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

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

**PUBLIC INQUIRY**

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

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

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MS K MUSGROVE, representing the Commonwealth**

**0930, TUESDAY, 15 OCTOBER 2024**

**DAY 23**

**TRANSCRIPT VERIFICATION**

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

<b>Signed</b>	.....	<b>Date</b>	.....	(Chair)
<b>Signed</b>	.....	<b>Date</b>	.....	(Recorder)
<b>Signed</b>	Epiq Australia Pty Ltd	<b>Date</b>	24/10/24	(Transcription)

# **EXHIBIT LIST**

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MS McMURDO: Yes, FLTLT Rose.

FLTLT ROSE: Good morning, Ms McMurdo, AVM Harland. The first witness the Inquiry will call this morning is D13.

5

MS McMURDO: Thank you.

FLTLT ROSE: In line with Direction Number 13, the visual footage for this witness will remain off and so only the audio of her evidence will be heard on the livestream.

10

**<D13, Sworn**

15

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

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

20

D13: Thank you, ma'am.

MS McMURDO: Thank you.

25

FLTLT ROSE: Please pour yourself some water.

D13: Thank you.

30

FLTLT ROSE: Could the witness please be provided with a pseudonym list?

D13: Thank you very much.

35

FLTLT ROSE: Could you please find your own name on that list in front of you and confirm that you are the person who has been given the pseudonym D13?

D13: I am.

40

FLTLT ROSE: Now, I note you have a support person next to you. I won't ask them to identify themselves, but what I will do is I will have a pen and paper handed to the support person. If you could please write your name on that piece of paper and, if you happen to have a pseudonym, just put that next to it. I tender the name of D13's support person.

45

MS McMURDO: Thank you, Exhibit 71.

**#EXHIBIT 71 - NAME OF SUPPORT PERSON FOR D13**

5

FLTLT ROSE: Can you please state your current rank?

D13: [REDACTED].

10

FLTLT ROSE: What unit are you currently posted to?

D13: 6 Aviation Regiment.

15

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

D13: Yes.

20

FLTLT ROSE: An extract of the Inquiry Directions?

D13: Yes.

25

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

D13: Yes.

FLTLT ROSE: Frequently Asked Questions Guide for Witnesses?

30

D13: Yes.

FLTLT ROSE: And a Privacy Notice?

35

D13: Yes.

FLTLT ROSE: I will hand the witness a document.

D13: Thank you.

40

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

D13: I did.

45

FLTLT ROSE: Is that the statement before you?

D13: It is.

5 FLTLT ROSE: Can you confirm that it's dated 23 July 2024 on the front page, and it will also be on the signature page, on page 13?

D13: It is.

10 FLTLT ROSE: Now, you did sign that on 23 July, although your name has been redacted?

D13: Yes.

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

D13: No.

FLTLT ROSE: I tender the statement.

20 MS McMURDO: The statement and annexures?

FLTLT ROSE: Yes, sorry, I should have confirmed there are three annexures – A, B and C – to your statement.

25 MS McMURDO: Statement and annexures will be Exhibit 72.

### **#EXHIBIT 72 – D13'S STATEMENT AND ANNEXURES**

30 FLTLT ROSE: Can I please ask you, D13, to be mindful of your security obligations, so that if I or anyone else in the hearing asks you a question the answer to which you believe is "Official: Sensitive" or above, then just to let the Inquiry know and we won't be exploring those matters in the Public  
35 Hearing.

D13: No worries.

40 FLTLT ROSE: If you could turn to paragraph 3 of your statement. You commissioned as a General Services Officer in the Army Ordnance Corps in 2019?

D13: That's correct.

45 FLTLT ROSE: Then you posted to the 16th Regiment Royal Australian

Artillery as a Logistic Troop Commander?

D13: Yes.

5 FLTLT ROSE: In January 2022, you posted as the Liaison Officer to Commander 16 Aviation Brigade?

D13: I did.

10 FLTLT ROSE: In January 2023, you posted into 6 Aviation Regiment as the S34?

D13: That's correct.

15 FLTLT ROSE: Now, that's the Operations Logistics Planner?

D13: Yes.

FLTLT ROSE: You remain in that role today?

20

D13: That's correct.

FLTLT ROSE: At paragraph 5 you set out some of the responsibilities of your current role and they include Operations Logistics, involving orchestrating, coordinating, and facilitating Combat Service Support for all major activities and operations?

25

D13: Yes.

30 FLTLT ROSE: So do you manage a Troop or a team of people?

D13: No, I currently have no subordinates underneath me.

FLTLT ROSE: Who do you report to?

35

D13: The Regimental OPSO, Operations Officer.

FLTLT ROSE: Could you look at that pseudonym list, and if you can find that person's name in the list, just tell me what their pseudonym is?

40

D13: Sorry, would you like my current?

FLTLT ROSE: Let's take it one step at a time. Who is the Regiment OPSO as at 28 July '23?

45

D13: D23.

FLTLT ROSE: D23. And today?

5 D13: He's not on the list, but he would have a pseudonym.

FLTLT ROSE: He would have a protected identity?

D13: Yes.

10

FLTLT ROSE: I won't ask you to say their name. What I will do is hand you another piece of paper with a pen on it, and if you could write that person's name down?

15 D13: Thank you. I tender the name of the current 6 Aviation Regiment Operations Officer.

MS McMURDO: Thank you. That will be Exhibit 73.

20

**#EXHIBIT 73 - NAME OF CURRENT 6 AVN REGIMENT  
OPERATIONS OFFICER**

25 MS McMURDO: And the rank? Major. Right, thank you.

FLTLT ROSE: I'm going to turn to your evidence regarding the planning for Exercise TALISMAN SABRE 2023. So you were – and this is from paragraph 12 of your statement – the 6 Aviation Lead Logistics Planner?

30

D13: Yes.

FLTLT ROSE: You were responsible for coordinating the logistic and life support requirements for the unit throughout the exercise?

35

D13: That's correct.

FLTLT ROSE: What do you mean by "life support requirements"?

40 D13: That encompasses things such as ensuring there is food, water, ablutions, things that you would need to be a living human, essentially.

FLTLT ROSE: Could I just ask you to keep your voice up. That's not necessarily a microphone; it's a recording device. So just to keep your voice up. Now, you were responsible also for coordinating the preparation,

45



establishment and running of the Proserpine Forward Operating Base?

D13: That's correct.

5 FLTLT ROSE: That Forward Operating Base can also be called a FOB?

D13: Yes.

10 FLTLT ROSE: Your involvement in the planning for Exercise  
TALISMAN SABRE began in February 2023?

D13: That's correct.

15 FLTLT ROSE: So soon after posting in to 6 Aviation Regiment, you were  
assigned that task?

D13: Yes.

20 FLTLT ROSE: Was this your first TALISMAN SABRE you had been  
involved in?

D13: It was.

25 FLTLT ROSE: Had you been involved in organising field exercises  
before?

D13: Yes, but not specifically this sort of field exercise.

30 FLTLT ROSE: So a field exercise on the scale of TALISMAN SABRE  
you hadn't been involved in before?

D13: No.

35 FLTLT ROSE: I will pose the question this way: have you had experience  
organising an exercise with similar numbers of people and different items  
of kit that you had to arrange to be in the field, the logistics of that?

40 D13: I had not individually been responsible for organising that level of  
support before.

FLTLT ROSE: So this was your first time that you had that Lead Planner  
position?

45 D13: Yes.

FLTLT ROSE: So you essentially were planning the logistics support to enable 6 Aviation's participating in Exercise TALISMAN SABRE?

D13: That's correct.

5

FLTLT ROSE: At paragraph 16, the FOB, or the Forward Operating Base, at Proserpine Airport, now this was not an aircrew only, or 6 Aviation Regiment only base, was it?

10 D13: No, it wasn't.

FLTLT ROSE: It was also to support any SOCOMD, or Special Operations Command, units moving through the area?

15 D13: That's correct.

FLTLT ROSE: Was it any other units from other Commands?

D13: Yes. We also had some FORCOMD elements that were either  
20 attached to SOCOMD or had been moving through the area that also use the facilities we'd established.

FLTLT ROSE: FORCOMD is Forces Command?

25 D13: Forces Command, yes.

FLTLT ROSE: So, essentially, all these units are Army units?

D13: Predominantly Army units. Some of the US elements that moved  
30 through were of other US services, but predominantly Army.

FLTLT ROSE: In terms of Australian Defence Force, were there any Navy or Air Force personnel at this FOB?

D13: Within 6 Aviation element, the ALSE, the life support members, they are Air Force but they're integral to 6 Aviation.

FLTLT ROSE: "ALSE", that stands for? Could it be Aviation Life Support Equipment?

40

D13: It certainly could be.

FLTLT ROSE: But that sounds familiar to you?

45 D13: Yes, it does.

5 FLTLT ROSE: Now, we will turn to that later, to specifics about the ALSE tent, which I understand was at the Forward Operating Base. The decision to establish a footprint at Proserpine, was that made prior to you becoming involved in the logistics planning?

D13: Yes, I believe it was made at the MPC the year prior, the Main Planning Conference the year prior to.

10 FLTLT ROSE: So that would be in 2022?

D13: That's correct.

15 FLTLT ROSE: That planning was led by SOCOMD COLT SO J7?

D13: Yes, that's correct.

20 FLTLT ROSE: Now, just so we can understand what all those acronyms mean, SOCOMD is Special Operations Command?

D13: That's correct.

FLTLT ROSE: COLT? Is it a position title?

25 D13: It's the training cell.

FLTLT ROSE: Training cell for?

D13: For Special Operations Command, yes.

30 FLTLT ROSE: And an SO J7, is that a particular role for personnel?

D13: It's the Staff Officer. And the J7 being the Army 7, so the training.

35 FLTLT ROSE: So were you aware of who the SO J7 was that made that decision to have the Forward Operating Base at Proserpine?

D13: Yes.

40 FLTLT ROSE: Does that person have protected identity?

D13: Yes.

45 FLTLT ROSE: Just check to see if they're on the list. I don't think they would be, so just yet another piece of paper and a pen, please.

D13: Thank you.

FLTLT ROSE: If you don't remember their full name - - -

5

D13: I don't know their first name.

FLTLT ROSE: That's all right. Just have the rank, if you can, and the last name. Please don't refer to your support person for assistance in your evidence. Thank you. I tender the name of the SO J7 who made the decision to have the Forward Operating Base at Proserpine.

10

MS McMURDO: That will be Exhibit 74.

15

**#EXHIBIT 74 - NAME OF SO J7**

FLTLT ROSE: So the Forward Operating Base was simulating deploying into an austere environment; is that correct?

20

D13: That's correct.

FLTLT ROSE: So does that mean having minimal permanent facilities to support the units?

25

D13: Yes, it does.

FLTLT ROSE: An austere environment, apart from having – I imagine it's tents and not permanent buildings; is that correct?

30

D13: The austere environment just means going into a location that we haven't otherwise occupied that potentially either has an enemy threat there, but we haven't got any permanent Forces on the ground, so we're going there to establish a position in that location.

35

FLTLT ROSE: At paragraph 12, which is on page 3 of your statement, you refer to the planning conferences that you attended in 2023. So there's one in February, one in June, and one in July, which you personally attended?

40

D13: That's correct.

FLTLT ROSE: At those planning conferences for TALISMAN SABRE, you briefed the Logistics Plan being developed at the given time?

45

D13: Yes. So as the planning conference has progressed, I just did the Logistics Plan to support that.

5 FLTLT ROSE: However, one thing that did remain stable throughout those planning conferences was that the Forward Operating Base would be at Proserpine Airport?

D13: That's correct.

10 FLTLT ROSE: So once that decision was made, that remained static and stable?

D13: Yes.

15 FLTLT ROSE: But can I take it that what changed was potentially what equipment you were going to bring in, where the tents were going to be placed. Would that be correct?

D13: That's definitely correct.

20 FLTLT ROSE: Did the units who would be basing themselves out of the FOB evolve over time?

25 D13: Yes, they definitely evolved. As the other SOCOMD elements made their plans, that changed. She was coming in and out and, additionally, for 6 Aviation Regiment, as our plan progressed, that also changed on the number of people we would have coming in and out of location.

30 FLTLT ROSE: Your plans had to accommodate that as those numbers changed?

D13: That's correct.

35 FLTLT ROSE: You also ran individual Logistic Planning Conferences with other logistics members in 6 Aviation Regiment?

D13: I did.

40 FLTLT ROSE: So that was internal planning meetings?

D13: Yes, I ran that with our own logistics elements and then also invited the external SOCOMD elements logistics members/officers to also attend if they wanted to.

45 FLTLT ROSE: Just to unpack how 6 Aviation Regiment was structured in

terms of you said – so was there a logistics team or group within the Aviation Regiment or alongside the Aviation Squadrons?

5 D13: Yes. So there is a Logistics Squadron within the Regiment that encompasses not just servicing aircraft but also logistics support on a general day-to-day basis and they each have Logistic Officers within them.

FLTLT ROSE: Were you in that Squadron?

10 D13: No, I was not.

FLTLT ROSE: You were in the Regimental Headquarters?

15 D13: That's correct.

FLTLT ROSE: Did you work closely with those in the Logistics Squadron?

20 D13: For the purpose of TALISMAN SABRE I did, yes.

FLTLT ROSE: So the internal conferences were in March and May, and two in May. Is that correct?

25 D13: That's correct.

FLTLT ROSE: That was to ensure that you'd organise adequate support for each of the sub-units?

30 D13: Yes.

FLTLT ROSE: By "sub-units", do you refer to sub-units within 6 Aviation Regiment?

35 D13: I do.

FLTLT ROSE: You did a site survey at Proserpine Airport from 14 to 17 March 2023?

40 D13: I did.

FLTLT ROSE: You were responsible then for finding the suitable site for the Forward Operating Base?

45 D13: The site location had already been selected. We then visited, which allowed me to look at the ground and see the most appropriate location to

put accommodation and tentage, and aircraft.

5 FLTLT ROSE: Sorry, I should have phrased that better. So obviously the selection of Proserpine Airport had been preselected prior to you becoming involved, but did you have a level of discretion as to where the accommodation tents could be placed, and other elements for the FOB?

D13: Yes, I did.

10 FLTLT ROSE: Now, what I'll do is bring up – if you turn to Annex B of your statement, and it can come up on screen. It's an overhead shot of the Proserpine Airport. I do apologise, it doesn't seem to be very clear when it's scaled up on the screen, but hopefully it is sufficient. Now, you can see – and I'll use the pointer for this – there is the Whitsundays Airport, or the  
15 Proserpine Airport buildings. Is that correct?

D13: Yes.

20 FLTLT ROSE: Then the Forward Operating Base is this area in the centre of the screen?

D13: That's correct.

25 FLTLT ROSE: So how many options did you have to choose from for where you could locate this FOB? Looking at this overhead shot, was there really only one place the FOB could really go?

30 D13: From the way I analysed the ground, that was the most suitable position. And the other location wouldn't have been suitable for what we were trying to achieve.

35 FLTLT ROSE: I will come back to this image shortly, but just to point out, if you could read out what is in that red box from using your hard copy annex?

D13: That is the aircraft parking and operating area.

FLTLT ROSE: Was this the only place – was that for military aircraft?

40 D13: That was for military aircraft.

FLTLT ROSE: Helicopters?

45 D13: Only helicopters.

FLTLT ROSE: Were there MRH-90s?

D13: Yes.

5 FLTLT ROSE: Any other helicopters?

D13: The US elements that were attached to us, during a period of time they had their helicopters also stationed around there.

10 FLTLT ROSE: Was this the only area where the military helicopters' Aviation assets could actually feasibly be parked?

D13: Due to the weather and the visibility of the ground, yes.

15 FLTLT ROSE: If we could take that down just for a moment. There was another conference from 27 to 31 March 2023 for all the elements involved in TALISMAN SABRE. Do you recall that?

D13: I do.

20

FLTLT ROSE: That's where you confirmed that the Forward Operating Base would be established and engaged with the US elements?

D13: Yes.

25

FLTLT ROSE: And that's the Mission Support Team from the US elements.

D13: That's correct.

30

FLTLT ROSE: They specialise in establishing FOBs, don't they?

D13: They do.

35

FLTLT ROSE: You state that the FOB was not just for 6 Aviation previously but it's also for other SOCOMD units. Was it also for some US units as well?

40

D13: Yes, so the elements that were either attached to the SOCOMD unit or attached to the 6 Aviation Regiment that were also based out of there.

FLTLT ROSE: Did anyone from 173 Squadron attend the reconnaissance activity that you went on to Proserpine Airport, or attend any of the planning conferences that you mentioned that discussed the logistics of the FOB?

45



D13: No one from 173 Squadron attended the site survey or the conference that was over 27 to 31 March. I did have the logistics and RAEME elements from within 173 Squadron attend the logistics conferences.

5 FLTLT ROSE: Were there any other aircrew in attendance, say, from Regimental Headquarters at any of those conferences to provide the aviators' perspectives?

D13: Yes, I had the S35 at the time.

10

FLTLT ROSE: Is that the Operations Officer?

D13: That is the Futures Operation Planner. She has a pseudonym.

15 FLTLT ROSE: Yes, if you could find the pseudonym.

D13: D29. She also attended.

FLTLT ROSE: She's an aviator, a pilot.

20

D13: That's correct.

FLTLT ROSE: Was she providing any insights to those planning meetings about what aviators required in terms of any special accommodation needs?

25

D13: I can't specifically remember, I'm afraid.

FLTLT ROSE: Did the Commanding Officer of 6 Aviation Regiment have any input into the decision to accommodate aircrew at the Forward Operating Base at Proserpine?

30

D13: Not that I directly saw.

FLTLT ROSE: Could you just confirm if the Commanding Officer was D19 at that time?

35

D13: That's correct.

FLTLT ROSE: Then you attended a final external planning conference called the Blue Logistic Planning Week, from 18 to 21 April 2023.

40

D13: I did.

FLTLT ROSE: It's fair to say that the planning of Exercise TALISMAN SABRE was your major task for the first half of 2023?

45

D13: It was.

5 FLTLT ROSE: I take it from your answer that there were other things that you were working on at the same time as - - -

10 D13: There were other exercises that came beforehand, but TALISMAN SABRE was the consistent planning throughout the majority of the first half of the year.

FLTLT ROSE: On page 4 you list a number of persons who you worked closely with in the planning and the execution of TALISMAN SABRE. Who in the list on page 4, if anyone, were aviators, so aircrewmen or pilots?

15 D13: D29, D23 and D15. That's all from that list.

FLTLT ROSE: All three of them are pilots?

20 D13: Yes.

FLTLT ROSE: Are they 173 Squadron or Regiment Headquarters?

D13: D29 and D23 were Regiment Headquarters. D15 was 173.

25 FLTLT ROSE: Did they provide you with any specific perspectives on what aircrew were going to need for the exercise? I know you've mentioned you can't recall D29, but what about D23 or D15?

30 D13: I can't remember any specifics, but I would've had conversations around what I was planning and whether or not it would've been suitable.

FLTLT ROSE: Did D15, for example, ever raise the issue of bringing Jet Tents on the exercise so that aircrew could sleep in separate tents outside of the communal tents?

35 D13: It was raised about members bringing their own swags and also Jet Tents to be able to sleep in the area.

40 FLTLT ROSE: Was that permitted?

45 D13: It was not my preference for members to sleep outside of the tents due to the location where we were, the number of people that would be in that location, and the issues with having individuals spotted throughout the field sleeping in random spots where you didn't necessarily know they were there.

5 FLTLT ROSE: Was that what was being suggested, that they would be sleeping somewhere randomly, or was it that there would be an assigned spot for the individual tents to be set up?

D13: When they were requesting if they could sleep in Jet Tents, there was talks about them wanting to sleep in the tree line to the rear of the FOB location, or just in and around the tenting area.

10 FLTLT ROSE: It was your concern that was not safe?

D13: That's correct. I didn't think that would be safe.

15 FLTLT ROSE: Because people could trip over them, not knowing they were there, in the middle of the night. Was that a concern?

D13: Yes.

20 FLTLT ROSE: Were there any other safety concerns that you were worried about?

D13: No.

25 FLTLT ROSE: Once the initial discussion was resolved, was it pushed with you that that should be an option available to the aircrew?

D13: It was not heavily pushed. Once we got into location, it was requested if members could set up Jet Tents in between the tents, which I then allowed.

30 FLTLT ROSE: You did allow it?

D13: I did.

35 FLTLT ROSE: What changed your mind?

D13: After getting there on the ground and setting everything up, I realised that it would be okay for them to set up in between the tents, as long as they were in between the tents still within the accommodation complex.

40 FLTLT ROSE: What were the reasons given to you as to why they would want to sleep in their own separate tents?

D13: They wanted more space.

45

FLTLT ROSE: Did they ever say to you that it was to help them sleep better?

D13: Not that I can recall.

5

FLTLT ROSE: Approximately how many people did set up their individual swags?

D13: Maybe two.

10

FLTLT ROSE: Was there anyone else from units other than 6 Aviation Regiment aircrew who did that?

D13: No.

15

FLTLT ROSE: On page 5 you list a number of tasks that you were responsible for, a fairly extensive number of bullet points. I just want to focus on some of them. Looking at those tasks, it seems as if there was a – you said before that planning for TALISMAN SABRE was one of the exercises you were working on in that first six months, but it was probably the most consistent planning activity you had.

20

D13: That's correct.

25

FLTLT ROSE: That's correct. The last bullet point in that list on page 5 is, "Planning the design layout of Proserpine FOB".

D13: Yes.

30

FLTLT ROSE: I just want to focus on that for a moment. From a logistics perspective, how much leeway is there when you're planning the layout of a Forward Operating Base?

35

D13: I would say I was given full autonomy to design the layout, based on using my training as a Logistics Planner, understanding the CSS Combat Service Support constraints that we have, and guidelines that we're taught during our basic training. Yes, I was given full autonomy to design exactly how I wanted it to be laid out.

40

FLTLT ROSE: Did you use a template from a previous Exercise TALISMAN SABRE that had been used?

D13: No, I didn't.

FLTLT ROSE: So you had free rein to design it how you wished, based on your training and personal experience at other FOBs?

5 D13: No, I hadn't been to another FOB before, but based on my understanding of how to lay out combat service support elements on the ground.

10 FLTLT ROSE: Did you have a mentor during this process that could assist you to make those decisions?

D13: I didn't have a mentor. I worked a lot with the OPSO of the Special Operations Logistics Unit and between the two of us, we bounced forwards and backwards on ideas of what that would look like, and that's mainly where I got support from.

15 FLTLT ROSE: At any stage was it suggested to you, or did you think of this yourself, that perhaps it would be good to seek the views of aircrew about anything specific they needed for the FOB?

20 D13: Absolutely. I raised throughout the planning process – I can't remember the specific dates, but whenever I came up with a design plan, I would have raised it with especially our S35 and then also the other pilots, like the OPSO of 173, as to what I thought it would look like on the ground and whether or not they thought that would be suitable.

25 FLTLT ROSE: Was there ever any feedback that there would be potential issues with disrupted sleep from the way that you had proposed the FOB layout to be?

30 D13: No.

FLTLT ROSE: Did anyone raise the issue with you that it was really quite close to the commercial airway and runway at Proserpine Airport?

35 D13: No, that wasn't a concern raised.

FLTLT ROSE: At page 6 you state that you presented your draft design at one of the final conferences through a series of Concept of Logistic Support slides.

40 D13: That's correct.

FLTLT ROSE: And you've given an acronym to that as COLS.

45 D13: Yes.

5 FLTLT ROSE: So the COLS included information about rationing, water, accommodation, fuel, weapons, ammunition, repairs, methods of supply, specific locations and the health support?

D13: It does.

10 FLTLT ROSE: So what type of accommodation do aircrew normally sleep in when they're away from base?

15 D13: Within the 6th Aviation Regiment, which is the only Aviation Regiment I've been posted to, due to the nature of the exercises that they conduct, it tends to be within building accommodation, either that being on base or previously they've been in hotels. From my time as a Liaison Officer to the 16 Aviation Brigade Commander, I saw other Aviation units staying in tent-like facilities.

20 FLTLT ROSE: I appreciate you only posted into 6 Aviation Regiment at the beginning of January 2023, so you were only in the Regiment itself for six months prior to Exercise TALISMAN SABRE. But during that time, had you gone on any deployments or external exercises with 6 Aviation Regiment?

25 D13: Not during that time, no.

FLTLT ROSE: So as far as you're aware, it's the history of 6 Aviation Regiment, prior to you joining, that they had predominantly stayed in hotels or fixed buildings on base?

30 D13: That's correct. It was going to be the first time in a few years that we had exercised deploying in a more field-like capacity.

35 FLTLT ROSE: So then is it fair to say that those who had recently joined 6 Aviation Regiment, like yourself, in the last few years may not have been in a field exercise as an aviator?

40 D13: As an aviator, if they'd only been posted to 6 Aviation Regiment. But that would be me speculating because I wasn't at the unit prior to that.

FLTLT ROSE: When you were choosing a site for the Forward Operating Base at Proserpine Airport did you consider the impacts on sleep of being so close to a working runway?

45 D13: Not necessarily, no.

FLTLT ROSE: Did you make any plans to counter the noise of that? For example, provide earplugs or earmuffs for members?

5 D13: No, I didn't. But I also knew that the Proserpine Airport commercial runway only runs between 10 am and 4 pm each day. It doesn't operate outside of those hours. So I didn't anticipate that we'd have to have a concern regarding the noise.

10 FLTLT ROSE: So when you say – so that's the commercial aspect of the runway was only being used between 10 am and 4 am (sic)?

D13: That's correct.

15 FLTLT ROSE: Were there joyriders or private individuals who had light aircraft stationed at, or parked at, Proserpine?

D13: There was a private or hobby helicopter club next door. During my time there though, I only saw them operate twice. So I wasn't concerned.

20 FLTLT ROSE: Were there any other civilian aircraft that were using Proserpine Airport; say, for example, CareFlight helicopters or rescue services?

25 D13: There was a CareFlight that was based out of that hobby commercial area, but they were stationary there for the majority of the time.

FLTLT ROSE: So you never saw the CareFlight helicopter taking off and landing?

30 D13: No, I didn't.

FLTLT ROSE: Sorry, just to take that one step back, just to confirm, did you provide, as part of your equipment for the exercise, any earplugs or earmuffs for those people sleeping in the FOB?

D13: No, I didn't.

40 FLTLT ROSE: Have you heard of the Defence Flight Safety Bureau's modelling tool called SAFTE-FAST?

D13: No, I haven't.

45 FLTLT ROSE: Are you aware if anyone more senior to you – say, an Operations Officer – uses that tool, SAFTE-FAST?

D13: I'm not aware, sorry.

5 FLTLT ROSE: So before I've mentioned it today, you've never heard of it?

D13: No, I haven't.

10 FLTLT ROSE: Have you used or heard of any other biomathematical fatigue modelling tool that's available in Defence?

D13: No.

15 FLTLT ROSE: Was there any discussion when you presented your COLS slides, or at any other meeting outside of when you're presenting these particular slides, about how best to manage the workforce's fatigue while in TALISMAN SABRE?

20 D13: Not that I can recall.

FLTLT ROSE: Was there any issues raised by those who you were planning with or, in fact, any other attendees or personnel at the FOB, whilst they were there or before, about sleeping in communal tents? Did anyone have concerns about that? I mean, specifically, was there any concerns about men and women sleeping communally in tents?

25

D13: No, there were no concerns raised about that.

30 FLTLT ROSE: So I take it that there were women and men comingled in the tents?

D13: Yes.

35 FLTLT ROSE: Was there any concerns raised about the number of persons that could be in each accommodation tent?

D13: No, they weren't raised, not prior to.

40 FLTLT ROSE: So, in essence, as many stretchers as you could fit in an accommodation tent as possible was a reasonable way to operate or plan for?

D13: No, I wouldn't say that's a reasonable way to plan for. It happened due to the increased numbers of people that were at the FOB, we resulted



to doing that. It's not an ideal way of setting up a tent, but it does give everyone a bed inside.

5 FLTLT ROSE: So how many people per accommodation tent had you planned for, prior to going to Exercise TALISMAN SABRE?

D13: Depending on the size of the tent, between 12 to 14, or 14 to 16.

10 FLTLT ROSE: And then you said there were some additional people that arrived at the FOB?

D13: There was. So some of the bigger tents ended up having 16 to 18.

15 FLTLT ROSE: And you had the additional stretchers for each of those new arrivals?

D13: We had to bring them in, in additional flights, but yes.

20 AVM HARLAND: Just a question. As those numbers changed during the planning process, did you reflect on the request for Jet Tents and their swags from 6 Avn and whether that might have been another opportunity to solve an overcrowding situation?

25 D13: No, I didn't, sir.

AVM HARLAND: Thank you.

30 MS McMURDO: You were asked a question about – or I think you said there was no concern about communal tents. But presumably those who wanted to sleep in their individual tents were doing that because they didn't want to sleep in the big communal tents.

D13: Yes, ma'am, I suppose that could be the reason why.

35 MS McMURDO: Thank you. While we've interrupted the questioning, in terms of the COLS slide, there was nothing there about any priority given to aircrew in terms of making sure that they slept properly and were properly rested before flying?

40 D13: Not in the COLS slide, ma'am. That detailed that I had planned to have them in the American-style Base-X tents, that could be air-conditioned and powered. And that was my way of providing them with the best accommodation that we'd have on the ground.

MS McMURDO: But – and no doubt we’ll hear about this – that didn’t eventuate?

D13: That’s correct, ma’am.

5

MS McMURDO: Thank you. Yes, thanks, FLTLT Rose.

FLTLT ROSE: What consideration did you give, if any, to accommodating people on different shifts – day shift/night shift – at the base?

10

D13: That primarily was applied to the maintenance staff who were on complete split shifts. They were given separate tents: one for day shift, one for night shift. And then I left it to the aircrew to sort themselves into the shifts that they needed to be. I gave them a suitable number of tents that I organised with the SSM, and then they were able to split themselves up into which tents they needed to be in.

15

FLTLT ROSE: What’s an SSM?

20

D13: That is the Squadron Sergeant Major.

FLTLT ROSE: Is that person on the pseudonym list?

25

D13: No.

FLTLT ROSE: Another piece of paper and pen? Thank you.

D13: I’m sorry, I’m not going to be able to spell his name.

30

FLTLT ROSE: You could just do it phonetically, and I’m sure that we can confirm that. Thank you, I understand that it may not be accurate. That person is actually on the pseudonym list.

35

D13: I believe it may be D34. It only has his first name, though.

FLTLT ROSE: Yes, I think it’s not been captured. But, yes, that is D34.

D13: D34.

40

MS McMURDO: Maybe they couldn’t spell it either.

FLTLT ROSE: I won’t tender that then, because we know we have the pseudonym. What training, if any, have you had in 6 Aviation Regiment,

or prior to you posting into the Regiment, about managing workplace fatigue?

5 D13: Prior to posting into the Regiment I've had general training, especially around driver fatigue and managing hours of people driving. Since posting into the Regiment, we've had a number of safety days where there's been presentations around fatigue.

10 FLTLT ROSE: Just to explore that a little bit further, so I take it as a Logistics Planner, driving trucks and armoured vehicles and things like that was probably the bulk of your work prior to posting into an Aviation Regiment?

15 D13: That's correct.

FLTLT ROSE: So were you given specific training on work/rest schedules for the drivers?

20 D13: For the drivers specifically, yes.

FLTLT ROSE: Was anything similar provided to you once you posted into your first aviation role, or support aviation role, about aviators' work/rest schedules?

25 D13: I understood that there was the SI (AVN) around their work/rest ratios, but I can't remember any formal training.

FLTLT ROSE: Have you received any training about sleep hygiene?

30 D13: Not that I can recall.

FLTLT ROSE: Were you aware that the DFSB, the Defence Flight Safety Bureau, had issued guidance on fatigue management?

35 D13: No.

FLTLT ROSE: Have you heard of the Fatigue Risk Awareness Tool?

40 D13: No.

FLTLT ROSE: Or a FRAT?

D13: No, I haven't.

FLTLT ROSE: So prior to me mentioning that term today, you've never heard of a Fatigue Risk Awareness Tool?

D13: Correct.

5

FLTLT ROSE: Are you aware of the DFSB's annual snapshot surveys?

D13: I am.

10 FLTLT ROSE: Have you participated in those before?

D13: I have.

15 FLTLT ROSE: Have you been at briefings where the results of those surveys have been briefed to the unit, or the Regiment?

D13: I have.

20 FLTLT ROSE: Do you recall whether fatigue was one of the concerns raised by members?

D13: I can't recall.

25 FLTLT ROSE: In terms of the search and rescue planning for Exercise TALISMAN SABRE, were you involved with that at all?

D13: No.

30 FLTLT ROSE: So were you aware of the search and rescue plan that had been developed for Exercise TALISMAN SABRE, or at least for the Proserpine element?

35 D13: I was aware that there was one that had been, what we'd term "White Force" – so exercise control – planning meetings that had occurred, which primarily our S35 went to.

FLTLT ROSE: So that's D29?

D13: That's correct.

40

FLTLT ROSE: As Camp Commandant, did you expect to be briefed on what the search and rescue planning was?

45 D13: No. My primary role was establishing the FOB and anything relating to operating withinside that FOB.

FLTLT ROSE: Had you been involved in any crash exercises for TALISMAN SABRE, desktop or actual?

5 D13: No.

FLTLT ROSE: Did you attend any mass Air briefs in advance of the exercise?

10 D13: No, I didn't.

FLTLT ROSE: Now, returning to Exercise TALISMAN SABRE itself. So paragraph 13 of your statement, you deployed to Proserpine on 20 July 2023?

15 D13: That's correct.

FLTLT ROSE: That was with an advance party comprising of 16 personnel from 6 Aviation Regiment and also the Special Operations Logistics Squadron?

20 D13: That's correct.

FLTLT ROSE: And in paragraph 14, in addition to being the Regiment S34, that's when you also became the Commandant or the Officer in Charge of Proserpine FOB.

25 D13: That's correct.

FLTLT ROSE: So that was a temporary position for the period of time that the exercise was on?

30 D13: That's correct.

FLTLT ROSE: That commenced on 20 July, that role?

35 D13: That I officially stepped into that role, yes.

FLTLT ROSE: You set out the responsibilities on page 7, and they include – this is for the Camp Commandant – organising and coordinating the FOB; is that correct?

40 D13: Yes.

FLTLT ROSE: And that's design, layout, the maintenance and the running of the FOB?

5 D13: That's correct.

FLTLT ROSE: You briefed all members arriving into the FOB on the layout, safety requirements and allocated sleeping areas?

10 D13: Yes.

FLTLT ROSE: You managed the contracted support for the ablutions, water and fuel delivery?

15 D13: That's correct.

FLTLT ROSE: You remained in contact with the Combined Joint Special Operations Task Group for any additional items you required, such as a resupply of rations, additional stretchers and tents?

20 D13: Correct.

FLTLT ROSE: And that's the evidence you gave earlier, that you did need some resupplies throughout the exercise to accommodate the growing numbers at the FOB.

25 D13: We did.

FLTLT ROSE: Who did you report to in the role of Camp Commandant?

30 D13: I believe I would say I came under the Combined Joint Special Operations Task Group, who would have been my OPSO back in Sydney.

FLTLT ROSE: Were they ever at Proserpine?

35 D13: No.

FLTLT ROSE: On page 7 you state that you primarily used the attached US Air Force element stores and equipment to build and operate the FOB?

40 D13: We did.

FLTLT ROSE: And that was supplemented though by some ADF stores and equipment.

45 D13: Correct.

FLTLT ROSE: What was the purpose of that, using the US equipment?

5 D13: Their equipment is a lot more up to date than ours. It's a lot more robust and theirs is specially designed for the development of FOBs. They were brought over for the conduct of the exercise, to aid in that specifically.

10 FLTLT ROSE: Have there been any improvements to the ADF stores/equipment since TALISMAN SABRE? Has ADF invested in similar-style Base-X tents for field exercises?

D13: Not that I'm aware of.

15 FLTLT ROSE: So correct me if I'm wrong, my understanding of what Army tents may be are the green canvas tents?

D13: We also have Base-X tents; they're just not as big or as robust as the US version.

20 FLTLT ROSE: When you say "robust", does that mean that they withstand the environmental factors better?

25 D13: The canvassing is better, they're a lot more windproof, just a lot sturdier in general.

FLTLT ROSE: Can the ADF-owned tents be air-conditioned?

D13: Yes.

30 FLTLT ROSE: So that wasn't the difference between using the US ones and the ADF ones; it was more the sturdiness of the US kit?

35 D13: Correct. And so when the US elements came over, they specifically have air-conditioners for each of their tents, along with adequate-sized generators to support that air-conditioning; whereas we don't individually have the same systems to support an individual tent. So we generally have a Base-X tent that is a tent by itself, and then in order to do that air-conditioning you'd have to find generators and the air-conditioning units from elsewhere.

40 FLTLT ROSE: I take it that, for example, 6 Aviation Regiment don't have their own set of Base-X tents and air conditioners, and generators?

45 D13: I don't think I can talk about that at this level.

FLTLT ROSE: Understood. Are you allowed to say – and tell me if you're not – how many personnel in total you think were at the FOB, at its peak, in Exercise TALISMAN SABRE? And if you can't say exact numbers just hundreds - - -

5

D13: Approximately 250 to 300.

FLTLT ROSE: If we go back to that photograph at Annex C that was displayed onscreen before – sorry, so I'll start with Annex C, which is a different photograph we haven't seen before, which is of the FOB itself. Now, did you take this photo?

10

D13: I did not.

FLTLT ROSE: Do you know who took this photo?

15

MS McMURDO: That's B, Annexure B, just for the record. The previous one was actually Annexure C, that we had up on the screen.

FLTLT ROSE: I think I might have – yes, that's Annexure C on there.

20

MS McMURDO: That's now Annexure C.

FLTLT ROSE: Let's start with Annexure C. I think we'll go from larger to smaller. Now, this is a – I'm calling it a bird's eye view of Proserpine Airport. Was it taken from a drone or a helicopter?

25

D13: No, this is from GO Viewer, which is a mapping website.

FLTLT ROSE: Did you obtain this yourself from the mapping website?

30

D13: I did.

FLTLT ROSE: And was this taken before or after Exercise TALISMAN SABRE?

35

D13: This diagram, or the photo?

FLTLT ROSE: The photo.

40

D13: I'm unsure of the date of the photo.

FLTLT ROSE: Did you obtain this image to prepare your statement?

D13: Yes.

45



FLTLT ROSE: Had you also used it in your planning phases for Exercise TALISMAN SABRE?

5 D13: That's correct. It's the same bird's eye view as was used during the planning.

FLTLT ROSE: So presumably you obtained this in the early half of 2023, whilst you were planning for Exercise TALISMAN SABRE?

10

D13: Yes. The image was still the same then.

FLTLT ROSE: And then, of course, you applied the annotations to this photograph yourself?

15

D13: I did.

FLTLT ROSE: And did you apply them in preparing your statement?

20

D13: I did.

FLTLT ROSE: So sometime in the last few months?

25

D13: That's correct.

FLTLT ROSE: Let's orientate ourselves here. Which way is north?

D13: North is to the top of the image.

30

FLTLT ROSE: So north is as it is here?

D13: That's correct.

FLTLT ROSE: East, south, west?

35

D13: Yes.

FLTLT ROSE: We can see we've established already that's the Whitsundays Airport, or the Proserpine Airport.

40

D13: That's correct.

FLTLT ROSE: Those names are used interchangeably, I understand?

45

D13: Yes.

FLTLT ROSE: Now, there's the single runway?

5 D13: Yes.

FLTLT ROSE: And it's running north-west to south-east?

D13: That's correct.

10 FLTLT ROSE: And there's a fire station, airport fire station, here?

D13: Yes.

FLTLT ROSE: And that's a permanent structure?

15 D13: It is.

FLTLT ROSE: Now, there are some spotted buildings here. Is this where the hobby pilots park their planes?

20 D13: The helicopters, yes.

FLTLT ROSE: The helicopters.

25 D13: Yes.

FLTLT ROSE: And so the CareFlight helicopter would be either here or here?

30 D13: It was around where your pointer is now, on the piece of tarmac there, I believe.

FLTLT ROSE: Sorry, do you know what those outbuildings are?

35 D13: They were part of airport management.

FLTLT ROSE: Can you explain what this green box is that you've applied to the photograph?

40 D13: That is the approximate location as to where the accommodation area was staged.

FLTLT ROSE: For the Forward Operating Base?

45 D13: That's correct.

FLTLT ROSE: And what is the blue square indicating?

5 D13: That's the approximate location for where the working elements were.

FLTLT ROSE: And the red square?

10 D13: Is where the aircraft was operating out of.

FLTLT ROSE: Would the FOB, in terms of the perimeter of the FOB, include all of those boxes or is it primarily the green and blue boxes?

15 D13: No, the FOB would include that entire area, including up until the far eastern side.

FLTLT ROSE: So beyond where there's grass areas.

20 D13: That's correct. That was all under our direction.

FLTLT ROSE: And I take it, though, the fire station was not under your occupation, your MO?

25 D13: No.

AVM HARLAND: Just a quick question. Whereabouts was the refuelling point for the helicopters?

30 D13: That was within that red box area, sir.

AVM HARLAND: Thank you.

FLTLT ROSE: Would that be called the FARP?

35 D13: It would.

FLTLT ROSE: And in terms of distances, it's difficult for those on – for the screen to see, but you have applied, or annotated some distances between each of these boxes. Just to confirm, you've got the accommodation area which is green, and the working area which is blue.

40 There's distance between them of 63 metres.

D13: Approximately.

FLTLT ROSE: And then the accommodation area was 465 metres away from the aircraft parking area. So that's from this area to here?

5 D13: Correct.

FLTLT ROSE: 465 metres. Then you provide some distances from the green box to the Whitsundays Airport. So that's that distance, 595 metres, approximately?

10 D13: Yes.

FLTLT ROSE: These are all approximates?

15 D13: Yes.

FLTLT ROSE: Then between the fire station and the green box is 105 metres?

20 D13: Yes.

FLTLT ROSE: And then this here, from the green box to runway, is 340 metres?

25 D13: Correct.

FLTLT ROSE: Did any units or personnel that were stationed here at the FOB leave this FOB area any time during Exercise TALISMAN SABRE, apart from, as we know, lifting off in the aircraft to conduct exercises?

30 D13: Lots of people came in and out of the area, especially the other SOCOMD elements. They would come in, potentially stay for a night, and then leave. So it was quite a high-flow traffic.

35 FLTLT ROSE: Can I take it that there was a driveway, or an area they could drive in and out? Was it here?

D13: It's just - - -

40 FLTLT ROSE: To the north?

D13: That's the one, right there. That's the road in and out.

45 FLTLT ROSE: And then is this the road – where I'm using my cursor – the road out of the airport?

D13: That's correct.

FLTLT ROSE: Towards Proserpine itself?

5 D13: Yes.

FLTLT ROSE: The Inquiry's heard some evidence that the aircrew ordered a pizza on 27 July 2023. So I take it that people who were also external to the Defence Force could visit the FOB?

10

D13: I'm not – they could. That is a public open road. I believe when said pizza was ordered, it was picked up from town. We did have vehicles in location.

15 FLTLT ROSE: Thank you. Otherwise, the food for the personnel at the FOB was fully catered for with ration packs?

D13: Ration packs. And we did have a kitchen in location to provide one hot meal a day.

20

FLTLT ROSE: If we can turn to the other photograph, which is - - -

AVM HARLAND: Actually, just before we leave that, I just had a couple of questions. You said there were some restrictions to do with the way the ground was when you got there that limited where you could actually locate various things, including accommodation and the Command area. The area to the north of the accommodation and the Command area with the yellow and blue boxes, was that available to you to set up?

25

30 D13: Sorry, sir, do you mean directly above?

AVM HARLAND: Yes, directly above. So the area between the blue and yellow boxes, and that CareFlight apron, was that available to you?

35 D13: Yes, that was originally available. When we went to do our site survey, that was where we first looked at locating. However, once we got there on the ground, we realised that there wouldn't be enough space there. And also, with that being a still functioning hobby helicopter area, they would have aircraft coming in and out of there, and we didn't want them coming directly up over our tents.

40

AVM HARLAND: Okay, thank you.

D13: Thank you, sir.

45

5 FLTLT ROSE: If we can turn – this is Annex C – it’s Annex B, sorry, of your statement. That is the correct photo I’m referring to that’s been put on screen. This is a photograph of the Forward Operating Base when it was in action at TALISMAN SABRE?

D13: Correct.

FLTLT ROSE: Did you take this photograph?

10 D13: I did not.

FLTLT ROSE: Do you know who took the photograph?

D13: I’m not sure who was operating the camera, no.

15 FLTLT ROSE: How did you obtain the photograph?

D13: Someone took it whilst they were up in an MRH, on one of our unit cameras.

20 FLTLT ROSE: So you found this in – it was saved somewhere in Objective?

D13: I was sent it after.

25 FLTLT ROSE: You applied the annotations to this photograph yourself?

D13: I did.

30 FLTLT ROSE: And did you do that in preparation for giving evidence today?

D13: I did.

35 FLTLT ROSE: We can see the runway in the background, in the north part of the photo. I know it’s not north of the FOB but in the top part of the photograph.

D13: Yes.

40 FLTLT ROSE: So just so we orientate ourselves again, north is actually here?

D13: That’s correct.

45

FLTLT ROSE: True north there. Let's start with the working area, which in your previous photo was the blue box, if I correctly – surrounding the area that's called "working area".

5 D13: You are.

FLTLT ROSE: Now, I know it's difficult for those seeing the screen to read those annotations, so we'll go through each of them. Let's start with the Command Post. Is the Command Post also called the "Operations tent"?

10 D13: It is.

FLTLT ROSE: That's the larger structure down here in the beige tent. It's got an arched or rounded roof. Is that correct?

15 D13: Yes.

FLTLT ROSE: And was that in operation 24/7?

20 D13: No.

FLTLT ROSE: And was it air-conditioned?

25 D13: It was.

FLTLT ROSE: So can I take it from that, that the air-conditioning was turned off and there was nobody in there when it wasn't used?

30 D13: No, it would've been on all the time.

FLTLT ROSE: And it had its own generator?

D13: It did.

35 FLTLT ROSE: And is this one of the Base-X tents the US element provided to you?

D13: That's correct.

40 FLTLT ROSE: And what does the white tape on the ground – it's marked out in two squares nearby and behind and to the side of the Command Post. What is that for?

45 D13: That's due to RADHAZ from antennas.

FLTLT ROSE: RADHAZ?

D13: Radiation hazard from antennas.

5 FLTLT ROSE: So does it mean that nobody is to step inside these white areas?

D13: Correct.

10 FLTLT ROSE: Now, are there extra latrines for the Command Post or do they - - -

D13: No. There was only the ones there.

15 FLTLT ROSE: Now, I think we'll get to that in a moment but there was some additional buildings here. They were part of the Command Post?

20 D13: So the Command Post comprises of that one big tent, including the little ones that come off adjoining it. Additionally, there is a green tent just to the top right. That was also a SOCOMD administration tent that they set up themselves.

FLTLT ROSE: The Q-store is to the north-east. That's this building here?

25 D13: Yes.

FLTLT ROSE: There's a number of buildings or tents together, sorry.

D13: Yes, that's correct.

30 FLTLT ROSE: The Q-store, what's the Q-store?

35 D13: The Quartermaster's store. That's where we keep things such as the armoury for weapons, rations, and any additional stores that you may need, from things such as toilet paper, to pens, to camp chairs.

FLTLT ROSE: Was it air-conditioned?

40 D13: No.

FLTLT ROSE: The food was – because it was in rations, it was some dehydrated packaging.

45 D13: That's correct. The rations were kept in a separate container but they don't require to be refrigerated.



FLTLT ROSE: Then we have the showers behind the Q tent, the Q-store?

D13: Yes.

5 FLTLT ROSE: Apologies. They were the only showers at the base?

D13: That's correct.

10 FLTLT ROSE: And then we have ALSE tent, which we said before was the Aviation Life Support Equipment?

D13: Yes.

15 FLTLT ROSE: Sorry, that's the green – it's the green tent here.

D13: Correct.

FLTLT ROSE: Is that an ADF tent or a US tent?

20 D13: That's an ADF tent.

FLTLT ROSE: Was the ALSE tent air-conditioned?

25 D13: It was.

FLTLT ROSE: And was this where the pilots of the MRH-90 would store their helmet-mounted sight devices when they were not flying?

30 D13: That's correct.

FLTLT ROSE: Is the reason why this tent is air-conditioned because that's where the HMSDs were stored?

35 D13: Yes, due to the requirements for the ALSE equipment to be in an air-controlled environment.

FLTLT ROSE: And were there people from ALSE usually stationed at Holsworthy Barracks, were they deployed to Exercise TALISMAN

40 SABRE as well?

D13: That's correct.

FLTLT ROSE: And then we have the flight line. You've nominated this

45 as a particular tent. What does that mean?

5 D13: The flight line is where the maintenance crew work out of. So they'll have their laptops, tools and things like that in there and that's where they'll set up prior to going out to the aircraft to do the physical work.

FLTLT ROSE: Was that air-conditioned?

D13: No.

10 FLTLT ROSE: And what are these white tents?

D13: They are containers. So that's just what all the stores came in.

15 FLTLT ROSE: And then we have the arrow pointing out this way to the military aircraft parking, but that's not in this particular photograph.

D13: Correct.

20 FLTLT ROSE: Where was the Medical tent, or the ambulance?

D13: There was no designated Medical tent. We did have an ambulance that came with the doctor that was in location. It would've been parked – it may not potentially be in this image but ordinarily, if it was in location, it would've been parked along next to where the Portaloos are in that general parking area.

25 FLTLT ROSE: Around here?

D13: That's correct.

30 FLTLT ROSE: You said there was a doctor that was posted to the FOB. Who was that? You can say his name.

D13: I can? Dan Szczudlo.

35 FLTLT ROSE: And was he there for the whole time that you were at the FOB?

D13: No, he arrived afterwards, along with his nurse and medic.

40 FLTLT ROSE: So when was sick parade?

D13: I believe we designated some time between 9 am onwards, if people wanted to go and see the doctor. He would be sat in the back of the ambulance.

45

FLTLT ROSE: And if they didn't present as sick between those hours, were they able to visit the doctor outside of those hours?

5 D13: Absolutely.

FLTLT ROSE: Let's move to the accommodation area. So we've gone from the – this is the working area and then you see up here is the fire station?

10

D13: Mm-hm.

FLTLT ROSE: So we're concentrating on this area here now. So there's a field kitchen.

15

D13: Yes.

FLTLT ROSE: They look like ADF tents, can I take it?

20

D13: They are.

FLTLT ROSE: Was that operating 24/7?

25

D13: No, they only produced one fresh meal for dinner a day.

FLTLT ROSE: And then there's the water point.

D13: Yes.

30

FLTLT ROSE: And you brought that in yourselves? That wasn't pre-existing?

D13: A contractor. But, no, it's not pre-existing. We brought that in.

35

FLTLT ROSE: And then we have the accommodation tents. Can I take it that the green tents are the ADF tents, and the beige-coloured tents are the US tents?

D13: You can.

40

FLTLT ROSE: So in the upper row you've got 13 accommodation tents for other units. You nominated these ADF tents for other units, and including three beige tents at the top.

45

D13: Yes.

FLTLT ROSE: They are SOCOMD units?

5 D13: SOCOMD and FORCOMD elements.

FLTLT ROSE: And do you recall whether they were working day shift or night shift, or a mixture of both?

10 D13: I'm afraid they came and went as they needed to. I'm not sure what cycle they were on.

FLTLT ROSE: And then there's a small beige tent in the middle. What was that tent for?

15 D13: Sorry, can you please show me where you're referring to?

FLTLT ROSE: Just where the green pointer is. Between the two - - -

20 D13: That's just a container.

FLTLT ROSE: Okay.

D13: It would've had a tent in it before it was built.

25 FLTLT ROSE: And then you have two tents here for Aviation RAEME personnel.

D13: Correct.

30 FLTLT ROSE: Is that the maintainers?

D13: Yes.

35 FLTLT ROSE: And they're the maintainers that then worked in the flight line?

D13: That's correct. And they were given two tents, for a day and a night shift.

40 FLTLT ROSE: And one of those tents was for night shift, as you said, one was for day shift.

D13: Yes.

45 FLTLT ROSE: And then you've got four tents for the aircrew.

D13: That's correct.

5 FLTLT ROSE: And we've heard evidence about two accommodation tents for 6 Avn aircrew, including one for more senior personnel and one for more junior personnel.

D13: I'm not sure about how they separated.

10 FLTLT ROSE: We haven't heard about four tents being available for the aircrew. But you've nominated four tents here. Is that what you recall?

15 D13: The way I've labelled it is based on my recollection of what I allocated. I'm afraid I didn't have any written proof of what I did, that I can remember.

FLTLT ROSE: So it may have been two, it may have been four, but that was generally where the aircrews were accommodated?

20 D13: That's correct.

FLTLT ROSE: So, in a sense, closer to the fire station?

25 D13: Yes.

FLTLT ROSE: Now, were they air-conditioned? You said before that there was issues with getting the air-conditioning?

30 D13: No, they were not.

FLTLT ROSE: Had you intended for them to be air-conditioned?

D13: I had.

35 FLTLT ROSE: And why were they not air-conditioned?

40 D13: Due to the competing priorities of getting certain equipment up to Proserpine, because we were primarily using strategic air, being military planes. The air-conditioning units and the generators needed to power them were dropped off the priority due to the requirement for additional tentage to house people out of the weather, and also because of the other SOCOMD elements needing to bring their own stores up, which we hadn't originally had to account for.

FLTLT ROSE: Whose decision was it to, in a sense, prioritise the tents over the air-conditioning units?

5 D13: I was given a choice as to whether or not we tried to bring up the additional generators and air-conditioning units in addition to the tents. That would've required a road move. And I made the choice that the additional tents were more important to come by the strat air. By the time the road move would've arrived, they would've been redundant.

10 FLTLT ROSE: Because by the time road move arrived, potentially the aviators or the aircrew may have left.

15 D13: Or we would've been on one day left of the exercise. And it was my opinion that having people out of the rain and off the ground was more important than having them air-conditioned.

MS McMURDO: Well, there's not much point having an air-conditioner if you didn't have a tent, is there?

20 D13: No.

MS McMURDO: No. So obviously the tent was the first building block.

25 D13: And on the initial days when we arrived, we had absolute torrential rain that a swag or a Jet Tent just wouldn't have held up against.

FLTLT ROSE: And did the actual Base-X tents hold up against that torrential rain?

30 D13: Yes, they were very good.

FLTLT ROSE: And what about the ADF tents?

35 D13: We hadn't set them up yet.

MS McMURDO: Can I just break down again why the air-conditioning didn't arrive? The military planes weren't available, was it? Can you just give us a bit more detail about that, please?

40 D13: So, ma'am, prior to the exercise, I'd gone through and worked out how many pallet spaces I would need to establish the FOB in addition to the amount of equipment that 6 Avn would need. I broke that down on the number of planes that we'd be allocated and the number of TAFs – so to and from Sydney to Proserpine – that we could do. And I'd worked out  
45 how we could spread that across. Unfortunately, during the planning phase,

the other SOCOMD units didn't provide sufficient information for how many pallet spaces they would need on these planes. As a result, some of their equipment which was more critical to the mission took up the space of the pallets that I had previously planned for.

5

MS McMURDO: And is there not the flexibility – I mean, no matter how much you plan these exercises, and big exercises, you know, there is some unknowns. Was there not the flexibility in there to have enough movement to bring up the air-conditioners?

10

D13: Not when we were planning to originally rely just on strategic air.

MS McMURDO: No, not when you're planning it originally. No, I appreciate that. But is there not some built-in flexibility to cater for unknowns so that if something like this crops up, there's still some capacity to bring up extra material that would be useful in the exercise?

15

D13: No, there wasn't, ma'am. In all honesty, air-conditioning is one of the lower priorities for establishing a FOB. It tends to be a "nice to have".

20

MS McMURDO: Yes.

D13: And so, if anything, the flexibility is then actually removing that and allowing other more mission-central equipment to come up.

25

MS McMURDO: So that was the first thing that you let go in terms - - -

D13: That and the permanent shower blocks that were supposed to come up.

30

MS McMURDO: That and the?

D13: Permanent shower blocks.

35

MS McMURDO: Right, okay.

D13: Or semi-permanent, sorry, shower blocks.

AVM HARLAND: When that prioritisation decision was made of, you know, tents over air-conditioning, were the aircrew who were involved in the planning brought into that, and did they give an opinion on that?

40

D13: I'd spoken to our S35, D29, on the ground about it. But that decision was also made in consultation with the planning team back in Sydney, who had the OPSO in it, who was an aviator. So from my understanding, he

45

understood what we weren't and were bringing up, and what we were having to leave behind.

5 AVM HARLAND: Were you aware of any concerns that were raised about that?

D13: No.

10 AVM HARLAND: No. Okay, thank you.

FLTLT ROSE: D13, I'm just going to continue - - -

15 MS McMURDO: And in making that decision, was there any discussion about the need to ensure aircrew had sufficient quality of sleep? Did that come up in the discussion in making that decision to drop the air-conditioning?

D13: No, ma'am, it didn't.

20 MS McMURDO: Thank you. Yes.

FLTLT ROSE: Just to continue your annotations here, you've got other units for accommodation tents here.

25 D13: Yes, ma'am.

FLTLT ROSE: Next to the aircrew.

30 D13: Yes.

FLTLT ROSE: And then you've got an "ADV party"? What does "ADV party" stand for?

35 D13: The "advanced party", ma'am. That was my tent with my party.

FLTLT ROSE: So you slept in one of these tents?

D13: That's correct, ma'am.

40 FLTLT ROSE: And we've already pointed out the Portaloos are here.

D13: Yes, ma'am.

45 FLTLT ROSE: And this parking area.



D13: Yes, ma'am.

FLTLT ROSE: What were the temperatures at Proserpine by day and by night, during the exercise?

5

D13: I can't recall specifics. But it wasn't very warm, from what I can remember.

FLTLT ROSE: It wasn't very warm?

10

D13: No. Like, I said, we had torrential rain prior to everyone arriving, which had cooled it down. So, no, I can't remember it being very warm. I still required my winter sleeping bag to sleep at night, personally.

15 FLTLT ROSE: Do you recall what the humidity was like?

D13: No, I can't remember.

20 FLTLT ROSE: Was there a range set up at the FOB for pilots or maintainers to check the alignment of HMSDs that the pilots used in the MRH-90s?

D13: I'm not aware.

25 FLTLT ROSE: Did any aircrew complain to you about their sleeping conditions while at TALISMAN SABRE, or any other personnel who were sleeping at the FOB?

30 D13: As I mentioned in my statement, I did have one maintainer who mentioned that it was getting warm during the day, and I advised them that unfortunately we couldn't get the air-conditioning units up there. But there was no other points raised about the actual ability to sleep. I did have some members that were staging out of the FOB say that they were quite crammed into their tents, but I don't believe it was complaining. It was more stating a fact of that there were quite a lot of them in one tent.

35

FLTLT ROSE: Did you notice the aircrew getting up early in the mornings, or what time did you notice the aircrew getting up?

40 D13: I'm afraid I didn't notice.

FLTLT ROSE: I turn now to what you were doing on 28 July 2023. Where were you on the evening of 28 July?

D13: On that evening, I had just got into bed. I think I had just zipped up my sleeping bag and then someone came in and got me. It must've been a minute or so after the incident happened.

5 FLTLT ROSE: So that was roughly, what, then about what 10.30 at night?

D13: Approximately.

10 FLTLT ROSE: And where did you go once you were informed that an incident had occurred?

D13: I went into the Command Post where I stayed for the remainder of the night.

15 FLTLT ROSE: Was there a Safety Officer at Proserpine on the ground who started coordinating the search and rescue?

20 D13: D29 primarily did a lot of communication with the White Force, the exercise control. And then we also had another member who liaised with the external search and rescue assets.

FLTLT ROSE: Is that person on the pseudonym list? Could it, in fact, be D15 or D16?

25 D13: D16.

FLTLT ROSE: What was your role then? You were in the Command Post for the entire evening. What was your role?

30 D13: I didn't particularly have a role. I was more there, as the controller of the FOB, to help with anyone coming in and out of the location, particularly when we had some of the Command, such as the CO and Brigade Commander visiting. It was my job to coordinate getting them in and out, and also securing the FOB for the night to ensure that we didn't  
35 have any unwanted visitors.

FLTLT ROSE: You just said "the CO". Are you referring to D19?

40 D13: Yes.

FLTLT ROSE: So the CO, or D19, did come up to the FOB?

D13: They did, yes.

45 FLTLT ROSE: Do you remember when they arrived – he arrived?

D13: I believe it was around 4 o'clock in the morning of the 29th.

5 FLTLT ROSE: Did you also say that Commander 16 Aviation Brigade arrived?

D13: That's correct.

10 FLTLT ROSE: That person doesn't have a pseudonym. Do you remember who they were?

D13: Yes. BRIG Dean Thompson.

15 FLTLT ROSE: When did he arrive?

D13: I can't recall.

FLTLT ROSE: Would it have been at the same time as D19?

20 D13: No, they arrived separately. D19 flew up from Sydney, whereas BRIG Thompson drove from an alternate location.

25 FLTLT ROSE: At paragraph 33 you said you were told not to inform the families of the incident. And I take it that's the families of the aircrew in Bushman 83; is that correct?

D13: That's correct.

30 FLTLT ROSE: And to wait for notification teams to advise them?

D13: That's correct.

35 FLTLT ROSE: Did that Direction come from BRIG Thompson or from D19?

D13: From what I can recall, it would've been from either both of them or one of them on the night.

40 FLTLT ROSE: Were you given any Direction from either D19 or BRIG Thompson, or anyone else, about what to do with the aircrew of Bushman 83's personal belongings that would have been in the accommodation tent?

45 D13: I personally didn't receive any Direction from them.

FLTLT ROSE: Did you receive any instructions to pack up the camp at any stage?

5 D13: No, I didn't receive any Direction to pack up the camp.

FLTLT ROSE: The Inquiry's heard some evidence from witnesses that they observed what they thought was the camp being collapsed on 29 July.

10 D13: That's correct. When the decision was made that the members of 6 Aviation Regiment, excluding my advance team, would fly back to Sydney, I made the decision that they should take their equipment with them, primarily because it had a lot of secret data in there that, with the team I had on the ground, I would not be able to secure once they had left the location. So I made the decision for them to pack that up and take it with  
15 them, minus any piece of equipment that had been quarantined as part of the follow-on effects of the crash.

FLTLT ROSE: Would that equipment have been stored in the ALSE tent or the flight line?  
20

D13: The ALSE tent and the flight line remained as they were. They were quarantined as complete tents. Within the Command Post, there was a 6 Aviation element within there, and parts of that were quarantined, including some of the documentation orders, some of the whiteboards and  
25 things like that. They were put into a separate area, some into containers because they were small enough, and the whiteboards were put into a separate corner of the Command Post that was quarantined.

FLTLT ROSE: Was any part of the accommodation tents quarantined? For example, the sleeping booths for the crew of 83?  
30

D13: No, they weren't. The personal effects of those members were moved into the Command Post tent, and they were put in the same quarantine area as the other items.  
35

FLTLT ROSE: Were there any other tents that were wholesale quarantined? You've mentioned the flight line and ALSE and parts of the Command Post. Any other tents?

40 D13: No.

AVM HARLAND: Before they were moved, and before that Command Post tent was partially collapsed and packed away, were there photographs taken of whiteboards and the Bushman 83 personal effects before they were  
45 moved?

5 D13: There were photos taken of the whiteboards. I'm not aware of any photos of the rest of the Command Post area, just due to the sensitivity of the equipment that's in there. And I'm not aware of any photos being taken of the personal effects.

AVM HARLAND: Were you given any guidance on how to manage the quarantined items?

10 D13: Not initially. We just placed them in a corner and supervised them, and then eventually one of the Military Police members arrived and he kind of took over how they were to be quarantined, including putting a piece of tape around the area.

15 AVM HARLAND: Was there a 6 Aviation person involved in that quarantine at all?

D13: Sorry, in terms of?

20 AVM HARLAND: In terms of quarantining the information in the Ops tent in particular, was there a 6 Aviation person who was coordinating that, to ensure that the Ops tent and the critical information was preserved?

25 D13: I was in attendance as things were being quarantined, and I was in and around the Command Post tent for the majority of the day until the Military Police rocked up. I'm afraid I can't remember if we had anyone stationed with the Military Police member throughout.

30 AVM HARLAND: Was there a 6 Aviation person coordinating that Quarantine; like the Safety Officer, for example?

D13: No, they all went home, sir.

35 AVM HARLAND: Okay. Thank you.

FLTLT ROSE: You mentioned then that Military Police turned up. When did they first turn up at the FOB?

40 D13: I can't recall the exact time, but it would have been on the 29th, potentially around midday. I can't remember if he arrived before or after we put the unit on the plane home, but yes, I assume it would've been around midday.

45 FLTLT ROSE: You refer to CPO Kane Robinson in your statement.

D13: I do.

FLTLT ROSE: Is that the Military Police Officer you're referring to?

5 D13: It is.

FLTLT ROSE: Do you remember CPO Casey Theissen?

10 D13: No.

FLTLT ROSE: Do you recall any QPS Officers being in the Command Post - - -

15 D13: I do.

FLTLT ROSE: - - - immediately after the incident?

20 D13: Yes. On the evening of, two police members arrived, and they came into the Command Post, but D16 primarily spoke to them.

FLTLT ROSE: Do you recall those QPS Officers' names?

D13: I can't.

25 FLTLT ROSE: Did they give any instructions to you about quarantining the evidence?

D13: No.

30 FLTLT ROSE: When CPO Kane Robinson arrived on scene, did he give you advice about how to quarantine certain items?

D13: Not that I can remember.

35 FLTLT ROSE: Did he search the personal belongings of the aircrew?

D13: Not that I can remember.

40 FLTLT ROSE: Do you recall anyone searching through the personal belongings and taking photos?

D13: QPS did, when they arrived the second time on the 29th.

FLTLT ROSE: So there was the initial officers that arrived during the incident or shortly after the incident, and then there was another set of QPS Officers that arrived on the 29th?

5 D13: That's correct.

FLTLT ROSE: And that was during the daytime?

D13: It was.

10 FLTLT ROSE: And then they searched through the personal effects of the aircrew?

15 D13: They did. They were specifically looking for any medication or any personal electronic devices.

FLTLT ROSE: Like phones?

D13: Correct.

20 FLTLT ROSE: We've heard some evidence that there was a box or a tin in the Command Post where the aircrew had put their phones prior to commencing the mission that night.

25 D13: I'm not sure if that was the case.

FLTLT ROSE: As in you're not sure, or you don't think that occurred?

D13: Sorry, no, I don't know.

30 FLTLT ROSE: Did you see anyone from the Defence Flight Safety Bureau arrive at the FOB?

D13: I did.

35 FLTLT ROSE: When did they arrive?

40 D13: Sorry, the days blur together a little bit afterwards. It could've been the evening of the 29th or it could've been the evening of the 30th; I can't remember exactly which.

FLTLT ROSE: Who was monitoring the quarantined areas until the DFSA arrived?

45 D13: I believe – I couldn't tell you. I couldn't tell you.

FLTLT ROSE: When was the original plan to collapse the FOB and leave Proserpine?

5 D13: I believe it was either 1 or 2 August.

FLTLT ROSE: Was that brought forward because of the incident?

10 D13: It was.

FLTLT ROSE: When did you personally leave Proserpine? I think paragraph 22 of your statement says 1 August.

15 D13: Yes, 1 August.

FLTLT ROSE: It says you took a commercial flight.

D13: I did.

20 FLTLT ROSE: Was the camp wholly collapsed by that stage?

D13: No, it wasn't.

25 FLTLT ROSE: What was the reason for you leaving, prior to the camp being collapsed?

30 D13: We'd been told that any 6 Aviation members were to return back to the unit, and behind I left the other elements of my advanced team from the Special Operations Logistics Squadron.

FLTLT ROSE: So you handed over your role as the Camp Commandant to one of them.

35 D13: I did. By that point, we had primarily packed up the majority. There was no standing tents. It was mainly containers that were left. Additionally, members from the 5th Aviation Regiment rocked up because they were going to look after the aircraft which we'd also been picketing after the incident.

40 FLTLT ROSE: The aircraft were still there when you left?

D13: That's correct.

45 FLTLT ROSE: And you've not been interviewed by the QPS?



D13: No, I haven't.

FLTLT ROSE: Or the Military Police?

5 D13: No.

FLTLT ROSE: Or DFSB?

10 D13: Apologies, I was interviewed by the Military Police on the 29th, when the Petty Officer arrived. I sat down with him and did a very quick interview.

FLTLT ROSE: Were you interviewed by DFSB at any stage?

15 D13: I was.

FLTLT ROSE: Was that shortly after the incident?

D13: Whilst I was still in location.

20

FLTLT ROSE: They took notes as you spoke?

D13: They did a recording.

25 FLTLT ROSE: Recording. You haven't been interviewed by Comcare, though?

D13: No.

30 FLTLT ROSE: Since the incident, have you received any briefings or training on fatigue management?

35 D13: During the safety day this year, there was a SFQ presenter who came in talking about fatigue and that took up probably about half a day of him providing a presentation.

FLTLT ROSE: Was it a psychologist or Aviation Medicine specialist?

40 D13: I can't remember exactly what his role was.

FLTLT ROSE: Was that specifically targeted to Logistics Planners like yourself, or was it 6 Aviation-wide?

45 D13: It was actually that presentation was primarily for the aircrew of the unit. I happened to be in on a conversation – or in the presentation because

as being part of Regimental Headquarters, that was when a lot of time was – the remainder outside of the Flying Squadron, so including Support Squadron, they did not receive that presentation.

5 FLTLT ROSE: So you weren't specifically invited; it was just that you were in Regimental Headquarters and it was something that you were interested in attending?

10 D13: It was when our allotted time was to attend a fatigue management brief.

FLTLT ROSE: So it was your evidence you provided before that the other support staff in the Logistics Squadron weren't given that same opportunity?

15 D13: They were also given a fatigue presentation, just not by the same presenter.

FLTLT ROSE: Has anything changed in the way that you conduct your role since the incident, about planning for sleeping arrangements, how they might impact aircrew's sleep and fatigue?

20 D13: Due to our flying commitments this year, I have not had to consider any sleeping arrangements for the aircrew.

25 FLTLT ROSE: But taking that back, have you received any training about that should the need arise?

D13: No.

30 FLTLT ROSE: Would you be receptive to receiving training like that?

D13: Absolutely.

35 FLTLT ROSE: Nothing further.

MS McMURDO: So the fact that the aircrew got separate fatigue management training from the rest of the Regiment, do you understand that's because sleep management is particularly important as a safety aspect for aircrew?

40 D13: I could only speculate on why the guest speaker was only for that half. It could be because it is particularly important for the aircrew, but it could also have been because the speaker was only available for half a day.

45

MS McMURDO: But do you understand that sufficient sleep, sleep management, fatigue management, is particularly important for aircrew from a safety perspective?

5 D13: Yes, ma'am.

MS McMURDO: You understand that. Right, thank you. Could I just take you back to, you mentioned some photos that were taken after the crash, fairly early on. Do you recall who took those?

10 D13: There was a number of people that took photos. I remember D29 took some photos, along with D10 had photos.

MS McMURDO: Thank you. Anyone else?

15 D13: I can't recall, I'm afraid, ma'am.

MS McMURDO: What about the Military Police, or the Queensland Police, do you remember them taking photos?

20 D13: I can't remember, I'm afraid.

MS McMURDO: Thank you very much. Sorry.

25 AVM HARLAND: Yes, just a couple of follow-on questions, if I could. For the arrival of folk when they turned up at the FOB, you said you briefed them about safety requirements and other kind of domestic issues. Did you, at that stage, talk about maintaining quiet time around the accommodation areas, given the night shifts that folk were working?

30 D13: No, sir, I can't remember briefing that.

AVM HARLAND: Another one is, were there social areas, like seats and tables, in and around the accommodation area, or was that separate?

35 D13: Some people brought camping chairs and so they were placed in and around the area. We had originally planned on having an Administration Mess-style tent. Unfortunately, that had to be re-rolled into accommodation. So there would have been a location that people could have hung out and relaxed, but as a result of the additional need for accommodation, that ended up being just in front of people's sleeping areas.

40 AVM HARLAND: Can you recall if that was the same for the aircrew tents?

45

D13: Yes, it was. It was the same for all members staying there.

AVM HARLAND: So they had seats around the aircrew tent where people could congregate while people might have been sleeping inside the tents?

5

D13: Potentially, yes, sir.

AVM HARLAND: Okay, that's all. Thank you.

10 MS McMURDO: Any applications to cross-examine? COL Gabbedy?

**<CROSS-EXAMINATION BY COL GABBEDY**

15

COL GABBEDY: Good morning, D13 .

D13: Good morning.

20 COL GABBEDY: I'm COL Nigel Gabbedy. I appear to represent the interests of MAJGEN Jobson. Just a few questions for you. You finished off answering one of the Air Vice-Marshal's questions about tents and where people were located. I believe it's at paragraph 19 of your statement where you talk about – paragraph 17 at the top of page 9 – there was a  
25 Base-X tent that was intended to be allocated as an admin or messing area that had to be repurposed?

D13: That's correct.

30 COL GABBEDY: In your evidence earlier, you were talking about trying to accommodate 12 to 14 people to attend?

D13: There were two different sizes of the US tents, so that could range from 12 to 14, or if they were in the bigger tents, it was 16 to 18.

35

COL GABBEDY: As I understood your evidence – and tell me if I'm wrong – when you used this additional tent, because you had more people than you were anticipating, you were able to achieve a maximum of about 16 people in a tent. Is that right?

40

D13: Up to 18 people in the bigger tents.

COL GABBEDY: Up to 18 people. Was that the same for aircrew or were there less aircrew in the aircrew tents?

45

D13: No, they were also the same.

5 COL GABBEDY: Now, do you know if any consideration was given to accommodating members of 6 Aviation in hotels, or in buildings other than tents?

10 D13: In the year previous, they had looked into, if it would be achievable. Due to the limited accommodation at Proserpine and the distance to Airlie Beach being logistically unviable, and also the cost of housing that number of people, it wasn't feasible for the exercise. It also didn't meet the intent of the exercise.

15 COL GABBEDY: When you're talking about the intent, are you talking about the austere environment?

D13: I am.

20 COL GABBEDY: What was the intent there with the austere environment? Was there a particular training purpose associated with that?

D13: It's simulating deploying into an unoccupied area.

25 COL GABBEDY: Was that the sort of thing that 6 Aviation might be required to do, deploy to an area where there may not be fixed accommodation?

D13: I would say that's the sort of activity or operation than any Army unit could have to do.

30 COL GABBEDY: Now, in relation to the temperature, I think you said that one of the members of the maintainers spoke to you, talking about the temperature in the tents being a little hot during the day. I think you also said you had no complaints about the tents at night.

35 D13: That's correct.

COL GABBEDY: What was your experience of sleeping in those tents at night?

40 D13: I had no issues sleeping in the tents at night.

COL GABBEDY: Did you think it was too hot?

45 D13: No. We generally zipped up our tent at night-time.

COL GABBEDY: Did you zip that up because it was too cold?

D13: Correct.

5 COL GABBEDY: You said you were using a winter sleeping bag. Is that particularly warm?

D13: It's our warmer-issued sleeping bag. I think it's suitable down to four degrees.

10

COL GABBEDY: I think different people have different sorts of metabolisms and body chemistry. Did you see any people sleeping on top of their sleeping bags, or sleeping just in a liner or something?

15 D13: Not that I can recall.

COL GABBEDY: Can you recall that the people in your tent were generally all using sleeping bags?

20 D13: I believe all the members of my tent were using sleeping bags, yes.

COL GABBEDY: Was your tent located very close to the Aviation lines or were you sleeping in an Aviation tent?

25 D13: No, we were in a separate tent that was just for our advanced members because we were working on different schedules to them, and that was separate to the aircrew tent.

COL GABBEDY: Were you very far away from their tent?

30

D13: Approximately four tents down, I would say; closer towards the working areas.

35 COL GABBEDY: Did you sleep mainly at night or did you have to sleep in the day as well?

D13: Primarily at night-time.

40 COL GABBEDY: Do you recall it being very noisy when you were trying to get to sleep?

D13: No.

45 COL GABBEDY: From working during the day, do you recall it being very noisy around the accommodation areas during the day?

D13: I can't recall, I'm afraid.

5 COL GABBEDY: I think a couple of people came to you to talk about Jet Tents or hoochies?

D13: Yes.

10 COL GABBEDY: Would that have been an option available to any members who were having difficulty sleeping in a tent?

D13: Not to any member; only if they were able to bring it with them.

15 COL GABBEDY: But if they had that available, was the procedure to speak with you and then to fix that up if you gave approval?

D13: That's correct.

20 COL GABBEDY: Thank you. I have nothing further.

D13: Thanks, sir.

MS McMURDO: Yes.

25

**<CROSS-EXAMINATION BY SQNLDR NICOLSON**

30 SQNLDR NICOLSON: Good morning. My name's SQNLDR Nicolson, I appear for D10 in these proceedings.

D13: Good morning, sir.

35 SQNLDR NICOLSON: I just wanted just to check with you just one question. Can I take you to your statement at page 10 of 13, at paragraph 23? Your answer you gave is in relation to some fatigue management training prior to 28 July '23. In your answer you recall a safety day on 9 May '23, that fatigue management was raised?

40 D13: Yes, sir.

SQNLDR NICOLSON: Are you able to explore what else you can recall was discussed on that particular day, apart from what you say in your statement?

45

D13: They also gave an example of a previous crash that had occurred. I can't remember which one it was, though. And they spoke through some parts of that incident as well, along with other general safety things.

5 SQNLDR NICOLSON: Do you recall on this particular day that's in May '23 were there any discussions about how to report fatigue?

D13: I can't remember, I'm afraid, sir.

10 SQNLDR NICOLSON: Thank you. Thank you.

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

15 FLTLT ROSE: No.

MS McMURDO: Thank you very much, D13. You're free to go.

D13: Thank you, ma'am.

20 MS McMURDO: I understand we'll be seeing you again on Monday, weather permitting.

D13: Yes, ma'am.

25 MS McMURDO: Thank you.

**<WITNESS WITHDREW**

30 MS McMURDO: Yes, FLTLT Rose?

FLTLT ROSE: I call the next witness, D21.

35 **<D21, Affirmed**

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

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

45 D21: Thanks, ma'am.



MS McMURDO: Yes, FLTLT Rose.

5 FLTLT ROSE: If you see that A3 printout in front of you, it's a  
pseudonym list. Can you please find your own name on that list and  
confirm if you are the person who's been given the pseudonym D21?

D21: I am.

10 FLTLT ROSE: What is your current rank?

D21: [REDACTED].

15 FLTLT ROSE: What unit are you posted to?

D21: The 6th Aviation Regiment.

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

D21: Yes.

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

D21: Yes.

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

30 D21: Yes.

FLTLT ROSE: Frequently Asked Questions Guide for Witnesses?

D21: Yes.

35 FLTLT ROSE: And a Privacy Notice?

D21: Yes.

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

D21: I did.

45 FLTLT ROSE: I'll hand you this document.

D21: Thank you.

FLTLT ROSE: Is this the statement that you prepared?

5 D21: Yes, it is.

FLTLT ROSE: Is it dated 24 July 2024?

10 D21: Yes.

FLTLT ROSE: 16 pages?

D21: Yes.

15 FLTLT ROSE: And you did sign it, but your signature has been redacted on the last page?

D21: That's correct.

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

D21: No, I do not.

25 FLTLT ROSE: I tender the statement.

MS McMURDO: It'll be Exhibit 75.

30 **#EXHIBIT 75 – D21'S STATEMENT**

FLTLT ROSE: D21, could I just ask you to be mindful of your security obligations throughout your evidence today, so if I or anyone else asks you a question that the answer you think tends to be "Official: Sensitive" or above, that you just let us know and we won't be exploring that in a public hearing?

35 D21: Of course.

40 FLTLT ROSE: If you could turn to paragraph 3 of your statement. So you enlisted in the Army in 2013 as a rifleman?

D21: That's correct.

45 FLTLT ROSE: From paragraph 7, you then sought to transfer corps and

passed your flight screening and became an officer?

D21: That's correct.

5 FLTLT ROSE: What year was that?

D21: In 2016.

10 FLTLT ROSE: Then you became an Army Aviation SSO pilot.

D21: Yes, a Specialist Service Officer.

FLTLT ROSE: You commenced pilot training in 2016 on CT-4B?

15 D21: That's correct.

FLTLT ROSE: And that's a fixed-wing aircraft?

D21: Yes, it is.

20 FLTLT ROSE: Paragraph 10, you commenced your helicopter training in 2018 on the EC-135 T2+.

D21: That's correct.

25 FLTLT ROSE: Then you posted to the School of Army Aviation in 2018 to do your conversion course to the MRH-90.

D21: I did.

30 FLTLT ROSE: Paragraph 12, in January 2020 you posted to 6 Aviation Regiment.

D21: Yes.

35 FLTLT ROSE: Was that as a line pilot?

D21: Initially no; it was into the Regimental Operations as a Battle Captain.

40 FLTLT ROSE: What is a Battle Captain?

45 D21: It's an additional member in Regiment Ops to assist the Regiment OPSO and the members that conduct current operations and future operations.

FLTLT ROSE: So your primary role was as a Battle Captain?

5 D21: That's correct.

FLTLT ROSE: And your secondary role was as a pilot?

D21: That's correct.

10 FLTLT ROSE: In paragraph 15, you became the 2IC of one of the Troops in – it doesn't say which Squadron, but was that 173 Squadron?

D21: Yes, it was.

15 FLTLT ROSE: That was in 2021.

D21: Yes.

FLTLT ROSE: So was being the 2IC of the Troop your primary duty?

20 D21: No, at that stage it was to be a line pilot.

FLTLT ROSE: And 2IC was your secondary role?

25 D21: Yes.

FLTLT ROSE: You were also a Unit Maintenance Test Pilot and Mission Planning Officer for the Squadron.

30 D21: Yes, that's correct.

FLTLT ROSE: So they're additional secondary roles?

D21: Yes.

35 FLTLT ROSE: So, in effect, you had four roles: line pilot, 2IC, Mission Planning Officer, and Unit Maintenance Test Pilot?

D21: Yes.

40 FLTLT ROSE: Then, in paragraph 16, you became the Regiment Technical Adjutant in 2022?

D21: I did.

45

FLTLT ROSE: Was that your primary role?

5 D21: When I'm talking primary and secondary roles here, that was my appointed position. That was my – I guess you could say, your staff work capacity. I was still a – which I'll go into later – but a Special Operations co-pilot at that time as well.

10 FLTLT ROSE: In terms of what you – a large part of what occupied you when you were the Adjutant was a fatigue monitoring initiative that was directed to you by the Commanding Officer.

D21: That's correct.

15 FLTLT ROSE: Just to check, is the Commanding Officer D19?

D21: Yes, that's correct.

20 FLTLT ROSE: We will come back to that later in your evidence. But if we just complete your career progression. In paragraph 17, in 2023 you became the 2IC of a Troop again?

D21: I did, yes.

25 FLTLT ROSE: And now CAPT Danniell Lyon was your Troop Commander?

D21: Yes, he was.

30 FLTLT ROSE: You also remained the Squadron Unit Maintenance Test Pilot?

D21: One of, not the. One of.

35 FLTLT ROSE: One of. But were you the senior Mission Planning Officer?

D21: I was, yes.

40 FLTLT ROSE: So once again, you had multiple roles at the same time?

D21: Yes.

45 FLTLT ROSE: But in April 2023 you were medically downgraded and unable to fly.

D21: Yes, that's correct.

FLTLT ROSE: When did you become fit to fly again?

5 D21: In March this year.

FLTLT ROSE: March '24?

D21: Yes.

10 FLTLT ROSE: Paragraph 24, you state that you did not fly on Exercise TALISMAN SABRE?

D21: That's correct.

15 FLTLT ROSE: I take it that you didn't deploy at all to Proserpine?

D21: That's correct.

20 FLTLT ROSE: During this time, you were actually planning for another deployment that 6 Aviation Regiment were supposed to do after Exercise TALISMAN SABRE, that was in Papua New Guinea.

D21: Yes, that's correct.

25 FLTLT ROSE: So I take it you were stationed to Holsworthy during - - -

D21: I stayed at Holsworthy for that entire period, yes.

30 FLTLT ROSE: And then you became the Acting Troop Commander after the accident on 28 July?

D21: I did, of one of the Troops, yes.

35 FLTLT ROSE: In terms of your accomplishments, you also have a Bachelor of Aviation Management?

D21: I do.

40 FLTLT ROSE: When were you formally appointed as the Troop Commander of one of the Troops in 173 Squadron?

D21: The start of this year, ma'am.

45 FLTLT ROSE: That's still your role today?

D21: That's correct.

5 FLTLT ROSE: That's your primary duty, or your appointed staff position?

D21: Yes, ma'am, that's my appointed position.

10 FLTLT ROSE: And you are still flying, however?

D21: I am still flying.

15 FLTLT ROSE: So, essentially, from the moment that you posted into 6 Aviation Regiment in 2020, you've had some senior – had a series of staff positions, some of which were quite senior? Would that be fair to say?

20 D21: The Troop Commander position is the most senior of the positions. I do not believe a Technical Adjutant or a Battle Captain are seen as senior positions.

FLTLT ROSE: But you never had the luxury, for example, of just being a line pilot and having some time to just focus on being a line pilot?

25 D21: Effectively, a 2IC position is a line pilot. You're also there to shadow and assist Troop Commanders and act in their place when they're not there. But for the vast majority of the time you are a line pilot that just assists the Troop Commanders.

30 FLTLT ROSE: Would that be the same with your role as the Battle Captain?

D21: No, not initially. No.

35 FLTLT ROSE: Paragraph 64, moving ahead in your statement, you state that officers are instructed to be officers first, and pilots second.

D21: Sorry, ma'am, did you say 64?

40 FLTLT ROSE: Yes.

D21: Yes, ma'am. Officers are officers; they have to command the team, give direction to their workforce.

45 FLTLT ROSE: Whether that's aviators or not?

D21: Correct.

FLTLT ROSE: And being a pilot second, do you mean by that that your staff roles are the priority?

5

D21: Yes, ma'am, I do believe that the staff function is the priority. And the reason I say that, and that is my belief, is because if there is no one that conducts those functions then the flying operations doesn't occur. For instance, if there's no one as an OPSO to plan activities, and if there's no one as a Troop Commander to schedule the activities and the crewing, then the sorties or events can't occur.

10

FLTLT ROSE: Does it make any practical difference whether you're a SSO or a GSO in terms of whether you're allowed to – which one of those roles you're allowed to prioritise, the staff role or the pilot role?

15

D21: To my understanding, ma'am, it was supposed to be that way, and historically had been. But during my – I can't recall what year specifically, but Army Aviation decided to remove the Specialist Service Officer Scheme of entry for pilots, and in doing so they converted the SSOs to GSOs. So, in essence, I am now a GSO.

20

FLTLT ROSE: General Service Officer.

25

D21: That's correct, ma'am.

FLTLT ROSE: How does that affect the way that you structure your day, your week, your year, if your priority is the staff role? How do you find enough time or advocate for yourself to have enough time to improve your flying proficiency?

30

D21: That's a good question, ma'am. My personal experience and observation of a lot of – or the more senior members, is that flying proficiency or study is something that's conducted in their own time, not in the workplace. They haven't got time in the workplace to, for instance, go through and read Flight Manuals or go through emergency checklists. That's conducted in their own time.

35

FLTLT ROSE: I understand that's the study of Aviation. What about the practice of flying?

40

D21: Physically flying? That still occurs.

FLTLT ROSE: The Standing Instructions, I understand, encourage or expect pilots to have 180 hours per year flying hours; is that correct?

45



5 D21: Yes, ma'am. I can't quote the exact numbers to you without referring to the SIs, but it is dependent upon the actual positions. I do believe a member in a Regiment Operations position is supposed to be allocated 100 hours. And it depends whether or not you're a Special Operations pilot or a non-Special Operations pilot, depending on the hours limits that you are supposed to meet.

10 FLTLT ROSE: But as a Troop Commander in the Squadron, you are expected or encouraged to fly 180 hours?

15 D21: Yes, that's correct. And we're also supposed to, in line with that same Standing Instruction, allocate more flying hours to junior members as well.

FLTLT ROSE: And those junior members, are they generally the line pilots?

20 D21: Yes, that's correct.

FLTLT ROSE: You state at paragraph 64 that 6 Aviation has a tendency to reserve flying operations to senior staff positions within the Squadron and Regiment HQ.

25 D21: Yes, that's correct.

30 FLTLT ROSE: I'm just trying to understand that if the Regiment Headquarters' pilots are only expected to fly 100 hours, how is it then that they're preferred for the flying operations?

35 D21: So the way that happens in practice is the training continuum for us in our Special Operations role is very extensive. And I won't go into the detail of that, but it takes quite a long time to progress through that training continuum. By the time members are at a standard and hold the qualifications required to conduct a lot of the flight profiles that we are charged with, they are often in key appointed positions, which makes them a finite resource. And to conduct operations, we require them to be in the aircraft in those key positions.

40 FLTLT ROSE: So you'll have a SO Aircraft Captain who's also potentially the Regiment Operations Officer, or something like that?

D21: Or flight lead or AMC, yes, that's correct.

45 FLTLT ROSE: You state that:

*This means that time-poor members are scheduled to fly on a daily basis and, in turn, receive insufficient time to suitably prepare for sorties prior to performing a safety-critical function.*

5

D21: Yes, that has been my observation, ma'am.

FLTLT ROSE: So they're too busy to fly, but they need to fly.

10

D21: That's correct.

FLTLT ROSE: And they don't have time to prepare to fly – necessarily what they would want, the sufficient time?

15

D21: Yes, I think a missing bit of context there which is important to articulate is, like any profession, the more you conduct that role, the more time you spend in that role, arguably the less time you need to prepare for those events, those sorties, those outcomes. And I know from my observation, if there was some of the senior members going to conduct a flight as an SO Captain or an SO flight lead, they are changing roles and responsibilities quite rapidly, and I think it takes a long time to get there.

20

FLTLT ROSE: We've heard some evidence about a mission window or an OC's hour before flying. Is that what you would call – do you understand what I mean when I say that?

25

D21: Yes, I do. It's not a mandated occurrence. It's something that we try to employ where we can at our unit, but we can do that because we run the timelines, we control the time lines, in a lot of the cases. In other units, I don't believe that is something that can occur because they might have, for instance, multiplatform operations going and each platform might require different lead times to different things.

30

FLTLT ROSE: So you're sort of comparing 6 Aviation Regiment to 5 Aviation Regiment?

35

D21: Yes, that's correct. And 1 Aviation Regiment.

FLTLT ROSE: Is it fair to say then that the people in the senior positions, who are also the SO qualified personnel, don't necessarily have time to have a mission window or an OC's hour to give them that settle-in period before they go flying?

40

D21: No, I don't think that's correct, ma'am. I think when we go through – and this is generalised to Special Operations mission planning that I'm

45

5 talking about here, not day-to-day sorties that we can go and conduct. For instance, if there's a formation mission that requires mission orders, the member that's controlling the timeline of that day, of that mission, will generally allocate a period of time – it might be half an hour, it might be 45 minutes, might be an hour – that we call the OC's hour, which everyone is afforded. It doesn't matter if you're the senior flight lead, down to the most junior aircrewman in that mission, everyone's working to that battle rhythm for that period. Does that make sense?

10 FLTLT ROSE: Yes. So what year [REDACTED] are you currently?

D21: I'm a third year [REDACTED], ma'am.

15 FLTLT ROSE: The Inquiry has heard some evidence that you don't receive, as a Troop Commander, the additional pay fulfilling that role until you're a seven-year Captain.

D21: Yes, that's correct, ma'am.

20 FLTLT ROSE: So you're currently fulfilling the Troop Commander role, but you're not receiving those additional entitlements until you reach the seven-year?

25 D21: That's correct, ma'am. There's members in my Troop that are the same level of [REDACTED] as me, so they're getting paid the same.

FLTLT ROSE: In paragraph 18 of your statement you set out the responsibilities of a Troop Commander?

30 D21: Sorry, what paragraph was that?

FLTLT ROSE: 18.

D21: Yes, ma'am.

35 FLTLT ROSE: Do you have to be an Aircraft Captain – not necessarily a Special Operations Captain, but an Aircraft Captain – to be a Troop Commander? I'll start that again, are you an Aircraft Captain for normal flying?

40 D21: I am, ma'am. I think that question, everybody has the capacity to be an Aircraft Captain. Every pilot has the capacity to be an Aircraft Captain within certain constraints. So, yes, that's correct, you will be able to be an Aircraft Captain to be a Troop Commander, depending on your level of  
45 flying supervision that's required.

FLTLT ROSE: Now, you're an SO co-pilot; is that correct?

5 D21: Yes, I was on MRH-90.

FLTLT ROSE: Have you since obtained SO Captain's qualifications?

D21: No, I have not.

10 FLTLT ROSE: So there's no prerequisite for the Troop Commander to be an SO Captain?

D21: No, there's not. It would be a good idea to be an SO Captain as a Troop Commander.

15 FLTLT ROSE: From your experience fulfilling the role, you think it really should be someone who's got that level of qualifications in terms of their flying responsibilities?

20 D21: This year is a bit unique with my roles and responsibilities with what my Squadron is conducting. If I was in the other Squadron, and observations with members in the other Squadrons filling those positions, yes, I think it's a desirable (indistinct) essential.

25 FLTLT ROSE: So you're in 173 Squadron?

D21: Yes, I am.

FLTLT ROSE: And you're referring to 171 Squadron?

30 D21: Yes, I am, ma'am.

FLTLT ROSE: That have undertaken transitions to Black Hawk in advance of 173?

35 D21: Yes, members across the Regiment have been transitioning in both Squadrons.

FLTLT ROSE: With equal emphasis on both Squadrons, or is there a priority for 171?

40 D21: A priority for 171 because they were currently flying that aircraft.

FLTLT ROSE: So in terms of paragraph 18, you say:

45

*A Troop Commander will lead, plan and coordinate exercises and operations at the Troop level, manage Troop preparedness, careers, welfare, personnel professional development, and understudy the OC.*

5

D21: Yes.

FLTLT ROSE: And then:

10

*Also provide organisational advice and critical analysis of workforce planning to the OC.*

D21: Yes.

15

FLTLT ROSE: You're in charge of H135 Operations?

D21: Yes, this year, I am.

FLTLT ROSE: That's a helicopter?

20

D21: It is.

FLTLT ROSE: That's a civilian helicopter?

25

D21: It's a civilian-registered aircraft, yes.

FLTLT ROSE: Has ADF leased it, or do you go to a separate airport to access it?

30

D21: We're not operating these. We're not keeping them at our base at the moment. We're keeping it at a civilian airport.

FLTLT ROSE: Now, you've already established that you're a Special Operations co-pilot on MRH-90. In terms of your total flying hours, at paragraph 23 – these are flying hours on the MRH-90 – you had 733.4 total flying hours.

35

D21: That's correct.

40

FLTLT ROSE: Does that include your 70.1 hours on the MRH sim?

D21: I don't believe it did.

45

FLTLT ROSE: So that's additional. Now, have you started your own conversion training to Black Hawk, to UH-60M?

D21: Not yet, I have not. I'm scheduled to, but I have not started.

5 FLTLT ROSE: And the others in 173 Squadron have commenced the transition?

D21: Yes, absolutely.

10 FLTLT ROSE: At paragraph 25 you set out that you met CAPT Lyon when you were both posted in to 6 Aviation Regiment in 2020.

D21: Yes, that's when I first met him face to face, but I did meet him over the phone the year prior.

15 FLTLT ROSE: Did you do your SO Co-Pilots Course together?

D21: I did.

20 FLTLT ROSE: At paragraph 26, you state that he was an experienced MRH-90 pilot and competent Aircraft Captain, and his aircraft-handling was above average and better than most Aircraft Captains on MRH-90 that you flew with?

25 D21: Yes, that's correct. And I guess to contextualise that, Diesel flew the MRH-90 and then NH90, then back to MRH-90 again. He hadn't flown the S70, whereas a lot of the pilots I had previously flown with came from S70 and they had changed aircraft multiple times. So Diesel had a lot more experience on that platform compared to a lot of the other Aircraft Captains that I flew with, and he knew the aircraft quite intricately.

30 FLTLT ROSE: But you never flew with him on SO missions, I take it?

D21: I didn't, no. By the time he got his Captain upgrade, it was approximately around about the time that I had my medical downgrade.

35 FLTLT ROSE: At paragraph 27 you state that CAPT Lyon was an excellent Troop Commander and he advocated for his subordinates and peers, even to the detriment of himself.

40 D21: Yes.

FLTLT ROSE: So can I take it that you learnt a lot from him, being his 2IC?

45 D21: Absolutely.

5 FLTLT ROSE: You state that he was good for morale at the unit and he was a vocal individual and showed great passion in advocating for what he believed to be the right thing.

D21: Yes.

FLTLT ROSE: That was no matter who the audience was?

10 D21: Yes.

FLTLT ROSE: So I take it that he would express his views to those more senior to him, as he would to those more junior?

15 D21: Absolutely, and I think he took some pride in doing so.

FLTLT ROSE: At paragraph 28, you first met LT Max Nugent when he posted in to 6 Aviation in 2023?

20 D21: Yes.

FLTLT ROSE: Did you ever fly with him?

D21: No, I didn't. I didn't have many interactions with Max, unfortunately, because when he posted in was also around the time of my medical downgrade.

25 FLTLT ROSE: So I take it you were less time on the flight line, more time in the office, once that had occurred?

30 D21: Yes, I was.

FLTLT ROSE: At paragraph 29, you first met WO2 Phil Laycock when you were doing your helicopter training at Nowra?

35 D21: Yes, I did.

FLTLT ROSE: Then you got to know him better when he was the Regiment Standards Warrant Officer in 6 Aviation Regiment in 2022?

40 D21: Yes, we worked quite closely on a few things.

FLTLT ROSE: Did you fly with him?

45 D21: Yes, multiple times.

5 FLTLT ROSE: You state that he was a very competent and confident  
aircrewman and he knew how to make the right decision, with a tendency  
to be more reserved.

10 D21: Yes.

15 FLTLT ROSE: He was able to effectively communicate with all aircrew  
members, both inside and outside the aircraft, in a respectful manner.

20 D21: Yes, that's correct.

25 FLTLT ROSE: Did you work with him on a Fatigue Monitoring Project in  
2022?

30 D21: I did.

35 FLTLT ROSE: You state that he had a great interest in fatigue in  
Aviation?

40 D21: Yes, he did.

45 FLTLT ROSE: You also remember him providing all aircrew at  
6 Aviation Regiment with a physical copy of the Defence Aviation Fatigue  
Management Guidebook?

D21: Yes, and I've still got mine.

FLTLT ROSE: Can the witness please be shown Exhibit 39?

MS McMURDO: Yes.

FLTLT ROSE: Is that the Guidebook that WO2 Laycock handed to you?

D21: Yes, it is. It was a different binding, but the same - - -

FLTLT ROSE: The same contents?

D21: The same contents. And the same version, I believe, as well.

FLTLT ROSE: Version 1?

D21: Yes, as I recall. I'll have to check mine but, yes. And the way I  
remember that was, after a particular event where fatigue was topical, he  
actually ordered a bunch of these. And I remember a big box arriving to



his room and then the next day every desk in the Troop Office had one of these on it. So that's how I recall that.

MS McMURDO: What was the incident that led to that?

5

D21: "Incident" is probably the wrong term, ma'am. It was a particular sortie that required us flying from 2 am in the morning until after sunrise, and fatigue was absolutely an aspect of that. In the debrief, I remember Phil talking to the collective about that and he was very into his fatigue tracking and monitoring. And he was talking about his watch that he was using for alertness and readiness states, and that sort of stuff. He said to everyone that was there that he will get a copy of these books, and he did.

10

MS McMURDO: So can you tell us the point of the exercise that led to this? What was it about that you were flying those hours? Was there some reason for doing it?

15

D21: Yes, ma'am. Without going into specific details, it was actually a non-Special Operations outcome but it was supporting a Special Operations Ground Force and also qualifying some of our own members in Air Mobile Operations Qualifications. The timing was not controlled from us; it was controlled from – and this is testing my memory, but I believe it would have been controlled from the Ground Force, whatever outcome they required at the time. It required, like, a staging location out of a different area. Yes, is there anything more you want me to expand on there, ma'am?

20

25

MS McMURDO: Well, obviously he was concerned about the safety aspect of what had happened to get this booklet and distribute it amongst your people. Would that be correct?

30

D21: I think, ma'am, if I recall correctly, part of the debrief, the sortie debrief, was talking about operations in a window of circadian low. And I recall Phil explaining that concept to some people and that's what triggered him going, "Perhaps more education" - - -

35

MS McMURDO: I see.

D21: - - - "and information would be beneficial to people as a collective".

40

MS McMURDO: So there were no immediate safety concerns, other than just - - -

D21: No, I can't recall - - -

MS McMURDO: It was more an educational thing than it was about the debrief?

D21: Yes, ma'am. Yes, ma'am.

5

MS McMURDO: Okay. While I've interrupted you, paragraph 28 of your statement you're talking there about a discussion you had with the new march-in pilots back in 2023.

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D21: Yes, ma'am.

MS McMURDO: Referring to perceived level of flying abilities, general attitude and apparent lack of interest to get involved with mission flying and Squadron Operations, and that you were asked by the Officer Commanding to have that discussion with those pilots. Who was the Officer Commanding at the time? You might need to use the pseudonym list. Who asked you to do that, please?

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D21: Sorry, ma'am, just a moment. It was D10, and it was also a Flying Instructor as well.

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MS McMURDO: And is the Flying Instructor's name there on that list?

D21: D6.

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MS McMURDO: D6, thank you. And was this an issue that you had seen yourself amongst the new members coming in at that time, the new pilots coming in at that time?

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D21: So, ma'am, to give more context for that historically with conducting mission planning or day-to-day operations, because we were so short on manning and workforce capacity, often for any activities or mission planning the whole collective would come in and conduct the mission planning as a team.

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And early on in that year, it was observed and commented on by a couple of people that some of the new march-ins would often parade around their schedule or around their particular sorties and if they weren't expected to be flying for that sortie, then they wouldn't be contributing to the mission planning. That was some of the observations that were made, and so I had to – I can't recall why Diesel was away at the time, because that was a particular period when he was away and I was the Acting Troop Commander. And so both the OC and the Flying Instructor that I just mentioned pulled me aside to have a chat with those individuals as a collective.

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MS McMURDO: I understand. And did it improve after that?

D21: From my observation, it did, yes, ma'am.

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MS McMURDO: Yes. Great, thank you. Yes, thank you, FLTLT Rose.

FLTLT ROSE: When WO2 Laycock handed out these guidebooks, was it both to 173 Squadron and 171 Squadron and their Regiment Headquarters?

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D21: Ma'am, I can't comment on 171 Squadron at the time. I had little to no interaction with them. And I'll say yes for – so yes for 173 Squadron. I specifically recall walking into the Troop Rooms and seeing the physical copies on desks. And I was in RHQ at the time, and I got a copy. I can't talk about other members in RHQ though, sorry.

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FLTLT ROSE: And did WO2 Laycock then go around and, for example, speak to you about the contents of the guidebook, or have chats in the corridor about what was contained in the guidebook?

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D21: Yes, I actually recall him standing up in one of the – memory could be failing me here – but one of our start briefs – so we would often run a start brief as the aircrew workforce – to say, "These are your aircraft allocations", et cetera. And I recall him mentioning about the guidebooks but not going into details about, "These are the different – this is the information in the guidebook", but "Here is the guidebook".

25

FLTLT ROSE: Do you recall if the Regiment Standards Officer was also commenting on the guidebook or use of the guidebook?

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D21: I can't recall. And I believe the Regiment Standard Officer changed during that year as well. I can't recall either individual specifically referring to the guidebook, no.

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FLTLT ROSE: I might come back to this document in a moment. But just in terms of your relationship with the aircrew of Bushman 83, at paragraph 30 you said you first met CPL Alex Naggs in 2020.

D21: Yes, we both posted in to 6 Avn at the same time.

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FLTLT ROSE: Did you fly with him?

D21: I did.

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FLTLT ROSE: On multiple occasions?

D21: Multiple occasions, yes.

5 FLTLT ROSE: And you can't recall ever encountering an issue with  
CPL Naggs on the MRH-90?

D21: No, not at all.

10 FLTLT ROSE: Now, in terms of the issue of fatigue management, which  
we touched on before, at paragraph 31 you state that the tempo in 6 Aviation  
has always been high since you joined in 2020.

D21: Yes.

15 FLTLT ROSE: And you list three reasons for this. One is the fact that  
you're an operational unit, but you also have the training burden of  
qualifying aircrew to Special Operations.

D21: Yes.

20 FLTLT ROSE: And is it your understanding in other Army Commands or  
Regiments, they may have separated out those two elements from the unit?  
So it may be within the Regiment you have to do both the operational and  
the training, but not necessarily in the same Squadron?

25 D21: Yes, ma'am. And like we said at the start, my background was  
infantry as well, and the training, I guess, would be conducted outside the  
unit. Or even when there were training events that had to occur inside that  
unit, it would be from a different cell that would organise that training and  
conduct that training. It's just that individuals would be taken out of the  
30 Platoon to then go and participate in that training to get upskilled into  
different categories. But I guess, the online operational component would  
not be charged with the training burden of their workforce.

35 FLTLT ROSE: Would that significantly reduce your workload, if that  
training burden was organised by a different cell?

D21: Absolutely, ma'am, yes.

40 FLTLT ROSE: Is there a reason why it's combined in the unit – your unit?

D21: We haven't got the people with the qualifications to stand up and do  
the additional training cell or equivalent.

FLTLT ROSE: That's because the training cell people need to be aviators themselves, is it?

5 D21: Yes. And if we're talking about actually conducting the training as well, you would then need the same equivalent level of qualifications to be able to fly those missions.

10 FLTLT ROSE: So, essentially, you'd need your QFIs and QAIs to be in that training cell?

15 D21: Yes, you would need – that's correct. You would need the QFIs, QAIs, members that hold those specific qualifications that I spoke about earlier. For example, a flight lead. You would need them in the training cell, in addition to the operational Squadron, to still maintain that effect.

20 And then the other aspect to it as well is when we conduct training, when we're training new pilots or new aircrewmen, we don't conduct that with a Ground Force. And depending on the length of the training you're doing throughout the year, it significantly reduces the training that you can conduct with a Ground Force.

FLTLT ROSE: So there's limited opportunities to interact with a Ground Force? You have to take them when they come?

25 D21: Yes, if you're constantly training your own workforce, then yes.

FLTLT ROSE: The second reason why the tempo is high is the requirement to have secondary duties, and staffing issues. Is that an intertwined reason?

30 D21: That's correct, ma'am, yes.

FLTLT ROSE: So you have secondary duties because there aren't enough staff?

35 D21: Yes, that's correct. A simple example for that is flight programming or crewing, scheduling. A training institution has a dedicated – often – contractor that conducts that scheduling, and so there's a single individual that's in charge of doing all the rostering and the programming, and they get told what sorties have to occur this week, next week, the following week. And their job is to play the puzzle Jenga game to make sure that they've got suitably qualified individuals conducting those sorties, those missions. And that's their sole job. Whereas that gets placed onto the role of a Troop Commander.

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5 FLTLT ROSE: The Inquiry's heard evidence the School of Army Aviation in Oakey utilises contractors as part of their training continuum for the initial training – or they did, at least, for the MRH-90 initial training. So that's not the case once you get to 6 Aviation Regiment? There's not a contractor available to take on some of that burden?

10 D21: That's correct. For me right now as a Troop Commander, I conduct the scheduling and the crewing and the mission objectives for our flying operations.

15 FLTLT ROSE: At paragraph 64, which is at the back of your statement, you make some observations about the inadequate application of Army Aviation career management with the actual staffing needs of our Army Aviation. When you're talking about "Army Aviation career management", is that a particular cell or unit within Aviation Command?

D21: No, ma'am.

20 FLTLT ROSE: Or is it a generalised term?

25 D21: Career Management Army are the Army Aviation aspect of career management. The context or the example I give here is for officers only. I can't really talk too much about the aircrewman, sorry, but a career stream for an Army Aviation Officer is, when you become a seventh-year captain, that's your pivot point. If you haven't already, you should be streaming to be a specialist, which is anything from a Flying Instructor to a Test Pilot or a Selected Regimental Pilot; or you go down a Command pathway where you want to post out, get some more experience in a different area, before ideally coming back as an OC.

30 When I talk about the misalignment between Career Management Army and Army Aviation's needs, I guess a simple way to put this is you wouldn't put a lawyer or a doctor through several years of training to then only get seven years out of them, to then post them off to do something else. But that's effectively what happens with our aviators; particularly now that they've removed the Specialist Service Officer pathway, which was originally structured, in my understanding, to be, say, the Flying Instructors. That's a challenge that we work with.

40 We've got people that are now – for instance, my counterpart, who's a Troop Commander, is a seventh-year captain now, which means he should be posting out in the next sort of 12 to 18 months.

45 FLTLT ROSE: Into a non-flying role, I take it?

5 D21: If he wants to be in the Command pathway, it will be into a non-flying role for a period of time, before he then posts back ideally as an OC, which would only be a couple of years, and then that would be his flying career essentially done. But that's also the point in time I was talking about earlier, our elongated training continuum. That's also the point in time where these members hold key qualifications and they've got the experience that we need to be in the Troops – not so much necessarily a Troop Commander, but we need them in the Troops, to be the flying supervisors, to conduct those operations.

10

FLTLT ROSE: So there's no old pilots, is what you're saying.

15

D21: No. Actually, I think I'm one of, if not the second-oldest in my Squadron.

20

AVM HARLAND: With the removal of the SSO scheme that you've described, is there an option for, like in Air Force, a specialist aircrew stream where you effectively can opt-in to that, it's a different set of pay and conditions, and then you stay flying for longer, and in that way preserve the experience in the Army Aviation corps?

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D21: Sir, are you talking about once you're already in the stream as a pilot, and then transitioning?

AVM HARLAND: Yes.

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D21: I didn't expand on it, but we've got the Generalist and the Specialist Officer pathways. The Generalist is the Command pathway, but the Specialist is where you will become a Flying Instructor. There's different opinions on how it's supposed to be managed. When they did this streaming pathway, they included a Regimental Pilot pathway.

35

My understanding of the way that that is supposed to be used – which is actually not the way it's used – is that that is exactly what you're describing; that is a pathway that should be designed to retain members with key experience qualifications that perhaps don't want to be a Flying Instructor, but they are really proficient at the mission skillsets, and the operational unit would not be able to afford to post them out. I haven't seen it used in that way, sir, unfortunately. But what that stream allows is those members to still continue along a paid progression system, similar to their peers, in recognition of their qualification.

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AVM HARLAND: So within the Army personnel system, there is an opportunity for an aviator to stay flying for a longer period of time in this specialisation.

5 D21: Yes, sir. It's called a Regimental Pilot. I believe it's a Selected  
Regimental Pilot. However, I only know of one member at a unit who's  
currently on that, and they're about to become a Flying Instructor, anyway,  
so it doesn't make any sense. I do apologise that this is "world according  
to me", but the way it would make sense for this to work is if you have  
become a seventh-year Captain – because unless you've been a Troop  
Commander, like you spoke about earlier, ma'am, and you've hit your pay  
cap, a Regimental Pilot position would allow that member to continue  
10 progressing along their pay system at an equivalent rate to a Specialist  
Officer, like a Flying Instructor. It's just not utilised, sir.

15 AVM HARLAND: What I understand from that is that there is a system  
for aviators to stay flying for longer without real penalty, rather than  
everyone just basically running in the Command stream. So there is an  
option available.

D21: Yes, that's correct, sir.

20 AVM HARLAND: But from what I read, it isn't widely used.

D21: That's correct, and there's different opinions within, I'll say  
Command, about how that is supposed to be used.

25 AVM HARLAND: So you're a Troop Commander, and a third-year  
[REDACTED].

D21: Which, sir, is very – that's not standard.

30 AVM HARLAND: That was going to be my question: is that typical?  
What's the average seniority of a Troop Commander at the moment within  
6 Aviation, from your observation?

D21: Between a seven and five-year Captain. Yes.

35 AVM HARLAND: Okay. Thank you.

40 MS McMURDO: Is the reason that this Selected Regimental Pilot stream  
isn't used because of the shortage of staff? There's not the luxury of having  
that because you're needing people to go into higher roles with that  
experience?

45 D21: Ma'am, just from my observation, I'd say no. I'd be very surprised  
if there were some individuals who were offered an opportunity to get a  
long-term posting as a Regimental Pilot and did not take that opportunity.



If they were given assurances, for their families and so on, that they can stay in the said location for a longer period and they can retain that experience and conduct that role that they enjoy, I'd be surprised if there weren't people that would throw their hands up to be a Regimental Pilot.

5

MS McMURDO: I understand and appreciate that. But is the reason that they're not being offered that? Because they're needed elsewhere? They haven't got the depth of staff to really fill that stream because they need people in what's become the generalised stream or the specialised stream?

10

D21: Potentially, ma'am. Something I'll say there as well, which I don't know the answer to, we lose a lot of aircrew to the civilian industry. To my knowledge, and some of these have been close friends of mine, I don't believe that they've also been offered anything in addition, once they've said, "Hey, I'm going to leave". I don't believe that Army or Aviation has come back, going, "Hey, we can offer you this stability, this" – you know, insert whatever desirable outcome that they need. I don't believe that discussion occurs either.

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MS McMURDO: So if there were more positions available as Selected Regimental Pilots, for example, going along the stream as you've described it, you think there'd be far less attrition from the Army of experienced pilots?

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D21: I think it could help that, ma'am. And an aspect, I would say, would be that stability piece, of being able to tell your family – particularly for me with children and schooling, and that sort of stuff – trying to say, "Okay, we know we can be here for X-amount of time". I think that is always going to be a factor. Whether or not that is the deciding factor, I can't comment on, ma'am.

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MS McMURDO: And the fact that you are a Troop Commander at just three years' [REDACTED] experience rather than five to seven, is that because of the shortage of suitably qualified personnel within 6 Aviation Regiment?

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D21: It is, ma'am. Another aspect though which I guess compounds this is myself and another one of my colleagues at the unit, we were the last Specialist Service Officer pilot trainees that came through the continuum. And historically, on our legacy agreement that we signed up on, you would be a Lieutenant at a unit for multiple years before you promote to a Captain. So I was a Lieutenant for my first two years at the unit, being 2020 and 2021.

40

Whereas the new cohort of pilots that come into the unit often arrive as a Captain. So they've already started their – I guess, their clock, you could

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call it, for that progression to a seventh-year Captain on day one at the unit, or maybe 12 months later. So, yes, I'm a third-year [REDACTED], but I've been at the unit since 2020, if that makes sense.

5 MS McMURDO: It does, thank you. Yes, thanks, FLTLT Rose.

FLTLT ROSE: I note the time. It's almost 5 past 12 and I understand we were going to break at midday. Just to finish off the section, just a few more minutes.

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MS McMURDO: Certainly.

FLTLT ROSE: So in terms of staffing, is it your evidence that you think 6 Aviation needs more staff overall, or more experienced aircrew, or more non-flying senior staff, to fulfill those senior roles so they're not taken away from that to do their flying hours? Or a combination of all of the above?

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D21: Yes, I think a combination of all of the above, ma'am. I think there's a lot of positions that senior members conduct. For instance, an Operations Officer, we appoint a somewhat senior pilot to be in that position. However, there's no reason that a non-aviator could not conduct that role and then you could have still a pilot appointed in a similar position that is advising, I guess, subject-matter expert points into the overarching or overruling decision.

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FLTLT ROSE: Would it also assist if you had more orderly staff, in terms of reducing the hours the aviators have to work?

D21: Always, ma'am.

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FLTLT ROSE: The final reason you gave as the three reasons why there's high tempo in 6 Aviation Regiment was there's no real rest or reset cycle outside of the standard reduced tempo periods. We've heard some evidence prior that there are reset periods or reduced tempo periods of school holidays and then over the summer break - - -

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D21: Yes, ma'am. So what I'm talking about there is outside of those reduced tempo periods. So yes, we do have – how do I say this – and I believe I go onto it somewhere in this statement as well – is this unit controls reduce tempo periods very effectively. Particularly as a parent, they always schedule them over school holidays, which makes life easy – or easier. But if you're in an online operational Squadron, all of your requirements still remain over that period. So you'll be on leave but you still have all of those requirements still.

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5 So there's no deliberate, like, ready, rest, reset cycle where you're having  
individuals posting in and out of an operational online Squadron for a period  
of time. I can't talk to legacy 6 Avn before MRH-90 was introduced,  
because I wasn't there. I'm uncertain about what that future holds. But  
10 having a robust – effectively a ready, rest, reset cycle where you've got  
members that are holding an online workforce, which comes with all those  
other burdens and constraints which I won't go into here, and then you have  
another group which is literally that they've come offline and they're just  
going through a rest period, spending more time at home with their families,  
15 that sort of thing – still maintaining flying currencies, but they're not  
holding those online operational requirements.

And then I guess the rest would be that training cycle cell that you described  
earlier, ma'am.

15 FLTLT ROSE: So in a sense, even if you're on your reduced tempo school  
holiday period, you could be called out to do Defence Aid to the Civilian  
Community, or you could have an exercise that's run over time, or an SOQC  
that's run, and it's eating into that holiday period? Is that what you mean  
20 by being online all the time?

D21: Absolutely, yes. Absolutely, yes.

FLTLT ROSE: In fact, you could even be on recall, effectively having to  
25 be within a certain distance of the base, ready to go?

D21: Yes, ma'am, there's – yes. And to compound that, those individuals  
that I've spoken about a couple of times with those key positions are often  
always online and always the first to be called out because they are the  
30 senior aviators and decision-makers that need to be there for those events.  
And we haven't got the depth of members to rotate them in and out,  
unfortunately.

AVM HARLAND: So when you're on leave, for example, over the  
35 Christmas period, are you restricted on where you can go?

D21: Yes.

AVM HARLAND: Do you have to be within - - -

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D21: Yes, we are, sir.

AVM HARLAND: So you're taking leave and you also have restrictions  
on that leave where you can't go and do – you aren't free to go somewhere?

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D21: Yes, and some of them can't drink alcohol.

AVM HARLAND: But you're still taking leave?  
5

D21: Yes, that's correct.

AVM HARLAND: Thank you.

10 MS McMURDO: So you can't leave the country. Is that part of it?

D21: Yes, I won't go into details, but a lot more stricter than that sometimes.

15 MS McMURDO: (Inaudible) school holidays. Okay.

D21: Yes, ma'am.

MS McMURDO: Thank you.

20 FLTLT ROSE: Is that a suitable time?

AVM HARLAND: Yes, I did have one more question. It just relates to the daily Squadron routine, and I guess this comes probably from an  
25 Air Force background. But do you conduct a daily briefing at the unit, like a morning wave brief or an afternoon or night wave brief, where you get together as a unit, you might have the Command team there, you'll talk about the flying program, aircraft serviceability, safety incidents that are really important – for example, emergency quiz – updates to your Flying  
30 Instructions, administration, and receive Commander's guidance? Does that happen there?

D21: Sir, so not to the extent that would have happened at, say, Basic Flight Training School, with the start briefs and morning quizzes and that  
35 sort of thing, no. At my time at the unit, it's been – the Squadron roles and functions have been a bit dynamic in terms of how heavily their flying operations have been. So inter-Squadron briefs, no, I've never seen that occur.

40 This year's a bad example for my Squadron because we're not conducting flying operations initially out of our local barracks. So those members, we have people that are parading in different areas. So it's very disjointed. So I can't – when I can, I'll run a start brief like you're describing, but it's not often. It's more a weekly start or weekly (inaudible) brief.

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5 But historically, last year – and it’s something that is a massive sustain in my view – is, yes, we would routinely run a start brief, which is where key admin points are passed, aircraft allocations are passed – not to the extent of doing quizzes and that sort of stuff like you’ve described; that hasn’t occurred since flying training – but that, yes, the start brief to pass all of that information on to the aircrew would occur.

10 That would be aircrew only. There would often be a – depending on the period of operations we’re doing, and the intensity of the operations, there might be a Command-level op sync – operations sync – where you have heads of sheds that go to, and they pass on key points and then they break away to their own departments, be it maintenance, aircrew, et cetera, that conduct their own start brief for the rest of the cohort. Does that answer your question, sir?

15 AVM HARLAND: It does. So in an ideal scenario you’d have that start brief where you’d bring everyone together, make sure they’re on the same page for the day and for the week. But at the moment, in your particular situation, it’s not happening because of where you are with the bringing on board of new capability.

20 D21: Well, yes, the geographical constraints that we have with our current aircraft that we’re operating in my Squadron, we have people that are flying Black Hawk with the School of Army Aviation or 171 Squadron that are parading at different times, they might be night flying. And then we have people that are in my workforce that might be day flying but they’re already parading at the civilian airport. And then we’ve got the leftovers of us parading at our home base that aren’t flying that particular day. So we’ll often do a touch point there, but it’s not to the extent that I’m used to on MRH-90 at 173 last year.

AVM HARLAND: Yes. That’s great, thank you.

35 MS McMURDO: Thank you. All right then, we’ll adjourn for 45 minutes. Resuming at about – we’ll say 1 o’clock. Thank you.

**HEARING ADJOURNED**

## HEARING RESUMED

MS McMURDO: Yes, FLTLT Rose.

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FLTLT ROSE: D21, looking at paragraph 33 of your statement, you set out that you yourself were not as fatigued in 2023 because you were not flying, for the reasons you've already explained, which meant that you got to be home more at night with your family. Is that correct?

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D21: That's correct, ma'am.

FLTLT ROSE: Did you pick up more of an administrative burden in the Troop though because you were not flying?

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D21: I did. I tried to offload the Troop Commanders, the two Troop Commanders, to the best of my ability.

FLTLT ROSE: Now, you've already mentioned that CAPT Danniell Lyon was one of the Troop Commanders. Was the other Troop Commander D20?

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D21: Yes, that's correct.

FLTLT ROSE: At paragraph 36, you state that a contributing factor to workload fatigue was exercises were often planned back-to-back, with little respite or planning time between each separate activity. So whose overall responsibility was it to manage the scheduling of activities for the Squadron?

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D21: Ordinarily, if there is named or planned activities, it would be organised at a Regimental level and it would go initially from the Future Operations Officer, then they will hand that to the Current Operations Officer in Regimental Headquarters positions. Then from there, there will be multiple Planning Conferences for planning the activities. Then at some stage they would then hand it over to the Squadron Operations Officer, who would take charge of those operations. That was consistent for activities to do with the Ground Force and also our internal activities, like the Special Operations Qualifications Course.

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FLTLT ROSE: Did it come through the CO, in terms of "We're having this exercise. We want 6 Aviation to be involved or to lead it or to support it"?

5 D21: I wouldn't – and this would be the observations from my time in 2020 in Regiment Ops, the CO was definitely not a funnel for all of the taskings and activities and that sort of thing. But they were absolutely kept abreast on what the workforce was conducting when we would do weekly syncs with the CO. Generally, the Regimental Operations Officer would run those and do a sync to be like, "This is what's currently happening with the workforce. This is what's happening in the next week, or weeks, logbook", for example.

10 FLTLT ROSE: So it's essentially the Regimental Operations Officer who was scheduling back-to-back exercises, or was allowing the schedule to fill up in this way?

15 D21: Sorry, allowing to fill up?

FLTLT ROSE: Well, you did say in your statement that you thought the workplace fatigue was that exercises were often planned back-to-back, with little respite or planning time between each separate activity – at paragraph 36.

20 D21: Yes, ma'am.

FLTLT ROSE: I'm just trying to unwrap the reasons why that would be allowed to occur?

25 D21: Yes, and another way to phrase that as well is when we're talking about iterative training activities, say, for instance, on SOQT, that you would have a particular component, like a mission component, which would be planned back-to-back. So you'd be doing one thing one day and the next day you would be doing another.

30 MS McMURDO: Sorry, excuse me a moment. Apparently, one of the microphones isn't working, so we'll need a break. It might be that one. It's not recording, so we have to have a break to remedy it. Just come up and we'll attend to it, please. Let us know if you need more time or if it's just a straightforward issue.

40 **HEARING ADJOURNED**

## HEARING RESUMED

MS McMURDO: Yes, FLTLT Rose.

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FLTLT ROSE: D21, you were about to give an answer as to the question which was in response to a statement you made at paragraph 36 of your statement, that the contributing factor to the workload fatigue was that exercises were often planned back-to-back, with little respite or planning time between each separate activity. Now, my question to you was whose responsibility was it to manage the scheduling of activities and how did it become back-to-back activities?

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D21: Yes, ma'am. So to go over that again, the scheduling flows from Regimental Ops down to the Squadron Ops. So at the Regiment Ops level, the Regiment would be tasked externally to conduct an activity or a training exercise and the future operations, if it was within their remit for a timeframe, they would start planning the initial planning of that exercise. Then they would eventually get passed on to the Current Operations Officer, still in the Regiment Operations Cell, before being handed over to the Squadron-level Operations Officer.

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Generally, there would be multiple planning conferences at different stages to ensure certain elements of activity were getting ticked up. But, ultimately, it would come through Regiment Ops to Squadron Ops, before being executed at the Squadron level.

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FLTLT ROSE: So who had overall responsibility to ensure that the exercises and training that was scheduled for the workforce was sustainable and it allowed for sufficient rest periods?

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D21: I'd say, from my experience in 2020, from seeing the way things were conducted at the Regiment Operations level, it was a combined effort between – I guess ultimately the CO would be the individual responsible, but the Regiment Operations Officer and their team would make those recommendations, like, schedule those activities and control that tempo. The CO would be kept abreast of the movements during weekly updates, for example.

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FLTLT ROSE: Now, that you're in a Troop Commander role, if you were noticing that your workforce is fatigued or requires greater rest periods, are you empowered to approach the Regiment Operations Officer, or even the CO, to say, "We're overscheduled. We can't take on this additional tasking"?

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5 D21: I haven't experienced the requirement to do that at all this year in my current role. But like I explained earlier, my experience this year is a bit niche, a bit different to ordinary Squadron Operations. I absolutely feel like I could raise concerns to either my boss, the Regiment OPSO, or the CO, about tempo, and that has been done previously as well. Generally, it comes from a compounding aspect.

10 For instance, like we've spoken about with the reduced manning or crewing and the individuals having to conduct the training as well as the planning, that's generally the way it would be voiced up to Command, going, "We haven't got enough people with experience/qualifications to conduct back-to-back exercises, because these people are also having to plan". And another piece that I went to explain earlier, for example, is during a Special Operations Qualification Course – or without going into specific details – but you would often have activities planned on one day and then the next day virtually the same people flying those activities who should be doing the planning, but they're reliant on the rest of the workforce too leaning in with that planning.

20 FLTLT ROSE: When aviators were flying one mission and then they were flying a mission the next day, did they not plan for their involvement in the mission the next day and abrogate that planning to juniors or other people within the Squadron? Or did they finish flying the mission and keep planning throughout the night to be ready for the mission the next day?

25 D21: Yes, ma'am. Often the way it would be conducted in a training context is there would be for, call it a Monday, there would be a day and a night sortie and those crews would be planning the Tuesday sortie in between the day and night sortie or after the night on Monday.

30 FLTLT ROSE: And you say "during training". Is that because, say, for example, the Special Operations Qualification Course, there were missions flown sequentially and close - - -

35 D21: That's correct.

FLTLT ROSE: - - - proximity to each other just to get the training finished?

40 D21: That's correct, ma'am. Generally speaking, if there was a larger mission context, a more elaborate planning iteration or cycle that had to occur, there would be a dedicated planning day, which was fantastic. And I'm not sure if that was introduced perhaps during my SOQC or the one after, but that was a massive sustain that came out of a post-activity report.

Whereas some of the more simple evolutions would be back-to-back flying, so no dedicated planning days.

5 FLTLT ROSE: I want to ask you some questions now about managing your rest periods. Were you ever given any briefings on how to manage your rest period? And I'm talking about it could be a rest period just from once you finished work duty one evening and then you go home, you sleep, prepare to come back to duty the next day. So perhaps that's your 10 hours' rest period as the Standing Instruction sets out, and then of course you have longer rest periods: weekends or, in fact, holidays. Were you given any briefings, once you became an aviator, about how to manage your rest time appropriately so that you came to work less fatigued?

15 D21: So during early stages of flight training all aviators, both pilots and aircrewman, go and conduct a course at RAAF Edinburgh at the Institute of Aviation Medicine. There, as part of the Aviation Medicine, they do learn a bit more about fatigue. I wouldn't say specifically that there is a directed approach or training directed at dictating what occurs in the 10 hours off for the rest. Yes, it's not prescribed in that fashion, no.

20 FLTLT ROSE: Did anyone ever – not in a formal training – but did anyone, such as the OC or your Troop Commanders, prior to your role now, explain to you how many hours' sleep was optimal during a rest period and how not having that optimal amount of sleep could affect you if you're flying the next day?

25 D21: Yes, ma'am. So that is an aspect that would have been covered at the Institute of Aviation Medicine during our Aviation Medicine training, what constitutes the average quantity of sleep for a normal human, approximately eight hours. We are told that information.

30 It's also depending on the exact refresher course, we have a non-technical skills refresher course that occasionally will incorporate fatigue aspects to it as well. And then supplementing that as well, which I've mentioned in my statement – I'm not sure which paragraph – but when we do safety standdown days. I think every single time I've experienced a safety standdown day at 6 Avn there has been a guest speaker that has spoken about fatigue in some way, shape or form and how that relates to Aviation.

40 So, yes, we do get taught or are part of a discussion about the sleep that's required.

45 FLTLT ROSE: These non-technical skills refresher courses, are they run annually?

5 D21: Yes. So there's a bunch of different flying currencies that we have to maintain as aviators, and non-technical skills is one of them. Aviation Medicine is another one, which has basically gone through a change which now has an additional currency. We run them often two or three times a year and the intention is that it's not just the people that are going to expire soon, the intent is that everyone who's available will attend these sessions. But if I recall correctly, without having the Standing Instruction in front of me, the non-technical skills is a two-yearly currency; whereas that new Aviation Medicine is, I think, a five and three-year currency.

10 FLTLT ROSE: At paragraph 38 of your statement you state that 6 Avn SIs catered for Friday to be a day off. So members were not supposed to come into work at all if it was a day off, or was it a day off from flying?

15 D21: A day off – ma'am, I can't recall the exact terminology about that. It is specific to SOQC, the Special Operations Qualification Course, and specifically to the members that have conducted consecutive day/night flying four days in a row. So some members may not have done that. But, generally, the blanket rule will be is during SOQC, people would not be at work on Friday.

20 However, in practice, that was rarely a possibility due to planning having to be conducted on the Friday for the Monday or – which particularly for Aircraft Captains, that would be the day that they would have to catch up on a whole bunch of post-flight administration which they wouldn't have had time to do during the working week.

25 In addition to, as well, like, during these courses – however long it goes for – four, six weeks – however long, every other bit of admin, of welfare, personal life, everything still continues. So those people in those key appointments inside the Squadron and at Regiment Operations level would have absolutely had to still conduct their staff duty unless they were fortunate to have somebody that could backfill them in those roles, which often did not occur.

30 MS McMURDO: You mention this at the bottom of page 10 of your statement, paragraph 38:

35 *Friday would generally be a no-fly day. Although the 6 Avn Regiment Standing Instructions catered for Friday to be a day off, this was not often feasible due to the workload required for the following week. Friday would generally be a shorter 10.00 to 2.00 hour shift to complete outstanding administration or planning for the following week.*

40  
45

*As a pilot you're expected and often required to fly every day and night, for both waves, during such training.*

That's all consistent with what you were saying?

5

D21: Yes, ma'am. I mean, they're estimates for the times that I've given you there. But that's, generally speaking, a pretty good picture of what a working week would be, particularly during an SOQC period.

10 MS McMURDO: Thank you.

AVM HARLAND: So what was your priority, was it doing the course or doing your staff work?

15 D21: Absolutely doing the course, sir, yes. The course was a critical requirement for the capability to generate its own workforce.

AVM HARLAND: So if you didn't do your staff work, you'd just catch that up at the end of the course?

20

D21: That's correct, sir.

AVM HARLAND: So you'd only do time-critical staff work during the course. Is that fair to say?

25

D21: To the best of my knowledge, Regiment Operations would try and plan anything that was time-critical around those big training windows. An example would be, say, a Welfare Board. I'd be surprised if a Welfare Board would ever be scheduled to be conducted during an SOQC because a lot of key players that would have to be flying would also need to attend a Welfare Board.

30

AVM HARLAND: Okay. Great, thank you.

35 D21: That's all right, sir.

FLTLT ROSE: At paragraph 40 of your statement, you state that you've chosen not to fly on several occasions – or several sorties over the years, due to feeling fatigued.

40

D21: Yes, ma'am.

FLTLT ROSE: Is that called "FACEing out"?

45 D21: Yes.

FLTLT ROSE: And by “FACE”, do you understand it to mean Fatigue, Attitude, Complacency, External factors?

5 D21: I do, ma’am, yes.

FLTLT ROSE: And so you’ve taken yourself off a sortie or let your Aircraft Captain or the OC know, “I’m not fit to fly today”.

10 D21: That’s correct, ma’am, yes.

FLTLT ROSE: And this was received well on each occasion?

15 D21: Yes, that’s correct. I’ve done that multiple times, for various different reasons. Sometimes I’ve said it straightaway, as soon as I’ve got to work. I’ve said, “Hey, I can’t fly because X, Y, Z”. And other times something has happened at work or, for instance, being a parent you have to go pick up a sick kid at daycare. It’s like, “Okay, see you later, I’ve got external stuff”. That would still fit the category of a FACEing out. But I  
20 have no issues whatsoever saying to crews – I haven’t experienced any issues saying to crews I’ve had to FACE out before.

FLTLT ROSE: You do say, though, that this is always in low importance tasks and never during a critical sortie or training event?

25 D21: I have not, myself, experienced a time when I’ve had to FACE out during, for instance, an SOQC. So I can’t put my hand on my heart and say that I’ve had to look at people who were about to go do a critical sortie for their training and say, “Sorry, I can’t fly”. Every time I’ve had to FACE  
30 out has been a pretty low importance task or training sortie, not on a dedicated exercise.

FLTLT ROSE: Would any of those times though when you’ve said it for different reasons have been because you were fatigued? That would be in  
35 the mix of the reasons why you would have FACE’d out?

D21: Yes, absolutely, ma’am.

FLTLT ROSE: And when you FACE’d out because of fatigue, did you file  
40 a report in Sentinel?

D21: No, I didn’t, ma’am.

FLTLT ROSE: Should you have? Was that what the training required you  
45 to do?

D21: Yes, in hindsight I should have.

5 FLTLT ROSE: Was it drilled into you, the Aviation team, to do so, or was it something that wasn't prioritised because it was yet another admin task?

10 D21: It's absolutely another admin task. I'm not going to lie about that. Earlier on in my career, I was not aware of – I just simply was not aware of the Sentinel fatigue reporting tool. I can't recall the exact period – for me, I think it was around 2023 that I became aware of that functionality.

15 FLTLT ROSE: And at paragraph 41 you state that you do not believe the culture of 6 Avn Regiment promotes honesty about accurate fatigue reporting pre-sortie for aircrew.

D21: Sorry, which paragraph?

FLTLT ROSE: 41.

20 D21: 41. Yes. So to expand on that – “culture” is a broad term. I could have been more specific there. It's more the behaviour and the way things are structured at the unit, and I think I go on to explain that. But for clarification, if during the middle of a Special Operations Qualification Course – and often we are very thin on crewing availability – if a member  
25 FACE'd out of that sortie, it would often mean that there was a strong possibility that that aircraft – the trainees in that aircraft would not then be able to fly, which, with the activities being designed very sequentially, back-to-back, would mean that they couldn't progress along their course.

30 And I've definitely seen a member who was doing a co-pilot course they were not able to participate in, I think, a week of flying and then they got back-coursed because of that one week of flying. So what I mean by that statement there is, there's a lot of undue – like, undeniable stress or – yes, or potential put on that individual to not FACE out because if they do, they  
35 are very well aware of the detriment it can have to their cohort, who could have potentially – like, I've already spoken about, the length of the training continuum, they could have been waiting years to get on this course or do something. So you don't want to jeopardise that opportunity.

40 FLTLT ROSE: In your experience either participating or observing SOQCs, have you seen anyone FACE out because they were fatigued or just - - -

45 D21: During SOQCs?

FLTLT ROSE: Yes.

5 D21: Personally, I haven't seen someone FACE out from fatigue – actually I think there may be one. I've seen one person FACE out for fatigue during an SOQC.

FLTLT ROSE: This is despite the earlier evidence you just gave about SOQCs being quite tightly packed in terms of it's a lot of flying.

10 D21: Yes.

FLTLT ROSE: Fridays are meant to be rest days but that's very rarely a rest day. People are using it as a planning day. There weren't planning days built into the structure of SOQCs until more recently.

15 D21: No, I still think those – sorry, if I gave that impression. That's incorrect. My understanding is they're still – during the mission portions of the training days, I still believe – I haven't read the new LMP or seen the new course structure, but I do believe that there are still dedicated planning days now for longer planning for missions that are expected to occur.

20 FLTLT ROSE: I'm just trying to summarise the situation, is that SOQCs are high tempo?

25 D21: Absolutely, yes.

FLTLT ROSE: And yet, despite it being high tempo and lots of flying, in your experience, you haven't seen anyone FACE out for fatigue and you are suspecting that might be because of an internal pressure they feel to keep flying so that it doesn't affect another person's training continuum.

30 D21: I think that's accurate, ma'am.

MS McMURDO: And also, their own training continuum?

35 D21: And also, their own, yes, ma'am.

FLTLT ROSE: At paragraph 41 you also state that it's commonplace for the whole Squadron to be operating with a level of fatigue during events. And one of those was the SOQC. So that's not just a single person who's continuing to fly; you're saying that it's the whole Squadron could be operating with a level of fatigue.

40 D21: Yes, ma'am. So there's a lot of aircraft that participate in an SOQC, for many good reasons. But in doing that, that means there's a lot of people

– and I’m not just talking about the aircrew workforce but the maintenance workforce as well to support that flying rate is pretty astronomical. So to maintain that level of tempo – it’s not a sustainable tempo otherwise we’d be doing it continuously. And what exacerbates that is just not having the depth of personnel to swap in so that, I guess, in an ideal state you would have crews that are flying on a Monday and be flying again until Wednesday, so they at least have a period off where they can conduct planning.

5  
10 FLTLT ROSE: And is it built into the schedule that there is a reduced tempo period in the weeks leading up to an SOQC and then the weeks after SOQC, so that people can be rested before they start and then rested after they finish?

15 D21: Ma’am, I have seen both occur to varying levels of success. Another aspect that I have seen occur is at the end of an SOQC, it rolling straight into an activity with a Ground Force, which in a way there’s benefits in that because it allows those members to consolidate exactly what they did learn on course but now with a Ground Force. But the balance between that  
20 tempo and fatigue I can’t really comment on. I’ve never had to be in a position to make those decisions.

FLTLT ROSE: I want to turn to a different topic now, which is a fatigue study that you were involved in in 2022.

25 D21: Yes, ma’am.

FLTLT ROSE: So if you start from paragraph 44 of your statement. In April 2022, you set out that the Commanding Officer of 6 Avn Regiment asked you to be a part of the fatigue study so he could better understand fatigue across his workforce.

30 D21: Yes, ma’am.

FLTLT ROSE: And we’ve already established – I understand that the CO was D19 at the time.

35 D21: Yes. Do I need to - - -

40 FLTLT ROSE: If you need to remind yourself, if you can confirm - - -

D21: Yes, that’s correct, ma’am.

45 FLTLT ROSE: And you said that the Regiment Standards Officer was aware of this request.



5 D21: Yes, ma'am. I recall initially being informally told from the Regiment's Standards Officer that that was the plan and then went directly to the CO.

FLTLT ROSE: And just to place this in terms of your career progress, this is when you were the Adjutant?

10 D21: Yes, I was the Regiment – yes, that's correct.

FLTLT ROSE: And can you just identify, looking at the list, the Regiment's Standards Officer in 2022?

15 D21: And to clarify, I was the Technical Adjutant, not the Adjutant.

FLTLT ROSE: You were the Technical Adjutant?

D21: Yes.

20 FLTLT ROSE: Not the Adjutant to the CO?

D21: Yes. So I had two Standards Officers with me at the time.

FLTLT ROSE: Was one of them D14?

25 D21: Yes, one of them was D14, but not – I actually can't recall which one was first. I think D14 was second. They swapped during the year. I can't find the - - -

30 MS McMURDO: The other – are you on the alphabetical list?

D21: Yes.

MS McMURDO: The other side is alphabetical, it might be easier to find.

35 D21: I can't see them on this list, ma'am.

FLTLT ROSE: You expect that person would have protected identity?

40 D21: Absolutely, yes.

FLTLT ROSE: Could you please write the person's name on a piece of paper. A pen is coming your way.

45 D21: Thank you.

5 FLTLT ROSE: One moment. I was just confirming, again, some previous information I've been provided that this person has been confirmed does not have protected identity. It's in your hands, Chair, whether you're happy for that person's name to be said.

MS McMURDO: Yes. Well, if it's not protected identity, definitely, yes, you can give - - -

10 FLTLT ROSE: Could you please say the name of the Regiment's Standards Officer who was in around April 2022 in the Regiment?

15 D21: I can't recall who it was specifically at the time because I did both of it. But the two Regiment's Standards Officers that I worked with as my time as the Technical Adjutant were D - - -

FLTLT ROSE: D14.

20 D21: D14 and MAJ Jeffery Torrington.

FLTLT ROSE: Now, was there any other reason why you were asked, specifically, to be involved in this fatigue study in 2022, other than the fact that you were fulfilling the role as Technical Adjutant? Did you have express interest in fatigue, or had any previous discussions with the CO about fatigue, which influenced his decision to task you with the study?

25 D21: I don't recall specific discussions with the CO about my interests in fatigue. I did have an interest in fatigue in general, but it was a function of my role as a Technical Adjutant. In essence, if there was something that was needed to be done at the unit to do with capability, I would be that point of contact or that Liaison Officer between what the unit needs, what external agencies need, and try and facilitate that to occur. So it was absolutely a function within my role as Tech Adj to conduct that.

35 FLTLT ROSE: And at paragraph 44 you outline what the CO's approach was, and to the phases of this fatigue study. So phase 1 was to be a short-term implementation of a survey?

40 D21: Yes, ma'am.

FLTLT ROSE: Phase 2, a mid-term study with support from an external professional.

45 D21: Yes, ma'am.

FLTLT ROSE: What kind of professional?

5 D21: So that was support from individuals outside of our unit that had more expertise in those fields. So doctors from varying fields engaging with psychologists, other specialists in Aviation Medicine. That was the intent for that aspect.

10 FLTLT ROSE: And then phase 3 was a long-term approach to monitor workforce fatigue and influence fatigue management policies within the collective organisation.

D21: Yes, ma'am.

15 FLTLT ROSE: What's the "collective organisation"?

20 D21: So not just 6 Avn Regiment but my understanding from our discussions and phrasing his intent with this, was to influence the way that Army Aviation actually conducted business and looked at programming activities based on fatigue. I think he was trying to get some data to better influence the way we scheduled activities.

25 FLTLT ROSE: And at paragraph 45 you said that one of the reasons the CO explained to you as to why he was interested in fatigue as an issue in the workforce was his concerns he had about the adequacy of fatigue management regulations in Army Aviation.

30 D21: And, more specifically, the inadequacy of Command being provided information based on fatigue. So, I guess, my understanding is that he was looking for a tool or a metric to effectively close the loop on the workforce of going, "This is what's happening with the workforce. We're conducting all of these activities", but trying to, again, close that loop from his entire workforce to go, "This is actually the state of our capability of our workforce. I can pressure test them in these other areas, but here we need to provide more respite for the team". But without more tools to be able to  
35 objectively assess the workforce – I think that's what he was looking for.

40 FLTLT ROSE: And was D14 or MAJ Torrington, were they also concerned with fatigue within the Regiment as Regimental Standards Officers?

45 D21: I can't comment on their level of concern for fatigue. I think both individuals are incredibly experienced individuals that have been around the workforce for a long time and seen, I guess, high and low tempo periods many times. So I can't really comment on what their level of concern of fatigue would be. I do specifically recall D14, early in maybe 2021, having

a discussion with the Squadron about the generation of work and our routines and structures and, I guess, advocating for more fatigue awareness in that aspect.

5 FLTLT ROSE: Was D19, the Commanding Officer, an MRH-90 pilot?

D21: Yes, he was.

10 FLTLT ROSE: And did you have any vision (sic) on how often he was able to fly whilst he was fulfilling the Commanding Officer role?

D21: I knew that he maintained varying levels of currencies. To what extent or proficiency, I can't comment on. Not frequently – he was a very infrequent flier, from my observation.

15 FLTLT ROSE: And was he a participant on some of the SOQCs, or did he not fly on the SOQCs?

D21: No, he did not fly. No, he did not.

20 FLTLT ROSE: And did you observe the CO flying on exercises outside of the training environment?

D21: No, I can't recall.

25 FLTLT ROSE: Did he inform you whether Avn Command were aware that he was instigating this fatigue study? And I'm talking about the phase 1 part of it now, which was the internal survey?

30 D21: Sorry, did he let - - -

FLTLT ROSE: Did he tell you - - -

35 D21: Did he tell me if Avn Command was aware that we were conducting that? I can't recall that, ma'am, no.

FLTLT ROSE: Was the rest of the Squadron aware that you were working on a fatigue study?

40 D21: Yes.

FLTLT ROSE: And it was briefed at some point to the 173 Squadron?

45 D21: Yes, ma'am. So the word "study" doesn't really fit correctly because we didn't – I don't think we really did a study. We conducted a

survey based off the Fatigue Risk Awareness Tool, which is a tool actually within this Aviation Fatigue Management Guidebook. That was essentially the phase 1. So we conducted that during an activity, an away exercise. Phase 2 never eventuated.

5

FLTLT ROSE: Well, let's turn to that Fatigue Risk Awareness Tool. Can the witness be shown Exhibit 37, and also have it put on the screen?

MS McMURDO: Yes.

10

D21: Thank you.

FLTLT ROSE: Now, I note that your evidence was that this is a document that's contained within the guidebook?

15

D21: Yes, it is.

FLTLT ROSE: So had you seen this tool prior to being given the guidebook by WO2 Laycock?

20

D21: I don't think so, ma'am.

FLTLT ROSE: And you can't recall exactly when WO2 Laycock gave you that guidebook, what year it was in?

25

D21: That's actually a good point. Based on the evidence I spoke about earlier and I used the incorrect term of "incident", which is what generated Phil giving out these guidebooks, I think that was late 2021. That's when I first became aware of this. It may have been briefed at earlier stages during a non-technical skills brief. I can't specifically recall ever seeing it prior to reading about it in this book, and even taking more notice of it when the CO asked me to look into this fatigue survey.

30

FLTLT ROSE: The evidence before was that you had those initial conversations with the CO about the fatigue survey in April 2022. Can I take it from your evidence that from the time that you were handed that guidebook to the time that you started the survey, you weren't actively using the Fatigue Risk Awareness Tool in the Squadron?

35

D21: That's correct, ma'am.

40

FLTLT ROSE: And you yourself weren't using it just as an additional check for yourself?

45

D21: No, I was not, ma'am.

FLTLT ROSE: Was WO2 Laycock involved in the survey?

5 D21: Yes. He attended all of the initial meetings with certain individuals and external stakeholders to get some better guidance and advice, and I heavily leaned on Phil during this because of a previous posting of his in a similar role and his interest in fatigue management. Yes, so I heavily relied on Phil for his guidance.

10 FLTLT ROSE: And he was actually the Regiment Standards Warrant Officer.

D21: Yes, he was, ma'am.

15 FLTLT ROSE: In 6 Avn Regiment at that time?

D21: Yes, he was, ma'am.

20 FLTLT ROSE: So it would've been part of his Staff Officer role to be on top of issues like fatigue management?

D21: Yes, that's an accurate assessment, ma'am.

25 FLTLT ROSE: Now, at paragraph 46 you set out your role in the fatigue survey, which was to liaise between external agencies and the unit, draft any required documentation, and ultimately aid in the conduct of the study or survey once endorsed.

D21: Yes, ma'am.

30 FLTLT ROSE: What were the expected timelines for each of the phases? And I know you've given evidence that you never got to phase 2, but let's start with phase 1. What was the expected timeline for phase 1?

35 D21: I can't recall dedicated timelines. I'm trying to picture a particular email that I have from the CO – other than it being immediate, short-term, long-term. And, in general, I'd say "immediate" would be an upcoming activity; short-term would be the remainder of the year, into next year; and long-term would be 18 months plus. That's probably it. That's my best  
40 guess on the timeframes.

But there was no – I wasn't tasked specifically to provide an outcome by X date for any of those phases.

45 FLTLT ROSE: Now, paragraph 47 said the CO introduced you to an

external professional, being a doctor at the School of Special Operations.

D21: Yes. So a doctor at the Australian Defence Force School of Special Operations, ADFSSO.

5

FLTLT ROSE: Now, would that person have protected identity?

D21: I believe so. They were from Defence Science Technology Group and they were heavily embedded in ADFSSO and a bunch of other activities in, I guess, research initiatives conducted there. I believe, due to their work, they would.

10

FLTLT ROSE: There is one doctor on the pseudonym list. It's D131. Could you just confirm whether it's that person?

15

D21: That's correct, ma'am, it is.

FLTLT ROSE: And you liaised directly with D131?

20

D21: I did. I can't recall exactly how many times, but I met with him. And there was another member at ADFSSO who we met with, both at 6 Avn and also down at ADFSSO, on several occasions – maybe four occasions, five occasions maybe.

25

FLTLT ROSE: And is D131 a medical practitioner – a medical doctor, sorry, or a psychologist?

D21: No. I don't know what area of research his PhD was in, but he wasn't a medical practitioner, to the best of my knowledge.

30

FLTLT ROSE: And then you discussed the CO's intention, the best way to implement and manage the fatigue study, and decided to implement the DFSB's approved Fatigue Risk Awareness Tool as the survey during an upcoming away exercise.

35

D21: Yes, ma'am. That decision came from – on the initial consultations with D131, they were concurrently conducting some surveys with their own Ground Force and I took their survey away and I discussed it with Phil and went back and forth between D131 and we decided that the survey in the – the DFSB survey, the Fatigue Risk Awareness Tool, was more suitable and applicable to our operations. There were a bunch of questions in the other survey – I can't recall specifically what it was, but there were a bunch of questions that weren't as applicable to our workforce.

40

45

FLTLT ROSE: So there were some other tools that, you know, Defence

were using in other units that you analysed, but you decided that the FRAT, I'll call it for ease - - -

5 D21: Yes, the FRAT.

FLTLT ROSE: - - - was the most applicable to the way you were operating in 6 Avn.

10 D21: And it was already within the Defence Aviation safety framework. So it made more sense, ma'am.

FLTLT ROSE: Have you ever heard of the tool SAFTE-FAST?

15 D21: I have read about it in this guidebook. I have never seen it being utilised myself. And I don't know how to use it myself.

FLTLT ROSE: And so you're not sure if anybody in terms of Operations Officers or planners in 6 Avn Regiment are using it?

20 D21: To the best of my knowledge, I do not believe so.

FLTLT ROSE: At paragraph 48 you state that the Commanding Officer and the OC endorsed the study, or the survey, during one of the Squadron's away exercises in Adelaide in June 2022.

25 D21: That's correct, ma'am.

FLTLT ROSE: And just to confirm that the OC, on the pseudonym list, is that D10?

30 D21: Yes, ma'am.

FLTLT ROSE: And so this was a flying operation in Adelaide in June 2022, I take it?

35 D21: Yes, it was, ma'am. I think approximately two to three weeks long.

FLTLT ROSE: But it wasn't an SOQC?

40 D21: That's correct, ma'am.

FLTLT ROSE: And it was decided that they were to do the survey on that away exercise?

45 D21: Yes, ma'am.



5 FLTLT ROSE: And then you describe how the study was to be conducted from paragraphs 48 and 49. So, first of all, you briefed all the deploying members about the survey, and that the participation was voluntary, and why the CO was invested in the study.

D21: Yes, ma'am.

10 FLTLT ROSE: That happened before you deployed?

15 D21: Yes, ma'am. So we routinely do what we just call "deployment orders", which is everybody that's actually deploying on that particular exercise, all the attachments, they would attend and it would cover all the administrative functions that need to occur prior to us going, and even down to the detail of, like, "This is where you get your rooms. This is where we're staying. This is where we're eating". And that was the perfect opportunity to brief all of those members, not just the aircrew. It was – we split it amongst the maintenance workforce and the ground support staff as well. So we split it amongst the workforce and that was the perfect time to capture the entire audience.

20 FLTLT ROSE: Would it be fair to say that that would have been the first time that most of the people in the audience would have seen this FRAT?

25 D21: Yes, I think that's a fair assessment, ma'am.

FLTLT ROSE: And the first time they would have used it?

30 D21: Yes, ma'am.

FLTLT ROSE: So at paragraph 49, the FRAT was done on paper, as in here. You turned it into a digital survey?

35 D21: I did, ma'am, yes.

FLTLT ROSE: That was yourself that – you did that?

D21: I did, ma'am, yes.

40 FLTLT ROSE: And you encouraged the participants to fill out the form using a computer, digitally, if they so choose to?

D21: Using their phones.

FLTLT ROSE: Using their phones. And all the submissions were to be anonymous, or they were anonymous?

5 D21: They were anonymous, ma'am. It was transcribed onto a particular online survey using my own account and all of the responses – it just had the details in the FRAT. There was no – in fact, I included one additional response just as a reminder at the start, just reminding “This is anonymous”, and then every other response was the FRAT, and then it would just be tallied up, all the responses would be tallied up.

10 FLTLT ROSE: So it was one of those online survey apps that you can use to build your own survey that you asked them to fill in?

15 D21: Am I allowed to say what type? It was a Google Forms survey, yes.

FLTLT ROSE: At paragraph 49 you say the raw data was sent to the Commanding Officer.

20 D21: That's correct, ma'am.

FLTLT ROSE: You also saw the raw data?

D21: I did, yes, ma'am.

25 FLTLT ROSE: Why did you encourage the responses to be anonymous? What was the reasoning for that?

30 D21: Through advice from D131, and his colleague, and in discussions with the CO. They didn't think that it was appropriate to mandate that the workforce participate in a survey. In addition to that, we also didn't want the collection of any identifiable data to any individuals, particularly if it was going to be in an online forum. Our main driver for that was wanting to ensure that we got accurate and honest responses.

35 For instance, if it identified who you were by name or position, and then I could see in the response that you've said in the FRAT that you're red for everything, then I'd be able to clearly identify who that was. So it was understood that the belief would be there wouldn't be as accurate reporting if they are doing that, because then they can't conduct those activities.

40 MS McMURDO: I suppose another consideration was, by making it anonymous, you were hoping you'd get more people to participate.

45 D21: Yes, ma'am. We tried to, for lack of a better term, reduce the barrier to entry for people to participate in this survey. We thought the online tool

5 was easy. All it was, was on their phone, on an application, they just clicked the link and then they just hit the boxes. That was it. They didn't need to manually submit anything, log in, or do anything. It was just on their phone. When they're eating breakfast or whatever they're doing in the morning, the first time they actually clock on to work, that's when they fill out the survey.

FLTLT ROSE: How many members did participate in the survey?

10 D21: I haven't got the data in front of me, and I didn't revise the data before coming here.

FLTLT ROSE: Do you know a percentage? Let's say "100 per cent" is all the people you invited to participate in the survey.

15 D21: I haven't got it on me, but I can absolutely get you that information. I believe we've already provided the decision brief and the report. The reason I can't talk specifically about stuff is because it is classified as protected. The participation rate wasn't what we were hoping, and particularly over the weekends. There wasn't that much participation over the weekends. But during the workdays, the people that we believed did participate, there was a relatively high – but overall – yes, I can't recall the exact percentage, but it wasn't what we were hoping.

25 MS McMURDO: If you could get that information for us and let us know.

D21: Absolutely, ma'am, yes.

MS McMURDO: Thank you.

30 D21: I do believe that we have provided the decision brief and the report for that. But if not, I will.

FLTLT ROSE: I can confirm that we do have the decision brief.

35 MS McMURDO: Thank you.

FLTLT ROSE: Instead of having a survey which people had to actively choose to participate in, did you also consider issuing wearable devices so that they could capture information directly?

40 D21: Yes, ma'am. This is coming back to the phased approaches that the CO wanted. The initial one was this survey, but the mid-term phase was to actually conduct a study which would involve wearables. We went through a bunch of different wearable devices. D131 and his team actually

45

proposed to us the device that we chose, and that's what we got quotes for, and got approval from Brigade to implement. That was what the next step was. And again, it was all going to be anonymous, de-identified information.

5

Loosely, the plan was to issue these devices to a whole bunch of members during different activities, and it would record all of their sleep data. So they're not having to manually input anything. And then at the end of those periods – it could be a three-week long period – all of that data would be sent off to – I can't remember the name. There was a university that was going to help us with the research. They were going to provide some form of report, product, feedback, based on the data they've seen, to brief the Command team on that information.

10

15 FLTLT ROSE: That was phase 2, essentially?

D21: That was phase 2.

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FLTLT ROSE: At paragraph 50 you say the Commanding Officer compiled a report of the data and it was included in the decision brief that was sent to Commander 16 Aviation Brigade requesting funding for a more detailed fatigue study. That is phase 2.

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D21: That's phase 2. Correct, ma'am.

FLTLT ROSE: And the decision brief, you said before, is a protected level. Who was Commander 16 Aviation Brigade at the time?

30

D21: Do you know if they have a pseudonym?

FLTLT ROSE: I don't expect they would, at that level.

D21: I believe it was – am I allowed to say their name?

35

FLTLT ROSE: Yes.

D21: I believe it was BRIG Dean Thompson.

40

FLTLT ROSE: Did you see the report that the CO compiled from the data?

D21: Yes, I did, ma'am. I was one of the members – myself and D131 drafted the decision brief for the CO, and the report was an attachment to that decision brief. So I did a lot of the staff work in line with D131 for that decision brief.

45

FLTLT ROSE: Did the survey indicate that there was a certain level of fatigue in the workforce?

5 COL THOMPSON: Excuse me, ma'am, I hesitate to interrupt my learned friend, but this is clearly relevant to my client, and I haven't been provided with a statement. May I have a statement?

MS McMURDO: The statement of this witness?

10 COL THOMPSON: Of this witness, D21, please.

MS McMURDO: He should have, shouldn't he?

15 FLTLT ROSE: Mm-hm.

MS McMURDO: Yes.

COL STREIT: We can make that arrangement now.

20 COL GABBEDY: I have a spare copy. It's right there.

MS McMURDO: Thank you.

25 COL THOMPSON: Thank you.

MS McMURDO: When you get it, this is mentioned in paragraph 51. Thank you.

30 COL THOMPSON: Thank you, ma'am.

FLTLT ROSE: Ms McMurdo, this witness was originally scheduled to give evidence in August, so we're just checking our records because it may be that we did provide COL Thompson with this statement in July in preparation for the earlier stage.

35 MS McMURDO: It would be nice to know if that has already happened because otherwise it does seem to be an oversight. We'll check that.

40 FLTLT ROSE: I think the question I asked you was, did the survey indicate that there was a certain level of fatigue within the workforce?

45 D21: My recollection of the report was that the correlation between people saying that they have reduced levels of sleep and were fatigued didn't exist. What I mean by that is I recall some of the responses saying that they have reduced levels of fatigue but that they were fully alert, in accordance

with the Fatigue Risk Awareness Tool. And then other responses saying that they had reduced levels of sleep – sorry, the other way around – they had greater than eight hours of sleep but they were fatigued.

5 So the correlation between that was insignificant. I believe that was the ultimate finding of the report. And that that further provided evidence and justification as to conducting that phase 2 with more automation, a lower barrier to entry for the report, to actually try and get that information.

10 FLTLT ROSE: Do you recall how long it was from the time of the CO asking you to get involved in the study in April 2022 to the time when he sent the decision brief upwards to 6 Aviation Brigade?

15 D21: No, ma'am, I can't recall the date that the decision brief left the unit, sorry. We would be able to find out that information for you, absolutely.

FLTLT ROSE: The exercise in Adelaide was June 2022. Would it have been just a matter of months, once you'd collected that survey information, to the time that you drafted the report and then the decision brief?

20 D21: Yes, ma'am. I think there was also a bunch of competing efforts there. D131 was taking charge of the liaison and organising the quotes and that sort of thing for that decision brief. So he was doing a lot of that stuff which relied on a different civilian organisation to provide that information. I can't recall the timeframe, but it wasn't long.

FLTLT ROSE: At paragraph 50 you say the decision brief was approved in November 2022. So it would've been sometime between June or the exercise, and then it being approved in November 2022.

30 D21: Yes, ma'am. I can't recall, for instance, if we sent it off to Brigade in November or if we sent it off earlier. I can't recall. But that is likely on the decision brief, in the signature blocks.

35 FLTLT ROSE: But, essentially, the request for approval to move forward to phase 2 was approved by Commander 16 Aviation Brigade?

D21: Yes, with some caveats, ma'am.

40 FLTLT ROSE: What were the caveats?

D21: Without going into specifics, ensuring that the detail would be anonymous.

FLTLT ROSE: At paragraph 50 you say the Commanding Officer wanted to proceed with the next phase, phase 2, during an activity in early 2023.

5 D21: Yes, ma'am. That point is also when I handed over my role as the Technical Adjutant to another member, which included handing over some of the responsibility for this study to that member as well.

FLTLT ROSE: You said before that phase 2 would require – or the idea was to have wearable devices.

10

D21: That's correct, ma'am.

FLTLT ROSE: So did phase 2 go ahead? You said before that it didn't.

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D21: No, we never acquired or spent money on those devices.

FLTLT ROSE: At paragraph 51 you say the new Technical Adjutant that you handed over to generated a minute to 16 Aviation Brigade in early 2023 to confirm that 6 Aviation was about to commit to these expenses for the wearables as previously approved, but then the Brigade denied the minute.

20

D21: That's my understanding, ma'am, just based on informal discussions with the member – informal discussion. I obviously had an invested interest after spending a significant period of my time doing this study and researching everything around it. I can't recall ever seeing the minute that was generated, and I also can't recall, myself, seeing any rejection or denial to commit those expenses at all. That's just informal information I was provided.

25

FLTLT ROSE: Can you look at the pseudonyms and see if you can find the name of the person who replaced you as the Technical Adjutant in 2023?

30

D21: D129.

FLTLT ROSE: You didn't actually see the minute that D129 drafted?

35

D21: No, ma'am.

FLTLT ROSE: It was just discussions that you had with D129?

40

D21: Yes, ma'am.

FLTLT ROSE: Did you see the response of the Brigade denying the expenditure?

45

D21: No, ma'am.

FLTLT ROSE: That's again what D129 relayed to you?

5 D21: Yes, ma'am.

FLTLT ROSE: Did D129 give you any reasons as to why Brigade denied the expenditure?

10 D21: No, ma'am.

FLTLT ROSE: Did the Commanding Officer speak to you about the study or the survey ever again?

15 D21: I recall him being very excited that we got the approval to go forth and do that, but I can't specifically recall a discussion with him after it not occurring, no.

FLTLT ROSE: So no one's told you, in effect, what the reasons were for  
20 the next phase of the study not proceeding.

D21: No, ma'am.

FLTLT ROSE: Do you know if there has been any subsequent fatigue  
25 study or fatigue surveys in 6 Aviation Regiment?

D21: I don't believe so, ma'am.

FLTLT ROSE: Or any similar fatigue studies or surveys in other areas of  
30 Army Aviation?

D21: I believe – do you mean pre or post our one, sorry, ma'am?

FLTLT ROSE: Pre or post.  
35

D21: Yes. One of the Aviation psychologists that I also went back and forth with for information, I believe he had conducted one at the School of Army Aviation in Oakey a few years earlier and actually incorporated wearable devices as well as a survey. I can't recall the level of success he  
40 had, but I definitely relied on his input and feedback, and ran some of this information through him prior to making recommendations to both the Standards Officer and to the CO.

FLTLT ROSE: Do you use the FRAT now in your role as Troop  
45 Commander?



D21: Yes, ma'am. Every aircrew in Aviation Command must use the FRAT prior to going flying.

5 FLTLT ROSE: When did that come into force?

D21: There was a Special Flying Instruction that was released, I can't recall the time but I believe late last year at some stage. But for the majority of the workforce – well, that's incorrect because other platforms were still flying – but for the majority of the 6 Aviation workforce, they wouldn't have started using that until they were actually flying aircraft again this year.

15 FLTLT ROSE: Did you, the Unit/Squadron/Regiment, receive any specific training on how to use this FRAT effectively?

D21: No, ma'am. But the Special Flying Instruction that Aviation Command released was quite detailed and very thorough. It didn't go into the specifics of how to use the Fatigue Risk Awareness Tool, but it did cover-off on a bunch of areas of fatigue. My personal opinion is that I don't think you need much of an explanation on how to use the Fatigue Risk Awareness Tool.

25 There was one area that wasn't really covered on, in terms of the specific detail or storage of that information. It was loosely covered on, but it was a bit open to interpretation. So I know our unit went into a bit more detail on how we store and manage this data for record-keeping purposes, but I think that's also subject to change.

30 FLTLT ROSE: Do you fill the FRAT out digitally?

D21: Yes, we do.

35 FLTLT ROSE: And then it gets filed in Objective?

D21: That's correct, yes.

FLTLT ROSE: Who has access to that data?

40 D21: Everyone.

FLTLT ROSE: Is somebody tracking the fatigue responses over time?

45 D21: Not that I'm aware of. I haven't appointed anyone in my Troop or been directed to appoint anyone to, I guess, fact-check that people are

actually doing what they're supposed to do. I'm not tracking that myself, ma'am.

5 FLTLT ROSE: We've heard evidence that there's also a FRAB - - -

MS McMURDO: Could I just clarify?

D21: Yes, ma'am.

10 MS McMURDO: Not so much checking that they're filling them out, but is anyone doing anything with the information and analysing the information in them?

15 D21: For long-term analysis, I am definitely not tracking anything about that. For the short-term use, in terms of the implementation and how we've practically used the Fatigue Risk Awareness Tool, I know in my Squadron, in my opinion, it's a very effective tool, the way we use it. I don't think it needs to be uploaded online. I think that's a lot of admin, and creating more work.

20 But for instance, the way we use this in our Squadron, if anyone ticks-off an Amber – that is, about the “I'm a little bit fatigued” – then that would warrant us actually making a change to the plan or doing something. The same thing for two ambers. If there's two ambers or more, then that would  
25 require active management in our workforce, and I've seen that. I've personally done that in my aircraft, and I've seen other aircraft do that.

We haven't got many Flight Authorisation Officers, but I know every single one of them, if you go to them for a flight auth, I don't think anyone has  
30 been approved to fly with a red. And I don't think anyone's been approved to fly with three ambers, which would, in this tool, equate to a red. I know, myself, I believe it's used effectively in that sense.

35 We actually change the plan, we change the crewing around, or the sortie profile. Like, we'll finish the sortie earlier, for example, to try and ensure that people haven't been awake for X amount of time, or if they're a little bit tired. It's like, “Okay, well, let's reduce that night-time sortie by a little bit”.

40 A caveat to all of that is we have the absolute luxury in our Squadron and the way we are flying to do that. There is no operational objectives or outcomes associated to my Squadron at this stage.

45 FLTLT ROSE: We've heard evidence that there's also a FRAB, the Fatigue Risk Awareness Board, where we understand some people in

6 Aviation Regiment are taking the information or their results from the FRAT and putting it on a whiteboard so that everybody can see everybody else's results. Are you aware of that?

5 MS McMURDO: Particularly when there's more than one plane flying.

D21: Okay, ma'am. That's not used in my Squadron. But my Squadron is very different in operations to the other Squadrons. So that may very well be from the other Squadron. And it would make sense, particularly if  
10 there's a big formation flight going on.

But to give more clarity on that, for instance, we do conduct formation flying in my Squadron and the first thing we do in those formation orders is go through the room and confirm with each individual their FRAT scores at the very first stage of those mission orders as well. And that would have  
15 occurred previously as well with the individual Aircraft Captains with those members. But, in formation orders, everybody in that formation will know what the FRAT score of everyone else is.

20 But I haven't heard that "FRAB" term before, but that would be another way to do that for a formation, for sure.

FLTLT ROSE: If you look to the right – sorry, ma'am – if you look to the right-hand side of the FRAT, it's the "Actively manage" amber box. And you said before, the evidence you've given, if someone had ambers – or two  
25 ambers, you may advise your supervisor of heightened fatigue risk and ask team members to monitor you, and consider adjusting tasks and increase team communication and task cross-checking. Your evidence to the Inquiry is that that is steps you have taken yourself when someone's  
30 presented with ambers.

D21: Absolutely, ma'am. Every Aircraft Captain in my Squadron, and Flight Authorisation Officer, is actively managing that sortie if they're going to auth a sortie with multiple ambers. And again, I guess context is  
35 key here, where, for instance, if you look at the very first box for the "Actively manage" of the sleep between six and seven hours, and there's also a note down the bottom, "Note 1", that's referring to that, is some members, that's actually normal.

40 And so I know I personally track sleep and I have a wearable that records my sleep and that sort of stuff, so I can easily see it's got – I'm not sure of the accuracy. I'm not entirely certain. But I can make an assessment based on that. But I've also got two young kids, so I'm not always sleeping  
45 eight hours a night. But around the seven is probably normal for me. So if I'm six hours and 55, in accordance with this, I'm one amber. But that's

actually normal for my sleep rhythm and routine, so I personally don't believe that I need to be actively managed in that.

5 But again, I've also had periods where I've slept not much at all. And going back to me saying I've FACE'd out of stuff, I've actually not gone to work before because I've had such a really bad sleep that I didn't even want to drive, let alone fly. So that would be a red, but I didn't do a FRAT because I didn't fly.

10 MS McMURDO: You mentioned if you have three ambers, you're treated as a red and you don't fly. Would that be the one person having three ambers or three ambers across the crew?

15 D21: It would be the individual, ma'am. It goes into that in the actual tool as well.

MS McMURDO: I just wanted to clarify that, thank you.

20 D21: Okay, easy, ma'am. Thanks.

FLTLT ROSE: If you keep that – sorry, keep that open. Do you see that final two sentences in the amber box:

25 *Consider taking a break or accessing controlled rest/napping. And consider strategic use of caffeine and food intake.*

Have you received any training on what that means, “controlled napping” and “strategic use of caffeine and food”?

30 D21: During various stages of training – again, I'll refer to the non-technical skills training – I have absolutely had a brief on napping, use of caffeine, at various stages. Have I had a brief based on the Fatigue Risk Awareness Tool and the strategic use of caffeine, no. But it's definitely something that all aircrew should be aware of. And particularly aircrew  
35 coming through earlier phases of training. They would have – again, referring back to the Institute of Aviation Medicine, Aviation Medicine Course, they would have been more familiar – they'd be more fresh on that sort of concept.

40 FLTLT ROSE: So perhaps you need a refresher. Is that what you're suggesting? It is covered in initial aircrew training but potentially, if you've been years out from the initial training - - -

D21: Personally, ma'am, I don't think so. I believe it's a pretty easy to understand concept. Yes, I don't think that members should need a refresher on how to effectively use caffeine throughout the day.

5 FLTLT ROSE: Is there somewhere for aircrew to nap at 6 Aviation Regiment?

D21: To nap, no, ma'am.

10 FLTLT ROSE: So, effectively, they can't access controlled rest/napping at Holsworthy?

D21: No. So we have a Duty Room which has beds, which is at the unit. That's not designed for aircrew to strategically nap. No, we don't have napping facilities at the workplace.

15 FLTLT ROSE: We've heard evidence of a couch in someone's office that sometimes, occasionally, people have napped on. Are you aware of this couch?

20 D21: I have a couch, but no. To be honest, ma'am, if it was during a normal workday and if I had people napping at work, I'd be a little bit concerned about their fatigue management to get them to that point. The normal daily structured routine does not cater for napping in the workplace because – and what I mean by that is if we're working to the extremes of our fatigue limits in SIs – which would often be commonplace during things like SOQC, everyone is go, go, go during that 14-hour window. There's no time there to nap and then deal with sleep inertia before getting back into an aircraft.

30 We're also not dealing with – we're dealing with helicopters, not aeroplanes that are doing international flights that would require napping in between flights or during the flight. It's a very different context, the way we operate in Army Aviation.

35 AVM HARLAND: What if that nap allowed somebody to turn an amber into a green by adding another 30 to 60 minutes of sleep in the past 24 hours?

40 D21: Yes, sir, if we could work a way for that into our daily routine – I just can't see how that works with the timelines that we operate on when we're doing mission planning. I don't know if anyone in this hearing has been presented, like, a typical timeline. And I don't know if I can go into details about that either.

45

MS McMURDO: But basically you're saying once you start your day on an SOQC, you're go, go, go.

D21: Absolutely.

5

MS McMURDO: There's no time to nap.

D21: Yes.

10 MS McMURDO: But say, for example, you've had a bad night with the kids.

D21: Yes, ma'am.

15 MS McMURDO: You wake up at 3 am and you think, "Well, all right, I can go into work and sleep there prior to starting duty" – that's an example, for example – because you know that if you don't come, you're going to cause distress to a lot of people.

20 D21: Okay, ma'am, yes, I see where you're coming from. I'd see that as less napping, more an alternate sleep location. We do have – during an SOQC, often some rooms are booked on base for us to sleep in so if you know that during that period you're going to be working very hard – and, for instance, me, I'm between a 45-minute to an hour's drive away from  
25 work and so I have, on occasion, used accommodation on base, which is generally provided during periods like this for people as a, like, reserve accommodation, I guess you could call it. And some people would elect to do that routinely and some people would elect to do that on a needs basis.

30 MS McMURDO: Yes, so if your domestic situation is at home you've got a sick child or children who are still not sleeping through the night, you could elect just to have your – to sleep prior or during the SOQC on base?

35 D21: Yes, that can happen. It doesn't happen often, is what I'll say, ma'am.

AVM HARLAND: We've heard other evidence earlier today, in fact, about the fact that during the day when you – okay, probably yesterday – during the day on exercise there's often gaps in the program where people  
40 will take a nap or a bit of downtime. How does that differ from the day-to-day Squadron operation, or Regiment operation?

D21: Sir, are you talking about, like, away exercises?

45 AVM HARLAND: Yes. TALISMAN SABRE, for example.

5 D21: Yes. I can't talk too much about TALISMAN SABRE because I wasn't there. This comes back to the fatigue study that the CO wanted to conduct as well. He did want to compare some of the fatigue states during an away activity versus an in-barracks environment. I know, for me personally, I'd be less fatigued in an away activity because I'm not doing the hours of transit to and from work, and then also potential disruptions from kids at home and that sort of stuff. But then it also adds in other stress factors, like you're sleeping in a different bed, and different conditioning, and that sort of stuff as well. Yes, I didn't answer your question, sorry.

15 AVM HARLAND: We talk about "training like we fight", and on exercise it appears that there are windows where a nap might be achievable, but you're saying it's not really achievable in a barracks environment.

20 D21: Sir, it may be achievable with a particular type of mission. Maybe not in an iterative training activity where you're doing the same thing by day that you're going to do by night, which blows out the timeline windows considerably. But if there's a particular training outcome on an activity where there's only, for instance, one period of execution that you're going to conduct, then you've got a lot more time during the day for other activities, I guess, like napping.

25 AVM HARLAND: Yes, okay.

D21: Sorry, does that answer your question?

30 AVM HARLAND: It does, yes. I'm just trying to understand the difference between how you operate in the barracks environment versus on an exercise, for example. So that helps, thank you.

D21: Thanks, sir.

35 FLTLT ROSE: A final question from me. We've heard some evidence that the FACE out has actually acquired an additional S, and is called a FACES value. Are you aware of that terminology?

40 D21: No, ma'am. I actually – to the best of my knowledge, in the recent release of new Standing Instructions, "FACE" has actually been removed and doesn't exist.

FLTLT ROSE: Is it something you still continue to do, despite it not being included?

D21: Out of habit, yes, but I've never heard that terminology before, and I also don't think that it exists in the new instructions.

5 FLTLT ROSE: Is it your understanding that the FRAT has replaced FACEing out in the SI?

D21: No, ma'am. FRAT was only supplemental, I guess getting more quantitative information on the fatigue aspect, because previously I can't recall any quantitative information on fatigue in that FACE check. But now I actually don't think that the – I don't recall that the new Standing Instructions references FACE checks at all.

FLTLT ROSE: Do you know why it's been removed?

15 D21: I can't say, ma'am.

FLTLT ROSE: Do you know when it was removed?

D21: Recently we've gone through an SI modernisation program. I only noticed its absence during that, which is recent.

FLTLT ROSE: Within the last months or weeks?

25 D21: Yes, previous months. Yes, ma'am.

MS McMURDO: What has it been replaced with, do you know?

D21: I'm still using the FACE check, ma'am. I don't - - -

30 MS McMURDO: Okay, we'll find out. Thank you.

D21: Thanks, ma'am.

FLTLT ROSE: Those are my questions.

35 MS McMURDO: Thank you. Now, applications to cross-examine. COL Thompson, I'm a little concerned about your position. Do you need to get instructions from your client, given that you have only just received the statement?

40 COL THOMPSON: No, ma'am, I'm good here.

MS McMURDO: All right. Are there any other applications before we get to COL Thompson? Yes, SQLDR Nicolson.

45



SQNLDR NICOLSON: Thank you, ma'am.

**<CROSS-EXAMINATION BY SQNLDR NICOLSON**

5

SQNLDR NICOLSON: Good afternoon. I'm SQNLDR Nicolson. I appear for D10 in these proceedings.

10 D21: Yes, sir.

15 SQNLDR NICOLSON: I just want to ask you a quick question. You mentioned in your evidence-in-chief with Counsel Assisting that there was a period of an SOQC that there was a FACE out. Do you remember giving that evidence?

D21: Yes, I do.

20 SQNLDR NICOLSON: Do you recall, was it a FACE out involving D10?

D21: That was not the example I was thinking of.

25 SQNLDR NICOLSON: I just want to take you back to a course. Were you in 6 Aviation in 2022?

D21: Yes, sir.

30 SQNLDR NICOLSON: Were you aware of the SOQC courses in 2022 happening?

D21: Yes, sir.

SQNLDR NICOLSON: Were you involved in those courses?

35 D21: Yes, sir.

SQNLDR NICOLSON: Do you recall if D10 was part of some of those courses in 2022?

40 D21: Yes, sir.

45 SQNLDR NICOLSON: Do you recall an occasion on one of the courses when D10 FACE'd out and stopped the mission? Does that ring a bell or give you any recollection?

D21: I absolutely recall D10 stopping a mission, but I can't recall if it was during an SOQC.

5 SQNLDR NICOLSON: Thank you. The other question I have is in terms of the SIs. You've given some evidence about the duty days flying, continuous flying four consecutive days, and at the time in 2023 that was instilled in the SIs. So the SIs would have been very clear as to what was required?

10 D21: Yes, sir, that's correct.

SQNLDR NICOLSON: Thank you.

15 MS McMURDO: Thank you. COL Thompson.

**<CROSS-EXAMINATION BY COL THOMPSON**

20 COL THOMPSON: D21, good afternoon. COL Thompson is my name, for BRIG Dean Thompson.

D21: Sir.

25 COL THOMPSON: No family relationship. I just want to ask you a couple of questions about the sleep study that you discussed a little earlier, and it begins in paragraph 44 of your statement.

D21: Yes, sir.

30 COL THOMPSON: The proposal for the sleep study was that it was to occur in phases. I understand your evidence is that phase 1 happened, but phases 2 and 3 did not happen. Did they not happen because of a lack of funding?

35 D21: Sir, I can't give you the reason why they didn't occur. My recollection is that the decision brief was actually requesting the funding for the unit in addition to the approval to conduct it, and I'm not sure if – I'm speculating here, but I'm not sure if it wasn't clear that the request was  
40 for funding, and that later in the phase, when we went to commit those expenses, maybe – yes, I'm speculating here. I'm not sure.

45 COL THOMPSON: That's fine. If you could just remind yourself of what you said in the first sentence of paragraph 50 on page 13 of your statement. Just the first three lines.

D21: Yes, sir.

5 COL THOMPSON: You mention the decision brief there, and you say that the CO, who was D19, generated a report with several findings “from the data”, which made up the decision brief to Commander 16 Aviation Brigade. So was that decision brief raised after phase 1? Is the data you’re referring to the data from phase 1?

10 D21: Yes, sir, that’s correct. The report that was an enclosure to the decision brief was based upon the survey results from the away activity that we conducted. So after I provided the CO with that raw data, he did a bit of an analysis on that information and that’s where he came to some of those conclusions I spoke about, like that lack of correlation between the reported  
15 fatigue states and the sleep quantities received, amongst others. But I can’t quote those specific findings that the CO came to in his report.

COL THOMPSON: To your knowledge, did the CO ever seek the imprimatur or endorsement of BRIG Thompson for phase 1?

20 D21: I’m not aware of that, no, sir.

COL THOMPSON: Do you know whether the CO could have done phase 1 without even notifying the Brigade Headquarters?

25 D21: I can’t see why he couldn’t, sir.

COL THOMPSON: So the decision brief, effectively, for phases 2 and 3 were initially approved by Brigade Headquarters, you say in paragraph 50.

30 D21: Yes, sir, I have definitely read a decision brief with BRIG Thompson’s signature approving that, and noting all the other aspects that we put forward in the decision brief, and also having the comment box, like I mentioned earlier, with the caveats for making the  
35 information anonymous – and I think perhaps one other.

COL THOMPSON: When you say “approval”, do you mean endorsement for phase 2 to go ahead and also Brigade would provide the funding for phase 2, or was it for just one of those two things?

40 D21: My understanding, sir, is that it was all-encompassing. It was the approval to commit the expenses and conduct the survey, keeping Command informed about the plan, because we were going to be inviting civil organisations to analyse the data. So I think that was the CO’s way to  
45 inform the Brigade Commander of his intentions and request.

COL THOMPSON: To summarise, phase 1 was funded by the Regiment. You didn't need Brigade Funding for phase 1?

5 D21: Sir, there was no funding required for phase 1 because it was my work.

COL THOMPSON: I see, thank you. Did you need the Brigade's endorsement for phase 2 or just the money? Sorry, I'll withdraw that.  
10 Putting aside money for the moment, did the CO need the Brigade's endorsement for phase 2?

D21: I am not conversant with the documentation that would say that the CO would require the Brigade Commander's approval, but it may exist  
15 somewhere. I'm not familiar with that document. But I do believe it was also the best intention of the CO to inform the Brigade Commander that this was the intent, and that was a mechanism to do so.

COL THOMPSON: Perhaps because an external party was going to be  
20 involved.

D21: Yes, sir.

COL THOMPSON: In paragraph 51, if you can just remind yourself of  
25 what you said there, in the whole of paragraph 51.

D21: Yes, sir.

COL THOMPSON: So approval was withdrawn by a Brigade for phase 2.  
30 Is that what you're saying in paragraph 51?

D21: Yes, sir. That's my understanding, is that the unit submitted a  
minute. That was my understanding. It could be another means; I'm not  
35 sure. But I believe it was a minute stating that we are going to commit these funds, and Brigade did not approve that. But as I stated earlier, that's based on discussions I had with the oncoming Technical Adjutant about that process. I personally have not seen the minutes stating that, or the refusal to conduct that. I'm sorry, sir, do you want me to elaborate on some there?

COL THOMPSON: No. So what you're saying is that the money was  
40 withdrawn when you were doing your handover – not the endorsement – the concept of phase 2?

D21: Sir, I don't know if it was the money or the approval for the  
45 concept. I can't comment on that, sorry, I didn't see the information.

COL THOMPSON: Would you be surprised if, looking at the documents, the Brigade would've withdrawn its endorsement for phase 2, putting aside money?

5

FLTLT ROSE: I object to this question. Because this can be answered by looking at the minute itself rather than having the witness - - -

MS McMURDO: Speculate.

10

COL THOMPSON: I withdraw the question. I'm indebted to my friend. The minutes and the exchange of emails about what we've been talking about, they're still available, are they?

15

D21: My correspondence – everything that I had for correspondence would be. I can't comment on after I handed over. I wasn't cc'd into any of the future correspondence like the minute we're referring to.

20

COL THOMPSON: So up to your handover takeover, those emails and correspondence/minutes, they'd still be available for the Inquiry?

D21: I do believe they've also all been provided to the Inquiry, sir.

25

COL THOMPSON: Thank you. I'm not privy to those.

MS McMURDO: So the approval for phase 2 will be dependent on the funding for the devices that were to be worn as part of phase 2, wouldn't they?

30

D21: Yes, ma'am. It was quite expensive.

MS McMURDO: The two were interconnected, weren't they?

35

D21: I do believe it was in the vicinity of \$40,000 or \$50,000, which is not money that the unit can just throw away. Which is why – and that was the intent, if I recall correctly, ADFSSO was going to provide money and the university was going to provide a one-for-one for that money as well. So our unit's request was approximately about 50,000-odd. That's what we needed. But that didn't occur, to the best of my knowledge, ma'am.

40

MS McMURDO: What I'm trying to get at is, the approval without the money would be of no use, would it? You needed the two things together.

45

D21: That's correct, ma'am.

MS McMURDO: They were interconnected.

D21: Yes, that's correct, ma'am.

5 COL THOMPSON: Was there any thought given to going to Army Aviation Command Headquarters for funding when you couldn't get it from the Brigade?

10 D21: Sir, I don't think Avn Command existed at that time.

COL THOMPSON: You might be right. It might've still been with Headquarters Forces Command.

15 D21: I believe, yes, we were under Brigade at that time.

COL THOMPSON: My question is then, any thought given to going to a higher Headquarters, higher than 16 Avn Brigade for funding?

20 D21: Not from my end, sir, because I had already handed over that responsibility.

COL THOMPSON: Were you happy with phase 1, the outcome? I've heard your evidence about the limited numbers and so forth. But overall, were you happy with how it happened, how it turned out?

25 D21: Ultimately, yes. I was very happy with the first step in the process to get things moving. And that was ultimately success for the CO. Yes, you can read the findings to see what he wrote in there but, ultimately, the intent of phase 1 was to get the gears in motion, to start looking at this, doing a deep dive into this area, and that absolutely occurred.

30 COL THOMPSON: Tell me if I misunderstand, but could phase 2 have happened independently of phase 1, or did phase 2 rely on phase 1 having occurred?

35 D21: Sir, this is just based on my opinion. But phase 2 could absolutely be independent of – the information in the report was just providing further evidence in support of – like, we spoke about with the automation of that, reducing that barrier to entry for this to occur. Because without that information, it's a lot of data you need to collect – we could not outsource that to an external party unless we had those assets, being the wearables to do so.

40 COL THOMPSON: Just a couple of more questions. Phase 1 utilised the FRAT, it was on the board – Foxtrot, Romeo, Alpha, Tango, I - - -

45

D21: Yes, sir.

5 COL THOMPSON: I can't recall what that stands for. So before 28 July 2023, the FRAT was not mandated. But after that date it was mandated for 6 Avn Regiment. Is that your understanding?

10 D21: I think that the dates you've stated, they're incorrect, sir. The date it became mandated was when there was a special flying instruction around Aviation fatigue management. That would not have been dated 28 July.

COL THOMPSON: No. Sorry, you misunderstand me.

15 D21: Sorry.

COL THOMPSON: It was dated sometime after 28 July, the date the incident - - -

20 D21: Sorry. Yes, that's correct, sir.

COL THOMPSON: So it's generally true that 6 Avn Regiment could use the FRAT before it was mandated in that flying instruction, but then once the special - sorry, I call it flying instruction. The SI - - -

25 D21: Special Flying Instruction, that's correct, sir.

COL THOMPSON: That's right. After that they had to use the FRAT.

30 D21: That's correct, sir.

COL THOMPSON: Thank you, ma'am. Nothing more. Thank you, D21.

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

FLTLT ROSE: No.

MS McMURDO: Thank you very much, D21. You're free to go now.

40 D21: Thank you very much, ma'am.

MS McMURDO: We appreciate your assistance.

45 <WITNESS WITHDREW

MS McMURDO: Should we have a short break now? It's probably convenient.

5

FLTLT ROSE: Yes. It'll also allow the technical crew time to re-establish the camera for the witness box.

MS McMURDO: Yes. All right then, thank you. Yes, we'll have a 15-minute break.

10

### **HEARING ADJOURNED**

15

### **HEARING RESUMED**

MS McMURDO: Yes, COL Streit?

20

COL STREIT: Thank you, Ms McMurdo. First, can I begin with just filling very briefly with a matter concerning the disclosure of D21's statement. I apologise to COL Thompson, that was overlooked in relation to provisions of other statements post his application for leave in the August hearings. He has, and his client has, received notice in relation to the issue concerning the sleep study at 6 Avn Regiment. That was set out in a section 23 Notice that was issued to BRIG Thompson through COL Thompson last week. And certainly, it's a matter that the Inquiry is asking BRIG Thompson to address when he's called to give evidence in November.

25

30

In relation to documents, the Inquiry will examine its records in relation to documents it has received bearing on relevance to the matter of a sleep study and we'll bundle those together to provide to COL Thompson or BRIG Thompson, although he may already have access to the pertinent documents given what the Inquiry understands is his potential involvement in the matter.

35

Can I just indicate also to other Counsel representing, when given notification of a witness that's been called, if Counsel consider a witness is relevant to their interests, then please approach Counsel Assisting in relation to that matter if you haven't received a copy of that witness's statement. Not every Counsel representing receives every witness' statement that the Inquiry has; it really relates to matters that are peculiar to

40



their application for leave or matters that might give rise to procedural fairness.

5 MS McMURDO: Yes, and oversight can happen. Particularly, when you're not using names. And in this statement, although there was no embargo on using BRIG Thompson's name, the name wasn't used. If the name had been in the statement, it probably would've been picked up. So I think that may have been how the oversight happened - - -

10 COL STREIT: Certainly.

MS McMURDO: - - - in respect of this one.

15 COL STREIT: So the responsibility for the service of these matters rests with me.

MS McMURDO: Yes.

20 COL STREIT: Hence my apology to COL Thompson. But moving forward, there are quite a lot of Counsel representing now. It's not as if you turn up to a conference and you get a free pen. So in other words, you don't turn up to the Inquiry and get all the evidence relevant to a statement. There's very careful consideration of what's disclosed, given the nature of the manner in which the information is obtained coercively.

25 MS McMURDO: Yes, I think everyone appreciates that.

COL STREIT: Thank you.

30 MS McMURDO: Yes.

COL STREIT: Can I turn to another matter, Ms McMurdo, and call Dr Adrian Thompson (sic), please?

35 MS McMURDO: I'll just check, COL Thompson, you didn't want to say anything?

COL THOMPSON: No. My thanks to Counsel Assisting.

40 MS McMURDO: Thank you. Yes.

COL STREIT: I have Thompson on the brain. Dr Adrian Smith.

45 MS McMURDO: There are a lot of them around.

**<DR ADRIAN MICHAEL SMITH, Affirmed**

5 **<EXAMINATION-IN-CHIEF BY COL STREIT**

MS McMURDO: And, of course, doctor, let me know if you need a break  
at any time.

10

DR SMITH: Yes, no worries, ma'am.

MS McMURDO: Thank you.

15 COL STREIT: Dr Smith, could you please state your full name?

DR SMITH: Dr Adrian Michael Smith.

COL STREIT: Your current occupation?

20

DR SMITH: I'm the Principal Advisor of Aeromedical Analysis and  
Decision Support Flight at the Australian Air Force Institute of Aviation  
Medicine.

25 COL STREIT: And Dr Smith, this is the continuation of your  
evidence-in-chief which commenced on 21 July 2024 here in Brisbane.  
Your evidence was adjourned on that Friday and you have appeared here  
today to continue your evidence. Can I also ask you, did you receive a  
section 23 Notice from the Inquiry requiring your appearance here today?

30

DR SMITH: I did.

COL STREIT: Now, in the course of the period of time since 21 July 2024  
and today, which is 15 October 2024, is it correct that you have attended  
35 the Inquiry's hearings and listened to the evidence of aircrew witnesses?

DR SMITH: I have, yes.

COL STREIT: And that includes, does it, attending the second week of  
40 the August hearings in Sydney and listening to the evidence of aircrewman  
and MRH-90 pilots from 6 Avn Regiment?

DR SMITH: That's correct, yes.

COL STREIT: And it includes hearing the evidence of witnesses called yesterday?

DR SMITH: Yes.

5

COL STREIT: And hearing the evidence of the two witnesses called today?

DR SMITH: That's correct, yes.

10

COL STREIT: In the course of the period of time since you last gave evidence, is it correct that you received a letter of instruction from the Inquiry Counsel Assisting to prepare a further report?

DR SMITH: Yes, that's correct.

15

COL STREIT: We'll return to that matter shortly. What I'd like to do now, though, is just to assist you and those in the hearing room, and listening online, in relation to some features of your evidence from 21 June 2024 that bear reminding and recalling to assist in understanding your evidence that I anticipate you will give concerning your second report. So if you just bear with me for a moment.

20

So just in relation to your role, at transcript page T1562, commencing at line 11, you gave this evidence, that:

25

*Aviation Medicine is the medical discipline that is mainly concerned with the relationship between aircrew or passengers, but aircrew and the Aviation environment. It looks at that from two perspectives. It looks at that from the perspective of the stresses of the Aviation environment and what changes that can induce into the health, wellbeing, performance of aircrew. Then it also looks at aircrew and the conditions that might degrade their medical fitness, or their physiological readiness, or their sort of cognitive abilities, and what those impacts have on mission performance, flight safety, or their health and wellbeing.*

30

35

*It covers clinical medicine, physiology, biomechanics, ergonomics, as well as vision and hearing, life support systems and crashworthiness and survival. We work in partnership with Human Factor Specialists. So we complement Human Factor Specialists and Aviation psychologists, and then, together, we work to support engineers, airworthiness, and airmanship sort of domains as well. So we're part of that sort of suite that*

40

*complements maintaining the optimum level of performance of aircrew in an Aviation system.*

5 Do you recall giving that evidence?

DR SMITH: Yes.

10 COL STREIT: And you have been engaged in medical practice, exclusively Aviation Medicine, since 1999. Is that correct?

DR SMITH: That's correct, yes.

15 COL STREIT: Now, you told the Inquiry, at transcript page T1563 commencing at line 26:

15 *As an Aviation Medicine Specialist, my scope of practice is to assess the scientific literature to acquire a working knowledge of any condition, disease state, or physical or physiological limitation that could potentially jeopardise the health, wellbeing and safety of the crew member or their colleagues, or compromise flight safety or mission effectiveness. And to apply this knowledge to characterise the potential hazards and inform evidence-based discussions on the selection and implementation of control measures to mitigate these risks so far as reasonably practicable.*

20 Do you remember giving that evidence?

DR SMITH: Yes.

30 COL STREIT: I just want to deal now briefly with some concepts that I'll ask you about further when we deal with your second report. So in relation to your evidence concerning the human machine interface, you say this on transcript page T1568:

35 *The human machine interface is really looking at the way that operators interact with a system. And designers and engineers can sometimes be very good at developing technically brilliant pieces of equipment, but not with the awareness of the requirements of the operators. And so you can sometimes have interfaces that aren't easy to operate. They're not intuitive. They may not be easy to understand or easy to operate. So the human machine interface is more about the interface of the device with the operator.*

40 Do you recall giving that evidence?

45

DR SMITH: Yes.

5 COL STREIT: Dealing with formation flying, you say at transcript page T1571 – and this is a reference to your first report to the Inquiry as well. You say at line 26 of that page:

10 *Flying in formation at relatively low altitude over featureless terrain in degraded visual conditions whilst wearing NVDs, the pilot must be ready to detect an undesirable systems state quickly and intervene immediately to ensure that flight safety is not compromised. Given the proximity to terrain and other aircraft, the pilot would be aware of the hazard that would be posed by a system anomaly.*

15 Do you recall giving that evidence?

DR SMITH: I do.

20 COL STREIT: Now, in relation to fatigue, you gave evidence before the Inquiry at transcript page T1572, commencing at line 24, in these terms:

25 *COL STREIT: So what might be regarded as a non-complex sortie involving an aircraft flying might become complex if there's a level of fatigue that exists before the sortie commences in the aircrew?*

30 *DR SMITH: Aircrew who can fly sorties comfortably when they're not fatigued may struggle to fly as well when they're fatigued because fatigue has the net effect of reducing your cognitive ability, reducing your reaction time, slowing down your information processing and all those sorts of things. So the net effect of fatigue would be to potentially to make it difficult to fly a sortie that you would otherwise be able to fly if you were not fatigued.*

35 Do you recall giving that evidence?

DR SMITH: I do, yes.

40 COL STREIT: Can I pause briefly in relation to your evidence earlier in June, and have Exhibit 39 provided to you?

MS McMURDO: Yes.

45 COL STREIT: Now, Exhibit 39 – I withdraw that. Do you recognise the booklet that's been provided to you?

DR SMITH: I do. I know it very well.

COL STREIT: And that's the Aviation Fatigue Management Guidebook, Version 1. Is that correct?

5

DR SMITH: That's correct, yes.

COL STREIT: And that's a publication by the Defence Flight Safety Bureau; is that right?

10

DR SMITH: Correct.

COL STREIT: And you've had regard extensively to this particular guide?

15

DR SMITH: I have, yes.

COL STREIT: Now, in relation to fatigue, and in particular, your evidence at transcript page T1595 concerning the DFSB Fatigue Risk Assessment Tool – now, the DFSB Fatigue Risk Assessment Tool, that's a tool that's within the body of the Fatigue Management Guidebook you have in front of you, isn't it?

20

DR SMITH: That's correct, yes.

25

COL STREIT: Now, your earlier evidence in June to the Inquiry in relation to the fatigue - - -

DR SMITH: Sorry, can I just interject? So it is contained within the Aviation Fatigue Management Guidebook.

30

COL STREIT: Yes.

DR SMITH: It is also contained as a separate tool on the DFSB website. So it is available as a standalone document as well.

35

COL STREIT: Yes, thank you. Just in relation to your evidence concerning the Fatigue Risk Management Tool, your evidence at transcript page T1595, at line 44, commences with this:

40

*It's the Fatigue Risk Management Chart that is actually contained in the Fatigue Management Guidelines. There's a separate form which is the Fatigue Management tool, and that's more of a – that's more intended – so when the Defence Aviation Fatigue Management Guidelines says that self-assessment – so let's say*

45



DR SMITH: That's correct, yes.

COL STREIT: Then the guidance document goes on to say this:

5 *Fatigue management is just as much an individual responsibility*  
*as a Command management function. Shared responsibility under*  
*fatigue management requires that personnel should not commence*  
*any tasks if they are likely to be unfit to perform the task due to*  
10 *fatigue. Other individual responsibilities with respect to the*  
*management of fatigue are likely to include - - -*

and then there are six dot points underneath that. Is that correct?

DR SMITH: That's correct, yes.

15

COL STREIT: Can I take you now, please, to page 32. The top of  
page 32, on the right, is a heading, "Self-identification of fatigue risks". It  
reads as follows:

20 *Individuals are not good judges of their own level of*  
*fatigue-affected performance. Research has demonstrated that,*  
*without training, humans are quite poor at determining their actual*  
*level of fatigue. However, validated tools such as the Samn-Perelli*  
25 *Scale increase the reliability of self-assessment.*

25

*The DFSB Fatigue Risk Awareness Tool, which incorporates the*  
*Samn-Perelli Scale, is an example of a decision-making aid when*  
*determining fitness for duty. The tool is designed to enhance*  
*individual awareness and to promote supervisor engagement. In*  
30 *all instances, self-identification should prompt the development of*  
*appropriate risk management that takes into consideration the*  
*nature of the scheduled tasks and available control measures.*

I'll pause there. In relation to what I've just read to you concerning those  
35 two paragraphs of self-identification of fatigue risks, do you agree with the  
contents of those paragraphs?

DR SMITH: I do. And certainly in my review in preparation for the  
second report there's evidence of people not – or aircrew not being able to  
40 correctly and accurately assess a level of risk associated with fatigue. So I  
think the difference between the FACE check with F for Fatigue component  
of that, and the FRAT, is that the FACE check might ask somebody, "Do  
you feel fatigued?", whereas the FRAT is actually about – it's a tool to raise  
your awareness of specific fatigue risks by stepping through those elements  
45 that are well known to be associated with the risk of fatigue. That causes



individuals who may not have a good appreciation of their level of fatigue to actually step through specific questions that guide them to better understand a level of risk associated with the indicators of fatigue.

5 COL STREIT: So the Fatigue Risk Awareness Tool is useful, is it, in the sense that it confronts the Aviator with objective questions they're required to answer, and in that way they simply have to identify how much sleep they have had in the document, which then gives them a response? That's correct?

10

DR SMITH: That's correct, yes.

15 COL STREIT: It's also useful, is it, in the sense that the chain of command, the relevant Commander or manager of that particular individual, whether it be their immediate supervisor or an Authorising Officer for a flight, or a unit OC, or a CO, then has a document which assists them in managing the fatigue levels and workload for that member?

20 DR SMITH: The Fatigue Risk Awareness Tool is a tool that can be applied in a number of different manners. Its intent is not just to be a form that people tick boxes and say how many ambers they've got as a "no go" criteria. It is meant to be a tool to place on the table those elements that are associated with a risk arising from fatigue and allowing the aircrew to have a conversation with their crew members and their Aircraft Captain and their supervisor. The endpoint is not to fill out the form. The form is there as a tool to guide a conversation about the elements of risk that are attributed to fatigue.

25

30 COL STREIT: So it's not a box ticking exercise. It's a tool - - -

35

DR SMITH: It's not achieving its full impact if it is a box ticking exercise.

40 COL STREIT: So it's a tool to start a conversation about managing issues of fatigue.

45

DR SMITH: That's correct, especially when this is one component of a holistic system. And, as you've said, it's a shared responsibility between Commanders and individual aircrew. This is one component of that. So this isn't the strongest barrier. This is a conversation about fatigue.

50

COL STREIT: Thank you. Can I return now to your evidence before the Inquiry in relation to particular terms, beginning with "spatial disorientation"? At transcript page 1574 you say the following in relation to spatial disorientation, commencing at line 31 – firstly, I say this:

55

COL STREIT: Paragraph 27, you start to deal with the term called “spatial disorientation”. I’ll just refer to your evidence, the report, first before I ask my question. At paragraph 27 you say:

5 *Pilots who have become task-saturated or cognitively overwhelmed can be susceptible to spatial disorientation. Under conditions where pilots are not fatigued or overloaded, they are better able to set aside visual and vestibular illusions and ignore body*  
10 *sensations by referring to reliable instrument or display cues.*

15 *However, when they are fatigued or overloaded or distracted, they may not be able to effectively overcome strong but erroneous visual or vestibular cues, or body sense, and the pilot may become spatially disorientated.*

So by “spatially disorientated”, what do you mean?

20 *DR SMITH: Spatial disorientation is the inability to correctly sense the position in relation to the aircraft and objects around you and in relation to the ground or any other objects that poses a hazard. So it’s just an inability to detect where you are in space.*

25 Do you recall giving that evidence?

DR SMITH: I do, yes.

30 COL STREIT: In relation to comparing spatial disorientation and loss of situational awareness, you say the following at transcript page 1612 – firstly, I say this at line 5, in reference to paragraph 101 of your report:

35 *COL STREIT: “Fatigue is a significant contributing factor for loss of situational awareness and development of spatial disorientation.” What’s the difference between loss of situational awareness and spatial disorientation, please?*

40 *DR SMITH: Spatial disorientation is more your awareness of your body inside the aircraft and the aircraft in relation to space. Situational awareness is more a temporal sort of phenomenon. It’s what’s happening now, projecting forward. If we continue down this trajectory, what is likely to happen in the seconds in the front, anticipating future events and just having the wherewithal of what’s happening around you. That’s more of a*

*temporal awareness and a context awareness. Spatial disorientation is a physical awareness of your position in space.*

Do you recall giving that evidence?

5

DR SMITH: Yes, I do.

COL STREIT: Now, in relation to stereopsis and that particular condition, you say this at transcript page 1581, commencing at line 35:

10

*So a stereopsis is a 3D vision or depth perception. So that's your body's ability to judge relative distances between two objects in your visual field and, naturally, our eyes are separated by 50 to 75 millimetres. What that means is that if we're looking at objects in our visual field, the image from our left eye will be slightly different to the image from our right eye. The difference between the image in the left eye and the right eye for objects that are close is greater than for objects that are further apart. So if you're looking at objects in your visual field, your brain is able to say, "Well, hang on, the difference between the left eye and the right eye for this image is greater than for that image. Therefore, this image must be closer than that image", and that's stereopsis.*

15

20

Do you remember giving that evidence?

25

DR SMITH: I do, yes.

COL STREIT: Now, in relation to hyper-stereopsis, you say this: at line 15, I ask you:

30

*COL STREIT: What I wanted to ask you further – and perhaps this might assist – is at paragraph 41 –*

that's paragraph 41 of your first report –

35

*you say:*

*Hyper-stereopsis is a well-known characteristic associated with the TopOwl helmet-mounted display.*

40

*Can you just tell me what hyper-stereopsis is?*

*DR SMITH: Yes, okay. So hyper-stereopsis – we've already described what stereopsis is, just normal depth perception that is based on the separation of your natural eyes, 50 to 75 millimetres.*

45

5                    *With the TopOwl, the Image Intensifier Tubes sit outside of the helmet and they're separated by 240 millimetres. So what they're doing is that they're looking at the landscape in front of you through the image intensifying devices, through the night-vision devices. They are capturing the display through the Image Intensifier Tubes that are separated by 240 millimetres. That image is then projected in front of your eyes, and your eyes are then trying to figure out how close is something based on the difference between the left eye and the right eye.*

10                   *But because of the orientation of the TopOwl Image Intensifier Tubes, the difference between the left image and the right image is now 240 millimetres and so, as far as your brain is concerned, that's really close. And that is just based on – you know, there is hundreds of thousands of hours of evolutionary experience just walking around in the daytime with your eyes separated by 50 to 75 millimetres. And we just understand depth perception naturally; we don't have to think about it. And then, for a couple of hundred hours a year, you then put on a helmet that then suddenly magnifies it.*

25                   *So the hyper-stereopsis effect is an exaggerated sense of depth perception. It's actually about four or fives times, because the separation is four or five times greater. So things will appear to be four to five times closer. The effect of that is that, if you're sitting in the aircraft, things might appear much closer. And because everything appears much closer, it's higher. And then you feel like you're sitting down low, like you're in a bowl. That can be problematic when you're trying to hover. That can be problematic if you're trying to fly in formation. That can be problematic if you're coming up to objects that are close.*

35                   *Generally, that is a short-term phenomenon that you can become accustomed to, and it can take, you know, 10 hours or so for you to become accustomed to the hyper-stereopsis effect. And then, once you have relearnt what those cues feel like, it then becomes less of a problem.*

40                   Do you recall giving that evidence?

DR SMITH: I do, yes.

45                   COL STREIT: Now, just in relation to fatigue – and this is the last area I'm just going to remind you of – you say – and this is a reference to an enclosure to your first report, which I address commencing at line 20 of

transcript page T1593, where I refer to paragraph 6.32 of a paper you prepared. At paragraph 6.32 you say:

5 *Pilot fatigue is a serious aeromedical concern in Military Aviation. Operational flying is increasingly becoming “around the clock”, with aircrew required to work for extended periods of time with limited opportunities for good quality sleep. The sleep opportunities may be intermittent, disrupted and incompletely restorative.*

10

And I asked you whether that’s still your opinion today, what you said in 2022, and you said, “Yes, definitely”. And I take it, it still is?

DR SMITH: Yes.

15

COL STREIT: You then deal with cumulative fatigue and you set out different types of fatigue. You say, “Cumulative fatigue” – at paragraph 6.49 of your report, which is set out in transcript page T1594 – you say this:

20

*Cumulative fatigue is usually more insidious than acute fatigue and is characterised by an accumulation of fatigue over days to weeks. This can be the result of extended work weeks with little time off or normal workdays separated by inadequate period of rest, short duration, or poor quality of sleep. Cumulative fatigue is often simply called fatigue, distinct from acute fatigue or tiredness.*

25

Do you recall that evidence?

30

DR SMITH: I do, yes.

COL STREIT: Thank you. I’d like to now show you a document. Just take your time to move through that document, Dr Smith. There is a number of pages to it. I just would like you to confirm the contents are accurate before I ask you some questions.

35

DR SMITH: Yes.

COL STREIT: First, is that document that’s before you, does it contain an expert report prepared by you for this Inquiry dated 12 October 2024?

40

DR SMITH: Yes, it does.

COL STREIT: And the way you have constructed your report is there is a covering letter on top of the report where the report is Annexure A to the letter; is that right?

5 DR SMITH: That's correct, yes.

COL STREIT: And then there are a series of annexures, B through to G, which you've referred to on page 1 of the covering letter; is that right?

10 DR SMITH: That's correct.

COL STREIT: Those annexures form part of your report?

15 DR SMITH: That's correct, yes.

COL STREIT: Now, if you go to the back of the bundle of documents you have, you'll see there is a document titled, "Aeromedical Guidance IAM 2024 014AG - Use of tools and strategies to assess and manage fatigue". Do you see that?

20 DR SMITH: Yes, I do.

COL STREIT: Does that document form part of your report?

25 DR SMITH: That was an enclosure to the report, yes.

COL STREIT: Yes, thank you. Now, returning to your covering letter and the list of annexures and enclosures, you'll see there is a reference by you to Enclosure 1. Do you see that?

30 DR SMITH: Yes.

COL STREIT: Now, Enclosure 1 is titled, "Request for expert report dated 1 October 2024", is that correct?

35 DR SMITH: Yes, that's correct.

40 COL STREIT: If you go to Enclosure 1, is Enclosure 1 the letter of instruction that you received from Counsel Assisting to respond to questions and prepare a report?

DR SMITH: Yes, it is.

COL STREIT: And if you turn to the sixth page of Enclosure 1, there's a list of annexures immediately under the signature of the relevant Counsel Assisting, which has Annexures A to H. Do you see that?

5 DR SMITH: Yes, I do.

COL STREIT: So in the preparation of your report, did you have regard to Annexures A to H?

10 DR SMITH: I did, yes.

COL STREIT: And further, if you were to move to the back of the bundle of documents you have before you, and the second-last document, which is titled, "Annexure I to the IGADF Letter of Instruction of 3 October 2024", with the heading, "Summary of the probative evidence the Inquiry has obtained to date regarding the pattern of life for aircrew on Exercise TALISMAN SABRE 2023", do you see that annexure?

15 DR SMITH: Yes, I do.

20 COL STREIT: Did Annexure I form part of the annexures that you considered in preparation of your report?

25 DR SMITH: Yes, they did.

COL STREIT: All of the information that I have referred to listed in the annexures of your covering letter, and listed in the annexures of the letter of instruction and the other two documents I've taken you to, inclusive of Annexure A, do they comprise all of the information that you have utilised in the preparation of your report?

30 DR SMITH: Yes, they did.

35 COL STREIT: In relation to the preparation of your report, are there any other aspects of the report where you have obtained any factual information that was not provided to you by the Inquiry?

40 DR SMITH: Yes. I obtained a weather printout from – it's referenced in my report – and then I also got some information about the air movements and the type of commercial aircraft that were operating out of the Whitsundays Airport in July '23. And then a third document that gave me noise footprints at distance for similar aircraft, and they're referenced on page A45.

COL STREIT: Just in relation to those documents, are you able to provide the Inquiry copies of those documents, being other materials that you've had regard to?

5 DR SMITH: Certainly I can send them in, yes.

COL STREIT: Thank you. Are there any amendments or additions you wish to make to your report of 12 October 2024?

10 DR SMITH: There are a couple of editorial words that should be changed. Did you want me to go through those? I've got three of them here.

15 COL STREIT: If you have those ready to hand to us, please identify those. Thank you.

DR SMITH: So in paragraph 21(b)(iii), on line 1, 2, 3, 4, "This criterion does not flag concern".

20 MS McMURDO: Thank you. You're just adding that in and initialling that?

DR SMITH: Yes. And on page - - -

25 COL STREIT: Sorry, Doctor, did you mark that amendment to paragraph 21(b)(iii)?

DR SMITH: Yes, I did.

30 COL STREIT: With the insertion of the word "does"?

MS McMURDO: He's added it in and initialled it, yes.

35 DR SMITH: And on pages A17 through to A19, under "Effectiveness" for each of the incident crew members – under "Effectiveness", where I've put, "34 per cent would be expected to perform at a level 50 per cent or worse, or 24", they should be 16 per cent on each of those four occasions.

40 COL STREIT: How should the sentence read, beginning with paragraph 60(a)?

DR SMITH: So 60(a), after the semicolon, would be "16 per cent".

45 MS McMURDO: Rather than "34 per cent"?



DR SMITH: Rather than “34 per cent”. And then it would be the same for paragraph 61(a), instead of “24 per cent”.

MS McMURDO: So “16 per cent” again?

5

DR SMITH: “16 per cent”, yes. And the same in paragraph 65(a). Instead of “24”, “16 per cent”. And the same in 66(a).

MS McMURDO: Thank you.

10

DR SMITH: Then the final one would be in paragraph – well, actually, on page A8, (c)(i), the heading of that should be, “Level of fatigue being over-estimated”.

15 COL STREIT: Sorry, could you just say that again?

DR SMITH: On page A8, under subparagraph (c), “The level of fatigue being over-estimated”, instead of “under-estimated”.

20 MS McMURDO: The first line. So “under” gets changed to “over”?

DR SMITH: That’s correct, yes.

MS McMURDO: Thank you.

25

DR SMITH: That’s what 19-hour days of writing a report does; some of these things slip through.

30 COL STREIT: Are you satisfied that’s the extent of the amendments and additions you wish to make?

DR SMITH: Yes.

35 COL STREIT: Ms McMurdo, I tender Dr Smith’s report of 12 October 2024.

MS McMURDO: The covering letter, expert report of Dr Adrian Smith, plus the report annexures and the enclosures, and enclosure annexures, Exhibit 76.

40

**#EXHIBIT 76 – EXPERT REPORT OF DR SMITH,  
REPORT ANNEXURES, ENCLOSURES, ENCLOSURES  
AND ENCLOSURE ANNEXURES**

45

COL STREIT: Thank you, Doctor. Doctor, what I propose to do is just to take you through parts of your report chronologically from the front to the end, and just pausing at different sections and referring to particular  
5 opinions you've expressed, and then asking you some questions. Can I begin first by asking you some questions concerning the covering letter that you have prepared? You've set out in paragraph 2, that in preparing your report that you acknowledge you've read the Expert Witness Code of Conduct, which is in Annexure A of the Federal Court of Australia's Expert  
10 Evidence Practice Note. That's correct?

DR SMITH: That's correct, yes.

COL STREIT: And that you agree to act in accordance with the spirit of  
15 that Code when giving evidence to this Inquiry.

DR SMITH: That's correct, yes.

COL STREIT: In paragraph 4 you identify certain matters which you've  
20 described as "constraints" of this report. You say:

*This report was scaled to meet the time available, to meet the  
deadline for submission. A fatigue model of this complexity would  
normally undergo a series of peer reviews with fatigue SMEs - - -*  
25  
subject-matter experts?

DR SMITH: That's correct, yes.

COL STREIT:

*- - - ground-truthing with stakeholder groups and feedback-driven  
adjustments prior to being released. Under the constraints of time  
and confidentiality, the assumptions underpinning this fatigue  
35 model and the outputs have not been subjected to the degree of  
scrutiny that would normally be expected of an expert  
report. Nevertheless, I am comfortable with the data model and  
the outputs are sufficiently accurate for the purpose of highlighting  
the "general" –*

40  
and you italicised "general" –

*highlighting the "general" increased level of fatigue risk in this  
scenario to illustrate the importance of sleep quality and napping*

*on fatigue, and to demonstrate the value of fatigue modelling to inform discussions on the assessment and management of fatigue.*

Is that correct?

5

DR SMITH: That's correct, yes.

COL STREIT: In parts of your report, do you identify where there might be limitations or constraints in relation to the opinions you've expressed?

10

DR SMITH: Throughout the report, I clearly articulate limitations and constraints.

COL STREIT: Thank you. In relation to Annexure A, if you could turn to that first page. You deal with a tool called SAFTE-FAST. What is SAFTE-FAST?

15

DR SMITH: So SAFTE-FAST is a dual acronym: SAFTE and FAST. So the SAFTE refers to the Sleep, Alertness – sorry, Sleep, Activity, Fatigue, Task, Effectiveness; and the FAST refers to the Fatigue Avoidance Scheduling Tool. And those two components are built into the biomathematical model that has been endorsed by what is now the Defence Flying Safety Bureau as a way of modelling fatigue and using those outputs to inform scheduling practices that are demonstrated to reduce levels of fatigue and optimise performance.

20

COL STREIT: So is SAFTE-FAST a computer program that you input information into?

30

DR SMITH: Yes, so SAFTE-FAST is a computer portal. The one we use is an online version. But through a user interface you input a series of data points related to sleep time, wake time, duty time, time of day, and sleep quality. Then the algorithm then references scores of studies based on fatigue and performance to predict – from the inputs that you have put into the software, it will then predict a population average response based on the summary of science that's available.

35

COL STREIT: When you get that population average response, you can utilise that information to do what?

40

DR SMITH: So you can use that population information, and it's very important. One of the limitations – but one of the design characteristics is that it's a population tool that looks at averages across a population and the distribution within a population. It's not intended to reflect a specific

fatigue state of an individual. Although that individual is part of a population, where within that population they sit is due to other factors.

5 But it's a population predictive tool. And by looking at different duty times, crew rest times, and looking at different scheduling practices, looking at the timing of different flight operations, and looking at the quality of the crew rest facility, you can use the biomathematical model to predict levels of task effectiveness, or levels of reduced performance, and then where they lie relative to your intended duty. And you've then got the  
10 choice of changing the duty to fit within a period of lower risk, or changing the wake time, sleep time and rest opportunity to optimise the reduction in performance at a time that is sort of best for your operational planning.

15 It is a useful way of modelling different scheduling and crew rest options, to look at which has the most favourable future pattern. It has the ability of timing operations for when you have the most favourable risk pattern. It also has the ability to model the effect not only of normal sleep in a contiguous block, but looking at the effect of napping later on in the day to augment the sleep that you've had earlier, and to demonstrate what effect  
20 napping has on a subsequent performance.

COL STREIT: So if you were planning a week's work of flying on a course where certain milestones need to be achieved, undertaking particular flying activities, and you knew that information, and you knew who was  
25 attending the course, you would be able to use SAFTE-FAST, would you, to input those data points to identify – and including inputting where people might be sleeping – to input those data points to generate an outcome tool to assist Command in decision-making as to whether the activity should go ahead as structured or whether it should be adjusted?

30 DR SMITH: That would give you an indicative tool of the likely level of performance impairment that you would get a certain times. The decision to go ahead or not should be based on more than just where you fit on the SAFTE-FAST output.

35 COL STREIT: Sure.

40 DR SMITH: That is one tool or one piece of information. But certainly that piece of information can inform the discussion about the overall level of risk, but then also understanding the limitations and constraints of the biomathematical model to then say, "Well, what are the other avenues – what are the other countermeasures that we can put in place?" So we do have the ability within SAFTE-FAST to model napping. But you can also use SAFTE-FAST to say, "Well, here is the point of performance

impairment that we predict that will coincide with a certain phase of a sortie”.

5 One option would be to move the sortie to an earlier time so that you’re outside the level of risk. The other way would be to say, “Well, that’s actually the point that we need to have an augmented support to performance”, so use that to inform your strategic use of caffeine. So rather than just using caffeine during the day whenever you feel tired, the actual strategic use of caffeine is to say, “I know that 45 minutes to an hour after  
10 having a cup of coffee, I am going to get a peak in performance. I want that peak in performance to coincide with this point in the sortie that I think is at greatest risk. And if I want to have the peak then, then I should have my cup of coffee 45 minutes to an hour before” – cup of coffee or any other form of caffeine.

15 But then the other part of strategic use of caffeine is that if you want to have the maximum benefit at that point in time, the best way of getting the greatest impact from caffeine is to actually then limit your consumption of caffeine during the day. Because if you already have caffeine in your system, another cup of coffee at 10 o’clock at night isn’t really going to  
20 have the same degree of performance enhancement as strategically limiting your coffee during the day so that when you want to have the greatest performance impact, you have the cup of coffee when your body is most sensitive.

25 So SAFTE-FAST can be used to identify periods during the evening or during an intended mission where, for a variety of reasons that you can’t avoid, there is an increased level of risk, there’s a point at which your performance is most degraded and you’ve got an opportunity to use  
30 SAFTE-FAST to identify when should you backtrack and start your caffeine.

COL STREIT: We’ll come back to that particular matter in due course. But SAFTE-FAST – and you set it out in this report – is used by Air Force’s  
35 Air Lift Group; is that right?

DR SMITH: At the time – so the context for that statement, if you’re referring to - - -

40 COL STREIT: Paragraph 2.

DR SMITH: Paragraph 2. So that was when the Institute of Aviation Medicine, through our Human Factors and Fatigue Specialist Mark Corbett, when he was reviewing the use of biomathematical models as an adjunct to  
45 fatigue management in Defence. At that point IAM was using FAST,

5 which was the precursor for SAFTE-FAST. DDAS, which was the precursor to DFSB, were using it. And Air Lift Group, which is now Air Mobility Group, they were using that as well. So that was back 10 years ago. There already was an Air Force unit that was using FAST as part of their fatigue management and scheduling tools.

COL STREIT: You say, at paragraph 3, DFSB maintains a number of licences for SAFTE-FAST; is that correct?

10 DR SMITH: That's correct, yes.

COL STREIT: Do you know if Army Aviation Command has a licence?

15 DR SMITH: I don't know. On the DFSB website there are licences that have been assigned to Army, but I don't know who has them or how they're used.

20 COL STREIT: At paragraph 5 you say SAFTE-FAST is a fatigue management tool available through DFSB, and that DFSB coordinates the allocation of authorised sign-ins. You're not aware of a Defence framework to coordinate the use by skilled users or oversee the application of data outputs generated by this biomathematical tool; is that correct?

25 DR SMITH: That's correct. So by that I mean that I'm aware of the process to get a licence. I'm not aware of what happens to the individuals who have the licence to use – or the login to use SAFTE-FAST and what ongoing monitoring there is for that application.

30 If we come to it, IAM, through Mr Corbett, when we were supporting Air Force units who requested support with fatigue management advice or scheduling advice, Mr Corbett would introduce them to SAFTE-FAST, show them how it was used and then mentor them through the use, appropriate use, the limitations, the strengths and how to maximise the effective use of SAFTE-FAST in fatigue management, and then continue to provide a reach-back service so that organisations that had previously engaged IAM for advice on fatigue management could continue to reach back for advice months or years afterwards.

40 That's how we managed our customers with SAFTE-FAST. I don't know how SAFTE-FAST is managed in Defence otherwise.

COL STREIT: Sure. At paragraph 12 you deal with training that you have undertaken and when you did it. You've said that:

5 *As head of research, now Principal Advisor Division Support for the Institute of Aviation Medicine responsible for the work conducted by Mark Corbett using SAFTE-FAST, I have been familiar with its use as a tool for the assessment and management of fatigue through the application of validated biomathematical modelling since its early days, at a time when formal training was not available.*

10 So in preparation of this report, is it the case that you've undertaken any further training or study?

15 DR SMITH: Yes. So in paragraph 13, in anticipation of preparing for this report – correction – in anticipation of having a SAFTE-FAST licence reissued to IAM, as we start to re-establish a Human Factors and Fatigue Capability, I undertook training in – formal training offered through a DFSB arrangement with SAFTE-FAST, and I undertook that training on 24 September. But that was about the – that training is more about the use of the tool and then you bring into that application your background knowledge of fatigue management modelling and the limitations and the correct application of those outputs.

20 COL STREIT: In relation to the types of data users of SAFTE-FAST need to input to effectively use the tool, you have set out at paragraph 14, from (a) through to (h), a number of inputs, including location, and departure and arrival at airfields, especially crossing time zone. Correct?

DR SMITH: That's correct, yes.

30 COL STREIT: Time of sleep start and end, including nap periods?

DR SMITH: That's correct, yes.

35 COL STREIT: And sleep quality, whether excellent, good, fair or poor, according to anticipated number of disruptions per hour of sleep. Sleep quality reduces the effective rest proportional to the number of interruptions from 86 per cent for good to 50 per cent for poor; is that correct?

DR SMITH: That's correct, yes.

40 COL STREIT: In terms of what SAFTE-FAST can actually provide its user and Aviation to assist in planning, you say at paragraph 15:

45 *SAFTE-FAST can operate in two sleep modes: automated sleep or manual sleep. In automated sleep mode, the mode predicts likely sleep windows and duration based on a number of individuals and*

*environmental factors. In manual mode, the user has full control over the timing and duration and quality of sleep, providing greater flexibility to reflect real-world operational constraints.*

5 Correct?

DR SMITH: That's correct, yes.

10 COL STREIT: At paragraph 16(a) through to (f) you identify the – what SAFTE-FAST – it uses data and what it derives from that data, including timing and duration of the prior sleep window and the transient effect of the sleep inertia, sleep debt, being the amount of sleep against a standard eight-hour requirement and the cumulation of sleep debt, time of continuous wakefulness, circadian phase, according to the biology home base until  
15 adaption to new time zone is achieved, and circadian phases operating within the primary window of a circadian low, being 02 hours to 06 hours. I'll just pause there. So “a circadian low, between 02 hours and 06 hours”, what does that mean?

20 DR SMITH: So your body has a natural rhythm of wakefulness and sleepiness and you are alert and aroused during the day and then you are in a rested sleepy state in the evening. And there's a secondary window in the afternoon. So after lunch there's a bit of a lull. Now, if you look at that performance in a range of cognitive tasks, you would see that your  
25 performance improves from about 7 o'clock; it will improve during the day. After about 1 o'clock it will start to decline a little bit until about sort of 4 or 5 o'clock. It will then start to improve again until sort of 10 o'clock, and then it will start to peak and then decline over the evening into the early hours. That's your circadian rhythm. It's just your normal body's rhythm  
30 of being awake and preparing for sleep.

COL STREIT: The information that SAFTE-FAST provides to users and how users are encouraged to use that information you set out at paragraph 18. And this includes:

35 *graphical representation of duty times; sleep and napping windows and day/night cycles; graphical representation of effectiveness that is relative to performance on a psychometric vigilance task; optimal display of secondary measures of sleep reservoir;*  
40 *circadian phase; sleep intensity; lapse index workload; and environment equivalent blood alcohol concentration for effectiveness.*

45 Is that correct?



DR SMITH: That's correct, yes.

COL STREIT: In relation to "equivalent blood alcohol concentration for effectiveness", what does that mean?

5

DR SMITH: So that is a blood alcohol level. Most people who drive are familiar with a 0.05. Older people would be familiar with 0.08. And so what the blood alcohol equivalent does is convert the performance effectiveness curve, and rather than just having an abstract you're 77 per cent sort of effective or your performance has been reduced by 23 per cent, what that does is that it will provide you with an equivalent to say, you know, if you were drinking alcohol, that level of performance impairment would be associated with a blood alcohol of 0.05. So it just allows people to take an abstract number of 77 per cent and in their mind equate that to a social construct that is familiar.

15

COL STREIT: It also provides information to users about fatigue factors for sleep in the last 24 hours, sleep debt, hours awake since last sleep, time of day and sleep reservoir. What's the purpose of that information?

20

DR SMITH: Well, they are, you know, largely the drivers for fatigue risk. So anybody who is using SAFTE-FAST as a fatigue risk indicator, or to plan a schedule based on the amount of risk, the – and these are the factors, sleep in the last 24 hours, the sleep debt, the hours awake and the time of day, they are the factors that are built into the FRAT tool. So they are commonly known as the five or six core factors that are associated with fatigue risk.

25

COL STREIT: So the inputs into SAFTE-FAST, given a particular training event or exercise that you're conducting, produces information for the user also in relation to performance measures, doesn't it? And this is what you address at paragraph 18(a)?

30

DR SMITH: Yes, that's correct.

35

COL STREIT: And so given a volume of data, whatever that data is, is inputted into SAFTE-FAST. SAFTE-FAST produces information in a particular way designed to assist the user to understand the impact a planned activity might have on risk associated with management of fatigue; correct?

40

DR SMITH: That's correct, yes.

COL STREIT: And management of workload?

45

DR SMITH: That's correct, yes.

COL STREIT: And the performance measures that SAFTE-FAST uses are expressed in certain ways. The first is a performance measure expressed as effectiveness; is that correct?

5

DR SMITH: That's correct. And when we have a look at a SAFTE-FAST graph later on, that will be the dominant line that you'll see. So that's the effectiveness measure. That is looking at your response to a psychomotor vigilance test, and that's abbreviated here as PVT. A psychomotor vigilance test is a test that may run for five minutes or for 10 minutes and you look at a blank screen and at intervals a dot will appear and you have to do a reaction time test.

10

So it is testing your ability to just monitor and be vigilant for an extended period of time for an occasional stimulus that you have to respond to. So that's the effectiveness is the reaction time. If you fail to react, that then is called lapse, and that then is tracked separately later on in the lapse index.

15

COL STREIT: And the effectiveness measure is – in your last sentence on 14(d)(i), you say:

20

*Effectiveness on a PVT has been shown to be highly sensitive to fatigue and has been validated against other measures of psychomotor and cognitive performance.*

25

DR SMITH: That's correct, yes.

COL STREIT: So does that mean the more fatigued a person is, the greater the effect or the greater the outcome on their effectiveness in the performance of their duties?

30

DR SMITH: So the greater the degree of fatigue, the greater the degree of cognitive impairment. That will be reflected on that graph as a reduction in your effectiveness. And the effectiveness is scaled up to 100 per cent.

35

COL STREIT: The next performance indicator is cognitive performance.

DR SMITH: Yes.

40

COL STREIT: Can you just explain what that is?

DR SMITH: So cognitive performance in this model is a combined numerical index that gives your overall performance across a number of cognitive tests. That looks at the Walter Reed Army Institute of Research cognitive test battery. That's a long established, well validated battery of

45

5 psychomotor and neurocognitive tests, and that looks at your performance across mental arithmetic, time estimation, attention, logical reasoning, visual/spatial orientation, code learning, visual discrimination, and short-term working memory. It gives you a global score for your performance across all of those aggregated together.

10 COL STREIT: There is then, next, lapse index. This is a measure of the number of lapses in attention, defined as response times greater than 500 ms. What does “ms” stand for?

DR SMITH: Milliseconds.

15 COL STREIT: Thank you. Or non-responses to 10-minute PVT compared to rested baseline. Baseline rate in a rested individual is two or fewer lapses in 10-minute window of vigilant testing. Somebody who is acutely fatigued you would expect to have more lapses in attention being demonstrated as an output from SAFTE-FAST, or the risk of more lapses in attention?

20 DR SMITH: That’s correct. So at that level of fatigue on a psychomotor vigilance test you would expect them to have a greater number of missed stimuli, so just where the stimulus has come, it’s disappeared, and they haven’t responded for more than 500 milliseconds, that would be counted as a lapse.

25 And if on SAFTE-FAST the lapse index is 3, that’s three times more than a well-rested person at baseline, which is 2. So you would expect six lapses in 10 minutes.

30 COL STREIT: There is also another performance measure which is reaction time, is that correct?

DR SMITH: That’s correct, yes.

35 COL STREIT: And the measure of reaction time on the PVT less lapses greater than 500 ms expressed as a percentage of the average reaction time in a rested baseline; is that correct?

DR SMITH: That’s correct, yes.

40 COL STREIT: And so somebody who is suffering acute fatigue, they would have a reduced reaction time, or it would be identified using SAFTE-FAST, there would be an impact to their reaction time, would it not?

45

DR SMITH: That's correct, their reaction time would be longer.

COL STREIT: You've dealt with blood alcohol earlier as a performance measure, so I'll move on to paragraph 19.

5

DR SMITH: Sorry, can I just backtrack a bit?

COL STREIT: Yes.

10 DR SMITH: With all of the outputs, the fatigue factors allow you to say at a point in time – so they're the sleep in the last 24 hours, the sleep debts, when we look at the graph – that will be the offset box to the right-hand side – what that allows you to do is to find a point in time rather than just saying, "Your performance is degraded by 25 per cent, your effectiveness score is 77", or whatever, you can then say, "What are the contributors to that poor performance?" "That's because you didn't have enough sleep in  
15 the last 24 hours", or "Because you've been awake continuously for longer than 16 or 18 hours and the time of the day".

20 So rather than just looking at a cold score, you can actually see which of the levers that have contributed to that degraded performance. The benefit of SAFTE-FAST is that if you know what is contributing to a degraded level of performance and you understand what are the contributors, when you then go back into looking at, "What do we need to change in the scheduling, in the crew rest, in the crew duty day?", you've then got a better idea of –  
25 if you know what the contributors are, then you know what levers to manipulate to get a better outcome.

COL STREIT: And to change the end result?

30

DR SMITH: Yes.

COL STREIT: And so if you were planning an activity and you knew when you were flying, and you knew what your duty periods were, and what  
35 the assigned rest periods were, and if you had the data of people's sleep the last 24, 48 hours, or three days, four days, five days, you can input all of that information into SAFTE-FAST. Correct?

DR SMITH: That's correct, yes.

40

COL STREIT: And it will provide a result by way of information – or guidance information that presents the information in a way that a user can identify, given a set activity and all of those inputs, this is the outcome on effectiveness of an individual, this is the outcome of potentially their

cognitive performance, this is the outcome on potentially their reaction time?

5 DR SMITH: I would restate that slightly differently and say that a – and  
as I've described in my report, a population of people who had a sleep/wake  
cycle to what we have input in a population you would expect 50 per cent  
of people to experience certain degrees of impairment. So it's not about  
tracking impairment in an individual; it's taking an individual's sleep  
10 pattern or wake pattern and then seeing what would you expect to see in a  
population.

COL STREIT: Sure. And that's the whole point of – well, that is, I think  
you described it as it's a limitation, but it's also something that's of benefit  
15 to the SAFTE-FAST tool because it expresses the outcomes in terms of  
population; correct?

DR SMITH: Correct, yes.

COL STREIT: And so it's using that minimum outcome of information,  
20 given a set of inputs, to facilitate the user to understand what will be or  
might be the effect on their workforce given a set activity?

DR SMITH: Yes, that's correct. So if you're looking at the likely effect  
on a workforce, that is an appropriate way to extrapolate the data, but not  
25 to apply it to individuals.

COL STREIT: Sure. And that's why it's useful, is it, for planning  
activities, because if you know the duty times start to finish, the nature of  
rest times start to finish, that will be allocated to everyone, and the duration  
30 of the period – one week, two days, five – whatever it is – you're able then  
to get an outcome, a document which – or a graph, as you've indicated,  
which identifies the performance indicators of effectiveness, cognitive  
performance, lapses, index, reaction time, and blood alcohol concentration  
that might apply to population?

35 DR SMITH: That's correct, yes.

COL STREIT: Which you can then use as a tool to – if it reflects that  
there's potentially a significant risk in doing this activity because this is the  
40 outcome from SAFTE-FAST, is it the case you can then use particular  
levers, as you've described it, to change the inputs ultimately into  
SAFTE-FAST to generate a different outcome?

DR SMITH: Where SAFTE-FAST is one of the tools that you use, and  
45 there is other ancillary information that you rely on, you can use the output

of SAFTE-FAST to try different work schedules, different napping strategies, different sort of crew rest conditions, and then model what is the likely impact on the output, and then select what changes are necessary to get a better outcome.

5

COL STREIT: Some of the changes might be the reduction in duty time on a day?

10 DR SMITH: Crew duty time and rest time are both levers that can be manipulated.

COL STREIT: Sure.

15 DR SMITH: And SAFTE-FAST has the additional advantage of having your duty time, but then after duty time you can account for transit time. So you don't just magically finish duty and then go home. You know, we've heard testimony it takes an hour to get home, then when you get home there are things that you have to do before you go to bed, and then after you wake up there is things you do in the morning, and then there's a transit time  
20 back. So you can account for the other non-value add sort of windows that are not available for sleep. And, actually, it's not just the duty time and non-duty time, but in the non-duty time it was the time that's not otherwise available for rest, and then specifically rather than just rest, we're talking about opportunities for sleep.

25

COL STREIT: At paragraph 19(a) to (d) you identify essentially the colour-coded chart that's produced by SAFTE-FAST. So green:

30 *The schedule is unlikely to contribute to fatigue and is safe to proceed.*

Is that correct?

35 DR SMITH: That's how it's described, yes.

COL STREIT: And yellow:

40 *The schedule may contribute to fatigue but should be managed with appropriate fatigue countermeasures.*

DR SMITH: Correct.

COL STREIT: Amber:

*The work schedule is likely to contribute to elevated levels of fatigue. This would be representative of a person during a day following a night of no sleep. Caution is advised. Proceed as part of a Risk Management Plan with authorised controls.*

5

Yes?

10 DR SMITH: That's correct, and so the difference between yellow and amber is an effectiveness rate of 77 per cent. That's equivalent to a blood alcohol of .05, and so that is the criterion threshold that is commonly accepted for safety-critical tasks. One of the limitations that I've listed for SAFTE-FAST is how applicable that criterion level might be if you're talking about flying in formation, complex aircraft.

15 And so just to say just because SAFTE-FAST has selected 77 per cent to be the criterion for its commercial application, as a user we would need to think whether that is appropriate for an Aviation activity that is in a number of ways more risky than normal aviation. So I just caution restraint about weighing everything on a 77 per cent threshold.

20

COL STREIT: Sure. Red:

*The schedule is highly likely to contribute to a heightened level of fatigue.*

25

Correct?

DR SMITH: Correct.

30 COL STREIT: So when you do these inputs into SAFTE-FAST, whatever the input information is in relation to a planned activity, and the product that's produced by SAFTE-FAST by way of a graph, if you're in the green, you're good to go.

35 DR SMITH: That's the advice, yes.

COL STREIT: And if you're in the red at the other end, you're not good to go?

40 DR SMITH: That is highly perilous.

COL STREIT: You've set out at paragraph 21 of your report the known limitations for SAFTE-FAST. That's correct?

45 DR SMITH: That's correct, yes.

COL STREIT: You identify also at 21(b) that the limitations may result in the level of fatigue being underestimated. What do you mean by that?

5 DR SMITH: The level of fatigue that is produced or illustrated by SAFTE-FAST is about your time of continuous wakefulness, the time of sleep that you have indicated, and the circadian rhythm, and there are a number of other contributors to fatigue that are not covered by those inputs, and so any chronic fatigue that you brought forward wouldn't be covered  
10 by SAFTE-FAST.

So SAFTE-FAST might give you an output based on your acute fatigue levels, but if you've been working for weeks and weeks without a break, you will be more fatigued than would be indicated by SAFTE-FAST.  
15 SAFTE-FAST doesn't include any weighting for environmental factors, so if it's really hot and humid and you're just generally fatigued, SAFTE-FAST worries about what time did you wake up and how long have you been awake. It doesn't consider the additional fatigue of being in summer or whatever.

20 It doesn't include any concession for additional fatiguing factors in the Aviation environment. So we know that noise is fatiguing. We know that vibration is fatiguing. We know that heat stress is fatiguing. We know that dehydration can be fatiguing. Those fatigue elements are not covered by  
25 the SAFTE-FAST model.

And then I suppose the other one is how you define the beginning and the end of a sleep period. And if, as I have done, I've got a text that says I've just woken up and I include that as the wake up time, and another text that  
30 says I'm now going to bed and I put that as the sleep time, it may take people 20 or 30 minutes after lying down before they go to sleep. So the SAFTE-FAST is taking the inputs that you have inserted, whereas your level of fatigue depends on a number of other factors as well. It's a design that's – you know, a tool is only as good as its design intent, and you have  
35 to be aware of what the limits on that design are to know how far beyond that you can apply data. It gives you an indication of the population likelihood of experiencing acute fatigue with specific sleep and wake times, time awake and circadian rhythm, and to a degree, your unmet sleep debt that's carried forward from one day to the next as your sleep reservoir.

40 But the other contributors to fatigue that we know about are outside the scope of SAFTE-FAST, so that's why I just say you may actually be more fatigued than is indicated on SAFTE-FAST if you don't correctly consider, or appropriately consider, all of those other dimensions.  
45



COL STREIT: So it's a gross indication, limited by that it can only incorporate certain data inputs.

5 DR SMITH: Correct, yes.

COL STREIT: And so it will give an indication that somebody – well, an activity might be planned and it's in the green light, it might be in the amber light, or it might be in the red light. But even if it's in the green light, there may be other factors at play where the fatigue risk is heightened because SAFTE-FAST doesn't take account of things such as the weather – if it's hot in the tent that you're sleeping in – only the period that you might be asleep.

DR SMITH: That's correct. So your level of fatigue that you get because you've been hot and, you know, exposed to humidity all day, that isn't covered by SAFTE-FAST. If you wanted to, you could say that the disruption to sleep because of the hot and humid conditions, you can then change the sleep quality for that. One of the other limitations is that your time awake is generic, so it doesn't weigh any increased level of fatigue because you're flying, or because you're flying a demanding mission, or because you're flying on night-vision devices, or those other things.

So it's just your time asleep and your time awake. But your time awake is no more fatiguing during a flight period or during a non-duty period. So there are other elements that contribute to your level of fatigue that are not covered by SAFTE-FAST. However, SAFTE-FAST is a very useful tool if it's used appropriately within its design intent.

COL STREIT: On page A-10 you set out how SAFTE-FAST works in conjunction with other fatigue identification and management tools that Defence utilises. That's correct?

DR SMITH: That's correct, yes.

COL STREIT: So just picking up on your earlier evidence about SAFTE-FAST being a tool, it's just a tool that's used to assist a decision maker; is that correct?

DR SMITH: That's correct, yes, and it's a tool that's used to the effect of the skill of the user. So good quality advice comes when SAFTE-FAST is used by a skilled operator.

COL STREIT: Also, a limitation would be the available data to be input into SAFTE-FAST?

45

DR SMITH: Correct, yes.

COL STREIT: Can I take you to page A-13, commencing at paragraph 47? You were there asked by the Inquiry to create whichever  
5 graphs or other charts you think are most helpful in SAFTE-FAST to map each of the aircrew sleep, rest and work schedules between 21 to 28 July 2023. I'll just pause there. The reference to "aircrew" in what I just read to you, that's a reference to the aircrew of Bushman 83; is that correct?

10 DR SMITH: That's correct, yes.

COL STREIT: You then indicate at paragraph 47 that you'd been –

15 *provided five documents containing the mobile phone usage patterns and data and text for the four incident aircrew, along with sleep, wake and duty times extracted from witness statements –*

and that on the basis of this information you've –

20 *constructed sleep/wake times for the incident aircrew with the following parameters –*

and you list out in subparagraphs (a) and (b) the steps that you've taken.

25 *Wake times were chosen on the basis of (in descending preference):*

- 30
- explicit texts or phone call;*
  - commencement of mobile phone use for data, text or calls;*
  - wake times for other crew operating the same schedule; or*
  - or assumed value for general populations.*

Correct?

35 DR SMITH: That's correct, yes.

COL STREIT: And next:

40 *Sleep times were chosen on the basis of (in descending preference):*

- 45
- explicit texts or phone call;*
  - cessation of mobile phone use for data, text or calls one hour after conclusion of duty or two hours after landing;*
  - usual pattern from other nights;*

- *sleep times for other crew involved in the same activity.*

And based on that information, you've prepared sleep/wake times for the four aircrew, and you've set that out in a table. Is that right?

5

DR SMITH: That's correct, one table for each of the crew members.

COL STREIT: Just in relation to the information that you referred to at paragraph 47, that you've been provided five documents, is that a reference to Annexures A through to D of the letter of instruction?

10

DR SMITH: Yes.

COL STREIT: And Annexure I?

15

DR SMITH: That's correct, yes.

COL STREIT: Thank you. If you turn to page 814, there's a table there, and I'll just put that on the screen for a moment. Actually, I won't put that on the screen for the moment. What I might do is just refer to the table because what's on screen does not replicate the entirety of the four tables on Annex 14. So we'll deal with that in the morning, when you come back to give some evidence. But just in relation to the tables, they set out, separately, the sleep/wake times for CAPT Lyon; is that correct?

20

25

DR SMITH: Correct, yes.

COL STREIT: The sleep/wake times for LT Nugent?

30

DR SMITH: Correct.

COL STREIT: And for WO2 Laycock?

DR SMITH: Correct.

35

COL STREIT: And for CPL Naggs?

DR SMITH: Correct.

40

COL STREIT: Can you just explain how you've arrived at populating the information contained in those tables in that way?

DR SMITH: For each of the incident crew members there was an annex that contained a summary of information that was provided to me that contained a timing for mobile phone data usage, and that would have words

45

5 to the effect of, “First use of mobile phone for data at” a time, and then it was often be followed by “phone” or “data accessed continuously throughout the day”. So I took that as, “That’s the time that they woke up and started using their mobile phone”. Then there would be another reference saying, “Last use of mobile phone data at” a time, and that was the time that I chose.

10 Or there were text messages, or there were references to telephone calls, and if they indicated that they had just woken up, then I took that as the wake time. And if they said that they were about to go to bed or just getting into bed, then I took that as the bedtime.

15 Or if they said, “I am just about to finish work”, and then there was evidence from somebody else, and looking at the pattern it seemed to be that from when they finished their duty, they would be an hour later before they went to bed.

20 Or if they said, “We’ve just landed”, then it typically was two hours from when they landed, because there’s the post-sortie debrief and sort of mission completion, and then transitioning to sleep, and that was a two-hour period.

So that’s how I populated those times. Now, for – do you want me to go through each of them?

25 COL STREIT: I was about to ask - - -

30 DR SMITH: So anything that is in clear text, there is a specific reference, and I have identified the time. “Text” is that there was a text reference. And “A15” is that that was Annex A, paragraph 15, that I was using as that reference. So you can see the basis on which I’ve chosen all of those times. Where I have made an assumption, that is indicated with an asterisk, and the content or the explanation is in italics.

35 COL STREIT: So that deals with CAPT Lyon.

DR SMITH: Mm-hm.

40 COL STREIT: Where you have, with CAPT Lyon, an asterisk and the word “assumed” under the column headed “Basis”, what does that mean?

45 DR SMITH: That was just assumed by general population data that, you know, on the weekend that you would wake up at 8.30 or 9.30. So on a Saturday, sleep in, wake up at 9.30, and then – sorry, Friday, and then wake up at 8.30. So that was just an assumption based on general population data. But as I said previously, if I’m provided with more accurate data to

fill in an assumption, then I can remodel. So those assumptions are clearly listed as a reference point that I can go back and refine if better data is available.

5 MS McMURDO: Did you know he had a baby in the house, and a toddler?

DR SMITH: No, I did not.

10 MS McMURDO: He had a baby in the house who wasn't sleeping through the night.

DR SMITH: Okay.

15 COL STREIT: In relation to WO2 Laycock and CPL Naggs, I'll deal with those two together. You indicate in relation to some – under the column titled "Comment", you indicate alternate wake times and sleep times for both. Can you just explain that?

20 DR SMITH: Yes. So for both WO2 Laycock and CPL Naggs, their data usage suggested a sleep time of one or two hours, and then being – well, the data was used consistently from early hours of the morning, and then used consistently throughout the day. There was a comment in the annex that it's not clear if that reflects genuine data usage or if that reflects, you know, background updating of apps or mobile phone sort of access.

25 And so what I did was modelled three scenarios for each of WO2 Laycock and CPL Naggs. One scenario was taking the mobile phone data on face value, and indicating somebody that had woken up in the early hours of the morning and had then been on their phone all day, and that is what is in the columns on the left. I then said, "Well, maybe they weren't awake, but they had a bad night, and just every time they had a disturbed awakening, they would just check their phone, so they had intermittent data use over the course of a night because of poor, disrupted sleep", so I modelled that.

35 I then also modelled the fact that it was spurious, and they just had a normal night of uninterrupted sleep. And so they are the ultimate – so the ultimate one here is somebody who's slept through the night but only had a fair sleep because they were checking their data. So they had multiple interruptions over the night, checking their phone, but then going back to sleep. So that was then just to say, "I'm not confident it was very brief sleep, followed by continuous phone usage".

40 You know, that's what the data suggests, but there's an alternate explanation, and in fairness I modelled both of them.

45

COL STREIT: So where there was a text message or a phone call or some other evidence that reflects a person was awake at the time, for example, flying, you had more confidence, did you, in the modelling?

5 DR SMITH: I have confidence in the modelling.

COL STREIT: Yes?

10 DR SMITH: The confidence is in what time I inserted as the wake time.

COL STREIT: Yes?

15 DR SMITH: And if it was based on mobile phone data usage that reflects somebody who only had one and a half or two hours' sleep and then was playing on their phone all night, that is one explanation for that pattern. Another explanation, I've modelled that as well. But if I've got texts, phone calls and flying, then I have a better idea of a time. And if I have a better idea of the time that they are awake, the time that they finish flying, the time that they finish briefing, or a time that they go to bed, then I use that time.

20 COL STREIT: For example, in relation to WO2 Laycock and CPL Naggs for 26 July 2023, you reference the basis for the awake and sleep times includes data from D16.

25 DR SMITH: Correct, yes.

COL STREIT: And that was drawn from one of the annexures that you've been provided, is it?

30 DR SMITH: That's from Annex I.

COL STREIT: Yes, Annex I, one of the annexures to the letter of instruction; is that correct?

35 DR SMITH: That's correct, yes.

40 COL STREIT: Ms McMurdo, I've reached a point where if I was to continue on, I would want to continue for probably another 30 minutes or so to more fully give the evidence in relation to all four aircrew, rather than just lead it to one.

45 MS McMURDO: Yes. Well, we could sit until 5.30. How are you placed timewise? How long do you expect to be with this witness? I would expect there'll be a cross-examination or two. I'm just thinking, for our witnesses tomorrow, are we on track?

COL STREIT: I think we are. We have three witnesses tomorrow, including Dr Smith.

5 MS McMURDO: Yes, and Dr Smith will be the longest.

COL STREIT: Dr Smith, I've factored in, would likely last a fair bit of the morning. I probably have another hour, I think, with Dr Smith. There are parts of his report, because it's before the Inquiry, I won't go into, and  
10 I've already started to not do that in respect to some aspects. I'm not certain but I will ask my friends, and I won't hold them to it, as to an indication at the close of today's hearings, as to how long they might be. But I am content if the Inquiry was to finish now, given it's a long day, and to start at 9.30, and I will look to be finished by 10.30 with this witness.

15 MS McMURDO: All right, that sounds fine then. And there will probably be a few people who want to cross-examine. Could I just get an indication as to who might want to cross-examine, and roughly how long?

20 LCDR GRACIE: 20 minutes, ma'am.

SQNLDR NICOLSON: 15 minutes, probably.

LCDR TYSON: 15 minutes, ma'am.  
25

SQNLDR THOMPSON: About 15 minutes.

COL GABBEDY: 20 minutes.

30 MS McMURDO: So another hour or two. So we certainly should finish midday.

COL STREIT: Yes.

35 MS McMURDO: All right then. In that case, we'll adjourn and do some fatigue management and resume tomorrow at 9.30. Thank you.

40 <WITNESS WITHDREW

**PUBLIC INQUIRY ADJOURNED UNTIL  
WEDNESDAY, 16 OCTOBER 2024 AT 0930**