

**PROGRESS OF 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 30 JUNE 2011**

| <b>Rec no</b> | <b>Recommendations from the Parliamentary Inquiry</b>  | <b>Accept/Reject</b>                 | <b>Government Response</b>   | <b>Status</b>   |
|---------------|--|--------------------------------------|--|---|
| 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 - modified and enhanced (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 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><b>Expanded Tier 3 Definition:</b><br/>Tier 3 definition was amended in May 2010. This includes recognition of Statutory Declarations as per Recommendation 2 and reviews of 501 previously rejected Tier applications. Refer Recommendation 7 for progress of Tier reviews.</p> <p><b>Trend Monitoring:</b><br/>A senior officer was appointed to the senior monitoring position on 14 September 2010 and has completed initial monitoring for trends in late onset conditions accepted under VEA or SRCA relating to deseal/reseal. Trends indicate no significant shift in the nature of conditions being claimed since the release of the Board of Inquiry report in September 2001. The most commonly claimed conditions that have been diagnosed and accepted as relating to DSRS are as follows:</p> <ul style="list-style-type: none"> <li>• depression (11%)</li> <li>• anxiety (8%)</li> <li>• dermatitis (8%)</li> <li>• irritable bowel syndrome (6%)</li> <li>• erectile dysfunction (5%), and</li> <li>• memory loss (3%).</li> </ul> <p>Currently, malignant neoplasms make up less than 3% of incoming claims.</p> |

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| 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"> <li>• they were posted to 1, 6 or 482 Squadron between 1973 and 2000, or 3AD or 501 WG;</li> <li>• that they were required to undertake Sealant Rework ('pick and patch') or fuel tank entries; and</li> <li>• 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</li> </ul> <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> | <p><b>Use of Statutory Declarations:</b></p> <p>The Military and Rehabilitation Commission (MRCC) approved guidelines in May 2010.</p> <p>The burden of providing a secondary statutory declaration was eased by DVA soon after. Fact Sheet F111– 05 re Statutory Declarations was revised and re-issued on 1 July 2010, in accordance with ESO consultations held on 28 June 2010.</p> <p>An inclusive approach has been adopted in claims determination, whilst maintaining the balance-of - probabilities test of evidence. This approach involves recognition of any reasonable evidence to support contentions, whilst not excluding evidence to the contrary. Statutory Declarations are being considered as documentary evidence as per this recommendation and have been an integral part of the review process to recognise an expanded group of eligible personnel under recommendation 1.</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><b>Status of Reviews:</b></p> <p>As at 30 June 2011, DVA had completed 510 of 522 reviews. The original number of reviews commenced was 501. Recently DVA has added a further 21 reviews – reviews of certain civilian claimants, some of whom may also have Tier eligibility due to dual RAAF service. Of the 522 reviews, 510 or 98% are completed. Of the 510 review decisions, 365 personnel received Tier classification. There were ten personnel classified as Tier 1, six as Tier 2 and 349 as Tier 3. Following the Tier reviews, 145 applicants are not entitled to a Tier classification.</p> <p>In an agreement with the ESO's, priority has been given to the reviews of previously unsuccessful Tier applications over new applications.</p> <p><b>New Applicants:</b></p> <p>In addition to reviews, 364 new Tier applications have been lodged, of these, 172 have received Tier classification as follows:</p> <ul style="list-style-type: none"> <li>• 19 Tier 1;</li> <li>• 2 Tier 2; and</li> <li>• 151 Tier 3.</li> </ul> <p>There are 50 new applicants who were found to be ineligible for Tier recognition, and 142 applications are in progress.</p> |

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| 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><b>Status of health conditions:</b><br/>The policy was implemented and promulgated in May 2010. As of the 30 June 2011, a total of 256 conditions have been accepted under sub section 7(2) of the SRCA for 124 claimants. These numbers will increase as more Tier applications and compensation claims are determined.</p> <p><b>Status of compensation:</b><br/>DVA has now moved into the compensation phase of determining liability and assessing compensation amounts. Since May 2010 about \$4.6m has been spent on compensation and health care for 93 personnel and widows. The expenditure will grow as more Tier applications and compensation claims are determined.</p> |
| 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> | <p><b>Access to SHOAMP &amp; BHP:</b><br/>The policy was implemented and promulgated in May 2010. The cut-off date to submit claims for the SHCS was removed and reviews are completed.</p> <p>There are no outstanding SHOAMP Health Care Scheme cases for review following the removal of the earlier Scheme cut-off date.</p> <p>Registrations under the SHCS continue to be received and from May 2010 to 30 June 2011, there have been 151 SHCS and 145 BHP new registrations with some registered for both.</p>  |

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| 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>  | 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>                       | <p><b>Estate and Widow Claims:</b><br/><u>Reviewed claims</u></p> <ul style="list-style-type: none"> <li>• 27 applications were reviewed by June 2011;</li> <li>• one widow received Tier 1 (\$40,000) ;</li> <li>• 11 widows and 2 estates received Tier 3 eligibility.</li> <li>• the remaining 13 claims were ineligible for Tier classification.</li> </ul> <p><u>New</u></p> <p>New Tier applications continue to be lodged on behalf of deceased applicants. As at 30 June 2011, 21 new Tier applications have been lodged.</p> <ul style="list-style-type: none"> <li>• three have been accepted as Tier 1 (\$40,000 each);</li> <li>• six accepted as Tier 3;</li> <li>• nine have been determined to have no eligibility; and</li> <li>• the four remaining Tier applications are being determined.</li> </ul> |
| 11     | <p>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.</p> | 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><b>Monitoring position:</b></p> <p>A senior officer was appointed to the position on 14 September 2010 and assistance to DVA continues as required.</p>  |

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| 12     | <p>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.</p> | <p>Accept – with modification and enhancement (DVA)</p> | <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><b>F-111 Group Counselling:</b></p> <p>With the delivery of the services described below, this recommendation has been implemented:</p> <ul style="list-style-type: none"> <li>• VVCS – Veterans and Veterans Families Counselling Service provides a range of services for eligible F-111 deseal/reseal and aircraft maintenance workers and their families. From January 2011 to March 2011, 21 individuals underwent counselling.</li> <li>• Services include counselling for individuals, couples and families, and a range of group programs.</li> <li>• In addition to counselling services, a range of other services are available to F-111 deseal workers and their families.</li> <li>• Residential Lifestyle Programs for eligible F-111 workers and their partners will be held in locations around Australia according to demand.</li> <li>• This four-day program provides information and skills building sessions that cover a range of topics to assist participants to improve their quality of life. Residential Lifestyle Programs have been held on the Gold Coast, Qld, 28-31 March (18 individuals) &amp; 19- 22 June (16 individuals) 2011 and the Central Coast, NSW, on 4-7 April (18 individuals) 2011. Additional programs are planned for QLD, NSW and Perth this year.</li> <li>• A minimum of 12 and maximum of 20 participants are required for each program.</li> <li>• 339 participants have attended 18 F-111 Lifestyle Programs delivered since 2003. This includes four recent lifestyle courses run in March, April and June 2011.</li> <li>• Specific programs for partners and sons and daughters are under development.</li> <li>• Promotion of the expansion of services to F-111 deseal workers and their families has occurred</li> </ul> |

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|        |   |               |  | <p>through web based and paper based media such as:</p> <ul style="list-style-type: none"> <li>• Brisbane Courier Mail;</li> <li>• Ipswich Queensland Times;</li> <li>• Newcastle Herald;</li> <li>• RAAF News on Thursday;</li> <li>• Wings Magazine;</li> <li>• DVA and VVCS websites;</li> <li>• other web sites such as the Partners of Veterans (PVA); and</li> <li>• the Deseal/Reseal Support Group and the F-111 website.</li> </ul>  |
| 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><b>Respite Care:</b></p> <p>This recommendation has now been implemented.</p> <p>The Department reviewed the variety and extent of respite care options available to seriously ill former F-111 fuel tank maintenance workers. The Minister agreed with the outcome 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.</p> <p>Information about access to, and the extent of, general respite care options available to former F-111 fuel tank maintenance workers has been updated and detailed on the F-111 website and discussed with ESO's.</p> |

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| 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><b>F-111 Defence Litigation:</b></p> <p>This recommendation has been implemented.</p> <p>The Department of Defence manages Common law claims from former F-111 deseal/reseal maintenance workers and their families.</p> <p>Defence has provided the Committee with a written update on the progress of litigation as of February 2011 whilst another is planned for August 2011.</p> <p>Thirty one former F-111 deseal/reseal maintenance workers and three spouses have lodged writs with the Queensland Supreme Court seeking damages.</p> <p>The claims are in the early stages of the Queensland Personal Injuries Proceedings' processes. Work Cover QLD assumed management of four claims (contractors) and may assume management of one further claim.</p> <p>Defence has been attempting to resolve the remaining claims without the need to proceed to litigation. Most have been settled.</p> |

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| 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"> <li>• the Board of Inquiry (BOI) Report and recommendations;</li> <li>• the complete SHOAMP study reports;</li> <li>• complete information on the ex-gratia payment including application forms;</li> <li>• a link to this report and recommendations; and</li> </ul> <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><b>F-111 website:</b></p> <p>The F-111 website, which was established on 11 May 2010, has proven to be a useful tool of reference for the provision of links to reports, facts sheets, contacts and application forms. Additionally, the F111 website has also been ideal for providing updated information to the F111 community.</p> <p>Feedback on the website has been positive, with over 50,000 page visits to 30 June 2011.</p> |
| 16     | <p>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.</p>  | 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><b>DVA delivery of client services:</b></p> <p>Staff training has occurred, and the Repatriation Commission and MRCC protocol for advice of decisions by staff to seriously ill clients, especially those at risk of self-harm, was promulgated and implemented in July 2010. This protocol is being reviewed.</p>   |

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| 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><b>Defence Occupational Medicine Capability:</b></p> <p>Defence is progressing the implementation of recommendation 17 (expansion of ADF internal capability in occupational medicine) through the DOHSC-funded Occupational Medicine and Occupational Hygiene (OMOH) Capability Program.</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>   | <p><b>Mitochondrial research:</b></p> <p>Recommendation 18 (continuing support of research into mitochondrial changes as a result of fuel and solvent exposed personnel). The Jet Fuel Exposure Syndrome Study was launched by the Minister on 16 December 2010. Contracts were signed in March 2011, between Defence and the Mater Medical Research Institute. The initial meetings of the Project Management Board and the Scientific Advisory Panel were held on the 8th April 2011 and the 14th April 2011 respectively. The first Consultative meeting was held on 13 July 2011. The project is on track.</p> |