

24 January 2013

*To*

Committee Secretary  
Senate Standing Committee on RRA&T  
PO Box 6100  
Parliament House  
**CANBERRA 2600**

**RE: Senate Inquiry into Aviation Accident Investigations..A plea from families.**

Dear Senators

This letter speaks for the families left behind and the victims of several fatal aircraft accidents in Australia over the past decade. Over that period, I have been approached for advice, comfort and support by many of the affected families. It is with profound sorrow, but determination, that I have taken it upon myself, with their approval, to be the public voice of these people wanting straightforward answers and action.

In short, many of these families have become extremely frustrated by the apparent total lack of accountability, credibility, integrity and the incorrigible lack in duty of care and compassion displayed by the aviation safety authorities toward those who have been affected and damaged the most by fatal and near fatal air crashes: the families.

In the process of proactively pursuing the truth, seeking justice and some form of moral and administrative accountability, many have simply been obliged to give up, mostly due to the financial burden and personal stress caused by the delaying, blocking and obfuscating tactics deliberately employed by the aviation authority.

For people seeking definitive answers, the frustration begins with the seemingly endless delay in the ATSB producing meaningful reports. Since Lockhart River, the 'no liability' game for the Safety Authority has impacted on the various Coroners' decisions which in turn affect the stance of insurers.

Since being involved in the aftermath of the Lockhart River accident of 07 May 2005, I have been working to make the travelling public aware that the Civil Aviation Safety Authority is only paying lip service to their mantra of 'safe skies for all'.

My work began **before** the advent of the misnamed and misleading Memorandum of Understanding between CASA and the ATSB. This was one of the few recommendations made by Coroner Barnes at the conclusion to the Lockhart River Inquest that was actually adopted and actioned. It had **no** bearing at all on the matter at hand.

The free-rein given to CASA by the MOU has been frightening and proven to be downright dangerous to all. I and many others have discovered that the 'mystique of aviation safety' is a ruthlessly and cynically used tool of the aviation authorities to disguise their misconduct and to dupe an unaware public. It is nothing more than a cover of veneer over a culture which is reactive, inept, corrupt and operates a morally perverse system of 'micro managing' aviation safety in Australia. Unfortunately, the main feature is the "no accountability" strategies employed by CASA for the last 20 years.

It is my belief, supported by many others that over the past decade the outcomes of aviation related accidents do not fully expose the twisted culture of corruption and maladministration contained within the aviation regulator. This has been proven to adversely and unfairly affect Senate Committee inquiries, Court judgements, Coronial Inquests, Tribunal hearings, Police Inquiries and other investigations.

One of the more perverse aspects of this culture is the propensity of the current Director of Aviation Safety to label anyone who questions or criticises CASA as "mad" or "delusional." This is something which really angers the families as it seems the DAS believes he has the protected right to make these highly offensive and completely

unfounded statements. I would hope that after reading this letter and attachments, that you do not entertain the same opinion.

I am very cognisant and well versed in the current Senate Inquiry related to the Pel-Air ditching **and other matters**. The families and victims hurt by this current regime have no other choice but to believe they are the forgotten ones, actively and purposely held in special contempt by CASA as they who know nothing and will never be told anything.

Represented by the names at the bottom of this letter are just some of the people who, despite their personal pain are willing to assist the Senate inquiry to fully understand exactly what is controlling the safety of our loved ones in Australian skies.

I therefore humbly request that you firstly acknowledge receipt and perusal of this letter and attachments, and secondly, provide a timely response.

Yours sincerely

Shane Urquhart.... **Const Sally Urquhart** Lockhart River 07 May 2005

and

Richard and Bronwen Thompson...**Dr Kathryn Thompson** T'ba 27 Nov 2001

Nurse Karen Casey.. **Survivor** Norfolk Island ditching 18 November 2009

Fiona Norris....**Captain Paul Norris** LHR

Kerry Sonter..**Arden Sonter** LHR

Tam Harris...**Ted Green** LHR

Melissa Brady .. **Rob Brady** LHR

Samantha Hare and family...**Ian Lovell** South Stradbroke Is 31 August 2008

Lovell family...UK....**Ian Lovell** South Stradbroke Is

Cousins Family..**Jessica Cousins** Bungle Bungles 14 Sep 2008

## Attachments.

### a. Victims and families vs the System

#### **Civil Aviation Safety Authority**

We know what they have been doing, how they operate and who the main players are, but we are ignored as an inconvenient presence in the milieu. eg ongoing difficulties in obtaining information, even through FOI, time wasting, blocking, denial, shifting personnel around and blatant lying. The personalities and operating methods of senior executives are a serious blight on the integrity of the Senior Executive Service of the Commonwealth and is a real factor in our frustrations etc etc. No survivors=pilot error every time. It could be legitimately believed that this is a preferred outcome of air crashes. Numerous Inquests and the subsequent findings and recommendations seem to support this belief. The general public would be appalled.

#### **Australian Transport Safety Bureau**

The ATSB has lost its integrity and trust of families as soon as it entered into MOU with CASA. There is ample documentation to demonstrate its now subservience to CASA. The ATSB was appropriately rigorous and unflinching in its reports and statements to the LHR Coroner. Now, it makes no major decisions or reports without permission from the DAS of CASA, despite what both organisations say in public.

#### **Government and politicians**

The government and most parliamentary members are only interested if there is a vote in it for them. They lose interest very quickly. Need guts and political will. Nothing changed with the change of government. Ministers duped by CASA speak and clever bureaucrats. Insurance liability for the Commonwealth plays a major role in the inaction of the government of the day and its continued backing of **all** CASA and ATSB decisions.

#### **Coronial Inquest system.**

Has a lot to answer for. Lazy Coroners are duded by clever barristers and unlimited resources. Outcomes always support the pilot error theory, much to the delight of the Authority who works hard to achieve this. CASA's use of Mr Ian Harvey in Inquests and then his role as Counsel Assisting...this is a well documented conflict of interest. It has been allowed to continue unquestioned by Coroners.

We believe that it would not be unreasonable to call State Coroners, who have presided over Coronial Inquests related to Aviation fatalities, to be questioned about findings and recommendations that are related to this current Inquiry.

#### **Legal representation**

Lawyers and barristers really just making money...little understanding of issues and not really being rigorous in their representation of families in Inquests and Insurance issues.

#### **Insurance issues**

There is a double whammy of distress and pressure. 1. The distress of Inquests and their inadequate recommendations, but also, 2.the ubiquitous QBE and the unscrupulous Norton White and their relentless harassment and attempted intimidation of families to minimise payments under Air Carriers Liability Act. Again the lawyers win and collect huge fees; and the government is again not liable.

#### **The media**

Media outlets are only ever interested in the quick grab...if it is somehow sensational or salacious. No real interest shown in human cost and making the public aware of the issues. They promise everything and give

nothing. Quite different coverage is afforded to “celebrities” who make news even if they pass wind. We believe that those of some perceived importance/status, would enjoy much better support and outcomes than any of us.

#### **b. Victims and families’ statements:**

Note that these comments are devoid of any double-speak, deceptions, lies etc. They are from the heart and un-edited.

To begin with, I use the most recent example of CASA’s malfeasance in office. Ms Karen Casey, a not-so-lucky survivor of the Pel-Air Westwind ditching at Norfolk Island has this to say:

*“When will truth trump cover-ups that are laced with selfish intent to save ones posterior? How ridiculous to have so many broken rules in an- audit, yet almost get away with it. There is a reason for the truth that is emerging, it’s for air safety & the failure of our regulator & investigative bodies results. It has been the survivors that have been the seekers of the real deal. What a disgrace. With both our Chief Commissioners under the microscope now, the amplification of this ordeal is finally happening.*

*CASA & ATSB have a lot to answer for, dragging this on for selfish intent is criminal & at the least cruel to all on board. The coverup is surfacing and all will be revealed about the incompetencies of all parties involved.*

*How unprofessional this has all been. How disappointing in the treatment of the people who have experienced hell from impact till now with our own government bodies involved. Does our government have enough integrity to investigate the individuals involved and actually DO something about this rather than just go around in circles. To add insult, let’s just throw in the fact that the ex-Pel-Air chief pilot at the time of the incident now works as an investigator for CASA...please!*

***Just stop the B.S & tell the truth.”***

Posted on Crikey Nov 04 2012.

Ms Casey is a highly qualified emergency care nurse who has had both her career and health totally destroyed by the actions of both CASA and the ATSB responses to this event. She deserves better treatment and should be given priority as a key witness to outline her ordeal. She is also about to undergo the very stressful experience of negotiating with QBE.

Let’s look at some others:

*“I come here with the capacity of a very human element as to how the system failed my husband and the other passengers on board that flight that day,”*

***Fiona Norris (Wife of Captain Paul Norris) Metro 23 Lockhart River 05 May 2005 15 fatalities.***

*“We have been to Martin Dolan Chief Commissioner ATSB, Albanese, John McCormick, Local Member John Castrilli - who did write a letter to CASA on our behalf but that was it! John McCormick insulted us in his response stating that “CASA is unaware of any other accidents involving this company’s aircraft”. Oh My God how insulting to our intelligence. So in their eyes Kenny’s Mob have never been involved in other incident! How many fatalities does a Company need to have to be anything recorded as an ACCIDENT! At the inquest the CEO of Heliworks was questioned about his Statutory Declaration and had he completed - he disclosed he did not complete it and the Company had told him what to write! How could that be admissable in a court of law? They were aware that this cowboy operation existed out at the Bungles but once again NO ONE would do a thing to stop them.....*

*It took 2 yrs 7 mths after the accident for the inquest to be held and we did not get the final report until a further 6 months!! Over 3 years!!”*

*Then*

*"Well we had our inquest which was an absolute joke and embarrassment for the fact that so many documents were not produced / lost / created etc and no one did a thing about it. Our Coroner Ms Fricker left a lot to be desired and the fact that in the 2 years 7 months not one person in the court room excluding us had even visited the accident site or gone out to witness just what happens out there. We came away just blown away with the fact that so many things were dismissed/ allowed/undisclosed and were allowed to be.*

*That smell of money I think well and truly came into play!!!*

*I personally lost all respect for our government representatives, law, safety authorities after sitting in that court room for 5 days and listened to excuses on their behalf...instead of reasons to rectify and was horrified after the evidence given that it was declared an accident.*

*As I said in court this was an Accident waiting to happen and will occur again!!The coroner in her report even noted the number of helicopter accidents just since the inquest - approx 4 month....and not one recommendation was handed down. She used the words like Breached and Failed to comply in her report and yet not one recommendation."*

**Carolyn Cousins. (mother of Jessica Cousins) Slingair Robinson 44 Bungle Bungles 14 September 2008 4 fatalities**

*"I just thought the whole thing was a total whitewash and a total waste of money," she said.*

*"I can't believe that it was so blatantly obvious who was to blame for this.*

*"If any one of those people had done what they were morally obliged to do our daughter would be alive today."*

And

"Dear Mr Barnes,

We walked out of your courtroom yesterday completely stunned and we looked at each other and said. "We waited nearly 6 years for THAT!" and the final realisation that the deaths of our loved ones would not save any other lives in the future. Can you imagine how empty and defeated we all felt? The comment was made "He is just a puppet of the government who tries to do his job with the least number of bumps along the way!" We are aware your job is very difficult and complex but we were expecting more, particularly with regard to CASA's inefficiencies and neglect. And as for the airline operator, Andrew Moore - how many people do you have to be responsible for killing before being charged with manslaughter? You may brush this to one side by thinking we are confusing grief and vengeance with justice but stop for a minute and try walking in our shoes. Please tell us how you define "justice" - at least what is supposed to be the end product of justice.

Every once in a while when you go to bed at night spare a thought for us as we try to fall asleep with the image of our burning daughter indelibly imprinted in our brains and wondering how much terror she felt in those moments when she knew she was going to die and how much pain she felt as she gasped for her last breaths and our picture of those wonderful smelling, squeaky clean, shiny curls instantly melting. Also think about those who were responsible for killing her going about their daily business and family life as usual.

The tragedy of all this is that your recommendations will take years to be put into practice (we are 5 years and 8 months down the track before they have even been made) and then many, just like the airline operator in our case, will continue to cost cut and ignore them and CASA will keep not putting in the checks and balances they are supposed to impose to prevent such tragic events as ours. We all know there are some politicians who are self-serving, unprincipled and couldn't give a hoot about the big picture so we mostly can expect to come up against a brick wall if we try to pursue government assistance.

So you will keep doing your job, CASA and others will keep neglecting their obligations and people will keep dying. That's the way the wheels keep turning and who cares if a few lives are lost along the way? "

**Bronwen Thompson (mother of Dr Kathryn Thompson) Eastland Air C90 Kingair Toowoomba 27 November 2001 4 fatalities**

*After Ted's death in the accident, I could not go on working and spent about 18 months staying with and spending much time in the comfort of family and friends before returning to work,"*

**Tam Harris (partner of Ted Green) Metro 23 Lockhart River 05 May 2005 15 fatalities**

*My partner died in a yak-52 joy flight on 31 August, 2008. His name was Ian Lovell. I along with many others continue to feel shock that such an accident has happened. I think this is because people do not expect such an accident to happen in Australia. Nearly five years later and I now know that the lack of regulation in the Australian aviation industry makes flying a very dangerous venture but my experiences are that the general public continue to be unaware. They do not know that Ian died in an accident waiting to happen, that it could have happened to any member of the public and unless there are changes it is likely to happen again.*

*The flight was sold to me as a gift certificate for Ian's 35<sup>th</sup> birthday.*

*Hempel's Aviation was recommended to me by Archerfield Airport, the company was advertised on the internet, Hempel's Aviation employees recommended Barry Hempel as the pilot, I bought the gift certificate directly off Barry Hempel at Hempel's Aviation located at Archerfield Airport; I paid Barry Hempel of Hempel's Aviation \$495 for what in the past has been referred to by the media as the 'death' ticket.*

*At no time would I have bought this ticket if I had known that the pilot, Barry Hempel did not have a commercial license. At no time was this flight referred to as an adventure flight. At no time were the risks of flying in a warbird discussed and at no time was a waiver signed.*

*I shared in Ian's elation at the best present that had ever been bought for him; I drove Ian to Archerfield airport; I dismissed a dream that he had about the plane crashing into water; I had a laugh with him when he told me he was listening to the soundtrack of top-gun whilst waiting to take the flight; I took him out to the tarmac and took photos of him as he was strapped in for his first flight in a warbird, his first experience of aerobatics and first real taste of g-force and we both expected that he would return safely.*

*Ian's flight was the third joy flight of the day that Barry Hempel had piloted and all customers were under the impression that the flight was commercial.*

*I waited on the tarmac to take photos of his arrival. Ian didn't arrive. Soon after there was a phone call to say a plane had crashed into the water just off South Stradbroke Island. I knew that Ian was gone.*

*Devastated, traumatised, shock. There aren't any words that can describe losing a partner in such a way. A motorbike accident is comprehensible and something tangible that I had worried about, but a plane crash seemed as likely as being taken by a shark whilst dangling your feet in the Brisbane River.*

*Since I have lost Ian I have noticed that planes fall out of the sky regularly.*

*As do most people who lose a significant person in their lives, I think about Ian every day. We had planned our future together, a home, children, travel, he was the only person I had ever looked to the future with. But now I don't only grieve the loss of Ian but I also grieve what has been taken away from me by a system that has failed Ian and I for the last four and half years.*

*Put simply, the ATSB did not investigate; the QPS never recovered the plane; the police report took 3 years to complete; CASA will not admit any fault to prevent any further accidents happening; the Inquest took approximately four years to begin; CASA stalled the Inquest recommendations for another hearing date and now I have been told to wait again with the additional hearing date being postponed. When I found this out on the 15 November 2012, not even two working days before the hearing date was set to begin, I cried. The tears started at work and basically did not stop for the rest of the day. I feel sheer disappointment that I continue to be put through this, so many years after Ian's death.*

*Four and half years and ongoing, is a long time in a person's life. I was 30 years of age when Ian died and am now nearly 35. The grief and shock of losing Ian has at times consumed me but I have been able to work through it so it is now something that I can control. What I can't control four and half years on is the legal/regulatory system. I cannot control when I'm going to get that next phone call. When I will be re-traumatised again? It feels like the system is trying to break me, hoping that I can't handle it anymore and I'll walk away. What will break me is if I do walk away after all this time. I've lost too much. Ian's death was preventable and four and half years later we are still waiting on recommendations from a Coroner on what needs to happen to try and prevent another accident of its kind.*

*In the last four and half years my friends have either become engaged, got married, had children, advanced in their career, travelled. It feels like the legal system/CASA has pressed pause on these aspects of my life. I can't work in social work because the ongoing and unpredictable nature of the legal process impacts on my emotions and my capacity to work in a crisis setting, I have mounting legal fees, the emotional toll impacts on my relationships with other significant people in my life and I can't travel freely because my life is dictated by the systems schedule.*

*I wonder when the victims are considered in the process. I wonder what new information is going to come from yet another hearing day called by CASA. I wonder whose interests this serves. I wonder how much more obvious it needs to be that CASA and the medical practitioners involved breached their duty of care. I wonder how many more planes will fall out of the sky. I wonder why my life continues to be put on hold by the system, when I lost my partner due to other people's/CASA's negligence. I wonder how those in the aviation industry who turned a blind eye have been impacted. I wonder whether 2013 will be the year that there is legal resolution for Ian. I wonder whether there ever would have been an Inquest if Ian's loved ones did not demand it year after year. I wonder whether changes will occur in a flawed Civil Aviation Safety Authority and I wonder whether I will then be able to sit with my grief for Ian peacefully and remember the beauty that he brought to my life without it being tarnished by an incompetent and unjust legal/regulatory system.*

**Samantha Hare (fiancé of Ian Lovell) Hempel's Yak 52 South Stradbroke Is 31 August 2008. 2 fatalities.**

***This is an amended copy of a letter sent by Ms Hare, to the Coroner John Hutton in November 2012. The next Inquest hearing date has now been set for 18 March 2013.***

*In August 2008, Ian Lovell, a British citizen who had recently gained his Australian citizenship died in an airplane crash in Moreton Bay. Ian was the partner of my daughter, Samantha Hare. They had planned to marry in the near future and start a family.*

*One has to accept that accidents do happen and some of us have to bear the unbearable. However, Ian's untimely death was an accident waiting to happen since 2002. This was the date that the pilot, Barry Hempel, became an epileptic after a hangar door had stuck him on the head. This man continued flying commercially until his death in 2008 even though his commercial pilot's licence had been removed by CASA. The reality is that CASA had the authority to make sure this man didn't fly on a commercial basis again. Consulting doctors were easily duped by Hempel. The governing body CASA was found to be a toothless tiger because all their efforts were half-hearted and lacked integrity or conviction. They were willing to sit on their hands until the inevitable happened.*

*The coronial inquiry accepted that most probably Hempel had an epileptic fit that day and lost control of the plane. This so called responsible body, CASA, not only contributed to the death of Ian but shattered my daughter's life. She had to deal with the guilt of thinking that she had been responsible for Ian's death because she had bought him the joyflight for his birthday. Despite her conscientious research into the competence of Hempel she was duped by a deceitful website and recommendations from staff at Archerfield airport. She had been led to believe Hempel had a commercial license and was a fit and proper person to pilot the plane. This man's cavalier approach to flying and health status was well known in the pilot community and to CASA. My daughter has had to seek prolonged psychological counselling and had to resign her job as a*

*social worker in child protection because she was unable to handle the responsibility of making decisions in sometimes traumatic circumstances. This was as a direct result of the circumstances of the accident. She is now in her mid 30's and may have to accept not having children because of Ian's death. This has taken a heavy psychological toll on her.*

*CASA's calamitous record is and was well known by "those in the Know". IT has repeatedly contributed to tragic accidents. They simply did not have the conviction and integrity to shut Hempel's Airline down. For six years the clock ticked and inevitably disaster struck and not only in Ian's case. Recommendations have been made by a Senate Inquiry but unbelievably CASA twiddled their thumbs. This of course has been terribly gawling to the victims and their loved ones. It has permanently caused a mistrust in governing bodies who receive their funds from the unenlightened public. There must be some redress and action so the probability of accidents such as this are reduced dramatically.*

**Bruce Hare (Father of Samantha Hare).**

## **NB**

I am very willing to provide for perusal, reference or verification, any of the many letters and requests to the authorities, articles, media interview records, statements from pilots, senior aviation and experts, operators and other documents related to this matter since 2003. I would need a particular topic or question to narrow down the individual document. You would see from these documents the actual scope of what I have written and requested. As is the heart of this letter and attachments, very little action has been taken and responses, if ever provided, give very little in return.

This is just an example: Article published in the Torres News, 28 August 2007

*"First part of summary was very critical of CASA and Transair..made several recommendations. However, when he got to delivering the findings, they seemed not to be related to his previous statements.*

*My major problem is, given the huge amount of unchallenged, verified and detailed evidence provided in the ATSB report and at the Inquest, is what Mr Barnes did not say. Much damning and false evidence was totally ignored.*

*Barnes also made some very incorrect and offensive assumptions:*

*Families looking for scapegoats, the emotions of the families, looking for someone to blame.*

*The families were looking for **responsibility** to be admitted and then **accountability** to be allocated. We have never said we wanted to blame anyone. We got nothing. The natural outcome from responsibility and accountability would then hopefully be the establishment of world best-practice safety legislation to ensure all companies fly in the lowest possible risk safety environment. The no more important than for those who live and work in remote communities where there is little choice of method of transport, let alone who provides it.*

*If he associates anger with emotion, then the only time it was ever demonstrated in any substance, was after his findings were delivered. Otherwise there were no significant emotional outbursts from anyone.*

*I can also state with much confidence that I personally would have more knowledge and understanding of the huge range of issues surrounding this sorry affair, than most of those present throughout the Inquest. The Inquest hardly scratched the surface.*

*CASA has been given carte blanche to continue how it operates...as it sees fit and with impunity. Clear and irrefutable evidence shows that CASA knew that Transair had serious problems since 1999 and did little or nothing to address them. CASA was seriously admonished and recommendations made in relation to several serious air crashes in the past ...Monarch, Whyalla, Seaview and Toowoomba. It has done very little after each one and continues to operate almost the same as it did through the enquiries for all of these. CASA also enjoys the unquestioning support of the Federal Government who has never taken them to task, or insist on major changes.*

*Transair has also been given the all clear. Mr Wright can return to Australia, set up another dodgy airline and pay minimal attention to safety guidelines; all with the active assistance and blessings of CASA.*

*More than ever, the people of Torres Strait and NPA should be aware of this continuing, appalling situation. Don't allow small operators to pull the wool regarding safety, as they are all regulated by CASA and we now know what that could mean."*

**Shane Urquhart Father of Const Sally Urquhart..Lockhart River 07 May 2013 15 fatalities**

**c. What the victims/families want and believe is necessary:**

*We recognise that nothing can bring back our loved ones or change what has already occurred...but...*

- There needs to be a new inquiry (Royal Commission?) with actual ability to issue legally enforceable directives.
- The appalling culture of vilification and spiteful, protracted and unsustainable litigation must be exposed to all. What has happened to the recommendations about protection for those who report CASA misconduct?
- These officers and government and individual politicians who instigate such actions or know what is happening but choose to ignore, must be held to account. Furthermore, there needs to be an apology from those individuals who, through their absurd recorded remarks and correspondences, have highly offended family members.
- There needs to be complete root and branch reorganisations of the two agencies with outcome based charters, including appropriate allocation of taxpayers money. Reorganisation must begin with the recognition of the misconduct of officers from the top down. The Industry Complaints Commissioner must not be part of CASA.
- Changes to the Air Carriers Liability Act must favour the victims, not the insurer and ensure that claims are dealt with in a timely and professional manner.
- A timely response from the Inquiry members.

The recent PNG Air Safety authority's report on the Misima Island fatal Citation crash and its scathing findings on the PIC's regular flaunting of the rules, must be scrutinised carefully in relation to links with the Lockhart River crash and subsequent fatalities. The same PIC was Chief Pilot and CEO of the Lockhart River crash company and many parallels can be drawn between both crashes and their safety-poor cultures. While severely criticised at the LHR Inquest, CASA did not change any of its practices or regulations and fatalities continue to occur. **Incomprehensible at any level!**

Surely this would fall into the "other matters" requirement included in the Inquiry's brief.