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SUBMISSION TO PARLIAMENTARY INQUIRY
PARLIAMENT HOUSE CANBERRA
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STATISTICAL SIGNIFICANCE

During the previous hearings, both DVA and Defence representatives have cited that many of the studies findings are “*not statistically significant*”.

We request that the Parliamentary Inquiry Committee consider the following evidence in their deliberations as to whether there is evidence to support the claims for chemical effect upon F111 Aircraft Maintenance workers and their families.

The following comment to our Support Group by Dr A Hopkins who was a member of the RAAF Board of Inquiry clearly acknowledges that caution should be taken when using the term “*statistically significant*”.

We would also request that you review Volume 1 Annex 5 (Page 109) of the RAAF Board of Inquiry as this further clarifies the use of caution with the argument of “*not statistically significant*” often used to dismiss these studies and the claim of members for recognition and redress.

***“The point is that the fact that the difference is not statistically significant does NOT mean that the difference IS due to chance, that is, it does NOT mean that there is NO causal connection.*”**

It merely means that it hasn’t been established BEYOND REASONABLE DOUBT that the difference is a result of (in this case) exposure to toxic chemicals.

A difference could be a long way short of statistical significance and yet it could still be true that it is MORE PROBABLE THAN NOT that the difference is due to chemical exposure.” Dr A Hopkins

Extract Volume 1 Annex 5 BOI Report page 109

“It should be noted too, that the fact that a relationship in the data fails to achieve statistical significance does not constitute proof that there is no relationship. The spokesperson for the DVA study who gave evidence to the Board explained that:

'In the event that our report had – broadly speaking – negative findings, it would need to be interpreted very cautiously because in many the groups we're dealing with relatively small numbers, and when you're dealing with relatively small numbers, it's always dangerous to draw too much inference from a negative conclusion'5.

Moreover, just as the failure to achieve statistical significance does not establish that there is no relationship, the failure of the evidence to prove guilt beyond reasonable doubt is NOT a finding of innocence. It is simply a finding that the evidence is not strong enough to rebut the presumption of innocence."

By this point in time, some 8 years after the handing down of the RAAF Board of Inquiry findings, there should be more than sufficient evidence of similarity of conditions and diseases among the F111 Deseal Reseal Community to show that there is a common link to the exposure to toxic chemicals.

TOXICOLOGICAL EVIDENCE

As stated in our attached submission to the last DVA QUEST Meeting held in Brisbane in March this year, we as a group, are outraged that these documents have been withheld by the Department of Veterans' Affairs representatives for so long.

We have attended meeting after meeting with previous Ministers and DVA Management in Canberra, Amberley and Brisbane and have been constantly told there is no toxicological evidence to support any claims for illnesses, injuries and diseases caused by exposure to the chemicals used in F111 Aircraft Maintenance activities relating to the entry, repair, Deseal, and reseal of these aircraft. Therefore there would be no recognition and no compensation.

Clearly, this has been another example of withholding the truth to possibly limit liability to the Commonwealth. Whatever reason or excuse is used by DVA representatives, it will in no way give any form of justification for the actions undertaken.

This withholding has resulted in despair and desperation to our members. It has increased their stress and anger levels over the years, accelerated and aggravated their conditions, it has delayed legal claims at significant cost to the members, and it can be included as a major contribution to suicides.

We thank the Committee for unveiling this evidence and now ask:

- What ramifications will this have on those responsible?
- Will all previous claims be automatically reviewed based upon the new evidence?
- Will further studies be undertaken to quantify these studies?
- Will this have implications on the Health Care Scheme and therefore the "eligibility" for Section 7.2 of the SRCA?

SPOUSES PSYCHOLOGICAL STUDY

Also in our attached submission to the last DVA QUEST Meeting held in Brisbane in March this year, we again as are outraged that this Study has been withheld by the Department of Veterans' Affairs representatives for so long.

We are also angered by the comments by Defence representative Dr Ian Gardiner at the last public hearing of the Parliamentary Inquiry who disregarded the findings as "*typical for carers*" and "*no more than we expected*", and also disregarded the study as a "*minor study with no cohort*".

When the study was released to us after this Inquiry hearing, it clearly showed again that the findings of this study showed our spouses' suffering and effects far outweighed those "*typical for carers*" and in fact there were two cohorts used for comparison.

Clearly, if Defence and DVA chose to withhold this study from individuals, it was their prerogative, however, it would have been morally and ethically decent to send the findings to the doctors and medical practitioners caring for the families so they could be informed to undertake special care of their patients and place them in programs to assist them where necessary. Also, prerogative is acceptable, however the consequences of this decision must now be faced.

We believe that the deteriorating mental, emotional and physical conditions of our partners could have been minimised if the findings of this study had been acted upon in a timely fashion by Defence and DVA. We also believe this failure of duty of care to the partners of affected workers makes both Defence and DVA culpable for the marriage breakdowns, mental breakdowns, and physical illness and disease breakdowns suffered by the partners since 2007.

Again, the withholding of this Study and the denial of effect is a clear indication of the disregard shown for the effects of chemical exposure to the workers. The ripple effect to the families is clear.

We again thank the Committee for unveiling this evidence and now ask:

- What ramifications will this have on those responsible?
- Will the recommendations of the Study be enacted immediately?
- What compensation will be given to the partners for their longstanding mental and physical pain and suffering caused by caring for affected members?

CHILDREN'S HEALTH STUDY

Given the fact that there is now sufficient evidence of damage to the affected personnel and their partners, it can be argued that the effects on the children cannot now be denied.

The fact that the mitochondria of personnel has been affected means that the cellular structure of the member has been damaged and therefore any offspring have a reasonable chance of inheriting this defective mitochondria also.

Added to the risk of defects is the daily psychological trauma of having not one but two psychologically affected parents. It is heartbreaking to know that the pain and suffering of

both parents is being seen by the children and is having a major effect on their reality and belief systems.

This unbalanced environment of grief, pain, anger, rages, depression, physical deterioration, poverty and despair is what they are now living with every day.

DVA have disallowed the recommendation of the RAAF Board of Inquiry for a full health study of partners and children.

Given the evidence already exposed, we request that this Inquiry recommend an immediate independent mental and physical study investigating the psychological effects and birth defects in children of exposed members.

COMPENSATION

DVA, ComComp and WorkCover Queensland do not pay compensation for negligence, failure of duty of care, and loss of income or defective administration procedures. The F111 Deseal/Reseal issue is widespread and has affected not only the members, but their families also.

We believe that apart from any other payments for medical conditions, illnesses and diseases, serious consideration should be made to allow compensation outside the normal provisions for all affected personnel and/or their estates.

We understand the current economic climate may limit resources, therefore we request you consider the following recommendation:

- An annual payment of a specific lump sum to be paid for a period of ten years,
- The payment to be untaxed and having no effect on reducing or denying any DVA or Centrelink eligibility or payments,
- The payment to have a hardship clause to allow for paying off a mortgage in the event of total incapacity or death,
- The remaining payment total to be amortised over the ten year period,
- Free financial and legal advice to ensure the protection of the member,
- The payment to continue to be paid to the estate of the deceased member after death,
- An additional ex-gratia payment of \$5,000.00 to be made on the death of the member for funeral costs. This payment to be in addition to any payments afforded by DVA, ComComp or WorkCover Queensland.

Given the recognised mental affect on cognitive function and memory, a compensation payment in this form would protect the member from being taken advantage of or unwisely using the funds. It would also allow the government to make budget provisions to allow for the annual payment requirements.

We are reminded of the James Hardie Industries compensation payments for exposure and the second payment for development of terminal disease. We are also reminded that this week one partner has been paid compensation for washing the clothes of her partner and becoming sick also.

We thank this government for their commitment to ensure that the F111 Deseal/Reseal and Aircraft Maintenance issue is investigated properly. We thank this Parliamentary Inquiry from all parties and both houses for their commitment to seek out the truth.

When you look at the amount of information (including Studies and Defence Instruction Manuals) which have been withheld by both Defence and DVA over the years and only exposed because of this Inquiry, we have been vindicated and justified in our arguments and assertions both individually and as a group.

We hope this Inquiry will follow the precedent set by the James Hardie Industries payments and acknowledge that this has been the largest disaster in Australian military history.

We also hope that this Inquiry will also benefit future claimants from all areas of defence who are injured and exposed to toxic substances in the performance of their duties within defence, by bringing DVA recognition for conditions in line with modern technological, biological and chemical use within all arms of Australian and international Defence Forces.

**Attachment to Parliamentary Inquiry
Document 17 April 2009**

F111 DESEAL/RESEAL ISSUES

QUEST MEETING 10 MARCH 2009

1. Withholding of Reports

Over the past three weeks several reports have been released to the Parliamentary Inquiry Committee after pressure from the Support Group Executive.

These reports are:

a. Psychological Study of Spouses

This Report shows severe psychological affect to spouses with a percentage at risk of suicidal tendencies. The recommendations were:

- weekly support group meetings to encourage coping skills;
- cognitive behaviour therapy and other therapies to provide coping skills; and
- regular respite opportunities.

All these to be funded by government.

The RAAF passed the findings of this study to DVA in 2007 and yet DVA and the Minister at the time denied there was any evidence of effect or any other evidence of effect to spouses.

The current Minister for Veterans' Affairs is searching for answers within his department as to who withheld these results and why nothing has been done to assist the spouses.

At the Parliamentary Inquiry last year, the Committee was informed this was a small study with no cohort and the findings were consistent with other "carers" in Australia.

The Report had two cohorts and the results show a significant statistical result that the stresses faced are far above the "norm". Note this was not a "carers" study, but a spouses/partners.

Why, when DVA has had the results of this study since early 2007, have they not addressed the recommendations or provided any additional assistance to spouses?

b. Report – Effects of a desealant formulation, SR-51 and its individual components on the oxidative functions of mitochondria.

This study was undertaken by SHOAMP researchers as a result of some findings in the SHOAMP Health Study of affected members. The study and Report were excluded from the SHOAMP findings and the acknowledgement of the existence of the report was withheld until forwarded by the Support Group to the Minister on 3 February 2009.

The Report indicated damage to mitochondria and premature ageing. This damage causes reduced cellular life and efficiency and early death.

c. Third Cancer and Mortality Study by SHOAMP.

This Report was released via the web three weeks ago.

The Report shows an increase in the cancer rate had increased during the period to 44%. The original SHOAMP findings showed 40% above the Australian public.

In March 2007, I received a response to my December 2006 question at QUEST as to the release of the study. The QUEST Forum was advised this Report was in printing and would be released in April 2007. We have still not received the printed Report.

Why has this Study been withheld for so long, considering there was no research involved? The Study was purely a statistical study of evidence.

d. Report – Research into the Toxicological Effects of Chemicals used in the F-111 Deseal/Reseal Programs.

A hard copy of this report was forwarded to Ian Fraser in mid February this year by the Minister of Veterans' Affairs, as a result of questioning about (b.) above. We were not aware of the existence of this study or Report until this time. This Report is dated November 2005.

The findings of this report show:

- inconclusive evidence whether SR-51 does or does not cause memory loss;
- enlarged spleens, indicative of damage by chemicals;
- damage to red blood cells caused by the chemicals.

Why have these findings not been previously released so medical practitioners can undertake preventative actions such as blood transfusions, anaemia prevention, and other such assistance?

The sudden release of these four reports after the Support Group Executive has had the opportunity to speak with government ministers, clearly shows there has been a concerted withholding of evidence which may damage government departments.

DVA and the Australian Government Solicitors have consistently argued there is no toxicological or other evidence of systemic damage due to the use of chemicals, therefore no validation for compensation or other entitlements. These studies show otherwise.

Who in DVA is responsible for withholding these Reports from us?

Many of our members have, over the last couple of days, demanded criminal charges and gaol sentences for those responsible for not allowing this truth to be revealed. They believe there is major culpability here, because the department has done nothing in preventative medical treatment to try to relieve or delay the consequences of the report findings. Nor has the department instigated any new assistance to the spouses to assist them or reduce further stress and therefore mental and physical illnesses to them.

2. Children's Study

Given the strong evidence of the effects on spouses of living with these damaged personnel, we again ask the question:

When will DVA undertake a study on the Children as required by the RAAF Board of Inquiry and stated in the Board of Inquiry Report released in 2000?

3. Leukaemia Numbers within Defence

In 2005, we requested figures of the numbers and types of Leukaemia within RAAF and ex-RAAF personnel and among the Deseal community. We did not receive any response from the previous government.

In December 2006, we again requested this information from the new Minister for Veterans' Affairs, and added all branches of defence.

In early 2007, the Minister advised he had passed the request to DVA and was awaiting their response.

It is nearly two years later and we still do not have any response.

When will DVA release this information to the Support Group Executive?