?

D7: Correct.

35

FLTLT ROSE: And that was completed about a week after the incident?

D7: Yes, give or take. Yes, maybe a week. Or even before, it could've been.

40

FLTLT ROSE: I tender that document.

MS McMURDO: Exhibit 61.

45

#EXHIBIT 61 - D7'S RESPONSES TO QPS QUESTIONS

5 FLTLT ROSE: You have been interviewed by the Defence Flight Safety Bureau, however.

D7: Yes.

10 FLTLT ROSE: And by Comcare.

D7: Yes.

15 FLTLT ROSE: Can you just turn to Annex B of your Inquiry statement? They're your handwritten notes?

D7: They are.

20 FLTLT ROSE: Are these the notes that you created closely after the incident?

D7: Yes, as soon as we shut down, I wrote these.

25 FLTLT ROSE: So you wrote these in the early hours of the morning on 29 July?

D7: Yes.

FLTLT ROSE: Were you asked to write these notes?

30 D7: I don't remember being asked, but it was just kind of what you do. All of us, we segregated each other, sat down, and just wrote as much information as you can. And then I think I added a little bit more on the back when we were flying home that afternoon because I couldn't get any rest.

35 FLTLT ROSE: So over a period of 24 hours you completed these notes, very soon after the incident?

40 D7: Yes, that just rang a bell as well. So when we got on the aircraft to go, we were told to have – “If you haven't already, have notes completed within 24 hours to submit”.

45 FLTLT ROSE: And you say “submit” because you were asked to submit them to the DFSB?

D7: Yes.

FLTLT ROSE: And you did do that?

5 D7: Yes.

MS McMURDO: You said, "We all got together and did it". When you said "we", did you mean the people on - - -

10 D7: Sorry, just my aircraft.

MS McMURDO: Your aircraft?

15 D7: Yes.

MS McMURDO: Just your aircraft?

20 D7: 82, yes, we were together and then we just separated, so there was no one talking to each other. So anything in here would be the most accurate statement.

MS McMURDO: The earliest and, you'd say, the most accurate?

25 D7: Yes, absolutely.

MS McMURDO: So it was just the people on your helicopter who - - -

30 D7: That I know of. I believe the others did the same; I just don't know when.

MS McMURDO: Yes, sure. Thank you.

35 FLTLT ROSE: I understand that you attended all the four funerals for each of CAPT Lyon, LT Nugent, WO2 Laycock, and CPL Naggs.

D7: Yes.

FLTLT ROSE: Nothing further.

40 MS McMURDO: Just one question from me. You did mention that currently you feel your fatigue levels are getting towards the top of the bell curve, I think was the expression you used.

45 D7: Yes.

MS McMURDO: Do you think that the continuing inquiries, Comcare, this Inquiry, the FSB, are they contributing to that, or is it all work-related?

5 D7: I think it's a combination. It's just, yes, a lot of statements, lawyers, Inquiry things on top of doing another course, then doing the SO Course, and then just trying to get UH-60 to where it is now in a rush period. Yes, I think it's just a combination of that.

10 MS McMURDO: Thank you. Applications to cross-examine? Yes, please.

<CROSS-EXAMINATION BY LCDR TYSON

15 LCDR TYSON: My name is LCDR Matthew Tyson. I'm representing CPL Alex Naggs' interests. Just very briefly, D7 , so the first question, Counsel Assisting was asking you about when the APU was engaged for 82. She asked you a question, whether you had a phone on, and you said something like, "We had phone restrictions", and you said you put your phone in the Command box.

D7: Yes.

25 LCDR TYSON: What did you mean, please, by, "We had phone restrictions"?

30 D7: The activities we were conducting, it wasn't satisfactory to have phones while flying. We were playing war games at TALISMAN SABRE, I guess, and then the restriction was just the phone couldn't go past the flight line. You couldn't take them on a mission, so there would be no data capture of when you fly.

35 LCDR TYSON: This was a military exercise designed to simulate military conditions?

D7: Correct, yes.

40 LCDR TYSON: What was the basis of those phone restrictions? Was that standard practice or was that, for example, an order that D10 gave on the afternoon in question, or do you have a recall of that?

45 D7: I believe D10 would've told us. Yes. We were working with other external forces as well, so I think it was all just an agreeance that phones would just stay restricted for the duration of flying.

LCDR TYSON: It's a safety reason. You want people to be focussed on the mission.

5 D7: Yes, I'd hope that no one's flying and texting but, yes, it's more of a security thing, I think, as well. But, yes, definitely you don't want people on their phones while they're flying or in the back.

10 Lcdr TYSON: You said something about you put the phone in the Command box. Can you explain that, please? Is there some mechanism set up to actually make it easy for people to remove their phones?

15 D7: It was just literally a square trunk and you just put your phone in there, that was it, at the door.

LCDR TYSON: I just want to ask you briefly about another topic. Counsel Assisting asked you some questions about the decision height being set to zero. Do you remember those answers and questions?

20 D7: Yes.

LCDR TYSON: And you gave an answer that you would question it if the decision height was set to zero.

25 D7: Yes.

LCDR TYSON: Can you just explain how would you question it? Is that that you would literally say something to the pilot or the co-pilot? What would you do?

30 D7: A hundred per cent I would say, "Can you check zero? Like, why are you setting zero?", and then just ask for an explanation.

35 Lcdr TYSON: Would it have accorded with your experience that on this type of a mission, a flight overwater at night, loaded with flares and other equipment, that the decision height would have been set at something about 180 or so?

40 D7: Yes, about 190 would probably be common practice.

LCDR TYSON: I think you told Counsel Assisting that you'd question it if the decision height was set at zero. Would you also question it if the decision height was set at 45?

45 D7: No, as long as one was set to 180 or 190.

LCDR TYSON: All right. But if one was set at 45 and one was set at zero – say, for example, the pilot or the co-pilot – you would question those settings as well?

5

D7: That would cue me to ask, “Are we flying at 50 feet?”, because you’ll eliminate one of the tones being zero. So then you would be getting tones when you drop below 50, so that would tell me, okay, we’ve got clearance, 50 feet terrain flight.

10

LCDR TYSON: And certainly with a loaded helicopter flying at night, 45 feet does not give you much room to move.

D7: No.

15

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

MS McMURDO: Thanks, LCDR Tyson. Any other applications to cross-examine? Yes, COL Gabbedy.

20

<CROSS-EXAMINATION BY COL GABBEDY

COL GABBEDY: D7, I’m COL Nigel Gabbedy. I appear for the interests of MAJGEN Jobson. I’ve just got a few brief questions for you. Can you turn to your Defence statement, I think it’s called, and look at paragraphs 17 and 18? And while you’re doing that, can you look at Annex A of the other statement? I just want to compare the two pieces of information.

30

D7: Annex A?

COL GABBEDY: Yes, that’s the one.

35

D7: Yes.

COL GABBEDY: I’m not technically minded, but I just want to read this. Annex A tends to indicate that you had six hours and one minute of sleep on 27 July; is that right?

40

D7: That’s what the watch says. I’m not sure how accurate Garmin is because it says I got almost nine hours on the Tuesday, so I highly doubt I was in a deep sleep for that. But, yes, I just gave that evidence because I happened to be wearing the watch.

45

COL GABBEDY: Okay. But if you compare that to what you say in paragraphs 17 and 18 of your Defence Statement, it appears you went to bed at 11 and woke up at about 9, which would indicate potentially 10 hours of sleep. Is there some way that the watch records things that has given that six-hour result? Can you recall that night very well in terms of what sleep you got?

D7: I'm not sure, sorry.

COL GABBEDY: Okay.

D7: But, yes, when I answered this, it was just a vague – I remember roughly going to bed around 11, and then by the time everyone would've shaved and stuff, it would be around 9. So through that period you're probably waking up every now and then, going to the toilet or just laying in bed.

COL GABBEDY: So that might explain the discrepancy?

D7: Yes, it could be broken sleep.

COL GABBEDY: As best you can recall, when you woke up on the morning of 28 July, were you refreshed or were you fatigued?

D7: I can't recall being fatigued. So I think I was refreshed, yes.

COL GABBEDY: Thank you. That's all I have.

MS McMURDO: Any other applications to cross-examine? Yes.

30

<CROSS-EXAMINATION BY SQNLDR NICOLSON

SQNLDR NICOLSON: Good morning, D7. My name is SQNLDR Nicolson. I appear for D10. You're aware D10 is the Officer Commanding 6 Aviation prior to July '23. I just have some questions for you about the Squadron safety culture prior to July '23. In reference to your Inquiry statement, particularly at paragraphs 20 and 27, you've made some references to the Squadron safety culture; is that correct?

40

D7: Correct.

SQNLDR NICOLSON: Did you find that the Squadron safety culture was supportive of members FACEing out on a fly if they were fatigued?

45

D7: Yes.

5 SQNLDR NICOLSON: And in terms of your break, for example, in speaking to D10, you were able to speak to D10 frankly if you had issues of safety concerns?

D7: Yes, absolutely.

10 SQNLDR NICOLSON: And the Squadron, also, in terms of the safety culture, if we dealt with the mission orders for example, would they explain the risk management in terms of fatigue at that particular point in time?

D7: Yes.

15 SQNLDR NICOLSON: Can I ask you about FACE checks? This is prior to July 23, did you find the use of FACE checks helpful for you as an individual?

20 D7: Yes, I would go so far to say that FACE checks is better than the FRAT tool. Just because you don't have that additional administration you have to do on the computer.

25 SQNLDR NICOLSON: In terms of paragraph 65 of your Inquiry statement, I'll take you to that, please? This is at page 11/13. You talk in your answer in paragraph 65 – this is about the part in the sortie of 28 July, the way I read that – that there were FACE checks performed during the day at mission orders, at the aircraft, and before starting the main engines.

30 D7: Yes.

SQNLDR NICOLSON: So in terms of your answer to paragraph 65, do I read that as saying that the question of FACE checks was done regularly during – throughout the day?

35 D7: Absolutely.

40 SQNLDR NICOLSON: So it wasn't just before the aircraft commenced the mission. You were regularly checking yourself as to whether or not you were ready and able to go on the mission?

D7: Yes. We even did FACE checks during the search and rescue, about halfway through maybe.

SQNLDR NICOLSON: Whether you were able to continue with the search and rescue mission.

D7: Yes.

5

SQNLDR NICOLSON: And when you talk about those FACE checks at paragraph 65, were they just limited, to your knowledge, to the aircraft crew that you were flying with that night?

10 D7: To my knowledge, yes. Potentially went to – could potentially go to D10 on comms. But if your FACE's value wasn't good enough, that would definitely go out and we'd go and land.

SQNLDR NICOLSON: Yes, thank you. Thank you.

15

MS McMURDO: Thank you. Any further application to cross-examine?

COL THOMPSON: Briefly, thank you.

20 MS McMURDO: Thank you.

<CROSS-EXAMINATION BY COL THOMPSON

25

COL THOMPSON: D7, COL Thompson for BRIG Dean Thompson, Commander of 16 Avn Brigade last year. Do you remember having a discussion or a briefing with BRIG Thompson the day after the incident, before you left Proserpine Airport?

30

D7: I believe so.

COL THOMPSON: And what was the nature of the discussion, or the briefing?

35

D7: I can't recall, sorry.

COL THOMPSON: Thank you, D7.

40 MS McMURDO: Thank you. No other applications to cross-examine? Any re-examination?

FLTLT ROSE: No.

MS McMURDO: Thank you. Thank you very much, D7, you're free to go.

D7: Thank you.

5

MS McMURDO: Just leave the statements there and we'll look after that. Thank you.

D7: No dramas. Thank you.

10

<WITNESS WITHDREW

15 MS McMURDO: Yes, FLTL Rose?

FLTLT ROSE: I call D8.

20 **<D8, Affirmed**

<EXAMINATION-IN-CHIEF BY FLTL ROSE

25

MS McMURDO: Yes, please let me know if you need to have a break at any time.

D8: Thanks, ma'am.

30

MS McMURDO: Thank you.

FLTLT ROSE: Do you see that laminated A3 poster in front of you? Could you please find your own name and confirm to me whether you are the person who's been given the pseudonym of D8?

35

D8: Yes, ma'am, I can confirm that.

FLTLT ROSE: Now, I see that you have a support person sitting next to you. I won't ask them to identify themselves. What I'll do is hand you a piece of paper and a pen, and if the support person could just write their name on that piece of paper. You can write your full name and then if you have a pseudonym, you can also write your pseudonym next to it.

40
45 I tender that page with the support person's name.

MS McMURDO: Yes. That will be Exhibit 62.

5 **#EXHIBIT 62 - NAME OF SUPPORT PERSON FOR D8**

FLTLT ROSE: D8, could you please state your current rank?

10 D8: I'm currently a [REDACTED].

FLTLT ROSE: And what unit are you currently posted to?

15 D8: I am currently posted to the 6 Avn Regiment.

FLTLT ROSE: Can you confirm you were sent the following documents prior to appearing today: a section 23 Notice requiring you to give evidence?

20 D8: I was.

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

25 D8: I was.

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

D8: I was.

30 FLTLT ROSE: A Frequently Asked Question Guide for Witnesses?

D8: Yes.

FLTLT ROSE: And a Privacy Notice?

35

D8: Yes.

FLTLT ROSE: I'm going to hand you two documents.

40 D8: Thank you.

FLTLT ROSE: Did you prepare a statement back in November 2023 at the request of the Queensland Central Coroner?

45 D8: I did.

FLTLT ROSE: Now, is that a statement dated 30 November 2023, you see before you?

5 D8: It is, yes.

FLTLT ROSE: And that's 10 pages?

10 D8: That's correct.

FLTLT ROSE: Now, I note that you did sign it, but your signature has been redacted on the back page?

15 D8: Yes.

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

D8: Sorry, just give me two seconds.

20 FLTLT ROSE: If you turn to paragraph 24, I understand that you wanted to make an amendment to a pseudonym that's been listed in paragraph 24?

D8: Yes, that's correct.

25 FLTLT ROSE: It says in the fifth line, you're referring to the Standards Officer, and it says, "D13"?

D8: Yes, that's correct.

30 FLTLT ROSE: Could you look at the pseudonym list and just confirm whether that is the person you are referring to D13?

D8: No, it should be D14.

35 FLTLT ROSE: Do you have a pen with you?

D8: No.

40 FLTLT ROSE: I'll have one handed to you.

D8: Thank you.

45 FLTLT ROSE: Could you please cross out D13, write D14 and then initial or just put your pseudonym next to the page there. Is there any other amendments to that statement?

D8: To that statement, no.

5 FLTLT ROSE: Now, if we turn to the second document that you were provided with. Sorry, just for ease of identification, I will call that your Defence statement.

D8: Yes.

10 FLTLT ROSE: So the second document is a statement you prepared for the Inquiry?

D8: Yes, that's correct.

15 FLTLT ROSE: And it's dated 20 September 2024?

D8: Yes, it is.

20 FLTLT ROSE: It's 23 pages.

D8: Yes.

25 FLTLT ROSE: And if you go to page 22, did you digitally sign this document?

D8: I did, yes.

FLTLT ROSE: And you had four annexures?

30 D8: That's correct.

35 FLTLT ROSE: Now, A and B, Annexures A and B, are at the "Protected" level, so we won't be talking about the contents of those annexures during this hearing. Now, I understand you wanted to make an amendment to paragraph 151?

D8: Yes, if I could, please?

40 FLTLT ROSE: What's the amendment?

D8: Just to change the date of my Comcare interview from 20 February to 22 February 24.

45 FLTLT ROSE: Again, if you could cross out '20' put 22 and then put your pseudonym off to the side. Is that the only amendment?

D8: That's the only amendment, ma'am, yes.

FLTLT ROSE: I tender both those statements.

5

MS McMURDO: The Defence statement will be Exhibit 63A. The Inquiry statement and Annexures A to D will be 63B.

10 **#EXHIBIT 63A - D8'S DEFENCE STATEMENT**

#EXHIBIT 63B - D8'S INQUIRY STATEMENT AND ANNEXURES

15

FLTLT ROSE: Now, I'll refer to that as your Inquiry statement. Can I please ask you to be mindful of your security obligations throughout your evidence so that if I or somebody else asks you a question that you think the answer to which will be above "Official", so "Official: Sensitive" and higher, then just to let us know and we won't be exploring that in the public hearing.

20

D8: Yes, ma'am.

25 FLTLT ROSE: If I could start with your Defence statement, paragraph 4. You joined the ADF in 2008?

D8: That's correct.

30 FLTLT ROSE: And you were an Air Dispatcher for the first four years of your career?

D8: Yes, that's correct.

35 FLTLT ROSE: And then paragraph 7 to 9, you state that you completed your aircrewman training in 2012.

D8: Yes, that's correct.

40 FLTLT ROSE: And you posted to 5 Avn Regiment in 2013.

D8: Yes.

FLTLT ROSE: You then posted to 6 Avn Regiment in 2014.

45

D8: Yes, that's correct, ma'am.

FLTLT ROSE: And you were promoted to Sergeant in 2019?

5 D8: Yes, correct.

FLTLT ROSE: And you became an Aircrewman Supervisor at 6 Avn Regiment.

10 D8: Yes, ma'am, at the same time.

FLTLT ROSE: And then you completed your Aircrewman Supervisor Instructor training in 2020 at Oakey?

15 D8: Yes. So it's known as the Qualified Aircrewman Instructor Course.

FLTLT ROSE: Or QAI?

20 D8: QAI, yes. For short, yes, ma'am.

FLTLT ROSE: And then you posted back into 6 Avn Regiment after that training?

25 D8: So I completed the course. I returned to 6 Avn for the remainder of 2019, and then posted to Avn TC the following year.

FLTLT ROSE: For the entirety of that year?

30 D8: Yes. Yes, and for up until the end of 2022.

FLTLT ROSE: Then you posted back into 6 Avn Regiment sort of January 2023?

35 D8: Yes, correct.

FLTLT ROSE: And you were a QAI in 6 Avn Regiment in 2023?

D8: Yes, that's correct. Yes, correct.

40 FLTLT ROSE: So if you turn to your Inquiry statement, paragraphs 3 to 4, when you say you were the QAI at 6 Avn Regiment, was that specifically in 173 Squadron?

45 D8: In 2023 I was, yes. I was one of two QAIs in the Squadron at the time.

FLTLT ROSE: And if you refer to your pseudonym list, the other QAI, who was that? Now, if it's one of the deceased members of Bushman 83, they don't have a pseudonym.

5 D8: I can't see their name on the list at the moment, ma'am.

FLTLT ROSE: If you do happen to see it throughout your evidence, you could just let me know. If not, we can write the name down on a piece of paper in due course.

10

D8: Yes.

FLTLT ROSE: I'll come back to that.

15 D8: No worries, ma'am.

FLTLT ROSE: So you were a QAI on the MRH-90?

D8: Yes, correct.

20

FLTLT ROSE: Are you also a QAI on the UH-60M?

D8: Yes.

25 FLTLT ROSE: And are you still a QAI in 6 Avn Regiment on the UH-60M?

D8: Yes, I am at the moment, ma'am.

30 FLTLT ROSE: Now, over your career you've qualified on various platforms?

D8: Yes.

35 FLTLT ROSE: That includes the Bell 412?

D8: Correct.

FLTLT ROSE: The S70-A9 Black Hawk?

40

D8: Yes, correct.

FLTLT ROSE: The MRH-90?

45 D8: Yes.

FLTLT ROSE: And now, of course, the UH-60M Black Hawk.

D8: Yes, ma'am.

5

FLTLT ROSE: At paragraph 10(e) to (f) of your Inquiry statement, you set out your total flying hours across all the platforms that you're qualified on. And that's 2698.9 flying hours?

10 D8: Yes, correct.

FLTLT ROSE: And that's about 500 or 600 hours of formation flying?

15 D8: Yes, that's my estimate, ma'am. So as I said in my subpara (g) there, there's no actual way for aircrewman to track formation hours, so it's my best estimate based on what I think I've done.

FLTLT ROSE: Understood. Now, if you look at 10(c), you have 969.1 total flying hours in the MRH-90.

20

D8: That's correct.

FLTLT ROSE: With 562.3 by day.

25 D8: Yes.

FLTLT ROSE: And 406.8 by night.

D8: Correct.

30

FLTLT ROSE: And then you have 305.3 as an instructor.

D8: Yes, correct, ma'am.

35 FLTLT ROSE: If you go back to paragraph 6 to 7, you set out you've undertaken various aircrewman special operations training courses at 6 Avn.

D8: Correct.

40

FLTLT ROSE: And they're both on the Black Hawk and the MRH-90, I take it?

D8: Yes, on both variants of Black Hawk.

45

FLTLT ROSE: At paragraph 11 you state that you flew 1856 hours in 2023.

D8: That's correct.

5

FLTLT ROSE: So I take it that's from January until July?

D8: That is - - -

10 FLTLT ROSE: Or does that also include any Black Hawk flying hours later in the year?

D8: That would include the Black Hawk flying hours later in the year.

15 FLTLT ROSE: But the bulk of those flying hours would have been on the MRH-90?

D8: Yes, the bulk of those would have been on MRH-90, maybe 20 that were on Black Hawk total for that year.

20

FLTLT ROSE: Now, you state that aircrewman only were required to fly 150 hours per year; is that correct?

D8: That's correct, yes.

25

FLTLT ROSE: And that's opposed to pilots who have to fly 180 hours?

D8: That's correct, yes.

30 FLTLT ROSE: But you were, effectively, flying yourself more than 180 hours that year?

D8: Yes, correct, ma'am.

35 FLTLT ROSE: And was it typical, as an aircrewman, for you to have quite high flying hours as compared to potentially some of the pilots?

D8: It normally is typical within 6 Avn Regiment to have aircrewman with more hours than pilots for a year. And it's usually based on the fact there's more pilots than there are aircrewman. So you'll find that aircrewman will fly more regularly than the pilots will.

40

FLTLT ROSE: And yet the SIs had it flipped the other way, that the pilots are meant to be flying more than the aircrewman, essentially - - -

45

D8: Yes, correct ma'am.

FLTLT ROSE: - - - for them to have recency.

5 D8: Yes.

FLTLT ROSE: Or at least - - -

10 D8: Yes, at least be, like myself - - -

FLTLT ROSE: - - - currency.

D8: Yes, currency. Correct.

15 FLTLT ROSE: Was that ever discussed as an issue, that what was happening on the ground wasn't reflected in what the SIs required?

D8: I've never had a discussion about that, ma'am, no.

20 FLTLT ROSE: At paragraph 14, in addition to being the QAI – or one of the two QAIs in the Squadron, you were also an Aviation Safety Officer.

D8: That's correct.

25 FLTLT ROSE: Did you perform that role alongside D6?

D8: So D6 was the Squadron Aviation Safety Officer; I was merely a qualified ASO within the Squadron. So I think I've mentioned in my statement for the Inquiry, I didn't actually perform any investigative duties as an ASO that year.

30

FLTLT ROSE: So what were you doing then as an ASO?

D8: So as an ASO, it's like a qualification we can be given. It's up to the sub-unit Commander or the Aviation Reviewer when the safety report is written to then delegate that investigation, if it's required, to a Safety Officer. Throughout that year, I didn't do any investigations, so I wasn't delegated any from D6.

35

40 FLTLT ROSE: But had, say, D6 needed an additional pair of hands, he would've asked you?

D8: Yes, he could've.

45 FLTLT ROSE: I'll ask you some questions now about your experience

flying in the MRH-90.

D8: Yes.

5 FLTLT ROSE: Sorry, but just before I turn away off that issue of the Aviation Safety Officer, did you do any particular training to obtain that qualification?

10 D8: Yes. So in 2021, I conducted an Aviation Safety Officer Initial Course via distance, run by DFSB. And that was, as I said, like, the initial level qualification to be able to conduct investigations around minor safety rated matters.

15 FLTLT ROSE: And I understand that investigations are post-incident issues, and that you received the training and what to do if an investigation was required. Did you ever do any training on the use of any biomathematical models that Defence had obtained to work out, for example, whether aircrew was becoming fatigued?

20 D8: No, not at our level training for initial qualification, ma'am.

FLTLT ROSE: Do you know if it's something that is part of the training for more advanced training for an Aviation Safety Officer?

25 D8: Not that I could tell you directly now, but no.

FLTLT ROSE: So if I mentioned SAFTE-FAST, have you ever heard of that before?

30 D8: I have heard of it, but I have never used the program or software.

FLTLT ROSE: Do you know is there anyone in 6 Avn Regiment, their role, who does use SAFTE-FAST regularly?

35 D8: Not that I know of, ma'am, no.

40 FLTLT ROSE: I now turn to your experience flying in the MRH-90. At paragraph 25 of your Inquiry statement you describe some issues that arose with the configuration of the MRH-90, so that when you were instructing or assessing an aircrewman, you had to lie down, sit or crouch forwards of the aircrewman to be able to monitor them.

45 D8: Yes, that's correct, ma'am. So, with the – as I said in paragraph 25, with the row 7 forward, it made it quite hard to conduct instructional views of aircrewman. And you had to put yourself in a position that meant that

you could maintain safety of the aircraft at the expense of observing the person you were instructing or assessing.

5 FLTLT ROSE: So were you on the CHAD, effectively - - -

D8: Yes.

10 FLTLT ROSE: - - - the whole time? And they could have been harnessed in their row 7 seat?

D8: Depending on the phase of flight, ma'am. For example, for approach, for landing, or a hoist, you would be, as Instructor, on CHAD, same as the person you were instructing or assessing. And that was just due to the design limitations of MRH.

15 FLTLT ROSE: And you state that this severely compromised your ability to monitor trainees and maintain aircraft safety, and that you would have to forego monitoring the trainee at critical periods of flight to ensure aircraft safety.

20 D8: That's correct.

25 FLTLT ROSE: When you say 'ensuring aircraft safety', is it the fact that you actually had to ensure your own safety by sitting yourself back into a seat in a harness so that you couldn't actually see what they were doing?

30 D8: No, it's more about maintaining the safety of the aircraft, so obstacle avoidance. You know, if we're flying close formation, making sure that we're not getting close to other aircraft. So during certain training iterations, there's times where, like I said, you're operating quite close to other aircraft. If you've got a trainee who is experiencing overload, our job as QAIs is to actually jump in, take over their position and ensure that nothing dangerous occurs. And to be able to do that in MRH, I found that I had to basically almost stop monitoring the trainee to concentrate on the aircraft safety itself.

35 FLTLT ROSE: Did you work closely with WO2 Laycock?

40 D8: I wouldn't say "closely", ma'am. We did talk quite a bit as we were passing in the corridors, but at work. And sometimes you have discussions around certain things, like the training to be conducted through the year, and sort of – and stuff, but I wouldn't say I worked closely with him, no.

45 FLTLT ROSE: So we understand, he was a Regiment Standards Warrant Officer.

D8: That's correct.

5 FLTLT ROSE: And so if you had issues about the safety in terms of training, QAI training, you would funnel that back up to him in his role?

10 D8: If I had concerns about safety, yes, I would, ma'am. However, the practices that were undertaken during the training by QAIs were well known about within the workforce.

FLTLT ROSE: So it was a well-known problem in the MRH aircraft platform.

15 D8: Yes, it was.

FLTLT ROSE: And you took steps, I take it, as a QAI to try and work around those problems to make it safer?

20 D8: Yes. As safe as I could, yes.

FLTLT ROSE: But your evidence is that it still was severely compromising how you could train the aircrewman on that platform.

25 D8: Yes.

FLTLT ROSE: And was this something that was known at Aviation Training Centre?

30 D8: I don't know, ma'am, off the top of my head. So the training we did at 6 Avn was very separate to the training that was undertaken at Avn TC because when we're training at 6 Avn, we're doing, like, a postgraduate course; where an Avn TC, they maintain the authority over the LMPs but we conduct the training.

35 FLTLT ROSE: Did you discuss it with the QAIs at 5 Avn, for example, that they had similar issues or - - -

40 D8: I don't recall discussing it with the QAIs from 5 Avn. I did discuss it with QAIs when I spoke to the school about how they were operating within the aircraft. And when I was a junior instructor, I would take on the lessons I had learnt, and that's - I applied them through the rest of my career.

45 FLTLT ROSE: When you're saying that it affected aircraft safety, how so? Is it the fact that it was just during the training that safety was compromised, in your words, or whether this was an ongoing issue about

aircraft safety even in non-training environments because you weren't sure that the aircrewman had been properly trained because of the limitations during training?

5 D8: I had no doubts about the training we were providing and the competency of aircrewman once they had graduated these courses. And these safety concerns were mainly related around my ability to instruct and assess, and my ability to monitor a trainee whilst I was making sure the aircraft was in a safe position at all times.

10

FLTLT ROSE: Was this only an issue with MRH-90?

D8: Yes, ma'am.

15 FLTLT ROSE: So, it's not an issue in the UH-60M currently?

D8: No.

20 FLTLT ROSE: But is it your evidence that actually the outcome of the performance or competence of the aircrewman that were performing in 6 Avn Regiment was ultimately they were up to standard after they'd gone through their training serials?

D8: Yes, ma'am.

25

FLTLT ROSE: And you were confident with the quality of the aircrewman after that?

D8: Yes, ma'am.

30

FLTLT ROSE: At paragraphs 26 to 27 of your Inquiry statement you also described the limited visibility you had of the other aircraft when you were flying in formation with the MRH-90's doors closed.

35 D8: Yes, ma'am.

FLTLT ROSE: And that was also when you were on NVDs?

40 D8: Yes. So with doors closed, regardless of NVD or by day, it was the same visibility limitations.

FLTLT ROSE: And which night-vision devices did the aircrewman on the MRH-90 use?

45 D8: So up until early 2021 we used the ANVIS-9 green phosphorous

NVGs, and then at that point we switched over to the M949 white phosphorous NVGs.

5 FLTLT ROSE: And you state that you had about a 10 to 15 degrees field of view when you were sitting in your seat with your seatbelts fastened. Is that from the row 7 seat?

D8: Yes, correct, ma'am.

10 FLTLT ROSE: So 10 to 15 degrees, doors closed, you were looking out the window?

D8: Yes, correct.

15 FLTLT ROSE: And that's the same on the left and right-hand side?

D8: Yes, that's correct.

20 FLTLT ROSE: And that if the doors were closed, you were unable to provide accurate information to the flying pilot about the aircraft's position and spacing?

D8: That's correct.

25 FLTLT ROSE: And that this was particularly a problem when the non-flying pilot had their eyes in monitoring the systems - - -

D8: Yes, correct.

30 FLTLT ROSE: - - - or conducting checks.

35 D8: Yes, correct. So going back to my previous Black Hawk experience, because where we sit is directly behind the pilots, if the pilot on the – sorry, the non-flying pilot brings their scan in, we could essentially view the aircraft in front of us and provide essentially coverage of their scanner forward of the aircraft, and take up some of that scan after them. So when they're eyes in, we're eyes out in the back, assisting them. On the MRH, with doors closed, that was not possible.

40 FLTLT ROSE: Just to understand the configuration, we understand that in the MRH-90 you had the cockpit and then you had a curtain which closed off the cockpit.

45 D8: Correct.

FLTLT ROSE: And then you're sitting back at row 7.

D8: Correct.

5 FLTLT ROSE: Which is essentially a metre or so from that.

D8: So approximately three to four metres back from the pilots.

FLTLT ROSE: So quite far back.

10

D8: Correct.

FLTLT ROSE: And is that different to the Black Hawk, where you said you were sitting right behind the flying pilot?

15

D8: Yes, correct.

FLTLT ROSE: Or non-flying pilot.

20

D8: So, yes, on the UH-60 we're about 50 centimetres to a metre behind the pilots.

FLTLT ROSE: And can you look straight past the pilot's shoulder through the front window?

25

D8: Yes, correct.

FLTLT ROSE: So was the field of view actually increased with the doors opened?

30

D8: Yes, it was significantly, ma'am. As you can see in the Figure 2 under paragraph 28 there, we had visibility sort of forwards to about the 11.30 from the left-hand row 7 seat out to about the 9.30 position, and that was limited by the airframe forwards. And when we sat in that position, we had a bulkhead that sat just forward of our shoulders that limited visibility any further to the left or right from those seats.

35

FLTLT ROSE: Could you lean forward past the bulkhead even when you were in harness?

40

D8: Not if you were properly restrained in your seatbelt, no.

FLTLT ROSE: Was it a work-around that aircrewman generally loosened the harness so they could look past the bulkhead to provide that situational awareness?

45

5 D8: So to loosen your seatbelt, by the writing at the time, you were essentially on CHAD or on harness and not secured by the seat properly. So my advice to the aircrewman was, “If you’re going to, like, loosen your seatbelts, to do that, then seek the Aircraft Captain’s permission; otherwise, be in a fully fastened seatbelt at all times”.

10 FLTLT ROSE: So if you are fully fastened, the bulkhead, the smaller window, doors are closed, it’s night, night-vision goggles, is that when you’ve got that limited field of vision from 11.30 to 9.30?

D8: Correct, yes.

15 FLTLT ROSE: Okay. So - - -

D8: Sorry, are you talking about Figure 2F-1 there, ma’am, just for reference?

20 FLTLT ROSE: I’m talking about the field of view when you’re actually doing what, by the book, it says to do, which is sit in harness back - - -

D8: Yes, correct. So, Figure 2 is, yes, with the fully seatbelt – sorry, fully secured by seatbelt and unable to move forwards at all.

25 FLTLT ROSE: And you said that generally you didn’t have the doors open when you were travelling faster than 80 knots because there was a wind rush that came over your microphones and that prevented effective communication?

30 D8: We could have the doors open to the aircraft’s limited – sorry, the aircraft speed, which is 140 knots, I believe, from memory, but above 80 knots communication became challenging at times just due to the way the wind rush would come through the cabin doors, under our maxillofacial shields on our helmets, and would affect our boom mic communications. I wouldn’t say workarounds, but the best way I found to – in our
35 communications was to just lower my head so the face shield sat flush against my Air Warrior.

40 FLTLT ROSE: Was it standard for, then, you to fly with the doors closed on the MRH-90 because of those concerns?

45 D8: It depended on what you were doing at the time. If we were in a transit phase, for example, we would fly with the doors closed. However, you know, we’d open the doors prior to landing, if that makes sense; that way we had visibility when we arrived at the point.

FLTLT ROSE: Was there also an issue with the doors open, meaning it was cold and wet for the aircrewman?

5 D8: Yes, correct, ma'am. So when the doors were open, we were fully exposed to the elements of cold. And if it was raining, definitely. And there was also issues with – I think I mentioned it in a further paragraph there as well, but the ICSs there at paragraph 30. If you got water onto your ICS sleeve, it would leak down into the ICS's connector port on the aircraft
10 and it would cause a high-pitched squeal over your ICS whenever you tried to talk and, effectively, degraded your communications to almost zero.

FLTLT ROSE: So apart from the communications issue, which sound quite significant, was there also the fact that – had you not been supplied with sufficient wet and cold weather gear to effectively keep you, if you had to have the doors open, keep you warm and dry?
15

D8: That's correct. So we have a number of items of cold weather gear that we can use. So the first layer is thermal undergarments which, effectively, work to keep you a little bit warm. We can put two layers of those on. We then have our normal flying clothes and on top of that we can put cold weather pants and cold weather jacket. The jacket has its own integral liner that you can wear as well. The problem with doing that, wearing so many layers of clothing, is it then starts to limit your mobility.
20

So if you're wearing two layers of thermals – the current cold-weather jacket and the Linear – you actually can't bend your elbows at all. Yes, it's too thick. So most people would find a compromise of either just accepting being cold or layering up enough to give them mobility to do their jobs.
25

FLTLT ROSE: Is that the same situation now in 6 Aviation Regiment, that you still don't have suitable flexible enough cold-weather gear?
30

D8: Yes, we're using the current in service cold-weather gear, ma'am.
35

MS McMURDO: Is there cold wet-weather gear available that would give you that flexibility, but still keep you warm and dry?

D8: There are numerous off-the-shelf solutions, ma'am, that are available. I can't answer as to why they haven't been provided to us.
40

MS McMURDO: No. Was WO2 Laycock trying to get that equipment provided to you?

D8: I believe he was, ma'am. I never spoke to him directly about it, but I have heard that he was working on a solution.

5 MS McMURDO: We've heard about some requests for equipment that could be made through RODUMs.

D8: Yes.

10 MS McMURDO: Do you know whether there were RODUMs put in prior to 28 July requesting that equipment?

D8: Yes. So there was a RODUM submitted, I believe, in around about 2021, ma'am, just after the current cold-weather gear came into service. When that RODUM was submitted, we've had feedback given to us by, I think, the Avn Command's G4 and she said that when they received the RODUM, it was because the gear – sorry, the cold-weather equipment had just been given to us; the RODUM basically said that the cold-weather equipment was ineffective and needed to be looked at, and that the time cycle for a whole new trial was another four years away to implement a project to get cold-weather gear for us.

MS McMURDO: Has there recently been some change? Is there some discussion about it now that the four years has passed, or coming up next year?

25 D8: So we had the Avn Command G4 come to the unit around two months ago, ma'am, with a sample of previously used cold-weather ensemble and a commercial off-the-shelf option, and we conducted a series of just ground trials, essentially, wearing the equipment, seeing what mobility was like. We did some aircraft drills. So there's been some movement in that aspect, but I believe it's still some time away before we actually get approval to use that.

MS McMURDO: Thank you.

35 AVM HARLAND: Just a question on the introduction of the kit that you have in place now. You indicated that a trial would need to be done on new kit. Was a trial done on that kit that you were wearing which you described as being insufficient?

40 D8: There was a trial conducted. I wasn't part of it. I believe it was around about 2017 that trial was conducted, sir.

45 AVM HARLAND: Do you know the results of that trial, whether it was assessed as effective?

D8: I'm unsure, sir, sorry.

5 AVM HARLAND: Okay. A follow-on question: given the issues to do with cold-weather equipment, and also the intercom issues that you've described there, did that result in it being more likely that if the weather conditions were adverse, be it cold or wet, you would fly with the doors closed?

10 D8: We would leave the doors closed for as long as possible, sir, yes.

AVM HARLAND: Okay. Thank you.

15 FLTLT ROSE: The Inquiry has heard some evidence previously that the MRH-90 was designed to be operated by pilots and aircrewman working together, which is why there is a minimum crewing requirement set out in the Standing Instructions, and that the minimum crewing requirements for 6 Aviation Regiment were two pilots and two aircrewman?

20 D8: Yes, that's correct. We can fly single aircrewman in certain types of flying but, however, we tried to crew with two pilots, two aircrewman, where possible.

25 FLTLT ROSE: Now, at paragraph 32 of your statement you set out that the MRH-90 Standardisation Manual did not require the aircrewman to provide information to the pilots about formation spacing, positioning and spacing. So there was no formalised means to communicate identified threats?

30 D8: Correct.

FLTLT ROSE: So without the formalisation of that, was it still practice, or common practice, within 6 Aviation Regiment to have the aircrewman providing a situational awareness to the pilots?

35 D8: When the doors were open, yes, we could. But as soon as the doors were closed, we were unable to provide any advice to the pilots outside of what we can see, if the aircraft passed through that very narrow window that we can see.

40 FLTLT ROSE: So was it standard practice then when you're flying in 6 Aviation Regiment, essentially for the aircrewman to be mostly silent during transit?

D8: I couldn't answer that because I obviously don't fly with every aircrewman, but the transits that I did, I wouldn't say silent but there wasn't much for us to do in terms of crew duties outside of field flow calculations.

5 FLTLT ROSE: So when you're flying, would your pilots, from your experience, sometimes ask you, "Can you see out the window? Can you see the aircraft? What have we got?", anything like that?

10 D8: Not in my experience, ma'am. If the doors were closed, it was commonly accepted, I guess, that the pilots knew that we wouldn't be able to see much. If we were flying, for example, through like a high traffic environment, then we would get the doors open so that we could provide advice on traffic in the area, for example, but otherwise, we'd keep the doors closed. The pilots were understanding that we couldn't see much.

15 FLTLT ROSE: So, effectively, your role was more important at the beginning and at the end of the flight, as you were taking off and then going into landing?

20 D8: Yes, correct, ma'am.

FLTLT ROSE: At paragraph 33 you said there was an overreliance on information training for aircrewman to achieve formation competency through the Aircrewman Skills Logbook?

25 D8: Correct.

FLTLT ROSE: Did 173 Squadron have its own Aircrewman Skills Logbook that was personal to 6 Aviation Regiment?

30 D8: No. So the Skills Logbook is managed by Avn TC and that's essentially a list of tasks that aircrewman must achieve to become an aircrewman leader. So once they finish their course, they've got a time period to complete their Skills Logbook, and then on completion of Skills Logbook, they will become an ECN163-1 – sorry, 163-2 aircrewman leader.

FLTLT ROSE: Could the witness please be shown Exhibit 7.

40 MS McMURDO: Yes.

FLTLT ROSE: I will find a page. This is an annex to another person's statement, so I won't ask you to look at it, other than just the annex at the back. So I've taken the statement. I'm just showing you Annex A to Exhibit 7. Is that the Aircrewman Skills Logbook that you're referring to?

45

D8: That's Annex C to it, yes, ma'am.

5 FLTLT ROSE: So that's the same one that, as you said, Avn TC issue it and aircrewman in 6 Aviation Regiment have to complete it - - -

D8: Yes, correct.

10 FLTLT ROSE: - - - as part of their post-training qualifications?

D8: Yes, correct, ma'am.

15 FLTLT ROSE: If I can take that back from the witness? I will return it to you. Thank you.

So you state that it requires an aircrewman just to participate in a formation flight by day and by night on night-vision devices, and then they get marked off as meeting the job standard?

20 D8: Correct.

FLTLT ROSE: Then, is it your evidence that you don't think that's sufficient, necessarily?

25 D8: There's no formalised training package for formation. What I find it leads to is there's a slight variance in how formation is conducted between aircrewman who have been trained by different individuals. That's not to say that they aren't performing at the same level, but there's just little differences that I've noticed with aircrewman who have been trained maybe
30 from 5 Avn and they come down to 6 Aviation Regiment, or vice versa.

I haven't spoken to anyone from 5 Avn about the product that we produce in Sydney, but there is no set standard, apart from meeting, as it says in paragraph 33 there, meeting the job standard.

35 FLTLT ROSE: So the Special Operations training that an aircrewman will go through for their junior SO aircrewman training at the SOQC, that may not happen until they've been in 6 Avn for six months or nine months, depending on when the SOQCs are run. So is there a check that you do, as
40 the QAI, when people post in to 6 Avn Regiment to check that they have got their normal flight standard – standard flight qualifications up to where you think they should be?

45 D8: So when a member posts into the unit, there's two options we have for categorisation. One is that we write a minute to the CO to approve their

5 categorisation on march in, and it's given an expiry date in line with their previously issued category from their previous unit. So say, for example, someone posts from 5 Avn, their category is recognised, the minute is written, the CO signs it, and then the category expires six to eight months down the track, whatever it might be. Or QAI can elect to do a category assessment on that person in the airborne environment. That category assessment is generally only single ship and consists of confined areas, hook and hoist, for example, and an in-flight emergency of some sequence.

10 FLTLT ROSE: So you won't know the competency of your fellow aircrewman's formation flying skills until you're flying formation with them for the first time?

15 D8: Potentially that's correct, ma'am, yes.

15 FLTLT ROSE: Is this still the case in 6 Avn currently? I know we've moved off from the MRH. You've described a number of issues with the configuration of the MRH-90 which made it difficult to train aircrewman, and then the ability for them to then provide pilots with accurate information because of the restrictions in their field of view sitting in their harness. Are these similar issues that are still occurring on the UH-60M?

20 D8: I don't believe so, no, ma'am. So on the transition to UH-60M all the aircrewman have undergone a formation flight assessment, day and night, and because we've changed types, we've all recommenced a Skills Logbook, essentially. Again, with the formation, there's no formalised package. It was just you fly with the QAI that you sort of get for the day for those missions. So, again, it's a little bit up to them as to how they decide to teach those sequences.

25 FLTLT ROSE: So, essentially, it's still, though, the result is they've either met the job standard or they haven't?

30 D8: Correct, yes.

35 FLTLT ROSE: How were these limitations in the aircrewman's ability to provide any real information to the pilots with the doors closed, how were those limitations incorporated to 6 Avn's Risk Management Plans?

40 D8: I don't believe they were, only because the flight sequences that we often practice require to have the doors open, ma'am, if that makes sense. So, for example, like for height for MRH, we had to have the doors open unless we were transiting to a point which we were inserting or extracting the Ground Force. But otherwise, I don't believe there was an explicit Risk Management Plan for that.

45

5 FLTLT ROSE: So the documents were reflecting a flight at night on NVGs with the doors being open. That's how the documents were written that that's how the flight would be being conducted.

D8: I don't know if they were that specific, ma'am. I don't know if they were actually stipulated "with doors open" or "with doors closed".

10 FLTLT ROSE: So it's, essentially, if the aircrewman won't be able to provide any accurate information for the pilots' situational awareness, is it the case that there were any additional requirements for pilots to both be eyes out more often than if you were flying, say, the UH-60M?

15 D8: Off the top of my head, ma'am, the Standardisation Manual for MRH-90 didn't specify a doors closed/doors open configuration for our scan arcs. But, essentially, yes, when we were flying with doors open, if a pilot brought their eyes in and we were unable to take our scan out, then there was only one set of eyes outside the aircraft.

20 FLTLT ROSE: That's on an aircraft that is specifically designed to be a cooperative environment between pilots and aircrewman. Essentially, it's designed to really have four personnel on board, but there could be multiple instances during a flight where you've only got one set of eyes that can accurately see out of the aircraft?

25 D8: Correct.

FLTLT ROSE: As far as you're aware, it wasn't taken into account in the Risk Management Plans?

30 D8: No.

FLTLT ROSE: So at paragraph 29 you state that with the doors closed, the aircrewman could not see the aircraft rejoining a formation from behind?

35 D8: So that's applicable with both doors open and doors closed. So if an aircrewman is secured in their seat properly, no one in the crew had visibility after the 9.30 or 3 o'clock position.

40 FLTLT ROSE: So does your rejoining drill or rejoining training take account of that?

D8: Rejoining training was more based around rejoining the aircraft in front, not what the aircraft behind us were doing.

45

FLTLT ROSE: So, effectively, when someone is rejoining, the obligation is on you to keep the space in between the aircraft in front, knowing full well that the aircraft in front cannot see what you're doing?

5 D8: Correct, yes.

FLTLT ROSE: In your experience flying the MRH-90, did pilots who were too high in their station ever try and rejoin the formation simply by descending?

10

D8: Not that I can recall. There were instances where a pilot would go blind on the aircraft in front of them because they would disappear under the instrument panel. The practice at the time, that I'd seen, was just the pilot would hand over to the non-flying pilot at the time.

15

FLTLT ROSE: Presuming that the non-flying pilot had visual?

D8: Was in a visual, yes – was in a position to actually take over.

20

FLTLT ROSE: But with the curtain closed to the cockpit, this is not necessarily information that the aircrewman would be privy to exactly what was happening?

D8: No. Again, if the doors were closed, no.

25

FLTLT ROSE: I want to ask you some questions now about your time in 6 Aviation Regiment. This starts at paragraph 41 of your Inquiry statement. Now, this again relates to the quality of aircrewman training in 6 Aviation Regiment in 2023?

30

D8: Sorry. Correct, yes.

FLTLT ROSE: So we're talking about junior aircrewman training. When we were talking about junior aircrewman training, can I take it that it doesn't necessarily apply to WO2 Laycock, who was in fact very senior aircrewman? So he would have undergone a different training schedule in his career?

35

D8: Yes. So I think in this area – this topic, I mean – I'm probably more referring to the non-SO qualified aircrewman. They were junior in nature in that they didn't have the prerequisite hours to attempt an SOQC, so they were unable to complete the mission steps that we readily did down at 6 Aviation Regiment.

40

FLTLT ROSE: So this could be either people that were posted directly from Avn TC, from their initial aircrewman training, or in effect it could have been people from 5 Aviation Regiment who just hadn't done Special Operations training yet?

5

D8: Correct.

FLTLT ROSE: So that it could be at different standards or levels of their career, but both of them had yet to do Special Operations training?

10

D8: Yes, correct.

FLTLT ROSE: So there were restrictions on the number of flying hours that a junior aircrewman could obtain because they didn't have that SO qualification?

15

D8: Not a restriction per se, but it was very challenging, I would say, for them to get hours that were effective and able to give them exposure to a number of different tasks.

20

FLTLT ROSE: Did that impact on their ability to maintain their currency and their recency?

D8: It did sometimes, yes.

25

FLTLT ROSE: It created degradation in their skills, and their formation of bad habits?

D8: Yes, correct, ma'am.

30

FLTLT ROSE: What do you mean by that?

D8: So when you've got junior aircrew flying together, especially ones that largely have just marched in off course, or very low hours, there is a chance that they will develop bad habits in the airborne environment. And without the appropriate level of supervision, those bad habits can then manifest themselves into – I wouldn't say, like, dangerous or unsafe practices, but practices that are less than desirable.

35

FLTLT ROSE: Your evidence before was really the main role of the aircrewman in MRH-90 was with hoisting and take off and landing. They essentially didn't have much of a role to play in the transit period of the flight?

40

D8: No, correct.

45

FLTLT ROSE: So you're referring more to bad habits forming in those other active moments of aircrewman's sortie?

5 D8: Correct, yes. So the junior aircrew would sometimes be able to take an aircraft themselves. They might be able to go do local area flying within the Holsworthy Range. It may consist of learnings to confined areas. It may consist of hoisting, all those sorts of things. But, as I said, without the appropriate level of supervision provided, they were not being developed
10 correctly and were able to develop bad habits.

FLTLT ROSE: So you'd ideally want to have a QAI paired with a junior aircrewman or a senior aircrewman?

15 D8: Correct, yes. It wouldn't have to be a QAI, someone that's a Category C or above. But, yes, we didn't have many of those to spare.

FLTLT ROSE: So skipping forward to 101 to 102 of your Inquiry statement, you set out that you flew with Phil Laycock about 37 times, and that's on both the Black Hawk and the MRH-90.
20

D8: That's correct, ma'am, yes.

FLTLT ROSE: You said that he had an amazing depth of technical
25 knowledge in the Aviation realm.

D8: Correct.

FLTLT ROSE: He was often trying to find solutions for the problems
30 faced by aircrewman in the Regiment.

D8: Correct.

FLTLT ROSE: You also said that when flying with WO2 Laycock, he was
35 always giving aircrewman ways to improve their skills to make sure they were up to the task?

D8: Correct.

40 FLTLT ROSE: WO2 Laycock was always a cool head under pressure, who was able to think through problems rapidly and devise a plan to execute them safely?

D8: Correct.
45

FLTLT ROSE: At paragraphs 103 to 104 you state that you met CPL Naggs – or “Naggsy” as you called him – in 2020, on his MRH-90 Aircrewman Course.

5 D8: Correct.

FLTLT ROSE: That was at Oakey.

D8: Correct.

10

FLTLT ROSE: You flew with him 21 times on the MRH-90.

D8: Correct.

15

FLTLT ROSE: You say he was a hardworking but quiet student of his course and performed to a high standard during his final assessment in challenging weather conditions, for someone who had never been exposed to them.

20

D8: Correct.

FLTLT ROSE: In the aircraft, CPL Naggs always worked to the best of his abilities and would always seek help when he needed it.

25

D8: Correct.

FLTLT ROSE: CPL Naggs was confident in his abilities as an aircrewman and was able to operate effectively to achieve required mission outcomes.

30

D8: Correct.

FLTLT ROSE: With respect to CAPT Lyon and LT Nugent, you state that you had not flown with them enough to form an opinion of their flying.

35

D8: That’s correct, ma’am, yes.

FLTLT ROSE: However, at paragraph 97 you do state that CAPT Lyon – or Diesel, as you called him – was a well liked and respected leader who always put the needs of his Troop above his own.

40

D8: Correct.

FLTLT ROSE: And he had an infectious personality and always met you with a smile, regardless of what was happening.

45

D8: Correct.

5 FLTLT ROSE: Then at paragraph 99 you state that LT Nugent was a quick learner with the ways of 6 Aviation and was always eager to help out with planning to broaden his knowledge.

D8: Correct.

10 FLTLT ROSE: I want to ask you some questions now about fatigue, and this starts from paragraph 54 of your statement. So you describe the tempo at 6 Aviation Regiment in 2023 and you state that there wasn't enough staff within the aircrew to meet the training demands, so individuals could not be rested when they needed it, which meant that the aircrew had to actively manage their own fatigue.

15

D8: Yes, that's correct.

20 FLTLT ROSE: What do you mean by "actively managing your own fatigue"?

20

D8: There was times where it was – you may have to speak up and say that you were fatigued and either have to be withdrawn from a sortie or if one – not a workaround, but come up with a different plan of attack for that sortie.

25

FLTLT ROSE: So we've heard the term FACEing out before, is that what you're referring to, someone's essentially FACEing out?

30 D8: Yes, correct.

30

FLTLT ROSE: And "FACE" stands for Fatigue, Attitude, Complacency and External factors?

35 D8: Yes, correct, ma'am.

35

FLTLT ROSE: Were you given training on how to actively manage your own fatigue?

40 D8: I wouldn't say I've been given training on managing my own fatigue, but if I am fatigued, I will tell someone about it.

45 FLTLT ROSE: So when you say you're "actively managing your own fatigue", does this mean that the chain of command weren't managing the aircrew's fatigue?

45

5 D8: I can't speak for the Troops themselves because I was in the Squadron Headquarters element, but I was able to work with my supervisor, D6, and come up with solutions for fatigue. So, for example, if I had a number of interrupted nights due to kids not sleeping, et cetera, I was able to work from home if I was too tired to drive to work, for example, and these sorts of things.

10 FLTLT ROSE: So, effectively, D6 was your direct supervisor, so you would ask or discuss those issues with D6 directly.

D8: Yes, correct.

15 FLTLT ROSE: And other people would have other persons. Like, for example, from the Troop, they'd ask to speak to the Troop Commander about it.

D8: Yes, correct.

20 FLTLT ROSE: Then Regiment Headquarters would speak to whoever was their chain of command.

D8: Yes, correct, ma'am.

25 FLTLT ROSE: So small little units and groups of people operating and discussing their fatigue within those lines. But in terms of the Squadron or the Regiment itself, was there any regular annual training on fatigue management?

30 D8: I don't recall any specific fatigue management training, ma'am, outside of our three-yearly Aviation Medicine refreshers.

FLTLT ROSE: At paragraph 56 you state that there was a surge period in June 2023 for training.

35 D8: Correct.

FLTLT ROSE: So was that the SOQC that was held in the latter half of June?

40 D8: That's correct.

FLTLT ROSE: Were you involved in that?

45 D8: Yes.

FLTLT ROSE: We've heard some evidence that the QFIs involved in that were working very long hours and actually filed some fatigue reports in Sentinel. Were you working similar hours to the QFIs?

5 D8: I was working very similar hours, but I wouldn't say exactly the same. We were lucky in the sense that we had three QAIs and only required two on any one night, so we were able to rotate out, as we needed, if we were fatigued.

10 FLTLT ROSE: I did say I would come back to this, so I might give you another opportunity. You said there's another QAI in the Squadron, I believe, and if they're not on the list, I'll just ask you to write their name.

D8: Yes, ma'am, I just found that individual's pseudonym.

15 FLTLT ROSE: Which one is their pseudonym?

D8: D57.

20 FLTLT ROSE: Thank you. So D57 was on that SOQC with you?

D8: Yes, correct.

25 FLTLT ROSE: Did you also file a fatigue report in Sentinel after that SOQC?

D8: No, I did not, ma'am.

30 FLTLT ROSE: Did you feel fatigued after that SOQC?

D8: I would say I was probably suffering from acute fatigue at the end of the SOQC, but as I said, I was able to manage the day-to-day fatigue by swapping out with the other instructors.

35 FLTLT ROSE: The Inquiry's heard evidence that Max Nugent was one of the trainees on that SOQC. Do you recall that?

D8: Yes, ma'am.

40 FLTLT ROSE: Were Phil Laycock or Alex Naggs involved in that SOQC as either trainees or instructors?

D8: WO2 Laycock was an instructor, to the best of my knowledge, and CPL Naggs was a junior aircrewman throughout the course.

45

FLTLT ROSE: So they may have also been working the same hours as you?

5 D8: Potentially yes, ma'am.

FLTLT ROSE: Did you discuss with either Max Nugent or Phil Laycock or Alex Naggs feeling acutely fatigued after that SOQC?

10 D8: Not with those three individuals, no, ma'am.

FLTLT ROSE: But you do say that this June training led to significant fatigue within the Squadron, and you said it was meant to be followed by an RTP?

15 D8: Yes.

FLTLT ROSE: What does that stand for?

20 D8: "RTP" is reduced tempo period.

FLTLT ROSE: And did you have a reduced tempo period after that SOQC?

25 D8: We did. But as I've said in para 56, I'm not sure how effective that RTP was because, whilst it was reduced tempo and there was not flying going on, for myself and the instructional staff, we were catching up the paperwork that was missed during the flying phase of the SOQC.

30 FLTLT ROSE: So you were still turning up to work and working long hours, but just in front of the computer?

D8: Correct, yes.

35 FLTLT ROSE: Were you also planning for TALISMAN SABRE, or other exercises?

D8: Yes, I can't remember exact dates but, yes, after the SOQC had finished, we did about a week's worth of the paperwork tidy-up in that RTP and then commenced planning for TALISMAN SABRE.

40 FLTLT ROSE: Do you recall having any days off between finishing the SOQC and deploying on TALISMAN SABRE?

45 D8: I don't recall, no.

FLTLT ROSE: At paragraph 71 you state that instructing trainees is particularly fatiguing because you're responsible for your own safety and then the safety of the aircrewman under supervision, and the safety of the aircraft at all times.

5

D8: Correct.

FLTLT ROSE: You also state that it's exacerbated during 6 Aviation training as the aircraft operate in close proximity to each other in urban environment.

10

D8: Correct.

FLTLT ROSE: So is it your opinion or evidence that flying Special Operations missions or just flying in 6 Aviation generally is more fatiguing than, say, flying in 5 Aviation Regiment?

15

D8: I don't think the flying itself is fatiguing. I think the planning cycle we go through is the fatiguing part, where it's quite lengthy periods of planning to enable the flying to occur.

20

FLTLT ROSE: So say that two rotor di's is the standard spacing, it's not so much that that's more fatiguing, although it could be?

25

D8: It could be for the pilots. I can't speak for them, sorry, ma'am.

FLTLT ROSE: But not so much for the aircrewman?

D8: No.

30

FLTLT ROSE: It's more the planning for the mission sets, because you have a greater volume of sorties in 6 Aviation Regiment?

D8: Yes, correct.

35

FLTLT ROSE: And are all aircrew involved in planning at some point, even if it's not that particular exercise, and there'd be another one that they'd be planning for?

40

D8: Yes, correct, there's usually concurrent planning going on.

FLTLT ROSE: At 58 you state that you worked three weeks without a break, including weekends for the two weeks preceding deployment to TALISMAN SABRE, and then of course that includes the week of TALISMAN SABRE itself. That's the three weeks?

45

D8: Correct.

5 FLTLT ROSE: And that's coming straight off the back, essentially, of the SOQC, and the week of catch-up admin for that?

D8: I can't recall off the top of my head, but I think, yes, it was pretty close to - - -

10 FLTLT ROSE: Close in time?

D8: Yes, close in time.

15 FLTLT ROSE: If not sequential?

D8: Yes.

FLTLT ROSE: So were these about 50-hour weeks you were working?

20 D8: Sometimes. We were getting very close to 50-hour weeks. So we would do, after the instructional stuff – like myself, if we flew every day that week, yes, we'd be doing 14-hour days – and I'm no good with maths off the top of my head – but we would fly four days, and then the Friday would either be a planning day for the next week's activities or it'd be the
25 admin catch-up day for the rest of the week, so things like soldiering reports that need to be written.

FLTLT ROSE: Did you go on to TALISMAN SABRE feeling fatigued?

30 D8: I don't think I was overly fatigued. The weeks prior to TALISMAN SABRE, we weren't flying a great deal. We were doing a lot of ground briefings for the upcoming exercise, so the flying was very minimal. And I don't believe I did any between the end of SOQC and the start of
35 TALISMAN SABRE.

FLTLT ROSE: So, essentially, there could have been a month without flying?

40 D8: I think it was about two or three weeks, ma'am, from memory.

FLTLT ROSE: Two or three weeks. At paragraph 75 you state that you experienced both acute and cumulative fatigue in 2023 due to abrupt changes to flying scheduling, your own family life, and then consecutive
45 long days of flying.

D8: Correct.

FLTLT ROSE: How does the changes to scheduling increase fatigue?

5 D8: So when you have a last-minute change to your fatigue, it disrupts the
plan you may have had for a day, for the day of work that you're about to
go do. You know, sometimes you may get a text message late in the
evening saying there's been a change for the program tomorrow. So, you
know, things like myself – if I'm trying to get an early night's rest to then
10 get ready for a flight that I had planned the next day, if that flight had been
moved to the next night, I'm already kind of in a sleep cycle for day
operations as opposed to night operations.

15 FLTLT ROSE: So you would receive text messages whilst you're at
home? You'll be at home preparing for a day flight and you get a text
message from the OC, or whoever it is, to say, "Sorry, you're moving to a
night flight"?

20 D8: It might not be the OC. It could be a Troop Commander or someone
else, but yes. I wouldn't say it was a regular occurrence, but it did happen.

25 FLTLT ROSE: And the same could be true, that you were planning for a
night flight and you get a message saying, "Look, we're onto a day flight",
and you haven't gone to bed early enough to really manage your fatigue to
meet that earlier start?

30 D8: Yes, it would happen very rarely where a night sortie would be
brought forward to daytime, ma'am, but yes. And we never got text
messages after probably 2130-2200 at night, and they were very – it wasn't
a common occurrence for that to happen, if it did. It was more of a
reaction-based requirement as opposed to the plan's just changed because
we want it to. It was, "Someone's unable to fly. Can you do this sortie
tomorrow for us?"

35 FLTLT ROSE: At paragraph 76 and following you state that you removed
yourself from some sorties in 2023 due to fatigue.

D8: Correct.

40 FLTLT ROSE: That's FACEing out, I take it?

D8: Correct, yes.

FLTLT ROSE: And you said the safety system in the Army Aviation relies on individuals being honest with themselves to know when it's unsafe for them to fly.

5 D8: Correct.

FLTLT ROSE: But sometimes – and that's, for example, during large formation training – individuals, you think, may feel pressured not to report their fatigue, so that the training can be completed.

10

D8: Correct.

FLTLT ROSE: And this may be more accurate for people with key qualifications.

15

D8: Correct.

FLTLT ROSE: Does that include the flight lead?

20

D8: That would include any qualifications where you're a single person deep, as in there's no one if you – if that person removed themselves from the sortie, that sortie could no longer go ahead.

25

FLTLT ROSE: So it could be that person that's got Special Operations qualifications?

D8: Correct, yes.

30

FLTLT ROSE: It could be that they were - - -

D8: A flight leader, yes. Any sort of key position.

FLTLT ROSE: Authorisation Officer.

35

D8: Maybe not Authorisation Officer. But, yes, definitely, like, Flying Instructor or Aircrewman Instructor.

40

FLTLT ROSE: Were you one of the people that held those key qualifications as at 28 July 2023?

D8: Correct, ma'am, yes.

FLTLT ROSE: What was that qualification?

45

D8: So it was my SOQAI qualification.

FLTLT ROSE: It was the SOQA - - -

D8: Yes, correct.

5

FLTLT ROSE: - - - QAI, yes. Was the full mission profile to – that was being conducted on 28 July ‘23, was that one of the large formation training events that you’re referring to?

10 D8: Correct.

FLTLT ROSE: So, in theory, if one of the SO Captains FACE’d out prior to that sortie starting, then that event wouldn’t go ahead?

15 D8: I can’t speak for the Captains, but definitely the senior aircrewman were the limiting factor for that mission.

FLTLT ROSE: So it was the senior aircrewman. Did you feel – or did you discuss with your fellow senior aircrewman an obligation to keep flying during TALISMAN SABRE?

20

D8: I don’t recall a discussion of that nature, no, ma’am.

FLTLT ROSE: Did you individually feel an obligation to keep flying, to keep those training exercises occurring?

25

D8: I wouldn’t say so, no, ma’am.

FLTLT ROSE: If you had felt tired, you would’ve been okay, confident enough to FACE out?

30

D8: Yes.

FLTLT ROSE: At paragraph 63 and following you set out some issues with the MRH-90 serviceability, the maintenance burden, and various cessations of flying that impact the aircrew’s ability to maintain their proficiency and recency on the MRH-90. Is that paragraph 63 and following?

35

40 D8: Yes, correct, ma’am.

FLTLT ROSE: So there weren’t enough serviceable aircraft for you to fly at various times.

D8: Depending on the activity we were doing at the time. If we required a large number of aircraft, say, for example, on the SOQC, we'd have to have a dedicated period of no flying prior to that to ensure we had enough serviceable aircraft.

5

FLTLT ROSE: So that the maintainers could ensure that - - -

D8: Yes, the maintainers could ensure we had enough serviceable aircraft to commence that activity.

10

FLTLT ROSE: But when you say it impacts aircrew's ability to maintain proficiency and recency - - -

D8: So that's more talking about the cease ops and the pause ops we experienced somewhat regularly with MRH, where the tail rotor failure back in 2019, for example, happened three days into my QAI course and we didn't fly for, I think it was about six weeks. And we were only lucky enough at OHQ to get in the aircraft because we were required for the crash response helicopter, that I could recommence my course. But for other people around the capability and the command, there was a very - there was almost no flying for certain individuals because there were no aircraft available. And then, as the modifications were made in that instance, that the flying gradually returned. But again, it was an extended period away from flying for a large number of people.

15

20

25

FLTLT ROSE: Was there a surge period once the flying was operational again, you could fly the MRH-90? Was there a surge period to try and regain everybody's recency on type?

30

D8: So for MRH-90 pilots, they had the full flight mission simulator at Oakey they could use - and in Townsville. So the pilots were largely able to maintain their currencies in those simulators. Aircrewman, on the other hand, the only way that we can maintain our currency is in a live aircraft. So unfortunately for us, when there's a cease ops or a pause ops, that's it, we can't actually do anything to maintain our currencies.

35

FLTLT ROSE: At 67, you state that the MRH-90 operations were governed by a number of legislative documents which changed at random intervals, and this made it hard to remain certain if you were operating within the Regulations at times.

40

D8: That's correct.

FLTLT ROSE: Were aircrew briefed every time there was a change made to the legislative document that governed your flying operations?

45

5 D8: Not always. Sometimes you would have – sometimes, for example, the first time I knew there'd been an amendment to a document was in my electronic flight bag, and a new version of a document would pop up. Other times, if it was a large change to a document, you may get a brief on that.

10 FLTLT ROSE: So, essentially, there could have been a change to how you had to safely fly the aircraft, and it would just be a pop up that came up when you logged into - - -

15 D8: It could. Yes, potentially. Yes, ma'am. Yes. I'll use the example of the door configuration for overwater flight as a prime example. So prior to 2021, the MRH-90 flight crew checklist required that aircraft fitted with floats for overwater flight had to have the cabin doors closed throughout. However, in an aircraft not fitted with floats, the cabin doors were required to be open. Those paragraphs disappeared from the flight crew checklist, with no indication as to why or where they went. And myself and a few other instructors were trying to get answers as to where that went, and we couldn't find anyone that could tell us why it was removed.

20 FLTLT ROSE: Who do you go and ask those questions of? Is it Brigade level or Aviation Command level?

25 D8: So in my position at the moment within 6 Aviation Regiment, my first point of contact is the Regiment Standards Warrant Officer, which is D57. Otherwise, I can go directly to our Brigade Standards Warrant Officer, or our Avn Command Standards Warrant Officer.

30 FLTLT ROSE: And you did that on that occasion, when you were trying to find out where those changes to cabin doors - - -

35 D8: Because I was posted to the School at the time, I went through my direct supervisor, and also I think I approached the Forces – sorry, the then Forces Command Standards Warrant Officer.

FLTLT ROSE: And you couldn't find the answers you were seeking?

D8: I couldn't find an answer, no.

40 FLTLT ROSE: Were you concerned that this was a risk to Aviation safety?

D8: Yes, I was, ma'am.

FLTLT ROSE: Is that still the case today in 6 Aviation Regiment, when you've noticed that there have been changes to your flying operations that haven't been specifically briefed to aircrew?

5 D8: It's kind of hard to comment at the moment. Because we're operating a new platform, there's a lot of changes to a lot of documents. Most of those changes are fairly well communicated because they relate to operations we can or can't do with the aircraft. So when changes are made to those documents, we are usually made aware of them ahead of time. But
10 on the MRH, definitely there were times where things would change and you just weren't aware of it, or why they'd changed.

FLTLT ROSE: Ms McMurdo, I note the time is 20 past 12.

15 MS McMURDO: Yes, I think lunch is being served at 12.30.

FLTLT ROSE: Keep going to 12.30?

MS McMURDO: We'll keep going until 12.30, although it's been a very
20 long morning.

FLTLT ROSE: Thank you.

MS McMURDO: Yes. Thank you. Is that okay with you?
25

D8: Yes, ma'am.

MS McMURDO: Thank you.

30 FLTLT ROSE: Now, I am jumping around a bit. At 169, I think it is, of your Inquiry statement you refer to a change – you're talking about aircrewman discharge rates.

D8: Yes, correct.

35 FLTLT ROSE: And:

A change in fatigue was very real at the operational level, but not actively or effectively managed.

40 Do you see that?

D8: Yes, correct. So that's referring to when there's large-scale changes were happening regularly, as MRH went through, it was very hard to keep
45 up with what the Regulations were. What that meant was that any time

5 prior to a sortie, if you were doing something that you may not have done for a while, you would have to go back and actually re-read a lot of the documents to make sure that nothing had changed that you weren't aware of. And that was purely so that we were operating within the intent of the rules at that time.

FLTLT ROSE: And that itself was fatiguing on the individual aircrew?

10 D8: Correct, yes.

FLTLT ROSE: It added to the length of your day, effectively?

15 D8: Correct. The standard day-to-day flying operations, there's probably at least five manuals we operate under that we have to be mostly conversant with in large parts. And other parts we can rely on sort of - - -

FLTLT ROSE: I take it these manuals have lots and lots of pages to them?

20 D8: Correct.

FLTLT ROSE: And whose responsibility do you think it is to manage the changes to ensure that they weren't fatiguing the aircrew? Is there a particular person in the Regiment?

25 D8: I wouldn't say a particular person. It's not a Regiment level; it's out at the Command level. The Standards Branch within Avn Command mainly look after the documents that are released to us. Yes.

30 FLTLT ROSE: Is this a peculiarity to the MRH-90 then, or is it present – you said before that it's a bit hard to tell because you're still getting used to the platform.

D8: Yes, correct.

35 FLTLT ROSE: But if you're looking back at your days of flying the old Black Hawk, was that a similar issue?

40 D8: So on the S-70A-9, when I came to the aircraft, it was at a very mature state in its time in Service. The changes that were made to the legacy Black Hawk were very, like, minor in nature. Obviously, the legacy Black Hawk had been through a number of upgrades through its life. But the changes that I saw were very small scale, around sort of, you know, fitting minor bits of mission equipment, for example. When I came to MRH in 2018, it was a very different feeling about how the publications were managed. And
45 right up to the end of its Service life, MRH was operated under a special

5 flying instruction which was prone to change at, again, semi-regular intervals, and certain items out of that would – not disappear, but would be moved from the SI5 into a publication. That was annotated in the document. But then there'd be times where things would move from the SI5, it wouldn't make it into the published document.

FLTLT ROSE: And you weren't always sure that that was what was occurring.

10 D8: Correct.

AVM HARLAND: So when these changes occurred to your orders, instructions, publications, was there, like, a routine where the Squadron would be briefed on that so that you were actually explicitly aware of the changes and how you needed to adjust your operations?

D8: Not whilst on MRH, no, sir.

20 AVM HARLAND: So, effectively, the publication would go out and the expectation would be that everyone would read it and make their own judgments about it, and then move forward?

D8: Yes. The only time we had a mass brief about changes to MRH publications was when the STANMAN was changed to the performance class operations, which was in about 2021, I think, as well. And that was a – a brief was delivered to us by the Standards Branch at the time.

AVM HARLAND: But that was the - - -

30 D8: But that was the only one I can recall of the top of my head, sir. Yes.

AVM HARLAND: So how did you cope with that? And you're a QAI in the unit, so you need to be a person who's leading the way in terms of standards and procedures. So how did you manage that, and how did you see the Squadron coping with that?

40 D8: It's challenging. It's probably the best way to put it, sir. You know, it's very hard to keep up with the changes at times. You know, if I found changes, due to how busy we were at times, I'd find I'd have to send an email out to all the aircrewman, and all the aircrew if it was applicable, just as a, "Hey, this has changed. Heads up, just be aware before you go flying next time", sort of thing. But it is challenging at times to make sure that everyone's aware of the changes.

AVM HARLAND: So when you were flying, did you find on occasions the crew within your aircraft, or within the formation, were operating on different versions of the publication?

5 D8: I wouldn't say "different versions of publications". Obviously, before we go do formation flight, we do a set of orders prior to that, and that brings everyone into alignment with the practices we're going through. So I wouldn't say that there was changes to the point that within formation individual crews would have a difference of opinion of the rules. But,
10 again, if you're going out single ship and a publication has changed within the 10 minutes before you've walked, it's kind of hard to make sure that you're all over it before you go flying to meet your lines times.

AVM HARLAND: Yes, okay. Thank you.

15 FLTLT ROSE: Taking you back to paragraph 93 of your statement, you refer to the A0011 publication improvement reports and replies - - -

D8: Correct.

20 FLTLT ROSE: - - - which is people can submit these to try and correct errors that you identify within publications.

D8: Correct.

25 FLTLT ROSE: But you often found these forms were either not passed on or that they would get lost in a backlog of other A0011s or it took an extended period of time for those errors to be corrected?

30 D8: Yes, that's correct, ma'am, yes.

FLTLT ROSE: Was that peculiar to MRH-90? Was that also something that you've experienced - - -

35 D8: It's something I've noticed throughout my career is that, yes, it's very slow to get changes incorporated into publications. I've submitted probably about four or five in my time and, yes, each time I've submitted and heard nothing back.

40 FLTLT ROSE: Have you noticed there's been a change to a publication as a result of submitting one of these forms?

D8: The only one I've submitted that made a change was when in the standardisation manual an amendment was released and the paragraphs
45 pertaining to aircrewman scan arcs had been inadvertently deleted, and I

submitted a PORR to get those re-added and about a month to six weeks later it was reincorporated back into the document. But I don't think it was as a result of the form I submitted. It was actually as a result of a phone call I made to the Standards Warrant Officer at the Standards Branch at the time.

5

FLTLT ROSE: So on occasion, as a QAI, would you have to instruct your juniors to do something that wasn't quite in line with what the manual said because you knew it was wrong and it was out of date, and for safety reasons you would say, 'No, what you're actually going to do is this'?"

10

D8: I don't believe I did, ma'am. I would seriously compromise my ability – sorry, my position as instructor if I ever tried to tell someone that you operate outside the rules to get something done.

15 FLTLT ROSE: So even if the rules were wrong and you knew that, you still had to operate by the rules?

D8: Yes, like, to the level of what I would operate within the rules.

20 FLTLT ROSE: At paragraph 91 you refer to the ditching of the MRH-90 in Jervis Bay, and that was in March 2023.

D8: Correct.

25 FLTLT ROSE: And you state that after this you had very little confidence in the MRH-90 or the technical airworthiness system that supported it.

D8: Correct.

30 FLTLT ROSE: Even though the unmodified engines had been swapped out by then?

D8: Correct.

35 FLTLT ROSE: You said that you had doubts about what other known failure modes you were not being told about.

D8: Correct.

40 FLTLT ROSE: Were you concerned it was not safe to return to flying then after the cessation of flying, perhaps returning to flying in April or May 2023?

45 D8: The doubts I had with the technical airworthiness system were based around a number of events to happen over the years. So we had the tail

rotor in 2019, the CAMM2 issue in 2021, and then obviously the engine failure in 2023. And, for me, where I sat as a flying supervisor, I had concerns that there were other failure modes that weren't being provided – information about failure modes that weren't being provided to us that were
5 known about. And I would say, yes, that I had, as I said in the paragraph there, very little confidence in the aircraft; that there may be other things that we just don't know about as operators, that someone in the technical airworthiness space knows about.

10 FLTLT ROSE: Did you feed those concerns back up through the chain of command?

D8: I don't believe I did, formally. I think I spoke with some of my colleagues/supervisors about it, but I don't think it was ever formalised and
15 passed up.

FLTLT ROSE: Ms McMurdo, I note the time. It's 12.30 now.

MS McMURDO: All right then. We'll resume at 1.15, thank you.
20

HEARING ADJOURNED

HEARING RESUMED

5 MS McMURDO: Yes, FLTLT Rose.

FLTLT ROSE: D8, if you could turn to paragraph 164 of your Inquiry statement? Do you recall the conversation in that paragraph with the Brigade Aviation Safety Officer in April 2024?

10 D8: Correct.

FLTLT ROSE: Is that person in the pseudonym list? Perhaps try by the alphabetical list?

15 D8: Yes. It doesn't appear to be so. No, ma'am.

FLTLT ROSE: I'll hand you a piece of paper and a pen. I'll just ask you to write the person's full name and rank on the piece of paper.

20 D8: Thank you. Thanks.

FLTLT ROSE: I tender the name of the Brigade Aviation Safety Officer as at April 2024.

25 MS McMURDO: Brigade Aviation Safety Officer mentioned in paragraph 164 of Exhibit 63B will be Exhibit 64.

30 **#EXHIBIT 64 - NAME OF BRIGADE SAFETY OFFICER
REFERENCED AT PARAGRAPH 164 OF EXHIBIT 63B**

FLTLT ROSE: Now, I take it that's a male?

35 D8: Correct.

FLTLT ROSE: You asked him if the Brigade tracked how many aircrew within the unit were fully employable in line with 6 Avn Regiment's UTAP. What does "UTAP" stand for again?

40 D8: It's the Unit Training Assessment Program.

45 FLTLT ROSE: And he responded that they did not track that information, but suggested that 6 Avn write a Standing Instruction to manage individual's fatigue if they occupy key positions, with key qualifications.

D8: That's correct.

5 FLTLT ROSE: So this was in relation to earlier evidence you gave about one of the things that could lead to potential fatigue in the unit was that you had a limited number of people with the key qualifications, and so those people were having to be used regularly. And if they were not available, then potentially training, the sorties, would have to be cancelled.

10 D8: That's correct, ma'am. It was also to gauge how aware Brigade was that we didn't have a requisite number of qualified people as well that we were – essentially, the unit was being provided – sorry, posted aircrewman specifically to the unit that weren't actually in a position to attempt SOQC.

15 FLTLT ROSE: So they didn't have the requisite qualifications for them to actually do the SOQC?

D8: Correct, yes. And they were the junior aircrewman I referred to earlier in the statement.

20 FLTLT ROSE: How were they meant to get those qualifications, or the prerequisites achieved? Was that something that 6 Avn had the ability to facilitate for them, or did they have to go back to Oakey to get those prerequisites achieved?

25 D8: So most of the prerequisites that we set out in the UTAP at the unit we can achieve within the unit. The UTAP itself lays out a pathway for postgraduate aircrewman to progress through the unit's category system. And with the UTAP at the unit, you have to complete the SOQC to progress
30 past CAT C – sorry, CAT D.

FLTLT ROSE: And so is it your preference that aircrewman that are posted to 6 Avn Regiment have actually spent a bit of time in another Aviation Regiment so that they come pre-prepared and ready to qualify as
35 Special Operations aircrew?

D8: That would be a preferred means. The problem we have at the moment is that we have no what we call a feeder unit to provide us with those qualified aircrewman. So, currently, the only other operational unit
40 is 5 Avn Regiment, who operate on Chinooks. So if we were to bring an aircrewman who was experienced from C Squadron down to 6 Avn, we'd have to give them a tight transition to UH-60M to then let them get their hours and experience on that platform to then attempt the SOQC.

45 FLTLT ROSE: Do you do the transition training in 6 Avn itself, or do they

go back to Oakey for that transition?

5 D8: At the moment, we have a detachment from the School of Army Aviation in Holsworthy doing the transition to UH-60M. That's only due to the fact that the aircraft are only based in Holsworthy at the moment. And for C Squadron, their training on Chinook is done in location in Townsville.

10 FLTLT ROSE: At paragraph 170 and following you raise a series of points about the career management pathway for aircrewman in Army Aviation and refer to the number of qualified persons that have discharged from the Army in the past four years, and the lack of opportunity for some individuals to gain the experience they need before being considered for promotion. And that you say it impacts the quality of the QAIs selected.

15 D8: Correct.

20 FLTLT ROSE: Is it your evidence that you have junior aircrewman posting into 6 Avn Regiment which you can't fully utilise because they haven't got the prerequisites done for them to become Special Operations qualified and yet you also have senior aircrewman who are discharging for various reasons, but one may be lack of career development?

25 D8: It's not a 6 Avn specific problem. It's across the capability that we're experiencing this. What it's leading to is a mature state system where we have a number of other units that fly the UH-60M. We could post graduated aircrewman into those units, allowing them to develop, get the experience that they need, and then post to 6 Avn to do the Special Operations role. That time for them would normally be about a posting cycle of three years, maybe four years.

FLTLT ROSE: How many QAIs are there currently in 173 Squadron?

35 D8: At the moment there are none in 173.

FLTLT ROSE: 171?

D8: There are three – correction, four, sorry.

40 FLTLT ROSE: At paragraph 173 you also state:

The average hours flown in 6 Avn Regiment this year are almost half of what the Standing Instructions suggest.

45 D8: What paragraph is that, sorry?

FLTLT ROSE: 173.

D8: Yes.

5

FLTLT ROSE: So you said before that the Standing Instructions only require aircrewman to fly 150 hours per year.

D8: Correct.

10

FLTLT ROSE: So, essentially, you're saying that it's less than 75 hours for 2024, on average?

D8: That's, yes, an average across the whole aircrewman within the Regiment. What that's been caused in part by is that we have a number of aircrewman who haven't flown in military aircraft since the grounding of the MRH-90, so they have zero hours next to their name. And there's people like myself, and a handful of others, that have a large number of qualifications and experience, that have been used quite heavily in the operational test and evaluation programs for UH-60.

15

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FLTLT ROSE: And that counts towards your recency hours.

D8: Correct, yes. Yes, as well.

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FLTLT ROSE: You set out some further details about the aircrewman career progression in Annex A and B but, as I stated before, that's at the "Protected" level, so we won't go into that - - -

30

D8: Correct.

FLTLT ROSE: - - - in this public hearing. Could the witness please be shown Exhibit 37, and it can also be shown on the screen.

35

MS McMURDO: Yes.

FLTLT ROSE: Have you seen this document before?

D8: Yes, I have, ma'am.

40

FLTLT ROSE: It's the Fatigue Risk Awareness Tool, or the FRAT.

D8: Correct, yes.

45

FLTLT ROSE: Do you use this tool at all in your current role?

D8: Yes, I do.

5 FLTLT ROSE: Do you use it every day you attend at Holsworthy or only on flying days?

D8: Only on flying days only, ma'am, yes.

10 FLTLT ROSE: And do you do it during mission orders or duty start, or is it at a certain hour before flying? When do you undertake that tool?

D8: I will complete the FRAT at the start of my duty day.

15 FLTLT ROSE: And do you do it online or write it by hand?

D8: Online.

20 FLTLT ROSE: And where does the FRAT go? Who else gets to have visual on your filled in FRAT?

D8: So it's stored in an Objective folder. Each Squadron has their own, and then each member within the Squadron has their own subfolder. I'm unsure as to who actually has access to those folders, but obviously the individual members do.

25 FLTLT ROSE: Do you ever look at anyone else's FRAT?

D8: No, I don't, ma'am.

30 FLTLT ROSE: And you're not sure whether it's something the OC is tracking the FRATs, or the Safety Officer?

35 D8: I believe the – sorry, I believe the OC is aware of it. He has raised it previously in the past they need to be completed because there was a – I think when they were first introduced there was, I would say, a bit of a lapse of, you know, a new policy has been introduced and people are just getting used to that policy. But I think since then they've been completed to the best extent possible.

40 FLTLT ROSE: Is the new OC, D9?

D8: No, it's the OC of 171, D133.

45 FLTLT ROSE: D133. Thank you.

D8: Correct.

FLTLT ROSE: Have you received any specific training on how best to use this tool?

5

D8: Off the top of my head, I don't believe so, no, ma'am.

FLTLT ROSE: For example, if you go to the right-hand side of the page where it's got the amber and it says, "Actively manage", and if you look for the wording next to it, it says:

10

Advise your supervisor of your heightened fatigue risk and ask team members to monitor you.

15 Is that what you do if you present as amber, or if anybody in your aircrew presents as amber? Do you discuss it together?

D8: So from my experience, when someone is presented with an amber, I've done so in the past, I've spoken to my Aircraft Captain about it. And they'll ask which amber it relates to, be it lack of sleep or any of the other categories there. And if it's just part of the formation, it's obviously passed up to the Authorising Officer as well. But, yes, we do talk about it.

20

FLTLT ROSE: And have you had amber results filling out a FRAT?

25

D8: Yes. Yes, correct, I have.

FLTLT ROSE: More than once?

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D8: A handful of times, yes.

FLTLT ROSE: Have you ever had a red?

D8: No.

35

FLTLT ROSE: So if you go to the next sentence, it says:

Consider adjusting tasks and then increase team communication and task cross-checking.

40

D8: Yes.

FLTLT ROSE: Have you experienced that occurring? For example, your tasks have changed because you're presenting as an amber?

45

5 D8: I wouldn't say my tasks have changed. When we are flying or conducting planning of any of those other activities, there is a lot of inherent cross-checking that goes on within the crew environment when we're flying. And when we're also planning as well, there's obviously a lot of cross-checking that goes on, so inherently outside of the FRAT's requirements.

FLTLT ROSE: And then it says:

10 *Consider taking a break or accessing controlled rest napping.*

Have you ever had a nap at work to counteract any fatigue you were feeling?

15 D8: I've had naps when we're in the deployed environment. I don't tend to at work, but definitely when we've been away on exercise I've used the naps somewhat to alleviate fatigue.

FLTLT ROSE: Is there anywhere to nap at 6 Avn if you needed to?

20 D8: The only place I can think of is the Duty Office and the duty accommodation. But outside of that, there's no place I'm aware of that you could nap.

25 FLTLT ROSE: I assume there's the barracks and/or some rooms in the mess that, if needs be, someone could nap - - -

30 D8: Yes, there is on-base accommodation for larger exercises and activities. There are rooms available in the messes if members are feeling fatigued post-flying. They're able to access those rooms if required.

FLTLT ROSE: But is it, in your experience, that people haven't tended to nap when at Holsworthy during the day?

35 D8: No, I haven't seen that before, ma'am, no.

FLTLT ROSE: Would it be frowned upon if somebody wanted to nap to counteract the feeling of fatigue?

40 D8: I don't know if it would be frowned upon. If it was, you know, somebody explained why they're going for a nap, I don't think they'd frown upon it. But it's not in my - sorry, I have never witnessed anyone taking a nap, sorry.

45 FLTLT ROSE: But you said in the deployed environment that you have taken naps before.

D8: Correct.

5 FLTLT ROSE: And have you observed other personnel taking naps in the field environment?

D8: Yes, I have.

10 FLTLT ROSE: And so it's not looked down upon or frowned upon in the field environments, to take a nap?

15 D8: No. You know, usually people are taking naps between tasking or between periods where they're required to be conducting planning or other relative activities and there's a bit of, like, a downtime for a couple of hours. And people make the most of those short periods.

FLTLT ROSE: And then the last sentence is:

20 *Consider strategic use of caffeine and food intake.*

Have you received any training about what that means, a "strategic use of caffeine or food"?

25 D8: I received some during my Aviation Medicine refresher courses about how to best use caffeine and foods and what types of caffeine and foods to take if you're feeling fatigued. But outside of that, there's – as far as I can recall, there's no standardised training.

30 FLTLT ROSE: And how often are those refreshers?

D8: Every three years.

35 FLTLT ROSE: So there wasn't any specific training that came out with the implementation of the use of this tool that you can recall?

D8: Not off the top of my head, ma'am.

40 MS McMURDO: Is the training you did on that, was that something specific to your role or was that across everybody?

D8: Is that the Aviation Medicine refresher, ma'am?

MS McMURDO: Yes.

45 D8: Yes. So that's a – all aircrew are required to do that.

MS McMURDO: All aircrew.

5 D8: The requirements have just changed. So now it's every five years you have to go to AVMIT, or they come to us to conduct practical training. And then every three years within that, they're still maintaining an online training - - -

10 MS McMURDO: Thank you. And what did you learn about caffeine and food intake?

15 D8: It was more around about – sorry, with the caffeine itself, it was your energy drinks versus, like, coffee and tea and those – and the side effects that each of those has. And with the foods, ma'am, it was around the, you know, certain foods that have a certain caloric or sugar contents.

MS McMURDO: So it was about low GI foods?

20 D8: Yes, correct.

MS McMURDO: Was the better one to take.

D8: Correct, yes.

25 MS McMURDO: Thank you.

FLTLT ROSE: How effective do you think the FRAT is in allowing the Squadron to manage aircrew fatigue?

30 D8: I think it's good in a way that allows individuals to assess their own fatigue against the set criteria because otherwise the only other time you have to catch fatigue is if someone self-reports prior to a sortie. And it's, like, you know, for me, I've also got young kids at home, so some nights I don't get sleep and, before this was used widely, I may have said I was good to fly, and then, reassessing using this, I actually may not have been – is probably one example I can give. So I think it's a useful tool.

40 FLTLT ROSE: I want to turn now to Exercise TALISMAN SABRE. So if you look at paragraph 109 of your Inquiry statement, you deployed to Prosperine Airport early on 24 July 2023?

D8: Correct.

45 FLTLT ROSE: And your aircraft departed Holsworthy at about 7.30?

D8: Correct.

FLTLT ROSE: Did you fly out to Proserpine with CAPT Danniell Lyon?

5 D8: Correct.

FLTLT ROSE: And also D9 and D12? If you need to refresh your - - -

10 D8: That's correct, ma'am.

FLTLT ROSE: That's an early start, if you'd been generally working night shifts.

15 D8: Correct.

FLTLT ROSE: And you had to go from night shifts into the early start on the 24th; is that correct?

20 D8: I can't speak for anyone else but, yes, the weeks prior to the – the two weeks prior to the deployment, at least, I didn't fly. So I had rotated back after SOQC into a day shift routine. I'm unaware of the other members in the crew what their shifts were like in the week prior. But for the most part, the week prior to departure was filled up with deployment orders and mass Air briefs.

25 FLTLT ROSE: And then, as I understand it, you, as an aircrew, had to then shift your body clocks from that early start on the 24th back into night flying for the rest of TALISMAN SABRE?

30 D8: Correct.

FLTLT ROSE: Did you find that difficult?

35 D8: I was okay in the sense that I didn't fly until, I think, 27 July, was my first sortie in Proserpine. So I had a few days to readjust my body clock. I can't speak for other people, what they did. I wasn't paying strict attention to their sleep cycles, ma'am.

40 FLTLT ROSE: At paragraph 110, in terms of the sleeping arrangements, you set out you slept in the senior leadership group tent with 17 other people.

D8: Correct.

45 FLTLT ROSE: You said the tents were warm at night, so you'd sleep with

the flaps of the tent open to allow the air to flow through?

D8: Correct.

5 FLTLT ROSE: And was an effect of having the flaps open meant that the early morning sun would enter the tent, whenever sunrise was?

10 D8: Yes, I was at the west end of the tent, ma'am, so I wasn't affected by the early morning sunrise. But, yes, the people sleeping at the other end probably would've been affected by sunrise.

FLTLT ROSE: And when you said it was warm at night, was that because it was humid?

15 D8: It was a combination, I think, of the weather. It wasn't overly warm but humid weather. And with the tents themselves, there was very little in the way of ventilation for them. And my sleeping arrangements where I was in a bivvy bag, which is essentially a small swag and a sleeping bag and I just found that it was actually quite hot sleeping in that. That was my
20 personal experience. Again, I can't speak for other people.

FLTLT ROSE: Were you sleeping on a stretcher or - - -

25 D8: Yes, on a stretcher.

FLTLT ROSE: So there's a sleeping bag on top of a stretcher?

D8: Correct.

30 FLTLT ROSE: And that was quite warm in itself?

D8: Yes. Yes, correct.

35 FLTLT ROSE: And then you had the tent, which was not airconditioned?

D8: Correct.

40 FLTLT ROSE: And there was little air flow, so attempts were made to increase the airflow by lifting up the flaps?

D8: Correct.

45 FLTLT ROSE: And, as you say, you had 17 other people in the tent with you.

D8: Yes, correct.

5 FLTLT ROSE: So you said it was the senior leadership group tent. Did that include CAPT Danniell Lyon?

D8: Yes, it did, ma'am.

FLTLT ROSE: Did it include WO2 Laycock?

10 D8: Yes, ma'am.

FLTLT ROSE: Did it include LT Nugent?

D8: No, ma'am.

15 FLTLT ROSE: Did it include CPL Naggs?

D8: No.

20 FLTLT ROSE: At paragraph 112 you put your earbuds in to listen to music to help you sleep.

D8: Yes, correct.

25 FLTLT ROSE: Is that your earbuds, as in not Softears?

D8: Yes.

FLTLT ROSE: But actually earbuds for audio?

30 D8: Yes, they're my own personal Bluetooth earbuds, ma'am.

FLTLT ROSE: And you did not take any sleeping medication?

35 D8: No, ma'am.

FLTLT ROSE: Had you done any ground trials so that you could take sleeping medication if needed?

40 D8: No, ma'am.

FLTLT ROSE: Were you informed that ground trials were available to aircrew?

45 D8: Yes, we'd been informed. When I did my initial employment training

we were informed that there's sleeping aids if people wished to use them. I haven't taken up that opportunity.

5 FLTLT ROSE: Now, at paragraph 113 you refer to disturbances throughout the nights with people entering the tent.

D8: Yes.

10 FLTLT ROSE: And that you remember not feeling fully refreshed when you woke up.

D8: That's correct.

15 FLTLT ROSE: But you had naps and caffeine throughout the mornings to counter this, so you were not too fatigued by the time you started duty.

D8: Correct.

20 FLTLT ROSE: The forward-operating base was near a commercial airport; is that correct?

D8: Yes, correct.

25 FLTLT ROSE: And there were planes and helicopters taking off throughout the day?

30 D8: Correct. So there was two components. There was the, like, regular public transport flights in and out of Proserpine, and there was also a small general aviation apron that had a number of small fixed-wing helicopter operations on a regular basis.

FLTLT ROSE: And did they also fly at night?

35 D8: I think there was one occasion where there was one civilian flight by night.

FLTLT ROSE: And is it the case that the base was near the fire station, the airport fire station?

40 D8: Yes, that's correct.

FLTLT ROSE: Was there any noises coming from there?

45 D8: I don't recall noises that were extremely early in the morning, but I think they were doing testing of their vehicles around about 7, 8 o'clock in

the mornings.

FLTLT ROSE: So testing of their vehicles, did that include sirens?

5 D8: I believe so.

FLTLT ROSE: So at 7 or 8 in the morning, when essentially you were meant to be asleep, you could hear them testing their sirens?

10 D8: Correct.

FLTLT ROSE: You could also hear flights that were taking off nearby, or landing?

15 D8: Correct.

FLTLT ROSE: You could hear people in the tents next to you, who were up and about?

20 D8: Correct. We had a – like, our social communal area was outside the front of the tents where, once people started to wake up, they would sort of congregate.

FLTLT ROSE: What do you mean by “social communal area”?

25

D8: Just where we’d have, like, our table set up for meals. So we’d have, like, our folding chairs and those sorts of things set up and we’d sit there and, like I said, have our meals. You know, just congregate during the day when we weren’t on duty.

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FLTLT ROSE: And there was one of those out the front of every accommodation tent?

D8: Correct.

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FLTLT ROSE: So if you happened to have your stretcher near that west or east end, whichever it was at, you would easily hear people milling around?

40 D8: Occasionally, yes. Most people were applying a bit of common sense and were keeping the noise down, but occasionally it would get a bit loud.

FLTLT ROSE: Have you received a briefing prior to going to TALISMAN SABRE, or even when you were up there, about etiquette in terms of communal sleeping etiquette, so being off phones, having your

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phones on silent, trying to limit disturbances for other people who were trying to sleep?

5 D8: I don't recall, ma'am, no.

FLTLT ROSE: At paragraph 114 and following you generally slept about seven or eight hours on TALISMAN SABRE per night.

10 D8: Correct, yes.

FLTLT ROSE: But that's except for on the morning of 28 July 2023, when you went to sleep at about 2 am and woke up at about 7.

15 D8: Correct, yes.

FLTLT ROSE: So that's only five hours' sleep.

D8: Yes, correct, ma'am.

20 FLTLT ROSE: You said that you did have a nap, though, before starting duty at 1300.

D8: Correct.

25 FLTLT ROSE: Do you know how long that nap was for?

D8: I think it was about 20, 30 minutes. It wasn't an overly long nap and I deliberately programmed it that way so I didn't have a – or start commencing the circadian rhythm to, you know, induce a deep sleep.

30 FLTLT ROSE: So did you set an alarm for yourself?

D8: Yes, correct.

35 FLTLT ROSE: And you had that through your Bluetooth headphones.

D8: Through my earbuds, yes.

40 FLTLT ROSE: So, effectively, if you were filling out the FRAT at duty start that day, you may have been in the amber?

D8: Yes. I probably would've been in amber, yes, ma'am.

45 FLTLT ROSE: So the reason is that you were up late on 27 July 2023 planning for the mission on the 28th.

D8: Correct.

5 FLTLT ROSE: And you worked with CAPT Lyon and CPL Naggs until the early hours in to 28 July.

D8: Correct. Yes, correct.

10 FLTLT ROSE: And that was sometime – you worked until sometime between 1 am and 1.30?

D8: Yes, ma'am.

15 FLTLT ROSE: Sorry, CAPT Lyon and CPL Naggs were up with you until that time?

D8: I believe so, yes, ma'am.

20 FLTLT ROSE: Then did you see them head towards the accommodation tents themselves?

25 D8: My recollection of the night was that we all finished planning around about the same time, and then went to the accommodation tents roughly the same time.

FLTLT ROSE: Now I'm going to ask you some questions about the sortie on 28 July. So you were assigned to Bushman 82?

30 D8: Correct.

FLTLT ROSE: If you just want to look, just to double-check, at the pseudonym list, was D6 the Aircraft Captain?

35 D8: Correct.

FLTLT ROSE: D5 the co-pilot?

D8: Correct.

40 FLTLT ROSE: And was D7 the aircrewman junior?

D8: Correct.

45 FLTLT ROSE: Do you recall attending the mission orders?

D8: Yes, I did, ma'am.

5 FLTLT ROSE: Now, this is not a memory test, but do you recall what was briefed about how many rotor di's were meant to be spaced between each aircraft when flying in formation?

D8: Not off the top of my head, but I believe it was no closer than two rotors.

10 FLTLT ROSE: Was 82 carrying flares?

D8: Yes, the aircraft was.

15 FLTLT ROSE: And was there any discussion about how many rotor di's you were meant to be spaced apart because you were carrying flares?

20 D8: There wasn't at the time, for the main part of the mission. And that was due in part – sorry, due to the fact the aircraft countermeasure dispense system wasn't armed or activated. And if that system is not energised, the flares can't be dispensed.

FLTLT ROSE: Was the plan to jettison the flares at any point during the sortie?

25 D8: Yes. So there was a plan to dispense the flares after the mission had been completed.

FLTLT ROSE: The flares would have to be armed just before jettisoning them or dispensing them?

30 D8: Yes, correct.

FLTLT ROSE: So prior to that though, they didn't need to be armed?

35 D8: No.

FLTLT ROSE: Therefore, there was no need to fly more spaced apart. Is that your understanding?

40 D8: That's my understanding of them, ma'am, yes.

FLTLT ROSE: Did anyone discuss, during mission orders, what heights the pilots were to set their RADALT decision height warnings to?

45 D8: I don't recall that, no, ma'am.

FLTLT ROSE: Is that ever discussed in mission orders?

5 D8: I have never heard it discussed in mission orders. However, the SI Aviation Operations flight overwater section does detail when you are to use the aircraft's automated systems overwater. So it's a legislative requirement to have those systems in use when we're overwater, below a certain height.

10 FLTLT ROSE: Do you remember what the legislative requirement was back on 28 July 2023?

D8: I believe it was below 500 feet overwater.

15 FLTLT ROSE: And in terms of the decision height warnings, what were they meant to be set at?

D8: From memory, it's 10 per cent below the authorised height.

20 FLTLT ROSE: So did anyone brief, in mission orders, when the pilots were meant to use their RADALT modes, or was it as you just said, expected that they would use it under 500 feet?

25 D8: I believe it was just expected that as we crossed the coast, those systems would be turned on.

FLTLT ROSE: Was there any discussion about whether the pilots were to fly in TAC mode?

30 D8: No, ma'am.

FLTLT ROSE: Did anyone brief you about whether you could take your mobile phones on this particular sortie?

35 D8: We were briefed that any time we were to go beyond the Administration/Planning tent, that the phones were to be left in the vicinity of the tent, and that was reiterated during the orders.

40 FLTLT ROSE: Did you put your phone in the box in the tent, prior to going to your aircraft?

D8: Correct, ma'am.

45 FLTLT ROSE: Was there any discussion during mission orders about whether doors were meant to be opened or closed?

5 D8: During the planning phase the night prior, I had spoken with the pilots doing the planning, and had asked for the doors to be open throughout. However, at some point during orders, it was determined that the doors would be closed until we reached the IP.

FLTLT ROSE: Why did you want the doors to be open throughout?

10 D8: It's my belief that, you know, as aircrewman, if the doors are closed, we don't have visibility of the aircraft in front of us. Plus also, overwater, you know, my own personal experience, I prefer to be able to see the water as best I can so if the aircraft descends, I have good visibility if we're getting close to it. And also, too, if the aircraft was to ditch, I would have an immediate egress point.

15 FLTLT ROSE: You state that you discussed that with the planning pilots.

D8: Correct.

20 FLTLT ROSE: And they agreed the night before that the doors would be open?

D8: Yes, that's correct. Correct.

25 FLTLT ROSE: But then discussions took place during mission orders, and that decision was overturned?

D8: Correct.

30 FLTLT ROSE: Do you recall who made that decision?

D8: Yes, it was WO2 Laycock.

35 FLTLT ROSE: What was the reasoning he provided for that?

D8: His reasoning was that it was going to be a cold night, and he didn't want the aircrewman exposed to the elements for extended periods.

40 FLTLT ROSE: Did you speak up during mission orders, to counter that?

D8: No, I did not.

FLTLT ROSE: Did anyone else?

45 D8: No.

5 FLTLT ROSE: Turning back to paragraph 26 of your Defence statement, you state that you sat in the aircraft – this is Bushman 82 – for about 2.5 hours on the APU waiting for the extraction order.

D8: Correct.

FLTLT ROSE: That’s the auxiliary power unit?

10 D8: Correct.

FLTLT ROSE: Is that fatiguing, to be waiting for so long before commencing flight?

15 D8: I personally don’t find it fatiguing, ma’am. It’s usually – or my experience in doing this sort of sequences is that the crew will find ways to keep each other alert, awake, just through talking to each other, you know? Yes.

20 FLTLT ROSE: I know you said before that you left your phone in the Command Post, in the box.

D8: Yes.

25 FLTLT ROSE: But on other flights, are you allowed to take your mobile phones with you?

D8: Correct.

30 FLTLT ROSE: So sometimes whilst you’re waiting, you might be sitting on your phone, or playing on your phone?

D8: Yes. However, we didn’t have phones on us on the evening of 28 July.

35 FLTLT ROSE: I understand. But in terms of sometimes it is one way to pass the time.

D8: Yes, it can be. Yes, it can be.

40 FLTLT ROSE: During the start checks, do you recall hearing what heights the pilots had set their DH warnings to?

D8: I don’t specifically know, ma’am.

45

FLTLT ROSE: Is that something you can hear through the comms?

D8: Correct, yes, we can.

5 FLTLT ROSE: And can the aircrewman in the back of the aircraft hear that aural DH warning sounding off in flight?

D8: No, ma'am, we can't. No.

10 FLTLT ROSE: If you had heard your pilots during start checks saying they were setting their DH heights to zero, would you have spoken up?

D8: If both pilots had set their DH heights to zero, I would have questions. If one did, and the other set it to their Standardisation Manual requirements,
15 I would not.

FLTLT ROSE: So, for example, if you were flying not below 200 feet, what would be the SI requirement to set the DH to?

20 D8: It would be 180 feet.

FLTLT ROSE: 180 feet. So you're saying it would be okay if one pilot had 180 feet and the other one had zero?

25 D8: Correct.

FLTLT ROSE: What if one had, say, 45 and the other had zero?

D8: It would depend on the authorisation height at the time, that we had.
30 Like, noting that if you – are you talking specifically about 28 July, ma'am, or just in general?

FLTLT ROSE: I think your evidence was that you couldn't remember what the actual height you were flying - - -

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D8: Yes, I couldn't remember what the actual height, yes, was set.

FLTLT ROSE: In a sense, this is just asking what you would do in a situation where you did hear the pilots discussing what they set their DH warning heights to.
40

D8: So, yes, like I said, ma'am, if both pilots set their DH to zero and I heard it, I would ask them about it. But if I heard that one had set their DH to zero and the other had set theirs to the 10 per cent below the authorised height, I would be okay with that. That's within the rules.
45

FLTLT ROSE: What if each of them had set their heights to 80, the DH warning heights to 80?

5 D8: That would be a sort of unusual height, I guess. Again, I would probably ask questions if they're both at – that's a – if you're authorised to fly at 100 feet, then it would be 90 feet on the RADALT, but yes.

10 FLTLT ROSE: Can you hear when a pilot changes the DH warning height mid-flight? Do you hear that through the comms?

D8: No.

15 FLTLT ROSE: At paragraph 28 you refer to the hash sound that's coming through your radios during the sortie on 28 July, and having to turn your radio down to try and hear the essential transmissions.

D8: That's correct.

20 FLTLT ROSE: You said this caused communication issues within your aircraft, which were detrimental at times to you operating as a crew.

D8: Yes, that's correct, ma'am.

25 FLTLT ROSE: You've given evidence before that essentially during flight, or the transit stage of the sortie, the aircrewman effectively can't provide any information to the pilots about situational awareness because of the configuration of the MRH-90. So in what ways was this hash sound being detrimental to you operating as a crew? Was it more on start-up, at
30 take-off?

D8: So it was – from memory, it started as soon as we lifted above the tree line at Proserpine, and it continued throughout the sortie until we landed back at Proserpine. It was debilitating. Not debilitating, but it limited the
35 situational awareness in the aircraft, in that it was very hard to hear what was going on at the front of the aircraft with the pilots when they were talking, and as I think I've mentioned in the paragraph, I actually had to turn those radios down to almost zero so that I could hear the crew talking, just amongst ourselves.

40 FLTLT ROSE: So you actually preferred just to try and hear them with your own ears, rather than through the comms, because the hash was so strong?

5 D8: No, sorry. I meant as in, like, hearing them over the ICS system. So you had to have those radios turned down to almost zero, but the ICS volume, which is independent of those radios, I had turned up so I could hear the crew.

FLTLT ROSE: I take it there are a number of channels that you're listening to?

10 D8: Yes, correct.

FLTLT ROSE: And you just turned down the one that had the hash on it?

D8: Correct.

15 FLTLT ROSE: Was that connecting you to the other aircraft, or to another airframe?

D8: So there were two radios that were affected. One was the [REDACTED] [REDACTED] frequency, and the other was the Common Traffic Advisory Frequency for Hamilton Island.

20 FLTLT ROSE: Was that hash affecting everyone in your aircraft?

D8: I believe so.

25 FLTLT ROSE: So, effectively, all four crew in your aircraft were having trouble connecting or listening to whatever information was coming through those particular channels?

30 D8: Correct.

FLTLT ROSE: Is that generally something that you might knock off a sortie for?

35 D8: If it was one radio, I would be okay with it. Noting that it was two, and one of them was on a mission essential sort of radio, it's – the way it affected our communications, I did raise this with the pilots, that there was an issue, and they were having the same problems. It's beyond my position to call to knock it off for those reasons.

40 FLTLT ROSE: Do you know if it affected the other aircraft in the formation?

D8: I don't know, ma'am.

45

AVM HARLAND: Was there an alternate frequency available that maybe didn't have that hash, and was that requested?

5 D8: No, sir, because with the satellite communications we have, it's very limited to what frequencies we can use. And obviously with the CTAF frequency of Hamilton Island, there's obviously no alternate for that, so we were kind of stuck on those particular frequencies.

10 AVM HARLAND: Okay, thanks.

FLTLT ROSE: Did the hash continue all night, even through the search and rescue?

15 D8: Yes.

FLTLT ROSE: So you had a limited number of comms available in the aircraft that you were flying, even during the search and rescue phase?

20 D8: Correct. It didn't limit us. So the hash didn't limit us to be able to transmit on those frequencies. It just meant that I had to have those two radios turned down to a point that I could just hear the hash, so if I heard the channel, someone speak on that channel, I would note that that was occurring due to the hash stopping, but I could still talk to the crew throughout the rest of the night.

25 FLTLT ROSE: At paragraph 29 you said that the moon illumination was about 30 per cent.

30 D8: Correct.

FLTLT ROSE: Can I just take you to Annex C of your statement? That's your written record of events. That's your handwriting, is it?

35 D8: Correct.

FLTLT ROSE: It is a bit difficult to see, so please tell me if you're finding that difficult to decipher. But if you go to page 2 of the handwriting, you state that the moon illumination was about 50 per cent. Can you see that on the second-to-last sentence?

40 D8: Correct, yes, ma'am.

FLTLT ROSE: When did you write these handwritten notes?

45 D8: At about 6 o'clock in the morning on 29 July.

FLTLT ROSE: So you wrote these notes closer in time to the incident than this statement that you prepared for the Inquiry.

5 D8: Correct.

FLTLT ROSE: So reflecting now, do you think that the information you put in those handwritten notes is more accurate than the information you've included in your Inquiry statement?

10

D8: Yes, I believe the information in the handwritten notes is probably more accurate.

FLTLT ROSE: So is it the fact do you recall it being about 50 per cent now, today? Do you recall the illumination being about 50 per cent?

15

D8: I believe it was in the order of, yes, between 30 and 50 per cent. So if you read the rest of that sentence, it talks about the weather. With the way the cloud was, it allowed for the moonlight to pass through the cloud because it was a – I think scattered – yes, scattered clouds. There was enough illumination coming through that it was usable light for the NVGs.

20

FLTLT ROSE: So in effect the moon illumination can fluctuate, depending if there's cloud cover.

25

D8: Yes, it can.

FLTLT ROSE: Does it really make a difference if you're wearing the night-vision devices the aircrewman use, whether the moon illumination is 30 or 50?

30

D8: No, it makes no difference. If it was – you're asking between zero and 100, then there is a big difference. But, yes, that difference you probably wouldn't notice.

35

FLTLT ROSE: At paragraph 29 you talk about the weather conditions. It says:

40

It did not allow for great contrast when looking out the east over the water.

D8: That's correct.

FLTLT ROSE: So I take it that you need a certain amount of contrast when using night-vision devices so that you can establish a visual horizon, so that you can differentiate between the water and the sky.

5 D8: Yes, that's correct, ma'am. The way we counter that is through the use of the automated systems on the aircraft. So if you don't have a visual horizon, you can essentially – what they call couple-up the aircraft and use the autopilot to fly it. On the evening of 28 July, I did mention in that paragraph though that the moon illumine was passing through the cloud layer and then illuminating the coast out to the west. So it was providing a good
10 visual horizon out that side of the aircraft.

FLTLT ROSE: So even though you were sitting in the row 7 seat, with your harness on, you've got the bulkhead in the way, you've got that limited
15 field of view out of a closed door at night, on NVDs, you still could maintain a visual horizon?

D8: I couldn't on my side because I was positioned on the right, but the pilots in the front and the left-hand aircrewman could definitely see the
20 coast on the left.

FLTLT ROSE: And at no stage did they say they'd lost horizon?

D8: No.
25

FLTLT ROSE: Do you recall Bushman 82 being high on station at any stage during the sortie?

D8: Because I was positioned on the right-hand side of Bushman 82, I didn't see any other aircraft in the formation, so I am unable to provide any
30 comment on that.

FLTLT ROSE: Could you hear your aircrewman junior or the pilots talking about your aircraft ever being high on position?
35

D8: I don't believe so, ma'am.

FLTLT ROSE: Do you recall D5, the co-pilot, stating at any stage that he was experiencing an illusion due to the vector ball in his TopOwl symbology being below the horizon line?
40

D8: I recall a discussion around the difference between the HMSD horizon line and the actual visible horizon.

FLTLT ROSE: At paragraph 33 you state that while the formation was conducting a racetrack hold in the vicinity of the initial point, you heard someone say over the radio, "Bushman 83, pull up, pull up, pull up".

5 D8: Correct.

FLTLT ROSE: And then a second later you say you saw a large flash of light in your peripheral vision.

10 D8: Correct.

FLTLT ROSE: And a loud noise that sounded like a splash and destruction of metal at high speed.

15 D8: That's correct.

FLTLT ROSE: When you say out of your "peripheral vision", is that your peripheral vision on your left or on your right?

20 D8: Out of both eyes.

FLTLT ROSE: Both eyes?

D8: Yes.

25

FLTLT ROSE: At paragraph 33 and following you describe the search and rescue effort that immediately commenced at that point. So Bushman 82 initially landed on Lindeman Island; is that correct?

30 D8: So immediately after the aircraft impacted the water, Bushman 84 commenced a search overhead of the site, and Bushman 81 and 82 moved to a position, I believe it was south of Hamilton Island, and conducted orbits there. At some point, the decision was made to send 81 and 82 to Lindeman Island to land in order to save fuel and just conserve hours on the airframes.
35 And following that, the decision was made that 84 would go back to Proserpine and 81 would commence the search.

FLTLT ROSE: Then 82 went back to Proserpine to refuel?

40 D8: Yes, correct.

FLTLT ROSE: Then you took over searching the incident area from 81?

D8: Correct, ma'am.

45

FLTLT ROSE: That was at about midnight, was it?

D8: Correct.

5 FLTLT ROSE: And you continued to search for survivors amongst the debris in the water until about 3 am?

D8: That's correct, ma'am, yes.

10 FLTLT ROSE: That's when you returned to Proserpine?

D8: Correct.

15 FLTLT ROSE: And then you were subsequently told to shut down your aircraft?

D8: Yes. So we shut down the APU at about – just after landing at 3 o'clock, and then at about, I think 3.40 I think I put in my statement, was when we were given the order to shut the aircraft down.

20 FLTLT ROSE: If you go to the Inquiry statement at paragraph 145 – so that's the other statement, the Inquiry statement.

D8: Sorry.

25 FLTLT ROSE: So that is the Inquiry statement.

D8: Yes.

30 FLTLT ROSE: So you left Proserpine Airport at about 1400 on 29 July?

D8: That's correct.

35 FLTLT ROSE: Then you paraded back at work at Holsworthy on 30 July?

D8: Correct.

40 FLTLT ROSE: We were just looking at Annex C before. That was your handwritten notes describing what happened during the incident?

D8: Correct.

45 FLTLT ROSE: You state that you wrote them whilst you were still in Proserpine?

D8: Correct.

FLTLT ROSE: Does anybody instruct you to do that?

5 D8: Yes, I instructed the crews that were present in the tent to start writing the notes.

FLTLT ROSE: You did?

10 D8: Correct.

FLTLT ROSE: When you say “the crews that present in the tents”, is that the Command Post?

15 D8: Yes.

FLTLT ROSE: There were a number of crews for 81?

D8: It was a mixture of aircrew from 82 and 84, ma’am.

20

FLTLT ROSE: You instructed them to do it because you were an Aviation Safety Officer?

D8: Yes, correct.

25

FLTLT ROSE: And you’d had that training?

D8: It wasn’t so much about the training, I just knew that the best time to get written evidence from people is as close to the event as possible, just to start jotting down anything they could remember that might be important, and the sequence of events.

30

FLTLT ROSE: Where did you each go to draft – take these notes, did you separate out or was it all in the same Command Post, but just in different parts of the post?

35

D8: Probably, yes, just across different parts of the Command Post, wherever we could find table space.

40 FLTLT ROSE: Prior to writing their notes, did you individually instruct anyone not to discuss what happened?

D8: I didn’t, no.

FLTLT ROSE: But is that what occurred, in any case, when you were on station?

5 D8: Yes, it's what likely occurred. I think there was – most people wrote the notes in isolation. In our aircraft, there was discussions immediately after about what may have happened. But outside of that, we wrote the notes largely by ourselves.

10 FLTLT ROSE: At paragraph 150 you said you were then formally interviewed by the DFSB on 2 August 2023.

D8: Correct.

15 FLTLT ROSE: At paragraph 148 you set out that you've not actually been interviewed by QPS at any stage, but you did draft some responses to questions posed by Queensland Police Officers.

D8: Correct.

20 FLTLT ROSE: And you've included those in Annex D of your statement.

D8: Correct.

25 FLTLT ROSE: So they're typed up responses.

D8: Yes, ma'am, correct.

FLTLT ROSE: Who did you provide these responses to?

30 D8: I can't remember off the top of my head, but I believe it was the Adjutant of the unit at the time.

FLTLT ROSE: So the Adjutant collected the responses, and it was your understanding they were going to then be provided to QPS.

35

D8: Yes, correct.

40 FLTLT ROSE: In paragraph 174 and following you set out some helpful points for the Inquiry to consider, including about a time you've taken statements from witnesses to an aviation incident.

D8: Yes, correct.

FLTLT ROSE: At paragraph 176 you set out that you think it would be better for witnesses to be interviewed as soon as reasonably possible by all interested parties to get the best evidence.

5 D8: Correct.

FLTLT ROSE: I appreciate you've given evidence that you've been interviewed by the DFSB, and you've been interviewed by Comcare.

10 D8: Correct.

FLTLT ROSE: You've also provided a statement to this Inquiry, and you've provided some responses to questions asked by the Queensland Police Service.

15 D8: Correct.

FLTLT ROSE: Is it your evidence you think it would be better on witnesses if an incident such as this ever occurred in the future, that the interviews be more contemporaneous to the time of the incident, or that there just be one interview, and that information used for multiple purposes?

20 D8: I think if the interviews are conducted, as I said, as soon as reasonably possible. I think having one interview would not be ideal, because my DFSB interview, for example, was a lot more about – I don't want to say spacing, but there was differences between how the DFSB interview was conducted compared to this Inquiry. So I think having multiple interviews done as quickly as possible would be beneficial.

30 MS McMURDO: If the interviews for an Inquiry such as this were video-recorded so that you didn't have to give evidence later at a later Inquiry, would that be helpful?

35 D8: Yes, that would be really beneficial, ma'am, I think.

MS McMURDO: Thank you.

FLTLT ROSE: Those are my questions.

40 MS McMURDO: Thank you.

AVM HARLAND: I just have one question referring to your observations about the crew of Bushman 83, and noting that you're a QAI and part of your business is to be able to make assessments on it. You've said that for both CAPT Lyon and LT Nugent, you hadn't flown with them enough to

form an opinion, having flown with CAPT Lyon 13 times and LT Nugent three times. Rather than push you on that question, I'll just reframe it. Did you have any particular concerns in your observations of those two as pilots?

5

D8: Absolutely not, sir. They both held current categories. LT Nugent had just completed his SOQC, the appropriate qualification, so he was deemed competent by QFIs. I have no doubts about their competencies and abilities. Like I said in the statement, I just haven't flown with them enough to form a decent opinion on their abilities.

10

AVM HARLAND: So no specific concerns.

D8: No.

15

AVM HARLAND: That's great, thank you.

MS McMURDO: Yes. Just so the witness knows, how many people are applying to cross-examine? Only two people. And how long will you be?

20

LCDR TYSON: Five to 10 minutes.

SQNLDR NICOLSON: About 5 to 10 too.

25

MS McMURDO: About the same. Thank you. Yes, LCDR Tyson.

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

30

<CROSS-EXAMINATION BY LCDR TYSON

LCDR TYSON: D8, my name's LCDR Matthew Tyson. I'm representing the interests of CPL Alex Naggs.

35

D8: Sir.

LCDR TYSON: Have you got your Inquiry statement there with you?

40

D8: Yes, I do, sir.

LCDR TYSON: I just want to ask you about paragraph 32, please. There you say the MRH-90 Standardisation Manual, AAP7210.023-16, did not require aircrewman to provide information to the pilots about formation

positioning and spacing, and as such there was no formalised means to communicate identified threats. That evidence is correct?

5 D8: Correct, sir.

LCDR TYSON: You give that evidence on the basis that you are a Qualified Aircrewman Instructor; correct?

10 D8: That's correct.

LCDR TYSON: Indeed, I think in early 2023, when you posted into 6 Aviation, you had previously served three years as a Qualified Aircrew Instructor at the Army Aviation Training Centre.

15 D8: That's correct.

LCDR TYSON: And that evidence you give in paragraph 32 should be understood against that expertise.

20 D8: Yes.

LCDR TYSON: When you use the phrase "identified threats" in that paragraph, that's not limited to hostile action from an enemy; that's including things such as a collision between aircraft in the actual formation.
25

D8: Yes, that's correct, sir. Part of the aircrewman duties in formation is to observe other formation traffic, and it's not formalised how we're to do that, if that makes sense. There's no word that we're supposed to use, or series of words we're supposed to use, to enact a response from the pilots. There is terminology we use that is not formalised, and that's what that paragraph was trying to get at.
30

LCDR TYSON: Thank you. In addition to legislation that aircrewman are not required to provide information to pilots about formation positioning spacing, you agree, don't you, and you make the point at paragraph 28 in your Inquiry statement, that when you're aircrew in an MRH-90, if the doors were closed, as an aircrew you're actually unable to provide accurate information to the flying pilot about the aircraft's position and spacing? That's correct, isn't it?
35

40 D8: Yes, that's correct. In Figure 1, if the other aircraft in front of you is not inside that red triangle, you can't see them.

LCDR TYSON: I want to ask you about paragraph 40, but before you get there, I just note that before 35 you're asked a question about formation
45

lights on the MRH-90 in front of you when flying in formation. That's to understand the context. Over in paragraph 40 – and read the whole paragraph yourself – you talk about the scenario of formation flying in low illumination. Later on in the paragraph you talk about close formation inside three rotor diameters, and you talk about:

5
10
To overcome these various problems, again I would look at the fuselage of the proceeding aircraft as opposed to lights themselves.

Do you remember that evidence?

D8: Yes.

15 LCDR TYSON: Doing the best you can, going back to the sortie on 28 July that evening, do you recall whether you could see the fuselage of Bushman 81 that was in front of 82? Or did, for example, D7 or any of the pilots say to you that they could see the fuselage of 81 in front?

20 D8: There was no discussion amongst our crew about the visibility of the aircraft in front of us, that I can recall.

LCDR TYSON: Do you recall being able to see 81 in front at any point?

25 D8: No. As I said earlier, sir, I was positioned on the right-hand side of the cabin in Bushman 82. And in the heavy-left formation, on that side of the formation, there's nothing else to look at. There's no other aircraft out there.

30 LCDR TYSON: Did D7 say anything to you about whether or not he could see the fuselage?

D8: No, he didn't, sir. There was no conversation about it either way.

35 LCDR TYSON: But in those general conditions that you were flying in during the sortie on 28 July, in your previous experience would you have expected that you would have been able to see the fuselage of the aircraft in front of you?

40 D8: Correct, yes.

LCDR TYSON: And when you talk about being able to see the fuselage, that's just the shape of the fuselage, the outline of it, or can you see things such as even camouflage pattern or the number on the aircraft?

45

5 D8: So just depending on the ambient illumination conditions. The brighter it is, obviously the more detail you can make out on the aircraft. Similar conditions to the evening of 28 July I've flown in before; it's quite easy to make out the overall shape of the fuselage and some of the finer details, such as the darker camouflage paint section. And they're the parts that I was referring to that I used for the – like, watching for the attitude adjustments of that aircraft.

10 LCDR TYSON: Can I then ask you to go, please, to your Defence statement and go to paragraph 31. You give some evidence in the second half of that paragraph. You talk about you observed visibility decreasing during the rain shower and you say:

15 *Because I was looking out over the water, away from land, it was hard to establish a visible horizon. Both pilots again responded that they had good visual reference to the west and could see the coast.*

20 When you talk about – so this was again obviously during the sortie on the 28th, and this is about 25 minutes after you've taken off from Proserpine Airport. You use that phrase, "It was hard to establish a visible horizon". Just so that I can understand that, do you say that – does that simply mean that you required additional effort to see it, or was it not possible to discern the visible horizon?

25 D8: It was extremely hard to determine where the visible horizon was. So when you look out over a dark patch of water at night with a layer of cloud cover preventing moon illumination coming through, or there's no cloud cover and only starlight, you'll find that the horizon line is blended and it's very hard to determine where the water stops and the sky starts, essentially. On the night, I had to – like I said, I had to, I wouldn't say work hard, but it did take a little bit of scanning around to find out where the horizon line was.

35 LCDR TYSON: So it could be discerned, but it just took more effort to discern it?

40 D8: Correct. Yes, it was just a bit harder to identify where it was and took a few additional seconds than it would take normally to work out where that horizon line was. But in saying that, it was very dark out to the east that night.

45 LCDR TYSON: So that's at the point where I think at this point you're to the north-west of Lindeman Island, is that correct, during the - - -

D8: Unfortunately, in the back, we don't have moving maps, so I couldn't tell you exactly where we were. But I know that we passed through the rain shower before we had passed abeam of Lindeman Island, from my recollection.

5

LCDR TYSON: But the pilots in Bushman 82, they didn't have a difficulty in the sense that they could get a good visual reference to the west?

10 D8: Yes, that's correct.

LCDR TYSON: And they actually said that to you?

15 D8: Yes, correct. So I questioned them, and just through my years of experience, you know, just making sure that they have a visual horizon. And if obviously they didn't, then I would try and come up with a plan with the crew. But just making sure that they had something they could reference off, because obviously flying formation in a degraded visual environment is quite challenging, especially overwater at night.

20

LCDR TYSON: Just very briefly before I finish, you gave some evidence to Counsel Assisting about the Jervis Bay ditching of an MRH-90, which was in March 2023. You said this in your statement – this is at paragraph 91 of your Inquiry statement:

25

After the ditching, I would say that I had very little confidence in the MRH-90 or the technical airworthiness system that supported it.

30 D8: Correct.

LCDR TYSON: When you refer to you having “very little confidence in the technical airworthiness system”, what did you mean by that, please?

35 D8: So we have two airworthiness systems in Army Aviation. One is the operational airworthiness, and one is the technical airworthiness system. So the technical airworthiness looks after the – as it implies, the technical airworthiness of Aviation weapon systems; the MRH being one of those. And they are the – that is the organisation that looks after maintenance
40 publications and promulgation of things like Special Technical Instructions for aircraft.

LCDR TYSON: That's very powerful evidence, D8, that you,

someone who had been a qualified aircrewman instructor for such a period, you had very little confidence in the aircraft itself and the technical airworthiness system.

5 D8: So that was based on the fact that, as I said earlier, we had three groundings based on technical failures of the – sorry, two were based on technical failures, one was based on a software problem, being the tail rotor in 2019 and the engine failure that you said, the ditching in Jervis Bay. When you have those in an aircraft and someone doesn't tell you it's
10 a problem, as an operator, had I known that those engines were not modified to be as safe as possible, I probably wouldn't have got on the aircraft that night.

15 LCDR TYSON: When you say you “probably would not have got on the aircraft that night”, are you talking about July 28th?

D8: No, sorry, the March.

20 LCDR TYSON: In the Jervis Bay?

D8: Yes.

25 LCDR TYSON: But would that same logic also have applied in July 2023, in this counterfactual situation, where you'd not known of the issues affecting the engine, et cetera, that you later knew about?

FLTLT ROSE: So I object on the - - -

30 LCDR TYSON: I withdraw it, ma'am. I don't need to go there. That's all, ma'am. Thank you.

MS McMURDO: Thank you. Yes, SQNLDR Nicolson.

35 **<CROSS-EXAMINATION BY SQNLDR NICOLSON**

SQNLDR NICOLSON: Thank you, ma'am.

40 Good afternoon. I appear for D10. My name is SQNLDR Nicolson.

D8: Sir.

45 SQNLDR NICOLSON: I just have a few clarifying questions. Can I take you to your Inquiry statement, about paragraph 106? I just want to ask just

a couple of clarifying questions just about the lead-up to going to Proserpine.

D8: Sir.

5

SQNLDR NICOLSON: Can I take you firstly to paragraph 106? You've indicated in your statement, firstly, that you were working day shifts in the period 10 to 14 July; correct?

10 D8: Correct, yes.

SQNLDR NICOLSON: And you were doing reduced hours over that period?

15 D8: Correct.

SQNLDR NICOLSON: Was it just basically a catch-up from the course that you'd just completed as a QAI?

20 D8: Correct.

SQNLDR NICOLSON: Then I take it from that period on 22 July – that's paragraph 107.

25 D8: Correct, yes.

SQNLDR NICOLSON: Exercise TALISMAN SABRE has already started and you were still on base at Holsworthy, but you were planning on deploying up to Proserpine to a FOB?

30

D8: Correct.

SQNLDR NICOLSON: On 22 July you worked five hours, in terms of the planning team?

35

D8: Correct.

SQNLDR NICOLSON: That was a requirement to do with the preparation for going to Proserpine?

40

D8: No, that planning team was working with the Ground Force in preparation for the first training mission that was to be conducted from Proserpine.

45 SQNLDR NICOLSON: From Proserpine?

D8: Yes.

5 SQNLDR NICOLSON: That was the Saturday, the 22nd?

D8: Correct.

10 SQNLDR NICOLSON: Then the Sunday, 23 July, you worked about four hours between 8 am and midday?

D8: Correct.

15 SQNLDR NICOLSON: That was to do with more planning for deployment for the helicopter; that is, loading the helicopter?

D8: Yes, correct.

20 SQNLDR NICOLSON: Some advantages there was that, because of the Monday, that was going to be a long day travelling - - -

D8: Correct.

25 SQNLDR NICOLSON: - - - in terms of flying; that it was for crew endurance. You were able to prepare the helicopter – that is, pack the helicopter – the day before?

30 D8: Yes, correct. So we had packed the aircraft with all our personal equipment and the equipment we were taking with us on the aircraft, from an aircrewman perspective. And then we'd also completed our performance planning, and weight and balance, for the next day's flying.

35 SQNLDR NICOLSON: So up until deployment on the Monday, that's travelling to Proserpine, because that was something that you'd expect to do, the preparation phase for attending?

D8: I wouldn't say it's unexpected. I think we all knew that there was a long day's flying ahead, and anything to make the day, where you're travelling and flying for seven-odd hours, a bit easier will help.

40 SQNLDR NICOLSON: The second topic I want to talk to you about is the RADALT. You were asked a number of questions about that by Counsel Assisting. As I understand it, the system has two different systems, a RADALT hold and a RADALT decision height. Is that familiar with what you understand, to your knowledge?
45

D8: Yes, sir.

SQNLDR NICOLSON: So they operate two different systems?

5 D8: To the best of my knowledge, sir, yes.

10 SQNLDR NICOLSON: And just if you can't answer the question, I just wanted just to clarify with you, because you gave some evidence by Counsel Assisting about the process, there was some reference to I think the SIs. Are you familiar with the SIs in terms of the RADALT?

D8: Yes, correct.

15 SQNLDR NICOLSON: Does that relate to the RADALT hold, to your knowledge? If you can't answer the question, please tell me so.

D8: Yes. Not off the top of my head, I can't answer, sorry, sir.

20 SQNLDR NICOLSON: Thank you. And just to clarify, the issue about the decision height, is that part of the Standardised Manual, that the decision height is referenced to?

25 D8: Yes. So that information comes from the Standardisation Manual for the MRH.

SQNLDR NICOLSON: The SIs and the Standardisation Manual are two different documents we're talking about?

30 D8: Yes, correct.

35 SQNLDR NICOLSON: Thank you. The other topic I just wanted to talk to you about briefly was in terms of your evidence. At paragraph 30 you talk about the issue about the doors closed and you reference that to a wet weather issue in terms of microphones potentially being conflicted. Is that, as I understand, reference to your Inquiry statement at paragraph 30, that you're referencing there to a potential safety issue?

D8: Correct, yes.

40 SQNLDR NICOLSON: Thank you. I just want to ask you some questions about fatigue now. That's the final topic I want to finish off with. You were asked some questions and led some evidence about, I think, Exhibit 37, which is the FRAT tool that's been used, and I understand from the evidence that was post the incident at Lindeman Island.

45

D8: Correct.

SQNLDR NICOLSON: That came into play about December 2023.

5 D8: Yes, that sounds about right, sir.

SQNLDR NICOLSON: Moving forward, so from '24 onwards, where you're using the FRAT tool, we've heard some evidence about the FACEing out or the FACE check.

10

D8: Correct. Yes, sir.

SQNLDR NICOLSON: Does the FACE check still – is that used in complement with the FRAT tool?

15

D8: I wouldn't say they complement each other, but we still do both, if that makes sense.

SQNLDR NICOLSON: Yes.

20

D8: So, yes, we still do – we do our FRAT at the start of the duty day and then we'll still do a FACE check when we get to the aircraft.

SQNLDR NICOLSON: So the FRAT really is for the commencement of the duty day.

25

D8: That's correct.

SQNLDR NICOLSON: And during the duty day itself, the FACE check is still employed - - -

30

D8: Yes, correct.

SQNLDR NICOLSON: - - - or used by yourself?

35

D8: Yes, correct.

SQNLDR NICOLSON: And the aircrew?

40

D8: Correct. So we'll do a – as I said, we'll do the FRAT at the start of the duty day. We'll do a FACE check each time before we strap into the aircraft.

SQNLDR NICOLSON: Dealing specifically with the night of the mission for the incident, do you recall doing FACE checks that day?

45

D8: Yes, I do, sir. It's in my statement. I'm not sure what paragraph. But yes, I do mention we did them in there at the aircraft.

5 SQNLDR NICOLSON: Was it done just the once-off prior to the mission, or do you recall having regular FACE checks throughout the day prior to the mission?

10 D8: No, it was only done – sorry, the FACE checks were only completed at the start of the mission, before the APU started. They weren't conducted again throughout the night.

15 SQNLDR NICOLSON: Can I talk about the mission orders? Do you recall that you attended the mission orders prior to the incident - - -

D8: Yes, I did, sir.

20 SQNLDR NICOLSON: - - - for the particular sortie? Was the mission orders focussed upon – and they included afterwards a rehearsal of concept drill?

D8: Yes, they did.

25 SQNLDR NICOLSON: And that basically mapped out the whole process in terms of what the mission was going to undertake?

D8: Yes.

30 SQNLDR NICOLSON: So that gave all the members in the aircraft, the helicopters, the role of what to expect during the mission?

D8: That's correct, sir.

35 SQNLDR NICOLSON: Also, in the mission orders, they talk about the risk management profile as well for the mission.

D8: Yes, they did.

40 SQNLDR NICOLSON: And obviously, as aircrew, you could ask any questions at that stage on the mission orders when they were being delivered?

D8: Correct.

SQNLDR NICOLSON: Did you have any concerns or questions on that, on the mission orders for that particular incident?

5 D8: I don't recall having any issues, sir, no.

MS McMURDO: What about the issue of doors closed?

10 D8: As I said, ma'am, that decision was made by WO2 Laycock. You know, the reason he gave for wanting to have the doors closed was valid, in that we would have been exposed to the elements for extended periods, possibly up to about an hour and a half flying, which is - - -

MS McMURDO: So he is senior to you, more experienced to you?

15 D8: Correct.

MS McMURDO: You didn't want to go against what he said.

20 D8: Not that I didn't want to go against what he said, ma'am. I did – I knew that the risks of us having a – sorry, the risks of aircrewman being affected by the cold outweighed the risks of, like I've described before, the visibility, et cetera.

25 MS McMURDO: But until that point, of course, your opinion was that they should be open?

D8: Yes, that's correct.

30 MS McMURDO: Just while I'm talking – and I've interrupted you – about this, paragraph 30 of the Inquiry statement, where you've talked about the helmet issue, and moisture in the helmet issue, being a safety concern, even with that, your view was the doors – the safer choice was to leave the doors open?

35 D8: Yes, at that point in time – sorry, prior to the mission it was, ma'am. Yes, once the forecast came out that there was showers expected, you know, closing the doors was probably the most correct thing to do, given the issue we have.

40 MS McMURDO: So in hindsight now, with the conditions that existed at the time of the mission orders, you think that closing the doors was more prudent?

45 D8: Yes. Closing the doors was, yes.

MS McMURDO: The problem that existed with the helmets, you said it could be tendered to by changing helmets. There was a spare helmet on board, was there? You said if this were to occur at a critical phase of the flight, such as landing - - -

5

D8: Yes, changing the ICS lead, ma'am. Is that what – yes.

MS McMURDO: So there's a spare helmet on board?

10

D8: Not a spare helmet. The problem we had with water ingress was that it worked its way down through the helmet connector into the aircraft's ICS lead port. Once it got into the port, you couldn't get the moisture out of it. So we had – the only thing we could do to counter that was to replace the ICS lead, and we carried spares of those on the aircraft.

15

MS McMURDO: So you could change the lead?

D8: Yes, change the lead. Yes, ma'am.

20

MS McMURDO: Okay. Thank you.

SQNLDR NICOLSON: Thank you. So just to clarify, I understood your evidence was, in the mission planning, that you raised a concern about doors being opened?

25

D8: Yes.

SQNLDR NICOLSON: Then in the mission orders, which is a separate phase, WO2 Laycock made the issue about closing the doors.

30

D8: Yes.

SQNLDR NICOLSON: And you've indicated now, in hindsight, speaking to ma'am, that because of the weather that was expected, that was the appropriate decision, to have the doors closed?

35

D8: Correct.

SQNLDR NICOLSON: Thank you. And just finally, just in the terms of the question of the Squadron safety culture prior to July '23, how did you find the Squadron safety culture? And was chain of command, particularly D10, supportive of issues relating to fatigue and fatigue management?

40

MS McMURDO: There are two questions there, really.

45

SQNLDR NICOLSON: Yes.

MS McMURDO: The first one, how did you find the - - -

5 D8: Yes, the culture. I think the culture within the Squadron for safety was relatively good for an Aviation unit, I think. We were reporting as needed, when events occurred. And, sorry, what was the second one of the questions?

10 SQNLDR NICOLSON: And the second one was particularly to do with D10. Was he supportive in relation to fatigue management and FACEing out?

15 D8: I personally never encountered any issues when I FACE'd out from sorties from D10, and I don't believe – I've never seen him do it – or, sorry, I've never seen repercussions from FACEing out.

20 SQNLDR NICOLSON: In terms of the Squadron in relation to safety issues, do you recall having safety days during the course of the year?

D8: We did, sir, yes.

25 SQNLDR NICOLSON: Did you have – obviously, there's the issue about the snapshot.

D8: Yes.

30 SQNLDR NICOLSON: That was the snapshot survey. You remember participating in the snapshot survey?

D8: Yes.

35 SQNLDR NICOLSON: And thirdly on that topic is, do you recall presentations by the chain of command to 6 Aviation about the snapshot survey? This is prior to July '23. Do you have any memory of that?

40 D8: I don't remember when we got the snapshot survey results, sir. I remember getting them at some point – the XO having them delivered. I think we got a Regiment-level debrief, and then a Squadron-level debrief.

SQNLDR NICOLSON: And that was just keeping the Squadron in the loop, so to speak, in terms of the issues that were being observed by the chain of command.

5 D8: Yes. So those debriefs we get are opportunities for members to provide feedback to the chain of command. So obviously in the snapshot survey we will raise issues that we think are pertinent, and then in those debriefs we have the opportunity to provide feedback. So feedback to the chain of command.

SQNLDR NICOLSON: And that seemed to be supported in your view, in your eyes?

10 D8: Yes, absolutely.

SQNLDR NICOLSON: The other thing, do you recall having, I think in December '22, a sleep survey in terms of an operation? Is that familiar?

15 D8: No, I wasn't posted to the unit in December '22, sir, so I didn't take part.

SQNLDR NICOLSON: Thank you.

20 MS McMURDO: Thank you. No other applications to cross-examine? Any applications for re-examination?

FLTLT ROSE: No, ma'am.

25 MS McMURDO: Thank you very much, D8 . You are free to go.

D8: Thanks, ma'am.

MS McMURDO: We greatly appreciated your assistance.

30

D8: Thank you.

MS McMURDO: Just leave the statements there and we'll grab them.

35

<WITNESS WITHDREW

MS McMURDO: Yes, FLTLT Rose.

40

FLTLT ROSE: I call the witness D4.

<D4, Affirmed

<EXAMINATION-IN-CHIEF BY FLTLT ROSE

5

MS McMURDO: D4, please let me know if you need a break at any time.

10 D4: Yes, ma'am.

MS McMURDO: Yes, FLTLT Rose.

15 FLTLT ROSE: If you can see that laminated A3 poster in front of you, could you please look for your own name and confirm that you are the person with the pseudonym D4?

D4: I am, ma'am.

20 FLTLT ROSE: What is your rank?

D4: [REDACTED].

FLTLT ROSE: And what unit are you currently posted to?

25

D4: 6 Aviation Regiment, ma'am.

30 FLTLT ROSE: Can you confirm that you received the following documents prior to appearing today: a section 23 Notice requiring you to give evidence?

D4: I did.

35 FLTLT ROSE: An extract of the Inquiry Directions?

D4: I did.

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

40 D4: Yes, ma'am.

FLTLT ROSE: A Frequently Asked Questions Guide for Witnesses?

45 D4: Yes, ma'am.

FLTLT ROSE: And a Privacy Notice?

D4: I did, ma'am.

5 FLTLT ROSE: I'll hand you two documents.

D4: Thank you.

10 FLTLT ROSE: Did you prepare a statement back in November 2023 at the request of the Queensland Central Coroner?

D4: I did, ma'am.

15 FLTLT ROSE: And is that that statement on the top of that bundle?

D4: It is.

FLTLT ROSE: So it's your statement dated 29 November 2023?

20 D4: Correct.

FLTLT ROSE: And it's nine pages?

25 D4: Yes, ma'am.

FLTLT ROSE: And on the back page, you did sign it but it's been redacted?

30 D4: Correct.

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

D4: No, ma'am.

35 FLTLT ROSE: I will be referring to this as the Defence statement. As far as you're aware, this was provided to the Queensland Central Coroner?

D4: Yes, ma'am.

40 FLTLT ROSE: The second document, is this a statement that you prepared for the Inquiry?

D4: It is, ma'am.

45 FLTLT ROSE: You see at the front page it says, "4 September 2024"?

D4: Correct.

5 FLTLT ROSE: If you turn to page 13, your signature has been redacted and overlaid, D4, but did you sign the statement on 13 September 2024?

D4: I did, ma'am.

10 FLTLT ROSE: And there is also one annexure, Annexure A, to that statement?

D4: Correct.

15 FLTLT ROSE: Now, you've marked that as "OFFICIAL: Sensitive", so we won't be asking you any direct questions about the information contained in that annexure in the public hearing. Did you have any amendments you wish to make to the statement?

20 D4: No, ma'am.

FLTLT ROSE: I tender each of those statements.

25 MS McMURDO: The Defence statement of D4 will be 65A, and the Inquiry statement and annexure will be 65B.

#EXHIBIT 65A - D4'S DEFENCE STATEMENT

30 **#EXHIBIT 65B - D4'S INQUIRY STATEMENT AND ANNEXURE**

35 FLTLT ROSE: Can I please ask you to be mindful of your security obligations, so that if during the course of your evidence I or anyone else asks you a question the answer to which you think would lead into "OFFICIAL: Sensitive" or higher level, then please let us know and we won't be exploring that in the public hearing.

40 D4: Okay.

FLTLT ROSE: If you could turn to your Inquiry statement, paragraph 3? You joined the Army in 2010 as a combat engineer?

45 D4: Correct.

FLTLT ROSE: Then you commenced your aircrewman training in 2019?

D4: That's correct.

5 FLTLT ROSE: And you posted to 5 Aviation Regiment?

D4: Yes.

10 FLTLT ROSE: Now, that was in 2021?

D4: Yes.

15 FLTLT ROSE: Then you posted to 173 Squadron at 6 Aviation Regiment in Holsworthy in January 2023?

D4: Correct.

FLTLT ROSE: Could I just ask you to keep your voice up?

20 D4: Sorry.

FLTLT ROSE: You are currently a line crewman and a special operations junior aircrewman in 6 Aviation Regiment?

25 D4: I am.

FLTLT ROSE: And you were qualified on the MRH-90?

30 D4: I was.

FLTLT ROSE: Are you currently qualified on the UH-60M Black Hawk?

D4: That's correct.

35 FLTLT ROSE: At paragraph 7 you've also qualified on the EC135?

D4: Yes, ma'am.

40 FLTLT ROSE: So your total flying hours are 832.8 flying hours?

D4: Yes. At the time of this statement, yes, ma'am.

45 FLTLT ROSE: You potentially have accrued some additional flying hours since then. And as at the time that you made the statement, you had 222 hours on night-vision devices.

D4: Yes, ma'am.

5 FLTLT ROSE: You estimate – this is paragraph 8 – that about 30 to 40 per cent of your flying is done in formation.

D4: Yes, that's a vague estimate. The amount of time required to scrub PEX to get an exact figure would just be exorbitant.

10 FLTLT ROSE: So it's not the case that you have to, for example, log your formation hours the same way that you have to log your night flying?

15 D4: Yes, there is no function on PEX where that's tracked as a specific category. It would require me to go through every single sortie I've ever flown and then determine whether it was or wasn't in formation.

FLTLT ROSE: In paragraph 15 of your Defence statement, you give some specific information about your hours on the MRH-90.

20 D4: What paragraph?

FLTLT ROSE: That is paragraph 15 of the other statement, the Defence statement. So you set out that you had 659.1 total flying hours on the MRH-90.

25 D4: Yes, ma'am.

FLTLT ROSE: And that 189.8 of those were by night, and 182.6 were on night-vision devices.

30 D4: Yes, ma'am.

FLTLT ROSE: I'll ask you some questions now about your experience flying in the MRH-90 and at 6 Aviation Regiment. So if you turn to your Inquiry statement, at paragraph 17 you outline your field of view when you're sitting in the aircrewman's seat in the MRH-90. That's for the row 7 seat, is it?

40 D4: Yes, ma'am.

FLTLT ROSE: And that your greatest visibility is when the doors are open, and by day?

45 D4: That's correct, ma'am.

FLTLT ROSE: And that it is fair to say that the least visibility occurs when you're sitting in your seatbelt, in that row 7 seat, at night?

D4: Yes, ma'am.

5

FLTLT ROSE: And with the doors closed?

D4: With the doors closed, yes.

10 FLTLT ROSE: Presumably if you're flying at night, you have your night-vision devices on too?

D4: Yes, ma'am.

15 FLTLT ROSE: In that situation, what is your field of view?

D4: As I've outlined in the statement, with the seatbelt and the harness on, you've got the window slightly in front of you, so it's really limited by what you can see on that angle, so it's quite reduced. I wouldn't be able to give a really exact figure, but it's greatly reduced sort of just on the right-hand side of the aircraft, that 2 o'clock to maybe 2.30 window, without sort of manipulating your body.

20

FLTLT ROSE: Is there a bulkhead that obscures your view at all?

25

D4: There's part of the door. So the entire door isn't a window. So just looking out that portion of the door that is the window.

FLTLT ROSE: This is the field of view from the window that is on your side of the aircraft?

30

D4: Yes, ma'am.

FLTLT ROSE: There is a possibility that you could see through the window on the opposite side of the aircraft?

35

D4: Yes, ma'am, if you looked across the cabin, you would be able to see out that window.

40 FLTLT ROSE: But are aircrewman trained to scan the opposite window, or are you essentially trained to scan out your own window?

D4: There's nothing stopping you from looking across the aircraft, but your primary responsibility is to scan your side of the aircraft. And being

a crew environment, if you have got someone on the other side, they take care of their responsibility.

5 FLTLT ROSE: There is no possibility of being able to see out the front window in the cockpit, because essentially is there a curtain that covers the cockpit?

D4: Yes, ma'am.

10 FLTLT ROSE: You also state that you have to have a more active scan when you're flying a sortie with the mission profile that we just discussed: at night, on NVDs, with the doors closed.

D4: Yes, ma'am, yes.

15 FLTLT ROSE: What is a "more active scan"?

20 D4: It requires more manipulation of your body, in order to see out that window. So for myself, being a bit taller, I have to lean forward. You can loosen off the shoulder straps a little bit to get yourself a bit more play to see forward, or announce to the Captain that if there's something you need to check, you may have to go on harness. Request permission to do that and get on harness, have a look at whatever you need to, and then back into your seatbelt.

25 FLTLT ROSE: Would you go on harness with the doors closed?

D4: Yes, ma'am.

30 FLTLT ROSE: So there is instances where that would assist you to go on the CHAD, as I understand it's called?

D4: Yes, ma'am.

35 FLTLT ROSE: At paragraph 20 of your Inquiry statement, you make a comment about aircrew training and state that you think that there were instances where "training was conducted until we got it right", as opposed to "training until we could not get it wrong".

40 D4: Yes, ma'am.

FLTLT ROSE: Are you referring to training at 6 Aviation Regiment specifically here, or Army Aviation generally?

5 D4: It's more of a general statement across Army Aviation. However, at the start of that same paragraph, I also acknowledge that by nature of the person attracted to Aviation, we're quite self-critical and we do strive for those little 1 and 2 per cent improvements. So often you come back from a sortie and think, "I could've done that a little bit better". Even on your best day, it's very rare that someone will come back from a flight and think that they absolutely nailed every single aspect of it, just because there is always that intrinsic drive to do things a little bit better.

10 FLTLT ROSE: So what do you mean then if you're saying that the training was conducted until you got it right as opposed to until you couldn't get it wrong? Is it your evidence that you could've done additional training so that things were instinctual?

15 D4: I think it already is quite instinctive in your training, the actions that you carry out and the way that you conduct the mission. It's the point of training, and why we, you know, refer to things as drills, because it becomes that ingrained response.

20 But what I'm trying to get at here is, sometimes you will identify an activity that needs to be completed and will do it once, and complete that single activity, but the breadth of tasks that we need to undertake is so broad that we may need to move on to the next activity. So where we could have spent a lot more time nailing that one specific thing, we have a lot more stuff to
25 get on with and so we'll move on to the next task after achieving sort of the baseline standard for that task.

30 FLTLT ROSE: So you were in 5 Avn and 6 Avn. In terms of comparing the two, is it the case that you had far more tasks to complete in 6 Avn than 5 Avn because of the Special Operations training?

35 D4: I don't necessarily think so, ma'am. I think they are two completely different missions that are both tremendously complex in their own right, with their own intricacies. I wouldn't say that either unit is particularly more difficult than the other; they just come with their own challenges.

40 FLTLT ROSE: At paragraph 22 you state that junior personnel in the Army generally are promoted to leadership positions prematurely because experienced soldiers and officers are leaving. Is that a general comment or something specific to 6 Aviation Regiment?

45 D4: That's across Army as a whole, ma'am. I've watched, over my sort of time in the military, a lot of people start to move on, and we have shortages in those kind of middle management positions across all of Army because that is the nature of the rank. People seem to choose to go down

5 other avenues with their life and it's leaving holes. You can't take a trainee straight out of whatever avenue they come into the military through and put them into those command positions. So you just have to promote the next person available. That's not to say that they're not ready to be promoted, it's just happening at a greater rate than historically it may have happened.

FLTLT ROSE: You do say that:

10 *However, this does include Army Aviation, who are haemorrhaging experience and corporate knowledge at a non-recoverable rate, without serious intervention.*

15 D4: Yes, ma'am. I think we are losing people at a tremendous rate and the experience across our aircrew workforce is continuing to slide. Something does need to be done, otherwise we're just not going to have the experience required to grow and foster future generations.

20 FLTLT ROSE: I note that you said you don't believe anyone in leadership positions in 6 Aviation Regiment were out of their depth or not suitable for their role in 2022 or 2023.

D4: That's correct, ma'am.

25 FLTLT ROSE: So are your comments more aimed at the present situation then in 6 Aviation Regiment, rather than last year?

30 D4: No, ma'am. I don't believe anyone, as I said, is out of their depth or not suited to those positions. I just think that when they're compared to the experience levels that we've had previously in Defence, the depth isn't there. They are adequate and they are equipped to be in those leadership positions, and we're quite fortunate to have some really good people in those positions at times, but we just don't have the depth coming in behind them.

35 FLTLT ROSE: So that means that they're essentially key personnel. So that if they're not available, for example, to perform those particular leadership functions, and if that includes in flying operations, then that's more pressure on them not to, for example, FACE out of a sortie, because there's no one else who can perform those roles?

40 D4: I can't speak to the pressures that other people may feel to FACE out of a sortie. I know that personally I've always felt empowered to FACE out if I needed to, but that's my personal opinion. I can't speak to someone else's feelings around FACEing out of a sortie.

45

FLTLT ROSE: Just to make sure we're all on the same page, does "FACE out" stand for Fatigue, Attitude, Complacency, External factors?

5 D4: Yes, ma'am.

FLTLT ROSE: It's a concept where aircrew analyse their own ability to fly and make a decision, based on those four factors, whether they are in effect fit to fly?

10 D4: Yes, ma'am.

FLTLT ROSE: FACEing out means you've decided yourself that you're not fit to fly for that particular sortie?

15 D4: Correct, ma'am.

FLTLT ROSE: Is it generally accepted in 6 Aviation Regiment, when aircrew need to FACE out, there's no pressure to convince them to continue with the sortie?

20 D4: I've never seen anyone pressured to continue with a sortie. If they say they're not able to conduct flying duties, that's their assessment; it's done.

FLTLT ROSE: At paragraph 26 of your Inquiry statement, noting that 25 6 Aviation Regiment's a Special Operations unit, so you need sufficient personnel to be Special Operations trained to support the Regiment's mission set, you said that this leads to those suitably qualified persons being required to conduct those types of missions time and time again?

30 D4: Yes, ma'am. That's paragraph 26?

FLTLT ROSE: Yes.

35 D4: Yes, ma'am.

FLTLT ROSE: So this is similar to the question I asked you before. Noting that you've said it requires those particular people to conduct those mission types time and time again, do you believe it leads to those particular persons becoming more fatigued than, say, someone who doesn't have 40 those Special Operations qualifications in the unit?

D4: Again, speaking to someone else's fatigue level is just something I can't do. However, it does mean that those people are asked of over and over again to go and do the job. So if they are becoming fatigued from 45 doing the job, they would be repeating the act. However, their fatigue level

is on the individual to assess and report, and I can't speak to how they are feeling after being asked to do the task over and over.

5 FLTLT ROSE: I'm just noting it because you included it in the statement. Is it an observation about your own levels of fatigue? Are you one of the key personnel that has been asked to perform mission sets time and time again?

10 D4: I wouldn't say that I'm in any way, shape or form part of key personnel, and my experience at 6 Aviation has been very different to the last few years. Noting that I only got there at the start of 2023, and we took quite a significant break from conducting Special Operations flying in the wake of the crash. Yes, I wouldn't say that I've been asked to conduct the same mission set time and time again, just due to the nature of the workload
15 at 6 Aviation post-incident.

FLTLT ROSE: So when you wrote this at paragraph 26, it was more your observation of what you imagine is how those aircrew might be feeling?

20 D4: It's something I saw when I first arrived at 6 Aviation Regiment, is there is a lot of things that, whilst I had experience from 5th Aviation Regiment, I wasn't able to do a lot of the jobs that 6 Aviation Regiment was doing because I wasn't Special Operations qualified. So it meant that whilst I might have been there in a capacity to fly, I wasn't able to conduct
25 the particular tasks or mission sets that were being flown at the time, meaning that people who were already doing it were getting no reprieve from new people coming in. It was just continuing their own work while they waited for those people to be able to join that mission set.

30 FLTLT ROSE: To be able to join that mission set, they had to qualify through the Special Operations Qualification Course?

D4: Yes, ma'am.

35 FLTLT ROSE: That was only run certain times of the year?

D4: Yes, ma'am.

40 FLTLT ROSE: At paragraph 36 of your Inquiry statement you state that you have more aircrewman than pilots qualified on the UH-60M at the moment?

D4: 36? Yes, ma'am. I don't have the exact numbers of how many.

FLTLT ROSE: I'm not asking you to provide the exact numbers, just a general.

5 D4: In terms of the effect that we can produce, our limiting factor at the moment is having pilots available to fly. We have a surplus of aircrewman.

FLTLT ROSE: So it's difficult, as an aircrewman, to maintain your recency because of the competition between each of you to try and get on the flights, I imagine?

10 D4: I think competition is probably the wrong word. There is limited opportunity for people to fly as a result of not having a huge amount of pilots. That's not to say that we're not meeting required hours. Without the numbers in front of me, I couldn't speak to it with any certainty, but my projection from the year that I've had so far and looking forward, I'm about
15 on track to personally meet 150 hours this year, which is sort of around the target for what you want to fly at a base level. Does that answer your question, ma'am?

20 FLTLT ROSE: It does. And at paragraph 37 you state that you are flying significantly less though than last year, but the length of your working days is only a touch shorter.

25 D4: Yes, ma'am.

FLTLT ROSE: Why is that?

30 D4: Largely administrative tasks. With the introduction in Service of the 60M, there is a lot of OT&E that needs to be conducted.

FLTLT ROSE: OT&E?

35 D4: Testing and evaluation that needs to be conducted. So there's also SOQCs that need to be run, which require – it really becomes a whole Squadron activity. It might not be me personally flying. There are people who are required to fly that are more senior having to do those jobs, just by nature of them being more experienced crewmen having to do the test and evaluation, if that makes sense.

40 FLTLT ROSE: Have you done your SOQC on the 60M?

D4: I have, ma'am.

45 FLTLT ROSE: When did you do your SOQC for the MRH-90?

D4: MRH-90 would've been June.

FLTLT ROSE: Noting that you posted in in June.

5 D4: Yes, it would've been June last year for the MRH-90.

FLTLT ROSE: Was that the same SOQC that LT Max Nugent was on?

D4: Correct, ma'am.

10

FLTLT ROSE: I'm just going to ask you some further questions about the fatigue aspect. At paragraph 28 of your Inquiry statement you state that you experienced acute fatigue after the completion of a mission or at the end of duty period, but a single rest period was enough for you to recover from that fatigue.

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D4: Sorry, was that 26, ma'am?

FLTLT ROSE: 28.

20

D4: That's correct, at the end of a working day you're tired, and that's acute fatigue as opposed to that cumulative build-up over a long period. Then, yes, one rest period – a weekend or a night at home – you wake up in the morning and you've had a good eight hours, you've eaten, you've gone to the gym, and you're ready to go again.

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FLTLT ROSE: At paragraph 30 you state that you feel confident in speaking out about your own fatigue levels, and you've already given an example that you feel confident to FACE out if need be.

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D4: Very confident, ma'am.

FLTLT ROSE: And you also think that the FACE check is one of the most important and powerful tools the aircrew have at their disposal.

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D4: Absolutely, ma'am.

FLTLT ROSE: Why do you think it's so powerful?

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D4: Because that is your go/no go criteria. It could be a beautiful day and everything's working fine, but if you're not able to perform your job, you can put your hand up without any negative repercussions to you personally and say, "Look, I don't feel safe to do this today for my own reasons. Sorry, guys, not today". No one will remonstrate you for that.

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FLTLT ROSE: The FACE check you're talking about, was this the same FACE check with the same criteria and the same understanding in 2023 as it is today in 6 Aviation Regiment?

5 D4: Yes, ma'am.

FLTLT ROSE: So there's been no changes, in effect, to the FACE check?

10 D4: Specifically in our Squadron, we've introduced an additional check to it that has to do with your arousal level. So if you think of your arousal being on a bell curve, if you're down the bottom of it on the far-left side, you're sort of bored, you're sleepy, tired, you don't really have your head in the game, and you're too relaxed. As you move up that curve, you start to hit a peak, and we've given it a numerical value of about 3. And at 3,
15 you're kind of that right level of awake; you're alert, and your head is right in the job. But then as you start to get task-saturated or the mission becomes complex, you may start to dip over the other side of that curve, and your decision-making and your FACE check may change to, "Hey, guys, I'm not okay to complete this job, I'm kind of operating at my maximum
20 bandwidth".

FLTLT ROSE: Defence loves an acronym, so what's the new acronym with this additional A for Arousal?

25 D4: It's FACES with an S on the end.

FLTLT ROSE: And the "S" stands for?

30 D4: I couldn't tell you off the top of my head, ma'am.

FLTLT ROSE: But is that the arousal element?

D4: Yes, that is. Yes, it's a numerical value for your arousal level.

35 FLTLT ROSE: Could the witness please be shown Exhibit 37? And it can also be shown on the screen.

MS McMURDO: Yes. Thank you.

40 FLTLT ROSE: Are you familiar with this document?

D4: Yes, ma'am.

45 FLTLT ROSE: So it's the Fatigue Risk Awareness Tool, or the FRAT if you know it by that name?

D4: Yes, ma'am.

5 FLTLT ROSE: Have you used this before?

D4: Yes.

FLTLT ROSE: Do you currently use it in 6 Aviation Regiment?

10 D4: We do.

FLTLT ROSE: Do you recall when it was introduced?

D4: Not with any level of accuracy, ma'am.

15 FLTLT ROSE: Was it in use as at 28 July 2023 at the time of the crash?

D4: No, ma'am.

20 FLTLT ROSE: So it was sometime after that.

D4: Correct.

FLTLT ROSE: Last year, though?

25 D4: I had seen it before that, but it was not used actively.

FLTLT ROSE: When do you fill this out? Is it at the start of duty, or is it just before flying?

30 D4: At the start of a duty day, or if you know you're going flying there's no fixed point that it must be done in the lead time for your flight, but it needs to be done before you go flying.

35 FLTLT ROSE: Is it a handwritten form or is it online?

D4: It's digital.

FLTLT ROSE: Digital. Where does it get filed, or who sees your digital form?

40 D4: That's kept in a folder on Objective, and your Aircraft Captain can go and pull that, check it, and pass that on to the authorising officer prior to the flight, or it may be as simple as if you bump into them in the hallway and it saves them having to go hunting through a computer, "Hey, are you Greens,

45

do you have any Ambers, have you got any problems”, and you’ll just verbally articulate anything you put on this form.

5 FLTLT ROSE: If you are all greens, is it the general practice that you don’t mention it to the Aircraft Captain?

D4: Correct.

10 FLTLT ROSE: It’s only if you’ve got some ambers and reds that you start to speak up?

D4: Correct.

15 FLTLT ROSE: Is anyone in the Squadron keeping track of the responses to the FRAT over time?

D4: I’m unsure, ma’am.

20 FLTLT ROSE: Have you received any specific training on how to use this FRAT?

D4: In that you select the box that corresponds to how you’re feeling?

25 FLTLT ROSE: When it was introduced, which I think your evidence is sometime last year, were you given any specific training on how to fill it in, or why each of these questions are important, or what the responses are on the right-hand side of the page?

30 D4: I don’t actively recall whether I was given formal training, sorry, ma’am.

FLTLT ROSE: If you look on the right-hand side, you’ll see the amber box, “Actively manage”.

35 D4: Correct.

FLTLT ROSE: And it says:

40 *Advise your supervisor of your heightened fatigue risk and ask team members to monitor you.*

D4: Yes.

45 FLTLT ROSE: Have you had any amber results from using the FRAT?

D4: I have, from time to time.

5 FLTLT ROSE: When you have had those amber results, is that what you did, you advised your supervisor of your heightened fatigue risk and asked your team members to monitor you?

10 D4: That is so. An example there is flights after 2200 to 0200. If we know that we're going to be flying in that 2200 window, once it sort of comes to 10 o'clock at night, you'll start to keep a bit closer eye on everybody around you because you know that that's the window where your circadian rhythm starts to dip away.

15 FLTLT ROSE: Does adjusting tasks or cross-checking occur, when you've presented as amber?

D4: I'm not sure what you're talking about, ma'am, I'm sorry.

FLTLT ROSE: In the second sentence it says:

20 *Consider adjusting tasks.*

And then it says:

25 *Increase team communication and task cross-checking.*

30 D4: Yes, I wouldn't say there's any formal element to that. There's no verbalising of cross-checking. But if you do notice that someone's got an amber or they've presented with an amber and you go flying, you may just listen to what they're saying and think about what they're saying and just have a moment to yourself to think, "Is that decision-making what I would expect of them if they were operating at normal capacity, or is that potentially a degraded capacity and their response is coming through slightly degraded?", if that makes sense.

35 FLTLT ROSE: If you just keep reading there, it says:

Consider taking a break or accessing controlled rest/napping.

40 D4: Yes, ma'am.

FLTLT ROSE: Have you ever taken a nap at Holsworthy because you've presented with some ambers?

D4: I wouldn't say it's because of an amber, but I have had a nap prior to a flight because I've had everything done and was not doing much, waiting around for a couple of hours.

5 FLTLT ROSE: Where do you actually sleep?

D4: We had a couch in the office, and I just lay on the couch and had a quick nap and I was okay.

10 FLTLT ROSE: Is there an actual dedicated room where people could go and take naps, close the door, put a sign out that says, "Do not disturb", and that sort of thing?

D4: There's not.

15

FLTLT ROSE: What about the next sentence, "Consider strategic use of caffeine and food intake", have you been given any training on what that means?

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D4: I wouldn't say "training", but we've certainly had briefs where we discuss use of caffeine and how it affects your central nervous system, talking about things like the half-life of caffeine and how it's going to impact future sleep as well as making you more alert for a short period of time. Some of those were at 6 Aviation Regiment and some of them were associated with safety days. Other briefs that I've had have just been about things that we've picked up – opportune briefs if you will – professional development. One that springs to mind, during an activity at the end of 2022 we were on a Navy ship for an extended period of time so there was a lot of opportunities for PME, and one of the young Tiger pilots got up and he was quite passionate about diet and that sort of thing.

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FLTLT ROSE: Sorry, what was he passionate about?

D4: Passionate about diet.

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FLTLT ROSE: Diet.

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D4: And health, and all that sort of stuff. So he got up and had a really good chat about how to use caffeine and what caffeine actually does to the body. So things like that have certainly happened, but no formal lesson at 6 Aviation Regiment on how to use caffeine to manage your fatigue.

45

FLTLT ROSE: How effective then do you think the FRAT is in helping someone identify their own levels of fatigue?

5 D4: It's really hard to put a qualitative value on that, but it does give you cause to stop and pause, and fill out the form, and think about your answers as you do it. If nothing else, it reminds you that, hey, you need to run a self FACE check every day. It may have slipped someone's mind, but yes, that's - - -

10 FLTLT ROSE: So in a way you see the FRAT as an adjunct to the FACE check, and you put more stock potentially in the FACE check over the FRAT in helping you to identify fatigue?

D4: Yes, I think the two certainly go hand-in-hand in that manner, ma'am.

15 FLTLT ROSE: At paragraph 41 you state that the new SFIs dictating the use of the FRAT and changes to duty limits, and the formal education on fatigue and informal discussions about fatigue, have just created more steps for the aircrew to follow.

20 D4: Yes, ma'am. It is an extra step. It does give you that moment to stop and pause if you need it. However, I don't think it, for me personally, changes how empowered I feel to speak up about potentially not passing my own FACE check. But that's just me personally. If this tool gives someone else the opportunity to identify something, it's great for them. But, personally, I don't feel that it helps me identify anything differently to just a FACE check.

25 FLTLT ROSE: Do you think it gives Command a level of insight into how the aircrew are feeling, in the sense that there's a documented form that they can access? As you say, go into the Objective folder and actually see what either their particular aircrew's fatigue levels are, or the Squadron round?

30 D4: Yes, ma'am. I can't say whether they do or don't use that, but they have the option there to go and have a look if they wish to find out what people's FRAT scores are.

35 FLTLT ROSE: So with all these changes, do you think that it's still on the individual aircrew to identify if they're fatigued and take action about it, or has the use of the FRAT made it more of a Command responsibility generally to manage aircrew fatigue?

40 D4: I'd say they go hand-in-hand, ma'am. You don't know what you don't know. If someone doesn't tell you that they're not feeling great for a particular reason, unfortunately we can't read minds so you have to rely on that tool. Does that answer your question?

5 FLTLT ROSE: I'm going to ask you some questions on a different topic now, and that's your relationship with the aircrew of Bushman 83. At paragraph 50 of your Inquiry statement you set out that you met CAPT Lyon prior to posting to 6 Aviation Regiment, and he reassured you about your transition into the Regiment and your move to Sydney.

D4: Yes, ma'am.

10 FLTLT ROSE: And he was your Troop Commander when you first posted into 6 Aviation Regiment?

D4: Correct.

15 FLTLT ROSE: You state:

I flew often with CAPT Lyon. I thoroughly enjoyed, and would look forward to any sortie with Dan on the crewing. CAPT Lyon was a tremendous leader in every capacity of the word.

20 D4: Yes, ma'am.

25 FLTLT ROSE: Then at paragraph 51 you set out that you first met LT Nugent at Oakey, and then again in Townsville at 5 Aviation Regiment, I take it?

D4: Yes, ma'am.

FLTLT ROSE: And you were posted to 5 Avn at the same time.

30 D4: Correct.

FLTLT ROSE: You state that:

35 *I had the absolute privilege to fly with him all over Australia and, more broadly, the world. He was a diligent and studious pilot, and not once do I recall him struggling to see the lighter side of a bad day.*

40 D4: Yes, ma'am.

FLTLT ROSE: Paragraph 52, you first remember meeting WO2 Laycock when you posted into 6 Aviation Regiment in January 2023?

45 D4: Correct.

FLTLT ROSE: And you state:

5 *I flew a lot with WO2 Laycock during the SOQC '23. WO2 Laycock was a wealth of knowledge, tremendously approachable, and always had an instructional technique up his sleeve to get the best out of anyone.*

D4: Correct.

10 FLTLT ROSE: Paragraph 53, you first met CPL Naggs – or Naggsy, as you called him – you met him at HATS in Nowra. “HATS” stands for the Helicopter Aircrew Training System?

D4: Correct.

15 FLTLT ROSE: I take it you were completing that. It's an aircrewman training together at that time.

D4: He was on course, well, maybe two ahead of me.

20 FLTLT ROSE: And you state:

25 *I did not actually fly all that much with Alex in my time at 6 Aviation Regiment. Most of our time together was spent on the ground. The few sorties we did get together, he was fastidious in everything he did.*

D4: Yes, ma'am.

30 FLTLT ROSE: I would like to ask you some questions now about TALISMAN SABRE '23. I'll be moving between both statements here. So starting with the fact that you deployed to Proserpine Airport on 24 July 2023.

35 D4: Correct.

40 FLTLT ROSE: If you go to paragraphs 57 and 58 of your Inquiry statement, you describe the sleeping conditions on the exercise, and you say you were sleeping on stretchers in tents a little distance from an active runway.

D4: Correct.

45 FLTLT ROSE: And you said the tents were a little stuffy so you chose to sleep on the end.

D4: Yes, ma'am.

5 FLTLT ROSE: Was that closer to where the tent flaps were?

D4: Yes.

FLTLT ROSE: And that's because you wanted to get increased air flow?

10 D4: Increased air flow. It provides you a little bit of extra space. It's more convenient to get in and out of the tent.

FLTLT ROSE: Were those flaps left open while you were sleeping?

15 D4: I don't clearly recall, but I believe so.

FLTLT ROSE: When the sun rose, it would stream into your tent where you were in that particular part of the tent?

20 D4: I can't say that I particularly remember being woken up by the sun being all that obnoxious at all, ma'am.

FLTLT ROSE: Were there mosquitos and other biting insects?

25 D4: Not that I recall.

FLTLT ROSE: The Inquiry has heard that there was a tent for the senior leadership team, and then a tent for the junior aircrew.

30 D4: Yes, ma'am.

FLTLT ROSE: Does that accord with your memory?

D4: Yes, ma'am.

35 FLTLT ROSE: Which one were you in?

D4: I was in the junior tent.

40 FLTLT ROSE: Was it only aircrew in your tent, or were there people from other units mixed in with you?

D4: I don't accurately recall, sorry, ma'am.

FLTLT ROSE: In terms of the fact that you said you were in the junior aircrew tent, was that with LT Nugent?

D4: Yes, ma'am.

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FLTLT ROSE: Was it with CPL Naggs?

D4: I believe so, ma'am.

10 FLTLT ROSE: And were CAPT Lyon and WO2 Laycock in the other tent?

D4: Yes, ma'am.

15 FLTLT ROSE: So you didn't have any issues sleeping on the exercise?

D4: Not personally, ma'am. I'm an Olympic sleeper.

20 FLTLT ROSE: And that you took naps during the day, when you needed to?

D4: Yes, ma'am.

FLTLT ROSE: How long were those naps on average?

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D4: I couldn't accurately give you an average for them. Sometimes in the field environment, as a soldier, if you've got 10 minutes and you think that you could use a 10-minute nap, you have a 10-minute nap. If you lay down and aren't needed for an hour and a half, you might doze off for an hour and a half. There wasn't really that much pressure on me to be awake and around, doing anything tremendously significant that I had to sort of structure those naps into my day; they just kind of happened.

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FLTLT ROSE: Were those naps in the morning prior to duty start, or were you taking the naps mid-afternoon?

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D4: I don't recall ever needing to take a nap during a duty period, ma'am.

FLTLT ROSE: So it was prior to commencing duty. Did you take any sleeping medication?

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D4: No, ma'am.

FLTLT ROSE: Is that because you're an Olympic sleeper?

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D4: Largely.

FLTLT ROSE: Have you done a ground run for the sleeping medication?

5 D4: Never needed to, ma'am.

FLTLT ROSE: At paragraph 66 of your Inquiry statement you stated that no one gave you any briefings about how to manage your fatigue on Exercise TALISMAN SABRE.

10

D4: Yes, I don't think there was anything specific to that activity. It was more or less, "You know how to manage your own fatigue as aircrew, run the checklist as you see fit".

15 FLTLT ROSE: Was there any briefing, potentially from the Commandant, or even someone within 6 Aviation Regiment, for the aircrew about etiquette whilst you are sleeping in a communal tent? You know, stay off your phones, turn them on silent, be courteous to your sleeping colleagues, that sort of discussion?

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D4: I don't recall any formal discussion, but again I think it's one of those unwritten rules, I guess, of all being adults and sleeping in a shared environment, just be courteous to your neighbour.

25 FLTLT ROSE: Have you been deployed into many field environments since becoming aircrew?

D4: At least once a year since becoming aircrew, ma'am.

30 FLTLT ROSE: Were you sleeping in tents on those field deployments?

D4: Yes, ma'am.

35 FLTLT ROSE: Have you ever been put up on deployment in barracks, in rooms, or even in hotels?

D4: Yes, ma'am.

40 FLTLT ROSE: So is it fair to say it's a mixture of 50/50 as to whether you're sleeping in a room or whether you're sleeping in a tent?

45 D4: Yes. I think it just depends on the environment that we're operating in as to what facilities are available and therefore what becomes best practice for us to still achieve sleep, but balanced against being able to operate in an austere environment.

FLTLT ROSE: Austere?

5 D4: Austere.

FLTLT ROSE: Sorry, I was just checking I heard right.

D4: No, that's cool. I probably mispronounced it. Sorry, ma'am.

10 FLTLT ROSE: So at paragraph 62 you list the flying that you did when you were on Exercise TALISMAN SABRE, and you refer to a photo exercise flight to HMAS *Adelaide* on 25 July '23.

D4: Yes, ma'am.

15 FLTLT ROSE: Is that a euphemism for something I'm not aware of as a non-aviator?

D4: So photo exercise is something that the Navy do quite regularly, PHOTEX. They will identify an opportunity to gain some imagery for whatever they wish to use it for, be it recruiting or memorabilia, things like that. So yes.

20 FLTLT ROSE: So it is what it says it is? It's nothing more than that? It's an opportunity to take some photos of the airframe in the air.

25 D4: The Navy were conducting an activity with another asset, that may exceed the clearance of this room, and they wanted a photo of that asset conducting the activity.

30 FLTLT ROSE: Understood. The Inquiry has heard some other evidence that the flights on 25 July were cancelled due to bad weather. So was this a day sortie, this PHOTEX?

35 D4: This was an afternoon sortie. It went day into night, through the afternoon.

FLTLT ROSE: You're sure that there was the flight on the – it was the 25th that this flight took place?

40 D4: I would have taken this information from PEX. So yes, ma'am.

FLTLT ROSE: Then there was FMP 1. Were you part of FMP 1?

45 D4: If it's not one of those listed flights there, then no, ma'am.

FLTLT ROSE: You're talking all of this, as you just said, from your recordings of your own flying hours in PEX?

5 D4: Yes, ma'am.

FLTLT ROSE: Patriot Excalibur, the electronic logbook system?

10 D4: That's the one, ma'am.

FLTLT ROSE: In this flight on 25 July, did you fly with either CAPT Lyon, LT Nugent, WO2 Laycock, or CPL Naggs?

15 D4: On 25 July, LT Max Nugent was the co-pilot.

FLTLT ROSE: Then there was another sortie on 27 July that you state that you were involved with?

20 D4: Yes, ma'am.

FLTLT ROSE: Was that with CAPT Lyon?

D4: It was.

25 FLTLT ROSE: Was that a day flight?

D4: It was.

30 FLTLT ROSE: Was it a reconnaissance mission to look at Lindeman Island?

D4: Yes, ma'am.

35 FLTLT ROSE: It was almost like a practice run, essentially, for the flight on 28 July?

40 D4: Yes. It was so we could go and see what the area that we were going to be operating in looked like, identify the landing zone, land in it, give us a good mental model of what we were going to be expecting to see by night.

FLTLT ROSE: So you did actually land on Lindeman Island?

D4: Yes, ma'am.

45 FLTLT ROSE: That was by day?

D4: Correct.

5 FLTLT ROSE: If you turn to your Defence statement at paragraph 25, and in the paragraphs that follow on from 25 you provide evidence about the actions that you took on 28 July, including attending the rehearsal of concept drill for that evening's sortie.

10 D4: Yes, ma'am.

FLTLT ROSE: Do you recall any time during orders, or this ROC drill, or at any other time, being briefed about how many rotor di's you were meant to fly for that sortie?

15 D4: It absolutely would have been briefed. However, I can't specifically remember it being briefed, and it's not included in this evidence. So at this time I'm unsure, sorry, ma'am.

20 FLTLT ROSE: No, that's okay. It's not a memory test. From your memory, was there any discussion about the fact that some aircraft were carrying flares and how that may affect the distances you were meant to space between the aircraft?

25 D4: I don't recall whether that was discussed.

FLTLT ROSE: Do you recall any discussions about whether doors were meant to be opened or closed for the sortie?

30 D4: I recall we discussed closing the doors for the majority of the flight to the last turn point.

FLTLT ROSE: Do you recall whose decision that was, to fly with doors closed?

35 D4: WO2 Laycock was the senior aircrewman there, and his say would have been the final say there.

40 FLTLT ROSE: Did you have any opinion on whether or not the doors should have been opened or closed for that particular sortie?

D4: I don't have an opinion, ma'am.

45 FLTLT ROSE: During the start checks, do you recall – sorry, I take it back. Withdraw that. During the mission orders, do you recall any discussions about whether RADALT hold should be used during the sortie?

D4: I don't recall any discussion of that, ma'am.

5 FLTLT ROSE: Do you recall any discussions about what decision heights the pilots should set their heights to, the warnings to?

D4: No, ma'am.

10 FLTLT ROSE: When you then moved to the aircraft and you're doing the start checks, can you hear, as the aircrewman in the back, the pilots discussing what they're setting their RADALT decision heights to?

D4: Yes, ma'am.

15 FLTLT ROSE: Do you recall what they were set to on that evening?

D4: I don't, sorry, ma'am.

20 FLTLT ROSE: If you were to hear the pilots, for example, one of them setting their DH warning to zero, would that cause you any concern? Are you aware of what the Standing Instructions or the Standardisation Manual states the decision height should be set at?

25 D4: Not for MRH, sorry, ma'am. I've lost a lot of that data moving onto a new platform.

FLTLT ROSE: But even on the new platform, UH-60M, is it the case that generally it should be set 10 per cent below the minimum level of flight?

30 D4: Yes, ma'am. 10 per cent below the authorisation height.

FLTLT ROSE: Authorisation height. And you think that might have been the same for MRH-90 as it is for UH-60M?

35 D4: Yes, ma'am. But that's not to say that there were two decision heights up the front of an MRH. So as long as one of them was set to that. It also depends on the mode of flight that we're in and what we're conducting at the time as to what you may wish to set it at.

40 FLTLT ROSE: So, essentially, if one of the pilots had set the DH height warning to 10 per cent below the authorised minimum, that would be fine?

D4: Yes, ma'am.

FLTLT ROSE: And it wouldn't really matter what the other one was set to.

D4: Not in my mind.

5

FLTLT ROSE: You said before – you were talking about the modes then. Do you remember what modes the pilots were flying in on 28 July, whether TAC mode or - - -

10 D4: No, ma'am.

FLTLT ROSE: Can you hear, as an aircrewman in the back, when the MRH pilots – if they were changing the decision height warnings during flight, would you hear that through the comms?

15

D4: I would hear them announce it if they were talking to each other about it, yes.

FLTLT ROSE: But it wasn't a conversation that necessarily included the aircrewman?

20

D4: No, ma'am.

FLTLT ROSE: You were assigned to Bushman 81 for the sortie?

25

D4: Correct.

FLTLT ROSE: If you can just look at the pseudonym list in front of you. Was D2 the Aircraft Captain?

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D4: Yes, ma'am.

FLTLT ROSE: Was D1 the co-pilot?

35 D4: Yes, ma'am.

FLTLT ROSE: The senior aircrewman was D3?

D4: Yes, ma'am.

40

FLTLT ROSE: At paragraph 32 of your Defence statement you state that when you lifted off for the sortie the pilots of 81 discovered that the RADALT was unserviceable, so you had to move to the spare aircraft?

45 D4: Correct.

FLTLT ROSE: So I take it that included yourself, you had to pick up your gear, move across to the spare?

5 D4: Yes, ma'am.

FLTLT ROSE: Is it the case that when you move to the spare aircraft, you have to perform all the same pre-flight checks that you did in the previous aircraft, but do it again for this new aircraft?

10

D4: From memory, the spare aircraft was already running and had been started by a different crew. We still conduct checks when we get there. However, we don't have to start the aircraft from scratch, if that makes sense.

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FLTLT ROSE: So someone's already checked serviceability, essentially, because it's started?

D4: Yes, ma'am.

20

FLTLT ROSE: But you'll do your pre-flight operations checklists?

D4: Yes, ma'am.

25

FLTLT ROSE: Do you recall the pilots discussing/re-discussing what they should set their RADALT decision height warnings to once in the new aircraft, in the spare?

D4: I don't recall any of those conversations, sorry.

30

FLTLT ROSE: At paragraph 36 you said you were in the right side of the back of the aircraft?

D4: Yes, ma'am.

35

FLTLT ROSE: So could you see 82 or any other aircraft behind you during the sortie?

D4: Not with the doors closed. I could manipulate my head forward and if I went on harness, I could see them if I needed to. But no, ma'am.

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FLTLT ROSE: You didn't need to, at any stage prior to the crash, need to go on harness and look behind you?

45

D4: I don't recall whether I did or didn't, ma'am.

5 MS McMURDO: Just going back to the RADALT issue, in the conditions that – circumstances you were flying on 28 July, if you'd known the RADALT height settings were set at zero and 50 feet, or zero and 45 feet, would that have caused you concern?

D4: No, ma'am.

10 MS McMURDO: Why not, when it normally would have been 180, given that you were flying at about 200 feet?

15 D4: It's such a circumstantial decision that there would have to be a conversation around it. And not being privy to a conversation around it, I don't really have the context to say whether I would or wouldn't be concerned.

20 MS McMURDO: So can you give us an example of circumstances that would allow the RADALT to – would justify the RADALT – the two heights being set at – the RADALT heights being set at zero and 50 feet, or zero and 45 feet?

D4: I'm not sure, sorry, ma'am.

25 MS McMURDO: Thank you.

FLTLT ROSE: Did anyone brief you about whether you could take mobile phones on this sortie on 28 July?

30 D4: I don't recall who, but I believe we were told not to fly with our phones.

FLTLT ROSE: Did you fly with your phone?

35 D4: No.

FLTLT ROSE: Where did you keep it during the sortie?

40 D4: I actually left my phone on my bed. There was a box up at the, I guess, Headquarters tent. But just because I hadn't taken my phone up there with me when we were going to the aircraft, I just left mine on my bed.

FLTLT ROSE: Was there any process then? Was someone there looking at – ticking off a box as to, you know, who's put their phones in the box?

45 D4: No, ma'am.

5 FLTLT ROSE: It was just it was briefed you're not meant to take phones and so you left yours behind. At paragraph 70 of your Inquiry statement you state that there was some bad weather around you in places during the sortie.

D4: Sorry, just let me catch up there.

10 FLTLT ROSE: 70.

D4: Yes, ma'am.

FLTLT ROSE: And then at 72 you said:

15 *But the conditions were no more challenging than any other night formation.*

D4: That's correct, ma'am.

20 FLTLT ROSE: Is it fair to say that night flying overwater in formation, when you're on NVDs in a – is a challenging profile in and of itself?

25 D4: I'm not a pilot, so I don't really have the fidelity on their hands and feet and how hard they're working. But an understanding of the crew resource management that's associated with it and the level of, I guess, teamwork and integration that you have to have does go up and there is more of an active scan of other aircraft, the airspace becomes a lot more complex working in a tight formation with each other. And being overwater, you have a low contrast environment there. So there's not a really blatantly obvious horizon line, necessarily. I have never found it difficult to see where water turns into land, but yes, that's - - -

30 FLTLT ROSE: And that's on the night-vision goggles that the aircrewman wear?

35 D4: Yes, ma'am.

FLTLT ROSE: And what were you wearing as at 28 July 2023?

40 D4: The designation of them escapes me. I believe M249 is the designation.

FLTLT ROSE: ANVIS?

45 D4: White phos.

FLTLT ROSE: White phos.

5 D4: Yes, ma'am.

FLTLT ROSE: So was the contrast low at any stage during that sortie, from your memory?

10 D4: Not from my memory, ma'am.

FLTLT ROSE: Did you ever enter, say, a degraded visual environment?

D4: No, ma'am.

15 FLTLT ROSE: At paragraph 38 of your Defence statement, and in the paragraphs that follow, you set out what occurred just prior to Bushman 83 crashing, and you state that you first realised something was wrong with the formation when you heard one of the pilots in Bushman 84 – you think it might have been D10 – stating, “83, pull up, pull up, pull up”.

20 D4: Yes, ma'am.

FLTLT ROSE: You then saw a bright flash of orange and yellow, and heard a pop that sounded like a flare?

25 D4: Yes, ma'am.

FLTLT ROSE: You immediately checked with your pilots, if they had punched a flare?

30 D4: Yes, ma'am.

FLTLT ROSE: I assume that means that they have dispensed a flare?

35 D4: Yes, ma'am.

FLTLT ROSE: But D1 confirmed to you that they hadn't?

D4: That's correct. Again, the Defence statement is the most accurate recollection of what was said. And if it wasn't those exact words, it was words very close to.

40 FLTLT ROSE: You then heard words over the radio that 83 was in the water and that the mission had been knocked off?

45

D4: Yes, ma'am.

5 FLTLT ROSE: At paragraph 43 and following you said that you and D3 opened the aircraft's doors and you saw 83 in the water in pieces and a splash where it impacted the water?

D4: Yes, ma'am. All this is written out in longhand, but all very compressed together.

10 FLTLT ROSE: I do appreciate that you've provided far more information step-by-step in the process. So at paragraph 46 and following you then describe what occurred in terms of the search and rescue efforts, and that 81 and 82 first landed – were instructed to land on Lindeman Island?

15 D4: Yes, ma'am.

FLTLT ROSE: Then you and 81 took over flying over the incident area from 84?

20 D4: Correct.

FLTLT ROSE: Then you needed to refuel, so you went back to Proserpine Airport?

25 D4: Yes, ma'am.

FLTLT ROSE: And 82 took over the search and rescue above the incident area?

30 D4: Yes, ma'am.

FLTLT ROSE: When you were searching the debris field, you saw some military and civilian assets in the water, or was that in the air?

35 D4: Yes, there were military assets in the water there, where – spread over the entire search period. There were civilian assets in the air as well. And there were other military assets in the air.

40 FLTLT ROSE: You refuelled at one point, but then continued searching for survivors across the incident area until about 5 am on 29 July?

D4: Correct, ma'am.

FLTLT ROSE: If you turn now back to your Inquiry statement, at paragraph 73 you left Proserpine Airport sometime in the afternoon on 29 July?

5 D4: Yes, ma'am.

FLTLT ROSE: Then you paraded at Holsworthy Barracks on 30 July?

10 D4: Yes, ma'am.

FLTLT ROSE: You've been interviewed by the DFSB and Comcare about this incident?

15 D4: Correct.

FLTLT ROSE: You haven't officially been interviewed by the Queensland Police Service at all?

20 D4: Not officially, ma'am.

FLTLT ROSE: And I say that in the terms of – I don't mean it officially, is you were asked to prepare some notes about the incident in response to some questions that QPS had provided to the personnel at 6 Aviation Regiment?

25 D4: Yes, ma'am.

FLTLT ROSE: I'll hand you a document.

30 D4: Thank you.

FLTLT ROSE: Is that your handwriting?

35 D4: It is.

FLTLT ROSE: Are those your responses to the questions that the Queensland Police Service has posed to you?

40 D4: They are, ma'am.

FLTLT ROSE: Did you provide that document to somebody to then pass on to QPS?

45 D4: I did.

FLTLT ROSE: Do you remember who you gave that document to?

D4: I'm unsure, sorry, ma'am.

5 FLTLT ROSE: I tender that document.

MS McMURDO: Exhibit 66, being D4's responses to the QPS questions.

10 **#EXHIBIT 66 - D4'S RESPONSES TO QPS QUESTIONS**

FLTLT ROSE: Do you recall how soon after the incident you provided those responses?

15

D4: I'm not sure, sorry, ma'am.

FLTLT ROSE: At paragraph 79 of your Inquiry statement you also said you prepared some brief notes about the incident when you were actually at Proserpine Airport?

20

D4: Yes, ma'am.

FLTLT ROSE: And that you put them in a trunk.

25

D4: Yes.

FLTLT ROSE: Who asked you to prepare those notes?

30

D4: I don't recall being formally asked to, it was just kind of the response that everyone knew they should do, take notes, noting that it had very obviously been a serious incident and would be investigated. And then I'm not sure who told us to put them in the trunk or what – who I gave them to with that trunk. That was all kind of a blurry day.

35

FLTLT ROSE: Do you recall if those notes were then passed on to the DFSB?

D4: I don't recall that accurately, sorry, ma'am.

40

FLTLT ROSE: I take it you don't have a copy of those notes?

D4: No, ma'am.

45

FLTLT ROSE: At paragraph 28 of your statement you set out that you

attended the funerals for all four of the aircrew of Bushman 83?

D4: Yes, ma'am.

5 FLTLT ROSE: And that after this was the first time that you felt cumulatively fatigued.

D4: Yes, ma'am.

10 FLTLT ROSE: How soon after the final funeral did you start your training for the UH-60M?

D4: I'd be absolutely guessing. I'd have to check PEX, I'm sorry, ma'am. But I believe it was about October or November 2023.

15 FLTLT ROSE: Thank you. Those are my questions.

MS McMURDO: Thank you. Applications to cross-examine? Just you, I think, COL Gabbedy. Yes, and SQNLDR Nicolson.

20

<CROSS-EXAMINATION BY COL GABBEDY

25 COL GABBEDY: Could we pop Exhibit 37 back on the screen, please?

MS McMURDO: 37, yes.

30 COL GABBEDY: D4, my name is COL Nigel Gabbedy. I appear for MAJGEN Jobson.

D4: Sir.

35 COL GABBEDY: I just want to ask you a few questions about fatigue. From the information contained in your statement, my understanding is that you believe fatigue is your personal responsibility, fatigue management?

D4: I believe my personal fatigue is my personal responsibility, sir.

40 COL GABBEDY: And you've always felt empowered to talk up if there was a problem with that?

D4: I have, sir.

45 COL GABBEDY: And as I understand your statement, you also felt

empowered to discuss the fatigue of other people that you might be flying with?

5 D4: Absolutely, sir.

COL GABBEDY: Is that reflective of the safety culture at 6 Avn Regiment?

10 D4: Yes, sir. I've never had someone upset with me as a result of checking in on how they're feeling. I think most people are mature enough to understand that it comes from a place of concern and care.

COL GABBEDY: And I assume the converse is also true if somebody asked you, you wouldn't be offended by a question like that?

15 D4: Absolutely. It's good that people will check in on each other.

COL GABBEDY: Was I right to understand your evidence as that the new tool that's in use, the FRAT, is handy but that FACE checking is still probably the best way of determining whether or not you're right to fly?

20 D4: For myself personally, I believe that the FACE check is sufficient for me. But I can see the merit to the FRAT if it identifies to someone else something that they may have glossed over or missed because they're looking at very specific questions as opposed to posing a generic question to themselves of, "Can I do this today?"

COL GABBEDY: And do you have any difficulty filling in or understanding that document?

30 D4: No, sir.

COL GABBEDY: And you were asked some questions about whether you received training in relation to how to complete it, and I think the answer was "No". Do you believe you need training in order to complete that document?

40 D4: I think that whilst it is very self-explanatory, an understanding of the emphasis and the reasons why some of those options are in there, and some of those checkboxes are in there, may be required for someone – whilst I personally feel that I can understand, for example, why 2200-0200 is a amber window to work in versus a red window to work in, being later on in that piece – I can't see it from here – it's to do, you know, circadian rhythm, someone filling this out for the first time or an ab initio to Aviation or an

ab initio to shift work and an environment like Aviation, they may not have the understanding to fill this out without any formal training.

5 COL GABBEDY: Thank you for that. Do you think by the time you were posted to a unit like 6 Avn as aircrew, you would have the level of training and understanding that would enable you to fill out a document like that without further training?

10 D4: Me personally, yes.

AVN HARLAND: Can I just ask a follow-on from that? Notwithstanding you filling out your document, when you do the assessment there are a number of actions that you can take. And if I'm to read there it talks about things like nutrition, sleep and stress. Do you have an inherent and basic understanding of what tools you might have available to be able to either pre-treat or post-treat fatigue?

D4: Yes.

20 AVM HARLAND: And where did you get that knowledge from?

D4: As I said, the safety days, there's discussions around fatigue. I know that we have had visiting lecturers come and talk to us about sleep, and sleep hygiene, and balancing nutrition, and that sort of thing, over sort of the past 25 14 years that I've been in Defence. I've picked a lot of that up. So I wouldn't say there's one specific lesson where I've picked that up; it's just kind of been accumulative over my time in Defence.

30 AVM HARLAND: Okay, thank you.

COL GABBEDY: Thank you. There's only one further area I want to discuss with you, D4 . It's in relation to the annex to your Inquiry statement, Annex A. It contains some DFSB sleep and fatigue information - - -

35 MS McMURDO: So this is "Sensitive".

COL GABBEDY: Sorry.

40 MS McMURDO: This is "Sensitive".

COL GABBEDY: In relation to that annex – and I won't – having said what it is – hopefully, that'll be scrubbed from the record. My question is this – and I don't think the question is sensitive – where did this information 45 come from?

D4: Sorry, I'm not sure what your question is. Can you rephrase that for me, please?

5 COL GABBEDY: Perhaps if I take it back a couple of steps. In your statement – I'm just trying to find the particular references – you were asked questions at paragraphs 59 and 60 about what times you started on various days, and you refer to Annexure A. Now, at paragraph 61 you say you didn't wear a device that tracked your sleep. So what I'm seeking to
10 understand, if you're able to tell me in an open format, is where the information in Annex A came from?

D4: A message on my phone.

15 COL GABBEDY: Can you elaborate on that for me? I mean, it's not something I understand. Other people in the room probably do.

D4: I was able to have a look back through my phone and work out when I was awake and when I was asleep based on if I was sending messages or
20 I just said "Goodnight" to somebody.

COL GABBEDY: It was an estimation based on those timings?

D4: Yes, sir.
25

COL GABBEDY: Thank you. That's all I was seeking to understand. I have nothing further, ma'am.

MS McMURDO: Thank you. SQNLDR Nicolson.
30

<CROSS-EXAMINATION BY SQNLDR NICOLSON

35 SQNLDR NICOLSON: Thank you. Good afternoon. I appear for D10 in these proceedings. My name is SQNLDR Nicolson. Can I just get you to look at the pseudonym list and just confirm D10, he was the Officer Commanding in early '23. Do you have your Inquiry statement with you? I just want to take you to paragraph 65, and I just have a couple of questions
40 of the flow-on in respect to the type of things that you have raised. Now, this was a 10-hour noise exposure limit issue that you raised in the pre-deployment orders.

D4: Correct.
45

SQNLDR NICOLSON: Is that something that you raised in the orders, pre-deployment?

5 D4: Yes, sir. I do recall that we had planned our day and we'd built a little bit of fat into that flight to Proserpine in terms of – fat in terms of time – a bit of extra time to allow for delays and things like that. But I believe the planning figure we'd worked out was nine point something hours of engine time or – sorry, I'll wind back. It was less than that, but it was quite close when you factor in the APU running on the aircraft, and the noise restriction is 10 hours of exposure to an engine. So the APU being running to start the aircraft starts to build additional time into that, that you would be exposed to that noise. So I was just cognisant of exceeding that 10-hour exposure limit to engine noise.

15 SQNLDR NICOLSON: And was that something that you raised in these pre-deployment orders?

D4: Correct.

20 SQNLDR NICOLSON: And was that matter for you raised, in that, for an example, was that listened to by the chain of command?

D4: It was listened to, and I actually quite clearly remember CAPT Lyon afterwards pulling me aside and saying, "Good catch".

25 SQNLDR NICOLSON: So, obviously, in terms of you at the time, in early '23, were junior aircrew? That's correct?

D4: Correct.

30 SQNLDR NICOLSON: And so your concerns that were raised were listened to by Troop Commanders, CAPT Lyon, and obviously chain of command.

35 D4: Yes, sir.

SQNLDR NICOLSON: And particularly in terms of – we'll deal with D10, was he able to talk to you and raise matters about – as a junior aircrew over the time that he was the OC?

40 D4: I never had any issues raising anything ever with D10.

SQNLDR NICOLSON: So he was obviously – as a junior aircrew you could raise matters with D10?

45

D4: D10 was approachable.

SQNLDR NICOLSON: And he was approachable to you in terms of raising matters as a junior aircrew?

5

D4: Yes, sir.

SQNLDR NICOLSON: And this was an example about the engine noise?

10

D4: Yes, sir.

SQNLDR NICOLSON: Were there other matters that you could raise as a junior aircrew that you felt empowered to raise with the chain of command, including the Troop Commanders?

15

D4: I don't have an example off the top of my head, sir, but yes.

SQNLDR NICOLSON: You agree with that. Thank you.

20

MS McMURDO: Thank you. No other applications to cross-examine?

COL THOMPSON: Yes, I seek leave.

25

MS McMURDO: Yes, all right then, COL Thompson.

<CROSS-EXAMINATION BY COL THOMPSON

30

COL THOMPSON: D4, COL Thompson for BRIG Dean Thompson, Commander of 16 Avn Regiment last year. I just want to clarify two matters in your second statement, which I understand, ma'am, is Exhibit 65B. Your statement of 13 September 2024, if you can go to paragraph 33 on page 5. You were asked there:

35

Were you ever asked to participate in the sleep/fatigue study in 2022 at 6 Avn Regiment?

40

And over the page you answer:

No.

45

And bearing that in mind my friend COL Gabbedy has already touched on this, if you go to the last paragraph in your statement, paragraph 87 on page 13, the question is:

Please provide evidence of anything else that you believe the Inquiry should know about.

5 And you say:

As per annex.

10 Now, bearing in mind what Ms McMurdo has already said about the sensitivity of the annex, is that an annex that you filled out? Sorry, if you can turn to the annex to your statement?

D4: Yes, I filled that out.

15 COL THOMPSON: And on the second page of the annex there's a date. Do you see that date there? Do you mind if I give the date of that document, ma'am, on the second page?

20 MS McMURDO: I don't see that's a problem, but it says, "Date completed".

COL THOMPSON: Yes. So my question - - -

25 MS McMURDO: Yes, "Date completed". Do you see that page 2/5 at the top?

D4: I do.

30 MS McMURDO: Yes. Thank you.

COL THOMPSON: So that's the date you completed that document, is it?

35 D4: That's not the date that I completed that. This was given to me by the organisation listed on the front of it, not long after the incident. And it was filled out at some point – sorry, it is the 8th. It may have been the date I filled it out, but I can't be certain whether I just filled it out and didn't notice that the date was incorrect. But I have filled it out.

40 COL THOMPSON: That's fine.

D4: Some time after the crash.

MS McMURDO: That date is incorrect?

45 D4: It may be. I'm not sure, sorry. I don't recall filling out the date on it.

MS McMURDO: No, but that – yes, okay. That has it being filled out in August last year.

5 D4: That’s probably about right.

MS McMURDO: So it may or may not be correct; you’re not sure?

10 COL THOMPSON: But around about that date?

D4: I’m not sure, sir.

15 COL THOMPSON: So keeping that in mind, if you can just go back to paragraph 33 on page 5 now. When you say, “No, I was not asked to participate in such a study in 2022”, did you know about such a study in 2022 at 6 Avn?

D4: I was not posted to 6 Avn Regiment in 2022.

20 COL THOMPSON: That will explain why the - - -

D4: Sorry, sir.

25 COL THOMPSON: At paragraph 41 – this is the second of the two questions I have for you – you were asked to provide details of any documents/publications that Army Aviation Command or 6 Avn Regiment might have introduced regarding fatigue management since 28 July 2023. And you see your answer there beginning “Fatigue is still talked about”?

30 D4: I see it, sir, yes.

COL THOMPSON: Do you know whether those new SFIs released came from Army Aviation Command, or from 6 Avn Regiment, or from someone else?

35 D4: Unsure off the top of my head, sir. I’d have to pull up the document and have a look at who issued them, sorry.

COL THOMPSON: Thank you.

40 MS McMURDO: Thank you. No other applications to cross-examine? Any re-examination?

45 FLTLT ROSE: No.

MS McMURDO: No, we'll have a 15-minute break, and we'll call the next witness. Thank you very much.

5 <WITNESS WITHDREW

HEARING ADJOURNED

10

HEARING RESUMED

MS McMURDO: Yes, FLTLT Rose?

15

FLTLT ROSE: I call the witness D12.

<D12, Affirmed

20

<EXAMINATION-IN-CHIEF BY FLTLT ROSE

25 MS McMURDO: Yes, please let me know if you need a break at any time.

D12: Thank you, ma'am.

MS McMURDO: Thank you. Yes, FLTLT Rose?

30

FLTLT ROSE: Could you please refer to that laminated A3 poster in front of you and confirm that you are a person who has been assigned the pseudonym D12?

35 D12: That's correct.

FLTLT ROSE: What is your current rank?

D12: [REDACTED].

40

FLTLT ROSE: And what unit are you currently posted to?

D12: 6 Aviation Regiment.

FLTLT ROSE: Can you please confirm you were sent the following documents prior to today: a section 23 Notice requiring you to give evidence?

5 D12: Yes.

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

10 D12: Yes.

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

D12: Yes.

15 FLTLT ROSE: A Frequently Asked Questions Guide for Witnesses?

D12: Yes.

FLTLT ROSE: And a Privacy Notice?

20 D12: Correct.

FLTLT ROSE: I'm going to hand you two documents. Did you prepare a statement back in November 2023 at the request of the Queensland Central Coroner?

25 D12: Yes.

FLTLT ROSE: Now, is that that statement on top of the bundle?

30 D12: Yes.

FLTLT ROSE: And that is dated 29 November 2023?

35 D12: Yes.

FLTLT ROSE: And that statement is eight pages?

40 D12: Yes.

FLTLT ROSE: You did sign it, but there's a redaction over your signature; is that correct?

45 D12: Yes.

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

D12: No.

5 FLTLT ROSE: I'll refer to this statement as your Defence statement, throughout your evidence.

D12: Okay.

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

D12: Yes.

15 FLTLT ROSE: If you look at that second document in the bundle, is this your statement that you prepared for the Inquiry?

D12: It is.

20 FLTLT ROSE: It's 19 pages, so if you turn to page 19 – sorry, page 18.

D12: Yes.

25 FLTLT ROSE: Did you digitally sign this statement on 13 September 2024?

D12: I did.

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

30 D12: No.

FLTLT ROSE: Can I just confirm that there are three annexures: A, B and C?

35 D12: Yes, that's correct.

FLTLT ROSE: And I'll refer to that statement as your Inquiry statement.

D12: Okay.

40 FLTLT ROSE: I tender both of those statements.

45 MS McMURDO: The statements of – the Defence statement of D12 will be Exhibit 67A; and the Inquiry statement and annexures, 67B.

#EXHIBIT 67A - D12'S DEFENCE STATEMENT

5 **#EXHIBIT 67B - D12'S INQUIRY STATEMENT AND ANNEXURES**

10 FLTLT ROSE: Can I please ask you to be mindful of your security obligations throughout your evidence? So if I or anyone else asks you a question you think the answer to which is "OFFICIAL: Sensitive" or above, can you just let the Inquiry know that, and we won't explore that in the public hearing?

15 D12: Yes.

FLTLT ROSE: I'll start with your Defence statement, paragraph 7. You joined the Army in 2015?

20 D12: Yes.

FLTLT ROSE: And that's when you commenced infantry training?

25 D12: Correct.

FLTLT ROSE: You then completed Special Forces training in 2016?

D12: Correct.

30 FLTLT ROSE: And you were a rifleman from 2017 to 2020?

D12: Correct.

35 FLTLT ROSE: Then from paragraph 11, you completed your aircrewman training at Oakey in 2021?

D12: Yes.

40 FLTLT ROSE: Then you posted to 5 Aviation Regiment in Townsville?

D12: Correct.

45 FLTLT ROSE: Then you posted to 173 Squadron in 6 Aviation Regiment in January 2023?

D12: Yes.

FLTLT ROSE: And that was to fly the MRH-90?

5 D12: Correct.

FLTLT ROSE: You're currently posted to 171 Squadron as a Special Operations junior aircrewman on the UH-60M?

10 D12: Correct.

FLTLT ROSE: You also qualified on the EC135?

D12: Yes.

15

FLTLT ROSE: At paragraph 9 of your Inquiry statement you set out your total flying hours.

D12: Yes.

20

FLTLT ROSE: And that's 571.5?

D12: Yes, at the date of this statement it was.

25

FLTLT ROSE: I understand. You would've accumulated some additional flying hours since September. Then you state that the total – in terms of the MRH-90, your total flying hours is 383.6?

D12: Correct.

30

FLTLT ROSE: And that includes 155.8 hours which were by night, on night-vision devices?

D12: Correct.

35

FLTLT ROSE: And you estimate that you've flown about 150 hours in formation?

D12: Correct.

40

FLTLT ROSE: At paragraph 7 you state that you completed your Special Operations Qualification initial course on the MRH-90, and that was in May or June 2023?

45 D12: Yes, that's correct.

FLTLT ROSE: Was that the same SOQC that LT Nugent was on?

D12: Yes.

5

FLTLT ROSE: And you state that you're still in the foundation years of your aircrewman career.

D12: That's one way or putting it. Yes, I believe so.

10

FLTLT ROSE: I'll ask you some questions about your experience flying in the MRH-90 and being in 6 Aviation Regiment.

D12: Yes.

15

FLTLT ROSE: So paragraph 16 of your Inquiry statement, you set out that the aircrewman on the right-hand side of the MRH-90 was the active aircrewman.

20

D12: Yes.

FLTLT ROSE: And that they would conduct the majority of the voice procedures in flight?

25

D12: Correct.

FLTLT ROSE: And the left aircrewman on the left-hand side of the aircraft was called the non-active?

30

D12: Correct, in most circumstances, yes.

FLTLT ROSE: So this, of course – who was active and non-active – could change, depending on the task or the sortie?

35

D12: Correct, yes.

FLTLT ROSE: In terms of visibility, you state that having the doors shut on the MRH-90 greatly inhibited your field of view as the window was only a small square-like portion of the door.

40

D12: Yes.

FLTLT ROSE: And that there's a subtle bubble shape to it.

45

D12: That's correct.

FLTLT ROSE: And that your field of view narrowed in further when you were on your night-vision devices.

5 D12: Yes.

FLTLT ROSE: And you equate it to looking through two empty toilet rolls.

10 D12: Yes, that's correct.

FLTLT ROSE: What night-vision devices were you using as at 28 July 2023?

15 D12: I think it's been openly said through here, ANVIS-9s. Yes.

FLTLT ROSE: Is that a white phos?

D12: Yes, correct.

20

FLTLT ROSE: In terms of paragraph 20, you provide some evidence about your flying rates on the MRH-90.

D12: Yes.

25

FLTLT ROSE: And your experiences in 5 Avn, as compared to 6 Aviation Regiment?

D12: Yes.

30

FLTLT ROSE: And you consider that the development opportunities provided to junior aircrew in 6 Aviation Regiment are more narrow than in 5 Aviation Regiment due to the key mission sets in 6 Avn.

35 D12: Correct.

FLTLT ROSE: You state that the opportunities you had in 5 Avn – that was working with the wider Army – were the next type of development training for aircrew.

40

D12: Yes.

FLTLT ROSE: So after you completed your aircrewman training at Oakey in 2021, was it standard for graduating aircrewman to be sent to 5 Aviation Regiment first, prior to then receiving a posting to 6 Aviation Regiment?

45

D12: I don't believe it was standard, but more often than not people would post to 5 Avn.

5 FLTLT ROSE: Sometimes, though, they would?

D12: There were the odd people that, yes, would post straight to 6 Avn; I guess, Service-dependent at the time.

10 FLTLT ROSE: You also refer to the MRH-90 as a troublesome aircraft to maintain, which meant you were only flying about 200 hours per year.

D12: Yes.

15 FLTLT ROSE: Was it the case that the Standing Instructions only required aircrewman to fly 150 hours per year?

D12: That's the minimum requirement, yes, I believe.

20 FLTLT ROSE: And you've been told by more senior aircrew that this is a much lower flying rate – the 200 hours per year is a much lower flying rate than on previous platforms in the past?

D12: Correct.

25 FLTLT ROSE: Is that affecting your foundation or years as an aircrewman, as opposed to what they would've experienced as - - -

30 D12: I believe, yes, it would be suboptimal. I believe they can always do better.

FLTLT ROSE: Does this have an ongoing impact to the depth of experience of aircrewman in Army Aviation today?

35 D12: In my opinion, yes.

FLTLT ROSE: Because they're not receiving the same level of exposure to flying that the previous aircrewman, who are more senior, had?

40 D12: Correct, yes.

FLTLT ROSE: In terms of fatigue, you provide a series of answers in your Inquiry statement about fatigue management in 6 Aviation Regiment, and at paragraph 41 you refer to the Fatigue Risk Awareness Tool.

45

D12: Yes.

FLTLT ROSE: Do you also refer to that as the FRAT?

5 D12: Yes, correct.

FLTLT ROSE: Could the witness please be shown Exhibit 37?

10 MS McMURDO: Yes.

FLTLT ROSE: And it can be put on the screen as well, Exhibit 37. Is this the FRAT that you're referring to?

D12: Yes.

15 FLTLT ROSE: When did you start using this in 6 Aviation Regiment?

D12: This year. Early sometime this year.

20 FLTLT ROSE: Had you seen it prior to early this year?

D12: I think I have seen it, potentially, in a PowerPoint slide or during an AVRМ day, but not openly used prior to this year. Not openly used prior to this year.

25 FLTLT ROSE: Sorry, you said an AVN day?

D12: AVRМ. Like, Aviation Risk Management day; like, a currency that we maintain.

30 FLTLT ROSE: When do you complete it? Do you complete it at duty start, or just before you go flying?

35 D12: Prior to flying. Duty start is the best. But any day that you're programmed to fly, you'll fill one in when you come in to work.

FLTLT ROSE: Do you fill it in by hand, or is it a digital form?

40 D12: It's digitally signed and then placed into a folder that all the pilots, Aircraft Captains, can then access, without having to come and get it from you personally.

FLTLT ROSE: Do you know if your Aircraft Captains are routinely accessing your FRATs?

45

D12: Yes.

FLTLT ROSE: Is that because they come to you and discuss to you and say, "Hey, I've noticed a few ambers"?

5

D12: They generally just confirm it during, like, the FACE checks, or if you might see them before walking, they'll confirm, "Hey, are you still green? You still got the one amber?" So that says to me that they've checked it, and they're just confirming it face to face, before we conduct the walk.

10

FLTLT ROSE: So you've had some ambers after completing these forms?

D12: Yes.

15

FLTLT ROSE: And when you've had an amber, have you actively gone and told your Aircraft Captain this as well?

D12: Yes.

20

FLTLT ROSE: Or the Authorisation Officer?

D12: Generally, the Aircraft Captain is who we liaise with first.

25

FLTLT ROSE: Have you had any reds?

D12: Me personally, no.

30

FLTLT ROSE: Have you been in a crew with anyone with amber and reds?

D12: I have seen reds brought up in a FRAT. However, the sortie was terminated or recreated; I'm unsure which.

35

FLTLT ROSE: So that person didn't fly.

D12: Correct.

40

FLTLT ROSE: Do you know if anyone's tracking the results of the FRATs that are saved at all in the Squadron?

D12: I'm unsure.

45

FLTLT ROSE: Have you received any specific training on how to fill in this FRAT, about the questions and why you're asked certain questions?

D12: None that I can recall, no.

5 FLTLT ROSE: Have you received any training on how to manage fatigue once you do fall into the ambers or reds?

10 D12: Not specifically that I can recall. We conduct our currencies for AVR, and risk management, and dealing with fatigue. But specific to the FRAT, no.

FLTLT ROSE: If you look on the right-hand side of that tool, there's the "Actively manage" amber box.

15 D12: Yes.

FLTLT ROSE: It says here if you have amber, you advise your supervisor of your heightened fatigue risk and ask team members to monitor you.

20 D12: Yes.

FLTLT ROSE: Does that occur, if you've had ambers?

D12: I believe so.

25 FLTLT ROSE: What about the second sentence, "Consider adjusting tasks or increase team communication and task cross-checking", do you know what that means, and have you done it before?

30 D12: Adjusting tasks, I guess, at a late notice may be impractical to what you're doing, but I have seen timings moved forward to allow people to potentially get away earlier. If they are amber, they might not want to fly them as late into that night. Yes.

35 FLTLT ROSE: Then the next sentence:

Consider taking a break or accessing controlled rest/napping.

D12: I've never seen anyone take a nap at work.

40 FLTLT ROSE: You mean at Holsworthy?

D12: I haven't seen anyone take a nap at Holsworthy or Townsville.

45 FLTLT ROSE: Have you seen people take a nap in field operations?

D12: None that I can recall.

FLTLT ROSE: So it's not your standard practice, or anyone that you know of in 6 Aviation Regiment, to have a nap to try and counteract some fatigue?

5

D12: No, I don't believe so.

FLTLT ROSE: Is there anywhere to sleep if they needed to at 6 Aviation Regiment?

10

D12: The Guard Room does have facilities with beds in it, located in Regiment HQ, but I've never seen anyone use them through the day.

FLTLT ROSE: How far away is the Guard Room to your office?

15

D12: From my Squadron building, it would be 150 metres.

FLTLT ROSE: What about the, "Consider strategic use of caffeine and food intake", have you been trained on what that means?

20

D12: Not trained, I would say, but as an adult I have an understanding of what caffeine does and I use it most mornings.

MS McMURDO: What about food, what did you understand by the food?

25

D12: It's written in our SIs that we must eat a meal within six hours prior to a flight taking place. I believe it could be recollection to that.

MS McMURDO: But you didn't get training on eating a particular type of food - - -

30

D12: No.

MS McMURDO: - - - low GI food that would (indistinct) with you?

35

D12: No, I haven't.

MS McMURDO: Okay, thank you.

40

FLTLT ROSE: How effective do you think the FRAT is?

D12: It is okay. I feel like a face-to-face chat is just as good. This just puts a colour value, I guess, on your fatigue at the time. It can be last-minute, where you've talked to your Aircraft Captain but you haven't filled out your FRAT, so then you've got to quickly run back in and fill it

45

out because it's mandated to fill it out prior to when we go flying. It's okay, it's another tool to use.

5 FLTLT ROSE: Do you see an advantage in having the FRAT as a document which Command can actually look at and perhaps track over time?

D12: Yes, I think that would be a good way to utilise it.

10 MS McMURDO: Is it not popular because it's more administration?

D12: It's another form that we need to sign just to go flying day to day.

15 FLTLT ROSE: Do you still do FACE checks?

D12: Yes.

20 FLTLT ROSE: And by "FACE", do you understand that to mean Fatigue, Attitude, Complacency, External factors?

D12: Correct.

FLTLT ROSE: When do you do your FACE checks?

25 D12: When you first see your crew for the day, you'll ask them, "How are you going?" But then you'll do sort of a final one either in ALSE, prior to walk, or at the aircraft. But we always do at least one, sometimes two.

30 FLTLT ROSE: Do you find those effective?

D12: Yes.

FLTLT ROSE: Why is that?

35 D12: I think people can fill out this form and put anything on it, but looking someone in the eye, that gives you a better gauge perhaps to how they're feeling, as opposed to just ticking a green dot and then digitally signing something.

40 FLTLT ROSE: Have you ever had the experience of not having this on digital but having a hardcopy of this and filling it out as a crew, your pilots and aircrewman together, so you're looking each other in the eye as you fill out the form?

5 D12: We've actually implemented it on a whiteboard at work called the FRAB, the Fatigue Risk Awareness Board, and it is more or less this document but on a whiteboard setting, which shows all the crew in the separate colours that they have for that sortie or that formation that's going ahead.

FLTLT ROSE: So in addition to filling out the FRAT, you've got the FRAB?

10 D12: Yes, that's correct.

FLTLT ROSE: Do you do that for every sortie before flying?

15 D12: In a formation, yes. For a single-ship sortie, no, there would just be the FRAT with your FACES check, or FACE check.

FLTLT ROSE: When was the FRAB introduced?

20 D12: Maybe a couple of months ago.

FLTLT ROSE: Do you find that more effective?

25 D12: It's the same tool as the FRAT, it is just displayed on a whiteboard for all the crews to see. I think it's a useful piece of kit, especially for the autho who can look at it and see all the crews as they sit. Instead of opening perhaps 12 individual FRATS for 12 crew members, he can look at one board and count how many ambers are in the flight within three or four seconds.

30 FLTLT ROSE: By "autho", do you mean the Authorisation Officer?

D12: Yes, that's correct.

35 MS McMURDO: So if you did the FRAT, and then the FRAB with the board, would that mean you don't have to do the FACE? Would the FRAB replace the FACE?

D12: I've conducted a FACE check on every flight that I've been on, yes.

40 MS McMURDO: So the FACE check would still be done even when you've done the FRAB together as a team.

D12: Yes, that's correct.

45 MS McMURDO: Thank you.

FLTLT ROSE: The Inquiry's heard some evidence that there's an additional measure in the FACE check that's been introduced.

5 D12: Yes.

FLTLT ROSE: Can you remember what that additional measure is?

10 D12: Yes, it's the S for stress.

FLTLT ROSE: So it's the FACES check?

D12: FACES value, we call it, yes.

15 FLTLT ROSE: FACES value. And what's the issue with stress that you need to monitor?

20 D12: Stress can come in a number of ways; it doesn't have to be stress from work. So it's very similar to "External factors". The FACES value comes with a numerical value that you put on it. It's no longer green, yellow and amber. It follows a stress curve line, and you give it the number 1 through 5, depending on your level for the day.

25 FLTLT ROSE: So it is only Stress that has a numerical value, or does the F-A-C-E also have a numerical value?

D12: The FACES value in total is just given as a score between 1 and 5.

30 FLTLT ROSE: Do you have to do individual scores for the F, the A, the C, the E, and the S?

D12: No. No, just your entire FACES value could be 2.

35 FLTLT ROSE: Sorry, when was that introduced?

D12: Two to three months ago, I believe. It's a Squadron Directive.

FLTLT ROSE: Are you finding that more effective?

40 D12: Yes. I find it another tool to talk about, and I like the numerical value that it puts on it. If someone says they're a 2 or a 3, immediately you sort of know how they're feeling inside, or like how they're going throughout the sortie or pre-flight or whatever it may be.

FLTLT ROSE: So in terms of zero to 5, which is the best and which is the worst?

5 D12: Generally, the best would be a 2. Number 1 would be like you're maybe really bored, you're complacent, you're not stimulated, and you're yawning. Number 2, you've got that optimum level of stress, sort of where stress and performance meet, at a good level. Number 3, you're slightly higher stressed, but you're still able to operate in a safe and effective manner. Number 4, you're maybe starting to slide down the curve, you're
10 overly stressed or you're losing situational awareness and you may be becoming unsafe. And then number 5 is, "Hey, I've lost control of myself", or like you could be becoming airsick, or there could be plenty of other things to do with it. "I can no longer perform my duties. I'm no longer providing safe calls for the aircraft", et cetera.

15 FLTLT ROSE: So have you received specific training on FACES, it sounds like you can say that quite confidently, that you know what each of those levels means, is that because you've had recent training on it?

20 D12: We had a reasonably thorough brief as it was implemented, yes.

FLTLT ROSE: Whom did the brief come from?

25 D12: Our Squadron OC.

FLTLT ROSE: Can you just confirm via pseudonym who that is.

D12: D133.

30 FLTLT ROSE: That's the Squadron OC.

D12: Yes, that's correct.

FLTLT ROSE: When did they become the Squadron OC?

35 D12: I believe it was the start of 2023.

40 FLTLT ROSE: I'm going to ask you some questions now about your relationship with the aircrew of Bushman 83, and this starts at paragraph 50 of your Inquiry statement.

D12: Yes.

45 FLTLT ROSE: You met CAPT Lyon, or Diesel as you called him, on your first day in 6 Aviation Regiment.

D12: Yes.

FLTLT ROSE: And you state:

5

I cannot think of a Troop Commander with a better attitude when it comes to looking out for subordinates. Although somewhat relaxed in his questionable sense of dress codes, when it came to being a professional when it mattered, there was none better.

10

D12: Yes, that's correct.

FLTLT ROSE: And you flew with Diesel about 10 times?

15

D12: Estimate, yes.

FLTLT ROSE: And you cannot think of a bad word today about him.

D12: No.

20

FLTLT ROSE: And that:

He was one of the more knowledgeable and vastly experienced pilots on the MRH-90 I have flown with.

25

D12: Yes, that's correct.

FLTLT ROSE: At paragraph 51 you state that you met LT Nugent in 2021.

30

D12: Correct.

FLTLT ROSE: But you properly got to know him in 2022, when you were both at 5 Aviation Regiment.

35

D12: Correct.

FLTLT ROSE: And you state:

40

Max was the quintessential young officer I had become accustomed to. He was young, keen as mustard to fly, and always looking to find an answer to questions as quickly as he could, if he didn't already know. Most of the time, Max knew.

45

And you would give Maxy, as you called him, grief about his moustache.

D12: Correct.

5 FLTLT ROSE: But you said he embraced that, and was - - -

D12: He did.

FLTLT ROSE: - - - definitely one of the boys.

10 D12: Yes, that's correct.

FLTLT ROSE: And that when Maxy smiled at you from ear to ear, you could not help but smile back.

15 D12: Yes.

FLTLT ROSE: You flew with Max about five or six times.

D12: Correct.

20 FLTLT ROSE: And he was always more than proficient during those sorties.

D12: Yes.

25 FLTLT ROSE: And he was always regarded as an excellent junior pilot, who was super responsive to any aircrewman input.

D12: Yes.

30 FLTLT ROSE: At paragraph 52 you set out that you met WO2 Laycock in 2021.

D12: Yes.

35 FLTLT ROSE: And he immediately welcomed you into the Army Aviation work family.

D12: Yes.

40 FLTLT ROSE: And you flew with him about 10 or 15 times, both at Oakey and then at 6 Aviation Regiment.

D12: Yes.

45

FLTLT ROSE: You say:

From what I can tell, Phil was well regarded through the whole of Army Aviation, and even more so within the realm of 6 Avn.

5

D12: Yes.

FLTLT ROSE:

10

I once heard someone describe Phil as the calming voice you needed to hear on a dark night when everyone was struggling that little bit extra to see the target, or find a gap in the trees, or just not having a great time. Those words were perfect. He was every bit of that, and more. As the Regiment Standards Warrant Officer, he conducted many of my SOQC initial sorties as the QAI, and always acted in the most professional, yet somewhat calming way. There's not a person I have met who has a bad word to say about Phil in respect to his flying.

15

20

D12: Correct, yes.

FLTLT ROSE: Paragraph 53, you met CPL Naggs – or “Naggsy”, as you referred to him – in 2022, but you got to know him better once you both posted to 6 Aviation Regiment.

25

D12: Yes.

FLTLT ROSE: And your desk was across from his.

30

D12: Yes.

FLTLT ROSE: You stated:

It didn't take long for me to see that Naggs was the ultimate quiet professional. He was the no nonsense guy who never complained about doing the unwanted tasks. He humbled me on more than one occasion after I foolishly agreed to conduct one of his well-known CrossFit-style workouts. He was always the mate you could chat to about anything, and he'd be the first one to help you with something if he could see you needed it. Help never needed to be asked from Naggs; he was in there amongst it before you even had a chance. I only recall flying with Naggsy maybe a handful of times. He was well-known as the Mr Reliable in the aircraft, and I am still yet to hear anyone speak of him in a negative manner.

45

D12: Yes.

FLTLT ROSE: I am going to ask you some questions now about
TALISMAN SABRE 2023.

5

D12: Yes.

FLTLT ROSE: At paragraph 56 of your statement you set out that you
deployed to Proserpine Airport on 24 July.

10

D12: Correct.

FLTLT ROSE: And at 57 and 58 you describe the sleeping conditions on
the exercise.

15

D12: Yes.

FLTLT ROSE: So you were sleeping in stretchers in tents?

20

D12: Yes.

FLTLT ROSE: You didn't sleep well in stretchers, so you would wake up
every 60 to 90 minutes to roll over because the side of your body had
become numb?

25

D12: Yes.

FLTLT ROSE: You were also sleeping next to a commercial airport and
would hear rotary wing aircraft departing daily while you were at
Proserpine, between about 7 am and 8 am?

30

D12: Yes.

FLTLT ROSE: Were there also planes, commercial planes - - -

35

D12: Yes, there were.

FLTLT ROSE: - - - taking off and landing during the day?

40

D12: Yes.

FLTLT ROSE: Were you also nearby the airport fire station?

45

D12: Yes.

FLTLT ROSE: Was that making noises?

D12: I believe they had alarms that went off, but I don't ever recall being woken by it or it bothering me. I believe I was already awake if I heard it.

5

FLTLT ROSE: Can I take down that FRAT tool and put up Annex A to your statement, which is a photograph? So this is a photograph that you've provided to the Inquiry, and I note that the faces of the personnel have been blacked out. Is this a photo that you took on Exercise TALISMAN SABRE?

10

D12: Yes.

FLTLT ROSE: Is it a photograph of inside your accommodation tent?

15

D12: Yes.

FLTLT ROSE: Are you the person taking this photo, so it's from the angle of one end of the tent looking - - -

20

D12: Correct.

FLTLT ROSE: - - - down through to the open flap at the other end?

25

D12: Yes.

FLTLT ROSE: And these are the personnel that you were sharing the accommodation tent with?

30

D12: Some of them, yes.

FLTLT ROSE: Those are the stretchers that you were referring to, the green canvas stretchers, with metal sides and legs?

35

D12: Yes.

FLTLT ROSE: The flaps are open here. Were the flaps left open 24/7?

D12: I don't recall. I can't remember.

40

FLTLT ROSE: Did it allow for air flow to come through the tents, with the flaps open?

D12: Yes, it did.

45

FLTLT ROSE: I can see there's a vent. Do you see where the towel is hanging?

5 D12: Yes.

FLTLT ROSE: I don't know if this will be of any – sorry, if we can go back. Can you see the green towel?

10 D12: Yes, seen.

FLTLT ROSE: So there's the green towel, and then there seems to be some sort of vent.

15 D12: Yes.

FLTLT ROSE: Do you know if these tents were able to be air-conditioned?

20 D12: Yes, that's what the vent you're pointing at is.

FLTLT ROSE: But were they air-conditioned on TALISMAN SABRE?

D12: No, they were not.

25 FLTLT ROSE: Did you expect that they would be before you deployed?

D12: Perhaps. I've never slept in an air-conditioned tent. It would've been something different.

30 FLTLT ROSE: Is this the junior aircrew tent?

D12: Yes.

FLTLT ROSE: Is this the tent that LT Nugent would have slept in?

35 D12: Yes.

FLTLT ROSE: Is it the tent that CPL Naggs slept in?

40 D12: Yes.

FLTLT ROSE: Are their stretchers visible in this photograph?

45 D12: I believe as you look at it, Max was in the far right corner as you would look at that.

5 FLTLT ROSE: So behind the blue towel?

D12: Correct. He was either the last bed or the second-last bed in the vicinity of that green dot. Yes.

10 FLTLT ROSE: Where was your stretcher?

D12: I was on the left, behind the guy sitting down with his face blacked out.

FLTLT ROSE: So this was your stretcher?

15 D12: I was next to him. I think the one behind it, I believe.

FLTLT ROSE: That one?

D12: Yes.

20 FLTLT ROSE: Sorry, did you say where CPL Naggs' stretcher was, or you can't recall?

D12: I believe he was somewhere in the middle. I can't quite recall.

25 FLTLT ROSE: Was this set-up here in the junior aircrew tent the same as the set-up in the senior leadership tent?

D12: I believe so, yes.

30 FLTLT ROSE: The Inquiry has heard some evidence that there was a sort of communal area out the front of each accommodation tent with a table and chairs.

D12: Correct.

35 FLTLT ROSE: So would that be closer to that end of the tent, or closer to where you were taking the photo from?

D12: Closer to where I was taking the photo.

40 FLTLT ROSE: In paragraph 62 of your statement you set out the sorties that you flew on the exercise, and that included two sorties on 26 July.

D12: Yes.

45

FLTLT ROSE: That was one at night, and then one during the day?

D12: Yes.

5 FLTLT ROSE: You said that the one at night was knocked off because of bad weather?

D12: Correct.

10 FLTLT ROSE: Was this the FMP 1 that you are referring to?

D12: I believe so, yes.

15 FLTLT ROSE: The Inquiry has also heard evidence that there was a photo exercise sortie at TALISMAN SABRE.

D12: Yes.

20 FLTLT ROSE: Were you involved in that?

D12: No.

FLTLT ROSE: Do you remember what day that was?

25 D12: No.

FLTLT ROSE: But you weren't involved. Why was the sortie on 26 July, in the evening, knocked off?

30 D12: Due to weather. We were flying out over the water and the weather was becoming worse, and it became a safety risk and the pilot called "Knock it off", and we returned to base.

35 FLTLT ROSE: Looking at your pseudonym list, do you recall who the pilot was?

D12: D1.

40 FLTLT ROSE: Who else were you flying with in that aircraft?

D12: I believe it was D6. No, apologies – D5 and D1 were the pilots. I'm just trying to find the other crewman. I flew with D75 as well on that sortie, and there was another aircraft as well. It was a two-ship formation.

45 FLTLT ROSE: Do you know if LT Nugent was flying in that formation?

D12: I don't recall.

5 FLTLT ROSE: Or CPL Naggs?

D12: I don't recall.

FLTLT ROSE: Or WO2 Laycock?

10 D12: I don't think so, but I couldn't say for sure.

FLTLT ROSE: And CAPT Lyon?

D12: I don't think so, but I couldn't say for sure.

15 FLTLT ROSE: And CAPT Lyon?

D12: I don't think so.

20 FLTLT ROSE: You flew in the mission on 28 July 2023, and you were in the fourth aircraft, Bushman 84?

D12: Correct.

25 FLTLT ROSE: Your pilots, if you could just confirm by reference to the pseudonym list, was the pilot and Aircraft Captain D10?

D12: Yes.

30 FLTLT ROSE: Who was also the OC of the Squadron at the time?

D12: Yes.

FLTLT ROSE: And the co-pilot was D9?

35 D12: Yes.

FLTLT ROSE: He's now the OC of the Squadron?

40 D12: Yes, correct.

FLTLT ROSE: Your senior aircrewman was D11?

D12: Yes.

45

FLTLT ROSE: Do you recall any time during orders or the rehearsal of concept drill, or otherwise throughout that day, being briefed on what heights the pilots were to set their RADALT decision height warnings to?

5 D12: Not specifically to that sortie, no.

FLTLT ROSE: Is that something that's often discussed in briefings or was it accepted that the pilots will set them at a certain height?

10 D12: I believe the SOP – it is written in the SOP. It may have been briefed, but I don't recall specifically.

FLTLT ROSE: Do you hear, as the aircrewman in the back of the aircraft, the MRH-90, can you hear the aural DH warning sounding off?

15 D12: No.

FLTLT ROSE: As an aircrewman, do you hear the pilots if they, for example, were going to change what setting the DH warnings were at? Would you hear them talking about that?

D12: If they verbalise it, yes. If they did it and not verbalise it, then no.

FLTLT ROSE: Do you recall what the decision heights were set in your aircraft on that sortie?

D12: I believe it was 180, yes.

FLTLT ROSE: You say "180". That's feet?

30 D12: Correct.

FLTLT ROSE: Why do you say you believe it was 180 feet?

35 D12: That's 10 per cent below the flown altitude.

FLTLT ROSE: So the minimum – the flown – the authorised minimum for that sortie was 200 feet?

40 D12: To my recollection, yes.

FLTLT ROSE: So if you're an aircrewman sitting in the back and you heard the pilots discussing what they were setting their DH warnings to, would you be concerned if, for example, one of them set them at zero?

45

D12: Yes.

FLTLT ROSE: Would you challenge?

5 D12: I would like to think so, yes.

FLTLT ROSE: So if you'd heard, for example, that one of them or both of them had their DH warnings set at a level that you thought was lower than it ought to be, you would have spoken up?

10

D12: Yes.

FLTLT ROSE: Did you hear what – was it briefed in those orders, or any other time during the day, what AFCS modes the pilots were to fly in for that sortie?

15

D12: I couldn't recall that, no.

FLTLT ROSE: You don't recall anyone stating that they were going to fly in TAC mode?

20

D12: No.

FLTLT ROSE: Would that be unusual for overwater flight?

25

D12: I'm not sure if it's pilot preference or what. I'm not sure.

FLTLT ROSE: Did anyone brief you about whether you could take your mobile phone on this sortie?

30

D12: Yes.

FLTLT ROSE: And what were you briefed?

35 D12: To leave our phones within the HQ. They had, like, a phone tin and we left our phones in there for the sortie.

FLTLT ROSE: Is that where you left yours?

40 D12: Yes.

FLTLT ROSE: Was there a reason for that?

D12: Why I left my phone in there?

45

FLTLT ROSE: What was the reason given as to why all the aircrew were to leave - - -

5 D12: I believe it was mission-specific at the time.

FLTLT ROSE: So it's not always the case that you have to leave your phone off the aircraft.

10 D12: Correct. Being in an FMP, I believe, that's why.

FLTLT ROSE: Do you remember what was discussed in orders about whether doors should be open or closed?

15 D12: Yes.

FLTLT ROSE: What do you recall?

20 D12: It was agreed upon, to my knowledge, that the doors would be open at a couple of minutes prior to arrival to Lindeman Island.

FLTLT ROSE: So is that as you're approaching Lindeman Island - - -

D12: Prior to the IP.

25 FLTLT ROSE: Prior to the IP.

D12: Yes.

30 FLTLT ROSE: So up to then, doors closed. And then up to the IP, doors open.

D12: Correct. Prior to the IP, open the doors and then onto the target.

35 FLTLT ROSE: Do you recall reasons why the doors would be closed for this sortie?

D12: I believe it was due to weather and – yes, due to weather, for the comfort levels of the crew in the back.

40 FLTLT ROSE: What is it about having the doors open that's uncomfortable for the aircrewman?

D12: With the rain and wind that was in the area, it can become very uncomfortable in the back flying at, I guess, fast speeds when it's cold and

wet and you can become, not the perfect word, but incapacitated or you start to lose, I guess, dexterity in external limbs and fingers if it gets too cold.

5 FLTLT ROSE: Do you have wet weather gear that you're issued with?

D12: Yes.

FLTLT ROSE: Is it effective?

10 D12: No.

FLTLT ROSE: Have you or your colleagues made complaints about the quality of this cold weather gear?

15 D12: Yes.

FLTLT ROSE: Has it been acted upon by Command?

20 D12: Yes.

FLTLT ROSE: What changes have been made?

D12: We are in the process now of conducting a trial with new equipment.

25 FLTLT ROSE: New clothing.

D12: Correct.

30 FLTLT ROSE: Do you know how long it is until the results of that trial?

D12: I'm unsure, sorry.

FLTLT ROSE: At paragraph 31 of your - - -

35 MS McMURDO: Do you know when you first complained or you were aware that complaints were first made about the gear?

D12: I know of people who have put RODUMs in for years, ma'am.

40 MS McMURDO: For years. How many years?

D12: Three to four, at least.

45 MS McMURDO: Thank you.

FLTLT ROSE: Was any reason given to you by Command as to why they hadn't acted on those RODUMs until recently?

5 D12: To me, no.

FLTLT ROSE: And you're not aware through talking to other colleagues why it's occurring now?

10 D12: No. No, unsure.

FLTLT ROSE: Paragraph 31 of your Defence statement.

D12: Yes.

15 FLTLT ROSE: You describe the weather during the sortie as suboptimal.

D12: Correct.

20 FLTLT ROSE: With scattered showers and clouds scattered through the area of operations.

D12: Yes.

25 FLTLT ROSE: But you describe that as a normal part of flying.

D12: Yes, it can be.

30 FLTLT ROSE: So was this weather similar to the weather you experienced on that night sortie that was knocked off on 26 July?

D12: This weather was lighter than the weather experienced a couple of nights prior.

35 FLTLT ROSE: Was there any discussion about knocking this sortie off on the 28th because of the weather?

D12: It was discussed, not the "Knock it off" part, but weather was heavily briefed during the orders as there were clouds and showers in the area.

40 FLTLT ROSE: At paragraph 33 you state that at one point in the sortie you looked to your rear right, but you could not see any land or distinguishing features as the rain showers were obscuring your visibility.

45 D12: Correct.

FLTLT ROSE: So does that mean you were travelling through rain showers, or that there were rain showers between you and the landmarks?

5 D12: Yes, I could see a rain shower and I could not see through it to see a horizon or a land feature at that time.

FLTLT ROSE: Do you recall actually flying through any rain showers during the sortie?

10 D12: Directly through, no.

FLTLT ROSE: When you were describing the state when you couldn't see any distinguishing features, does that mean you'd lost visual horizon?

15 D12: Myself, yes.

FLTLT ROSE: Did you call that to your colleagues?

20 D12: No, as a crewman in the back, I was merely looking around to gain some SA on sort of where we were in time and space, and I just remember not being able to see, like, a feature or land or anything.

25 FLTLT ROSE: Is it the case that because you were flying at night with the doors closed, that the aircrew were essentially not able to provide any situational awareness to the pilots?

D12: We get a lot less situational awareness with the doors closed and cannot provide as much input to the pilots.

30 FLTLT ROSE: So when you said you – at this point where you looked out the window and you couldn't see land or any distinguishing features, was this when you were in the racetrack doing your left-hand turns?

35 D12: No, this was prior.

FLTLT ROSE: When you were in the racetrack, could you make out some distinguishing features?

40 D12: Yes. We'd just actually opened the doors prior, like, as we entered sort of the racetrack pattern, and then that provided me much better observations.

45 FLTLT ROSE: So both your doors were open prior to starting the left-hand turns into the racetrack?

D12: Very close to, if not as it happened.

FLTLT ROSE: Do you know if the doors were open on any of the other aircraft at that time?

5

D12: No, when I opened my door, I could see all the other doors were closed still.

FLTLT ROSE: Did you find that surprising, that you were – did you think you were approaching the IP?

10

D12: I knew we were in vicinity of the IP and I felt a deceleration of the aircraft and that's when I called to D10, "Confirm that's below 80 knots", to open the doors for us in the back.

15

FLTLT ROSE: And did D10 confirmed that you could open doors?

D12: Yes, he did.

FLTLT ROSE: So at paragraph 37 you set out some timings, and your earlier evidence today was that it was a few minutes before the IP, when doors were meant to be open, as you recalled it?

20

D12: Yes.

25

FLTLT ROSE: If you look at paragraph 37, you state that:

30

It was discussed prior to the mission that each aircraft in the formation would open the cabin doors at six-minute mark prior to extraction.

D12: Yes.

FLTLT ROSE: So does that accord with your memory now?

35

D12: Yes. I was unsure if I could say the word "six".

FLTLT ROSE: And then you do say again that D10 cleared you to open those doors.

40

D12: Yes, that's correct.

FLTLT ROSE: Is it usual for the flight lead to announce to a formation when they can open doors, or is it something that the Aircraft Captain of each individual aircraft can decide when doors are to be opened?

45

5 D12: If it's dictated in orders, it'll be all opened at the same time. It just so happened that I felt a deceleration. I was trying to gain better obs for myself and I just, as I said, confirmed that was below 80 for the doors, and my Aircraft Captain approved it, so we opened the doors.

FLTLT ROSE: As your aircraft was turning, you and D11 had this increased field of view through the opened doors?

10 D12: Yes.

FLTLT ROSE: Which I take it was a much larger field of view than that you think the aircrewman in 81, 82 and 83 would've had because their doors were shut.

15 D12: Correct.

FLTLT ROSE: At paragraph 40 to 41, shortly after entering the turn, you heard D10 say over the radio, "83, come up. Come up"?

20 D12: Correct.

FLTLT ROSE: Could you see 83 prior to this?

25 D12: In the initial seconds prior to it, no. But throughout the sortie, yes.

FLTLT ROSE: And when you heard that, you put your head out the door. Were you on the CHAD at that point?

30 D12: I was on CHAD to open the door, but then had got back into my seat and put my seatbelt back on.

FLTLT ROSE: When you say you leant forward, you were still quite secure in your seat and you just put your neck forward?

35 D12: Yes, just to try and gain a bit better position to view outside.

FLTLT ROSE: And you said that you saw Bushman 83 about 15 to 20 feet above the water?

40 D12: Yes, that was my estimation at the time.

FLTLT ROSE: And you saw 83 descend rapidly towards the water?

45 D12: Correct.

FLTLT ROSE: But you said it did not appear to you that Bushman 83 was spinning out of control.

5 D12: Correct. It looked like it flew into the water.

FLTLT ROSE: Is that a controlled flight into terrain?

D12: Yes.

10

FLTLT ROSE: At paragraph 42 you saw Bushman 83 impact the water and a massive white splash through your night-vision goggles?

D12: Yes.

15

FLTLT ROSE: And then you saw Bushman 83 disintegrate almost immediately into the water.

D12: Correct.

20

FLTLT ROSE: And then at paragraph 43 you heard D10 calling, “Knock it off”, over the radio?

D12: Correct.

25

FLTLT ROSE: And at 45 to 46 you said D10 then started the search and rescue and Bushman 84 hovered about 180 feet above the incident site.

D12: That’s correct.

30

FLTLT ROSE: And I take it you were all looking for – amongst the debris for signs of life?

D12: Correct.

35

FLTLT ROSE: You state that the first boats arrived – boats, as in water vessels, arrived on scene about 10 to 15 minutes after the incident.

D12: Yes.

40

FLTLT ROSE: Were they ADF vessels or civilian assets?

D12: To my knowledge, they were ADF vessels or from a coalition party operating them.

45

FLTLT ROSE: Did you see any civilian vessels arrive later on on the scene?

5 D12: Not that I can recall, no.

FLTLT ROSE: At paragraph 48 you said after about 50 minutes you handed over the search to Bushman 81 as your fuel was running low, and then you, 84, returned to Proserpine.

10 D12: Correct.

FLTLT ROSE: And then you wrote some notes at that time about the incident.

15 D12: Correct.

FLTLT ROSE: And you provided those notes to the Defence Flight Safety Bureau?

20 D12: Correct.

FLTLT ROSE: Can you turn to Annex C of your statement? Are those the notes that you made immediately after the incident?

25 D12: Yes. Yes, they are.

FLTLT ROSE: Did anyone direct you to make those notes?

30 D12: Yes.

FLTLT ROSE: Do you recall, looking at the pseudonym list, who gave you that instruction?

35 D12: Not overly. It was just provided as guidance, like, "Hey, guys, while it's fresh, like, maybe just sit down and jot something in a notebook".

FLTLT ROSE: And did you do that individually, in isolation?

40 D12: Yes.

FLTLT ROSE: And then you provided those handwritten notes to the DFSB.

45 D12: Correct, yes.

FLTLT ROSE: And then, I take it, you retained a copy of those notes or they were handed back to you at another time.

5 D12: I requested a copy at a later date, yes.

FLTLT ROSE: Because at paragraph 49 you state that the Commander Avn Command did not authorise the release of those notes back to you when you were drafting your Defence statement.

10 D12: That is what I was informed, yes.

FLTLT ROSE: So you specifically said, “Can I have my notes?”, and you were told, “No. Commander Avn Command is not authorising the release”.

15 D12: I believe the release wasn’t to me. I believe that was release, potentially, to external parties.

FLTLT ROSE: Who do you mean by “external parties”?

20 D12: I’m unsure. As soon as I asked for them, I was allowed to have them.

FLTLT ROSE: You were?

25 D12: Yes.

FLTLT ROSE: And so you used these notes when you were drafting this Defence statement?

30 D12: Yes.

FLTLT ROSE: Looking at paragraph 73 of your Inquiry statement, you left Proserpine Airport on the afternoon of 29 July 2023?

35 D12: Yes.

FLTLT ROSE: And at paragraph 75 you said you were interviewed by Queensland Police Officers prior to departing?

40 D12: Yes.

FLTLT ROSE: Was that interview at the Whitsundays Police Station?

D12: No.

45 FLTLT ROSE: Where was it?

D12: At the Proserpine Airport.

5 FLTLT ROSE: Do you recall the name of the QPS Officer that interviewed you?

D12: No, sorry, I don't.

10 FLTLT ROSE: Was it a male or female?

D12: It was a female.

15 FLTLT ROSE: Does Detective Senior Constable Georgie Carland ring a bell?

D12: I couldn't say with any surety, but I believe she was a detective.

20 FLTLT ROSE: Do you know if the interview was filmed by the QPS Officers?

D12: Not to my knowledge.

25 FLTLT ROSE: Did QPS Officers interview any other aircrew?

D12: I believe so, yes.

30 FLTLT ROSE: If you look at the pseudonym list, can you recall who they interviewed?

D12: D10, maybe D11; I'm unsure.

35 FLTLT ROSE: Do you know why you were interviewed?

D12: I believe the crew from Bushman 84 were the first to be interviewed by police.

40 FLTLT ROSE: At paragraph 79 you said you also prepared some written responses to questions posed by QPS once you'd returned back to Holsworthy.

D12: Correct.

45 FLTLT ROSE: If I hand you a document. So it's two-sided.

D12: Yes.

FLTLT ROSE: On the other side there's some typed questions.

D12: Yes.

5

FLTLT ROSE: And then if you go back to the other side, there's your – is that your handwritten responses to the questions?

D12: Yes, it is.

10

FLTLT ROSE: And it's dated 1 August 2023.

D12: Yes.

15

FLTLT ROSE: And who did you give these notes to?

D12: I believe they were just passed up through our chain of command.

20

FLTLT ROSE: Is it your understanding that they were then going to be passed on to the QPS?

D12: Yes.

25

FLTLT ROSE: I tender that statement.

MS McMURDO: Exhibit 68.

30

#EXHIBIT 68 - D12'S RESPONSES TO QPS QUESTIONS

FLTLT ROSE: Those are my questions.

35

MS McMURDO: Thank you. Any applications to cross-examine? Yes, LCDR Tyson.

<CROSS-EXAMINATION BY LCDR TYSON

40

LCDR TYSON: D12, my name is LCDR Matthew Tyson. I'm representing CPL Alex Naggs. I just have some very brief questions for you. Just very quickly, when Counsel Assisting was asking you about the use of telephones and the Directions, you used the term – sorry, the Directions that were given in relation to the use of the phone for this

45

particular mission – you used the term “FMP”. Does that stand for “full mission profile”?

D12: Correct.

5

LCDR TYSON: I want to ask you about something else now. The Inquiry has got some evidence that was given to the Queensland Police Forensic Crash Unit not long after the crash took place on 28 July, and I think it comes from D11. I’ll just read you the report of the evidence:

10

We were helicopter number 84 - - -

FLTLT ROSE: Sorry, can I just suggest, just for a moment, there’s also evidence from that same witness as to what D12 actually stated. So I wonder what the purpose is of putting to this witness what D11 said, when D12’s responses are also included from that same witness.

15

MS McMURDO: That’s probably correct, isn’t it? You don’t usually put to a witness, who’s not an expert witness, something said by another witness.

20

LCDR TYSON: I’m not putting something that D12 has said. I’m putting something – we haven’t heard yet from D11, and some evidence has been given about something that was said, and I just want to ask this witness what - - -

25

MS McMURDO: Well, you can ask him a different way, can’t you? You don’t tell him what – you’ve done that now, effectively, anyway. But you should really put the question more fairly by saying, “Did this happen?”, or “Was this said?”

30

LCDR TYSON: I can do that, ma’am. But - - -

MS McMURDO: Rather than saying that someone else – and naming that person – said this. That’s not the usual way we cross-examine. It’s not considered - - -

35

LCDR TYSON: I’m content to do that, ma’am. But I did think that the fairest way to do it was to actually use the words that were said, but I - - -

40

MS McMURDO: You could use the words that were said, but to say that another witness said those things, to try and influence this witness’s answer – and that may not have been your intention, but that’s why that Rule of Evidence has been developed, that you don’t put to a witness what another witness has said unless it’s expert evidence.

45

We did have that discussion earlier with another Counsel representing in another hearing. So that would be the way to do it. So you could ask if this was said without telling him - - -

5

LCDR TYSON: Yes, ma'am.

MS McMURDO: In fact, you've actually done that anyway. Let's proceed. Let's proceed.

10

LCDR TYSON: Thank you, ma'am. Yes, I did indicate the source, but it's also so that people following the evidence can understand where I'm taking it from.

15

MS McMURDO: Well, for future reference, it shouldn't – ordinarily, that's not the way that cross-examination is ordinarily conducted. Thank you.

LCDR TYSON: Yes, ma'am. Thank you.

20

I just want to ask you this. So, during the sortie on the night of 28 July, when you were sitting inside Bushman 84, did you hear words to this effect, "83, you're starting to flare a bit. Slow it down"? And then the next thing that was heard – and then there's some evidence that the boss said words to that effect, and then there's some evidence after that that the next thing that was said within that aircraft was, "83, come up. Come up. Come up". Do you understand the sequence? So two different things were said, do you understand?

25

30

D12: Yes.

LCDR TYSON: Thank you. So just the first words, "83, you're starting to flare a bit. Slow it down", did you hear words to that effect?

35

D12: Not - - -

MS McMURDO: That's the question you should have asked in the first place.

40

D12: Not specifically to that. I heard similar words during the sortie, internally within my aircraft. But I don't believe it was ever communicated externally to another aircraft.

45

LCDR TYSON: So you did hear a discussion inside 84 about 83 flaring and needing to slow?

D12: I can recall several times the crew of 84 commenting on the flying of Bushman 83.

5 LCDR TYSON: Several times during the flight?

D12: Yes.

10 LCDR TYSON: And in terms of “the boss”, so, obviously in 84 you had D10, in effect, the most senior person there. But you also had D9, who was the Air Mission Commander on the occasion, didn’t you?

D12: Yes.

15 LCDR TYSON: And who would’ve been “the boss”? If you had used the words “the boss”, for example, would that have been D10 or D9?

D12: D10.

20 LCDR TYSON: D10. Thank you, they were my questions, ma’am.

MS McMURDO: Thank you. Yes, SQNLDR Nicolson.

25 **<CROSS-EXAMINATION BY SQNLDR NICOLSON**

30 SQNLDR NICOLSON: Good afternoon. My name is SQNLDR Nicolson. I appear for D10. And obviously we’ve talked about who D10 was; he was the Captain of Bushman 84.

D12: Yes.

35 SQNLDR NICOLSON: I just want to just clarify with your statement, this is your Inquiry statement, if I could take you to paragraph 66 – this is page 15 of 19.

D12: Yes.

40 SQNLDR NICOLSON: Do you have that there?

D12: Yes, I do.

45 SQNLDR NICOLSON: This is a question asked of you about if any one of the chain of command discussed your sleep and fatigue management

while on the exercise, and you gave an answer.

D12: Yes.

5 SQNLDR NICOLSON: And there was some discussion that you recall about someone talking about adhering to duty and rest periods during the time adequately.

D12: Correct.

10 SQNLDR NICOLSON: In terms of the person that you spoke to, do you recall who that person was?

D12: No, I don't, sorry.

15 SQNLDR NICOLSON: Can I just go to the pseudonym list and I'm just going to suggest – if I take you to D20.

D12: Yes.

20 SQNLDR NICOLSON: Do you recall whether it was D20 that had that discussion with you, or you have no recollection?

25 D12: Not a surety but, potentially, yes, she was one of the Troop Commanders at the time.

SQNLDR NICOLSON: And can I just also just clarify you were asked some questions about Bushman 84? D10 was the Aircraft Captain; correct?

30 D12: Correct.

SQNLDR NICOLSON: And was he the one that had the ultimate authority whether the doors in the helicopter would be opened or closed, in your view?

35 D12: Of our helicopter?

SQNLDR NICOLSON: Yes.

40 D12: Yes.

SQNLDR NICOLSON: Do you have any recollection of any communication or conversation you had over the communications with D10 during the flight?

45

D12: Yes.

5 SQNLDR NICOLSON: Did D10 make some enquiries of you about the location of 83? Do you have a memory of having some questions asked of you by D10 during the flight?

D12: I believe so.

10 SQNLDR NICOLSON: Was that to do with the location of where 83 was positioned?

D12: I believe he may have been referring to the rotor clearance we had between each aircraft and maybe confirming what his thoughts were, if I was thinking the same.

15 SQNLDR NICOLSON: Do you have a recollection about that communication? Were you able to see, visually, where 83 was when the first communications occurred?

20 D12: If I could move my head in a way to see out the window through my night-vision goggles, yes, I could see.

SQNLDR NICOLSON: Thank you.

25 MS McMURDO: So was the radio communication with the pilots and the aircrewman in your helicopter okay? We have heard other evidence it was poor quality.

30 D12: I don't recall any communication problems in our aircraft through the night.

MS McMURDO: There wasn't any interference in the communication?

35 D12: Not during that sortie, no.

MS McMURDO: Not that you recall. Thank you.

AVM HARLAND: So no hash over [REDACTED] for the CTAF frequency?

40 D12: There may have been hash on one of the radios – I couldn't remember which one – and then we're just informed to turn that down or turn it off and we may just have to continue with one less radio box.

45 MS McMURDO: But you were able to communicate effectively?

D12: Yes, that's right.

MS McMURDO: Thank you. Yes.

5 LCDR GRACIE: Ma'am, I apologise. There is one question that I want to ask coming out of LCDR Tyson's question.

MS McMURDO: Yes.

10

<CROSS-EXAMINATION BY LCDR GRACIE

LCDR GRACIE: In answer to - - -

15

FLTLT ROSE: Perhaps you could introduce yourself.

MS McMURDO: Yes.

20 LCDR GRACIE: Thank you. I'm LCDR Gracie, and I represent the interests of CAPT Lyon. In answer to one of the questions asked by LCDR Tyson, you said there were several times that you heard D10 commenting on the flying of 83.

25 D12: Correct.

LCDR GRACIE: I just want to get a timeline on that. Do you mean at the time that D10 commented on 83 climbing, or during the sortie itself?

30 D12: During the sortie itself.

LCDR GRACIE: So from take-off to impact?

D12: Yes.

35

LCDR GRACIE: That certainly was the case preceding, let's say, two or three minutes of that unanticipated climb?

D12: Yes.

40

LCDR GRACIE: Thank you. Thank you, ma'am.

MS McMURDO: And was that before you went into the left-hand turn?

45 D12: Yes. That was during the transit, I guess.

MS McMURDO: Thank you. Yes, any other applications to cross-examine? Re-examination?

5 FLTLT ROSE: Yes.

<RE-EXAMINATION BY FLTLT ROSE

10

FLTLT ROSE: Just following on from that questioning. What was it about the way Bushman 83 was being flown that your pilots were commenting on?

15

D12: Being in Bushman 84, at the end of a formation, you always have better observation of the formation as a whole. And it's easy to throw – it's easy to comment on how the other aircraft are flying and I believe three to five times we commented that 83 were either a bit high on 82 or potentially a bit wide.

20

FLTLT ROSE: Did the pilots ever comment that 82 was also positioned high above its station?

25

D12: Not that I can recall.

FLTLT ROSE: And is it your evidence that it's usual for the back or the rear aircraft to comment on where the other aircraft are in formation?

30

D12: Internally within our aircraft. But we make it a habit to not get in their cockpit, for lack of a better word. They were never unsafe throughout the sortie. They were high, which was inevitably better, if anything. But, yes, I don't recall it ever being externally communicated to 83 on what was going on.

35

FLTLT ROSE: And when the pilots were commenting on this, you didn't hear – did you take it that they were concerned about that high position?

40

D12: It wasn't a concerning tone that I can recall. It was merely a comment at the time.

FLTLT ROSE: Thank you.

45

MS McMURDO: Thank you. Yes, thank you very much, you're free to go. And we'll adjourn now.

FLTLT ROSE: Excuse me, ma'am. But I did have some brief housekeeping matters.

MS McMURDO: Yes.

5

FLTLT ROSE: I don't know whether you would like to do that tomorrow morning when - - -

MS McMURDO: We may as well get that done now.

10

FLTLT ROSE: You're free to go.

D12: Thank you.

15

<WITNESS WITHDREW

MS McMURDO: All right. Thank you.

20

FLTLT ROSE: I'd like to tender some material.

MS McMURDO: There's no need to wait until the witness – thank you.

25

FLTLT ROSE: So the Inquiry seeks to tender an additional file. Now, this is actually on a USB and I will – there's two USBs I seek to tender. One is the Westpac USB. That's nothing to do with the evidence itself; it's just the distinguishing way to identify it.

30

MS McMURDO: So is that a Westpac Helicopter USB?

FLTLT ROSE: No. It's just a Westpac-branded USB. It means nothing in terms of the evidence that's on it. It's just because I've got two USBs in my hand.

35

MS McMURDO: So the Westpac USB, can we identify it in any other way?

40

FLTLT ROSE: Yes. I'll describe what's on the USB. It's body-worn footage, camera footage, produced to the Inquiry by the Queensland Police Service under a section 23 Notice. So perhaps we can call it "the body-worn footage USB". It's depicting the interview that a QPS Officer – that is, Detective Senior Constable Georgie Carland – conducted with D12 on 29 July 2023.

45

MS McMURDO: The QPS body-worn camera footage with D12, Exhibit 69.

5

#EXHIBIT 69 - USB CONTAINING QPS BODY-WORN CAMERA FOOTAGE OF INTERVIEW WITH D12 ON 29/07/23

10 FLTLT ROSE: Now, the footage is 00:24:23 long, and it shows Detective Senior Constable Carland interviewing D12 in a room, which it may be the Proserpine Airport. And they were sitting at a desk across from each other. And then the QPS Officer poses a series of questions to D12, which he answers and she writes the responses in her own notebook. And then
15 D12 is invited to draw a mud map in her notebook, which he does, with the incident area and Lindeman Island, and with some estimated distances between them.

20 And the Inquiry does not intend to play the footage or the audio of this interview as it shows D12's face. However, the footage has been served on each of the relevant Counsel representing, and I propose to summarise what D12 states in this interview for the purposes of the hearing transcript and for the benefit of those who are watching the proceedings that won't have had the opportunity to view this footage.

25

MS McMURDO: All right.

30 FLTLT ROSE: D12 states that they left Proserpine at about 10.18 pm on 28 July 2023. He was on Bushman 84, sitting in the back right of the aircraft. They were travelling in a four-ship formation, with 84 at the rear. The formation flew up from the south to avoid some rain showers towards Lindeman Island. At the time of the incident, they'd been travelling for approximately 20 minutes.

35 *We were positioned slightly north-west of Lindeman Island, approximately five to six nautical miles away. Bushman 81 started a gentle left-hand turn, with the other aircraft following in a holding pattern. They were all travelling at approximately 80 KIAS, or 160 kilometres per hour, at approximately 200 feet*
40 *above the water, in a holding pattern.*

They had been intending to aim for the target on Lindeman Island. Once the turns commenced, D12 lost visual of 83. On about the third turn, he heard his pilot radio, "83, come up. Come up". And he stuck his head out
45 to see what was happening and observed 83 approximately 15 to 20 feet

above the water, descending rapidly. He did not hear any radio communications back from 83.

5 D12 then saw 83 go straight into the water. His personal theory about why it may have caused the crash was that he says:

10 *83 must not have seen 82 conduct the turn and that surprised them, and as they did that, they flared to slow down to wash speed off, but they lost attitude and tried to turn within max power through the gearbox and torque, and they couldn't catch themselves, and they conducted a controlled flight into terrain.*

15 But he says he was not in the cockpit and did not hear any radio communications from their cockpit. D12 then heard his pilot say, "Knock it off". And the pilot ordered 81 and 82 to land on Lindeman Island and ground laager to reserve fuel, while 84 hovered above the incident site in an attempt to locate persons from wreckage. But they could not locate anyone.

20 And that's when D12 draws a mud map of the incident area and signs and dates it. He also provides the police with the names of the four aircrew on board Bushman 83. So I tender that USB.

25 MS McMURDO: Well, I've already said that's Exhibit 69. Yes.

30 FLTLT ROSE: I have another USB, whilst – I'll hand it to the Inquiry Officer whilst there. So there is a series of files on that USB and they relate to phone records. So the Inquiry has sought to obtain the phone records of each of CAPT Lyon, LT Nugent, WO2 Laycock and CPL Naggs, and from various phone companies, by issuing section 23 Notices to capture the records they possess between 22 to 29 July 2023 to assist the Inquiry in mapping each of their work/rest schedules whilst they were on Exercise TALISMAN SABRE.

35 So far, we've received responses from Vodafone and Telstra, and we expect to receive a response from Optus in due course. So there's two bundles of files on that USB. The first one is for the Telstra records and then there's one for the Optus records. I'm not sure whether you want to have them marked separately or just together as - - -

40 MS McMURDO: They're all on one USB?

FLTLT ROSE: They are.

45 MS McMURDO: We'll just tender it as Exhibit 70, the one USB on the

various phone records of three of the deceased.

5 **#EXHIBIT 70 - USB CONTAINING TELSTRA AND VODAFONE
PHONE RECORDS OF LT NUGENT, WO2 LAYCOCK AND
CPL NAGGS**

10 FLTLT ROSE: Firstly, just to be clear, the Telstra records include the
phone records for LT Nugent, WO2 Laycock and CPL Naggs, and the
numbers they were using as at 28 July 2023. It also includes some files
indicating that Telstra does not hold any records for CAPT Lyon. And,
15 secondly, the Vodafone records include Excel files containing phone
records for another number that was registered to LT Nugent as at 28 July
2023, and it also includes Excel files indicating that Vodafone do not hold
any records for CAPT Lyon, WO2 Laycock or CPL Naggs, or the numbers
they were using as at 28 July.

20 And I can confirm that once we receive a response from Optus, we will seek
to tender that material as well.

MS McMURDO: Thank you. That's it - - -

25 FLTLT ROSE: That's it.

MS McMURDO: - - - you're tendering today? Okay, all right.

FLTLT ROSE: Sorry, the exhibit number, just to - - -

30 MS McMURDO: Exhibit 70, was that.

FLTLT ROSE: 70, thank you.

35 MS McMURDO: Now, tomorrow morning we're on track so far with the
witnesses. Is it sufficient if we resume at 9.30, or do we need to start
earlier?

FLTLT ROSE: 9.30 is suitable.

40 MS McMURDO: All right then. We'll adjourn until 9.30 tomorrow
morning. Thank you.

45 **PUBLIC INQUIRY ADJOURNED UNTIL
TUESDAY, 15 OCTOBER 2024 AT 0930**