



**Submission No 60**

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

**Name: Mr Melvyn Funk**

**FAX TRANSMISSION DATED 25<sup>TH</sup> JUNE 2008**

**TO:- THE SECRETARY OF THE COMMITTEE      FAX NO :- 02-6277 2221**

**RE:-            INQUIRY INTO RAAF F-111 DESEAL-RESEAL**

**WORKERS AND THEIR FAMILIES**

**FROM:-      MELVYN F. FUNK**

**Home Address :** [REDACTED]

[REDACTED] **mail:-** [REDACTED]

**Postal Address:-** [REDACTED]

Dear sir,

Attached is my submission in response to the invitation by the Joint Standing Committee to investigate and review claims for compensation from former RAAF personnel involved with the above referenced subject.

My submission outlines my involvement with the recommissioning and maintenance of the F111 aircraft in late 1973, including repairs to leaking fuel tanks during my service at 482 (M) Squadron, RAAF Amberley.

Similar to other personnel at 482 Sqn, I submitted a claim for the ex-gratia payment which was rejected by DVA. Copy of letter dated 12 September 2006 attached.

From the above it is considered that the overall administration and handling of the program was inadequate in that members of 482 Sqn were not included in the ex-gratia payment scheme.

I am currently waiting for the determination by DVA in relation to my claim for compensation for a psychiatric disorder called Dysthymic Disorder to which my military service was a contributing factor. The date of injury being 8<sup>th</sup> November 1972, the first date of impairment for the claimed condition when I was posted to 482 Sqn. Copy of letter Reference FUN0006-01 dated 27<sup>th</sup> November 2007 attached.

It would be appreciated if the Committee would include members of 482 Sqn who were involved with the maintenance of the F111 aircraft, including those involved with the repairs to leaking fuel tanks, in the review for compensation and ongoing health and support needs.

If needed, I would be pleased to elaborate further my involvement in the re-commissioning and maintenance of the F111 aircraft during my service at 482 Sqn, RAAF Amberley.

Yours faithfully,



MF Funk

Encls:- Submission by MF FUNK (4 pages)

DVA letter dated 12 September 2006 (3 pages)

MCRS letter dated 27 November 2007 (3 pages)

**Total pages transmitted 11 including cover sheet**



SUBMISSION BY MELVYN F. FUNK  
REPAIRS TO LEAKING FUEL TANKS - FIIC AIRCRAFT  
482 (M) SQUADRON, RAAF AMBERLEY, QLD  
DATED 25<sup>th</sup> JUNE 2008

## BACKGROUND

I was posted to 482 (M) Sqn, RAAF Base Amberley in November 1972 as a Flight Lieutenant, Engineering Officer (Eng Aero Cat) where I was originally employed in the position of OIC Maintenance Control Section.

In 1973 I witnessed the arrival of the 24 F111C aircraft. They arrived in 4 batches of 6, the first batch arriving on 1st June 1973 and the final batch on 31<sup>st</sup> October 1973.

In late 1973 I was put in charge of the re-commissioning and maintenance of the F111C aircraft by the CO 482 Sqn.

A brief overview of the condition of the aircraft and work carried out at 482 Sqn follows.

## CONDITION OF AIRCRAFT ON ARRIVAL IN BROAD TERMS.

The aircraft were originally due in 1968, and when they finally arrived at 482 Sqn, RAAF Amberley they were 5 years overdue.

Contrary to expectations, the aircraft were in poor condition and not in "as new" condition on their arrival which commenced in mid 1973.

Examination of the aircraft documentation, together with the Condition Reports submitted by 482 Sqn to higher authorities from mid 1973 onwards, will provide a thorough understanding of the poor condition of the aircraft on their arrival at 482 Sqn.

Some examples of the poor condition of the F111C aircraft which had a direct affect on aircraft availability to meet operational requirements are briefly outlined below in broad terms:

- a) Leaks to Aircraft Fuel Tanks,
- b) Defects to Aircraft Structure and Aircraft Components,
- c) Defects to Aircraft Avionics and Flight Control Systems:

## WORK CARRIED OUT BY 482 SQN IN BROAD TERMS

This submission will be confined to the rectification and maintenance work carried out to repair the leaks in fuel tanks.

### Repairs to Leaks in Aircraft Fuel Tanks

i) This important and original work spearheaded by 482 Sqn commenced in about mid 1973. It required the Technician to work in situ in the fuel tank in a tight, confined space in order to detect and repair the leaks in the fuel tanks. The maintenance required the replacement of reverted sealants and potting compounds which had deteriorated. The technician was exposed to toxic materials and chemical fuel fumes.

The repairs of leaks in fuel tanks were not fool proof and successful at all times. It was common for fuel leaks to reoccur during re-fuelling after having previously been repaired. This meant having to de-fuel the aircraft fuel tank, and for the technician to mop, by hand, the excess fuel which was trapped in the bulkheads, and to re-enter the tank to carry out further repairs.

ii) At that time there were no means to remove the chemical fuel fumes from the fuel tanks. The only safety equipment available at 482 Sqn was an air conditioning unit used to cool the high temperatures within the confined space in the tanks. The air hose which fed into the tanks only caused further agitation of the fumes to the detriment of the Technicians working in the tank. The fumes were not confined to the tank as spill over into the surrounding areas was common and also affected others working in the surrounding areas.

iii) There was also no outer protective clothing available for the Technicians at that time. This meant that the RAAF issued overalls were invariably soaked with jet fuel and chemicals used for the repair work. This was detrimental to the user and provided no protection whatsoever. The cleaning and washing of these overalls also caused the person doing the washing to breathe the toxic fumes.

The overall work carried out by the team members at 482 Sqn on the leak detection and repairs to aircraft fuel tanks was extremely difficult, time consuming and demanding.

The exposure to chemical cleaning fluids (such as Toluene & Methyl Ethyl Keytone), chemical fuel fumes, sealants and potting compounds added further stress to the technicians' physical and mental state.

iv) The overall work carried out by the team members at 482 Sqn on the leak detection and repairs to aircraft fuel tanks also involved me entering the tank, as far as I was physically able, to assess the work required.

The exposure to the chemical and other materials referred to above also added further stress to my physical and mental state.

The physical stresses experienced included, but not limited to, gastrointestinal problems ie: nausea, diarrhoea; upper respiratory problems ie: shortness of breath, chronic sinusitis and breathing problems; chronic eye irritation; headaches.

#### Important Notes

v) The chemicals and toxic materials used at 3AD for the Deseal/Reseal repairs from 1978 were not confined to 3AD alone, but were also used by 482 Sqn since the initial arrival of the F111C at 482 Sqn from 1973 onwards.

The personnel involved at 482 Sqn were exposed to the same toxic materials and suffered a similar range of illnesses as did the personnel at 3AD. This aspect does not seem to have been investigated and/or specifically mentioned in the report of 3AD's activities.

vi) The Report of the F111C Deseal/Reseal Board of Inquiry dated 2 July 2001 gives an excess of 400 currently experiencing symptoms which they attribute to exposure. The symptoms include skin rash, gastro-intestinal problems, headaches, memory loss, mood swings and neurological disorders. The report should have also included the personnel at 482 Sqn.

#### Other Important Notes

482 Sqn was only manned to carry out routine servicing and minor repairs to the newly acquired F111C aircraft which were supposed to be in pristine condition.

Instead 482 Sqn had to carry out major repairs and maintenance to the aircraft which arrived in poor condition.

The lack of sufficient numbers of properly serviced and airworthy aircraft also had a direct and adverse affect on the capability of Air Staff to meet its operational requirements. This in turn placed 482 Sqn under further intense pressure, especially the long hours, including overtime being worked to repair and maintain the aircraft in the attempt to meet with the intensity of the flying program with only a limited number of serviceable aircraft.

This was a first for the RAAF. The defects found and which had to be urgently rectified at 482 Sqn, were not anticipated for the newly acquired F111C aircraft. Some of these have been briefly outlined above in broad terms associated with, but not limited to, Leaks to Aircraft Fuel Tanks, Corrosion to Aircraft Structure and Aircraft Components, Defects to Aircraft Avionics and Flight Control Systems.

The personnel working on the repair and maintenance of the F111C aircraft had to work under adverse conditions with shortages of spares, Ground Support Equipment and trained personnel. At the same time it was also necessary to plan and carry out the "D" servicing concurrently with the rectification of defects, to ensure that the F111C aircraft were made airworthy to meet with operational requirements.

#### Toxic Materials

Listed below are some of the toxic materials which were used at 482 Sqn at that time in the maintenance of the F111C aircraft and Components:

- Toluene
- Methyl Ethyl Keytone (MEK)
- Trichloroethylene
- Range Fuel
- Magnus 37H
- AVTUR Jet Fuel
- Paints, Paint Strippers & Paint Thinners
- Hydraulic Fluid
- Greases
- Oils
- Sealants & Potting Compounds
- Adhesives
- Silicons
- Fibre Glass Resins
- Servisol for soldering

PO Box 21 Woden ACT 2606



Australian Government  
Department of Veterans' Affairs

Mr Mervyn Funk  
[REDACTED]  
[REDACTED]

Dear Mr Funk

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.

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13 Keltie Street, Phillip ACT 2606 PO Box 21 Woden ACT 2606 Telephone (02) 6289 1111 Internet [www.dva.gov.au](http://www.dva.gov.au)

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### **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 Havilland 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.

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**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

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Australian Government  
Department of Veterans' Affairs

Telephone: (07) 3223 8744  
Toll Free: 1300 550 461

File Reference: FUN0006-01

Military Rehabilitation and  
Compensation Group  
Department of Veterans' Affairs  
GPO Box 651  
Brisbane QLD 4001

Tuesday, 27 November 2007

Mr Melvyn Funk

[REDACTED]

CC: [REDACTED]  
[REDACTED]

Dear Mr Funk

**SAFETY, REHABILITATION & COMPENSATION ACT 1988 (SRCA)**

I refer to your claim for compensation for a psychiatric condition.

**DECISION**

On the basis of the available evidence, I determine that you have suffered a contraction of a disease which your military service was a contributing factor, namely dysthymic disorder.

I further determine that, for the purposes of the Act the date of injury is 8<sup>th</sup> November 1972 as this is first date of impairment for the claimed condition when you posted into 482 Sqn.

**REASONS FOR DECISION**

The evidence I have examined in relation to your claim include:

- The claim form,
- Statement by you dated 27<sup>th</sup> September 2006,
- Report by Dr A. Cook, psychiatrist, dated 3<sup>rd</sup> October 2007,
- Report by Dr M. Katz, psychiatrist, dated 8<sup>th</sup> October 2003 and 9<sup>th</sup> February 2006,
- Extracts from your service medical records.

MILITARY REHABILITATION & COMPENSATION GROUP

You contend that your condition was caused by various circumstances that occurred during your RAAF service.

In your statement you outline many different situations which you regard to be stressful. I note that during your appointment with Dr Cook you drew attention to your posting to the 482 Sqn at Amberley. During this time you were involved in the implementation of the F111 aircraft, once they arrived from the USA.

This was a particularly stressful period for you, as you were responsible for a number of essential tasks that had to be completed before the F111's were ready for flight. I note that you made the difficult decision to resign from the RAAF in 1976, after receiving news of a potentially stressful posting, in a similar role to the one at Amberley. I also note that you had a 'nervous breakdown' in 1979, which you believe was as a result of work pressures and events in the RAAF.

Dr Cook has diagnosed dysthymic disorder. This refers to the symptoms considered to be in the depressive spectrum. Dr Cook has considered the symptoms to be not sufficiently severe to warrant the diagnosis of major depressive disorder.

I have given consideration to the Statements of Principles used to determine claims under the *Veterans' Entitlements Act 1986* (VEA). Whilst I am not legislatively bound by them for this claim, I am able to use them as a *guide only*. One of the factors within the Statement of Principles for Depressive Disorder is having a 'Category 2' stressor. This means having concerns in the work or school environment including: on-going disharmony with fellow work or school colleagues, perceived lack of social support within the work or school environment, perceived lack of control over tasks performed and stressful work loads, or experiencing bullying in the workplace or school environment.

I consider that you have had significant concerns in the workplace. Dr Katz considers your condition to be related to your employment and Dr Cook also states he considers your military employment to have made a material contribution to the onset of your condition.

I am reasonably satisfied that your military employment has made a material contribution to the onset of your condition.

I have enclosed a fact sheet to help you identify what benefits you may be entitled to receive.

**You should be aware that as your condition arose before the commencement of the current Act, some of the benefits might not apply to you. This includes permanent impairment compensation.**

**You may wish to consider lodging another claim under the VEA for this condition, as some beneficial changes to the Statement of Principles for Depressive Disorder have been made in 2007.**

Further information on other benefits is available at the DVA website, [www.dva.gov.au](http://www.dva.gov.au).

If there is anything you would like to discuss, please phone me on (07) 3223 8744.

Yours sincerely



Rebecca Brown  
Delegate of the Military Rehabilitation and Compensation Commission

Enclosures:

- 1 DVA FACTS MCS 06 "Benefits under the Safety, Rehabilitation and Compensation Act 1988 and the Defence Act 1903"
- 2 DVA FACTS MCS 14 "Your right to have a decision reviewed"