



Submission No 53

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

Name: Mr Stephen Adams

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
Department of the House of Representatives
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CANBERRA ACT 2600
AUSTRALIA

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F-111 DESEAL/RESEAL INQUIRY.

Dear Sirs,

I wish to make a submission to the Parliamentary Inquiry into the F-111 Deseal/Reseal Maintenance Program.

The Terms of Reference that I wish to discuss are to do with the handling and administration of the ex gratia payment and in particular;

- The documentation and records held by both agencies as they relate to Deseal/Reseal activities was adequate;
- 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 claim.

As an ex Air Force technician who participated in the first F-111 Deseal/Reseal program from 1977-1982 and who fulfilled the definition of a Deseal/Reseal participant as laid down in the eligibility criteria, I submitted a claim for a one off ex gratia payment only to have it rejected and told that I did not participate in the program because I did not have documentation to show I had. The sort of documentation that I was asked to produce to substantiate my claim was never available, let alone to me.

Attached is a lot more information to support my submission.

Yours Sincerely



Stephen Adams



23 Jun 2008

AS IT HAPPENED

During the period 1980-1981 I was an LAC Engine Fitter in the Royal Australian Air Force employed at Amberley in Hangar 410 as part of No 3 Aircraft Depot Canberra Flight. During this period I was seconded to work as part of a "relief manning team" on an F-111 aircraft (A8-126) that was undergoing the hand pick stage of the Deseal/Reseal program. We were told that the aircraft was behind schedule and that we were to be employed on a 24 hour shift inside the aft fuselage tanks to remove the remaining old fuel tank sealant. This job had nothing to do with my base trade of Engine Fitter but even though I protested like so many others we were told to just get on with it or wear the consequences.

I was employed on the graveyard shift of 10pm to 6am and my work location was in bay A2 which is the second aft fuselage tank back from the front. It was very claustrophobic and very uncomfortable. We used some sort of solvent, (known only as Mil spec cleaner), in a plastic squirt bottle and a small metal scrubbing brush and a dental pick to remove every minute piece of remaining old sealant. We wore no protective gear other than a paper medical mask and in fact we wore only shorts and t shirts due to the heat in the tanks.

I spent at least 3 to 4 weeks employed on this particular task before returning to my original place of work.

SINCE THEN

When the inquiries began I registered with the F-111 Deseal/Reseal Health Care Scheme and in December 2002 I received a letter, (**Attachment A**), stating that my involvement with the Deseal/Reseal team had been confirmed

On the 10 Oct 2005 I submitted a Claim for Lump Sum Payment by an F-111 Deseal/Reseal Participant, (**Attachment B**), giving all the information I had at the time. I satisfied the criteria for a Tier 2 participant as laid down in the Definition of a Deseal/Reseal Participant for the purposes of the Lump Sum Payment Scheme, (**Attachment C**).

I received a letter, (**Attachment D**), on 31 Oct 2005 from DVA stating that my claim was being examined further and to supply more information such as records of training and employment, course certificates and pay records indicating confined space allowance etc. None of what they asked for was available, eg; Record of Training and Employment (RTE) were not introduced until 1984, there was no such thing as confined space entry courses or allowance in 1980 etc. I rang the 1800 number given for clarification and was told that I would have to come up with something. I asked if a Statutory Declaration from a work associate would suffice and was told no. I then sent a letter, (**Attachment E**), trying to include everything that my memory would allow. On the 12 Sep 06 I received a letter rejecting my claim, (**Attachment F**), stating that my duties did not satisfy the definition of an F-111

Deseal/Reseal participant as I did not participate in one of the four specified Deseal/Reseal Programs. You can imagine how this made me feel. The letter also stated that there was no formal mechanism for an internal review of the decision and my only option was to supply more info or contact the Commonwealth Ombudsman. As I had supplied all the information available to me and been told that a Statutory Declaration from a work associate was not good enough I did not know where to go from there. I contacted the Deseal/Reseal Support Group and was pleased although angered to find that I was not alone and that the “No Records” line was being used quite a bit to reject claims.

TERMS OF REFERENCE

- The documentation and records held by both agencies as they relate to Deseal/Reseal activities was adequate.

This is quite obviously not the case. I am not alone in being rejected a claim for an ex gratia payment with the excuse of no records. I know how it happened. I was there. I was part of a large relief manning team dragged from sections all over Amberley, given no training, almost no safety gear and told to do what I can safely say was one of the most dehumanising jobs ever. We did what we were told because to refuse would have meant disciplinary action. That was what it was like in the military in the late 70's early 80's. I know that the Defence Department must have some sort of documentation or records to show what we did but they are obviously too hard to find or more conveniently don't want to be found.

- 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 claim.

The evidence required to substantiate a claim may be reasonable in today's Workplace Health and Safety environment, but for the first program from 1977-1982 which I participated in it was completely unreasonable.

I was asked when they were further examining my claim, (**Attachment D**), to produce the following evidence;

1. Records of training and employment.

The RAAF Record of Training and Employment Booklet and its associated forms PH 322, 324 and 325 were not introduced until Apr 1981. The journal itself was given to individual members to compile from their own memory and from obscure information contained in the previous document PP179 which was compiled by our supervisors. My RTE was compiled by myself in 1984 and certainly does not contain any evidence of a 3 – 4 week “*relief manning*” episode.

2. Pay Records indicating Confined Spaces Allowance.

Confined Spaces Allowance certainly did not exist in 1980 and how would I have access to or have kept my pay records from 1980?

3. Course Certificates

What course certificates? As I have stated previously, we were given no training apart from being shown how to get in and out of the tanks and what we were expected to do

To ask for documentation as stated shows a department out of touch with the situation or alternatively a convenient way of reducing numbers of viable claim payments.

The only alternative standard of proof that I had was to get a Statutory Declaration from a work associate. I was told by DVA when asked to supply more information that this was not acceptable proof.

CONCLUSION

I believe that the overall handling and administration of the ex gratia payments was inappropriate and certainly not transparent for participants or their families. The onus was put onto participants to prove their involvement when this proof should have already existed within the Department of Defence. The sort of proof that was asked for was totally unrealistic and mostly not available to members. A lot of the things asked for to substantiate claims did not even exist in the first and second Deseal programs. My feeling is that these claims were handled by a department that was uncaring to participants and completely out of touch with military and workplace procedures of the era. It seems that it was all too convenient to reject claims by stating that no records exist.

I was dehumanised at the time by being forced to do this job but I did it with no complaints. This was nothing though to the feeling of anger and frustration at having my claim rejected and being told that I did not participate in one of the four specified Deseal/Reseal Programs.

I hope the information I have supplied here will help with the enquiry.

ATTACHMENT A.



F-111 DESEAL/RESEAL HEALTH CARE SCHEME

PO Box 21, Woden ACT 2606
1800 728 007 - phone

F111-713

Mr Stephen Adams
[REDACTED]
[REDACTED]

Dear Mr Adams

I refer to your application for counselling and medical treatment that is available under the F-111 Deseal/Reseal Health Care Scheme for RAAF maintenance workers involved in F-111 fuel tank maintenance at RAAF Base Amberley.

Your involvement with the deseal/reseal programs has been confirmed. You are eligible to receive free counselling and medical treatment for conditions that may be reasonably related to the deseal/reseal and spray seal programs. The conditions you have claimed under the Veterans' Entitlement Act 1986 and/or the Safety Rehabilitation and Compensation Act 1988 are listed at **Attachment A**.

Your eligibility to receive counselling and treatment does not mean that your claim for compensation has been accepted. As noted below, free counselling and medical treatment under this Scheme will continue until the claim for compensation is finalised.

If you have any concerns about your health, you may visit your local General Practitioner (GP) for a medical checkup. Please give your GP the enclosed brochure, which provides a brief overview of the deseal/reseal programs, the types of health conditions being covered under the F-111 Health Care Scheme and details concerning payment for treatment.

Please note that prior approval is required for any specialist referrals your GP may recommend.

Your GP should contact the F-111 Deseal/Reseal Health Care Scheme (on 1800 728 007) if he or she wishes to refer you to a specialist.

Immediate family members of personnel involved in the deseal/reseal programs, including any grandchildren who were living with members during involvement with the deseal/reseal programs, are also entitled to a maximum of five counselling sessions and up to three genetic (reproductive) counselling sessions.

If you wish to seek counselling for your family, first establish their eligibility with the Health Care Scheme on 1800 728 007. Once your family's eligibility has been confirmed they will be provided with a letter confirming entitlement.

To arrange a counselling appointment for yourself, or your family once you have confirmed their eligibility, please refer to the attached Vietnam Veterans Counselling Service (VVCS) Facts Sheet and brochures for the relevant contact numbers to call.

Please note that this letter confirms your eligibility for both medical treatment and counselling sessions and must be presented when you attend for either treatment or counselling. A separate letter will be provided confirming your family's eligibility.

When you visit your GP, please ensure that he or she completes the attached form titled 'Information Required from Medical Practitioners'. Your GP should send the completed form to the F-111 Deseal/Reseal Health Care Scheme with the invoice for services provided to you.

If you are prescribed any pharmaceuticals relating to conditions that might be reasonably related to your involvement with the deseal/reseal programs, you may claim reimbursement under this Scheme. To claim reimbursement, you need to complete the attached Reimbursement Claim Form, attach original receipts and send it to the F-111 Deseal/Reseal Health Care Scheme using the enclosed Reply Paid envelope.

Please note that this is an interim arrangement only and must not be seen as the acceptance of your claim for compensation. Treatment under the Health Care Scheme will continue until such a time as the relevant compensation claim has been accepted, or until all avenues of appeal to have the conditions accepted as being reasonably related to the deseal/reseal and spray seal programs have been exhausted. At that point, eligibility under the Health Care Scheme will cease.

The F-111 Deseal/Reseal Health Care Scheme can be contacted on 1800 728 007 if you have any questions.

Yours sincerely



John Fely
F-111 Deseal/Reseal Health Care Team
2 December 2002



Australian Government
Department of Veterans' Affairs

Claim for Lump Sum Payment by an F-111 Deseal/Reseal Participant

Important information

The Government announced, on 20 December 2004, its response to the Study of Health Outcomes in Aircraft Maintenance Personnel. The Government has agreed to make a lump sum payment to those eligible participants who have been involved in the F-111 Deseal/Reseal Programs. Eligibility for a lump sum payment will not be restricted to the military and will include public servants and civilian contractors. In August 2005, the Government announced that a one-off payment of either \$40,000 or \$10,000 would be made to participants on the F-111 Deseal/Reseal programs in recognition of the special nature of the circumstances associated with Deseal/Reseal activities.

Who is eligible?

A person who was a **participant in an F-111 Deseal/Reseal Program**, who was:

- a serving member or veteran who was an active participant in the F-111 Deseal/Reseal Program between 1 June 1973 and 28 January 2000; or
- a public servant or civilian contractor, who was an active participant in the F-111 Deseal/Reseal Program between 11 November 1991 and 27 August 1993.

Only one lump sum payment may be made regardless of how many times a person may be eligible. For example, a member of the Armed Forces who participated in the F-111 Deseal/Reseal process who subsequently became an employee of Hawker De Havilland and who continued to participate in the F-111 Deseal/Reseal Programs, will only be eligible for one payment. **If you receive more than one payment you will have to return the payments to which you are not entitled.**

Where to lodge this claim

This claim must be lodged at the National Office of the Department of Veterans' Affairs in Australia. Contact details can be found at the bottom of this page.

Other information

Please answer all relevant questions and include any other information that you think may help support this claim.

Privacy statement

The Secretary of the Department of Veterans' Affairs may obtain information to assess your eligibility for this payment. This could include accessing records from the Department of Defence.

Information contained in this form and on any other additional forms may be provided to another Agency or body. These Agencies or bodies may include:

- Centrelink and the Australian Taxation Office for the purposes of data matching;
- The Department of Health and Aged Care for income testing in relation to aged care services;
- The various State or Local Government Authorities to verify your eligibility for rebates or concessions relating to rates, electricity, transport, motor vehicles and ambulance;
- The Department of Defence for confirmation of service records;
- Superannuation funds to establish income and assets;
- Queensland WorkCover in the case of private contractors; and
- Comcare in the case of Public Servants.

Giving false or misleading information is a serious offence.

How to contact DVA

For information, please call the National Office of the Department of Veterans' Affairs (from anywhere in Australia) on:

1800 555 323

Address for the return of claim forms:

**F-111 Deseal/Reseal
Lump Sum Payment
PO Box 21
Woden ACT 2606**

B1

SECTION 1 Participant's Details

1 Surname

2 Other names (in full)

3 Date of birth

4 Address where you live now
 POSTCODE

5 Daytime phone number

6 Have you lodged a claim for, or received, any other payment related to your participation in the F-111 Deseal/Reseal Program?
Example: Have you received a common law settlement from the Department of Defence?
No Yes How much was the payment

When was the payment made

Who made the payment

7 Are you or were you:
- A member of the Armed Forces? No Yes Please complete SECTION 2.
- A public servant? No Yes Please complete SECTION 3.
- A civilian? No Yes Please complete SECTION 3.

Your employment circumstances may require you to complete Sections 2 and 3.

SECTION 2 Armed Forces

8 Rank held during the F-111 Deseal/Reseal process

9 Service number

10 Name of Unit

11 Details of work environment 1 (if insufficient space, attach separate sheet)
Location
Dates
Duty assignment
Nature of this employment
Duration of this employment

SECTION 4 Payment Details

If your claim is successful, a lump sum payment will be deposited directly into an account, in your name, at an Australian bank, credit union or building society.

18 Provide details of the Australian account you want your lump sum payment to be paid into

Name of bank, credit union or building society
 [REDACTED]

Branch
 [REDACTED]

Address
 [REDACTED] POSTCODE [REDACTED]

Account in the name of
 [REDACTED]

Account number [REDACTED] BSB number [REDACTED]

Account type (e.g. savings)
 [REDACTED]

SECTION 5 Declaration

- I declare that the details provided in this form are complete and correct.
- I am aware that there are penalties for making false statements.
- I authorise the Repatriation Commission and the Department of Veterans' Affairs to obtain information needed to process, determine or review this claim.
- I consent to the release of medical, clinical and other information to the Department of Veterans' Affairs by all medical practitioners, hospitals, clinics, insurance companies, Centrelink, the Department of Defence or other organisations, in relation to this claim or its review.

You must sign this form yourself if you can - even if someone else has filled it in for you. If someone else signs on your behalf they must provide their authority for signing.

Signature 

Before returning this form please check the following

- Have you signed the declaration above and checked this form carefully?
- Have you filled in all the parts that apply to you?
- Have you enclosed any other evidence that you feel will support your claim?

Please send completed form to: **F-111 Deseal/Reseal
Lump Sum Payment
PO Box 21
Woden ACT 2606**

ATTACHMENT C

DEFINITION OF A DESEAL/RESEAL PARTICIPANT FOR THE PURPOSES OF THE LUMP SUM PAYMENT SCHEME

Tier 1 - \$40,000

A person who meets any one of the following criteria will be eligible to receive a lump sum payment of \$40,000:

1. A person who spent at least 30 cumulative working days on the Fuselage Deseal/Reseal or Respray Programs during the period 1977 - 1982, 1991 - 1993 and 1996 - 2000, whose duties involved working inside F-111 fuel tanks; **or**
2. A person who spent at least 30 cumulative working days on the Wing tank program during the period 1985 - 1992; **or**
3. A person who spent at least 60 cumulative working days carrying out Sealant Rework (Pick and Patch) during the period 1973 - 2000 while attached to an F-111 deseal/reseal section; **or**
4. Boiler and Plant Attendants whose usual place of duty was the Base Incinerator as an Incinerator operator and who spent at least 30 cumulative working days undertaking these duties during the period 1976 - 1986; **or**
5. A person who can demonstrate that they would have met one of the above criteria except for the fact that they:
 - had an immediate physical reaction; **and**
 - required medical treatment or intervention; **and**
 - were given a work restriction or medical fitness advice (PM 101) stating that they should not return to that working environment.

Tier 2 - \$10,000

A person who meets any one of the following criteria will be eligible to receive a lump sum payment of \$10,000:

- 1 A person who spent between 10 and 29 cumulative working days on the Fuselage Deseal/Reseal or Respray Programs during the period 1977 - 1982, 1991 - 1993 and 1996 - 2000, whose duties involved working inside F-111 fuel tanks; **or**
- 2 A person who spent between 10 and 29 cumulative working days on the Wing tank program during the period 1985 - 1992; **or**
- 3 A person who spent between 20 and 59 cumulative working days carrying out Sealant Rework (Pick and Patch) during the period 1973 - 2000 while attached to an F-111 deseal/reseal section; **or**
- 4 Boiler and Plant Attendants whose usual place of duty was the Base Incinerator as an Incinerator operator and who spent between 10 and 29 cumulative working days undertaking these duties during the period 1976 - 1986; **or**
- 5 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 in the burning of by-products from the F-111 DSRS process during the period 1976 - 1990; **or**
- 6 Personnel who were **not** involved in tank entry and whose usual place of duty was the Rag Hangar for 60 cumulative working days during the period Dec 1977 - Nov 1983; **or**
- 7 Personnel who were **not** involved in tank entry and whose usual place of duty was Hangar 255, 260, 277 or 278 for a continuous period of 60 cumulative working days during the period 1977 - 1982, 1991 - 1993 and 1996 - 2000; **or**
- 8 A person who can demonstrate that they would have met one of the above criteria except for the fact that they:
 - had an immediate physical reaction; **and**
 - required medical treatment or intervention; **and**
 - were given a work restriction or medical fitness advice (PM 101) stating that they should not return to that working environment.

Note: Only one ex-gratia payment may be made regardless of how many times a person may be eligible. Where a claimant is assessed as eligible for both payments, the higher amount will be paid.

C1

DEFINITION OF A DESEAL RESEAL PARTICIPANT FOR THE PURPOSES OF A DETERMINATION UNDER s7(2) OF THE SRCA

Tier 3

The following personnel should be considered for inclusion in any determination under s7(2) of the SRCA:

1. Personnel who worked on the Fuselage Deseal/Reseal or Respray Programs during the period 1977 – 1982, 1991 – 1993 and 1996 – 2000, whose duties involved working inside F-111 fuel tanks; **or**
2. Personnel who worked on the Wing tank program during the period 1985 – 1992; **or**
3. Personnel carried out Sealant Rework (Pick and Patch) during the period 1973 – 2000 while attached to an F-111 Deseal/Reseal section; **or**
4. Boiler and Plant Attendants whose usual place of duty was the Base Incinerator as an Incinerator operator during the period 1976 – 1986; **or**
5. Fire Fighters whose usual place of duty was a Unit at RAAF Base Amberley and who were actively involved in the burning of by-products from the F-111 DSRS process during the period 1976 – 1994; **or**
6. Personnel who were **not** involved in tank entry and whose usual place of duty was the Rag Hangar during the period Dec 1977 – Nov 1983; **or**
7. Personnel who were **not** involved in tank entry and whose usual place of duty was Hangar 255, 260, 277 or 278 during the period 1977 – 1982, 1991 – 1993 and 1996 – 2000; **or**
8. Motor Transport Drivers involved in the first Deseal/Reseal program who came into contact with aviation fuel contaminated with Deseal/Reseal by-products during the period 1977-1982; **or**
9. Maintenance personnel on the air transportable ('rag') hangar who were involved in removing/replacing canvas or dismantling the Hangar during relevant periods in 1978, 1980 and 1984; **or**
10. Personnel employed in Engine Test Cell No 1 during the period 1976 – 1986; **or**
11. Personnel tasked with entering the Warrill Creek Settling Pond for the purpose of maintaining the physical barrier during the period 1977– 2000.

EXCLUSIONS

This definition should not include others indirectly involved in the DS/RS procedures such as:

1. K Group and 7SD personnel; **and**
2. Dept of Housing and Construction Staff; **and**
3. ADG (or other personnel) who entered Warrill Creek for any other reason; **and**
4. Security Personnel; **and**
5. Work Experience students.

ATTACHMENT D

PO Box 21 Woden ACT 2606



Australian Government
Department of Veterans' Affairs

Mr Stephen James Adams
[REDACTED]
[REDACTED]

Dear Mr Adams

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

A handwritten signature in black ink that reads "Barry Telford".

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

31 October 2005

ATTACHMENT E

[REDACTED]
[REDACTED]
Ph [REDACTED]
[REDACTED]

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

Dear Sir,

I refer to your letter dated 31 Oct 05 requesting more information to substantiate my claim for a one off ex gratia lump sum payment as a participant in the F-111 Deseal/Reseal program.

My time with Deseal was as a part of a relief manning team that was drawn from throughout the base. I at the time was employed at 3AD Canberra Flight located in Hangar 410. Some of my supervisors at this stage were FSGT Frank Wright, SGT Rex Roser and maybe SGT Cor Wendt. This was somewhere around 1980/1981. I was merely told that I was being sent on loan to Deseal for several weeks to help out with an aircraft that was behind schedule. They were running a 24hr shift and I was put on the graveyard 10pm to 6am shift. I worked the entire time in the aft fuselage tanks in bay A2. The aircraft was at the hand pick stage and our job was to remove every last bit of remaining sealant after the chemical and water pick stages. The aircraft was located in the eastern end of Hangar 410. I spent somewhere around 3 weeks doing this job before returning to my original section.

Unfortunately written proof to substantiate this claim does not appear to exist. I have been through my Medical docs and whilst there was a medical check carried out on 25 Jun 80 this appears to be as part of a re engagement process. I have included a copy of it in case it is of any help. My service docs come up nil as well with no record of attachments. This however is not unusual. There is no RTE recording as these were not compiled until 1984 and then they were done by us personally. Confined spaces allowance was not payed back then so no pay records. We were just told to get in tanks and do a job which we did.

It is interesting to note that when I registered for the F-111 Deseal/Reseal Health Care Scheme I received a letter back stating that my involvement with the program had been confirmed and that I was entitled to free medical treatment and counselling. If my involvement could be confirmed then, where did the information come from for this involvement?

My memory of who I worked with during the time at Deseal is a bit hazy but this is not unusual as we were mostly relief manners from all different areas on the base and did not know each other prior to this. My memory of doing the job though is as clear

as if it happened yesterday. Anyone who has ever crawled into an F-111 aft fuselage tank for any reason will not easily forget it.

I hope that the information I have given you here will help to substantiate my claim. If you need any further info feel free to call.

Yours Sincerely

A handwritten signature in cursive script, appearing to read "S. Adams".

Stephen Adams
21 Dec 2005

PO Box 21 Woden ACT 2606



Australian Government
Department of Veterans' Affairs

[REDACTED]
[REDACTED]
[REDACTED]

Dear Mr Adams

I refer to your claim for payment under the F-111 Ex-gratia Lump Sum Payment Scheme. After carefully considering the information you provided and details of your service, I find that your duties do not satisfy the definition of a F-111 Deseal/Reseal participant as you did not participate in one of the four specified Deseal/Reseal Programs and did not undertake "pick and patch" activities while attached to a specific Deseal/Reseal section.

Right of Appeal (Ex-Gratia Payment Only)

Unlike determinations made under statutory compensation schemes, there is no formal mechanisms for internal review of decisions made to refuse recognition under Tier 1, 2 or 3 of the F-111 Ex-gratia Lump Sum Payment Scheme. This means that my decision is not reviewable by the Veterans' Review Board or the Administrative Appeals Tribunal.

If you are dissatisfied with my decision and consider that you have either new or additional information you wish to have considered, you can approach the F111 Lump Sum Ex-gratia Payment team on 1800 555 323 and request that the matter be considered further.

However, if you consider that your claim has not been fully and fairly considered by the Department, or that my decision is not reasonable, you may request that the Commonwealth Ombudsman consider your case. Please be aware that the Ombudsman will only review the process undertaken and the information considered by the Department which resulted in my decision. The Ombudsman may be contacted, toll free, on 1300 362 072.

Compensation Claims

Whilst you were found ineligible for a one off ex-gratia lump sum payment, you may be entitled to, or already have lodged, a claim for benefits under the *Veterans' Entitlements Act 1986* (VEA), the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) or through the *Queensland Workers' Compensation and Rehabilitation Act 2003*. Eligibility for these benefits is independent of the F-111 Deseal/Reseal Lump Sum Payment.

These benefits are associated with your employment circumstances and require a separate compensation claim form to be completed. However, you should note that compensation claims will be determined using the usual provisions that apply to either peacetime service or your conditions of employment. The beneficial provisions available to those who can meet the definition of a Deseal/Reseal participant under section 7(2) of the SRCA will not apply to your claim.

For assistance in obtaining the correct claim form or the name of someone who can assist you regarding such a claim, please contact the most appropriate agency listed below. If you were:

- a member of the Australian Defence Force, you should call your DVA Deseal/Reseal Compensation Team on **1300 130 172**; or
- an Australian Public Servant, you should call Comcare on **1300 366 979**; or
- a Contractor of Hawker De Haviland or AWASCO who participated in any of the F-111 Deseal/Reseal programs, you should call Queensland WorkCover on **1300 362 128**.

Right of Appeal (VEA Compensation Claims Only)

If your claim for compensation under the VEA is rejected, you can ask the Veterans' Review Board to review your case. Your application for review must be in writing, and must be lodged with the Department of Veterans' Affairs within **12 months** of receiving that decision. However, to preserve your pension date of effect and gain the maximum benefit, you should lodge your application for review within **three months**.

Further information is available in the enclosed fact sheet.

Right of Appeal (SRCA Compensation Claims Only)

If your claim for compensation under the SRCA is rejected, you may have that decision reviewed by the Administrative Appeals Tribunal (AAT). However, you should be aware that if you do appeal to the AAT and the AAT's decision is not in your favour, you will be liable to pay your legal costs (if any). If your appeal is successful, costs (or part costs) may be paid for you. I have also enclosed information about the AAT for you to read.

Help Available (VEA or SRCA Compensation Claims/Appeals Only)

Ex-service Organisations provide assistance with all matters concerning claims and appeals. Their addresses and telephone numbers are listed in the local telephone book for your area.

Right of Appeal (Queensland Workcover Claims Only)

If your claim for compensation under Queensland Workcover is rejected, please contact them on 1300 362 128 to determine your appeal rights under this State based legislation.

Access to the SHOAMP Health Care Scheme


Under this Scheme treatment continues to be provided until:

- liability for a condition is accepted; or
- all merit-based avenues of appeal have been exhausted.

This means that once the AAT has determined an appeal for either a VEA or a SRCA compensation claim, non-liability health treatment will cease.

If the appeal is unsuccessful, your health care needs will be transitioned back to programs that are available within the general community and funded through either Medicare or through your private health insurer. If your appeal is successful, then the usual legislative treatment provisions will apply. If liability for your condition is accepted under the VEA, you will be issued with either a Gold or a White Health Treatment Card. If liability for your condition is accepted under the SRCA or Queensland Workcover, you will be reimbursed for any medical expenses that are associated with that condition.

Yours sincerely



Barry Telford
General Manager
Policy & Development Division

12 September 2006