



Australian Government

Government Response to the

Joint Standing Committee on Foreign Affairs, Defence and Trade Report:

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

Government Response
to Recommendations from the
Parliamentary Inquiry into RAAF F-111 Deseal/Reseal Workers and
their Families

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Foreword

The Australian community quite rightly expects the Commonwealth Government to care for our servicemen and women who suffer ill-health because of their military service. This Government takes that responsibility very seriously. In 2007 we announced an election commitment, set out in *Labor's Plan for Veterans' Affairs*, to convene a Parliamentary Inquiry to examine the health and compensation issues surrounding the Royal Australian Air Force's (RAAF) F-111 deseal/reseal workers and their families.

In addition to examining the health effects of F-111 fuel tank maintenance, with particular reference to the unique fuselage repair work undertaken and the health risks involved, the Parliamentary Inquiry was also tasked with considering the adequacy of the Government's response to date. The aim was to investigate whether the Government's response was adequate and consistent with the findings of the Study of Health Outcomes in Aircraft Maintenance Personnel, 2004 (SHOAMP); and, whether the overall handling and administration of health and compensation schemes was sufficient.

The previous Government provided access to benefits for some 700 RAAF personnel and civilians who were identified as having been involved, to some degree, in the RAAF's formal deseal/reseal fuel tank maintenance programs. Health care and compensation benefits were available to workers experiencing any of the SHOAMP-specified illnesses; with the Health Care Scheme available while a claim was being determined, and continuing indefinitely even if a claim was rejected. The previous Government also paid one-off ex-gratia lump sums to eligible participants who had been in formal deseal/reseal programs, where they satisfied Tier 1 or Tier 2 criteria - definitions based on length of participation in the formal programs. Such ex-gratia payments were available regardless of a claimant's health status, and were based only on a participant's working environment.

The Joint Standing Committee on Foreign Affairs, Defence and Trade commenced the F-111 Parliamentary Inquiry in June 2008 and took evidence and histories from the fuel tank maintenance workers themselves. It also reviewed relevant scientific and health studies, and considered the services and support provided to affected workers by the Departments of Defence and Veterans' Affairs.

The Inquiry report, *Sealing a just outcome: Report from the Inquiry into RAAF F-111 Deseal/Reseal Workers and their Families*, was tabled on 25 June 2009. A copy of the report is available online at: http://www.aph.gov.au/house/committee/jfadt/deseal_reseal/report.htm

The report makes 18 recommendations, broadly relating to:

- health care and support for RAAF deseal-reseal workers and their families;
- access to compensation using the provisions of subsection 7(2) *Safety, Rehabilitation and Compensation Act 1988* (SRCA) - for conditions resulting from exposure to the chemicals used in deseal-reseal processes, as identified following the SHOAMP;
- access to ex-gratia payments;
- occupational health and safety issues specific to Defence and the Australian Defence Forces;
- continuing statistical analysis and review of health issues affecting personnel, and medical research to help understand the underlying factors for these medical conditions.

The Government has accepted 14 of the Inquiry's recommendations, some in modified form, one partially accepted, and some accepted with enhancements. The tables at pages 6 and 10 detail the Inquiry's recommendations and the Government Response.

The Government Response provides some \$55 million over four years, expanding the definition of eligible personnel and the benefits and services available to them - to provide better access to care and compensation under the SRCA.

The Response significantly expands eligibility for compensation and health care under ss7(2) of the SRCA, by recognising thousands more F-111 maintenance personnel who may be affected because their work required fuel tank entry. An estimated 2,400 additional workers, (along with those associated with the formal deseal/reseal work programs) may now be considered for access to health care and compensation through inclusion in the definition of Tier 3 exposure classification, should they become affected by the health conditions linked to F-111 deseal/reseal work. While they were not subject to the same working conditions (with respect to the time spent in fuel tank entry and levels of chemical exposure) as those in the formal deseal/reseal programs, the Government acknowledges that other personnel, such as those undertaking 'pick and patch' work, may have also been adversely affected by their working conditions.

Health care treatment and counselling, provided by the Department of Veterans' Affairs under the SHOAMP Health Care Scheme, and health screening and testing under the Better Health Program, is now available for many more workers. The Government Response also caters to the needs of family members of fuel tank maintenance workers, by extending counselling services available to workers and their families. Both group and individual counselling sessions will be available - designed to meet the specific clinical needs of participants. There will also be an increased number of sessions in the counselling program.

To enable easier access to health care and compensation, the requirements for evidence to support claims have been broadened - through the development of guidelines enabling statutory declarations to be considered as part of formal evidence. This will facilitate the claims process for those whose official work-related records may be unavailable.

The Department of Veterans' Affairs will task a senior officer, with a health background, and a background knowledge of the F-111 worker claims, to oversee the implementation of this Response. This officer's role will also include monitoring and analysing the nature of health issues arising for current and future claims, so that trends in any late-emerging illnesses are identified.

The Department of Defence is continuing to research the underlying cause of health conditions associated with F-111 fuel tank maintenance, through its study of mitochondria in personnel exposed to fuel and solvents. A pilot study has now been completed and the next stage of the research is being scoped under the management of Defence Centre for Occupational Health.

The ex-gratia payment scheme continues unchanged, with the exception that the Estates of deceased personnel who died prior to 8 September 2001 are now eligible to apply for ex-gratia payments. The Government has elected not to extend eligibility for the ex-gratia payment scheme.

In the interests of fairness, the scheme (although a flawed approach to a complex health and compensation issue) remains open to workers involved in the formal deseal/reseal work programs under the existing eligibility criteria. The new guidelines for use of statutory declarations should assist more of the personnel involved in the formal deseal/reseal work programs to access the ex-gratia payments, where official records of their involvement are not available.

As part of the Government Response, there is now a dedicated F-111 Government website, jointly hosted by the Departments of Defence and Veterans Affairs. The site provides information and assistance to F-111 fuel tank maintenance workers and their families, detailing the range of health services and compensation entitlements for affected workers, and the new eligibility requirements. The website is available at:
<http://f111.dva.gov.au>

The Government thanks the Committee responsible for conducting the Parliamentary Inquiry - for the breadth and scope of their work. We have considered the report in detail and are pleased to present this *Government Response*, outlining our approach and actions regarding the important matters raised on behalf of F-111 fuel tank maintenance workers and their families.

The Honourable Alan Griffin, MP
Minister for Veterans' Affairs
Minister for Defence Personnel

Table of Recommendations - Accepted			
No.	Recommendations from the Parliamentary Inquiry	Accept/ Reject	Government Response
1	That the definition of eligible personnel for the purposes of Tier 3 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who carried out Sealant Rework work during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework work outside of the formal DSRS program.	Accept - with modification and enhancement (DVA)	<p>The Government accepts the recommendation to expand the definition for eligibility for Tier 3 status, with access to compensation and health care under ss7(2) of the <i>Safety, Rehabilitation and Compensation Act 1988</i> (SRCA), to now include all personnel undertaking F-111 fuel tank maintenance involving fuel-tank entry prior to January 2000, including personnel who worked in F-111 fuel tanks at locations other than RAAF Base Amberley, in addition to those personnel who are already eligible through their work in, or linked to, F-111 deseal/reseal.</p> <p>This definition is more generous than that recommended by the Inquiry.</p> <p>The Department of Veterans' Affairs (DVA) will utilise the services of a senior officer to monitor and analyse the nature of conditions appearing in incoming compensation claims so that any emerging trends indicative of late onset conditions associated with deseal/reseal work can be identified.</p>
2	<p>In absence of evidence to the contrary and where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:</p> <ul style="list-style-type: none"> • they were posted to 1, 6 or 482 Squadron between 1973 and 2000, or 3AD or 501 WG; • that they were required to undertake Sealant Rework ('pick and patch') or fuel tank entries; and • accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved <p>be accepted as evidence of qualifying service.</p>	Accept - with modifications (DVA)	<p>The Government accepts recommendation 2 with modifications to make it consistent with the expanded definition in its response to recommendation 1.</p> <p>This response addresses the particular issues faced by RAAF maintenance personnel undertaking F-111 fuel tank repairs, with the absence of official records.</p> <p>Accordingly, in the absence of evidence to the contrary and where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming that they carried out eligible deseal/reseal work or other F-111 fuel tank maintenance involving fuel tank entry prior to January 2000, accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved, will be accepted as evidence that will be considered in deciding if the person is eligible for Tier 3 status.</p> <p>DVA will issue guidelines in relation to the use and acceptance of statutory declarations. The mere presence of two statutory declarations will not guarantee the success of an application: every case will be judged on its merits.</p>
7	That a review be undertaken of those cases in which a statutory declaration has been rejected by DVA in determining an F-111 ex-gratia application. That the committee be provided with a copy of that review.	Accept (DVA)	<p>The Government accepts the recommendation and will undertake a review of cases in which a statutory declaration has been rejected by DVA in determining an F-111 ex-gratia application. This may result in additional payments under the ex-gratia scheme and additional statutory compensation under the SRCA.</p>

8	That the healthcare and compensation provisions made available under the F-111 ex-gratia scheme be in accordance with ss7(2) of the SRCA or the <i>Veterans' Entitlements Act 1986</i> (VEA) and this apply to the widened group in accordance with the recommendations in this report.	Accept – with modification (DVA)	The recommendation is accepted to the extent that eligible personnel defined in recommendation 1 will have enhanced access to health care and compensation pursuant to ss7(2) of the SRCA for the 31 conditions identified by the SHOAMP and access to the SHOAMP Health Care Scheme (SHCS).
9	That the cut off date requiring applicants for the SHCS to submit claims prior to 20th September 2005 be removed. That all claims for SHCS received by DVA and rejected because of the September 2005 date be reviewed.	Accept (DVA)	<p>The Government accepts the recommendation.</p> <p>The removal of the closing date of 20 September 2005 from the SHCS will enable new personnel to apply for access to the SHCS, after submitting a claim for compensation and makes allowance for those health conditions that have a latency period before onset. This will enable a person to receive treatment through the SHCS at the time that the condition becomes evident and provide access to the Better Health Program.</p> <p>Applications rejected because of the closure date will be reviewed and new applications will be accepted.</p>
10	That the requirement excluding estates of those who died prior to 8th September 2001 from accessing the ex-gratia scheme be removed. Those estates of former personnel with qualifying service in accordance with the scheme and these recommendations be eligible for support under the ex-gratia scheme.	Accept (DVA)	<p>The Government accepts the recommendation.</p> <p>Estates of eligible former personnel who died before 8 September 2001 will be able to apply under the ex-gratia scheme. It needs to be established that the former RAAF worker had eligibility as Tier 1 or Tier 2 in accordance with the scheme and the new accepted recommendations.</p>
11	That the Minister for Veterans Affairs appoint a person with suitable qualifications and background knowledge of the F-111 workers claims to oversee the implementation of these recommendations and to provide expert assistance to DVA in processing claims. The person should be appointed for a minimum of two years and also provide periodic advice to the Minister on progress in handling claims.	Accept – partially (DVA)	<p>The Government partially accepts this recommendation.</p> <p>The Government will ask DVA to task a senior person, with suitable qualifications, including appropriate health background, and background knowledge of the F-111 worker claims to oversee the implementation of all the recommendations and to provide expert assistance to DVA in processing claims. This person will provide reports to the Government and will be responsible for the monitoring described in the response to recommendation 1.</p> <p>The Government does not consider it necessary to appoint an independent person to oversee implementation of these recommendations as this would take away from the responsibilities and powers vested in the Repatriation Commission, the Military Rehabilitation and Compensation Commission, the relevant Departmental Secretaries and the Chief of Defence Force.</p>

12	That group counselling be made available to F-111 fuel tank repair workers and their families. That initially, participation in up to five group counselling sessions be made available to all who have access to funded individual counselling. That the Minister review whether further group counselling sessions should be made available, based on outcomes from these group counselling services.	Accept – with modification and enhancement (DVA)	The Government accepts the recommendation by providing enhanced access to counselling services, in excess of that recommended by the Inquiry. The Government proposes that VVCS - Veterans and Veterans Families Counselling Service (VVCS) develops and delivers a flexible program of groups and individual counselling to meet the clinical needs of individuals including partners.
13	That the Government give consideration to expanding respite care for partners of seriously ill former F-111 workers who are principal care providers.	Accept (DVA)	The Government accepts the recommendation. DVA will consider options for additional respite services for deseal/reseal partners.
14	That Defence provide a briefing on the progress of litigation to the Committee in March and September of each year.	Accept (Defence)	The Government accepts the recommendation. Defence can provide a briefing on the progress of common law litigation of personal injury claims to the Committee in March, September and as otherwise required by the Committee.
15	The Committee recommends that Defence and DVA establish a dedicated website in relation to F-111 aircraft maintenance issues. Such a website should be comprehensive and include: <ul style="list-style-type: none"> • the Board of Inquiry (BOI) Report and recommendations; • the complete SHOAMP study reports; • complete information on the ex-gratia payment including application forms; • a link to this report and recommendations; and • contact details and role descriptions of all relevant personnel including the Defence Force Advocate, ex-gratia processing team, DVA compensation processing team and other support mechanisms such as the F-111 DSRS Support Group, counselling support and the Commonwealth Ombudsman. 	Accept (DVA and Defence)	The Government accepts the recommendation. Defence and DVA will establish a dedicated website in relation to F-111 aircraft maintenance issues and include the information detailed in the recommendation.
16	That a review of DVA staff training be undertaken to ensure a regular high standard of client focused delivery of services occurs. That policies for handling cases of seriously ill patients, especially those in vulnerable circumstances, be reviewed.	Accept (DVA)	The Government accepts the recommendation. DVA has already taken a range of actions to improve its service delivery and has future plans for further action to ensure a regular high standard of client focused service delivery. Policies for handling cases of seriously ill patients, especially those in vulnerable circumstances, will be reviewed.

17	That the ADF expand its internal capability in occupational medicine as a matter of some urgency. That a review of current practices in handling OH&S matters within the ADF be conducted to amongst other things, respond to the structural and cultural issues identified in the BOI and by Professor Hopkins.	Accept (Defence)	<p>The Government accepts the recommendation.</p> <p>Defence has appointed a Senior Physician in Occupational Health and Safety Medicine. Defence is expanding its occupational health and safety capability and has already put in place a program delivering on this requirement with an estimated cost of \$9.96m, funded from within budget allocation. The Defence OHS Strategy 2007-2012 has taken into account lessons learned from previous occupational health and safety issues including the F-111 deseal/reseal Board of Inquiry.</p>
18	That the ADF fund further research into the mitochondrial changes identified in Professor Bowling's research. That as part of that research, further wider study be undertaken into the health implications of working with aviation turbine fuels and the results of these studies be reported back to the Committee at least annually.	Accept (Defence)	<p>The Government accepts the recommendation.</p> <p>Defence continues to support further research into mitochondrial changes in fuel and solvent exposed personnel, and Defence is also undertaking work to assess the health implications of working with aviation turbine fuels.</p>

10 Table of Recommendations - Rejected

At recommendations 3 – 6, the Inquiry Committee recommended the continuation and extension of an ex-gratia payment scheme instituted by the previous Government. This scheme attempted a simplistic lump sum payment solution to a complex health and compensation issue. The scheme did not make payments based upon need but based upon working conditions. As a consequence the majority of ex-gratia payments were made to personnel who were not suffering adverse health conditions. At the same time, other personnel suffering from similar health conditions were not able to access appropriate health care and compensation.

The intention of the Inquiry Committee in extending ex-gratia payments to a broader work group was aimed at achieving equity. However, the Inquiry Committee was clearly faced with great difficulty in framing parameters for the broader work group. Unfortunately, the parameters selected by the Inquiry Committee suffer from many of the same difficulties as the original scheme. The majority of ex-gratia payments would be made to personnel not suffering from adverse health conditions. The Government recognises the challenge faced by the Inquiry Committee in seeking to achieve equity with ex-gratia payments made by the previous Government. However, the recommendation by the Inquiry Committee to continue and expand the scheme would continue an approach that is not based upon sound principles. In the interests of fairness, the ex-gratia payment scheme will remain open to the original workgroup of workers associated with the deseal/reseal formal programs. The approach to statutory declarations at recommendation two will also apply to Tiers 1 and 2 of the scheme and this may assist some workers associated with the deseal/reseal formal programs who were not successful in their previous ex-gratia payment applications due to the lack of official records. However, the scheme will not be expanded to a wider work group.

The Government approach is based upon providing health care and compensation through the existing statutory mechanisms to those in need. Accordingly, the Government has taken an inclusive approach to recommendation 1 and 2 that exceeds the recommendations of the Inquiry Committee. This is a principled approach aimed at supporting those whose health has been affected through their service in the unique working environment of F-111 fuel tank maintenance.

Accordingly, the Government does not accept recommendations 3 – 6.

No.	Recommendations from the Parliamentary Inquiry	Accept/ Reject	Government Response
3	That the definition of eligible personnel for the purposes of Tier 2 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who spent between 20 and 59 cumulative working days carrying out Sealant Rework ('pick and patch') during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework ('pick and patch') work outside of the formal DSRS program.	Reject	<p>The Government rejected this recommendation.</p> <p>The Government has preferred a response that applies a principled approach to providing health care and compensation to those workers suffering adverse health effects as a result of performing work associated with the deseal/reseal formal programs and other F-111 fuel tank maintenance involving fuel tank entry.</p> <p>The Government does not propose to expand the ex-gratia scheme because it believes that it did not address the adverse health effects caused by fuel tank maintenance work.</p> <p>In the interests of fairness, the ex-gratia payment scheme will remain open to the original work group and the approach to statutory declarations at recommendation two will apply to assessments under Tier 2 of the scheme.</p>

4	<p>In absence of evidence to the contrary and where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:</p> <ul style="list-style-type: none"> • they were posted to the squadron between 1973 and 2000; and • that they undertook Sealant Rework ('pick and patch') work for between 20 and 59 cumulative working days during the period 1973 to 2000 outside of the formal DSRS program, or 3AD or 501 WG; and • accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved; <p>be accepted as evidence of qualifying service.</p>	Reject	The Government rejected this recommendation as it was directly related to recommendation 3 that has been rejected.
5	That the definition of eligible personnel for the purposes of Tier 1 of the ex-gratia scheme be extended to include personnel posted to one or more of the F-111 maintenance squadrons 1, 6 and 482 who spent 60 or more cumulative working days carrying out Sealant Rework ('pick and patch') work during the period 1973 to 2000 and personnel who served in 3AD or 501 WG and who undertook fuel tank entry and Sealant Rework ('pick and patch') work outside of the formal DSRS program.	Reject	<p>The Government rejected this recommendation.</p> <p>The Government does not propose to expand the ex-gratia scheme because it believes that it did not address the adverse health effects caused by fuel tank maintenance work.</p> <p>In the interests of fairness, the ex-gratia payment scheme will remain open to the original work group and the approach to statutory declarations at recommendation two will apply to assessments under Tier 1 of the scheme.</p>
6	<p>That where usual documentary evidence is not available or is inconclusive, a statutory declaration by the applicant confirming:</p> <ul style="list-style-type: none"> • they were posted to the squadron between 1973 and 2000; and • that they undertook Sealant Rework 'pick and patch' work for 60 or more cumulative working days during the period 1973 to 2000 outside of the formal DSRS program, or 3AD or 501 WG and; <p>accompanied by a second corroborating statutory declaration from a commanding officer or superior officer or person who has already had a claim under the scheme approved.</p>	Reject	The Government rejected this recommendation because it was directly related to recommendation 5 that has been rejected.