



Submission No 82

Inquiry into RAAF F-111 Deseal/Reseal Workers and their Families

Name: Mr David Sayer

[Redacted]

[Redacted]
[Redacted]

26 June 2008

TO Defence Sub-Committee Secretariat.
Parliament House
Canberra ACT 2602

David Sayer
(EX FSGT A11883)
QSM 4460

Re: F111c Desec/Resecal inquiry.

Dear People,

I am, and have been since its inception, a member of the F111 Desec/Resecal support group.

I served at RAAF Base Amberley from July 1971 to June 1978.

From June 1976 to June 1978 I worked in 3AD Aircraft Maintenance Squadron, Employed as NCO i/c F111c Electrical 'E' servicing, Trade NCO F111c aircraft, Part time independent inspector F111c aircraft electrical and fuel systems.

Our tasks spread over 4 hangers, and as well as the 'E' servicing included the crew module (explosives) time change, repair of air frame damage, and (Make no mistake) the repair of leaking fuel tanks. Regardless of what "official" records may or may not contain, I was there - I know what took place.

I also know how I was affected during and from that period, and the effect on my family.

My problems are (and are not limited to) Arthritic pain, skin rashes, chronic fatigue, chronic pain, personality change, loss of sense of smell, learning difficulties, disturbed sleep, memory loss. My son is underweight and on his 2nd marriage. My daughter is on her own with 2 children after 2 marriages and is also very thin. My wife suffers multiple and chronic health problems.

[REDACTED]

[REDACTED]

[REDACTED]

The remainder of my RAAF service was a nightmarish battle to maintain some effectiveness and so support my family. On retirement at my own request after 20 years service I could not handle full time employment. It was an unbelievably difficult task to just keep working part time for the next 10 years until our children were of our hands. I then completely stopped work, I could not go on. During the last few years of my RAAF service my wife suffered a complete breakdown, was hospitalized and our marriage was sorely threatened.

From personal experience, I believe that the whole of the offer of an ex gratia payment to certain members was not only very badly handled but contained many flaws as a result of decisions made by ~~who~~ people who were given poor information/advice, or for whatever reason had their own agenda or an agenda forced ~~on~~ upon them which was not appropriate to the original intent of making the ex gratia payment to all those who were exposed, and who subsequently suffered in so many ways and were expected to continue to suffer along with their families.

In November of 2004 the CAS boarded his FA-18 fighter and flew to RAAF Base Amberley to announce to some 300 odd members & their families that the government would be offering compensation to members. We received a free lunch and the opportunity to chat with him and DVA people.

The Full Reseed/Reseed support group hierarchy then produced, on the basis of what was told to them, a "Recommendations for members". (See enclosed copy).

After reading this you will no doubt see that what actually eventuated was nothing like the rosy picture for members and their families for the rest of our non working lives.

Ten thousand or forty thousand dollars (and only for some, not all) was going to go nowhere. What a farce!!

The following points are particularly disturbing:

Early in 2005 we saw press releases begin to appear with a common statement to the effect that "A lump sum benefit would be offered to those who had suffered exposure".

See enclosed: Vet affairs newspaper,
The Age,
Letter from Mark Sullivan - DVA.

On the 18th August 2005 we saw an announcement to the effect that 21 Million dollars was the amount to be paid to those who suffered exposure.

The publication of an amount means that the government had decided there and then just who would get what. Alarm bells began to ring.

I then received a letter from DVA dated 19th AUG 2005. A core group only, that met the definition of a Deseal/Reseal participant, would be compensated. They included a claim form for me to fill in and return. Hang on a minute!! If it was known just who was involved and how they were involved (10K\$/40K\$), why did we have to claim for it??
And, why the back pedal to just a core group??

This same letter did not include a detailed Definition of a Desec/Resec participant for the purposes of the lump sum payment scheme, I had to seek this out through the support group. To further compound the ridiculousness of this claim process was the asking of what hanger numbers I had worked in. I ask you, after the passage of 27 years, would you be likely to remember this trivia??

I submitted my claim as best I could in late August 2005. (copy enclosed).

Then, a month later, I got a letter from Barry Telford, DVA. (copy enclosed)

This asked me for stuff I had already sent. But - Lo & Behold - guess what was attached. The missing "Definition". Too late for me, my claim was in.

This letter seemed like a bulk mailout to me because of the appearance of the signature. The "additional information" request was a smokescreen for the now attached "definition of a participant"

My guess is that someone got a rocket for this omission in August and this was an attempt to cover that omission, without admitting to it.

A copy of my reply is enclosed. It contains further comment

Twelve months later, in September 2006, I received a rejection notice. I was told I did not satisfy the definition of a participant, and no review outside of the process was possible.

I did question this decision, but all to no avail, I had wasted my time and precious energy. I enclose a copy of the last letter from MR Telford of DVA with my comments scribbled on same.

Please embrace the whole of the

"Submission for consideration for inclusion in the TERMS of REFERENCE for the F-111 Diesel/Pesal Parliamentary Inquiry" put together by the support group in recent months.

I enclose a copy of same, it is highly pertinent to the inquiry and is most illuminating.

As an aside, you might like to ask our support group representatives, is it true that the defence minister of the now previous government said that "chemicals do not harm people"?

And lastly, I have little doubt that the Lawyer types employed by government will get into this process again. Will you please ask them to look for ways of helping us as a matter of urgency, rather than blocking any move to benefit good Australians who gave their all - no questions asked - in the defence of our country.

Sincerely
[Signature] (David Sayer)

COPY

F111 Deseal Reseal Support Group
GPO Box 2387
BRISBANE QLD 4001

Phone Ian Fraser **0413 698 372**
Phone Kathleen Henry **0438 380 540**
Fax 0433 120 926

November 2004

3 NOV 04 CAS Briefing - RAAF Amberley Egts mess

RECOMMENDATIONS FOR MEMBERS

300 people

With the release of the Health Study last week, it is apparent that the Government will be offering Compensation to members.

We would like to take this opportunity to offer the following advice prior to any Compensation receipts.

Any payments received will have to fund you and your family for the rest of your non-working life and therefore sound advice is needed to assist you in making confident and sound decisions based on knowledge, education and experience.

1. LEGAL ADVICE

We recommend that you seek legal advice on the following issues:

- a. Updating your Will;
- b. When and how to establish Power of Attorney;
- c. Seeking advice BEFORE signing any Contracts or Agreements or Arrangements;
- d. How best to structure your assets to protect them and you.

2. ACCOUNTING ADVICE

We recommend you seek the advice of a Certified Practising Accountant on the following issues:

- a. Taxation implications of any Compensation receipts;
- b. Centrelink implications of any Compensation receipts;
- c. Financial advice on how best to manage your current and future financial affairs;
- d. Superannuation implications, opportunities and concerns.

3. FINANCIAL ADVICE

We recommend you seek sound advice from your Bank Financial Adviser and/or an Independent Financial Adviser on the best methods of structuring your finances to retain your Compensation benefit for the long term.

Then check all advice received with your Accountant and Solicitor, Centrelink and/or the Australian Taxation Office before signing anything or committing yourself.

E-mail goop_troop@tpg.com.au

Web Site <http://www.gooptroop.com>

copy

Remembering service si

As reported in the last issue of *Vet Affairs*, the Australian War Memorial has announced exciting changes to its current galleries.

During the next three years, the existing areas devoted to the conflicts that followed World War II will be completely overhauled to create bigger, better galleries that properly convey and pay tribute to the service of those involved in post-1945 conflicts.

The new galleries will incorporate many of the personal stories and experiences of the more than 110 000 veterans who were a part of these wars and peace operations, including Korea, Malaya, Borneo, Vietnam and East Timor.

Large multimedia presentations will tell the stories of major actions at Kapyong, Maryang San, the Hook, Long Tan and

Coral/Balmoral. Other displays will be created around objects such as the Iroquois helicopter that served with 9 Squadron, the 105mm howitzer overrun briefly during the battle of Fire Support Base Coral in Vietnam and the Gloster Meteor that served with 77 Squadron in Korea.

Visitors will have the opportunity to learn more about peacekeepers who have served in places like Kashmir, Cyprus, Somalia, Rwanda, Namibia and Angola, as well as closer to home in Cambodia, Bougainville and East Timor.

Right now the Memorial is seeking veterans and their families who would like their relics, documents and experiences to be considered for inclusion in these galleries.

The Memorial would like to particularly hear from veterans who have photographs, film or



sound recordings from their time serving overseas or would like to donate relics from the time.

A quarterly newsletter will also be produced to provide an overview of the progress of the galleries, a taste of the stories

to be featured, a object preparatio development.

If you are donating items to Collection, su the newsletter, c

Government responds to F-111 study

The Australian Government has announced plans for a lump sum payment in response to the findings of the Study of Health Outcomes in Aircraft Maintenance Personnel (SHOAMP).

The study was commissioned after a RAAF Board of Inquiry found some 400 ADF personnel and civilians might have suffered adverse health effects from exposure to chemicals while working on F-111 deseal/reseal fuel tank maintenance programs.

The Minister for Defence, Robert Hill, and Minister for

Veterans' Affairs, De-Anne Kelly, announced a lump sum benefit would be offered to those who had suffered exposure, with no differentiation between military personnel, public servants and civilians.

The benefit recognises that people involved in the deseal/reseal program were exposed to increased risk. The lump sum will be in addition to the right to claim benefits through existing State or Commonwealth workers' compensation schemes.

The Government is finalising the amount and method of the

lump sum payments, which will be made later in the year.

Mrs Kelly stressed that serving or former members of the Australian Defence Force could contact the Department of Veterans' Affairs at any time to claim compensation or treatment related to their service, including involvement in the F-111 deseal/reseal program.

Further information on the SHOAMP study is available at <http://www.defence.gov.au/dpe/dhs/infocentre/research/shoamp/shoamp.htm>.

Inform

The Department has set up Information Service for former Defence members who believe they were exposed to beryllium.

The Minister for Defence, De-Anne Kelly, and the Department of Veterans' Affairs had been v to resolve the issue of exposure to beryllium.

"Defence and Veterans' Affairs committed to taking steps to provide support to those who are affected by beryllium exposure," she said.

copy

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Lump sum for F-111 workers

December 20, 2004 - 8:49PM

The federal government will offer a lump sum payout to hundreds of workers exposed to toxic chemicals during the deseal/reseal (DSRS) maintenance of the RAAF's F-111 aircraft.

A defence force report released in October found the workers suffered medical and psychological illnesses including erectile dysfunction, depression, anxiety, memory impairment and respiratory problems, particularly bronchitis and emphysema.

The report came after an inquiry sifted through more than 1.5 million documents and heard from 650 witnesses to investigate health complaints from former F-111 fuel tank maintenance crew members after working with toxic chemicals in the program known as deseal/reseal at Amberley from 1977 to 2000.

The report found health symptoms being experienced by workers on the DSRS programs were "reasonably attributable" to exposure to toxic chemicals used in the maintenance process.

The findings were expected to result in an influx of compensation claims from former employees.

Defence Minister Senator Robert Hill and Veterans' Affairs Minister De-Anne Kelly said in a joint statement from Canberra the government had agreed to offer a lump sum to those who suffered exposure, including military personnel, public servants and civilians.

Funds will also be provided for a cancer and health screening and disease prevention program through the Department of Veterans' Affairs.

"The planned package represents a significant undertaking by the government and is the result of a long and comprehensive consideration of the health impacts on the many people involved in the Deseal/Reseal programs," the ministers said.

"The government maintains its commitment to helping those personnel whose health has been affected by their service and work with the Australian Defence Force (ADF).

"Lessons learnt from the F-111 DSRS Board of Inquiry and the subsequent health studies have paved the way for ongoing monitoring and improvements in the management of our health and safety practices."

Details of the payouts will be released as soon as possible, the ministers said.

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PO Box 21, Woden ACT 2606

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Australian Government
Department of Veterans' Affairs
OFFICE OF THE SECRETARY



S04

David Sayer



QSM04460

Delivered 10 Mar 2005

Dear David Sayer

I am writing to provide an update concerning the Government response to the Study of Health Outcomes in the Aircraft Maintenance Personnel (SHOAMP) and the lump sum for participants in the RAAF's F-111 Deseal/Reseal programme announced by Ministers Hill and Kelly on 20 December 2004.

We are aware that you may have participated in community feedback in the Deseal/Reseal programme and have indicated to the Department your involvement in Deseal/Reseal in some capacity.

Officers from the Department of Veterans' Affairs (DVA) have met with some of the Deseal/Reseal participants and will assist, where appropriate, with advice on claims for illness or injury related to Defence service.

As you are aware, the final SHOAMP report was released by the Chief of Air Force on 26 October 2004. The Australian Government reviewed the results of the Study and considered a range of options to determine the most appropriate response for those affected.

In the wake of these findings, the Government has agreed to offer a lump sum to those who have been exposed. The Government wants this lump sum to be paid on an equitable basis. Therefore, the lump sum will not distinguish between military, public servants or civilians. Any lump sum paid would be in addition to the rights of individuals under the various State and Commonwealth compensation schemes. The details of the lump sum are currently being worked out. It is expected the Government will announce final details of these payments soon.

Additionally, the Government has made available funds to DVA to provide a cancer and health screening and disease prevention programme for all F-111 Deseal/Reseal participants.

I have enclosed an overview of benefits available through DVA. If you consider that you have an injury or disease caused by working on the F-111 Deseal/Reseal Programme and want information on how to access interim health benefits and possible pension entitlements, you should contact your nearest office of DVA by phoning 133 254.

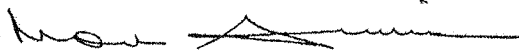
I am aware that some members of the F-111 Deseal/Reseal community may be considering a common law claim. Of course, this avenue is open to you. However, in considering any such action, you should be aware that any compensation received as a result of such action will be offset against compensation paid under the statutory compensation schemes. This means that the amount of disability pension paid will be reduced (or offset) to take account of the compensation paid under the common law settlement for the same incapacity.

In addition, if such a settlement included a component for loss of salary or wages, that component is likely to be offset against any payment or benefit made by Centrelink or service pension paid by DVA. The offset may result in a dollar-for-dollar reduction in either the Centrelink or DVA pension or may preclude payment of the Centrelink or DVA pension.

Therefore, I would encourage you to seek appropriate expert advice on the impact of any such settlement on your individual circumstances.

I hope this overview has been of assistance in bringing you up to date on these matters.

Yours sincerely



Mark Sullivan
SECRETARY

10 March 2005

copy

Part of My "claim" for Ex Gratia

25 AUG 2005

Payment Recognition

"Nature of this Employment"

As NCO i/c 3AD F11C Electrical E servicing, I had around 10 troops under me. The sheer volume of work and nature of the task was something else. Luckily I had a great bunch of guys that needed minimum supervision and support. I was proud of the product we turned out.

'E' servicing is a major undertaking. We removed many electrical components for servicing.

We scrutinized all wiring, lighting, connectors, sensors, systems etc for damage, positioning, condition and made good where necessary.

Several modifications were incorporated by us. I personally corrected ~~many~~ many deficiencies in the applicable A/C publications we relied on.

We were also heavily involved in the "crew Module Time Change" program where the explosives for emergency departure of the crew module were serviced/renewed.

We had at least 5 F11C aircraft in the complex with men swarming over and inside them constantly.

On top of the normal 'E' servicing and crew module program we had the Air frame troops tackling the leaking tanks, all of us trying to stay out of each other's way.

Importantly, it must be realized that before any fuel tank can be closed, an independent inspection must be carried out inside that tank by an authorized inspector. The majority of the tanks had electrical componentry inside them.

I was one of two active Electrical FULC Independent inspectors for the whole of 3AD.

The other man was a flight sergeant who also looked after the needs of the Canberra bomber section. He was also a much larger man than I. Because I was small and thin, guess who ended up inside the now folly plumbed lower rear tank installation before closure. (Me).

He and I shared the weekend work as each A/C went through functionals.

We did have a 3rd independent electrical FULC inspector. He was a Warrant officer at 3AD AEMS. His participation was as a last resort and I recall only once did he have to use his stamp in 2 years, whilst the Flight Sgt and myself carried out those duties wherever we were needed in 3AD, covering a seemingly endless stream of aircraft. This was not a glamorous task, and we received little if any support or encouragement from the OIC or the WOE and his NCO's. Few if any FULC's went through 3AD without my involvement.

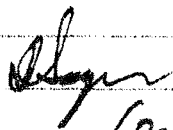
copy

From this narrative, it is hoped that the reader will appreciate that completion of any Desec/resol task, regardless of its detail, had to involve the services of an Electrical Fllc Independant inspector.

My "time in tanks" during the 2 year period of my Fllc involvement should adequately satisfy any requirement for inclusion as a Tier One participant.

This was also the reason that I was included as a group one participant of the interim and final SHOAMP Health Care Scheme.

Sincerely



(David S. Sayer
EX FSQT RAAF
A14883
RSM 4410)

PO Box 21 Woden ACT 2606

copy



Australian Government
Department of Veterans' Affairs

Dated 22 sep 2005

Mr David Sayer

[Redacted address]

I (at least) sent where I think it is

Dear Mr Sayer

I refer to your claim for a one off ex gratia lump sum payment, as a participant in an F-111 Deseal/Reseal program. I would like to advise that your claim is being examined further to validate your claims.

Should you have any additional information to substantiate your claim such as records of training and employment, course certificates and pay records indicating confined space allowance this information would assist the review process. Attached for your information is the 'Definition of a Deseal / Reseal Participant for the Purposes of the Lump Sum Payment Scheme' and the parameters of direct / indirect involvement.

Should you require assistance in compiling the information please call 1800 555 323 for clarification.

Yours sincerely

BT Telford. ← A "Bolk" mailout ??

Barry Telford
Division Head
Compensation and Support
Department of Veterans' Affairs

22 September 2005

I cannot recall ever being offered or even knowing about any confined space allowance.

copy

David

PHONE

[Redacted phone number]

[Redacted address]

10/10/05 OCTOBER

To: Mr B. Telford
Division Head
C & S, DVA.

QSM 4460
EX Fsgt, RAAF. ANIBBS
Eloc FTH.

Dear Mr Telford,

It has been a couple of weeks or so since I received your letter dated 22 sept. Pardon the delay in my response, I've been going through a bad patch for some time, creating increased difficulty of thought. On the subject of additional information to substantiate my claim, I believe I attached sufficient documentation (copies) to go with my narrative. However, given the state of my memory capabilities, I can't guarantee this was the case. Should the need arise for additional information which I may have, please advise what I did supply so that I can search further, to cover any short comings. -NO Reply to this received. DS

I wish also to make a short comment on the now supplied "Definition" & "Parameters".

Firstly: It would have been somewhat helpful had this information been supplied to me at the same time as the claim form was.

Secondly: I should like you to supply feedback to the originators of this information to the effect that those guidelines do not take into account the fact that different individuals have been shown to have varying tolerance & reactions to exposure periods. I do realize that it is convenient from an assessment point of view to take this tack, but really it is totally irrelevant on an individual basis, and therefore unfair and does not, I believe, achieve the desired result of looking after those affected by this Debo. DS

Red July 2007 (D)

F111 LUMP SUM (EX-GRATIA)

Why then has this criteria been changed twice to include fuel tanker drivers and fire fighter students?



Australian Government
Department of Veterans' Affairs

Dated 4 July 2007

why? This is contrary to the BOI content.

Mr David Sayer

[Redacted address]

Dear Mr Sayer

Thank you for your letter of 18 May 2007 concerning the Department of Veterans' Affairs decision on your F-111 ex-gratia lump sum claim.

The current Tier definitions for the Ex-Gratia Lump Sum Payment Scheme cover those personnel who undertook activities while attached or posted to an F-111 Deseal/Reseal section, and are consistent with the findings of both the Royal Australian Air Force (RAAF) Board Of Inquiry (BOI) and the Study of Health Outcomes in Aircraft Maintenance Personnel.

NO they are not! See Para 1-11 of support group submission

How why did I take part?

Identification of personnel who participated in Deseal/Reseal activities was not without some difficulty. As you would be aware, as part of the four formal Deseal/Reseal programs it was the practice of the RAAF to mobilise all personnel available to assist with the Deseal/Reseal programs. Inclusion in the core group was defined by participation in a Deseal/Reseal activity and not by a particular trade or mustering. Therefore, in conjunction with Defence, identification of the core group came from a combination of service records, personal statements and RAAF history.

Little wonder. It has already been stated in a Remembrance book that...

obviously mine was not accepted

The Deseal/Reseal investigation team did not find any evidence in your service records to indicate that you undertook any activities associated with the four formal Deseal/Reseal programs, irrespective of the location of your workplace.

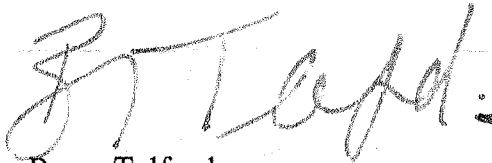
Then why did the applicants have to state where they worked???

Lack of Record keeping was acknowledged by the BOI. That is why personal statements were accepted, but not mine!
Saluting Their Service

WAWA
WAWA, I participated!
Neither the BOI or the Health Study sought to examine the circumstances of those who participated in activities ancillary to the four Deseal/Reseal Programs. Therefore, while the Government could decide to broaden the Deseal/Reseal definition to include those who had conducted activities at other RAAF Base Amberley maintenance squadrons, there is no basis on which to do so. — rubbish.

If you have a specific injury or illness arising from your employment you may be entitled to claim benefits under the *Veterans' Entitlements Act 1986*, the *Safety, Rehabilitation and Compensation Act 1988*. Eligibility for these benefits is independent of the F-111 Deseal/Reseal Lump Sum Payment. These benefits require a separate compensation claim form to be completed.

Yours sincerely



Barry Telford
General Manager

← ORIGINAL in Blue.

4 July 2007

SUBMISSION FOR CONSIDERATION

FOR INCLUSION IN THE

TERMS OF REFERENCE

FOR THE

F-111 DESEAL/RESEAL PARLIAMENTARY INQUIRY

1. PREAMBLE

- 1.1 Australia ordered 24 F-111 Strike and Reconnaissance Aircraft in 1963. Significant modifications, for compliance to Australian standards and requirements, were undertaken on the Aircraft prior to arrival in Australia in 1973. Fuel for the F-111 Aircraft is stored directly in its fuselage, wings and tail in extremely confined spaces, with the airframe metal exposed to extreme temperature changes. There are no fuel bladders. All joints, mating surfaces and interior surfaces were coated with a sealant to prevent fuel leaking from seams.
- 1.2 The original sealant was not adequate and the F-111 Aircraft fleet constantly leaked fuel. Prior to delivery, RAAF workers were sent to Sacramento, California USA to prepare for delivery and undertake training by US Air Force personnel on the process and methods of desealing and resealing the fuel tanks. The Aircraft were delivered to No 482 Maintenance Squadron, RAAF Base Amberley and immediately Deseal and Reseal methods were applied to keep each Aircraft serviceable. These constant daily repairs involved entering "wet" tanks and repairing leaks on all 24 Aircraft to ensure their flight availability. The Squadron was unable to satisfactorily resolve the problem of sealant reversion and effectively provide a long term solution to the leakages of fuel.
- 1.3 By the mid 1970s the Aircraft were reaching major overhaul flying hours and the fuel leak problems were becoming critical. RAAF overhaul facility No 3 Aircraft Depot, which was responsible for all major Aircraft maintenance and overhauling duties at Amberley, was tasked with undertaking a full Deseal and Reseal of each Aircraft during overhaul, to remove all sealant within the airframe and replace it with new compounds to prevent future leaks.
- 1.4 Four formal programs were established at No 3 Aircraft Depot. The first program commenced in late 1977, ramped up, and concluded in 1982. The Wing Program began in 1985 and concluded in 1992. The Second Program began in 1990 and finished in 1993. Prior to and during these formal programs, Squadron maintenance workers continued to enter the tanks and

This contains much valuable information, and is a shocking indictment of the actual government response.

LE'SERVICINA

conduct repairs necessary to maintain flying commitments. The Spray Seal Program was conducted from 1996 to 1999.

- 1.5 In 1992, No 482 Maintenance Squadron was merged with No 3 Aircraft Depot and became No 501 Wing. No 1 Squadron and No 6 Squadron took ownership of the Aircraft from No 482 Maintenance Squadron, and maintenance workers from this squadron were also transferred to the flying squadrons. These workers continued daily fuel tank repairs on the fleet.
- 1.6 In 1999 a visiting Medical Officer noticed similar symptoms from members reporting to Medical Section for treatment. He investigated where these personnel worked and reported to their Officer in Charge. The Spray Seal program was immediately suspended and an on-base inquiry was instigated.
- 1.7 The on-base inquiry found evidence of chemical contamination of F-111 Aircraft Maintenance Workers, not just on the Spray Seal program but going back to 1973 at No 482 Maintenance Squadron, No 1 Squadron, No 6 Squadron, at No 3 Aircraft Depot and at the merged No 501 Wing. Due to the magnitude of the problem, it immediately recommended a full Military Board of Inquiry be instigated to fully investigate the issues.
- 1.8 In July 2001 the largest ever Military Board of Inquiry handed down its findings into the F-111 Deseal/Reseal processes. The inquiry acknowledged the RAAF had placed "platforms over people" and had failed at all levels to ensure the environmental, procedural, physical and medical safety of personnel and their families. It also acknowledged that records of involvement in F-111 Aircraft Maintenance had not been maintained or kept nor had records of work undertaken. It further acknowledged that long term health damage had been caused to workers and required a full health study of the workers, their next of kin and dependants. It also required that all health conditions be identified and the long term health of member's be taken care of.
- 1.9 The RAAF Board of Inquiry devolved the Health Study responsibilities to DVA to undertake the health study and worked with the University of Newcastle and University of Sydney to undertake a Cancer and Mortality Study and a Health Study of affected personnel.
- 1.10 The Cancer and Mortality Study found increases in cancers 40 – 50 percent higher than the cohort, and stated Mortality was marred by "survivor bias" and explained that both RAAF and DVA did not keep records of those personnel who had already died as a result of Deseal activities. They recommended a further study be undertaken in 3 to 5 years and the results were expected to be released in March 2008. SHOAMP Forum Minutes reflect that only one or two deaths would create a significant swing in the data and show a significant Mortality rate.
- 1.11 The Health Study selected only personnel who had handled SR-51 (only one chemical in the cocktail of over 200 used for desealing, cleaning and resealing the Aircraft) at No 3 Aircraft Depot and who were involved in one of the four

formal "programs". It did not include all "ground crew" as required by the Board of Inquiry. The Study selected a number of areas of effect: mental health, cardiac, respiratory, skin conditions, sensory and motor neuropathic, sexual dysfunction, anxiety and depression, cognitive dysfunction and compared the Deseal group with RAAF Richmond workers and RAAF Amberley workers who had not worked on F-111 Aircraft. The study did not investigate the immunological effects on personnel, even though over 1700 conditions have developed because of the assault on the immune system by toxic chemicals. The study did not investigate chemical exposure or link chemical exposure to the symptoms. The study did not investigate time-dose relationship of exposure to symptoms. A study of the next-of-kin and dependants has long been requested but consistently denied by DVA and the previous Minister.

- 1.12 The Government response to the SHOAMP Health Study and Cancer and Mortality Study was announced on 20 December 2004 and included an ex-gratia for affected members. The Government clearly reiterated that the payment was not an admission of liability, it was not for exposure to toxic chemicals, it was purely "*in recognition of the unique circumstances of the working environment*". The Government also clearly stated the ex-gratia payment was in addition to and had no effect on any statutory rights for compensation or claims against the Commonwealth.
- 1.13 Also announced was a five year ongoing health study of affected personnel to the value of \$2.1 Million. The study was to undertake annual bowel screening because of the high risk of bowel cancer within the group. The study was to undertake cancer monitoring, annual review of mental health conditions to monitor deterioration, and an annual overall health review. The Expert Advisory Panel was asked if immune system compromise would be included in the study and the official response was that this study was not going to look at anything they cannot fix. The original intention was never carried out and now the study amounts to one bowel cancer screen every 5 years (which is readily available through Medicare to the Australian public), a melanoma screening, education leaflets on alcohol abuse (even though there is no risk and the Health Study showed a lower tolerance to alcohol for the affected workers), sexual dysfunction, and healthy eating.
- 1.14 On 19 August 2005, the Government again announced that DSRS workers could test their eligibility for a lump sum payment of \$10,000 or \$40,000 "*in recognition of the unique circumstances of the working environment*". The ex-gratia payment had criteria established which linked payment to time-dose exposure even though this has never been investigated. The payment excluded widows of persons who died prior to the handing down of the Board of Inquiry findings even though the RAAF and DVA admitted to not having records of deaths. "*it was not possible to identify DSRS participants who had died before the start of the study, leading to a falsely low mortality in the exposed group.*" (TUNRA & HMRI, 2004a, p.56-58). The criteria required official documentation as evidence of involvement even though the RAAF admitted no proper records were maintained. and vet has accented one claim

on the basis of owning a Deseal/Reseal Stubbie Cooler. (*Sharon Sinclair DVA at F-111 Deseal/Reseal Support Group Meeting 9 September 2007*). Statutory Declarations were not accepted to substantiate a claimant's involvement. (*Barry Telford DVA at RAAF Amberley 5 September 2005*). Squadron personnel who undertook repairs from 1973 to 2000 were excluded because DVA determined their time-dose exposure was for shorter periods of time than those on the program, even though there is no substantiating evidence to support this exclusion, and in fact that SHOAMP reports actually contradict this statement. "It is recognised that some individuals may have spent more time working on Pick and Patch than on the formal DSRS programs." (SHOAMP Health Study 1.2.1.2 page 9).

- 1.15 On 5 September 2005 DVA stated that the criteria could not be changed, yet the criterion has been changed twice. Firstly to include Fuel Tanker Drivers and secondly to include Fire Fighter students who burned the waste chemicals and fuel.
- 1.16 The Minister also announced Section 7.2 of the SRCA would be enacted to allow F-111 Aircraft Maintenance Workers access to Military Compensation provisions. However, DVA linked acceptance and payment under Section 7.2 only for those who received ex-gratia recognition. All other claimants were denied compensation solely because they did not meet the Tier criteria. This is outside the scope of the Act because it is not up to the Department to determine who is or is not a "particular person or group of persons", nor is it the function of the Department to determine if the condition claimed exists, it is the function of the Department to determine if the condition can be linked to military service. Therefore, although the Government stated the ex-gratia payment had no effect on any statutory rights, it has been used to deny many their rights.
- 1.17 Compensation is dependant upon the date which DVA determines that the condition onset. The 1971 Act (MCS) allows recognition of the condition but no payment for compensation for personnel from 1973 to 1986. The SRCA (1986 – 1994) allows recognition of the condition and a lump sum payment or taxed fortnightly payments until retirement age then all compensation ceases. The MRCA (1994 – 2006) allows recognition of the condition and a higher lump sum payment or taxed fortnightly payments until retirement age then all compensation also ceases. The Veterans' Entitlement Act (VEA) allows recognition of SoP determined conditions and untaxed fortnightly payments until death. WorkCover Queensland allows recognition of the condition and a maximum of five years weekly payments or a lump sum payment. ComCare uses the SRCA and later acts.
- 1.18 The VEA allows recognition of SoP determined conditions only. DVA have received applications for over 1700 conditions attributable to toxic chemical exposure while working on F-111 Aircraft due to either central nervous system or systemic immune system compromise. Section 180(A) provisions allow for recognition of a "person or particular group of persons" to be accented for VEA entitlements where there are no SoPs and the Renatration

Medical Authority (RMA) do not intend to create SoPs for the conditions. Although they have stated they will not create any new SoPs for Deseal conditions, and all the prerequisites for acceptance of instigation of Section 180(A) have been met, the RMA will not enact Section 180(A) provisions for all affected personnel. Again the Department appears not to be complying with the beneficial legislation to assist Veterans' with their health issues, yet there is already precedent for this provision for F-111 Aircraft Maintenance Workers. The SoP for Prostate Cancer includes a particular group referred to as Vietnam Veterans. Also, provision is made in SoPs for "Prisoners of War" for beneficial acceptance of conditions.

2. QUESTIONS

2.1 Given the history, acknowledgements and findings of the On-Base Inquiry, the Military Board of Inquiry, the SHOAMP Health Study, and the TUNRA Cancer and Mortality Study, who should be included under the definition of an eligible Aircraft Maintenance Worker for the purposes of the ex-gratia lump sum payment? In investigating this question, it is requested that particular attention be paid to:

- i. the moral and legal defensibility of the ex-gratia criteria given that:
 - a. all F-111 Aircraft Maintenance Workers from No 3 Aircraft Depot, No 482 Maintenance Squadron, No 1 Squadron, No 6 Squadron were recognised and included in the RAAF Board of Inquiry as affected personnel and offered Group 1 status and inclusion in the F-111 Health Care Scheme established by the RAAF;
 - b. deceased F-111 Aircraft Maintenance Workers were not identified and next of kin sought out by DVA or RAAF to investigate if the death could be related to Deseal activities. Instead a blanket exclusion was made to all widows even though some have formal documentation from DVA stating their partner's death was caused by Deseal activities;
 - c. the RAAF admitted to not maintaining official evidentiary records of F-111 Aircraft Maintenance practices or involvement and DVA has relied on Record of Training and Employment as a full curriculum vitae of duties undertaken when this document was never created for such purposes, and in fact the SHOAMP Health Study reported *"There is no definitive list of DSRS participants compiled at the time that the work was carried out, and DSRS activities were not comprehensively noted in participant's personnel files. Only 40 individuals from the list of 719 classified as having been involved in the F-111 DSRS (according to DVA F-111 list) were found to have such a notation in their file"*. (TUNRA & HMRI, 2004a, p.57), yet personnel have been rejected because they cannot provide formal documentary evidence and Statutory Declarations were not accepted to substantiate a claimant's involvement; and
 - d. Civilian contractors were only required to provide a Certificate of Employment to receive ex-gratia recognition, however RAAF personnel have been required to substantiate their daily involvement for recognition when tank entry work as part of their routine daily employment.

- ii. **given that the intention of the Government in awarding an ex-gratia payment was “in recognition of the unique circumstances of the working environment”:**
 - a. why was a tiered criteria established based on exposure;
 - b. who were the personnel who decided to limit this recognition to the four formal programs only after the RAAF had included Squadron and peripheral workers;
 - c. if exposure was to be used, why was the criteria established for days rather than the internationally accepted exposure hours;
 - d. the RAAF admitted their failure to provide occupational health and safety training in safe work practices and procedures, appropriate personal protective equipment for all personnel, and medical monitoring of health effects. The RAAF failed to provide a safe *working environment*. Why have these admitted shortcomings not been considered in the determination of eligibility for the ex-gratia payment; and
 - e. no occupational health and safety monitoring was undertaken to determine airborne concentrations of chemicals in the surrounding work environment at any time from 1973 to 1999, and no time-dose criteria was established identifying safe limits or limiting or reducing exposure for F-111 Aircraft Maintenance Workers in any buildings on RAAF Amberley, yet time-dose exposure is the basis of the ex-gratia acceptance and workers who were in the vicinity of the Deseal work have been excluded for compensation as a result.

2.2 Given that this is the largest industrial disaster in Australia’s military history, are the current provisions for compensation sufficient to recognise and compensate for the physical, mental, emotional, financial, and lifestyle damage and shortened life expectancy of F-111 Aircraft Maintenance Workers? In investigating this question, it is requested that particular attention be paid to:

- i. **the inequity and inadequacy of the current compensation schemes:**
 - a. Military Compensation can be awarded under four different Acts for military and commonwealth employees. These Acts provide for lump sum payment or fortnightly taxed payments until retirement age when all payments cease. However these Acts differ greatly in compensation amounts and therefore provide no equity to workers;
 - b. Veterans’ Entitlements Act can be awarded for conditions which meet Statements of Principles only and provide fortnightly payments until death:

- c. WorkCover Queensland provides for a maximum five years of taxed payments and a lump sum payment to a ceiling threshold including any payments already awarded;
- d. No compensation schemes provide for loss of income or superannuation for after retirement age provisions. Given that the age pension is being wound down, it is anticipated that many affected personnel will be destitute after age 65;
- e. No compensation schemes provide damages for loss of income, loss of lifestyle, and loss of opportunities suffered by the workers and their families as a result of performing their duties; and
- f. Has the Australian Government Solicitors Office been “a model litigant” in dealing with individual legal claims which it has delayed since 2001? Have they offered mediation similar to HMAS Voyager claimants? Did the subcontracted Clayton Utz Lawyers act reasonably with the Class Action applications when they demanded PIPA forms for the Class Action even though these are not required for any such Action under Queensland law, and were their tactics considered acceptable by the AGS? Their stated intention was to instigate a very costly High Court Appeal to ensure PIPAs were used which effectively removed the opportunity of natural justice through the courts.

ii. whether the Department of Veterans’ Affairs (DVA) have been transparent and applied the beneficial provisions of their statutory Acts in their dealings with affected F-111 Aircraft Maintenance Workers:

- a. Although DVA management stated the ex-gratia criteria could not be changed from the guidelines which were established in August 2005, the criteria has since been changed twice;
- b. When the F-111 Health Care Scheme administration passed from RAAF to DVA the list of recognised conditions changed. Affected personnel were not advised of these changes and were therefore left out of pocket for medical expenses. DVA stated the new list of conditions was in line with the SHOAMP Health Study findings yet several conditions (such as Mixed Connective Tissue Disease – an immune system disease) were never included in SHOAMP;
- c. Also when the F-111 Health Care Scheme administration passed from RAAF to DVA and was renamed to SHOAMP Health Care Scheme, the date for acceptance of new conditions was set at 20 September 2005. No new illnesses or diseases which have developed since that date are included for reimbursement of

medical expenses. Also, sound international scientific advice agrees that toxic chemical contamination can take up to decades to manifest. This further negates true compensation and equity for F-111 Aircraft Maintenance Workers; and

- d. Section 7.2 provisions of the SRCA Act have been enacted to allow recognition of a particular person or group of persons to receive beneficial compensation for the conditions attributed to their F-111 Aircraft Maintenance Work. However, DVA is determining who is and is not eligible for this compensation based on receipt of the ex-gratia payment. This is not the intention or provision of the Act and the "interpretation" denies members their statutory rights to compensation; and
- e. Section 180(A) provisions are available under the VEA, and the F-111 Aircraft Maintenance Workers meet the criteria for provision under the Act, however, Section 180(A) provisions have been denied, even though a precedent has been established for Prisoners of War and Vietnam Veterans.

iii. whether the Department of Veterans' Affairs (DVA) have complied with the intentions of the RAAF in ensuring the provision of ongoing assistance for the health effects of F-111 Aircraft Maintenance Workers and their families:

- a. the RAAF required a full health study of the effects of chemical contamination on its workers, their dependants and next-of-kin. Has the RAAF or DVA actually complied and undertaken these studies?; and
- b. Is provision being made for payment of medical expenses for all conditions attributable to F-111 Aircraft Maintenance Work rather than reimbursement of expenses for a select list of conditions?

2.3 Given that it is the acknowledged that this disaster has long term health and financial implications for the affected F-111 Aircraft Maintenance Workers and falls outside the scope of current compensation schemes, would the Government consider enacting special considerations for compensation for these workers? In investigating this question, it is requested that particular attention be paid to:

i. the resolution of current and future health concerns :

- a. the issue of a DVA Gold Card or equivalent to all affected personnel both military and civilian would ensure that the cognitive, psychological, neurological and emotional conditions experienced by these workers would not be further exacerbated by the currently gruelling process of seeking recognition and reimbursement of out of pocket expenses:

- b. the issue of a DVA Gold Card or equivalent to all affected personnel both military and civilian would ensure that all current and future long term effects of chemical contamination including the sequale conditions caused by immune system compromise are taken care of as was the intention of the RAAF; and
- c. the issuing of a DVA Gold Card or equivalent to all affected personnel both military and civilian would eliminate the current additional costs to the Government of administration of the SHOAMP Health Care Scheme, the Better Health Program, F-111 Deseal/Reseal Military Compensation and VEA F-111 Deseal/Reseal administration cells and centralise funding back to general DVA administration. This could have the potential of saving hundreds of thousands of dollars per year in wages alone and reduce duplication of record keeping and storage and alleviate the need for Deseal specific programs.

ii. The consideration of an equitable and adequate compensation payment:

- a. a stand alone untaxed compensation payment which recognises the long term financial, lifestyle, and shortened work and life expectancy of F-111 Aircraft Maintenance Workers and which also acknowledges the abject negligence of the RAAF in failing to provide and maintain a safe working environment payable to survivors and widows of deceased personnel. Also to be considered is that when the RAAF failed in its responsibilities to provide full occupational health and safety for its workers, it prejudiced the Commonwealth obligations for the workers under Section 53 of the SRCA;
- b. this stand alone untaxed compensation payment should have no bearing on any other statutory rights or obligations because no other current scheme, including DVA, ComCare, WorkCover, Centrelink or personal insurance has consideration for negligence; and
- c. the HMAS Voyager resolution included mediation for those personnel seeking legal action and had the benefit of saving the Government an estimated \$25Million in legal costs. Prior to the mediation, the HMAS Voyager survivors suffered unspeakable trauma for over 25 years at the hands of uncaring Departments in their attempts to seek compensation. It is understood that mediation is currently under way for HMAS Melbourne/HMAS Evans survivors also. This could be an additional consideration for F-111 Aircraft Maintenance Workers and would give quick resolution to the issue and avoid a repeat of the horrors of the HMAS Voyager compensation fight.

iii. The consideration of enacting Section 180(A) of the Veterans' Entitlements Act:

- c. to recognise and acknowledge Toxic Chemical Contamination as both the cause and effect of F-111 Aircraft Maintenance Work. This provision would acknowledge the long term, irreversible health effects caused by the negligent exposure of workers and does not require SoPs or sound scientific medical evidence for each particular condition. As previously stated, precedent already exists to allow for this consideration;
- d. to recognise and acknowledge that the ability to undertake full time work as a result of this contamination is being supported by the beneficial provisions of the VEA;
- e. to provide an equitable pension for the remaining life of all affected workers, regardless of current age, rank at discharge, year of onset, and military or civilian involvement; and
- f. allow for provision of funeral benefit on the event of the death of the worker.

3. CLOSING STATEMENT

- 3.1 The RAAF acknowledged a complete failure of duty of care to the F-111 Aircraft Maintenance Workers from 1973 to 2000. In 2001, at the handing down of the Board of Inquiry, 53 recommendations were made to ensure the same disaster was not repeated within the Service and that the health of workers, their partners and children would be taken care of.
- 3.2 The Department of Veterans' Affairs held over member's claims for compensation until the finalisation of the SHOAMP Health Study, then the Cancer and Mortality Study, then the Government response to the SHOAMP Health Study, then the release of the Ex-Gratia Lump Sum Payment criteria. Claims which had been submitted in 2001 were not processed until late 2006.
- 3.3 During the twelve months prior to processing of F-111 Aircraft Maintenance Worker claims, the beneficial provisions of the VEA were subject to a policy change and DVA Brisbane confirmed "the pendulum had swung the other way" and advocates whose claimants would normally have no difficulty in receiving beneficial decisions were receiving rejections leading to Section 32, VRB and AAT appeals.

- 3.4 This had a compounding effect on F-111 Aircraft Maintenance workers who then began receiving a flurry of rejections for their claimed conditions and further exacerbated the long held perception of injustice meted out to them.
- 3.5 Over the five years of waiting for compensation and pension decisions, the F-111 Aircraft Maintenance Workers were consistently promised that they would be "taken care of" by the RAAF, their health issues would be addressed, their fears and concerns of financial security would be allayed, and their families would be looked after.
- 3.6 Five years of waiting for compensation while mental and physical health deteriorated had an incredibly damaging effect on relationships and lifestyle implications for many. Some lost their businesses, others lost their homes, and relationships broke down because of the pressure of living on the knife edge of fear and misinformation. Several attempted suicide and many succeeded because of the overwhelming stress of uncertainty and the attitude of unbelief and mistrust directed at them.
- 3.7 Many partners have lost their income and superannuation also as a result of the F-111 Aircraft Maintenance Workers failing mental and physical health and the burdens placed upon the partners to support and care for their affected partners and suffer the onslaught of effects to their family unit of cognitive damage and "living in limbo" then rejection of claims.
- 3.8 These partners are also suffering damaging health effects, many, like their partners, are "rare" cancers and diseases and do not respond to normal treatments. The family is responsible for the financial burden of these diseases and illnesses. Most are also suffering major psychological conditions which the RAAF started to investigate but the study has not been concluded. All they have received so far is the offer of five counselling sessions through the VVCS Counsellors.
- 3.8 There is much anecdotal evidence of the effects on the next generation; however the required study of children has not been undertaken. This has remained a major concern for the F-111 Aircraft Maintenance Workers and their partners who are fearful for the future of their children and believe a study would prove statistically significant increases in birth defects and the ability of the next generation to conceive and carry live births.
- 3.9 It is hoped that this Parliamentary Inquiry will do justice to these personnel and their families and offer a just and dignified compensation package to all personnel so that their remaining life can at least be eased by the knowledge that they no longer have to "fight" for recognition, compensation and the security of their families.