

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 19 NOVEMBER 2010

Rec no	Recommendations from the Parliamentary Inquiry	Accept/Reject	Government Response	Status
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</p>	<p>Tier determinations against the new Tier 3 definition are well progressed. This includes reviews of 501 previously rejected Tier applications (the revised version endorsed by the MRCC in May 2010).</p> <p>As at 5 November 2010, of the 407 Tier reviews completed, there have been four classified as Tier 1, four as Tier 2, 304 as Tier 3 and 95 unsuccessful applicants. Additionally, from 153 new applications received, 56 have been decided: 43 have been Tier classified – 7 Tier 1, nil Tier 2, 36 Tier 3 – and there are 13 unsuccessful applications.</p> <p>An appointment was made to the senior monitoring position on 14 September 2010. Analysis of trends in health conditions has been initiated.</p>

			onset conditions associated with deseal/reseal work can be identified.	
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</p>	<p>MRCC approved guidelines in May 2010.</p> <p>The burden of providing a secondary statutory declaration has been eased by DVA. Fact Sheet F111 – 05 re Statutory Declarations has been revised and re-issued, in accordance with ESO consultations on 28/6/2010.</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.</p> <p>DVA has assisted claimants by locating evidence or other personnel in support of their Tier applications.</p> <p>A submission is being prepared for the MRCC dealing with the definition of when a person is considered to have been in a confined space (F-111 fuel tank).</p> <p>As at 5 November 2010, 26 fire fighter trainee applications were being held, pending a decision at the MRCC based on advice from Defence about whether the work undertaken by trainees included burning of deseal/reseal products.</p> <p>There are seven Surface Finisher (SURFIN) trainees who have provided conflicting tertiary evidence about involvement in F-111 deseal fuel tank painting, for the purpose of Tier 3 eligibility.</p>

			<p>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>These are being held while DVA investigates whether the personnel entered fuel tanks and pending the above mentioned submission to the MRCC.</p>
7	<p>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.</p>	<p>Accept (DVA)</p>	<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>	<p>The MRCC has approved an amended Tier 3 definition and additional information for all Tiers. As at 5 November 2010, reviews of previously rejected cases were 81% complete and 312 of the original unsuccessful applications for Tier classification have been reviewed as successful. At that date 95 remained unsuccessful following review.</p> <p>Successful reviews included 8 who were Tier 1 or Tier 2 and who have now received ex-gratia payments.</p> <p>The review is also considering currently assessed Tier 2 qualified applicants, who may submit the newly recognised statutory declarations as an additional form of evidence to seek/achieve Tier 1 status. Similarly, some at Tier 3 may provide further evidence to achieve a higher Tier classification.</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).	Policy implemented and promulgated: as of the 5 November 2010, 69 individual health conditions have been accepted (for 39 Tier 3 claimants) under sub-section 7(2). Since the Government response, on May 2010, 65 new Group 1 and 16 Group 2 members have registered for the SHOAMP Health Care Scheme.
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>Policy implemented and reviews are underway: personnel who would have been eligible except for the cut-off date have been asked to submit a new registration form.</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>As of 5 November 2010 there were 81 new applications for SHOAMP HCS submitted since implementation of this policy.</p> <p>Currently, plans are underway for a website update and a mail-out to Group 2 F-111 participants to remind them of counselling services available to them under SHOAMP Health Care Scheme.</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)	The Government accepts the recommendation. 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.	Policy implemented: 31 cases have been examined There are 3 new applications (two being Tier 3 and one not yet determined). There are 28 completed Tier reviews of deceased estates (being one Tier 1, nil Tier 2, 11 Tier 3 and 16 with no entitlement).
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)	The Government partially accepts this recommendation. 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.	An appointment was made to the position on 14 September 2010 and assistance to DVA is provided as required.
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	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.	To meet the clinical needs of individuals and their partners VVCS - Veterans and Veterans Families Counselling Service (VVCS) has expanded the counselling services available to workers and their families. VVCS is able to provide counselling and group programs to all eligible F-111 workers and their families.

	Minister review whether further group counselling sessions should be made available, based on outcomes from these group counselling services.		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.	A VVCS Officer has been appointed to develop/implement F-111 related services. Consultation and development work has commenced on programs tailored specifically for F-111 workers and their families.
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.	Options for respite care are being considered and the Minister will be briefed soon. DVA has placed information onto its website about respite care services currently available through DVA and the general community.
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.	The Department of Defence manages Common law claims from former F-111 deseal/reseal maintenance workers and their families. Thirty one former F-111 deseal/reseal maintenance workers and three spouses lodged writs with the Queensland Supreme Court seeking damages. 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 Defence has attempted to resolve the remaining claims without the need to proceed to litigation. Since November 2008, 22 claims have been mediated and discussions have been held with

				<p>another self-represented claimant in the presence of an independent mediator. Twenty claims have been settled. The settlement discussions and Terms of Settlement are confidential.</p> <p>Defence is making every effort to mediate the remaining ten claims.</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>The F-111 website which was established on 11 May 2010. It has become a vital conduit of up to date, real-time information relating to F-111 matters.</p> <p>This is in addition to providing essential links to reports, facts sheets, contacts and application forms.</p> <p>Feedback on the website has been positive. Defence has also updated its website.</p>

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>Staff training has occurred, and the Repatriation Commission and Military Rehabilitation and Compensation Commission protocol for advice of decisions by staff to seriously ill clients, especially those at risk of self harm, was promulgated in July 2010.</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 regards this activity as essentially complete, with the appointment of a Medical Officer (SES Band 2) to a senior employee position.</p> <p>The Occupational Medicine Occupational Hygiene Capability Project (OMOH), business case is being developed to further extend OMOH specialist resources more widely throughout the ADF.</p> <p>Widespread training is also planned in Industrial Hygiene and Occupational Medicine at lower, non-specialist levels. This Business Case is still being finalised and will shortly be presented to the Defence Occupational Health and Safety Committee (DOHSC). This OMOH work has been nearly three years in development.</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)	The Government accepts the recommendation. 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.	The draft protocol for the planned study has been developed. The study is expected to take three years to complete. An ethics submission has been submitted to the Australian Defence Human Research Ethics Committee for approval. A presentation on the planned study was made to ESO's in Brisbane on 12 August 2010 and an update will be provided to ESOs on 16 December 2010. The Business Case for the study has been approved and ESO's will be kept informed of progress.
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