

**REPORT CARD ON THE IMPLEMENTATION OF THE GOVERNMENT RESPONSE TO THE JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE REPORT INTO RAAF F-111 DESEAL/RESEAL WORKERS AND THEIR FAMILIES**

AS AT JANUARY 2013

| Rec no | Recommendations from the Parliamentary Inquiry | Accept/ Reject | Government Response | Status |
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| 1 | <p>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.</p> | <p>Accept - modified and enhanced (DVA)</p> | <p>The Government accepts the recommendation to expand the definition for eligibility for Tier 3 status, with access to compensation and health care under sub-section 7(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>The Department of Veterans' Affairs (DVA) will 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> | <p>Expanded Tier 3 Definition: Implemented.</p> <p>In May 2010 the Military Rehabilitation and Compensation Commission (MRCC) agreed to an expanded Tier 3 definition as per this recommendation. Under the expanded Tier 3 definition, 699 persons were accepted as Tier 3 qualified, representing 94% of all Tier determinations for the period May 2010 to 10 January 2013.</p> <p>The 699 Tier 3 approvals are made up of 353 previously rejected Tier review applications (Recommendation 7) and 346 new Tier applications. DVA also recognised Statutory Declarations as evidence (Recommendation 2) in determining all Tier applications. Refer Recommendation 7 for progress of all Tier determinations.</p> <p>Trend Monitoring: An officer was appointed to the senior monitoring position on 14 September 2010 and has been monitoring trends in late onset conditions. There are currently no new trends in late onset conditions compared to those recognised in the SHOAMP in 2004. Monitoring will continue.</p> |

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| <p>2</p> | <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> | <p>Accept – with modifications (DVA)</p> | <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> | <p>Use of Statutory Declarations:</p> <p>Implemented.</p> <p>In May 2010 the MRCC approved guidelines for the use of statutory declarations. These guidelines have been applied.</p> <p>As a result of ESO feedback in late June 2010, DVA eased the onus on applicants to source a secondary supporting statutory declaration. DVA and RAAF obtain supporting evidence where possible. Fact Sheet F111– 05 on the use of Statutory Declarations was revised and re-issued on 1 July 2010.</p> <p>An inclusive approach has been adopted in Tier determinations, whilst maintaining the test of plausibility and the balance-of-probabilities standard of proof. This approach involves recognition of any reasonable evidence to support contentions, but not excluding evidence to the contrary. Statutory Declarations have been considered as documentary evidence as per this recommendation and have been an integral part of the determination of reviews and fresh applications. See recommendation 7 for progress of Tier determinations.</p> |
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| 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) | 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>Status of Reviews: Implemented. As of 30 September 2011, all 521 reviews were completed as follows: - 11 Tier 1, six Tier 2 and 353 Tier 3. Of the 521 reviews, 151 personnel have continued to be ineligible, following review.</p> <p>New Applicants: In addition to reviews, 483 new Tier applications have been lodged resulting in 377 accepted Tier classifications to 10 January 2013: - 22 Tier 1, nine Tier 2 and 346 Tier 3. There are 91 new applicants who were found to be ineligible for Tier recognition and 15 Tier applications are currently under investigation. Ex-gratia entitlements have been paid for all newly determined Tier 1 & 2 applications .</p> |
| 8 | That the healthcare and compensation provisions made available under the F-111 ex-gratia scheme be in accordance with sub-section 7(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 sub-section 7(2) of the SRCA for the 31 conditions identified by the SHOAMP and access to the SHOAMP Health Care Scheme (SHCS). | <p>Status of health conditions: Implemented. In May 2010 the MRCC approved enhanced access through ss.7 (2) of SRCA for all Tier eligible applicants. By 10 January 2013, 766 F-111 related conditions were accepted under SRCA for 268 personnel, 711 of these conditions under ss. 7(2). See also recommendation 1 (expanded Tier 3 definition), recommendation 2 (Statutory Declarations accepted as evidence of qualifying service), and/or recommendation 7 (review of previously submitted Statutory Declarations).</p> <p>Status of compensation: Compensation of various types has been paid to 206 personnel for F-111 associated conditions.</p> |

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| 9 | <p>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.</p> | <p>Accept (DVA)</p> | <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> | <p>Access to SHOAMP & BHP:</p> <p>Implemented.</p> <p>Between 10 May 2010 and 8 January 2013, 271 persons registered for the reopened SHOAMP Health Care Scheme (SHCS) and 209 have registered for the Better Health Program. All applicants have been accepted into the programs</p> <p>The SHCS remains open to applicants and there were no SHCS or BHP applications rejected because of the cut-off date.</p> |
| 10 | <p>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.</p> | <p>Accept (DVA)</p> | <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> | <p>Estate Claims:</p> <p>Implemented.</p> <p>The 8 September 2001 cut-off date has been removed. As of 10 January 2013, 63 Estate claims have been determined:</p> <p>The 28 Reviews under Recommendation 7 resulted in one Tier 1, 14 Tier 3 and 13 applications with no entitlement.</p> <p>There were 25 new Tier applications claimed after death resulting in four Tier 1, 11 Tier 3, and 10 applications with no entitlement.</p> <p>There have also been 10 new Tier applicants who claimed prior to death, resulting in seven Tier 3 determinations and three with no Tier.</p> |

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| 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/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.</p> | <p>Monitoring position:</p> <p>Implemented.</p> <p>The Senior Monitoring Officer was appointed to the position on 14 September 2010, assisting in the provision of six monthly reports to the Minister on the progress of implementation of the Government response. Monitoring as per recommendation 1 and assistance to DVA is provided as required.</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) | <p>The Government accepts the recommendation by providing enhanced access to counselling services, in excess of that recommended by the Inquiry.</p> <p>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.</p> | <p>F-111 Group Counselling:</p> <p>Implemented.</p> <p>The Veterans and Veterans Families Counselling Service (VVCS) developed and delivered 12 Residential Lifestyle Programs to 173 participants across Australia from 2010 to 2013. Participants and facilitators have provided positive feedback.</p> <p>VVCS also provides a range of services for eligible F-111 deseal/reseal and aircraft maintenance workers and their families. Services include counselling for individuals, couples and families, as well as a range of group programs.</p> <p>In 2011-12 VVCS delivered three F-111 residential Lifestyle Management Programs to 48 participants. Programs were conducted in Queensland, New South Wales, and an inaugural program in Western Australia for participants from WA, SA and NT.</p> <p>In 2012-13, 58 participants attended five F-111 residential Lifestyle Management Programs. Three of the Lifestyle Programs were conducted on the Gold Coast, one on the NSW central coast and an inaugural program was conducted in Victoria for participants from VIC, TAS, ACT and southern NSW.</p> |

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| 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) | <p>The Government accepts the recommendation.</p> <p>DVA will consider options for additional respite services for deseal/reseal partners.</p> | <p>Respite Care:</p> <p>Implemented.</p> <p>In late 2010 the Department reviewed the variety and extent of respite care options available to seriously ill former F-111 fuel tank Deseal/Reseal workers. The Minister agreed to the findings of the review.</p> <p>The respite care options currently available to seriously ill former F-111 deseal/reseal workers under the SRCA, VEA or the SHOAMP Health Care Scheme are considered adequate to meet the care needs of persons requiring respite care. The information available on respite options has been improved and made available on the F-111 website.</p> |
| 14 | That Defence provide a briefing on the progress of litigation to the Committee in March and September of each year. | Accept (Defence) | <p>The Government accepts the recommendation.</p> <p>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.</p> | <p>F-111 Defence Litigation:</p> <p>Implemented.</p> <p>The common law claims from former F-111 deseal/reseal workers and their families are managed by the Assistant Secretary Legal Services for the Department of Defence. The Commonwealth's lawyers have continued to actively engage with the plaintiff's legal representatives with a view to progressing claims with minimal stress to the plaintiffs. The overall status of the thirty-four claims is as follows.</p> <p>Thirty one former F-111 deseal/reseal workers (27 RAAF and 4 contractors) and three spouses have lodged writs with the Queensland Supreme Court seeking damages. WorkCover Queensland has resolved four of the claims by contractors. Defence has attempted to resolve the remaining claims without the need to proceed to litigation, with 24 claims having been mediated and 23 of those claims being settled. One claim by a spouse is statute barred and unlikely to be pursued. Three claims by former RAAF F111 Deseal/Reseal workers have been discontinued.</p> |

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| | | | | <p>F-111 Defence Litigation Continued:</p> <p>One claim may not be pursued as the plaintiff is considering his options for statutory benefits through the Department of Veterans' Affairs. One claim is taken to have been abandoned as the plaintiff is deceased. One of the claims remains active and will be the subject of further negotiations with the plaintiff's legal representatives. Defence last updated the Committee on the status of these claims through a report to the Secretariat dated 21 August 2012.</p> |
| 15 | <p>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:</p> <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 <p>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.</p> | Accept (DVA and Defence) | <p>The Government accepts the recommendation.</p> <p>Defence and DVA will establish a dedicated website in relation to F-111 aircraft maintenance issues and include the information detailed in the recommendation.</p> | <p>F-111 website:</p> <p>Implemented.</p> <p>The F-111 website, which was established on 11 May 2010, has proven to be a useful tool of reference as required under this recommendation.</p> <p>The website has been popular, with 255,766 page visits to January 2013.</p> |

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| 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) | <p>The Government accepts the recommendation.</p> <p>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.</p> | <p>DVA delivery of client services:</p> <p>Implemented.</p> <p>On 17 May 2012, the Repatriation Commission and Military, Rehabilitation and Compensation Commission (MRCC) Subcommittee approved a revised <i>Protocol for Dealing with Clients at Risk</i>. This protocol was promulgated to DVA staff.</p> |
| 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 and Environmental 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> | <p>Defence Occupational Medicine Capability:</p> <p>In Progress</p> <p>Dr Ian Gardner has been appointed as Senior Physician in Occupational and Environmental Medicine, and WH&S capability has been further strengthened by a specialist occupational medicine appointment in Joint Health Command (Dr Mathew Klein). However, the long term improvements in Defence capability in Occupational & Environmental Health depend on continued funding, resourcing and training as identified in the Occupational Medicine Occupational Hygiene Project and the Defence WHS Specialist Workforce plan.</p> |

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| <p>18</p> | <p>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.</p> | <p>Accept (Defence)</p> | <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> | <p>Mitochondrial research: In Progress</p> <p>You launched the multi-year multi-million dollar Jet Fuel Exposure Syndrome Study in Brisbane at the Centre for Military and Veterans' Health on 16 December 2010. The study has commenced and is funded by the Defence Work Health Safety Committee (DWHSC). The study is being undertaken by Prof Frank Bowling and researchers of Mater Medical Research Institute and the Defence Work Health and Safety Advisory Service (WHSAS). There is significant interest from non-Air Force personnel, and also from Air Force personnel not involved in the F-111 Deseal/Reseal processes.</p> <p>The Consultative Forum is chaired by the Hon Arch Bevis. The first Consultative Forum with ESOs was held in July 2011. Two Project Management Board meetings and a Scientific Advisory Committee meeting were held in 2011. Subsequent Consultative Forum meetings were also held by Defence in March 2012, August 2012 and December 2012. The Mater Hospital researchers have now selected their initial 200 study personnel from amongst the 600 responders to the April 2012 mailout to all Tier Classified personnel. Blood Collection has started and has been targeted initially at SE Queensland volunteers to minimise collection and transport costs, in line with Defence budgetary guidance</p> <p>At the December 2012 meeting, two senior Mater researchers provided a detailed update on the Study's progress. Serum and Jet fuel toxicity studies as well as genetic markers of interest are being further investigated with findings expected upon finalisation of the study in 2014.</p> |
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