F-111 Deseal/Reseal Support Group
General Meeting 18th September 2005
Held @ Ipswich RSL Services Club

1. Meeting Opened

Kathleen Henry opened the meeting at 0953 hrs. Kathleen welcomed all members and guests.

2. One Minutes Silence

The group held a minutes silence in memory of past DSRS's who could not be with us.

3. Intro of Members & Guests

Kathleen Henry	-	Vice President / Desealer Spouse
Natalie Nielson	-	Member / Civilian Desealer (Civilian Co-ordinator)
Barry Willis	-	Member / Ex-service Desealer
Sue Cross	-	Treasurer / Desealer Widow
Peter Felton	-	Member / Ex-service Deseal Supervisor
Cameron Thompson	-	MP Member for Blair
Bill Shorten	-	National Secretary Australian Workers Union
Peter Koutsoukis	-	Maurice Blackburn Cashman Lawyers

4. Documents available @ meeting.

The Committee tabled the following documents with copies available for attendees:

* Agenda for this meeting
* DSRS General Meeting Minutes 5th June 05 (White)
* F-111 Brochure/Information Guide 2005 (Blue)
* Health Benefits Available to Participants of the F-111 SHOAMP Health Care Scheme (Yellow)
* F-111 DSRS Support Group Future Plans (Green)
* Statement of Requirements (Yellow)
* Senator Mark Bishop: Media Release (White)
* "The Reality of the F-111 DSRS Issue" (Blue)
* Letter to Ombudsman from DSRS Support Group (Blue)
* Letter & Information from "Nicol Robinson Halletts Lawyers" and "Maurice Blackburn Cashman Lawyers" (Pink)
* News articles from Newspaper, titled: "Pensions & Allowances Rise" & "F-111 Deseal/Reseal Lump Sum Payments"

5. Minutes of Previous Meeting

Members were given the chance to read the minutes through. The motion to have the minutes carried.

Moved: By a show of hands, raised by majority of group.

Motion Carried

6. Committee Report on Activities since Previous Meeting:

- CHSDPP: Natalie and Kathleen attended a meeting. They have not received any correspondence or minutes from that meeting. 8 June
- Ian and Kathleen: Met with Senator Hill & Minister Kelly 16 June
- The Government announced the Lump Sum Payment 19th August 05
  - Seeking information from the Government
- They have undertaken various meetings, interviews with media, etc.
- Invite media to become more aware of what's happening within the group
- Kathleen and Natalie met with Bill Shorten 2 September
  - They had arranged a meeting with Solicitors in Brisbane
- Had a meeting with the AWU, they're willing to assist our group.
- Ian met with Simon Harrison Lawyers, they work on a No win No Pay.
- Tony Brady, Natalie & Kathleen met with "Maurice Blackburn Cashman Lawyers" (Pink Handout)
  - There are a couple of anomalies with dates and info in it.
- Kathleen has spoken with Senator Bishop with weekly conversations.
  - Been supportive and open to discuss issues in Parliament.
- They have released Media releases: some have been picked up, approx 9.
- State to formulate a meeting with the Ombudsmen concerning the Lump Sum Payment.
  - Refer to the blue form: "Commonwealth Ombudsmen".

7. Table Resignation of President:

Kathleen read out Ian's resignation statement that he had posted on the site. Ian was going to resign at the next AGM, however chose to bring it forward.

8. Elect Interim President:

Due to the early resignation, the group needs to elect an Interim President until the AGM. We called for nominations:

- Natalie Nielson nominated Tony Brady, with a vote of 22 votes.
- Gordon Dudley nominated Barry Willis, with a vote of 31 votes.

With Barry Willis being victorious, Barry then spoke to the group stating a bit of his background, here

"I joined the Air Force in June 1969, trained at Edinburgh SA, posted to Wagga for Airframe Mech Course, Posted to 3AD Amberley Dec 1969,1 BOCU, Posted to Wagga June 1970 Airframe Fitters Course, Posted to 3AD Nov 1970 to 3AD, Posted to 2Sqn 1972, completed exercises in Butterworth, New Zealand, deployed to PNG on the 2Sqn photographic detachments.

Posted to 482 Sqn F-111 flight line maintenance Jan 1976, first job at 482Sqn was a tank entry out in the open, no sheds, hangers, proper safety equipment, Hokhanson only available if it didn't break down or run out of fuel. Carried out uncountable numbers of tank entries on other F-111 aircraft, some time double shifts. Tank entries were apart of the every day occurance at 482Sqn carried out on flight line.

Posted to Jan 1979 486Sqn Richmond Hercs, returned to 482Sqn Dec 1981 flight line. Posted to Mc Leland AFB Sacramento F-111 cold proof USA on detachment 4 months, returned to Australia posted to 1Sqn, one of the founding maintenance members. Served on F111 until posted to HQSC CAPROJD in 1987, posted to 3AD Nov 1989, discharged June 1989. 20 years and 2 days service in the RAAF.

I also served in the Royal Australian NAVY in the early 1960 for 4 years."

The above has been provided by Barry Willis.

9. Member for Blair: Cameron Thompson

Kathleen introduced Cameron Thompson to the group who addressed the group.

The following is a submission from Cameron Thompson:

It is now more than a year since the Commonwealth Government accepted responsibility for the negligent conduct of the infamous F1-11 deseal-reseal program, and promised ex-gratia support for RAAF and civilian workers whose health was compromised as a result.

Amberley was the location for the vast bulk of this work and despite the passage of time, the largest group of ex-DSRS personnel are concentrated in the SEQ region and in the electorate of Blair, which I represent.

At the September meeting of the Deseal-Reseal support group, I spoke about the range of difficulties affecting those who were exposed to and damaged by these dangerous working conditions. They are making their way through a maze of paperwork and legal complexities.

There are discrepancies between the various compensation schemes that create unequal outcomes. There are deadlines and cut-off dates that divide de-sealers into groups who win or lose rights to compensation or support according to ancient or arbitrary definitions. People with identified injuries and clear evidence of a direct link to service have had claims rejected under one scheme, but approved under another.

At the meeting, I spoke about the Government's decision to award an ex-gratia payment (tier1/$40,000; tier2/$10,000) to acknowledge the fact that the RAAF knowingly endorsed a reckless program, which endangered and damaged so many people.

Critics who condemn the payment because it is 'insufficient compensation' miss the main point. Because the money is paid on an ex-gratia basis, it cannot be deducted from compensation that victims win through claims under the VEA, the MCRS or the SCRA. Unlike a compensation payout, this tax-free payment will not be offset against other claims. That means it comes in addition to money paid under statutory schemes or through common law claims.

At September's meeting, the personal injury specialist lawyer hired by the Australian Workers Union to provide independent advice to DSRS personnel, Peter Koutsoukis, warned about the danger posed by offsetting claims.

Mr Koutsoukis put the view that a class action by DSRS personnel would be unlikely to succeed because the circumstances of service and the illnesses that resulted were disparate. He said some DSRS personnel could benefit by making common law claims, but he warned compensation paid as a result would be offset against payments and ongoing support provided through Workcover, ComCare, Military Compensation etc.

So the decision to provide tax-free ex-gratia support by way of a lump sum, which does not affect any existing right to compensation, rehabilitation or support is welcome.

In the wake of that payment, I am turning my attention to the inconsistencies between the various compensation schemes and the appropriateness of deadlines, definitions, guidelines etc that govern their operation. These are the cracks through which some claims appear to have fallen.

At the meeting, I indicated the range of parliamentary and federal party committees to which I have access as an MP. Groups such as the Coalition Defence and Veterans' Affairs Committee share my concerns about gaps between the statutory compensation schemes and are lobbying the Minister, seeking answers in areas of concern.

Already, the Minister and the Government as a whole has demonstrated its concern about inconsistencies between the schemes. It has created the Military Rehabilitation and Compensation Scheme, to unite the VEA, MCRS etc and to ensure that in future, there is just one clearly-defined avenue for military personnel to lodge claims for rehabilitation, compensation, treatment or support.

At the meeting, I suggested that the DSRS support group should approach these parliamentary committees to put its case for a less arduous claims process and more consistency in outcomes for suffering ex-DSRS personnel.

With the help of the DSRS group, I am gathering material to bolster the case I present to the Minister and in the committees mentioned above. Members and supporters of the DSRS group can help the campaign for change by being active in lodging and pursuing their claims, helping to document and support the claims of others and supporting the group in its presentations in Canberra and in the community.

End of submission from Cameron Thompson

Some points that Cameron made were: Acknowledging the efforts of the support group.

- People have choices but feel people may be on the edges that may miss out. If they feel that they do, he welcomes them to come and see him or their local member.

Quote: "There are holes and not happy about the holes!"

- If you have members from other electorates, Ipswich is 1 out of 150; if others from other electorates become aware of it and raise it too. More MP's can bring it up in Parliament.
- Encourages the Support Group to encourage its members to see their local MP's.

Quote: “Make it an issue for all MP’s”

Question from the floor:
With the new ‘Permanent Impairment Guide (PIG)”, in regarding a grandfather clause with regards to particular items like, headaches, anxiety, etc, unless it gets included they could be written off if they aren’t included in the ‘PIG’.
Response:
Would be looking at trying to fight/push for it to be included ASAP. Cameron suggested talking with Kathleen and Natalie to work on it.

Statement from the floor:
A member stood up and explained how Cardio problems were a cause due to the Chemical Cocktail. Her husband had heart attacks 2 yrs before leaving Amberley. Canberra VEA are saying that it’s not caused by it.

Cameron again expressed an interest in organising a meeting with the Support Group and is interested in ways in which it has developed, e.g., Letters to Senators, Members (Gov), Defence Sub Committee’s.

Tony Brady stated: That they have elimated respiratory in Health Care Scheme that was sent out to Group 2, amongst other things too. People were referred to the Yellow handout: Benefits from SHOAMP.

A Member stated: That they are offended @ CAF for not recognizing health issues about Health Study that Horsley had visited different venues. People that are going through health issues. Many conditions are coming out, but not being recognised. Believed they are stalling
Response:
Cameron responded by suggesting that they need to get a list going and work on the priorities.

Question:
If a claim is rejected with SOP’s, is it worth appealing?
Answer:
Go and see your local member and get that brought forward and questioned in writing.

Statement:
Regarding the Statue of Limitations, why are we forced to pursue it? AGS have been holding it up for 4 yrs.

After the many questions and statements that have come from the members, it was suggested to the group if the wrote their concerns down, give it to the committee and they could table it and talk to Cameron with this.

Included with this idea was the idea of a possible mediation in regards to the Lump Sum.

10. BREAK: 1055hrs

The meeting held a break to allow everyone to refresh themselves and recommence with other guests that were due to arrive and address the group as well.

11. RE-COMMENCE: 1107hrs

Barry Willis introduced two guests that had arrived during the break.

- Bill Shorten - AWU
- Peter Koutsoukis - Maurice Blackburn Cashman Lawyers

12. Lump Sum Payment / AGS confirms 26th October 2005

Kathleen prepared: Statement of Requirements (Yellow)
Natalie prepared: The Reality of the F-111 DSRS Issue (Blue)

- They are concerned about the eligibility criteria, dates are wrong. They've got to be addressed. Just saying you had to be attached to 501 wg, evidence has to shown. Early people don't have that one their Doc's. There are a lot of anomalies.
- Testing their eligibility.
- Civilian dates are out by 18-24 months.

Pursue the lump sum eligibility and the amount of the Lump Sum. The group was asked with a show of hands whether or not they should pursue the amount. A unanimous amount of hands were shown.

Petition: members have discussed the petition. Let's approach banks, RSL's to get signatures.
Q: Would it be good to petition the Attorney General's Office?
Q: Whether or not individual letters from DSRS's would matter or not?

Regarding the "Lump Sum", make the Australian Public to become aware of this.

Kathleen made the point in regards to the government creating medals celebrating 60th Anniversary costing $___ million. As opposed to our lives!

A member from the Atomic Ex-Servicemen told us we have the support of 2000 members of their group. He said, "don't give up you're fight". They are behind us 100%.

13. Ombudsman:

Refer to the Blue paper with the letter addressed to the Commonwealth Ombudsman, we'd like members to read through it and let the committee know of any changes that they think would be appropriate. Thank you.

14. Union Assistance:

Bill Shorten addressed the group. Some of the things he said were:

- AWU is interested in our Support Group, and think that we've been done in and don't think it's fair.
- It's heartbreaking about family lives, re: deaths, cancers from work.
- Talked about how it's currently supporting the Boeing guys @ Williamtown RAAF Base.

- The AWU has given $10,000.00 to assist in the administration of our support group.
- They encourage us to create fundraisers – serious large affairs to promote our issue and bring in revenue.

15. Legal Advice:

Peter Koutsoukis addressed the group with some points of interest for the group. He also referred to the pink form: "Maurice Blackburn Cashman Lawyers".

- They don't recommend "Class Action" due to the fact there are a huge variety of illness' that would be too difficult to group together. The only way is pursue your own legal action.
- You must all register with comcare and SHOAMP by the 20th September 05; otherwise your rights will be compromised.
- Those exposed under the state scheme, you use "Qld Work cover", if you worked for the RAAF, your claiming through the Commonwealth.
- Either fill your forms in or write a letter and get it into them by the 20th Sept.
- Make sure that you've listed everything that you feel you are suffering.
- Statute of Limitations (SOL): no SOL for comcare but you must be lodged as soon as you become aware of it or at least within 6 months.
- Damages: pain and suffering, income lost. You need to prove the negligence of the employer.
- Difficulty is sometimes the Statute of Limitations. 3 yrs funs from when time occurred. Otherwise you need to apply through court to get it extended. An extension application needs to be applied by the 26th October 05. If you're going to do so, you will have problems due to time limit arguments.
- Common Law problems: Post 1988, can only sue for small amounts of money in Qld, not so much for the loss of income.
- Common Law will impact on DVA benefits for post 88 problems.
- Basically BEWARE!
- State: "Work cover QLD" damages are larger, but still face same DVA and impact problems.
- It can be complicated for people if they were state then went onto Commonwealth.
- They urge all MCRS rejections or reconsiderations about taking it further. 30 days within receiving notification.
- If a claim is rejected, and you feel you need more time, you need to claim for an extension ASAP.

Q: What's the good news?
A: A number have been accepted. There's good material in the BOI.

Just because someone is suffering the same symptoms as yourself, doesn't mean they'll accept it. You need to have evidence to prove it.

If you have a previous condition once joining the Defence, if it is aggravated or enhanced during your Defence life, your entitled to pursue it.

Common Law Action (Mediation): They would consider consulting on an individual basis. It's too hard to say on an example. It has to be done individually.

16. Media Assistance:

- Flood the AAT with appeals:
- Get in touch with the media:
  - Human Interest stories
  - Newspapers: local, attract Nationally
  - Political lobbying
- Don't assume that people know what's happening. Make your problem other people's problems.
- Email De-Anne Kelly or write/email to her via Cameron Thompson (MP Blair) Cameron.thompson.mp@aph.gov.au
- Sign up for the AAT Database for appeals that have or intend to appeal or have done so and failed.
- Join the RSL's! Have your say as a service member.

17. Other Matters:

- Spouses Survey and Mitochondrial Study
  - The RAAF is still going ahead with these studies.

- Children's Health Survey
  - Still need to pursue it.

- Plans for the Future of the Support Group:
  - Refer to Green copy & small blue flyer. The small flyer is available as a PDF and able to be printed out and a great handout to people.

<u>Overview of Future Direction:</u>

- To be a focus, for us and future groups

<u>Training and Qualifications:</u>

- In November, Kathleen & Natalie will be taking a course to become ESO and recognised.
- To assist with members, spouses & families.

<u>Funding:</u>

- Grants: try to apply for whatever grants possible. If anyone knows of any such grants that the Support Group might be eligible for, please contact the Support Group.
- Want to apply for funding to help produce a book for spouses.
- Apply through DVA for funding in February for ESO for ongoing costs to be a fully functional ESO. Being for Welfare.

ESO stands for: Ex Services Organisation

RSL State Office is going to be asked for support as well.

Family Portraits:
The best time to be looking at doing the Family Portraits would be approx April 2006. Suggestions from the group for it to be done on a weekend. This fundraiser would be available not just for DSRS's but to whomever was interested

Auctions:
If you know of someone that might have Auction item that may be of some use for an Auction down the track, please contact the Support Group.

Wooden F-111:
A Wooden F-111 has been donated to the group, valued at $197. A decision at this time as to what will be done with it is uncertain, a possible idea to use as an Auction item in the future.

18. General Business:

- Tea/Coffee provided by Ipswich RSL. Thank you to them.
- A reminder to all members. If you have a Claim rejected: Once you have received your rejection letter. Send a copy to the Ombudsman -> send a copy to the Support Group -> let your local Minister become aware of it -> Possibly seek legal advice.

19. Notice of "Annual General Meeting"

The next meeting for the group will be an AGM, this will be held at 915 am on Sunday 27th November 2005 @ Ipswich RSL Services Club Inc.

All positions will be declared vacant and we are calling for nominations for all positions.

20. Meeting Closed:

The meeting closed at 1300 hrs.

Barry Willis	Kathleen Henry
President	Vice President

21. Apologies Tony & Raelene Ramsden, Rudi & Liz Agerbeek, Ian & Karen Fraser

22. Collections Generous donations from attendees and proceeds of door prizes totaled $156.00. Thank you. The cost of the room was $100.00 which the Black Handers Reunion generously paid on our behalf.

F111 DESEAL RESEAL SUPPORT GROUP INC

URGENT MEETING

JOIN US ON

SUNDAY 18TH SEPTEMBER 2005 from 9.15 AM

AT

IPSWICH RSL CLUB

LOWRY STREET NORTH IPSWICH

To discuss the Lump Sum and Future Directions

RSVP : Peter Felton FOR CATERING PURPOSES.

AGENDA:

- Minutes of Previous Meeting
- Committee Report on Activities since Previous Meeting

URGENT MATTERS:

- Table Resignation of President
- Elect Interim President
- Moving Forward
  - Lump Sum Payment AGS confirms 26 October date
  - Ombudsman
  - Legal Advice Petition
  - Union Assistance
  - Media Assistance

OTHER MATTERS:

- Spouses Survey and Mitochondrial Study
- Children's Health Survey
- Plans for future of Support Group
  - Overview of Future Direction Logo
  - Training and Qualifications
  - Funding *Fundraising Family Portrait* Banking
  - Assistance to Members CD
  - Brochure/Flyer
  - Increasing Membership
- Annual General Meeting

ERROR. Advocate's Office provided provision of refreshments at meetings.
We will have our usual fundraising raffle available; your contributions are greatly appreciated.

DESEAL RESEAL MEETING
SUNDAY 5TH JUNE 2005

Held at the Ipswich RSL Services Club, North Ipswich.

Apologies:

Minister for Veteran's Affairs
Member for Blair
Tony and Raelene Ramsden
Rudi and Liz Agerbeek

President Ian Fraser opened the meeting at 9-35 and welcomed all members and guests. The guests included:

Mr. Arch Bevis	Shadow Minister for Defence
Bernie Ripoll	Federal Member for Oxley
Chris Kahler	Representing the Minister for Veteran's Affairs
Barry Telford	Division Head, Compensation and Support DVA
Bill Shorten	National Secretary Australian Workers Union
Dr Yossi Berger	PHD in Chemical Contamination in the Workplace. AWU
Desley Keys	Representing Cameron Thompson MP Federal Member for Blair
Wayne Mills	Ipswich Organiser – Australian Workers Union
Jo Bachause	Representing Sciatta's Lawyers observing with Australian Workers Union.
Rod Kendall	Assistant to Arch Bevis

The Committee tabled the following documents with copies available for attendees:

Agenda for this Meeting
Minutes of Previous Meeting
Correspondence Received and Sent since our last Meeting
Hansard and Parliament Statements since our last Meeting
Member Update Notices on Meetings attended since our last Meeting
Our Questions on Notice to Arch Bevis of last week
Arch Bevis Questions Without Notice to Minister for Veteran's Affairs
Hansard last week

President Ian spoke on the importance of the meeting and of the guests that we have here today to speak to us and introduced Mr Arch Bevis and asked him to address the meeting.

Mr. Bevis spoke of the many representations that he has made in Parliament, on behalf of the Deseal Reseal Support Group and that the replies that he has been receiving from the Minister for Defence, Senator Robert Hill and the Minister for Veteran's Affairs, Ms. De-Anne Kelly being unsatisfactory and not addressing the problem. He has vowed to continue to take our fight to them and try to have so results sooner than later.

Much time was given to discussion on the confirmed inaccuracies quoted to the Senate Estimates Hearing on Monday and Tuesday last week and also to the Question Without Notice from Arch Bevis to the

Minister for Veteran's Affairs on Thursday. Arch Bevis stated to the members and the DVA representatives that he would be taking the evidence of this to the Minister next week when he returns to Canberra.

Bernie Ripoll addressed the meeting and stated that he would continue to support Arch Bevis and put more pressure on the Minister and will continue to fight for the Desealers.

Minutes of the last Meeting were accepted.

Kathleen Henry then gave an update on the Spouses Survey and stated that it had been approved by the Ethics Committee and the finance approved. We are still waiting for the control group to be selected and volunteers are being sought through advertisements in Ipswich, Amberley and RAAF bases.

The 2nd CHDSPP Health Screening Consultative Forum Meeting will be held on 8th June. Kathleen and Natalie are members of the Forum to implement the Screening Program.

Natalie addressed the Meeting and gave an outline of the CHDSPP Expert Advisory Panel Meetings. She has taken over the roll of Ian on both the Consultative Forum and the Expert Advisory Panel. Natalie has medical training and we believe is a good replacement for Ian who has excluded himself from these panels.

Mr Barry Telford then addressed the meeting and could not throw any light on when the "ex-gratia payment" would be made. Frank Cooper asked the question" Why do we have to wait all this time, after it was announced six months ago that this payment was not tied to DVA or MCRS entitlements". (From observations it would appear that DVA is mixing up the ex-gratia payments with compensation entitlements under the VEA and MCRS Schemes). He stated that the Government was waiting on the implication of the payment on the civilians covered by Workcover Queensland before they could hand down a decision. It was pointed out to Mr. Telford that in April Workcover Queensland had answered all of the questions put to them, therefore the blame should not be put back on them. Natalie Neilsen advised Mr Kahler that she had spoken to the Manager of Statutory Legal Service Workcover Queensland and he stated that they have no holdups on anything. He was also under the opinion that only twenty one civilians were employed on the Deseal reseal, it was pointed out to him that the figure was closer to ninety. The figure of twenty-one is of the people that are covered under ComCare.

Barry Telford responded to member's questions but did not give any firm details or answers regarding the lump sum, the payment process, the "sliding scale", or the "definition" of a desealer.

Bill Shorten of the Australian Workers Union was introduced to the meeting by Ian Fraser. Ian explained that Bill had read the article in the Bulletin "Dead Servicemen Walking' and was appalled by the story, Bill together with Dr Yossi Berger had flown up from Melbourne that morning to talk to us. Bill explained that he had contacted Ian to see of what assistance the union movement could give to the Support Group. Not only would the AWU give moral support but they would give an undertaking to provide financial support of between five thousand ($5000.00) and ten thousand ($10,000.00) dollars to fund our fight. The union would also investigate the possibility of providing the Support Group with legal assistance with pro bono lawyers acting on their behalf to further our cause. The Minutes of the Meeting on 25th May with Bill Shorten are attached to these minutes.

Dr Yossi Berger gave a very informative talk on the implications of Chemical Contamination and his understanding of the Deseal Reseal Program. He stated that it was not dissimilar to problems that had

occurred in the civilian workforce previously, however most of these practises had been stamped out due to the diligence of the trade unions, and that he was interested in pursuing our cause.

The meeting was informed the Annual General Meeting has had to be postponed due to the Financial Statements not being received back from the Auditors.

Ian and Kathleen will be meeting with Senator Robert Hill and De-Anne Kelly in Canberra on the 16th June in Canberra.

Kathleen gave a short brief on the outcome with the meeting with MCRS in April as a result of events from the last Meeting. The brief is attached. Kathleen reiterated the need for any concerns, anomalies and rejections from MCRS to members to be passed to the Support Group with a letter of consent to pass them to Arch Bevis, as he is seeking a Parliamentary Inquiry into the difficulties we are having in receiving compensation.

Kathleen then summarised the meeting with Arch Bevis in April, and the Bulletin Magazine Article.

Liz Agerbeek advised the Committee that she had obtained confirmation from VVCS that if a member has a gold card their spouse is entitled to undertake unlimited counselling and all courses offered by VVCS. If a member has a white card for mental conditions, the same entitlements are available to their spouses also. This is over and above the Health Care Scheme entitlements.

The Meeting closed at 12.30pm.

Members present were
Peter Ashton, Tanya Baldwin, Ted Barnard, Kevin Barnes, Vivian & Christine Bazzo, Hugh Betteridge, Tony Brady, Peter Bulley, Max Chambers, Neil 'Nobby' Clark, Frank Cooper, Alan Copeland, Sue & Stephen Coss, John Crimean, Geoff Curl, Chris Dowden, Gordon & Jan Dudley, Bill Duff, Merv Dwyer, Lloyd Eagle, Kevin Esposito, Chris Evans, Peter Felton, Mark & Rebecca Fenech, Ian Fraser, Brad Gannon, Rod Gilbert, David & Amanda Grady, Kathleen Henry, Rob & Colleen Horsborugh, Neville Johnston, Stephan Jurga, Carolyn & Graeme Kerr, Diane & Geof Kleinig, John Lakner, Les & Marg Lawler, Bernice & Cliff Miller, Janet Murdoch, Mick Murphy, Noel Neilsen, Natalie Neilsen, Paul & Kathy Nevin, Chris Nielsen, Max & Jill Patterson, Michelle Peate, Julie Peterson, John Pike, Bob Pilkkington, Russell Porter, Paul Paulson, Phil Regan, Donna Reggett (Advocate), Paul Ryan, Garth Steinhardt, Dave Stenzel, Barry Tanner, Brian Taylor, Dan & Karen Trelevan, Ray & Coral Webster, Lorraine White, Mark Williamson, Barry & Karen Willis, Ian Young and Jenny Zugno

FUTURE PLANS

FUNDING

1. RSL STATE OFFICE

We were advised on 6th September 2005 that the RSL State Office is willing to offer us support.

We will be approaching the RSL State Office for the following:

- Funding for publication of the Spouses Handbook and Spouses Workbook
- Provision of Venues to run Spouses Workshops
- Provision of refreshments at Venues during Spouses Workshops
- Funding of Administrative Functions of the Support Group

We will be seeking their assistance until December 2005.

2. QUEENSLAND STATE GOVERNMENT GRANTS

We are eligible to apply for funding under the Queensland Government Community Gambling Grant Scheme. The Grants provide funding up to $30,000.00 each quarter for community bases organisations which assist groups or individuals to improve their personal environment in Queensland only.

Funding is available for provision of equipment, modifications, travel, publications and any other requirements but does not cover regular ongoing costs ie wages.

The next round of applications closes 30 September for payment 30 December therefore provision for the period 1 to 31 March 2005.

We will be seeking funding for:

- Development and publication of a Handbook specifically designed to address Depression Management for member's
- Development and publication of a Companion Workbook to enable member's to work through the Handbook and implement change
- Development and implementation of workshops to assist members to complete the Handbook
- Distribution of Workshop notifications and database of enrolees
- Travel and Accommodation throughout Queensland to undertake the workshops
- Computer equipment and software to complete the workshops
- Training and funding for establishment of a database for detailed information to assist member's claims
- Database and funding for follow-up questionnaires

We have access to a member of the Labor Caucus whose role is to submit applications for grants and he is willing to assist us.

If successful, we will continue seeking funding for the quarter 1 March to 30 June 2005 and onwards.

3. **DVA GRANTS**

DVA issues $11.5 Million in grants to ESOs each financial year. The funding is for pension officers (advocates) and welfare officers. Currently only one group is being funded for welfare, all other funding is for pension officers. DVA funding will provide wages and salaries to senior members and administrative support. It will provide funding for computers and equipment, internet and telephone and ongoing costs.

Funding applications close February for funding 1 July to 30 June. No funding is available outside this timeframe.

We propose to apply for:

- a fully funded office as a Welfare Office with administrative assistance
- continued development of workshops which DVA do not provide to our members or spouses and children
- a fully funded advocate to assist members with their claims with DVA/MCRS as Recommendation 9.2 has been removed from access by us
- undertake the two developed workshops throughout Australia

TRAINING AND QUALIFICATIONS

As a qualification to apply for this funding in February, Natalie and Kathleen will enrol in the DVA BEST Course and receive qualifications as Welfare Officers. The Course is free. It is three days full time, and after completion in November, we will be covered by DVA Insurance. It will also cement our group as a certified ESO. Commencing later next year, all pension officers will have to undergo the Welfare Officer course or they will not receive funding, so we are getting in early.

The Course will cover Grief Counselling, Domestic Violence, Depression and Anger Management, Stress Management, Isolation, and several other relevant topics.

We believe it is very important that the Support Group has this training and Insurance protection so that we can help you to move forward. It will also set this Support Group in good stead for a long healthy future as we can expand at a much later date to include all injured ex-service personnel and injured serving personnel and their families and help them overcome the personal difficulties we have each individually faced over the last many years.

STATEMENT OF REQUIREMENTS

The Federal Government announced on 20 December 2004 that it would make a lump sum payment in recognition of the unique circumstances of the working environment under which the F111 Maintenance workers were forced to work.

The Federal Government considers that either $10,000.00 or $40,000.00 would be a “significant” and “substantial” contribution to these men and women in recognition of this consideration.

The F111 Deseal/Reseal workers are highly insulted that the work they were forced to undertake is considered so unworthy of decent recognition.

The RAAF Board of Inquiry did not dispute that members were exposed to toxic chemicals. It did not dispute that insufficient protective clothing, procedures or education were given to the members who were using these toxic chemicals. The Board of Inquiry determined that the members were in fact suffering the effects of exposure. The Board identified the failures of the RAAF and recommended steps be taken to make amends for past deficiencies.

In their statement of 20 December 2004, the Federal Government recognises that these members suffered exposure to the same toxic chemicals.

The Board of Inquiry recommended a study be undertaken to gauge the long term health effects of the members and their dependents.

DVA arranged the SHOAMP Health Study and looked at a few systemic areas of effect. It did not register all conditions, diseases, illnesses and immunological changes being suffered by members as a result of their chemical contamination.

It did not address the long term effects of chemical exposure with the exception that the mortality is unquantifiable because no official records of deseal deaths were recorded by DVA or the RAAF, and that the members have a significantly higher incidence of cancers.

The Study also found members are now in the lowest percentile of quality of life in Australia because of their damaged intellect, health and income – a significant finding considering that to be eligible to join the Australian Military they had to be in the top percentile of the Australian public in intellect, health and physical ability or they would be rejected.

DVA has not undertaken a full health study of the dependents of the members, and does not intend to do so, even though it was stated in the Board of Inquiry that this should be done.

Because the SHOAMP Health Study only looked at a few areas of effect as required by DVA, Military Compensation will only recognise the minimal conditions identified in the Health Study. DVA does not recognise these conditions without Statements of Principles or without changes to current Statements of Principles. DVA has been advised that this will not happen and therefore they are to reject member's claims for compensation.

DVA will not enact Section 180A of the act which would allow for recognition of the conditions and compensation under the Veteran's Entitlement Act.

Military Compensation has been directed to enact Section 7.2 of the SRCA (1988) Act only for those conditions listed under the registered list of the SHOAMP Health Care Scheme. When asked at a meeting in Amberley last week, what compensation would be available for the major percentage of workers who were affected between 1973 and 1988, and after 1994, Military Compensation representatives stated "I don't know".

In light of this outrage, the F111 Deseal/Reseal Support Group requires that all military and civilian members receive the following:

1. An ex-gratia payment which:

a. recognises the NEGLIGENCE of the RAAF as proven in the Board of Inquiry.

b. recognises the CHEMICAL CONTAMINATION of members who were repeatedly, knowingly, placed in life threatening danger over a period of more than 20 years.

c. acknowledges EXPOSURE to a mix of toxic chemicals.

d. reflects the INTELLECTUAL and LIFESTYLE destruction which has been caused by this EXPOSURE and CONTAMINATION.

No payments under DVA or Military Compensation, nor WorkCover Queensland or ComComp make payment in recognition of these issues.

It is considered that a "fair and equitable" payment should be made to the members in light of the fact that:

a. both members and their spouses have lost approx 25 years of stable income.

b. both members and their spouses have lost approx 25 years of superannuation and therefore any chance to obtain their planned self-funded retiree comfort in the future.

c. many members used their income while serving to plan and establish their future security by investing in a family home. Many of these same members have had to forsake their home because of lack of income to sustain payments solely due to the health effects of their work and

the four year delay by DVA and Military Compensation in processing member's claims for compensation.

d. the younger members – aged 35 to 43 at the moment (many of whom cannot work now) will not be entitled to the aged pension when they turn 65 years of age as declared by Government Legislation. Military Compensation payments cease at age 65, so they will be totally destitute after this time.

e. there have been an extraordinarily large number of marriage breakdowns because of the delayed identification and lack of treatment of psychological, neurological and neuropsychological disorders recently identified in the Health Study.

f. the long term effect of exposure has not yet been fully quantified. It is known that there is no cure for the conditions, illnesses and diseases which the members suffer, with the probability that many could lead to early mortality. The Health Study did not investigate this long term effect.

g. no new health condition will be recognised for payment for treatment after 20 September 2005 by the SHOAMP Health Care Scheme. Until claims are finalised through VEA, Military Compensation, WorkCover Queensland or ComComp, the cost of diagnosis, investigation and treatment is to be borne by the members themselves.

The members of the F111 Deseal/Reseal Support Group consider that a fair and just **"compensation package"** in recognition of all of the above would be:

1. An ex-gratia lump sum payment of $500,000.00 per member to all military, ex-military and civilian personnel involved.

2. This ex-gratia lump sum payment should have all the protection afforded the ex-gratia lump sum payment for the "conditions of the working environment"

3. DVA to enact Section 180A of the Veteran's Entitlement Act and recognise the conditions, illnesses, and diseases for which there is no Statement of Principles, or for which the Statement of Principles does not include chemical contamination, and award compensation payments to affected members.

   Currently, by paying some members under the 1971 Act or the 1988 Act through Military Compensation, and others under the Veterans' Entitlements Act, members are being discriminated against because of the period of service they undertook. All compensation payments to personnel under the Veterans' Entitlement Act is the only fair and equitable option and removes the current discrimination and prejudice.

4. For those former Air Force members who can no longer work, full TPI and Gold Card to be issued under Section 180A of the Veteran's Entitlement Act.

5. For those members who receive total impairment for a particular condition, that condition file is to be closed so it is not reviewed in the future.

6. For those members who are still able to work and do not reach 100% incapacity, the issue of a White Card for their conditions with provision for deterioration of the existing condition and the recognition of new conditions.

7. New conditions which show effect after 20 September 2005 to be determined under Section 180A of the Veteran' Entitlements Act.

8. Full funeral costs to be met by Department of Veterans' Affairs and possession of plots passed to the family or estate of the deceased member.

9. All widows of members identified as desealers prior to their death, regardless of the date of death, to be paid the ex-gratia lump sum payment, with the widows then entitled to the War Widows Pension under the Veterans' Entitlements Act and any juvenile dependants also eligible for payments under the Veterans' Entitlement Act.

10. Allowing Statute of Limitations Applications to proceed in the Courts for members who are pursuing civil action.

11. Recognition of current serving members of the ADF, with provision for them to be compensated for the loss of their career, income and superannuation because of their deseal contamination.

Senator Mark Bishop

Shadow Minister for Defence Industry, Procurement and Personnel

Senator for Western Australia

MEDIA RELEASE

15 September 2005 *ref:defipp.m&pr/#-05*

Minister Doesn't Understand F 111 Compo and Misleads Victims.

Minster Kelly must stop misleading F111 deseal / reseal victims on the generosity of her ill designed ex gratia compensation scheme – very few will get the large sums she claims.

In Question Time today, the Minister again cited the extreme example, belying the fact that in many cases statutory disability compensation cannot be paid because there is no medical science to establish cause and effect – that's the reason for the ex gratia scheme.

The Minister also fails to understand that the scheme she's designed is only for exposure, not effect as she stated.

If the scheme was for effect as it should be, people would be compensated for the degree of disability, not on arbitrary days of exposure regardless of other circumstances. What's the difference between 29 days and 30 days exposure? Answer: $30,000.

The shortcomings remain and must be addressed, viz:

- Widows of those who died before 2001 get nothing
- The sums of $10,000 (10 – 29 days exposure) and $40,000 (30 days exposure) are inadequate
- The assumption between the two amounts is that some are affected more than others, but that may not be the case depending on circumstances.
- Those exposed for less than 10 days get nothing
- There is no appeal mechanism where claims are rejected.

The Minister has failed again to look after Australia's ex service people, and doesn't understand the consequences of her incompetence.

Furthermore, her tardiness in announcing the scheme means that the statute of limitations which comes into effect later this month will prevent common law claims being lodged with the courts – unless the Commonwealth publicly waives its rights.

The Minister must stop misleading people, swallow her pride and do the right thing by these people whose health and careers have been ruined.

The Reality of the F-111 DSRS Issue

The Deseal/Reseal process was carried out at RAAF Base Amberley, Queensland from 1974-2000 to maintain fuel tanks of F-111 strike and reconnaissance aircraft. Some workers were also exposed in Sacramento, Ca, USA prior to this. One aircraft and crew were posted to RAAF Edinburgh where DSRS was carried out in the process of completing other maintenance tasks. Workers from a variety of musterings were exposed to the DSRS chemicals within their RAAF or civilian employment.

As a result of the efforts of a number of key people the DSRS process was suspended in 2000 pending an on-base inquiry. The results of this inquiry were used together with further lobbying from certain members to instigate an official Board of Inquiry (BOI).

In July 2001 the largest ever defence Board of Inquiry handed down its findings into to the F-111 Deseal/Reseal Process. The inquiry cost approximately $5M, researched some 1.5 million documents and incorporated statements from over 650 people.

The BOI found that "the symptoms which workers currently experience are reasonably attributable to their earlier exposure" (RAAF, 2001, Appendix 5, p.3) and that on that basis "we estimate that in excess of 400 workers have suffered long term damage to their health" (RAAF, 2001, Appendix 5, p.3).

The DSRS program was a classic example of the traditional "platforms over people" priorities of the Air Force which was identified in the BOI (RAAF, 2001, p. 1-4) and the result of this was the failure of the Air Force to protect its workers in exchange for increased defence capability (RAAF, 2001, p.1).

Whilst it is true that Defence initiated and carried out the BOI it must be noted that in doing so this remained a Defence controlled investigation and subsequent report. In view of this it is interesting to note that the report failed to allocate specific responsibility for the decision to prioritise aircraft over workers but instead states:

> *the scale and duration of the problem indicates that we are dealing with a deep-seated failure for which no single individual or group of individuals can be reasonably held accountable. As we noted at the outset of the hearing, 'the material made available to the Board…points to ongoing failings at a managerial level to implement a safe system of work and co-ordinate processes within a complex organisation'….Our aim, however, is not assign blame…"*
>
> (RAAF, 2001, p.1-1-2).

Naturally Defence would not wish to assign blame. Doing so would be a clear admission of negligence and open the way for common law action against the Commonwealth by the workers.

In effect, the situation equates to that of a corporation guilty of deliberately and knowingly poisoning its workers in order to maintain productivity holding an internal inquiry, refusing to name any of the managing directors who were responsible for the decision, then making its own recommendations for improvement and atonement and allowing its insurance company (DVA) to make decisions regarding treatment and compensation.

The F-111 DSRS BOI report made 53 recommendations. Recommendation 2.8 reads:

The Air Force should ensure that all personnel who may have been exposed to toxic chemicals, in any of the programs, should be provided with medical checkups and sympathetic advice and treatment.

(RAAF, 2001, p.2-8).

Thus the *F-111 DSRS Interim Health Care Scheme* (WEF 19 Aug the SHOAMP Health Care Scheme) was initiated.

Recommendation 9.2 reads:

The Air Force should appoint someone to act as advocate for fuel tank repair workers whose health has been affected. This advocate should assist these workers in dealing with the authorities and, in particular, assist in preparing compensation claims

(RAAF, 2001, Appendix 3, p.4).

This recommendation resulted in the Air Force Advocates Office being established at RAAF Amberley under the direction of WOFF Peter 'Blu' Hind. Over the years this office has greatly assisted some members and on a personal level the staff are both compassionate and efficient. The fact remains, however that they are representatives of the Air Force and that therefore they serve Defence interests over those of the individual DSRS workers. Recommendation 9.2 did not specify that the advocate was to be internally located and yet the Air Force chose to respond this way. One can only speculate as to why this is so and why funding from the Advocate's office was provided to the Support Group, but a cynic could hardly avoid relating these decisions to a level of power and control that it allowed the RAAF to maintain over any efforts to assist members in their complaints, which were, after all, against the RAAF itself.

Each time the Air Force has wanted to discuss the DSRS issue with the workers it has done so in a tightly controlled military environment with clear instructions to the members that they were not entitled to legal representation.

The affected members have accepted these scenarios for a number of reasons. The majority of DSRS workers either are or were service members. In enlisting there exists a certain sense of patriotism and loyalty to the service (the "boss") which becomes part of the identity together with trust that the Air Force will "look after you". Australian Worker's Union (AWU) National Director of Workplace Health & Safety, Dr Yossi Berger identified this phenomenon and described it as "a dangerous cocktail for OHS" (Berger & Shorten, 2005, p.2).

There also exists among the DSRS cohort a remaining sense of subordination to RAAF authorities. Ex-serving members who discharged some 20 years previously will still address the CAF as "Sir" in respect of his position. With this sense of subordination comes a relinquishing of rights and empowerment and an acceptance of present RAAF terms of settlement and methods of operation in DSRS matters. As Dr Berger stated, "It seems that many are still loyal, and reluctant to blame Air Force commanders" (Berger & Shorten, 2005, p.3).

In view of this, Air Marshal Angus Houston was a perfect ambassador for the RAAF to the members as CAF. His quiet, sincere manner and his reputation for honesty and reliability fostered trust and belief among the members he addressed. He promised to see it through, to ensure that the affected members were adequately taken care of and that he would make the DSRS issue a priority. When the Lump Sum Payment was announced in December, 2004, he told the members it would be substantial and sincerely

advised everyone to seek sound financial advice to "secure their future". And the DSRS workers believed him.

It is a fact that the Department of Defence (Air Force) owed a duty of care to its employees. It is a further fact that the Department of Defence ordered the DSRS program to be carried out and that in doing so knowingly and deliberately exposed the workers to toxic chemicals. The BOI clearly states that "If anybody is to be held accountable, therefore, it is the Air Force itself" (RAAF, 2001, p.1-2). In exposing the workers to these chemical with adequate training or protection the Department of Defence (Air Force) breached its duty of care. As a result of that breach the BOI found that "in excess of 400 people have suffered long-term damage to their health as a result of such exposure" (RAAF, 2001, p.1) and that the RAAF caused "substantial human suffering" (RAAF, 2001, p.1). This is clearly negligence.

The Air Force has now passed responsibility and accountability for DSRS issues to the Department of Veterans' Affairs and refused any further assistance to its former workers.

It was not the Department of Veterans' Affairs who was negligent. It was the Air Force.

Has the Air Force paid any compensation to its workers for this negligence? The answer is – no. Instead it has exerted its continuing power and control over the workers by manipulating them into co-operating with the health and advocacy services it has supplied and then referred each worker to either DVA, Comcare or WorkCover Queensland to pursue what meagre amounts they may be eligible for under existing, inappropriate legislation. Instead of being outraged at the way they were exploited, the workers have been convinced that they should be grateful for the Health Care Scheme, the Advocate's Office, temporary funding for the Support Group and the option to "prove" their entitlement to statutory compensation.

Is it any wonder that Dr Yossi Berger was moved to say, "it's a heartbreaking business to stand in front of such a group" (Berger & Shorten, 2005, p.1). These are broken people. They are sick and injured. They are the "*Dead Servicemen Walking*" (Daley, 2005). Many have lost everything, homes, spouses, families, friends, businesses or jobs. Many are dead. Of the remaining, a cohort who were previously the healthiest, most capable workers in the country have lost their confidence and sense of identity as fully functioning men and women.

On 19 August, 2005, Minister for Defence, Senator Hon. Robert Hill and Minister for Veterans' Affair and Minister Assisting the Minister for Defence, Mrs De-Anne Kelly made a joint announcement that DSRS workers could apply for eligibility for a lump sum payment of $10,000 or $40,000 in recognition of their working environment.

On 6 September, 2005 the current Chief of the Air Force, Air Vice Marshal, Geoff Shepherd stood before 250 DSRS workers and their families and told them the Air Force had "adequately lobbied for the members", that Air Force had "done as much as it could" and that "Air Force must now step aside" (Shepherd, 2005). He announced the change in the Health Care Scheme, the changing role of the Advocate's office and confirmed that Air Force would no longer assist DSRS workers. He referred all further responsibility to the Department of Veterans' Affairs (effectively the Defence insurance company) or the relevant Ministers.

This is a National scandal. It is outrageous and unacceptable treatment of these people who require realistic compensation which can meet their needs, ever mindful of the fact that their health and quality of life cannot ever be returned. Their only remaining recourse now is through common law action against

the Commonwealth (Air Force). Most would have never contemplated legal action if they had been paid an adequate lump sum.

On 6 September the Chief of Air Force was challenged to take responsibility for his workers and he refused. He categorically and emphatically passed the buck. Should those who challenged him apologise? Should a person who has been deliberately, knowingly exposed to toxic chemicals by the Air Force and subsequently suffered serious health effects and reduced quality of life apologise to the leader of the organisation responsible? To add further insult to injury, the Air Force has made this request.

Natalie Nielsen
Assistant Vice-President
F-111 Deseal Reseal Support Group

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Draft Letter to Commomwealth Ombudsman

F111 Deseal Reseal Ex-gratia Lump Sum Payment

The Department of Veterans Affairs (DVA) has announced the criteria for eligibility to receive the lump sum payment for those members of the RAAF, Commonwealth Public Service and civilian contractors tasked with working on the desealing and resealing of F111 Aircraft.

The criteria statement is attached.

The F111 Deseal Reseal Support Group has been on consultative forums for the F111 Board of Inquiry, The SHOAMP Health Study, the TUNRA study, and we hold voting powers on the CHDSPP Health Screening Forum.

The F111 Deseal Reseal Support Group requested input into the determination process of who was and was not to be considered a desealer. We were excluded from this process.

In viewing the criteria, the F111 Deseal Reseal Support Group has identified areas of concern. We have addressed these concerns with DVA representatives and they stated they will not change from what has been decided.

1. The dates for eligibility for Civilian Contractors commence on 11 November 1991. In fact, the Civilian Contractors began desealing in late 1988. The consequence of this could exclude a large number of persons from legitimate claims for both the ex-gratia payment and compensation.

2. The work experience youth who was required to work inside the tanks by his employer has been specifically excluded from receipt of the ex-gratia payment. This person was a minor and placed in an extremely dangerous environment and exposed to toxic and hazardous materials at an age when his body was still in development stage and therefore should be included and protected by inclusion for receipt of the ex-gratia payment.

3. Deseal work was carried out at No 482 (Maintenance) Squadron, No 1 Squadron, No 6 Squadron and No 3 Aircraft Depot. On 26 March 1992, No 482 (Maintenance) Squadron and No 3 Aircraft Depot merged to become No 501 Wing. The eligibility criteria only allows provision for payment to those members who were attached to a deseal section of 501 Wing which technically excludes all persons who undertook desealing of the F111 Aircraft prior to 26 March 1992, therefore they may also be excluded from eligibility for any compensation from DVA

4. One Aircraft – A8-132 was attached to Aircraft Research and Development Unit (ARDU) South Australia from 8 January 1983 until approx July 1987. Thirteen personnel from No 482 (Maintenance) Squadron were posted to ARDU as F111 specialists to undertake a specific weapons modification then demodification of the Aircraft prior to its return to Amberley. This involved desealing and resealing of the F111, but the personnel have been excluded from the eligibility criteria because it was not conducted at RAAF Amberley, therefore they may also be excluded from eligibility for any compensation from DVA.

5. Firefighter Instructors are included in the eligibility criteria because they faced exposure while burning the waste chemicals. However, students undertook the burning under supervision of the instructors. Many personnel who were students are now very sick but have been excluded from the eligibility criteria, therefore they may also be excluded from eligibility for any compensation from DVA.

6. There are a group of servicemen whose sole job was mixing the sealant for resealing, they were also exposed and suffer illnesses, yet they too have been excluded from the eligibility criteria, therefore they may also be excluded from eligibility for any compensation from DVA.

DVA stated they took their advice from Defence. It is the position of the F111 Deseal/Reseal Support Group that:

1. The Board of Inquiry found that the RAAF knew as early as 1978 that the chemicals involved in the deseal/reseal process were toxic and lethal.

2. The Board of Inquiry found that the RAAF failed to protect members from the hazards and consequences of using these chemicals.

3. The Board of Inquiry found that the RAAF failed to educate members on the hazards and consequences of using these chemicals.

4. The Board of Inquiry found that ancillary personnel who had worked with the chemicals were also affected by exposure to these chemicals.

5. The Board of Inquiry recognised that personnel were sick and their health was affected as a result of their exposure to these chemicals.

6. The RAAF denied the truth to the members for over 21 years.
The RAAF failed to maintain accurate records of involvement.
The RAAF failed to maintain accurate medical records for personnel involved.
Yet the RAAF consulted with DVA as to how many personnel should or should not be eligible.

7. Our members were not dealt with fairly by the RAAF, and believe that they will not be dealt with fairly by DVA because they have been given further inaccurate information.

8. We believe that it is incongruous that those who denied this contamination for many years should be the ones who are relied upon to determine who is and who is not allowed to be included as contaminated.

9. The onus of proof is on our members, yet our members were not believed by the RAAF during their exposure, that they were suffering effects, and they believe they are not being believed by DVA now.

10. The only right of redress for the desealers in the rejection of their eligibility to receive the ex-gratia lump sum benefit will be your office, and we believe that you should be aware of some of the issues which may be brought to your attention as a result of the eligibility criteria determined by DVA.

11. The amount of the lump sum payment is inappropriate and insufficient remuneration for the conditions of employment and treatment received by our members.

RH/dw
Direct Dial: 07 3016 0304

14 September 2005

Ms Kathleen Henry
Vice President
F-111 Deseal/Reseal Support Group Incorporated

Dear Kathleen

Re: Our Meeting – 6 September 2005

We refer to the meeting between each of the writers of this correspondence and three members of your group, Kathleen Henry, Natalie Nielsen and Tony Brady.

We note that your support group has approximately 320 members Australia wide. The support group has been established to seek redress for adverse health outcomes associated with exposure to chemicals in the course of employment in the F-111 Deseal/Reseal Program.

In discussions, you indicated that the group has approximately 320 members Australia wide although the vast majority of those members are resident in South-East Queensland.

You also indicated that the numbers of people exposed to chemicals, who may have had adverse health outcomes, is uncertain but the minimum would be 460 and there may be as many as 1,300 people.

All of the exposures occurred at the Amberley RAAF base in Queensland save for a small number of exposures at Sacramento in California where the initial training took place.

Of the members of your support group, six were employed by the Commonwealth Government, 90 by civilian contractors and the balance of over 200 by the RAAF.

You also indicated that a small number of people had dual exposure, that is, they were initially employed by the RAAF and then left the RAAF and obtained employment with a civilian contractor such as Hawker DeHavilland or Awasco and performed the same reseal/deseal functions in the course of their employment with the contractor.

You explained that there were many different job titles for the people who worked on the DSRS program including:

- Civilian field maintenance person;
- Air frame fitter;
- Engine fitter;

- Aircraft metal worker;
- Surface finisher;
- Electrical fitter;
- Radio technician “A”;
- Motor transport fitters;
- Armament fitters.

You explained that most of the employees in the categories referred to above actually worked in the tanks of the F-111s but there were others who had to mix and dispose of chemicals who were also exposed.

Period of Exposure

You were able to indicate that the period of exposure to the chemicals is between 1973 and 2000. The significance of the latter of those dates is particularly important in the context of time limits and we will deal with that issue in some detail later in this letter.

You provided us with copies of the reports from three enquiries/studies.

The first of those is Volume 1 of a report entitled “Chemical Exposure of Airforce Maintenance Workers”.

It is a report of the Board of Enquiry into the F-111 fuel tank deseal/reseal and space seal programs. It was released on 2 July 2001. That report did not come to concrete conclusions about the health effects of exposure to chemicals, but Volume 1 dealt with 3 questions:

(i) What happened;
(ii) Why; and
(iii) What can be done to prevent recurrence.

Recommendations were also included.

The introduction to the report includes the statement “… the scale and duration of the problem indicates that we are dealing with a deep seated failure for which no single individual or group of individuals can be reasonably held accountable … the material made available to the Board … points to ongoing failings in a managerial level to implement a safe system of work and co-ordinate processes within a complex organisation”.

Chapter 11, which summarises the causes, include on page 11-4 a diagram which identifies the key causative factors. They are too lengthy to mention here but some key conclusions are:

(a) Under the heading “Government”:

    (i) Cost cutting and outsourcing.

(b) Under the heading “Air Force Values”:

    (i) Platforms before people;

(ii) Can-do culture;
(iii) Low priority of ground safety relative to air safety;
(iv) Command and discipline system.

(c) Under the heading “Organisational Causes”:

(i) Insufficient commitment to hierarchy of controls;
(ii) Absence of occupational health and safety and design approval for new processes;
(iii) Absence of high status ground safety agency;
(iv) Inadequate audit/review;
(v) Inadequate incident/hazard reporting;
(vi) Non-union workplace weakening of Occupational Health and Safety Act;
(vii) Low priority of industrial medicine.

(d) Under the heading “Immediate Causes”:

(i) Exposure to toxic chemicals;
(ii) Relative powerlessness of maintenance workers;
(iii) Base medical failure to respond to symptoms;
(iv) Problems with personal protection equipment;
(v) Failure to wear personal protection equipment.

Whilst the study released in July 2001 did not go into intricate detail about health outcomes, the Board of Inquiry did conclude that personnel had become ill and it was most likely as a consequence of exposure to those chemicals.

There have been two subsequent studies released:

(1) <u>“Study of Health Outcomes in Aircraft Maintenance Personnel - Volume 4 – Mortality and Cancer Incidence Study – Second Report April 2004”.</u>

This is a study authored by a number of academics from the University of Newcastle. That study gives qualified support to the proposition that there is an increased risk of cancer associated with participation in the F-111 Deseal/Reseal Program. They concluded that the results of the study indicate a higher incidence of cancer in the deseal/reseal group with an increase of around 40% to 50% in the incidence of cancer relative to both the Amberley and Richmond comparison groups. Further studies were recommended.

(2) <u>A more detailed study was released some time in October 2004 and it is entitled “Study of Health Outcomes in Aircraft Maintenance Personnel – Volume 5 – Report on the General Health and Medical Study – September 2004”.</u>

This study is a very detailed study and analysis and includes analysis of the following:

1. General health and wellbeing.
2. Cardiovascular health.
3. Respiratory health.
4. Dermatological and breast abnormalities.
5. Neurological outcomes.
6. Male sexual function and reproductive health.
7. Mental health.
8. Neuropsychological outcomes.

The comparison groups were Richmond and Amberley personnel ie., the deseal/reseal group was compared against comparative workers in airforce bases where those comparative groups were not exposed to the relevant chemicals.

There were 659 participants in the study from the deseal/reseal group.

The executive summary of Volume 5 has qualifications about interpretations of the studies results due to factors such as sampling frames, potential survivor bias, low participation rates and multiple comparisons. They then state however:

> Nonetheless, putting these uncertainties aside, the results point to an association between F-111 DSRS involvement and a lower quality of life and more common erectile dysfunction, depression, anxiety, and subjective memory impairment. There is also evidence albeit less compelling of an association between DSRS and dermatitis, obstructive lung disease (ie bronchitis and emphysema) and neuropsychological deficits. The exploration of causation in these findings is outside the scope and charter of this study. The *a priori* concerns regarding solvents and isocyanates cannot be fully resolved by our results.

It does seem reasonably clear that people involved in the deseal/reseal program experience a range of significant health problems for which the most likely explanation is exposure to chemicals in the course of their employment in the deseal/reseal program.

The short timeframes involved in us being able to provide our preliminary legal observations have precluded a detailed forensic reading of the hundreds of pages of material which form the three reports above.

Legal and administrative action thus far

You were unable to be precise about the numbers of your group or people outside the group who have taken legal or administrative action or even those who had lodged claims with Military Compensation and Rehabilitation Service (MCRS) and/or Department of Veteran's Affairs (DVA).

However you did say that, to your knowledge, 21 people have commenced Common Law damages claims and all but one of those were Common Law damages claims made under the provisions of the Commonwealth legislation. You mentioned that there was a Sydney firm of

solicitors assisting some of those individuals as well as a Brisbane based lawyer formerly with the firm, Quinn & Scattini, and who now works for another firm.

To your knowledge, only one individual has an action against the State and the Commonwealth and that individual is somebody who had exposure during one period of time with the RAAF and then later exposure in the course of their employment for a defence contractor.

Whilst not being specific, you did indicate that some of your members have accepted MCRS claims for some of their medical conditions under both the 1971 and 1988 Comcare legislation. You also stated that some permanent impairment payments had been made to some members for a range of medical conditions including depressive conditions.

You were not able to tell us what proportion of claims had been rejected by MCRS and you were not able to say whether some conditions were rejected and others accepted. However, you were confident that none of your members had taken a rejected claim all the way to the Administrative Appeals Tribunal.

There are important time limits in relation to the lodgment of statutory claims both under the Queensland WorkCover system as well as under the Comcare system and time limits on the appealing of adverse decisions.

Importantly, you did indicate that many of your members waited until the release of the September 2004 study in or around October 2004 (Volume 5 referred to above) before lodging claims with DVA and/or MCRS or lodging additional claims for different medical conditions to those which they had already claimed for. Some people may have lodged no claims at all.

You explained that MCRS have not yet rejected any of those additional claims but has foreshadowed rejecting claims except for what you perceive to be a narrow range of medical problems. In that regard, you consider that there are around 2,900 specific conditions and only 185 of those conditions would be regarded as acceptable by MCRS.

You explained that the Department of Veteran's Affairs was starting to commence processing of claims from 19 August 2005 and, as best you could determine, all of those DVA claims had been rejected so far.

Your group considers that the potential entitlements from the Department of Veteran's Affairs are preferable to those under the Military Compensation and Rehabilitation Service. By way of comparison, you indicate that a classification of totally and permanently incapacitated involves having to be classified as having been involved in "hazardous service". Such a classification would give rise to a Gold Card with a non-taxable pension for life which is CPI indexed. On the other hand, Military Compensation and Rehabilitation Service would require regular reviews of incapacity payments and those incapacity payments cease at age 65.

Government Offer

The Government offer is under the heading of a release entitled "Health Benefits Available to Participants of the F-111 Study of Health Outcomes in Aircraft Maintenance Personnel (SHOAMP) Health Care Scheme". Your first notification of this offer was in mid-August.

The F-111 Deseal/Reseal Interim Health Care Scheme (IHCS) was replaced by the SHOAMP Health Care Scheme on 19 August 2005.

All participants of the IHCS have automatically been transferred to the SHOAMP Health Care Scheme.

Thus, to be eligible for the Government offer, the applicant first must be registered with the SHOAMP Health Care Scheme.

You stated that not all of your group were registrants with IHCS/SHOAMP.

The participant categories in SHOAMP appear to be two:

(i) Group 1 – being participants who are eligible for free treatment and counselling; and
(ii) Group 2 – being participants who are eligible for free counselling.

A Help Line has been set up.

The qualifying criteria for Group 1 status appears to include all people who were directly exposed and Group 2 status involves family members as well as service personnel and civilian employees who aren't covered by the Group 1 definition.

There are a range of medical conditions specified as being able to be covered by the SHOAMP Health Care Scheme. Prior approval is required and although it is not specified, it is implied that any decision not to make payments under the SHOAMP Scheme will give rise to a right of appeal initially by way of reconsideration and then through the Administrative Appeals Tribunal. This would appear to be consistent with the administration of that scheme being under the umbrella of the Department of Veterans Affairs.

In addition to the treatment and counselling available, a lump sum is available which is tiered at either $40,000.00 or $10,000.00 (ie., no in between).

The lump sum payments are ex gratia and are specified to be in addition to and not in substitution for any compensation that may be available under statutory workers' compensation schemes. The lump sum payments also do not differentiate between military personnel, public servants or contractors.

There are complex eligibility requirements for each of the two tiers of benefits but they broadly involve details of periods of exposure and duration of exposure.

Crucially, the document provided by Veteran's Affairs states that **there is a requirement to lodge compensation claims by 20 September 2005**. We will deal with this in further detail below.

You have provided us with some draft correspondence in which you express concern both about the perceived narrowness of the eligibility criteria and the amounts available.

Scope of this correspondence

This letter is intended to provide general observations. It is **not** legal advice specific to any one individual or group of individuals in your group or outside your group. Whilst there is some commonality between many members of the DSRS group, there are many differentiating factors including:

(a) Different periods of exposure;
(b) Different duration of exposure;
(c) Different employers at times of exposure;
(d) Different medical conditions.

Whilst our letter may provide some observations from which individual members may obtain some guidance, it is not specific legal advice and not intended to provide specific legal advice to individual members.

Our Observations

In light of that overriding statement about the scope of this correspondence, we have the following views:

(1) We do not consider that a class action is feasible. We have taken some specific advice from the senior partner of our class actions section and, as indicated above, whilst there is some commonality in some of the factual background, the matter would not meet the criteria for a class action due to the different periods of exposure, the different duration of exposure, the different medical conditions and the different statutory schemes (State and Commonwealth) which potentially govern rights.

(2) In respect of rights against the Commonwealth, there are a number of potentially overlapping rights including:

(i) Rights under the Military Compensation and Rehabilitation Service (broadly described as the Comcare legislation) for:
(a) medical and like expenses;
(b) incapacity payments of compensation (regular weekly or fortnightly payments of compensation); and
(c) permanent impairment lump sums for permanent impairments arising from accepted medical conditions arising from exposure.

(ii) Veteran's Affairs – TPI and "Gold Card" entitlements.

(iii) Common Law damages rights.

The background information above included an indication that some 20 people had Commonwealth Common Law damages claims claiming amounts, in some cases, in excess

of $1,000,000.00. Generally, the Comcare legislation precludes damages other than for pain and suffering. That is, the legislation provides that only non-economic loss is claimable in a damages claim. It is unclear to us at this stage how amounts of a magnitude of $1,000,000.00 plus could be validly claimable.

(3) State based rights. Under the WorkCover system in Queensland, members of your group who were employed by contractors, whether in addition to RAAF service or in isolation, would have a right to lodge statutory claims for compensation under the provisions of the Queensland WorkCover legislation. The potential statutory rights include:

(i) weekly payments of compensation;
(ii) payment of medical and like expenses;
(iii) permanent impairment lump sums; and/or
(iv) Common Law damages.

In respect of this latter item, Common Law damages, the right to access economic loss damages (damages for past loss of earnings and future loss of earning capacity linked to the medical condition or conditions) is retained under Queensland law.

(4) Overlapping Commonwealth and State rights. If exposure was during employment with the RAAF initially and latterly with a contractor, that dual exposure would give rise to possible overlapping rights, ie Commonwealth rights as indicated in Item 2 and state based WorkCover rights in Item 3 above.

(5) Time Limits. We reiterate that some members of your group have already received legal advice, probably some years ago. It is conceivable that the group has already received some legal advice about time limits.

We consider at this juncture that time limits are the most crucial and urgent issue for the group and its constituent members to address without delay.

<u>Time Limits – Government Offer</u>

Involvement in the SHOAMP Health Care Scheme and accessing of the offer is stated to be, in the literature disseminated by the Government, subject to registration in the Health Scheme and lodgment of compensation claims **by 20 September 2005**.

The document states:

> "The SHOAMP Health Care Scheme can only pay for treatment of **conditions for which compensation claims have been lodged** by 20 September 2005. New and existing participants who wish to claim for a condition should call the relevant Compensation Authority as set out on page 3." (our emphasis added).

Moreover, the Press Release from the Minister of Defence dated Friday, 19 August 2005 states:

> "The SHOAMP Health Care Scheme will close to applicants from 20 September 2005. I urge anyone who believes they may be eligible to claim for a

particular health condition to submit a compensation claim and to register for the new scheme as soon as possible."

Lodge Claims

As indicated above, although you told us that many of your members have lodged claims with MCRS, Veteran's Affairs and/or WorkCover Queensland, you did indicate that some of your members have been awaiting the results of the latest study to be released late last year before lodging claims. It seems unreasonable that against a background that the exposures occurred over a 20 year plus period and that studies have been preceding the last five years or so, that the Government should, on 19 August 2005, impose a 2 month deadline for the lodgment of claims.

It is not clear whether the group or other individuals might be able to apply political pressure to extend that time limit. Nevertheless for the purpose of this correspondence, we must assume that that deadline is not negotiable and it is accordingly our view that the following people or classes of people should immediately lodge claims:

(i) People who have never lodged a WorkCover, DVA, or Comcare claim – lodge claims straight away. In respect of people who have only been exposed in the course of their employment with the RAAF or as a civilian Defence employee – lodge a Comcare claim only. For people who were only exposed in the course of their employment with a Defence contractor, such as Hawker DeHavilland, lodge a WorkCover claim only. For people who worked for both RAAF and contractors, lodge both a Comcare claim and a WorkCover claim concurrently.

(ii) People who have accepted WorkCover and/or Comcare claims for medical conditions and who believe that they have additional medical conditions attributable to exposure following perusal of the report released late last year and/or following the obtaining of further medical advice. Lodge claims with the relevant Compensation Authorities for the additional medical conditions.

The method by which a claim is lodged depends on the scheme involved. The Government document simply asks the participants in the scheme to "call the relevant Compensation Authority". It is unlikely that a telephone call would be sufficient. A telephone call should be made in the first instance and the contact details are set out on page 3 of the document. However, it is likely that claim documentation would need to be completed to register for the SHOAMP scheme and to claim WorkCover Queensland and/or Comcare benefits.

We reiterate that for those people who have not registered and/or lodged claims as outlined above, they should do so immediately and without delay. They should record in writing the person that they speak with at the SHOAMP Call Centre and/or WorkCover and/or Comcare and the date and time of the conversation. They should make it clear that they wish to lodge a claim and obtain advice about the method by which SHOAMP/Comcare/WorkCover Queensland require a claim to be lodged.

It is likely that there has been a co-ordinated discussion between the administrator of the SHOAMP scheme and key personnel at Comcare and WorkCover Queensland. Protocols for the quarantining and timely processing of these claims should, in our view, be in place, given the

number of people who either will be lodging claims or lodging additional claims for additional medical conditions.

It is unclear at this stage whether WorkCover and/or MCRS will seek to rely on statutory provisions limiting claims or the times within which adverse decisions can be appealed. Our observations in that regard are necessarily general because the legislative framework, particularly under the WorkCover scheme has changed several times over the potential period of exposure.

However, generally:

(i) **Comcare**. Section 53 of the *Safety Rehabilitation and Compensation Act* 1988 requires a "Notice in Writing of the Injury" to the relevant authority. Moreover, this notice must be given "as soon as practicable after the employee becomes aware of the injury" or if there is a claim arising out of the death of an employee "if the employee dies without having become so aware or before it is practicable to serve such notice – as soon as practicable after the employee's death".

Usually, the giving of notice in a prescribed form (Comcare have pro forma claim forms) is sufficient. Usually this needs to be accompanied by a medical certificate identifying the medical condition or conditions for which the claim is made. It is unclear whether Comcare would seek to assert that any delays thus far would relieve the Commonwealth of liability because the notice had not been given "as soon as practicable".

The Court has stated that section 53 is intended to protect the Commonwealth and its instrumentalities from being placed in a situation where they are unable to disprove an employee's assertion of an injury alleged to have occurred or a disease contracted. We believe it would be difficult notwithstanding the delays in the matter for the Commonwealth to assert that they were not aware of the issues surrounding claims of that nature due to the results of the studies referred to above.

Moreover, when a first decision known as a determination is made, the right to pursue the claim further is dependent upon the lodgment of a Request for Reconsideration of that determination. Usually the Request for Reconsideration must be lodged within 28 days of the date upon which the determination was made. If the new decision (known as the reviewable decision), following the Request for Reconsideration continues to be adverse to the claimant, then there are rights to take the reviewable decision to the Commonwealth Administrative Appeals Tribunal. Generally, there is only 60 days within which to refer the matter to the Commonwealth Administrative Appeals Tribunal. Whilst extensions of time can be granted in certain circumstances, historically the Commonwealth has taken an inflexible approach to the reliance on time limits imposed under the Commonwealth scheme.

(ii) **WorkCover Queensland**. Generally, there is a six month time limit from the date that the entitlement to compensation arises to lodge a claim for any medical condition which is said to be work related. The entitlement to compensation arises upon knowledge that a person has a work related medical condition. It is clear that that six month time limit, on its own, presents a significant impediment on its face for the lodgment of claims with WorkCover Queensland. However, the six month time limit can be extended if there are special circumstances of a medical nature and it is our preliminary view that there would be several persuasive

arguments in favour of an extension of the six month period for any claimants who may have delayed in lodging claims with WorkCover Queensland.

Likewise, there are time limits applicable to any Common Law claim seeking damages for the medical conditions attributable to the DSRS program.

In Queensland, there is a 3 year limitation period for the commencement of Common Law damages claims. The 3 years runs from the accrual of the cause of action. The cause of action accrues when there is evidence of a negligently caused medical condition arising out of employment.

Given that the last exposure occurred in or around 2000, unless action has been taken to protect time limits, then **all** claimants are now prima facie statute barred from proceeding with Common Law damages claims.

However in certain limited circumstances, an extension of the 3 year limitation period can be granted. The limitation period can be extended upon knowledge by the individual claimant of a "new material fact of a decisive character". It is beyond the scope of this correspondence to explore the law in detail but generally, if a person finds out something new and different about their medical condition and/or its causation, that can constitute a "new material fact of a decisive character" giving rise to an entitlement to extend the limitation period. Crucially, the intending claimant only has 12 months from the date of knowledge of the new material fact of a decisive character within which to file Court proceedings to stop the further effluxion of time.

It is possible that the date of knowledge of individual claimants of the linking of health effects with exposure, ie the date of knowledge of Volume 5 released in or around October 2004 might be a new material fact of a decisive character.

Although it seems clear that at least some of the members of your group were deferring and delaying any legal or administrative action in the hope that the Government would appropriately "look after" them, we do not consider that dissatisfaction with the Government offer would constitute a new material fact of a decisive character.

Thus there are serious and potentially insurmountable time limit problems for intending Common Law damages claimants. We confirm that at this stage, we are not taking any action to protect any time limits which may be imminently expiring.

(iii) **Death claims**. You were not able to provide us with detailed information on the number of deaths which are likely to have resulted from medical conditions linked to exposure to chemicals in the DSRS program. It is unclear whether any individuals who have died had accepted claims with MCRS, DVA and/or WorkCover Queensland for the medical condition or conditions which ultimately cause their death. It is also unclear whether the dependants of persons who have now died (whether or not they had accepted claims on foot as at the date of their death) have lodged claims with Compensation Authorities and if so, what the outcome of those claims were.

(6) It may have been believed or hoped that we would be able to take some legal action to force the Government to increase its ex gratia offer. Whilst there may be a range of legal options

open to individual members, we consider that any action which might be likely to persuade the Government to take a more compassionate view on the ambit of its ex gratia offer, is likely to be political rather than legal action.

Governments may also have a role to play in providing directives that DVA claims, Comcare claims and/or WorkCover Queensland claims, as the case may be, be processed in a timely, sympathetic and non-bureaucratic fashion.

(7) Whether we have any ongoing involvement will be a matter for us to consider in light of the individual circumstances of individual group members.

If we did agree to become involved on behalf of some individual group members on a Comcare and/or DVA and/or WorkCover Queensland level, the terms and conditions under which we would act would be a matter for discussion with the individual member. We may be prepared to speculate our professional fees in some matter, but we foreshadow that it is unlikely that we would be prepared to speculate the disbursements (outlays in the form of out of pocket expenses) for these claims.

Notwithstanding the support in the studies that you have provided us with, if claims are progressed through MCRS and/or DVA and/or on a Common Law level, there is the potential for serious evidentiary dispute. Cases involving chemical injuries invariably involve consideration of complex medical issues of intensity of exposure, duration of exposure, dose effects, synergistic effects of various chemicals and epidemiological evidence about the linking of various chemicals to specific medical conditions. Those issues usually require complex and expensive medical evidence to be obtained and given that there are a multiplicity of different medical conditions said to be attributable to exposure to the chemicals, the range of medical and other experts from which medical evidence may need to be obtained is very broad.

We look forward to discussing matters with you in further detail.

Yours faithfully

Rod Hodgson
Partner
MAURICE BLACKBURN CASHMAN
Accredited Specialist Personal Injuries

Peter Koutsoukis
Partner
MAURICE BLACKBURN CASHMAN
Accredited Specialist Personal Injuries

Minister for Veterans' Affairs

VA123 Wednesday 24 August 2005

MISINFORMATION NOT HELPING F-111 WORKERS

Labor's attempts to misinform the community about the Australian Government's $21 million ex gratia lump sum payments to former F-111workers were doing nothing to help the workers get the support they needed, the Minister for Veterans' Affairs, De-Anne Kelly, said today.

Mrs Kelly said criticism of the payments disregarded the whole package of entitlements available to workers involved in the F-111 Deseal/Reseal program at Amberley RAAF base.

"The Australian Government cares greatly for ill or injured ex-military personnel due to their service and will ensure their full entitlements and benefits are met," Mrs Kelly said.

"The payment of $40,000 to those who worked in the F-111 fuel tanks for 30 days or more recognises the unique working conditions.

"The payment of $10 000 recognises that other people who worked in the program for fewer days may also have been affected.

"But any person who experienced a reaction to the chemicals, to the point that they required treatment and were unable to continue working, may be eligible for the higher payment, regardless of how many days they worked in the Deseal/Reseal program."

She said the repatriation system was working well to care for the former military personnel.

"About 299 people are already receiving their full compensation, health care and income support which is due as a result of their service," Mrs Kelly said.

"This shows Senator Bishop is wrong to suggest the scheme is a shambles."

Media contact: Craig Clarke 0417 889 423

ES

Minister Kelly Deceptive on F 111 Compo

Mark Bishop

Media Statement - 22nd August 2005
Victims of the F 111 deseal/reseal catastrophe should be sceptical about Minister Kelly's assertion that they might get an extra $800,000 on top of the $10,000 to $40,000 lump sum announced last Friday.

The $800,000 is a theoretical figure with many assumptions, few of which will apply in this case.

This additional amount would only be possible if claimants prove there's a medically accepted linkage between their exposure and their illness.

It also assumes the worst case scenario of someone young being accepted as a T&PI (Totally and Permanently Incapacitated), unable to work at all, with a pension for life.

The Government's decision to pay an extra lump sum, for the first time ever, regardless of medical evidence on causation, is recognition this won't be possible for many.

This causal linkage is a requirement of both the Veterans' Entitlement Act and the Military Compensation and Rehabilitation Scheme under which workers' compensation for ADF personnel can be made.

The Repatriation Medical Authority (RMA) may not be able to issue the necessary statements of principle which establish the medical scientific evidence on which compensation claims must be based. In many cases, the research involving 200 toxic chemicals around the world has not been done.

This may mean that victims will be treated differently depending on the nature of their illness, and the existence of RMA statements of principle.

Workers disability compensation for these RAAF F 111 workers is therefore a very unfair lottery.

The gross inadequacy of the $10,000 - $40,000 lump sum is thereby even more serious.

If the Minister wants to make such bald and misleading assertions she should explain the detail to those suffering and who feel totally let down by the Government's miserable lump sum decision.

MEDIA RELEASE

SENATOR MARK BISHOP

24 August 2005 ref:defipp.m&pr/18-05

F111 Compo Guidelines a Shambles

Guidelines on eligibility for the F111 deseal/reseal lump sum payments are a shambles and must be revised immediately.

The guidelines* issued for applicants are arbitrary in the extreme and will result in major unfairness, inconsistency and chaos for years. For example, the distinction between exposure for 10-29 days ($10,000), and 30 plus days ($40,000) is crudely devised, and ignores long term health effects which are the only fair measure of exposure

There will be many who fail the 30 day test who may have had more intense exposure than those who satisfy it. The state of their health should be accepted as the prima facie evidence. What is the difference between 29 days and 30 days exposure? Answer: $30,000.

Labor believes RAAF F111 ground crew and others affected should be awarded a lump sum commensurate with their actual physical and mental disability, reviewable over time. The lump sum also needs to be increased.

The guidelines also fail in the following areas:

- No provision is made for civilians or public servants employed on the project prior to 11 November 1991
- Exposure for less than 10 days is not provided
- No provision is made for widows or deceased estates for any death before 8 September 2001, regardless of up to 40 reported deaths resulting from exposure commencing 30 years ago
- Admission is made by the provision of health care, that partners may be affected, as some are, but no lump sum is payable

Clearly, the extent of exposure and contact with these toxic substances varied widely, so assumptions about contact and inhalation will also vary. To have two rigid categories therefore defies logic. After 9 long years, here is yet another example of manifest Government incompetence.

This Howard Government is clearly out of touch and has mismanaged this claim by F 111 ground crew.

* See www.dva.gov.au/f111_lump_sum.htm

Compensation deal inadequate, former F1-11 workers say

AM - Saturday, 20 August , 2005 08:13:00
Reporter: David Mark

ELIZABETH JACKSON: "Insulting", "disappointing" and "grossly inadequate" – some reactions to the ex-gratia payments announced yesterday for defence force personnel who worked on the F1-11 deseal/reseal program.

The personnel were technicians who used chemicals – without protective clothing or breathing apparatus – to remove old sealant from the fuel tanks of F1-11s at the Amberly RAAF base in Queensland between 1975 and 1999.

The program ended when the symptoms experienced by the aircraft technicians – including memory loss, respiratory problems, depression, fatigue and neurological problems – prompted an Air Force inquiry into the effects of the chemicals.

The Federal Government yesterday offered the workers up to $40,000 each – saying the payment was in addition to existing compensation packages of up to $800,000, which were already available.

But the desealers support group and the Federal Opposition claim the compensation is difficult to get because the link between the chemicals and the illnesses hasn't been proven.

David Mark reports.

DAVID MARK: The President of the F1-11 Deseal Reseal Support Group, Ian Fraser, worked at the Amberly RAAF base from 1981 to '82.

He doesn't hide his disgust at the Federal Government's $21-million package that will see up to $40,000 paid to each worker on the program.

IAN FRASER: It was insulting. It goes nowhere near compensating people for the injury and insult – somewhere between $200,000 and $300,000 would have been sufficient for those that have lost homes to be able to at least regain some dignity, and in a lot of these cases people are in dire financial straits, they can't work, they're living on meagre allowances from Centrelink.

DAVID MARK: But the Minister for Veteran's Affairs, De-Anne Kelly, rejects Mr Fraser's criticism – saying more substantial compensation is available.

DE-ANNE KELLY: For someone with a serious illness such as Parkinson's Disease, as an example, a youngish person of 50 years, expecting to live until 75 years of age, as with an illness as a result of their defence service, they're looking at a lifetime compensation payment of $844,000.

DAVID MARK: But those comments don't comfort Ian Fraser.

IAN FRASER: Even as short a time ago as a few weeks ago genuine desealers were having their claims rejected by military compensation, so the Minister's comments are, hold no weight, and just add to the insult of the whole situation.

DAVID MARK: Labor's spokesman on Defence Industry, Procurement and Personnel, Senator Mark Bishop, says

obtaining compensation requires proving a definitive scientific link between a person's illness and their work on the deseal/reseal scheme.

MARK BISHOP: They have to prove a direct causal link between the illness and the employment situation. And the appropriate guidelines have to be issued by the Repatriation Medical Authority, the agency tasked with that job. The RMA – the Repatriation Medical Authority – has not issued those guidelines, hasn't done the research, has not established a scientific linkage, and hence in the applications under either Act relying on those linkages and those guidelines is bound to fail at law, and that's the real reason why an offer of ex gratia payments has been made, because the existing situation doesn't cover these facts.

DE-ANNE KELLY: It may be that there are people who have illnesses that are not due to their defence force service. But for those who have an illness or injury as a result of their defence force service, then the compensation income support payments are significant.

DAVID MARK: What would you say to those people who haven't been successful but claim that they were injured as part of their work on the program?

DE-ANNE KELLY: Well, what I would suggest to those people is that they resubmit their claim, if they believe that there's been some fault of process in that, and I would encourage others to continue through with their claims.

ELIZABETH JACKSON: The Minister for Veteran's Affairs, De-Anne Kelly, ending David Mark's report.

F111 Deseal Reseal Support Group
MEDIA RELEASE

A FOUR YEAR WAIT FOR CRUMBS

Since the 1970's RAAF servicemen have been suffering in the F111 Deseal Reseal Programs. In the 1980's, civilians became involved in the F111 Deseal Reseal Programs as well. This work was carried out by both men and women. There has always been one constant over the years, people were concerned how this work with a cocktail of toxic chemicals would affect their health.

Repeatedly over the long years, many people expressed concern about the work they were doing, various things happened when these concerns were expressed to their superiors. They were assured that the chemicals were safe. They were ordered back to work and told to stop causing problems. Or they were just ignored.

Finally in 1999 someone listened. We had the Board of Inquiry the largest ever Military Board of Inquiry ever held in this country and after 5 years this fact still stands. History now shows the massive systemic failures within the RAAF that created what is probably the worst peace time military disaster ever in this country. Before it's over, this disaster will kill hundreds of men and women. No one will notice because we have been dying one at time in hospital rooms with grieving families watching a once fit and yet still young, servicemen die as a wasted shadow or by suicide alone and destroyed by what Deseal Reseal and the ongoing demeaning, fruitless fight for compensation, has done to them.

In September 2001, the Royal Australian Air Force admitted liability for their actions in forcing our members to undertake dangerous work with toxic chemicals without the aid of United Nations required safe personal protective clothing, without the required thorough ongoing blood testing, and without the required time constraints laid down for working with toxic chemicals. Interestingly, the hierarchy was aware of the dangers as early as 1978, but did nothing to protect the members for another decade.

Today the government has responded with their answer to this tragedy. It has determined that at the very most we are worth $40,000.00 each for the loss of income for the next 25 years, shortened lifespan, and systemic failures within our bodies, and the breakdown of marriages and family units.

Anyone who hasn't worked in Deseal Reseal cannot fully understand how this process has injured the heart and soul of those involved. There have been some great articles in the press and one in particular reported in May 2005 entitled "Dead Servicemen Walking" by Paul Daley of the Bulletin magazine, has come the closest to explaining our

tragedy. This article reduced some people to tears.

It would seem however that it had no impact on our political masters. Over the years I have been on a number of government departmental committees dealing with this tragedy. The last meeting I attended summed up how this issue is seen by the government. We the Desealer's are a "Political Problem" we are not individuals who are seriously ill or dying from various cancers or the mounting number of suicides.

This government should be ashamed of what they have presented. If they thought that a bunch of sick people would accept any crumbs handed to them by an uncaring government then they are wrong.

We may be sick, we may be neurologically damaged, we may be fighting cancers and debilitating diseases, but we are ex-military servicemen and we believe the government has no idea just what that means.

Ian Fraser
Ph 0413 698 372

E-mail Ian.R.Fraser@tpg.com.au

Courage
The ability to face that which cannot be imagined

F111 Deseal Reseal Support Group
MEDIA RELEASE

THANK YOU MINISTER, WE ACCEPT

The Minister for Veteran's Affairs, Mrs De-anne Kelly is quoted in the media as stating

"They are receiving an unprecedented lump sum payment in recognition of the unique environmental circumstances, but that isn't all that would be due to them," she said.

"Under the Department of Veterans Affairs, there are substantial measures in place and amounts up to $844,000 for people who have a serious health impact.

"So it needs to be looked at in totality rather than just the lump sum payment."
I can only assume that the Minister for Veteran's Affairs is deluded or getting some very bad advice from her bureaucrats she has stated on the public record that we could be entitled to as much as $844,000.

This is a misleading statement and the Minister should resign for lying to the Australian public.

If it is not a misleading statement, then THANK YOU MINISTER, WE ACCEPT the $844,000.00. Please stop making us jump through hoops and start making the payments! You have our bank account details.

The truth is that as many as 30% of the Desealer's will receive only the $40,000 because they fall under the 1971 Compensation Act.

The Minister has proudly advised us that 179 claims for conditions have been accepted. There are over 2900 conditions (including illnesses and diseases) being suffered by our members. Under the 1971 Act, while there is provision to accept the memory loss, neurological dysfunction, mood swings, personality disorders and depression, they are considered "psychiatric" and there is no provision for the government to make any payments to members for these conditions. So, they are accepted, but at no cost to the government and no compensation to the members who cannot work as a result of these conditions.

Later today the Minister is reported as clarifying:

DE-ANNE KELLY: For someone with a serious illness such as Parkinson's Disease, as an example, a youngish person of 50 years, expecting to live until 75 years of age, as with an illness as a result of their defence service, they're looking at a lifetime compensation payment of $844,000.

Our members do have serious illnesses, in fact each person is suffering from MULTIPLE conditions because of their chronic toxic contamination from unprotected exposure to chemicals; they are younger than 50 years and they no longer have a life expectancy of 75 years. The Cancer and Mortality Study found that they have a 40% increase in the risk of cancer and increased incidence of some cancers already.

The $30M Scientific Health Study which identified the body systems which have been affected by the contamination, has not been accepted by Veteran's Affairs and instead they are not only denying the Scientific findings, they are denying our own Doctors and Specialists diagnosis, many of whom have been treating our members for many years, and listening instead to generalist medico-legals they employ to see our members for 20 to 40 minutes to decide whether they consider our claims are "legitimate".

So, many of us have had claims for compensation sitting at Veteran's Affairs office for five years, the Minister is aware of this and is also aware that the Department will not accept claims for conditions which do not meet their specific list of "allowable conditions". The chronic exposure to toxic chemicals and the resultant conditions suffered do not meet their criteria for injury, so we will not receive justice or just compensation.

The Minister further added in her statement to the Australian public via the radio:

DE-ANNE KELLY: It may be that there are people who have illnesses that are not due to their defence force service. But for those who have an illness or injury as a result of their defence force service, then the compensation income support payments are significant.

DAVID MARK: What would you say to those people who haven't been successful but claim that they were injured as part of their work on the program?

DE-ANNE KELLY: Well, what I would suggest to those people is that they resubmit their claim, if they believe that there's been some fault of process in that, and I would encourage others to continue through with their claims. Recently, the Department of Veterans affairs has started to reject the claims by Desealer's so all these people will see is the $40,000 payment.
We are being treated as parasites and malingerers. We are not. We are contaminated and sick because of our work in the RAAF and we deserve to receive full compensation for this disaster.

We need a Royal Commission to investigate the Department of Veterans Affairs. They have over the years handed down questionable determinations to 1000's of injured and deceased servicemen and women. These sick people or their families have not had the energy to fight on their own, nor been willing to stand up against the veiled threats, so they have just given up. It's time that a Royal Commission investigated this mass injustice.
Ian Fraser
Ph 0413 698 372

E-mail Ian.R.Fraser@tpg.com.au

Courage
The ability to face that which cannot be imagined

F111 Deseal Reseal Support Group
MEDIA RELEASE

CANCER AND HEALTH SCREENING AND DISEASE PREVENTION PROGAM A FARCE

The Minister for Veteran's Affairs, Mrs De-Anne Kelly announced on Friday that as part of the Lump Sum Payment to eligible F111 Deseal/Reseal Personnel affected by their work on F111 Aircraft at RAAF Amberley that:

"DVA will also provide a Cancer and Health Screening and Disease Prevention Program. This Program aims to improve the future health and lifestyle of F-111 Deseal/Reseal participants by assisting in the early detection of conditions that may be linked to their participation in Deseal/Reseal activities," Mrs Kelly said.
The government announced in December last year that $2.1M would be spent on the Screening Program over the next four years.

This statement by the Minister is very erroneous to the Australian public. It actually infers that the members can have an improved future health and lifestyle. The interesting thing with chronic toxic contamination is that is causes irreversible, irreparable damage to a person. The impact to our members cannot and should not be downgraded by making statements that infer that our members can be "improved or cured" through exercise, diet, monitoring of their existing cancers and skin diseases, and depression, and screening for bowel cancer. It simply won't make things "all better".

Not many years ago most Desealers were extremely fit and healthy. You had to be trim to fit into the fuel tanks. Exercise was no stranger to them. To tell members who have difficulty even getting out of bed each day, or have severe respiratory problems, that they should undertake an exercise program shows the ignorance of the Department to the actual debility our members face.

Also, to tell them to eat organic healthy diets supplemented with vitamins is also a joke when they have extremely limited income because the very same Department does not pay them compensation to afford the luxury of organic food.

The Screening program is designed to screen for only those conditions which can be treated – skin cancers and early detection of bowel cancer, and depressive conditions. Most of our members already have these conditions, so they are already aware of the precautions they should take. The Program will not screen for degenerative conditions because they believe that it would not be beneficial to our members to be advised of conditions for which there is no cure.

Ian Fraser
Ph 0413 698 372

E-mail Ian.R.Fraser@tpg.com.au

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RAAF COMPO
By Jo Arblaster Hawkesbury News 25th August 2005

Compensation for RAAF deseal/reseal technicians was announced last week but according to victims, it's too little too late.

Defence Minister, Robert Hill announced $21 million in compensation for air force workers exposed to toxic chemicals while working on Australia's frontline defence aircraft.

Working on F-111 fuel tanks was a health hazard no one was prepared to admit.

"We were told the substances were all smelly and unpleasant to use but nobody ever said they would be detrimental to our health," says former RAAF sergeant, Col Russ of Richmond.

Mr Russ, who spent two years with the deseal/reseal unit at Amberley, suffers from rashes, gastrointestinal problems, memory loss and skin eruptions. Despite his health problems, he may miss out on any compensation due to the changes in categorization.

"I'll be lucky if I get $10,000," Mr Russ said. "I am likely to be of one those who miss out completely.

"I was completely and utterly shattered. I would like to have heard $100,000 and that they would accept our medical conditions without having to drag it through the courts.

"The Board of Inquiry confirmed negligence. The injuries we are all suffering are secondary to the fact that obscene negligence has been inflicted against us. I don't believe any court in Australia will uphold an argument by government solicitors that this is not the case."

Kathleen Henry, whose father and husband were victims, is keen to mobilize a class action for greater compensation for unit members.

"The general feeling is they are insulted," Ms Henry said. "They are extremely disappointed that the value of their life is so small and they have major concerns about the whole process they have to undergo in claiming their eligibility."

Minister for Veterans Affairs, De-anne Kelly, has said that members are eligible for up to $844,000 in military compensation.

"Thank you, Minister," said Ms Henry. "We accept the $844,000 but please stop making us jump through hoops and start paying.

"It is so sad that these men and women did their duty, did their job and they are being dealt with so disgracefully and dishonorably.

"If we proceed with the class action, we are looking at approximately 1200 which will include wives, children and widows who have been excluded from this compensation."

Former Richmond RAAF Base Commander, Cr Paul Rasmussen said $21 million might sound like a lot of money.

"But because there are so many of them and not many of them are going to be classified as category one, a lot of

them will miss out or will only get $10,000.

“The government is saying it doesn’t stop them claiming through other schemes but as many of them will tell you, they have five, six and seven claims in and are getting nowhere.

“It’s not that they want it for themselves but they are on a very steep slide to the heavenly place. It is more to do with their offspring and their wives and partners that they are concerned about. The money isn’t going to do much for them but it’s a major psychological blow because so few will end up getting anything.

“For a government that has billions of dollars to spend on other things, they could be a lot more generous with these people because they have really supported our front line defence.”

F111 Deseal/Reseal Support Group

MEDIA STATEMENT

25th August 2005

The F111 Deseal/Reseal Support Group would like to respond to the Media Release made by Minister De-Anne Kelly today.

Mrs Kelly stated:
"The Australian Government cares greatly for ill or injured ex-military personnel due to their service and will ensure their full entitlements and benefits are met," Mrs Kelly said.

This may be true for those members of the military who have been involved in war or warlike service or peacekeeping duties overseas where the Government has a policy of providing compensation on the basis of "benefit of the doubt". For those who did not serve overseas, the media has recently reported many cases where military compensation is denied. For those not eligible for "benefit of the doubt", we are judged guilty of compensation fraud before we start and have a difficult battle to provide the "onus of proof" because our own evidence is not accepted.

In regard to F111 Workers, Mrs Kelly says:
"But any person who experienced a reaction to the chemicals, to the point that they required treatment and were unable to continue working, may be eligible for the higher payment, regardless of how many days they worked in the Deseal/Reseal program."

A quote from Chapter 2 of the F111 Deseal/Reseal Board of Inquiry 29 June 2001 entitled FAILURE BY THE AIR FORCE MEDICAL SERVICE states:

"He recounts how on one occasion after collapsing at the incinerator and being taken to the medical section, he was given a Pandadol and told to go back to work5. He notes, too, that erectile problems which he associated with his chemical exposure were diagnosed simply as marital problems6.

It is apparent from this chronology that the Medical Section failed for more than a year to identify the cause or potential cause of the symptoms of chemical exposure which were being reported by fuel tank personnel."

Mrs Kelly would be very well aware that very few members were ever "unable to continue working" because of their exposure to chemicals, as the Board of Inquiry found that there was failure by the Air Force Medical Service to properly care for those desealers and other aircraft maintenance personnel who reported with symptoms of exposure.

Mrs Kelly would know that members of the ADF cannot have "sickies" and phone in sick. She would be well aware that obtaining a certificate for sick leave was a very difficult task. It was not uncommon for those members who were prescribed substances such as "Serapax" to be sent straight back to work while on the medication.

She said the repatriation system was working well to care for the former military personnel.

"About 299 people are already receiving their full compensation, health care and income support which is due as a

result of their service," Mrs Kelly said.

The Minister states “which is due as a result of their service” however, what of those claims which are due as a result of their exposure to chemicals? They are yet to be addressed, and we believe that just as the Air Force Medical Service failed our members, so too will Department of Veteran’s Affairs, through lack of knowledge and flexibility to address current medical realities and give benefit of the doubt to our members which is currently only reserved for those military members who have undertaken war or warlike or overseas peacekeeping service.

In her statement, the Minister for Veteran’s Affairs failed to address the important considerations which were omitted in the ex-gratia payment, as noted by Senator Mark Bishop, that of the incorrect dates for civilian workers, the denial of payment to widows, and no lump sum payment to spouses and children while they recognise they are affected and provide counselling to them.

Ian Fraser
F111 Deseal Reseal Support Group
GPO Box 2387 Brisbane, 4001
Ph 0413 698 372 Fax 0433 120 926

E-mail goop_troop@tpg.com.au

Web Site http://www.gooptroop.com

Goop Troop Forum http://www.gooptroop.com/forum

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This was in the **Courier Mail** this morning. Should we be concerned by the comments that we only have a few weeks for any court action?

Lawyers say RAAF victims were duped
Steven Wardill
25aug05
A COMPENSATION package for hundreds of sick and dying air force workers was deliberately drawn out by the Federal Government to stop victims taking legal action, it was alleged yesterday.

Australian Lawyers Alliance Comcare chair Simon Harrison, whose members act for commonwealth employees, accused the Government of trying to dupe victims of the so-called "F-111 deseal-reseal" program.

Mr Harrison said those affected by the notorious program had a year to launch a claim after their illness was finally linked to the chemical exposure experienced when working in the F-111 fuel tanks.

The so-called "material fact date" came when a government-funded report, Study of Health Outcomes in Aircraft Maintenance Personnel, was released last October.

But according to Mr Harrison, many deseal-reseal victims deferred court action after being misled by the Government into believing they would soon receive significant compensation payments of up to six figures.

The Government unveiled the long-awaited ex-gratia payments last week, with victims entitled to lump sums of $10,000 and $40,000.

The $21 million package has been condemned by former air force maintenance workers and the Opposition as inadequate.

A partner at Brisbane firm Nicol, Robinson, Halletts, Mr Harrison said hundreds of victims, many of whom were extremely ill and dying, now had only weeks to launch claims.

"(The Government) has deliberately left this to the last minute," he said. "What we thought was going to happen was that common law claims would not have to proceed."

Mr Harrison said the compensation was a "pittance", and victims could be entitled to more than $1.5 million.

Veterans' Affairs Minister De-Anne Kelly yesterday denied the 10-month wait for details of the the ex-gratia payments had anything to do with thwarting people's right to sue.

"There has been no attempt at all to deny anybody their private decision to take legal action," she said.

Mrs Kelly said the payment scheme involved complex arrangements to ensure recipients did not forgo other benefits.

More than 700 air force and contract maintenance staff are believed to have been exposed to chemicals over the past 30 years.

The exposure occurred when sealant in suspect F-111 fighter plane fuel tanks was removed and replaced at Amberley Air Base.

At the time the report was released last year, Defence Minister Robert Hill said he would make a recommendation to Cabinet for compensation before Christmas and Mrs Kelly announced plans for lump sum benefits in December.

Opposition defence personnel spokesman Mark Bishop said the September 20 deadline for lodging applications for ex-gratia payments was a "clear tip-off" to the Government's motives.
Mr Bishop also criticised the $40,000 payments which were only available to workers who spent more than 30 hours within the F-111 tanks.

"The guidelines issued for applicants are arbitrary in the extreme and will result in major unfairness," he said.

Mrs Kelly said the payments were in recognition of exposure to chemicals rather than the illness suffered.

This is the report that I found on the **ABC Radio Web** site.

Print-friendy versionPrint Email this storyEmail

Last Update: Friday, August 19, 2005. 3:00pm (AEST)

For more than 20 years RAAF maintenance personnel worked inside F-111 fuel tanks, resealing leaking seams.

For more than 20 years RAAF maintenance personnel worked inside F-111 fuel tanks, resealing leaking seams. (ADF)

F-111 fuel tank workers offered $21m compensation

The Federal Government has announced it will give $21 million to around 600 workers who have suffered health problems as a result of repairing fuel tanks on F-111 combat aircraft.

The ex-gratia payments of either $40,000 or $10,000 will be given to workers who were exposed to chemicals or solvents while repairing the fuel tanks of the planes.

The amount of money will depend on the level of exposure of the particular worker.

The resealing program began in the mid 70s and was suspended in 1999 when workers reported a range of symptoms including memory loss, fatigue and other neurological problems.

Defence Minister Robert Hill says around 600 people are expected to apply for the payments.

"The Government regret the adverse health consequences of people who worked in this environment," he said.

The payments are tax free and will not affect social security entitlements or any future claims for compensation.

Here is the story the **Gladstone Observer** ran on Saturday.

During the interview the journalist mentioned that he ran Ms Kelly's office. He could hear her in the background asking why would a little newspaper from Gladstone be ringing her, they had no link to the story.

It goes to show that she is a little out of touch.

Harry

Here is the story:

Terry Harrison is angry at the federal government's decision to pay up to $40,000 to sick deseal-reseal aircraft workers.

RAAF victims wait long time for payout
20.08.2005
By ALLAN McNEILallanm@gladstoneobserver.com.au

That was how one of Terry Harrison’s fellow deseal-reseal victims reacted after hearing that they may be entitled to a $40,000 payout from the federal government.
Years ago Mr Harrison climbed inside the fuel tank of an F-111 fighter jet to "do his job.'
Now it has been officially found the work resulted in lifelong medical problems for Mr Harrison and his colleagues.
A number of the people who carried out the work during the 1980s have died as a result of exposure to chemicals they used in the tanks.
Some of their conditions included cancer, depression and memory loss.
'What about those who have died, are their lives only worth $10,000 or $40,000?' an angry Mr Harrison told The Observer yesterday.
The government yesterday released a statement that those who suffered the ill effects of the RAAF Deseal Reseal program would be eligible for either a $10,000 or $40,000 payout.
Half an hour after the news was released, the website Mr Harrison uses to keep in touch with others in a similar situation, www.gooptroop.com, was flooded with angry responses.
'We’ve waited forever for this, we’ve been watching it like a hawk,' Mr Harrison explained.
'We’re not happy.'
Veteran Affairs Minister DeAnne Kelly yesterday told The Observer the payment was "not a compensation payout.
'They are still entitled to seek compensation through the usual means, this is a payment to recognise the work they did and the unique working environment they worked in,' Ms Kelly said.
However Mr Harrison does not buy it.

'De-Anne Kelly probably hasn’t even seen a fuel tank — she was offered the chance but knocked it back, so what would she know what we did or what the work was like?' Mr Harrison said.

Mr Harrison must undergo regular medical treatment as a result of his condition.

He suffers dizzy spells, outbreaks of lesions, headaches, mood swings and memory loss.

'It affects our families as well,' Mr Harrison said.

'Marriages are breaking up and people are losing jobs as a result of this.'

From: Cullen, Louise (K. Beazley, MP)
Sent: Thursday, 13 October 2005 4:08 PM
Subject: MARK BISHOP MEDIA RELEASE - CONCARE TAKES OVER MILITARY JUSTICE - 13 OCTOBER 05

13 October 2005 *ref:defipp.m&pr/29-05*

COMCARE Takes Over Military Justice

Two current inquiries by Comcare into a beach of military justice, and an unwarranted death, offers a precedent of a new and independent approach to reform in the ADF, given that the Government has dropped the ball.

Under Section 41 of the National Health and Occupational Safety Act, Comcare has the unlimited power to investigate complaints and breaches of the Act by any Commonwealth Agency.

Comcare is currently investigating the case of a young Private who fled bullying at Robertson Barracks in April 2004, this clearly being considered a breach of the ADF's duty of care.

The death of a young trooper from heat exhaustion in November 2004, plus the hospitalisation of others suffering the same disability while on training, is also being investigated.

This outside surveillance of the ADF will be welcomed by grieving parents and others who can obtain no satisfaction under the Government's program of military justice, which it refuses to properly reform.

Long standing Government policy is that the ADF is not a law unto itself, and that community standards of health and welfare apply equally to all government employees, regardless of the employer.

The only exception defensible would be combat circumstances or simulated combat for training purposes, where people must unavoidably be put in harm's way.

Minister Abetz, who was unable to answer Labor questions in the Senate today, might now advise F111 deseal/reseal victims and families why the worst case of industrial negligence in Commonwealth history, has not been similarly investigated.

ADF personnel might well ask why so many other complaints of harassment and bullying are ignored by Comcare and why they are so selective.

* See speech Senate Adjournment 10 October 2005

* See answer to Senate Question 1050