

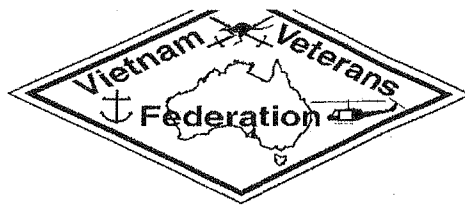


## **Submission No 51**

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

**Organisation: Vietnam Veterans' Federation of Australia  
Queensland Branch**

**Address: PO Box 2817  
Nerang Business Centre  
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## VIETNAM VETERANS' FEDERATION OF AUSTRALIA

QUEENSLAND BRANCH INC.

Tuesday, June 24, 2008

Clerk Assistant[Committees]

House of Representatives

Parliament House Canberra

2600

We make this submission based upon the VVFA's Qld. response to the plight of Airmen who served in the F111 Deseal / Reseal activities and only three points in the Terms of Reference. They are:

The Health Care Scheme

Adequacy of Exgratia Payments

Equitable Treatment

It has been decided not to address the Terms of Reference in total as much will be covered and revealed at the Public hearings. The three key issues above will form our submission. However we request the opportunity to address the Committee when in Brisbane.

Since the revelations surrounding the Deseal/Reseal and F111 Maintenance programs were made public enquiries and studies have without question established the connection between those airmen suffering horrendous medical and psychological conditions and their service. There has been much political grandstanding, much denial of the truth, much denial of Airmen compensation entitlements, much failure of the compensation system and much clouding of the real issues which caused this National disaster. The outcome of all this is another enquiry. We plead with this committee to make this the last, no longer can we as citizens of Australia accept that the care deserved by these Airmen is denied because of blind bureaucratic denial of the connection of conditions to their service.

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Your Mr. B. Rippol said this on the 7<sup>th</sup> March 2004<sup>1</sup>

“the impact it has had on their lives and the lives of their descendants. In my view, it is fairly conclusive that there was a massive impact. These people have contracted cancer at a rate far greater and far more rapidly than anyone else in society. They have been generally in poorer health and sicker. They have died earlier and have passed on, as it were, conditions to their children. The severity and seriousness of this case is massive.”

There is an unquestioned belief that those who have been exposed to chemicals during their involvement in the F111 Maintenance and Deseal/period have as a consequence suffered unimaginable health consequences. It is now incumbent upon the Committee to bring to an equitable finality the many questions surrounding fair compensation for Airmen and Women and their families.

An area of significant failure has been the SOP's used under the Veterans Entitlement Act. These Statement have failed to keep pace with the modern serviceman, the causation factors and the diseases suffered. While not part of the specific responsibility of the Committee under the Terms of Reference the inquiry would not be complete if at least a review of the suitability of the SOP System was not recommended.

The following paste is from a letter to the Prime Minister in 2004, every thought for the plight of Airmen is encapsulated in this:<sup>2</sup>

**There are hundreds of ongoing reports and studies – each proving proof and substantial evidence supporting our claims of illnesses and diseases attributable to multiple chemical exposure.**

**The Royal Australian Air Force has admitted that exposure happened to the servicemen working on the F111 Aircraft (the nation's pride and joy – our only fighter bomber), they have admitted failure of duty of care, and they have recognised the effects – why do we need to keep studying it – our people are dying.**

**Babies lost – do you know how many wives lost babies – nearly all of them lost at least one whilst their husbands were working with chemicals – we have research that shows the toxic chemicals do cross through the womb. A particular study and subsequent legal case in America proved that MethylEthylKetone crosses the placenta and causes deformities and retardation in the growing embryo.**

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<sup>1</sup> Hansard

<sup>2</sup> Ms Tracey Price < Daughter of Airman.

These were all men who were proud to join the Defence Force to serve and protect this nation, these were men who were highly trained technicians. They were selected above their peers, to become members of the Defence Force because they met the stringent criteria of health, fitness, intelligence and suitability to the military environment. To see the losses they are suffering now, physically, mentally, emotionally and financially, because of their desire to serve this Country, is more than heartbreaking. To know it has taken them years to swallow their pride and seek assistance from the nation and then keep being rejected and pushed aside, is a disgrace. Also, to know that these conditions were not suffered as a result of conflict, but serving at home and using chemicals which the hierarchy knew were toxic, but continued to make them be exposed to and therefore in physical danger, is horrific.

#### **Exclusion of Airmen conducting Deseal/Reseal activities.**

The Board of Inquiry speculated that '400 personnel have suffered long term damage to their health as a result of exposure to chemicals in the various reseal programs'<sup>3</sup>

There has been a continual denial that Airmen who were exposed to reseal activities during their daily work have suffered effects of such chemical exposure. They have been denied exgratia payments, inclusion under SRCA sec 7(1)b & 7(2), denied fair compensation because they do not fall in any tiers and denied access to the Health Care Scheme.

When considering whether the response to Deseal/Reseal workers is adequate, firstly the Committee should based its deliberation on all Airmen exposed not just those who fall within the date parameters as defined by RAAF. The VVFA Qld has dealt with many Exservicemen and women who have displayed similar symptoms to those experienced by former Reseal/Deseal workers but have not succeeded in claims because their service is outside the set program dates.

In many cases reasonable evidence of causation and links to service have been provided by Airmen only to have this sound medical evidence countered by a DVA appointed doctor or specialist resulting in denial of a claim. We are unaware of any decision against being successful at reconsideration meaning an expensive appeal at AAT which has to be funded by the Airmen as legal aid is generally not available. There seems to be a mind set within DVA that claims be over investigated and evidence against be gathered at any cost. This has seen many claims take an inordinate time to process, reasoning become clouded in mindless argument which is clearly designed to confused and discourage the airmen from pursuing action or review.

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<sup>3</sup> BOI Vol 1 App 5

Because only those who fall within the defined dates have been dealt with under SRCA Sec 7(2) equitable treatment under the various acts has been denied.

### **Health Care Scheme**

The principle of providing free Health Care for those who have suffered a disease or injury while serving in Deseal/Reseal has much merit. However, to place an end date on enrollment or discovery of a condition defies all the fair principle of duty of care and compensation, although it is acknowledged that the Health Care Scheme is not in itself compensation. The BOI says, "The incidence of adverse effect in relation to F111 fuel tank deseal / reseal and spray seal maintenance was due to the combination of a number of factors: working in a confined space, on a continuous (daily) basis for extended duty periods (up to eight hours), using an accumulation of chemical products, at times with inadequate or no personal protective equipment."<sup>4</sup> This description of such a hazardous workplace and gross negligence cries out for a lifetime of free, high quality medical and psychological treatment for all those who were exposed in any way to the cocktail of chemicals.

The duty required of the Airmen was carried out and they performed at the highest level displaying to a man dedication of significant magnitude which guaranteed our frontline fighter/bomber was capable of delivering the protection demanded by our Nation. There were no conditions placed upon this service by the Airmen and not to provide an open ended unilateral Health Care Scheme in the same unconditional manner is a dereliction of the Duty of Care owed these men and women.

The Committee should recommend removal of any restrictions to access of the Scheme plus make its service available to all Airmen who suffer medical or psychological conditions considered to be linked to chemicals used during their F111 service. There is a pervading and conscious effort to restrict or deny access to all who suffer, this must cease and these Airmen be treated with the dignity they deserve as a result of their dedicated service to this Nation. They are owed this and no less.

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<sup>4</sup> BOI Vol 2 App4 Para 3

## **Exgratia Scheme**

This scheme attempted to further categorize the Airmen who undertook Deseal activities. In doing so it created an additional three groups under which Airmen would fall. So, another level of compliance is required of these Airmen. Not only do they need to meet restrictive date boundaries but stringent job descriptions to gain entry into any one of the tiers. Again there is a clear perception of interference in entitlement. Under the Tiers created by the Exgratia Payments severity of the disability is ignored in favour of the job apparently done. While it is agreed that the Exgratia payment was not compensation in its pure form to argue it is not a type of compensation is fruitless. It would not have been offered if it were not to make payment for a disadvantage suffered because of a functional deficiency.

Whether the amounts offered as sorry money are adequate can only be measured against what the Nation would view as fair and equitable. Given the type of payment, the use of the payment and the tangible feeling of regret to be conveyed by such a payment we can only conclude that the amounts offered and the system used for assessment and access was poorly constructed and falls well short of an acceptable offer of recompense.

There are varying higher figures paid to civilian employees who have suffered lesser diseases. It is not our intention to state a figure but to reinforce the belief of the Airmen that the offer was inadequate and for those suffering terminal and long term conditions, an insult.

It is our submission that the Exgratia System be abandoned and replaced with a payment that is not only based on the type of work but weighted with the severity and type of condition suffered. A minimum payment should be made to all Airmen who are diagnosed with a condition related to exposure while on F111 Maintenance of any type. As a suggestion the minimum should be set or exceed \$100,000.00.

It is now time to bring to bare the full meaning of beneficial legislation and through it to deliver the expectations of our Nation, that those who suffer illness, are wounded or injured, die or are killed as a direct consequence of their service are cared for and the burdens their families face are shouldered by the Nation in recognition of such suffering.

Yours faithfully

Malcolm Wheat  
State President  
Queensland Branch.