Submission No 24

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

Name: Mr Andrew Macqueen

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Joint Standing Committee on Foreign Affairs, Defence and Trade
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Dear Sir/Madame,

I wish to make the following submission to your committee for consideration regarding the inquiry into F-111 Deseal/Reseal. I am interested in providing information primarily to address the terms of reference surrounding the overall handling and administration of the ex gratia claims. I will also provide comments on the equitable treatment of service personnel involved in Deseal/Reseal activities.

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.

My claim for ex gratia payment Tier 1 was rejected as there was no evidence to support my claim that I was a Deseal/Reseal Participant for purposes of the lump sum payment scheme. I had difficulty proving my involvement on two levels;

1. 482 Squadron and 3AD kept no records of my attachment to the program and no reference to the attachment was made in my RTE (record of training and employment).
2. I was involved in a Deseal/Reseal program that appears to have been forgotten by the Defence Force.

I will not provide all the evidence here that I provided to support my claim as I believe this committee is not looking at my eligibility. Rather, it is concerned more with whether or not the standard of evidence required to substantiate a claim was reasonable. My belief is that the standard of evidence required was totally unreasonable for the following reasons;

1. The RAAF kept no records of attachment so how am I supposed to provide documentary evidence if the RAAF can't. Permanent postings to Deseal/Reseal would have been recorded however a short term attachment was usually arranged between Squadron Warrant Officers. In my case, my Squadron Warrant Officer "volunteered" me to the program for a period of approximately three months. This has not been recorded on any official documentation.

2. Statutory Declarations were not acceptable as evidence. I know I was part of the program, so does my wife, my parents, my in-laws etc etc. A sworn statement by witnesses is acceptable in cases of law and should be acceptable here, especially considering the lack of documentary evidence held by the RAAF.
3. I was prepared to take a lie detector test however this was not an option.
4. I was not interviewed or questioned by anyone in regard to my claim. A subject expert could have determined my level of knowledge of the processes followed during the program was such that my involvement in the program was probable.
5. At the completion of my time at Deseal/Reseal I was posted to East Sale to commence Air Traffic Control Training. As I was embarking on a new career the importance of recording my time in Deseal/Reseal in my RTE was not important to me. Additionally the work carried out in the program was not a skill I considered important to record (in fact I was embarrassed about my involvement as an attachment to this program was considered a punishment). My RTE does mention authorisation to perform Deseal/Reseal however no dates were recorded.
6. My eligibility for Tier 1 payment was more than 60 days in a pick and patch program between 1973 – 2000 while attached to an F-111 Deseal/Reseal section. I maintained that two aircraft were taken into Deseal/Reseal section during 1987/1988 and I was involved in the deseal of these aircraft. The RAAF have denied there was such program. It should be a simple process to examine aircraft maintenance records to determine this to be incorrect but as far as I am aware this was not investigated.

There has been equitable treatment of service personnel, public servants, civilian employees and contractors involved in Deseal/Reseal activities

The BOI determined that exposure to fuel and chemicals was not unique to Deseal/Reseal section and that squadron personnel were equally exposed. In fact squadron personnel were more exposed to the chemicals in fuel than Deseal/Reseal section as it was our responsibility to clean the tanks of fuel before the aircraft were taken down to the program. On a daily basis I would have to enter fuel tanks with six inches of fuel in the bottom and carry out tank repairs using the same chemicals used in Reseal section. My clothing would be soaked by fuel and days of scrubbing in the shower could not remove the smell of chemicals from my skin. The RAAF should be held accountable for exposing staff to these dangerous levels of chemicals and by excluding squadron personnel from the payment scheme is gross negligence as well as an inequitable treatment of service personnel. The inquiry needs to broaden the scope to include all staff exposed to these proven dangerous chemicals.

Whether the lump sums available under the ex gratia scheme were appropriate

The exposure of Defence Personnel to chemicals on the scale seen at Amberley over the last two decades will be remembered as the greatest act of negligence ever committed on Australians. The Government responsible for acknowledging, and tacking suitable steps to genuinely compensate personnel for this negligence, will be seen by the Australian public as a caring government, much in the same way as saying "sorry" to the stolen generation. $40,000 is a joke when you look at the level of compensation paid to detainees (hundreds of thousands of dollars), and asbestos victims. As to whether or not I have symptoms of chemical exposure is difficult to say. I have mood swings, memory loss and irritable bowl syndrome, all symptoms of

chemical exposure. I believe it is irrelevant whether or not this was due to exposure to chemicals whilst serving in the RAAF. The fact that I was knowingly exposed is reason enough to expect compensation.

I am more than happy to provide more detail to the Inquiry if need be.

Kind regards

Andrew Macqueen

[redacted]

Terms of Reference

The Inquiry will consider whether the overall handling and administration of ex gratia and compensation claims was appropriate, timely and transparent for both participants and their families. The Inquiry will consider whether, but not be limited to:

- Cross agency cooperation was effective;
- 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 determination;
- There has been equitable treatment of service personnel, public servants, civilian employees and contractors involved in Deseal/Reseal activities;
- Staffing resources were adequate to produce a timely result;
- There were unreasonable delays in the process, taking into account the complex nature of issues; and
- The overall handling and administration of ex gratia and compensation claims was appropriate and timely

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