



Submission No 79

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

Name: Mr Rodney Gilbert

Deseal/Reseal parliamentary Inquiry Submission

By

Rodney Gilbert

(Member of DSRS Support Group)

My name is Rodney Gilbert; I joined the Royal Australian Air Force in 1986 and served over 20 years as Firefighter. I was systematically poisoned by the service to which I gave a life time and am being denied acknowledgement, treatment, and compensation by the very department that is meant to represent injured serviceman, DVA.

This poison to which I am referring is deseal/reseal waste chemicals. Through tasks associated with employment a RAAF Firefighter, I have inhaled, ingested and absorbed DSRS waste chemicals on occasions too numerous to quantify in this submission, in order to fulfil my duty within the ADF.

In the year 2002 I submitted a claim for compensation resulting from adverse health effects caused by exposure to hazardous chemicals as part of my duties. My resulting symptoms include frequent headaches and migraines, lumps on testicals, skin disorders, Lipomas, severe heartburn, memory loss, and other neurological and depressive disorders such as unexplained bouts of depression, anger, dizziness, sleeping problems and disorders, fatigue, lethargy, nausea, intestinal disorders and sexual dysfunction.

I was a very fit fireman that had a very bright future and exemplary career. The repercussions of my exposure to these chemicals will now see me forfeit a comfortable and pain free lifestyle, and sacrifice the activities from which I derive pleasure and enjoyment for the remainder of my life.

Following the announcement of the Government that an exgratia payment would be made to those exposed to these chemicals, I submitted a claim based on the following eligibility criteria imposed by DVA:

The original definition read: *Fire Fighters employed as Instructors whose usual place of duty was the Fire Training School fire pits and who spent at least 60 cumulative working days actively involved the burning of by-products from the F-111 DSRS process during the period 1976-1990.*

I was subsequently denied and the reason documented by DVA for the denial is as follows;

“Your duties did not satisfy the definition of a Deseal/Reseal participant as either you:

- Did not undertake your duties for the requisite 10 to 30 cumulative days; or;
- Did not undertake any of the duties or occupations specified in the Tier 1 or 2 Deseal/Reseal definitions”

I was informed in the determination letter from Mr Barry Telford, the Division Head of compensation and support at DVA that my only avenue for complaint regarding this determination is through the office of the commonwealth Ombudsman. DVA have used this definition to deny payment to firefighters who were not instructors at the RAAF Fire School at RAAF Amberley and this effectively denied all that were not successful a chance for any further review.

My subsequent complaint to the ombudsman was in relation to the Tier definitions used by DVA to determine eligibility criteria for the Exgratia lump sum payment, the disparity between eligibility criteria and time weighted exposure limits imposed upon firefighters in comparison to other exposed groups and the denial of procedural fairness by DVA. The Ombudsman informed me that because the definitions were endorsed by a minister their power to investigate does not extend to questioning decisions of ministers.

The definition excluded firefighters who worked independently from the fire training school at RAAF Base Amberley fire training grounds and fire training pits. The definitions focus around the processes of the fire training school and ignore the fact that operational firefighters posted to units at RAAF Amberley such as I, handled, incinerated and were poisoned by these chemicals as we disposed of the waste in our normal day to day duties over many years.

After much effort and complaints by firefighters, I believe the office of the Commonwealth Ombudsman pressured DVA to amend the tier definitions to read;

"Fire Fighters whose usual place of duty was a Unit at RAAF Base Amberley and who spent at least 60 cumulative working days actively involved in the burning of by-products from the F-111 DSRS process during the period 1976 – 1994.

I fit this definition in its entirety, have provided ample military service evidence and statutory declarations from supervisors and colleagues yet have been denied payment and denied a review by the office of DVA. DVA refuse to accept Statutory Declarations for supervisors and colleagues that detail the duties and tasks that led to exposure of these chemicals.

DVA have advised that a "RAAF expert" drafted the tier definitions. DVA have refused to disclose this person's identity and their qualifications that make them an "RAAF Expert" in the roles and duties of RAAF Firefighters. This refusal to divulge such information to allow the "RAAF Expert" to be at least queried about the qualifications and procedural knowledge this person allegedly held is a denial of procedural fairness. After more than 20 years as a RAAF Firefighter I too am a subject matter expert in RAAF Firefighting, yet this seemingly carried no weight whatsoever.

I also highlighted to the Ombudsman that my colleague Mr. Mark Baker received a Tier 2 payment when I and others had been denied. Mr. Baker worked with me, and I am happy he has received the payment for exposure to these chemicals. My complaint however was based on the fact Mr. Baker was not a firefighter instructor during the periods defined in the tier definitions and was never posted the operational fire service at RAAF base Amberley. Mr. Baker received a tier 2 payment despite having three years less exposure to the chemicals of DSRS than myself. When the Commonwealth Ombudsman placed DVA on notice regarding this disparity, the response from DVA was "that was a mistake that we will ensure will not happen again".

The issue of tiered payments discriminates between RAAF trades and should be based on exposure to these chemicals and not simply the person's trade. DVA, by denying recognition and liability for conditions detailed in the SHOAMP Health Study have seemingly ignored the findings and recommendations of the Board of Enquiry. How is this fair?

I welcome this parliamentary enquiry and remain hopeful that all exposed personnel will receive full medical support for all health conditions and fair compensation for their loss of health, lifestyle, earning capability and personal potential.

If you require any further assistance or information, please do not hesitate to contact myself on the details below.

Regards,

RODNEY GILBERT

[REDACTED]
[REDACTED]
[REDACTED]

26 Jun 2008

[REDACTED]
[REDACTED]
[REDACTED]