



Submission No 28

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

Name:

Name withheld

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Defence Sub-Committee
Secretariat
Parliament House
Canberra
ACT 2602

Sir,

This submission is forwarded on behalf of the members of the Non Destructive Testing (NDT) trade group who were required to perform NDT duties in the vicinity of Deseal/Reseal operations and had claims for an ex gratia payment rejected. Although other NDT technicians also worked in the Deseal/Reseal environment for extended periods, this submission is on behalf of the technicians that we know of who submitted claims and were rejected. The submission is against the following F111 Reseal/Deseal Parliamentary Inquiry terms of reference:

Whether the lump sums were consistent with the definitions of Tiers of participants;

The standard of evidence required to substantiate a claim was reasonable and, if not, whether alternative standards of proof may be used when making an eligibility determination;

The overall handling and administration of ex gratia compensation claims was appropriate and timely.

Background

NDT, formerly known as Non Destructive Inspection (NDI) is a trade group comprised of specialist technicians trained to perform Non Destructive Tests on aircraft and associated Ground Support Equipment (GSE). NDT support to RAAF Base Amberley (Squadrons/Units/Sections) was provided from a Base NDT section belonging to 3AD (and then 501WG) Base NDT Section. Accordingly, Non Destructive Technicians based at Amberley belonged to either 3AD or 501WG and were not posted directly into the Deseal/Reseal program. Never the less, personal posted into Amberley Base NDT section were often employed to carry out NDT on F111 wings & fuselages in the Deseal/Reseal hangar on wings and fuselages as they were undergoing the Deseal/Reseal program.

NDT required during Reseal/Deseal

Every time a Deseal/Reseal servicing was carried out, there was a requirement to have NDT performed in conjunction with it. The scheduled NDT support that was afforded the Deseal/Reseal program was considered so integral to the servicing that in 1986 AIRENG1D initiated the inclusion of seven NDI maintenance tasks into the Deseal/Reseal work sheets. The inclusion of these tasks into the Deseal/Reseal work sheets ensured that, as a minimum, these seven NDI tasks would be performed every time a Deseal/Reseal servicing was undertaken.

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In addition to the mandatory tasks required by AIRENG1D, NDI STD 6.6 (inspection of wing pivot fitting upper and lower fuel flow vent holes and stiffener runouts) was another major NDT task that was usually performed during the Deseal/Reseal servicing. NDI STD 6.6 is a magnetic rubber inspection process that requires meticulous cleaning and preparation of the areas to be tested. As the fuel flow vent holes and stiffener runouts are in the wing pivot fitting fuel tank the NDT technician's upper body and head are in close proximity to the internal cavities of the F111 wings for extended periods while performing this inspection. Accordingly, NDT technicians were inadvertently inhaling large quantities of the chemicals being used in their vicinity.

PPE

NDT technicians required only minimal PPE for the NDT tasks that they were employed to perform and they received no warnings or training on the chemicals and substances that were being used along side them by Deseal/Reseal workers. During the extended time NDT personnel were employed on tasks in the Deseal/Reseal hangar, as well as no safety briefs being given to NDT technicians by Deseal/Reseal staff, there was also no specialist PPE suggested or provided against potential hazards that were unique to that environment. The NDT was carried out immediately adjacent to other wings/fuselages undergoing desealing and resealing processes, including the chemical cleaning of the wings and the application of new sealant into the wing cavities. As a result, NDT technicians inhaled and came into physical contact with a mixture of fumes from solvents and sealant used in the Deseal/Reseal process. NDT technicians were also being compromised by these contaminants adhering to their skin and clothing. These products would be later inhaled by NOK in the family home.

Inconsistencies in the determination process

One NDT Technician based at Amberley BNDT Section during the Reseal/Deseal period forwarded a submission immediately the ex gratia payments were announced. Investigation by the claims determination committee deemed this submission to be a valid Tier 1 claim and he received the full Tier 1 ex gratia payment.

However, the remaining NDT personnel who provided submissions gathered comprehensive evidence of their involvement during the Deseal/Reseal period to support their claims before lodging. When lodged, the submissions contained the following evidence:

- a. AIRENG1D Memo verifying the requirement for NDI tasks during the Deseal/Reseal program,
- b. Deseal/Reseal work sheets for specific NDI tasks,

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- c. NDI reports for tasks that they had performed on F111 wings or Fuselages while a Deseal/Reseal servicing was in progress,
- d. estimations of hours /days required to complete each NDI task, and
- e. estimations of total time spent in the Deseal/Reseal environment performing these tasks.

All of these claims were subsequently rejected by the claims determination committee. In a telephone conversation on 7Aug06 between [REDACTED] and [REDACTED] [REDACTED] was involved in the determination of claims) [REDACTED] revealed that the criteria that had been set out had been the subject of much conjecture and individual interpretation. [REDACTED] also stated that regardless of their exposure to the Deseal/Reseal process, and even though one NDT technician has already been awarded a Tier 1 ex gratia payment, NDT technicians are *now* being assessed as Tier 3 participants. The change in application of the determination process where a Tier 1 ex gratia payment was initially granted to one NDT technician and then to later apply a blanket Tier 3 policy to further NDT applicants clearly demonstrates that there were inconsistencies in the interpretation of the criteria, the determination process applied, *or both*.

All replies informing NDT technicians that their claims had been rejected stated that as a NDT technician they did not satisfy the definition of a F111 Deseal/Reseal participant as *either* they:

- Did not undertake the 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 Tier 2 Deseal/Reseal definitions.

Our concern is that the replies did not state *which* of the requirements we as NDT technicians did not completely satisfy. Indeed, the wording of the original criteria clearly implies that only one of the above criteria must be met for determination as a Tier 1 participant, *not both*. Accordingly, all the NDT technicians that submitted claims could easily account for more than 30 cumulative days in the Deseal/Reseal environment and therefore all satisfied the criteria required for determination as a Tier 1 participant.

Summary

Evidence of NDT reports and aircraft/wing maintenance work sheets demonstrating that NDT was carried out by these technicians during Deseal/Reseal have been gathered and are available if required. These NDT reports were submitted as evidence of the work performed in the Deseal/Reseal hangar by these technicians along with aircraft maintenance work sheets that have NDT tasks incorporated as part of a Deseal/Reseal servicing as instigated by AIRENG1D in 1986.

NDT technicians that applied for the ex gratia payment did so in the honest belief and knowledge that they had more than satisfied the criteria that had been laid out and

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were therefore eligible to be assessed as a Tier 1 participant of the ex gratia payment scheme. However, with the exception of one early applicant, all remaining NDT applicants were assessed as Tier 3. Unfortunately, from the conversation with SGT [REDACTED] it would appear that the only rationale applied to justify this complete turn about was a on-the-run blanket policy of *'regardless of the strength of their application, and irrespective of any determinations that had previously been made, the NDT technician trade group are now to be assessed as Tier 3 participants only'*. As a group, we have serious concerns as to the process that was employed in reaching and justifying this decision.

Forwarded for your consideration.

[REDACTED]