
The Parliament of the Commonwealth of Australia

Sealing a just outcome:
Report from the Inquiry into
RAAF F-111 Deseal/Reseal
workers and their families

Joint Standing Committee on Foreign Affairs, Defence and Trade

June 2009
Canberra

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Foreword

The sight of an F-111 flying overhead with afterburners blazing has provided excitement for a generation of Australians and the assurance that the highest priority of defending our nation was being met.

However, unknown to most, the task of keeping the F-111 operational was damaging the health and lives of too many RAAF personnel and others charged with that duty.

This report examines the concerns raised by these people.

As noted in the body of the report, the F-111 was a unique aircraft with capability and design attributes not shared by any other RAAF platform.

One consequence of the unique fuel storage system on the F-111 was a requirement for repair work in an environment not replicated on any other RAAF aircraft. These tasks have been at the very core of this Inquiry.

It would be inappropriate and an error, therefore, to apply any of the considerations in this report to activities on other aircraft.

Whilst some research and information referred to in this report will have relevance to other situations, the interpretations and conclusions drawn in this report specifically deal with the unique fuselage fuel tank repair work undertaken on F-111s.

Chapter 1 of this report notes 'that unlike most Inquiries conducted by parliamentary committees, this Inquiry went well beyond broad policy issues. At its core has been a consideration of specific cases directly impacting on upwards of 2 000 ex-personnel and many more family members.'

Reviewing the many concerns of these former F-111 workers, studying the results of research involving them, analysing the provisions of relevant legislation and examining the administration of these Acts and schemes have been demanding tasks. The complexity and gravity of these issues merited an extension of time for

the Committee to address all of these matters and develop meaningful recommendations.

At the outset, I wish to thank those involved with the F-111 fuel tank work for their patience throughout this process.

Without doubt, the ex-gratia scheme announced by the government in 2005 was the focus of many submissions and the cause of many complaints. Whilst it was intended to provide assistance with specified healthcare costs and a one-off financial payment for some, and did, it also created a series of anomalies that angered an already distressed group of people.

During one of the public hearings I commented that the scheme '...was born of fuzzy logic, shrouded in misleading spin, and then administered in confusion'.¹

These decisions were not taken by Defence or DVA. The relevant documents and considerations of those who actually made these decisions are not available to the Committee.

Widespread confusion about this payment was inevitable given the lack of consistency and clear policy explanation from the very day it was announced.

Meanwhile, many who were suffering health complications and who were denied access to the ex-gratia scheme felt abandoned and discriminated against.

Providing care and support and, where appropriate, compensation for those whose health has suffered because they undertook work on behalf of the Commonwealth has been a primary consideration in this Inquiry.

That most of those involved were service personnel imposes an even greater obligation on the Commonwealth. The Australian community quite rightly expect the Commonwealth to care for our servicemen and women who suffer ill health because of their service for our nation. That principle does not only apply to those who serve overseas.

The recommendations in this report, if adopted, will enable a significant number of former F-111 workers to access the same support made available to those who worked in the formal Deseal/Reseal programs.

They also remove arbitrary cut-off dates that of themselves have denied former workers or their estates access to support for which their service would otherwise have entitled them.

The absence of records for many involved in this work has been enormously frustrating. I received a number of comments from various people who believed certain types of records would address this problem. Considerable effort was

¹ Chair, Hon A R Bevis, *Transcript*, 19 September 2008, p. 18.

applied in pursuing these ideas. All were fruitless. The focus for record keeping was to support investigation of equipment issues that may have resulted in damage to, or loss of, aircraft and aircrew. It reflects a hopefully outdated culture in which ground personnel were rated a distant third consideration.

As a result, the report recommends that in certain circumstances, statutory declarations be used to establish entitlements. For deceased estates, a statutory declaration from the next of kin should apply with the same guidelines as those set out in the report.

Considerable time and effort were given to the health research involving the F-111 issues. As the report makes clear, this research does not support some of the concerns of the workers, notably with respect to SR51.

However, other research does raise potentially serious matters that require further investigation and are the subject of a recommendation.

Some of those in the F-111 community seek substantial compensation payments. Beyond the no-guilt statutory compensation schemes and the ex-gratia scheme payments, any additional payment is a matter for common law. It would clearly be inappropriate to interfere in these matters. The Committee recommendation concerning regular reports to the Defence Sub-Committee on progress in settling these matters will enable this issue to be monitored.

The Inquiry also found shortcomings in matters that extend beyond the F-111 issues. These are very important. The report includes recommendations on these.

I want to add my personal thanks to the many Defence and DVA staff whose advice and support of the Committee's Inquiry have enabled our work to proceed. I particularly want to acknowledge the willing support of the RAAF. The presence of senior RAAF personnel at all hearings and their assistance ensuring all requests were met were invaluable and greatly appreciated.

Special thanks are due to the small secretariat staff who have devoted much of the last year to the work of this Committee. Committee Secretary, Margot Kerley and Inquiry Secretary, Muzammil Ali, have organised the thousands of pages of submissions, exhibits and transcripts for the Inquiry. Defence Advisers Lt Col Paul Nothard (in 2008) and Wg Cdr Dave Ashworth (in 2009) have provided important assistance. I thank them all.

Finally, I want to record my thanks to the affected F-111 community. They deserve thanks for the duties they performed. Without their efforts, one of the nation's primary strike weapons for the last generation would not have been available to defend our nation.

I wish to thank the many F-111 workers, their families and in some cases widows and parents of deceased F-111 workers who came forward and gave evidence. Some have lived with the problems associated with working on the F-111 for decades. Some will go on living with these problems for years to come. And tragically, for some, the stress and worry will be too much for them to shoulder.

This report is a genuine effort that addresses many of the problems under review. At one level, I hope it goes a substantial way in bringing closure for many involved. At another level, the recommendations, if adopted, will provide access to support and assistance for perhaps two thousand people, which in itself is an important outcome.

The Hon Arch Bevis MP
Chair
Defence Sub-Committee

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Deputy Chair The Hon D Hawker MP

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Terms of reference

The committee will investigate and review claims for compensation from former F-III deseal/reseal workers including the Commonwealth's response to the health and support needs of former F-III Deseal/Reseal workers and their families. The Committee should ascertain whether the response was adequate, whether it was consistent with the findings of the Study of Health Outcomes in Aircraft Maintenance Personnel (SHOAMP) and whether the overall administration and handling of the program was adequate.

Terms of Reference:

The Inquiry will consider the adequacy and equity of the Health Care Scheme in meeting the health and support needs of participants and their families and whether this was consistent with the SHOAMP findings. Matters to be considered will include, but not be limited to:

- The differences, and transitional arrangements, between the interim health scheme and the final Health Care Scheme;
- The timing of cessation of access to the Health Care Scheme;
- The range of treatment and health benefits provided under the Health Care Scheme;
- Whether the current Health Care Scheme is consistent with the range of treatment and health benefits available to persons under other Health Care Schemes;
- The adequacy of arrangements under the Health Care Scheme affected family members (including widows) or serving members; and
- If the Health Care Scheme is not considered to be an adequate response to the health and support needs of participants and their families, consider and report on possible alternatives that are considered to be adequate in light of the findings of SHOAMP and other Health Care Schemes.

The Inquiry will consider the adequacy and equity of the financial element of the Ex Gratia Scheme and whether it was consistent with (i) the findings of SHOAMP,

(ii) the Health Care Scheme response (iii) the Tier definitions, and (iv) one off payments to other veteran groups. The Inquiry will consider, but not be limited to:

- Whether the lump sums available under the ex gratia scheme were appropriate;
- Whether the lump sums available were appropriate given the findings of the SHOAMP;
- Whether the lump sums, when considered along with the benefits available under the Health Care Scheme, were appropriate;
- Whether the lump sums available under the ex gratia scheme were appropriate, when considered along with the full range of benefits and compensation available under other Commonwealth or State statutory schemes;

Whether the lump sums were consistent with the definitions of Tiers of participants;

Whether the lump sums were consistent with other one-off payments made to veteran groups;

When assessing the question of adequate remedies whether regard should be given to the establishment of a dedicated administrative assessment and settlement scheme, and

If the lump sums available under the ex-gratia scheme are not considered to be financially adequate, discuss what compensatory payment would be appropriate in light of the SHOAMP findings, other one-off payments made to veteran groups, and the full range of benefits and compensation available under other Commonwealth and State statutory schemes or common law damages available under Australian law.

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.



List of abbreviations

3AD	3 Aircraft Depot
501WG	501 Wing
ACPMH	Australian Centre for Post traumatic Mental Health
ADF	Australian Defence Force
AER	Airman's Evaluation Report
AFFITT	Airframe Fitter
AIHW	Australian Institute of Health and Welfare
ATECH	Aircraft Technician
BHP	"Better Health Program" – a cancer screening and disease prevention program administered by the Department of Veterans' Affairs
BOI	Board of Inquiry
C-130	"Hercules" aircraft
CAF	Chief of Air Force
C(CG E)	<i>Commonwealth Government Employees Act 1971</i>
CMVH	Centre for Military and Veterans Health

DAC	Doctor's Advisory Committee
DFWA	Defence Force Welfare Association
D/R	Deseal/Reseal
DSRS	Deseal/Reseal
DSTO	Defence Science and Technology Organisation
DVA	Department of Veterans' Affairs
F-111	F1-11 aircraft
FTRS	Fuel Tank Repair Section
ICD	International Classification of Diseases
IHCS	Interim Health Care Scheme
MCRS	Military Compensation and Rehabilitation Service
MSDS	Material Safety Data Sheets
OC501WG	Officer Commanding 501 Wing
OH&S	Occupational Health and Safety
PP179	Airman's Trade Progress Sheet
PPE	Personal Protective Equipment
RAAF	Royal Australian Air Force
RMA	Repatriation Medical Authority
RTE	Record of Training and Employment
SHCS	SHOAMP Health care Scheme
SHOAMP	Study of Health Outcomes in Aircraft Maintenance Personnel
SLE	Systemic Lupus Erythematosus
SM-ALC	Sacramento - Air Logistics Centre
SNCO's	Senior Non-Commissioned Officers

SOP	Statements of Principles
SR51	Trade name of chemical desealant
SRCA	<i>Safety, Compensation and Rehabilitation Act 1988</i>
TPI	Totally and Permanently Incapacitated
TUNRA	University of Newcastle Research Associates Ltd
USAF	United States Air Force
VEA	Veterans' Entitlement Act 1986
VVCS	Vietnam Veterans' Counselling Service



List of recommendations

Recommendation 1

That the definition of eligible personnel for the purposes of Tier 3 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who carried out Sealant Rework ('pick and patch') work during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework ('pick and patch') work outside of the formal DSRS program.

Recommendation 2

In absence of evidence to the contrary and where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:

- They were posted to 1, 6 or 482 Squadron between 1973 and 2000, or 3AD or 501 WG and
- That they were required to undertake Sealant Rework ('pick and patch') or fuel tank entries, and
- Accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved

be accepted as evidence of qualifying service.

Recommendation 3

That the definition of eligible personnel for the purposes of Tier 2 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who spent between 20 and 59 cumulative working days carrying out Sealant Rework ('pick and patch') during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework ('pick and patch') work outside of the formal DSRS program.

Recommendation 4

In absence of evidence to the contrary and where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:

- They were posted to the squadron between 1973 and 2000, and
- That they undertook Sealant Rework ('pick and patch') work for between 20 and 59 cumulative working days during the period 1973 to 2000 outside of the formal DSRS program, or 3AD or 501 WG and
- Accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved

be accepted as evidence of qualifying service.

Recommendation 5

That the definition of eligible personnel for the purposes of Tier 1 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who spent 60 or more cumulative working days carrying out Sealant Rework ('pick and patch') work during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework ('pick and patch') work outside of the formal DSRS program.

Recommendation 6

That where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:

- They were posted to the squadron between 1973 and 2000, and
- That they undertook Sealant Rework 'pick and patch' work for 60 or more cumulative working days during the period 1973 to 2000 outside of the formal DSRS program, or 3AD or 501 WG and

- Accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved.

Recommendation 7

That a review be undertaken of those cases in which a statutory declaration has been rejected by DVA in determining an F-111 ex-gratia application. That the committee be provided with a copy of that review.

Recommendation 8

That the healthcare and compensation provisions made available under the F-111 ex-gratia scheme be in accordance with s7(2) of the SRCA or the VEA and this apply to the widened group in accordance with the recommendations in this report.

Recommendation 9

That the cut off date requiring applicants for the SHCS to submit claims prior to 20th September 2005 be removed. That all claims for SHCS received by DVA and rejected because of the September 2005 date be reviewed.

Recommendation 10

That the requirement excluding estates of those who died prior to 8th September 2001 from accessing the ex-gratia scheme be removed. Those estates of former personnel with qualifying service in accordance with the scheme and these recommendations be eligible for support under the ex-gratia scheme.

Recommendation 11

That the Minister for Veterans Affairs appoint a person with suitable qualifications and background knowledge of the F-111 workers claims to oversee the implementation of these recommendations and to provide expert assistance to DVA in processing claims. The person should be appointed for a minimum of two years and also provide periodic advice to the Minister on progress in handling claims.

Recommendation 12

That group counselling be made available to F-111 fuel tank repair workers and their families. That initially, participation in up to five group counselling sessions be made available to all who have access to funded individual counselling. That the Minister review whether further group counselling sessions should be made available, based on outcomes from these group counselling services.

Recommendation 13

That the Government give consideration to expanding respite care for partners of seriously ill former F-111 workers who are principal care providers.

Recommendation 14

That Defence provide a briefing on the progress of litigation to the Committee in March and September of each year.

Recommendation 15

The Committee recommends that Defence and DVA establish a dedicated website in relation to F-111 aircraft maintenance issues. Such a website should be comprehensive and include:

- The Board of Inquiry Report and recommendations
- The complete SHOAMP study reports
- Complete information on the ex-gratia payment including application forms
- A link to this report and recommendations

Contact details and role descriptions of all relevant personnel including the Defence Force Advocate, Ex-gratia processing team, DVA compensation processing team and other support mechanisms such as the F-111 DSRS Support Group, counselling support and the Commonwealth Ombudsman.

Recommendation 16

That a review of DVA staff training be undertaken to ensure a regular high standard of client focused delivery of services occurs. That policies for handling cases of seriously ill patients, especially those in vulnerable circumstances, be reviewed.

Recommendation 17

That the ADF expand its internal capability in occupational medicine as a matter of some urgency. That a review of current practices in handling OH&S matters within the ADF be conducted to amongst other things, respond to the structural and cultural issues identified in the BOI and by Professor Hopkins.

Recommendation 18

That the ADF fund further research into the mitochondrial changes identified in Professor Bowling's research. That as part of that research, further wider study be undertaken into the health implications of working with aviation turbine fuels and the results of these studies be reported back to the Committee at least annually.

