

**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 OCTOBER 2011**

Rec no	Recommendations from the Parliamentary Inquiry	Accept/ Reject	Government Response	Status
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><b>Expanded Tier 3 Definition:</b></p> <p>In May 2010 the Military Rehabilitation and Compensation Commission (MRCC) agreed to an expanded Tier 3 definition as per this recommendation.</p> <ul style="list-style-type: none"> <li><u>Reviews</u> -Tier determinations against the new Tier 3 definition have been completed for all 521 Tier reviews – reviews of previously rejected tier applications. Of these 521 reviews, 370 (71%) have been accepted (353 as Tier 3). This review process has included recognition of Statutory Declarations as per Recommendation 2 and guidelines approved by the MRCC. Refer Recommendation 7 for progress of Tier reviews.</li> <li><u>New Applications</u> – To 12 October 2011, 410 new Tier applications have been lodged. Of these, 284 (69%) have been determined and 218 accepted (193 as Tier 3). Priority was given to Tier reviews.</li> </ul> <p><b>Trend Monitoring:</b></p> <p>A senior officer was appointed to the senior monitoring position on 14 September 2010 and has been monitoring for trends in late onset conditions. There are currently no significant changes in the nature of conditions claimed compared to those recognised under SHOAMP in 2004.</p>

<p><b>2</b></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"> <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>	<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><b>Use of Statutory Declarations:</b></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, the onus on applicants to source a secondary supporting statutory declaration was eased by DVA in July 2010 with DVA being prepared to obtain supporting evidence where possible. Fact Sheet F111– 05 re 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, whilst 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.</p>
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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><b>Status of Reviews:</b>  As of 30 September 2011, all 521 reviews were completed as follows: 353 applicants have been found to be eligible for Tier 3. 11 now have Tier 1 and another six have Tier 2 along with ex-gratia entitlements being paid accordingly. An additional 151 applications have continued to be unsuccessful, following review.</p> <p><b>New Applicants:</b>  In addition to reviews, 410 new Tier applications have been lodged, of these, 218 have received Tier classification as follows:</p> <ul style="list-style-type: none"> <li>– 20 Tier 1, five Tier 2 and 193 Tier 3. There are 66 new applicants who were found to be ineligible for Tier recognition.</li> </ul> <p>Although reviews have taken priority, these new applications have been straightforward and quickly determined.</p>
8	<p>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.</p>	<p>Accept – with modification (DVA)</p>	<p>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>	<p><b>Status of health conditions:</b>  The MRCC approved the enhanced access through ss.7(2) of SRCA in May 2010 for those newly eligible under the revised Tier 3 definition. As of 27 October 2011, a total of 474 conditions have been accepted, allowing cover under ss7(2) of SRCA or its equivalent 31(1) under the 1971 Act.</p> <p><b>Status of compensation:</b>  Permanent Impairment payments have been made to 37 claimants, Incapacity Payments made to 16 claimants and Lump Sum Death Benefits paid to four (6) claimants as of 26 September 2011.</p>

<b>9</b>	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></p> <p>The previous cut-off for the scheme was removed from May 2010. There were no outstanding SHOAMP Health Care Scheme (HCS) cases for review following the removal of the earlier Scheme cut-off date.</p> <p>From May 2010 to 23 September 2011, there have been 172 registrations for SHOAMP HCS and 166 registrations for the Better Health Program.</p> <p>Website updates provide contact details for counselling services available under the SHOAMP HCS and promotes the Lifestyle courses that continue to be rolled out nationally.</p>
<b>10</b>	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	Accept (DVA)	<p>The Government accepts the recommendation.</p> <p>Estates of eligible former personnel who died before 8 September 2001 will be</p>	<p><b>Estate Claims:</b></p> <p>The previous cut-off date was removed from May 2010. As of 30 September 2011, 47 Estate claims have been examined. Of those, 28 were reviews and</p>

	service in accordance with the scheme and these recommendations be eligible for support under the ex-gratia scheme.		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.	19 were new applications. Of the 28 review applications there was one Tier 1, nil Tier two, 14 Tier 3 and 13 with no entitlement. Of the 19 new applications, three are Tier 1 and six are Tier 3 whilst 10 have received no entitlement. There are three new applications in progress.
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.	<b>Monitoring position:</b> A senior officer was appointed to the position on 14 September 2010. Monitoring as per recommendation 1 and assistance to DVA is provided as required.

<p><b>12</b></p>	<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 completed:</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.</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 have been held in Northern NSW and the Gold Coast.</li> </ul> <p>These four-day residential lifestyle programs provide information and skills building sessions that cover a range of topics to assist participants to improve their quality of life. Between May 2010 and October 2011, four F111 Residential Lifestyle Programs have been rolled out on the Gold Coast and two on the NSW Central Coast for a total of 93 participants. In the year to the end of October, 4 eligible F-111 clients attended VVCS groups other than Lifestyle programs and 9 clients attended both a Lifestyle program and another VVCS group program.</p>
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<p><b>13</b></p>	<p>That the Government give consideration to expanding respite care for partners of seriously ill former F-111 workers who are principal care providers.</p>	<p>Accept (DVA)</p>	<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. In late 2010, 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 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, although the information available on options needed to be improved.</p> <p>Information on access to, and the extent of, general respite care options available to former F-111 fuel tank maintenance workers was expanded on the F-111 website. The issue was also discussed with the Deseal Reseal Support Group in February 2011 and a handout provided on the options available.</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>The common law claims from former F-111 deseal/reseal maintenance workers and their families are managed by the Assistant Secretary Legal Services for the Department of Defence. Since the last progress report in February 2011, 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> <ul style="list-style-type: none"> <li>• Twenty-three claims have been mediated and one claim has been discussed with the plaintiff in the presence of an independent mediator. That plaintiff is self-represented and is currently engaged with the Department of Veterans' Affairs to discuss his entitlement to statutory benefits.</li> <li>• Twenty-two claims, including two for loss of consortium, have been settled at or following mediations. The unresolved, mediated, claim was again mediated in April 2011 but did not resolve and is currently subject to ongoing discussions with the plaintiff's solicitors.</li> <li>• Four claims by contractors have been resolved by WorkCover QLD.</li> <li>• Four of the claims for damages by former F-111 maintenance workers may not be pursued. Three claims remain active and will be the subject of further negotiations with the plaintiff's legal representatives and/or mediations in coming months. The settlement discussions and Terms of Settlement are confidential.</li> </ul> <p>Defence has provided the above information to the Committee by letter dated 16 September 2011. This has effectively completed the action on this</p>
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				recommendation.
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 with reports, facts sheets, contacts and application forms. Additionally, the F-111 website has also been ideal for quickly and continuously providing updated information to the F-111 community.</p> <p>Feedback on the website has been positive, with 104,836 visits as at October 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>	<p>Accept (DVA)</p>	<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 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 and implemented in July 2010. The protocol is being reviewed.</p>
17	<p>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&amp;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.</p>	<p>Accept (Defence)</p>	<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>Dr Ian Gardner has been appointed as Senior Physician in Occupational and Environmental Medicine, and OH&amp;S capability is being further strengthened by additional specialist occupational health appointments in Defence. However, the long-term improvements in Defence capability in Occupational &amp; Environmental Health depend on continued funding and resourcing as identified in the Occupational Medicine Occupational Hygiene Project.</p>

18	<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><b>Mitochondrial Research:</b></p> <p>Minister Snowdon launched the multi-year multi-million dollar Jet Fuel Exposure Syndrome Study in Brisbane at the Centre for Military and Veterans' Health on December 16, 2010. The study has been funded by the Defence OHS Committee. The study is being undertaken by Prof Frank Bowling of Mater Medical Research Institute and the Defence Centre for Occupational Health. Applications from volunteers to take part in the study are currently being assessed. The study has commenced. There is significant interest from non-Air Force personnel, and also from Air Force personnel not involved in the F-111 Deseal/Reseal processes. The first Consultative Forum meeting with ESOs was held in July 2011.</p>
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