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<http://www.theaustralian.com.au/news/nation/casa-knew-dark-truth-about-rogue-aviator/story-e6frg6nf-1226397205874>

LONG before Barry Hempel, a legend of Australia's commercial aviation industry, strapped himself and an unwitting passenger in for a final, fateful aerobatic flight that ended 13 minutes later with their deaths, startling truths about the career pilot's conduct were well known to authorities.

The Civil Aviation Safety Authority knew Hempel, 60, to be a serial menace to public safety. His disciplinary record for flagrant breaches and dishonesty went back decades and became worse as he aged. He had put passengers and unsuspecting members of the public at risk with cavalier antics that appalled safety investigators - and cemented Hempel's status as a maverick with extraordinary skills but shocking judgment.

Doctors, medical specialists and CASA also knew that Hempel, who ran a Brisbane-based aviation company (motto: the sky's the limit) that flew politicians such as Nationals senator Barnaby Joyce, business chiefs and joy-riders, had severe epileptic-like seizures, believed to have begun after a brain injury from a hangar door accident in 2001. A loss of consciousness, rigidity and convulsing would occur; one ambulance officer who reported a 10-minute episode was so concerned about Hempel's status as a pilot that he kept notes on it for a decade.

These seizures would render Hempel an even more dangerous threat to the public. In one instance that became "common knowledge" shortly before his death, he was flying a Beechcraft Baron to Brisbane from the rural town of Dalby when, according to Nigel Arnot, an aircraft engineer, Hempel suddenly had "a seizure, a full fit with shaking". A friend "had to literally punch him out" to prevent inadvertent use of the controls and disaster.

Pilots with epilepsy or seizures face bans of 10 years to life because of the obvious dangers, yet Hempel kept flying.

Police, lawyers and doctors also knew another, darker side of the charismatic aviator with the distinctive handle-bar moustache. He had a criminal rap sheet for public indecency in Queensland going back 40 years; his guilty pleas and most recent convictions for public masturbation near children in parks in Brisbane were recorded a few months before the August 2008 crash.

But the flying public knew little, if anything, of any of these matters. Neither Hempel, nor CASA, was transparent about his safety transgressions. Despite dozens of pages of documentation about the seizures, and voluminous catalogues of his repeated defiance of safety rules, dishonesty, and the routine abuse of an unwitting public's trust in him as a pilot, CASA, a federal government-funded regulatory agency, still permitted Hempel to fly from his Archerfield airport base.

Official documents show that CASA even let Hempel maintain his private pilot aeroplane licence to conduct endorsement training of other aviators, despite 13 fresh convictions under the Civil Aviation Act, and a CASA finding in November 2007 that stated "you have a long established record of breaking the law relevant to aviation safety which is indicative of an intrinsic lack of honesty and integrity which is incompatible with you being entrusted with flight crew licences ... your record of motor vehicle-related offences as well as the aviation-related offences indicates a flagrant disregard by you of safety matters ... your actions indicate an inappropriate attitude to legal authority, and a flagrant disregard to the collective requirements of safety systems ... (you are) an unacceptable risk to recidivism that threatens aviation safety".

It was a scathing judgment that stripped Hempel of his commercial pilot's licence - yet it expressly allowed him to continue flying, as well as endorsement for training and instructing (teaching existing pilots how to fly different types of planes). He had been performing the instructing role for

many years and with numerous pilots. Its legacy today is in the cockpits of passenger jets in Australia and around the world - the pilots who owe their wings to Hempel, who had himself logged more than 28,000 hours since he first flew in 1964.

The effect of CASA's ruling was meant to forbid Hempel from taking fare-paying passengers on his aerobatic higher-risk flights. But he openly flouted this and widely promoted his business under CASA's nose.

As one pilot on internet forum Pprune said in a posting that is now evidence before a Queensland coronial inquiry: "He was supposed to be a role model, but tell me ... how many young idiots have killed themselves trying to imitate bad boy Bazza? Is anyone who actually knew Barry surprised?"

The life and death of Hempel - as laid out in many volumes of evidence examined by The Weekend Australian pending the findings of the coronial inquiry - reads like a story of a disaster waiting to happen. The material depicts a doctor-shopping, law-breaking, medically unfit pilot; a serious breakdown in communications and regulatory systems; a lack of responsiveness and disclosure by those in aviation who had witnessed his antics; and an enduring tragedy for a young woman, Samantha Hare, who made one fatal error - she surprised her boyfriend, Ian Lovell, with a \$492 birthday gift voucher for a joy-ride in Hempel's two-seater Soviet Yak military trainer.

Evidence and other material uncovered by police and Kerin Lawyers points to a likelihood that Hempel had suffered a seizure during the flight and was physically incapable of keeping the throttle, or power, on, resulting in the Yak plunging into the sea at a velocity of about 300km/h. In many crashes in which pilots brace before impact, their hands and wrists are broken. Hempel's hands and wrists were not injured, indicating he was not conscious when impact occurred.

Hare, of Brisbane, and Lovell's parents Dave and Lynn, who travelled from their home in England, could not listen to a recorded audio grab of the 35-year-old's last words, in a radio transmission to Hempel moments before the crash in water between North and South Stradbroke Island off the Gold Coast. Lovell was shouting to Hempel: "Oh, oh my god. What are you doing? Put it on!"

At Archerfield airport in Brisbane, Hare, who said she and Lovell had "planned on spending the rest of our lives together", waited patiently for his return to base. She had photographed him in the Yak before take-off and recalled him saying "it was the best present he had ever received".

But she noticed one of Hempel's staff looking increasingly stressed while waiting for the Yak to come back. The staff member took a phone call and Hare heard him say: "It crashed."

In a comprehensive forensic report for Coroner John Hutton, police officer Graham Anderson summarised six volumes of CASA material on Hempel "that involved an extensive list of prosecutions for administrative and flying breaches", "multiple offences in numerous aircraft", "numerous occasions when he flew without a current medical certificate" and attempts to distance himself from rules by appointing his second wife, then newly wed from The Philippines, as chief executive of Hempel's Aviation. The evidence raises serious questions about CASA's role in failing to rub Hempel out.

Anderson's report, which highlights "incapacitation" (seizure) as the most likely reason for the crash, recommends consideration of "mandatory reporting by health professionals to CASA when any serious medical condition could adversely risk the health and well being of the pilot or any other person". However, it is clear from the material that CASA had known about the seizures.

Anderson concluded: "Had a conscious decision by Hempel been made not to conduct these unauthorised flights, then the previous passengers would not have been put at risk and Ian Lovell would not have died as a result. In my opinion it was ultimately Hempel's misrepresentation that eventually directed Ian Lovell into the passenger's seat. Specialist advice to not fly (or drive cars) until epilepsy had been excluded was also ignored, 10 months before the crash. I believe it reasonable to assume that on this occasion, Hempel knew he had a significantly higher risk of crashing and to that end, behaved in a negligent manner."

A year before his death, Hempel and his solicitor had met CASA officials in a bid to mitigate the punishment he was anticipating from his safety breaches. Hempel told the group in a recorded interview: "I've been in aviation virtually full-time all my life since I was 16, I've been to the school of hard knocks and learnt myself through my own aviation. I can do it in me sleep, you know, I do it very safely, I don't do anything 'harum scarum', and when I'm teaching people low-level aerobatics, I teach them with a mind to staying alive."

Hutton, who concluded public hearings last week, has reserved his findings. For Hare, her parents, and the devastated family of Lovell, the priority is to lift safety standards, improve transparency for the public about the disciplinary record of pilots, and influence CASA, aviators and doctors to take a tougher line with other daring, medically unfit mavericks in Australia's skies.