



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,
DEFENCE AND TRADE

DEFENCE SUBCOMMITTEE

Reference: Royal Australian Air Force F111 workers and their families

TUESDAY, 29 JULY 2008

BRISBANE

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**JOINT STANDING COMMITTEE
ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

Tuesday, 29 July 2008

Members: Senator Forshaw (*Chair*), Mr Hawker (*Deputy Chair*), Senators Arbib, Mark Bishop, Cormann, Ferguson, Fifield, Moore, O'Brien, Payne and Trood and Mr Baldwin, Mr Bevis, Mr Danby, Ms Annette Ellis, Mr Gibbons, Ms Grierson, Mr Hale, Mr Ian Macfarlane, Mrs Mirabella, Ms Parke, Ms Rea, Mr Ripoll, Mr Robb, Mr Robert, Mr Ruddock, Ms Saffin, Mr Bruce Scott, Mr Kelvin Thomson and Ms Vamvakinou

Defence Subcommittee Members: Mr Bevis (*Chair*), Mr Baldwin (*Deputy Chair*), Senators Mark Bishop, Cormann, Fifield, Forshaw, Payne, and Trood and Mr Gibbons, Ms Grierson, Mr Hale, Mr Hawker, Mr Ian Macfarlane, Mrs Mirabella, Mr Robert, Ms Saffin, Mr Bruce Scott and Mr Kelvin Thomson

Members in attendance: Senators Mark Bishop, Forshaw and Trood and Mr Baldwin, Mr Bevis, Mr Hale and Mr Robert

Terms of reference for the inquiry:

The committee will investigate and review claims for compensation from former F-111 deseal/reseal workers including the Commonwealth's response to the health and support needs of former F-111 deseal/reseal workers and their families. The Committee should ascertain whether the response was adequate, whether it was consistent with the findings of the Study of Health Outcomes in Aircraft Maintenance Personnel (SHOAMP) and whether the overall administration and handling of the program was adequate.

The Inquiry will consider the adequacy and equity of the Health Care Scheme in meeting the health and support needs of participants and their families and whether this was consistent with the SHOAMP findings. Matters to be considered will include, but not be limited to:

- The differences, and transitional arrangements, between the interim health scheme and the final Health Care Scheme;
- The timing of cessation of access to the Health Care Scheme;
- The range of treatment and health benefits provided under the Health Care Scheme;
- Whether the current Health Care Scheme is consistent with the range of treatment and health benefits available to persons under other Health Care Schemes;
- The adequacy of arrangements under the Health Care Scheme affected family members (including widows) or serving members; and
- If the Health Care Scheme is not considered to be an adequate response to the health and support needs of participants and their families, consider and report on possible alternatives that are considered to be adequate in light of the findings of SHOAMP and other Health Care Schemes.

The Inquiry will consider the adequacy and equity of the financial element of the Ex Gratia Scheme and whether it was consistent with (i) the findings of SHOAMP, (ii) the Health Care Scheme response (iii) the Tier definitions, and (iv) one off payments to other veteran groups. The Inquiry will consider, but not be limited to:

- Whether the lump sums available under the ex gratia scheme were appropriate;
- Whether the lump sums available were appropriate given the findings of the SHOAMP;
- Whether the lump sums, when considered along with the benefits available under the Health Care Scheme, were appropriate;
- Whether the lump sums available under the ex gratia scheme were appropriate, when considered along with the full range of benefits and compensation available under other Commonwealth or State statutory schemes;
- Whether the lump sums were consistent with the definitions of Tiers of participants;
- Whether the lump sums were consistent with other one-off payments made to veteran groups;
- When assessing the question of adequate remedies whether regard should be given to the establishment of a dedicated administrative assessment and settlement scheme, and
- If the lump sums available under the ex-gratia scheme are not considered to be financially adequate, discuss what compensatory payment would be appropriate in light of the SHOAMP findings, other one-off payments made to veteran groups, and the full range of benefits and compensation available under other Commonwealth and State statutory schemes or common law damages available under Australian law.

The Inquiry will consider whether the overall handling and administration of ex gratia and compensation claims was appropriate, timely and transparent for both participants and their families. The Inquiry will consider whether, but not be limited to:

- Cross agency cooperation was effective;
- The documentation and records held by both Agencies as they relate to deseal/reseal activities was adequate;
- The standard of evidence required to substantiate a claim was reasonable and, if not, whether alternative standards of proof may be used when making an eligibility determination;
- There has been equitable treatment of service personnel, public servants, civilian employees and contractors involved in deseal/reseal activities;
- Staffing resources were adequate to produce a timely result;
- There were unreasonable delays in the process, taking into account the complex nature of issues; and
- The overall handling and administration of ex gratia and compensation claims was appropriate and timely.

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Subcommittee met at 9.10 am

CHAIR (Mr Bevis)—I declare open this public hearing of the parliamentary inquiry into the F111 deseal-reseal workers and their families via the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Today we will again take evidence from a number of individuals and witnesses who were involved in one way or another in the program. Before calling our witnesses, I again refer members of the media who may be present at this hearing to the need to fairly and accurately report the proceedings of the committee.

Under the standing orders of the Senate, under which this committee must abide, the recording and broadcasting of committee proceedings may only occur with the authorisation of the committee. I therefore request a motion from the committee to authorise the recording and broadcasting of the proceedings before it today.

Mr BALDWIN—I so move.

CHAIR—That motion is carried. Members of the public attending this hearing should be aware that these are formal proceedings of the parliament of Australia. They should refrain from distracting witnesses and members of the committee during the committee's deliberations. Any conduct such as that may result in your removal from the gallery.

[9.12 am]

STELEY, Mr Douglas R, Private capacity

CHAIR—Mr Steley, although the subcommittee does not require you to give evidence on oath, I advise that the hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. Do you wish to make any opening comments to the committee?

Mr Steley—I assume you have all read my statement. Just that, yes, it was a long time ago. The only thing that I was concerned about at the time that we were working in the fuel tanks was explosion from our photographic equipment. I did mention to one of the flight sergeants that I was concerned about the ventilation of the fuel tanks from a spray-painting compressor. Being a scuba diver at the time, we were told we should never breathe air from spray-painting compressors without it being filtered because of the oil contamination and the contamination in the air. I raised these concerns and was told: ‘It’s not a problem. Don’t worry about it.’

CHAIR—One of the things that has become evident during the process of the inquiry with 100 or so submissions is the wide range of people who were involved in one way or another. One of the purposes of our hearing today is to try to get a feel for different occupational groups that have some interest in this matter, and you certainly fill one of those categories. Could you give us some idea of the actual work that you did and the time you would have spent in the fuel tanks or involved with the chemicals for the process of cleaning or deseal-reseal?

Mr Steley—I was an LAC photographer. Our jobs were decided by the sergeant in charge of the unit at the time. Basically, you would be told what jobs you were to do, pick up a camera, a flash unit, hop on your bicycle and ride off to whatever location it was and photograph it. The reason for the photographs at that stage was that there were 24 squadrons operating F111s and any defect in any aircraft had to be shown to every other squadron so that they could check that area of the aircraft to make sure that there were no similar problems. It was just a communication thing. Every time you took a photograph you then produced 24 copies of it and it was dispatched around the world to anybody operating a similar kind of aircraft.

Generally, at nine o’clock in the morning I would be told what to do. In the case of the F111 fuel tanks, the sergeant would say: ‘Okay. You are down at 3AD. Report to whoever was in charge down there.’ I would generally hop on the pushbike and ride down. I would say: ‘I am the photographer. I am here today.’ They would say: ‘Okay. We’re doing such and such inside the fuel tanks.’ You would then sit and wait until they were ready to take the photographs. You would climb up onto the aircraft and go down into the tanks with one of the workers. They would point out the areas that were to be photographed. They would then climb out of the tank and pass your equipment down into the tank to you.

We used Metz 202 or 402 flash units that had lead acid battery that you could remove and replace from the battery charging unit. This presented an electrical contact that could possibly cause a spark. They would then clear the aircraft, somebody would stand by with a 50kg BCF fire extinguisher while we took the photographs inside the fuel tank. Once you were ready, you

would stick your hand up, they would take your camera gear from you, you would climb out, and sit down and read a magazine or something while they worked further on the aircraft. When they were ready for you to take a photograph again you would repeat the same procedure again.

CHAIR—What stage of the process were you taking the photos? Was this before they cleaned or after they cleaned? Were there chemicals in the vicinity?

Mr Steley—It was the entire process, from start to finish. Everything that happened inside that fuel tank from the time it had the fuel drained from it to the time it was ready to fly had to be documented.

CHAIR—You would take a series of photographs to—

Mr Steley—A complete series of photographs to record the entire process from start to finish.

CHAIR—Were you supplied with protective equipment?

Mr Steley—We were not allowed to wear shoes into the fuel tanks.

CHAIR—What did you wear?

Mr Steley—Socks. In wintertime we were issued with two pairs of blue RAAF overalls. We would climb in with the RAAF overalls on. In summertime it was generally too hot so you would wear stubby shorts and T-shirt.

CHAIR—And respiration?

Mr Steley—No, none.

Mr HALE—Did you ask for respirators?

Mr Steley—No, there was nothing dangerous there. There were big safety posters everywhere you looked inside the hangar: 'If there is a risk, report it. If there is a danger, do not do anything hazardous. Don't risk your life. We don't want accidents here.' You were told to go into the fuel tank. You were told it was safe.

Mr BALDWIN—Between 1976 and 1979 when you were at Amberley were those doing the deseal-reseal and the pick and patch wearing respirators?

Mr Steley—No.

Mr BALDWIN—Were they wearing any different personal protective equipment from you?

Mr Steley—No.

Mr BALDWIN—Did you ask for any protection equipment?

Mr Steley—No.

Mr BALDWIN—But you were a scuba diver and you understood the need for clean air, usually activated charcoal filtered.

Mr Steley—Yes. When I asked the flight sergeant, he said: ‘Don’t worry about it. It will be okay.’ Being an LAC, you did not argue with a flight sergeant.

Mr ROBERT—In terms of cumulative time from 1976 to 1979 you indicated that you photographed every major issue or every major crack or tear or problem with the aircraft. How much time cumulative do you think you would have spent in and around either the pick and patch or the deseal areas of the tanks?

Mr Steley—That is hard to say. It would probably be a couple of weeks at least. Because I was experienced in that area they kept on sending me back for the first couple of weeks and then after a while I developed a rash on my leg and they said, ‘Oh, yeah, it’s some kind of reaction probably to the chemicals.’ I said, ‘Should I go and see the medics?’ They said: ‘No, there’s no need. There’s nothing they can do for it. It will heal up of its own accord.’ They just pulled me out of the tanks and put another photographer in. Then as the jobs came up, every now and again they would say that they needed somebody else back down at the tanks to go and take photographs, and you would just go and photograph them again.

Mr BALDWIN—Have you had any further subsequent issues with your legs where you had the rashes?

Mr Steley—No, but I never again spent an extended period in the tanks.

CHAIR—Do you know how many photographers were involved?

Mr Steley—There would have been at that stage probably five or six LAC photographers who were actually doing the outdoor photographic work. It was an LAC job. It was, to use the term, ‘shit work’, and we got to do it.

CHAIR—You mentioned that you would get into the tank with one of the people doing the work and they would point out the spots for you to take the photographs. We had a look at the tanks yesterday. How do you fit two people into them?

Mr Steley—Very carefully. I was a lot skinnier in those days, which was one of the reasons I got the job. I will not tell you my nickname at that stage.

CHAIR—Does that include all the tanks? It is amazing that anybody could fit in the aft tank.

Mr Steley—We were mainly in the tank directly behind the cockpit, which is fairly large, and the wing tanks.

CHAIR—Did you have to go into the aft tank at all?

Mr Steley—I never went into the aft tank.

Mr HALE—Where are all the photos now?

Mr Steley—All the photographs were sent to the other F111 squadrons. I assume one copy was kept on the F111 1 Squadron or to the other squadron. I was at base squadron. One copy was sent to every other squadron. We did not hold any photographs at base squadron photographics. We held the negatives. After 12 months you sorted through the negatives and threw out whatever negatives you did not think would be required again. Generally the longest you would hold the negative would be five years.

Mr HALE—Did you ever take photographs of people or other workers doing their jobs?

Mr Steley—Yes.

Mr HALE—Did you have footage of people with shorts, shirts, bare feet?

Mr Steley—I do not have any myself.

Mr HALE—No, but you did take photographs where there could have been chemicals seen in the photographs?

Mr Steley—Yes, for the local paper, ‘Here is LAC Johnson standing beside an F111,’ doing whatever. We never took photographs of anybody inside the tanks, only outside the aircraft.

Mr ROBERT—How long did this process of taking photographs of any defects in the F111 last? You were there from 1976 to 1979.

Mr Steley—I have no idea. It was one of my jobs from what I can remember from the early stages. As soon as I got to the base squadron, which was a couple of months afterwards, they said, ‘Go down and do the fuel tanks’, and after that it was just one of those recurring jobs that came up every now and again.

CHAIR—After you left, did the work continue?

Mr Steley—I am aware that it did. I kept in touch with a few of the other guys. After I left Amberley I was posted to Canberra and shortly after that I was discharged from the Air Force.

Mr HALE—Have you had any ill effects from it? How is your health now?

Mr Steley—My physical health is quite good. With my mental health, I am under the care of a psychologist and psychiatrist being treated for severe depression/anxiety and I also get quite angry at times. My symptoms are under control, but I am out of work at the moment. I am supposed to be running my own business. It is not particularly good.

About two years ago I caught up and became friends with one of the supply corporals or sergeants at 3AD over a couple of beers and we exchanged experiences of what we were doing there. We really did not think that much more about it except that we were both in the same place at the same time and had probably crossed paths. He went into hospital with stomach pains and was diagnosed with a very rare form of cancer. I meant to catch up with him and get more

details about what he had seen and done, but six weeks later he was dead, leaving a widow and two young children.

CHAIR—When was that?

Mr Steley—That was about two years ago. He was my age.

Senator FORSHAW—Do you know whether his name and details have been communicated to our department, DVA or anyone?

Mr Steley—I doubt it, because it just happened so suddenly and his widow is quite understandably distressed. I am still in contact with her and we are chasing up those details to pass them on now, but at the time it was just about keeping the family going, keeping a roof above their head and keeping the kids in school, so first things first.

Senator FORSHAW—When was that? When did this happen?

Mr Steley—It would be 18 months ago now.

Senator FORSHAW—We have been given information about the number of people in total and then the breakdown into various categories. Are you prepared to give us the person's details, obviously with the permission of his wife?

Mr Steley—I can chase them up.

Senator FORSHAW—If necessary, that can be on a confidential basis at this stage.

Mr Steley—Yes.

Senator FORSHAW—Thank you.

Mr Steley—Just so that it is on the record.

Senator FORSHAW—Yes.

CHAIR—Are there any other questions? If not, Mr Steley, I thank you for your evidence today and for your written submission and appearing before us. There will be a transcript of your evidence provided to you and, if there are any minor adjustments that are required to be made, they can be facilitated. Again, thank you for your evidence.

Mr Steley—I would like to pass my thanks to the gentlemen gathered and to the parliament for their interest in this matter. It has been a long time and it is much appreciated.

CHAIR—Thank you.

[9.29 am]

LAWLER, Mr Stanley James, Private capacity

CHAIR—Mr Lawler, although the committee does not require you to give your evidence on oath, I advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. Would you like to make any opening comments?

Mr Lawler—Yes. As mentioned in my submission, my disappointment through a lot of this has been the lack of credence put on the work done by the pick and patch people. Being an airframe fitter for 24 years in the permanent Air Force and five in the Reserves, I have seen a lot of work and spent a lot of time in different fuel tanks. There is a lot of misinformation out there about pick and patch work not just on F111 but other aircraft as well. The same misinformation is contained within Defence's submission to this inquiry, in respect of which I would like to clarify a few points. I do not believe that they have gone out of their way to misinterpret it, but just by the wording it would give you the impression that pick and patch was not as involved. Defence's submission, under the title 'Comparison between deseal/reseal and 'pick and patch' activities', 'Tank preparation', states:

Preparing fuel tanks for the Deseal/Reseal process required workers to spend lengthy periods inside fuel tanks defueling, mopping up excess fuel, removing fuel system plumbing and associated avionic or electrical wiring. This work was not part of 'pick and patch' activities.

I put it to you that it is impossible to repair fuel tanks when you have fuel sitting over the top of the sealant you are supposed to remove. If you are not an aircraft technician, you are going to read that and say, 'Pick and patch people did not do depuddling.' You had to do depuddling to get in there. We did the depuddling that we needed to to get at the areas. The other issue there is that there was fuel left in the tanks. Those vapours continued to build up and cause us problems. So, yes, we did not have the time to depuddle as well as the deseal guys, and that created more problems for us.

On hand pick and cleaning it states:

Similar tasks using general purpose solvents were undertaken during ... pick and patch activities, but were generally of much shorter duration than the hand pick and cleaning phase of the Deseal/Reseal programs and significantly less intensive in terms of the amount of sealant ...

I totally agree with that. We did not pull all of the sealant out of the tanks. In some of the submissions I have seen people have said, 'You identify the leak on the outside of the tank and you get in the tank and it is that easy.' I put it to you that those people have not worked much in F111 fuel tanks, because a leak on the outside does not mean that is exactly where the leak is on the inside. Sometimes we spent weeks at the squadrons, without exaggeration, digging up different parts trying to patch it. A lot of the time we sent the aircraft back out, it leaked again, and we brought the same aircraft back in.

On the reseal it states:

Deseal/Reseal workers then completely resealed all the fuselage fuel tanks by firstly laying an epoxy barrier compound to the seams and voids inside the tanks ... This process took between 3-4 weeks, usually at two shifts per day ...

I am not denying that. Those guys had it extremely hard. But at the end of this paragraph it says, 'This process was not part of pick and patch.' We obviously had to reseal the areas that we had cleaned out. We used the same chemicals and sealants. I am not here before you to say that at the squadrons we desealed tanks completely. We did not. We had to get in and pick and patch, as it is called, to try to patch the aircraft up and get them into the air.

At 6 Squadron when I was there in the eighties we had reconnaissance aircraft. We were required to have two aircraft ready to go 24 hours a day for that whole period. Reconnaissance aircraft were not immune to leaking. We worked weekends and shift work to get that done. I am not denying that some of the aircraft from the squadron also went to 3AD, 482 for those guys to work on those aircraft, but the majority of the aircraft we did ourselves. We were airframe fitters, we were trained, and we did that work.

CHAIR—Can you quantify the number of hours that you were inside the tanks doing pick and patch?

Mr Lawler—The shortest period would have been three days. That is prepping the tank, getting in, finding the damaged area, digging it out, resealing it and putting any plumbing or anything that had to go back in if we had removed plumbing. That would be the shortest period.

CHAIR—Is that three days for a single location for pick and patch?

Mr Lawler—I will clarify that as well. If it was a small area obviously we did not spend the whole day resealing that area. It does not take that long to reseal a small area. I will not say that I was in the tank for eight hours every time, but especially towards the late eighties when the leaks were really getting bad we would spend eight hours a day in the tank.

CHAIR—How long would that add up to in a year?

Mr Lawler—I arrived at 6 Squadron in 1984 and left in 1990. In the first couple of years we probably had at least one or two every couple of months, and towards the late eighties we had aircraft lining up. You would be having one aircraft basically and there would be another one out there ready to go. I will clarify that as well. It was not like that for 365 days of the year. It was sporadic, but towards the end of the eighties there were a lot of aircraft with problems.

CHAIR—The reason I am asking is that you would be aware that amongst the various tests that are applied for the ex gratia payment one is the time involved in the process. I am trying to get some idea of what estimate you would place on the time that your pick and patch experience would have resulted in your being inside the tank.

Mr Lawler—In the six years that I spent at 6 Squadron I would have easily done 60 days.

CHAIR—Do you think that is a common experience for people involved in the pick and patch?

Mr Lawler—1 Squadron and 482 Squadron did not have it any different. They were doing a lot of their own work themselves.

Mr BALDWIN—What form did these leaks take? Was it a failure of the bonding of the material to the surface? Was it a splitting of the membrane? How did the leaks occur?

Mr Lawler—Most of the time the goop was reverting. It was turning back into a liquid form.

Mr BALDWIN—It could not have been as simple as a cleaning preparation and applying more of this goop; the surface had to be stripped back to bare metal?

Mr Lawler—No, because what would happen inside a lot of the tanks is, like I said, you might have a leak on the outside of the tank here and commonsense would tell you that the leak on the inside is going to be here. No. A lot of the time the fuel channelled inside the goop, underneath the goop and through to that point, and that is why pick and patch was not straightforward. Sometimes it was, yes, but a lot of the time it was not. You spent a lot of time trying to find out where exactly the leak was.

Mr BALDWIN—Can you describe to us from the time you were given an aeroplane the processes you went through until it went back out on the line?

Mr Lawler—The aircraft would have been defuelled and brought into the hangar. We would take the panel off. We would have bits of old foam, like old mattresses and rags trying to depuddle as much as we could. We would stick a Hoch-Hansen, an air blower unit, into the tank.

Mr BALDWIN—What would you use?

Mr Lawler—A Hoch-Hansen. It is an air cart and a hose that we would use to try to get the fumes out of the tank as best we could. Basically, it was a case of sticking your nose up into the tank and if it was not too bad you got up and started work.

Mr BALDWIN—Then you would start by wiping down the sealer/goop?

Mr Lawler—You would look for the fault. You would try to find an obvious fault and you would start in the area where it was closest to outside and, if you did not, you would work back from there.

Mr BALDWIN—What PPE were you given?

Mr Lawler—In the early days pink Ansell gloves that you wash your dishes with, and there were some respirators but a lot of those were just for dust.

Mr BALDWIN—Was there any protective clothing?

Mr Lawler—Only white cotton overalls.

Mr BALDWIN—Did you raise any concerns at any time in relation to the respirators or other protective equipment that you were provided?

Mr Lawler—If I did I cannot remember. I do not think I would have. I have heard a lot of people saying, ‘Did you raise concerns?’, and I suppose we did with our NCOs and senior NCOs, but the thing was that you were asked to do a job. I was an airframe fitter. My mates were doing the job. I was not going to let my mates down. I got in and did the job.

Mr BALDWIN—Was there much dialogue between you and/or between your mates into the effects or issues that they were having with the chemicals or solvents that were being used? Were there any health problems they were having during the entire time?

Mr Lawler—We did not talk to each other about the way you dealt with things. I do not think I would have been the only one going through some pretty bad mood swings and things like that. To give you an example, I would go home and my wife would know to leave me alone because I would be out in the yard for two hours hosing. That was my way. I was quite explosive at anything. The slightest thing would set me off. I would say that most of the blokes I worked with were exactly the same. The way we dealt with it was we used to drink.

Mr BALDWIN—That is not an unusual phenomenon for people in the military.

Mr Lawler—No, but if you have been working in crappy conditions like that all day, you are not exactly going to sit around and talk about it.

Mr BALDWIN—Other than mood swings, what health effects has it had on you?

Mr Lawler—I have some skin issues, psychological problems, some gut problems, and my daughter has had medical problems. The doctor that she was going to worked in the environmental speciality. He did some testing that was sent overseas, which picked up that she had sensitivities due to toluene and xylene phenols, ketones and benzene, and he said to my wife, ‘Where the hell did she get exposed to that?’ My wife told him, ‘My husband worked in fuel tanks.’ I am not saying that the condition that she has was caused by the chemicals. All I am saying to you was that during the testing this stuff was picked up. My main concern here is not so much for myself. I made the decisions to do the work I did. I could have said, ‘No, I’m not going to work in a fuel tank,’ and get thrown in the brig or whatever. But I worked beside my mates. I did not want to let my mates down. My concern now is for my mates, the other people that were involved in this sort of work and my children.

Mr BALDWIN—Are you aware of anyone during your stint on the F111s who refused to go into tanks on a continual basis?

Mr Lawler—I heard about it, but at the squadrons you did not like doing the work but you got in. Some days you got into a tank and there were not any issues. Other days, especially later on when I was working in Hercules fuel tanks in Richmond, I was a nervous wreck.

Mr BALDWIN—You have mentioned the Hercules work. How different was the work on the Hercules from that on the F111s?

Mr Lawler—Not very different at all. This is another area where misinformation is getting out there. Like I said, I spent 17 years working on P3 Orion, F111 and the Hercules. I believe I can honestly stand here before you and say that at the end of the day there is not that much difference. Yes, they did not do deseal programs. Yes, they did not use SR51, all the nasty stuff, but you used MEK, you used polysulphide sealants, you spent long times in the tanks. I worked on E-model Hercules and they were a leaking sieve towards the end of their life in the nineties. I did what we called rescues to Darwin where we went into fuel tanks with no PPE, because we had to turn that aircraft around. There was an operational imperative for Hercules. We did not have that many serviceable and they had to be turned around in quick time. We got on without any safety gear and patched them up as best we could to get them back to Richmond.

Mr BALDWIN—Are you aware of people who did Hercules work only and were not involved in the F111s who have suffered similar problems?

Mr Lawler—Yes. I know of definitely two who have died from cancer.

Mr BALDWIN—That would be worth pursuing with Defence down the track.

Mr Lawler—That is the thing about this. I know the focus is on F111, and I do not want to drag it away because there are a lot of people here hurting a lot more than I am. But the issue that you have to take away from here is chemical exposure, especially for airframe fitters, which is RAAF-wide. It was not just F111.

Mr ROBERT—When the SHOAMP study was put in place were you invited to be part of that?

Mr Lawler—Yes. I took part in the medical investigation part of that. That was about as far as it went. At the time I was a warrant officer engineer at 6 Squadron, and Warrant Office ‘Blue’ Hind approached me on a number of occasions to show the specialists doctors and so on around aircraft with fuel tanks. I was interviewed by one of the people working from Newcastle University to give information on fuel tank entries, but that was about the extent of it.

Mr ROBERT—You gave specialists advice, but in the SHOAMP study there was a target group whose medical results are looked at and there was a control group, an ordinary section of the public so to speak. Were you part of the target group or the control group?

Mr Lawler—I am not 100 per cent sure. I was given documentation that said I was group 1, but whether that meant that I was in the control group or the target group I am not sure.

CHAIR—We will find out.

Mr ROBERT—We will let you know.

CHAIR—Yes. We are interested in that study. Senator Trood?

Senator TROOD—Have you applied for an ex gratia payment?

Mr Lawler—I did apply and, as far as I know, it was not even looked at, because I was a squadron pick and patch. I had a letter from my senior NCO at the time who had actually received the ex gratia payment because he worked on the Hawker de Havilland team. He was a desal expert, you could say. He signed a letter acknowledging that I would have spent X amount of days in that period, but there was nothing ever done with my claim. At the end of the day no-one is going to say that the money is not nice. Given the amount of money I have spent for my daughter's health costs in the last four years, definitely the money would be nice, but at the end of the day that is not the main thing here. The main thing is that I want to know in the future what is going to happen if something happens to my kids. That is my concern. That is what wakes me up at 3 o'clock in the morning at least a couple of times a week in a cold sweat, wondering what is going to happen to my daughter and the other kids.

Senator TROOD—Were you given an explanation as to why your claim was rejected?

Mr Lawler—No.

Senator TROOD—Are you saying that you have not had a letter from DVA?

Mr Lawler—It just said that I did not fit into the criteria.

Mr BALDWIN—How many hours would you have spent in these tanks?

Mr Lawler—I could not even estimate, but it would be a lot.

Senator TROOD—Would all airframe fitters have been in the same situation as you? Would they all have been required to do this work at some stage?

Mr Lawler—With the airframe fitters, one of their core roles is fuel tank maintenance. To say that every airframe fitter would have carried out the same length of time in tanks is a big call and I could not answer that. When I was at 6 Squadron from 1984 to 1990 our average strength in our section was probably 12 to 15 LACs and corporals. They are the guys who did most of the work inside the tanks. You would have had a rotation of maybe one or two guys posted out and new guys posted in each year. Most of those guys would have done a decent stint inside the fuel tanks if they spent a reasonable time at the squadrons.

Senator TROOD—You cannot obviously be confident that you all spent the same amount of time, but you are confident that all airframe fitters would have spent some time exposed to this?

Mr Lawler—If they were at operational squadron 482 or 3AD, definitely.

CHAIR—Are there any records that you were aware of at the time that would have identified your activity in that work?

Mr Lawler—No. To highlight this, I was posted back to 6 Squadron in 1997 as the flight sergeant in charge of the ATECH section. When I got there in the office there were four very large filing cabinets full of historical documents—just old documents—and I went through it and threw most of it out. One of the things I did throw out was a manila folder with tank entry claim forms from the 1980s, and I thought it was a bit of a joke at the time. The paperwork from back

then was basically a joke—fuel tank allowance paperwork. At the time a lot of the senior NCOs or the bosses did not see it as a priority. They had other priorities on their hands. Sometimes it got processed and sometimes it did not. During the eighties there were some clarifications going on about how many hours you had to spend in a tank to receive the allowance and things like that. There was no dead-set good guts historical data on that and the aircraft maintenance documentation, as we have seen here, prior to 1992 is gone.

CHAIR—Did you receive the components based allowance?

Mr Lawler—Yes.

CHAIR—Did most of the people doing pick and patch receive the allowance?

Mr Lawler—Like I said, they would have if it was processed.

CHAIR—I am interested in that caveat that you placed on it: ‘if it was processed’. Can you just expand on that?

Mr Lawler—Like I said, sometimes the documentation just did not go through. You would always be knocking on the sergeant’s door asking, ‘Did you put in my claims for fuel tank allowance.’ ‘Oh, you didn’t spend enough time in the tank,’ or whatever. There were times when it definitely went through, because on an LAC’s wage back then it was not much money. You were basically on the poverty line, especially if you had kids, so if you got a few extra dollars in your pocket you noticed it on the payslip.

CHAIR—There are no further questions from members of the committee. I thank you for your evidence. We appreciate your appearing before us today. A copy of the transcript will be made available to you, which you should proof, and if there are any minor adjustments that need to be corrected you will be able to do so.

Mr Lawler—Thank you very much.

[9.49 am]

STENZEL, Mr David Keith, Private capacity

CHAIR—Welcome to the inquiry. The subcommittee does not require you to give your evidence on oath. However, I do advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. Would you care to make an opening statement?

Mr Stenzel—Yes. I am an airframe fitter. I went into the Air Force as an apprentice at the very young age, approximately 15. I completed the two-and-a-half-year apprenticeship at Wagga and then was posted to Amberley in July 1973. I worked on Canberras there for the first year and then I went on the very first major servicing of F111s up to the point where I was posted to Canberra on Iroquois in 1982. I did seven and a quarter years on Iroquois Squirrels and then I was posted to a project area in Melbourne headquarters.

CHAIR—You mentioned that you were involved in the deseal-reseal of the F111s' air-conditioner/water tank, which is before the fuel issue.

Mr Stenzel—Yes, that is correct.

CHAIR—What was involved in that and how do the sealants and the various agents and chemicals involved in reseal-deseal of fuel tanks relate to that?

Mr Stenzel—The sealant inside the water tank was exactly the same as what was in the fuel tanks. It had the barrier and the sealant around the rivet. The problem with the water tank and why it was not left to the main program was not the actual leakage of the water tank. The water tank, which had all hot air from the air-conditioning going through it in various cooling-type situations took hot air from the engine at 600 degree Celsius through a heat expansion and then through the water cooler into the main air-conditioning system. The water tanks actually had an anode and cathode rod in there to act as areas that were tried out for the water and heat and all of that going through there. In the early stages they started to fail, and instead of the anode cathode grids corroding out the actual water tank frame started corroding out, so we had to deseal the entire water tank to derivet it to rebuild the water tanks on it. That is why it was brought in earlier than the main program.

The process was exactly the same as that for the main fuel tank. We had a smaller scale. We had a fairly large drum or pump that was something like you would clean up your carpets with in your house. We put the chemicals into that. We would then have the sprinkler system bolted onto the front panel of the aircraft where the water tank was. It was in the forward section wheel well, so you are working in fairly confined spaces. We would put that onto there, we would soften the sealant to get the same process as in the main program. After that, the next day we would do our own hand picking on the water tank. It was the same process as the main deseal-reseal side of it. I do remember seeing the panel that I used when I went out to the hangar actually bolted into the rest of the system when they did set up the main system on it.

CHAIR—Just so that I am clear, is the sealant the same sealant that was used in the fuel tank?

Mr Stenzel—It is exactly the same sealant, yes. It is exactly the same set-up as what was in the fuel tank.

CHAIR—What process did you use to remove the goop? Was it chemical or physical?

Mr Stenzel—The initial one was a sprinkler system with a chemical. A small group of us would go in at night-time. It would normally take about a four-hour process at night. We did it at night because of the smell and a few other issues. The smell was very strong. We would put the chemical through this process before circulating it through the pumps back into the system, and then we would clear it all up. After working all night, we would have the next day off and we would come in the next day after that and that is when we would then do the hand picking of the sealant. As to removing the sealant, you only had a panel a little bit larger than an A4 sheet of paper. To do it you would have to get your head in there with mirrors and see where the sealant was that needed to be done and then you were working blind with yours hands trying to pick it all out. You had sealant going everywhere on it.

CHAIR—What chemical did you use for that?

Mr Stenzel—In the statement that I put to the board of inquiry I said I was never sure of that particular chemical, and it has always worried me in my mind why I could not place what the chemical name was. In the statement that I made to the board of inquiry I associated it with the same operation as this chemical used in the deseal program. Firstly, they would not have bought two different types of chemicals for the same job. Secondly, the smell was the same as what I remember for the deseal-reseal side of it. If there was a different chemical that we were using it in that early process and it was a better or different chemical, surely the Air Force would have looked at that to make sure they had alternative chemicals. Obviously in 1975 they knew that the chemical in the deseal process was a fairly toxic sort of chemical.

I cannot remember what the name was and that worried me. After putting all of the information to the board of inquiry and going through to Bill Billson with all the appeals that I have put on there, his answer back was that the official procedure for the water tank was only documented from 1979. But he, Barry Telford, DVA and Mr McCormick, the solicitor in the board of inquiry, have all agreed that there is evidence that the deseal process of the water tank was going on before that point. I have had a hard time getting it into my mind as to what was the problem.

In the statement I mentioned that I had a four-litre tin of chemical—and I associated this with the deseal process in my mind—that had a white label and black writing on it. I cannot remember the name of it; all that sticks in my mind was a warning on the side, ‘Use in well ventilated areas’. We made sure we had the air-conditioner units while in there. We had doors open in the hangars, in the middle of winter in Amberley, trying to get air around where we were doing this. The next warning underneath that was, ‘We accept no responsibility for what will affect you in 10 years time for the use of this chemical’, and that is when I associated doing the actual job on this particular deseal process.

Also, the other thing with that was that we had rubber kitchen gloves, as mentioned before. The other protective clothing was the normal working dress, the blue overalls, with sleeves rolled down. We were not ever issued the white protective cotton overalls which came in at the deseal at a later point. To my memory, I left in October 1982 from Amberley down to Canberra and we were never issued with any white cotton overalls. I was on the major servicing of the F111 all the time. I did not go to the deseal program. When I saw the cotton overalls come in I do remember trying to order those cotton overalls and I was told by the supply system they were only for the deseal side of it. I did go back door and went up to a couple of people in the deseal side of it and asked if we could get a few pairs for use, and they just said, 'We can't keep up with the demand for the people working in here.'

Basically, when I did the deseal process I would get goop and all of that over my arms. I would pick up the goop, as much as I could, and then I would go home and put it in the normal washing. You would continue wearing that clothing all day. You would put it in with your washing with your normal clothing when you went home because we did not know that there was any other chemical damage or the effects of the chemicals within the clothing or anything else on that side of it. We would continue to wear those overalls all week.

CHAIR—Senator Trood?

Senator TROOD—This is work that used to take place when the aircraft was online; it was not part of the regular maintenance activities?

Mr Stenzel—It was. I was in 3AD, so I was always on major servicing. We were offline as part of major servicing doing inspection work throughout the entire aircraft.

Senator TROOD—How often was this work required on the tank?

Mr Stenzel—When I did my statement to the board of inquiry I had been out of the service for about 10 years. I was working out of the aircraft industry, so I had to sit down and work out in my mind where I did things logically and sequenced over the entire time that I was in the Air Force, and more so within that particular period in detail. I tried to put it into a logical sequence of events for everything that happened. Going back over all the things that I went through and trying to make sure that what I put to the board was correct—and I still stand by what I put in the statement as being correct, even after seeing more from the board of inquiry—I would say that I did probably between 1975 and when the main program started in 1977 four deseals on the water tank. That would have been four hours at night for doing the chemical deseal of it and it would have been a good day's work to pick out the goop. There was probably a day and a half after that. There would have been at least four times I would have done the actual full deseal process of it.

Senator TROOD—Was it a regular requirement on these aircraft that the work needed to be done on the water tank?

Mr Stenzel—It was, yes. Because of the corrosion it was a regular problem.

Senator TROOD—You obviously did this work, but presumably others did it as well on other aircraft. Is that right?

Mr Stenzel—Yes. It was incorporated in the main program when it was desealed, repaired, and then resealed as part of the main program. Prior to that point, I think from memory, we used about four people for doing the process. I do remember doing all the ones up to 1977, but there were a small core of people working with me on that. I think there was a different person each time going through it, but because I did the initial one I was also training other people as they went through on it.

Senator TROOD—Is it correct that the work was required regularly on the water tank, but not quite as regularly as was required on the fuel tanks?

Mr Stenzel—The fuel tanks are another issue. I worked through logically what I did over the time within 3AD, and for eight and a quarter years I was working on F111 major servicing. I was there for a very long period. In my statement to the board of inquiry I said that I spent an average of one day a week in fuel tanks on F111s. If you work that over the eight years, I was in fuel tanks for 320 days minimum. That might have been one hour one day. It might have been five hours the next day. It might have been three hours the next day, but over a week on average it would have worked out quite easily, as an underestimate, at one day a week, and that would have involved the pick and patch work. It would have involved fuel tank repairs, if there were any repairs in there. It would have involved inspection work, but there is quite a large amount of pick and patch work obviously involved at that stage on it.

Going back to the last person's statement where he said if you had a leak on the outside of the plane you would also have to be looking at several places on the inside to try to get it, so it was not an easy job. Quite often you would not do a small area, because we had the tanks open and trying to do major inspections so you would normally do a fairly large area of repairs to make sure you did not have to fill up the tank and then do a deseal on it again to redo it. As to the problem with the panels, I am not sure if you are aware of the panel structure all around the fuel tanks, but basically what it had was either a riveted panel or a screwed on panel depending on what it was, but 90 per cent were riveted via the main access ones.

The panels had the flat layer, but within the centre of the panel they had a small tube-type thing. The idea was when they originally set up the F111s all along the side of the panels they had little grub screws where you could pull out and inject the sealant. This was going to be the way to fix any repairs when reversion started happening to it. The problem with these small channels—and they would have only been about 2 millimetres in diameter going all around all the panels within the aircraft—was that the sealant reverted. The figure that I have read somewhere over the years was that the reverted sealant, even though it might have been only in that small area, then put a 50,000 pound pressure on the other sealant all along the line, and it kept pushing all the other sealants out. That is where the problem of detecting leaks and fixing leaks was a major issue.

Senator TROOD—Thank you.

CHAIR—Further questions? Thank you for your evidence. There will be a copy of the transcript provided to you and you will have the opportunity to make any adjustments. Do you wish to add some comments?

Mr Stenzel—There were a few other things in that early stage of the F111 side of it, and I think it relates to how things evolved over time there. The example that I have given in my statement is that we used to do a grit blasting process on all the D6AC steel there. It had to be done on all the steels there quite often and quite regularly. When we first started off on it we used the dust masks, goggles and things like that. It was in the old tin hangars before they built the new one. You would find the grit would go through the entire hangar, and so then we would set up tents outside. We got the cartridge masks and better face shields and eventually got to the point where we built a cabinet to do all of this grit blasting in. After that grit blasting I can remember sneezing out grit for days afterwards. That grit would go through the hangar, but there was nothing laid down on what we could do, so we had to evolve what we went through in each process to improve it to try to get to a better standard. We were doing that mainly ourselves.

There were similar things in the early stages of even the deseal side of it within the hangar before it got into the main program. We were trying to work out what was the best way of doing it as we went along. From that point of view, on the deseal side of it the procedure for doing the actual work on the aircraft was quite good and clear, but when it came to the deseal and chemical usage I went through every publication that the F111 had and there was nothing very clear on chemical usage in it.

The other thing that goes on from there is that when I was in projects in Melbourne I was in an area where we were looking at request for tenders for the projects there. One of the jobs I did there was looking at hazardous goods, how they affect people and how they should be put into requests for tenders. I left in 1991 and I believe my section got closed down and I do not think that was ever completed from that stage there to have a detailed list of chemicals put into a request for tender and their effects on personnel right from the early stages of it. Obviously they were still talking about that in 2000.

When we were using chemicals there was very little knowledge of the effects on us. That came into vogue a lot later than that. As to the chemical that I believe I was using with the water tank, and trying to piece it together in my mind, we ended up with the equipment there, and a service manual on how to use the equipment. Obviously, we would not have used it unless it was authorised in some way, so somewhere along the line we got authorisation to use that equipment early. The official procedure did not come out on that until 1979, which has been given to me by the minister. I have got it somewhere from the board of inquiry, but I could not find the exact point where it was. The TLO, the Technical Liaison Office, over in America was sending equipment from that early stage over there for the Air Force to assess and test and things like that. As the water tank was a minor issue what I believe has happened is that we have ended up getting a small tin of whatever chemical was used at that point and just told: 'Okay. Here. Use it.' We were not actually told what effects it would really have on us.

As far as medical issues are concerned, I get concerned about whether the grit I was using is going to affect my lungs later. I get little pinhead rashes over my arms quite often. They are always there, but they quite often get like a burning acid feel and they can last for about three weeks or so at a time. I treat them like a dermatitis. At this stage I am not getting past that.

As far as family issues are concerned, I do think there have been effects from where we were laundering clothing all together. There have been medical issues for my wife. Both my children have got quite a lot of medical issues. My local doctor has put something in to my board of

inquiry statement saying that she believes it was chemical related to the exposure that I had there. Just to finish on that, the specialist has told us that they are rare conditions. But they are beyond rare, because they do not even fit any textbooks, so we have had to juggle outside that area. The other thing was in 1975 I had a blood test.

CHAIR—Is this in your submission?

Mr Stenzel—Yes, but all of this is relevant.

CHAIR—I realise that, but it is referred to in your written submission, so it is not necessary to restate it all.

Mr Stenzel—The blood test was the other issue that I had in 1975.

CHAIR—Is that the one where you had a high lead count?

Mr Stenzel—Yes.

CHAIR—It is in the submission. All I am saying is that you can be assured we have read your written submission and we are aware of it.

Mr Stenzel—Okay.

CHAIR—Thank you, Mr Stenzel, for your evidence.

Mr Stenzel—Thank you for your time.

[10.11 am]

GRADY, Mrs Amanda Joy, Private capacity

GRADY, Mr David Anthony, Private capacity

CHAIR—I welcome you both to the hearing. Although the subcommittee does not require you to give your evidence on oath, I advise you that these hearings are legal proceedings of the parliament and therefore require the same privilege that would be accorded to proceedings of the parliament and have the same standing as proceedings of the parliament. The committee has received some submissions from partners and family members of those involved in the program, and that is an important consideration in our deliberations and we welcome the opportunity for you to provide some perspective on that. Are there any opening comments that either of you would wish to make?

Mr Grady—Yes, I will go first. I want to touch on the ex gratia payment and the use of the term ‘unique working environment’. That is what it was put up for. It was claimed as a unique working environment. I just want to step through the processes that I did from 1977 to 1980 as an airframe fitter based at 482 Squadron. Then I volunteered to go down and help them at 3AD for a six- to seven-week period in 1978 as well.

I know people before me have said it previously, but initially the aircraft would come in and it would have leaks and we would then chase the leak down up through the fuselage wherever you could possibly find an end to it and then physically mark that end. We would then open up the panels. Before that we would defuel the aircraft, because it would still be full of fuel when we chased down the leak. That is when the fuel would start coming out of the aircraft. We would then open up the fuel tanks after defueling. We would put a Hoch-Hansen in there for about half an hour just to get some of the fuel vapours out of it and then one of us would go in the tank with no PPE whatsoever and generally we would take off our shoes and socks and wade through the fuel to try to locate where the actual leak was. There would be someone on the outside of the aircraft who was tapping and locating where the external fuel tank was and from there you would get in that position inside and trace it back up to find out where the nearest bad sealant was.

From there we would then try to soften the sealant using some chemicals, whether it was MEK. I am not sure of the actual chemicals that we used to try to soften it, but we did try to soften it and it did not have much effect, because in the pick and patch process we were using timber spatulas and some Perspex, and you would make your own up as you went along depending on how wide you would need to take off the sealant or how small you needed it to get in behind the rivets and things like that. You might have had three or four different picking tools that you had made up yourself, your own personal tools so to speak, and then you would take off the sealant around those areas and use the softener, which did not particularly work all that well.

Once we got all of that out of the way we would then clean it with MEK and apply another primer to it. We would then mix up our own sealer, using the A and B goop compounds. We would mix them both up and then apply our own sealant to the process. Depending on how large

the affected area was, it would be at least one shift. We worked in two shifts at 482, basically about 7.30 am till 4.30 pm and then 4.00 pm till 12 midnight. We would continue the work with the Hoch-Hansen and we would turn that up to heat to let the sealant go off after a while in there. After all of that was complete you would then refuel the aircraft and then check it again for the same leak. Hopefully it would not leak in that same area, but a lot of the times it did leak in that same area.

That was the 482 side of things and that would take at least one shift. Right from earlier on I added up exactly how much time I spent on average inside the fuel tanks, and that was between 700 and 1,000 hours. That was a very low limit that I put on that as well. Basically, it evolved such that around 20 per cent to 25 per cent of my time at 482 I spent actually inside the tanks. Over the two and a half years that I spent there that equated to between 700 and 1,000 hours.

CHAIR—Thank you. Mrs Grady?

Mrs Grady—I will not touch on the fuel tanks as I was not with David then. I would like to concentrate on the way that we have been treated since we found out about it. In a way it is almost would have been better if we did not find out, because the way we have been treated has only exacerbated David's problems. With the physical problems with the lungs, bowel, rashes and eyes there is something that can be done relatively easily about it, but it is the mood swings and the depression that the families have to live with that is very difficult.

DVA has treated us as liars pretty much. They came to the hospital to let us know how we had gone with the ex gratia payment claim. They decided that it would be best to come to the hospital while David was on suicide watch to tell us personally. They informed us that we needed to have the psych staff present because they thought it would be needed when they told us that he was not successful. I asked them whether they were calling David a liar, and they said that they knew that he was not a liar, that he had done the work, but because he did not fit the criteria that was it.

CHAIR—Did they explain which criteria?

Mrs Grady—No, it was always just 'the criteria'.

CHAIR—He did not fit the tier 1, 2 or 3 criteria?

Mrs Grady—I mentioned to them that it was a bit hard to be part of an official desal program when there was none set up at the time. That was not a nice time. I consider myself lucky to not have been present when David was doing this job, because I have not been exposed. Other wives that I have been in contact with have been. Some have died of cancers. There are some with rare cancers, and children have been affected, too. In a way I consider that it was lucky for me to not be exposed to the actual physical chemicals.

Senator FORSHAW—I am sorry to interrupt you. I thank you both, as we thank everybody, for their submissions, because you have a lot of detail in here and have covered the history. When did they come to the hospital to present that rejection letter to you?

Mrs Grady—That was in September 2006.

Senator FORSHAW—That is right, because there is another letter attached dated 18 September 2007.

CHAIR—That was a review.

Mr Grady—That is a rejection of compensation.

Senator FORSHAW—That was different?

Mr Grady—That was after, because all of the claims that I put in to DVA were held back until the SHOAMP. So, it was after the ex gratia was announced that they started dealing with the outstanding compensation claims.

Senator FORSHAW—Is that the one where you had finally gone to a lawyer?

Mr Grady—Yes, that is right.

Senator FORSHAW—A letter signed by Susan Baynes states:

On 20 August 2007 I reconsidered the determination dated 15 February 2007 and my “reviewable decision” affirmed that determination.

I am clear now. This is a review of the compensation claim, but that was different to the rejection of the ex gratia payment?

Mr Grady—That is correct.

Senator FORSHAW—I will paraphrase it as I would rather not quote it. The suggestion is that it may have been due to some financial issues.

Mr Grady—That is right, which is the first I heard of that as well.

Senator FORSHAW—That is what I was going to ask you. Had it ever been put to you earlier, either for the ex gratia payment or anything else, that maybe your depression had resulted from some other issues?

Mr Grady—Absolutely not.

Senator FORSHAW—That is what I wanted to clarify.

Mr Grady—That is one of the things that I could not believe in this letter, why they would pull something like that out when I know that it had absolutely no bearing on it.

Senator FORSHAW—The doctor’s letter that is referred to, Dr Estensen, also has a reference to that in it. Is it a male or a female?

Mr Grady—It is a male.

Senator FORSHAW—Dr Axel Estensen, in his report, states that, based on discussions with yourself and your wife, ‘There is no evidence of excessive financial stresses.’

Mrs Grady—Yes.

Senator FORSHAW—You have clarified exactly what I wanted to know. Thank you.

CHAIR—Senator Bishop?

Senator MARK BISHOP—I want to follow Senator Forshaw’s line of questioning. I read both of your submissions quite carefully and they were both very coldly logical in the way you traced the history of events, and also deeply emotional. I can understand that there may well be a scientific or medical linkage between exposure to the chemical or solvents and then physical harm in the cancers, the growths, the bowel problems and the things you refer to. I understand that linkage between A and B, but when you read your submissions, particular yours, Mrs Grady, you refer to the harm to the family, to the destabilising mood swings, the problems with your children leading to the problems that you referred to in the hospital with your husband and they are essentially emotional or mental problems. Have any of the doctors you have been seeing, the experts from DVA or Defence or any of the counselling organisations drawn a link not between the work and the physical ailments but between the work and the consequential emotional and mental distress that you and your family have suffered and are really significantly drawing to our attention here to try to find a solution or a remedy? Have they said that to you?

Mrs Grady—No.

Mr Grady—No.

Senator FORSHAW—No?

Mrs Grady—No.

Senator FORSHAW—Clearly, you have received advice on the physical problems, the bowel, the cancer and that sort of thing, but no advice or assistance on the distressing, to me, consequential family, emotional and depression problems?

Mrs Grady—No. I have been told that I can go to one counselling session, as can the children.

Senator FORSHAW—We will cut to the chase. In terms of the matters that we have to consider in due course, are you seeking that we address as part of our recommendations to the government issues relating to the family distress, mental depression and these types of problems? Is that part of your submission here or am I misreading it?

Mrs Grady—Yes. What I wanted was to fix the way they are handling the claims with the men, because the way they have handled it and what they have made the men go through has only made the problems worse. That is what needs to be fixed. When we put the claim in for the ex gratia payment we would follow it up: ‘Yes, that is fine. Very good. Not a problem.’ Then months down the track there is a problem. There was a constant seesawing. People in that state

of mind are being given them hope and then having it taken away. Then David would supply the next lot of information that they asked for. We did that straightaway and were advised: 'That will be fine. No problems.' Then I would call them over 60 times without a reply. Then I would get an answer and he would say: 'It is on the minister's desk for signing. It's fine.' Then you would get a call back to say that we need stat decs to prove that David did the job, and so we would supply the stat decs thinking that that must be the last hurdle. This went on for months and months. To do that to people in that state of mind, to be giving them hope and then to just take it all away, created a never-ending up and down. Even with the meetings out at Amberley you would come away thinking, 'Right; it's all sorted now', and then of course it was not. It has just been a constant roller-coaster ride of giving people hope and then taking it away.

Mr Grady—It has put our whole family through absolute hell.

Mr BALDWIN—During your period in the RAAF did you raise any health concerns at all?

Mr Grady—Yes, with the fumes, because I was having reactions to it with my eyes. In fact I ended up having blepharitis in the eyes as a result of the chemical that was used.

Mr BALDWIN—Was that noted on your medical records?

Mr Grady—Yes, at the time. I asked whether there were any other respirators or anything that we could use, because I was having a lot of problems with it at the time, and there was. They did bring out a half-face respirator, which had hoses to a pump external to the aircraft. But once you get all of that on you cannot feel that you are doing the work. When you get inside the tank it takes you something like 15 minutes to get to the actual point that you need to deseal and reseal because of all the plumbing and everything that you have got to get around, and pulling hoses around you and things like that. Quite often it was very confined and you would be up here somewhere dealing with it and you could not physically turn around because of the respirator on your face so you would take that off and then you could see quite easily.

Mr BALDWIN—When you would take the mask off did your superiors at any time say to you that you must wear the protective equipment?

Mr Grady—No, never.

Mr BALDWIN—Were you ever instructed to take the equipment off to get in and do the job?

Mr Grady—Yes.

Mr BALDWIN—How often would that occur?

Mr Grady—Probably once every tank entry.

Mr BALDWIN—What was the response from your superior officers?

Mr Grady—Once again it was just back to it was a job we all had to do. 'Yes, we've all had to do this, so it's a cross that we bear and get in and do it,' basically.

Mr BALDWIN—With respect to the visits and medical reporting on your record relating to your eyes, were there any other issues that you addressed with base doctors or health care professionals while you were in the service of the military?

Mr Grady—No, not really.

Mr BALDWIN—Your medical record would only show the blepharitis?

Mr Grady—Yes, and the fact that I was coughing too much.

Mr BALDWIN—In reading the submissions that you have made you have talked about respiratory distress being treated as asthma for a long period. What is the respiratory condition?

Mr Grady—They do not know. They just put it down to a chronic cough that cannot be identified. They tried a number of things on me and they tried a number of techniques to measure it, and some of the chemicals that they gave me my body had an instant reaction to and I had a massive blow-out in the back of my head almost like an aneurism, and that was because of the chemical I inhaled as part of that treatment.

Mr BALDWIN—Are they saying that the chemicals may have coated the alveolus in the lungs and therefore are inducing a receptor issue when you breathe other perfumes, fumes, irritants or anything like that?

Mr Grady—No. I gave the lung specialist that Veterans' Affairs sent me to a list of things causing me problems and said that anything I ate or inhaled would set my lungs off, and he did not report on that. He just put a note in his report that I have difficulty with other chemicals.

Mr BALDWIN—Have you applied for white or gold card status with your medical condition?

Mr Grady—I have a white card for my eyes only.

Mr BALDWIN—Eyes only?

Mr Grady—Yes. Everything else has been rejected by DVA.

Mr BALDWIN—It has been clearly rejected?

Mr Grady—It has been clearly rejected because I was not eligible as tier 1, 2 or 3.

Mr BALDWIN—They do not accept your lung problem as being caused or aggravated by your work environment?

Mr Grady—No.

Mr BALDWIN—Even though, besides your eyes, you claimed about respiratory conditions or fumes when you were actually on the base?

Mr Grady—I did, yes.

Mr ROBERT—In 2003 you were invited to a RAAF reunion where you found out that others had similar concerns. I gathered you were not part of the SHOAMP study, which obviously started two or three years earlier?

Mr Grady—I was not aware of that at the time.

Mr ROBERT—Mrs Grady, on paragraph 9 of your submission you make the startling statement:

The Chief of Air Force Angus Houston even told us at one meeting that it would be advisable for us to get financial advice because of the large amount of money which would be offered to those who had been exposed and were suffering health problems ...

Mrs Grady—That is correct.

Mr ROBERT—Are you saying that the CAF actually rolled that out?

Mrs Grady—Yes, at the meeting at Amberley.

Mr ROBERT—Can you explain to the committee how that occurred? What was the nature of the meeting and what was being discussed?

Mrs Grady—We were called to the meeting at quite short notice because a decision was about to be made. I think that was why the meeting was called. Not everyone was invited to that meeting, only level 1.

Mr Grady—Only the group 1.

Mrs Grady—Group 1 were invited. David had been placed in that group.

Mr ROBERT—Do you remember what date that was?

Mrs Grady—No, I am sorry. I do not know the date. Someone else here may know the date.

Mr Grady—It might have been December 2004.

Mrs Grady—Yes. He advised everyone that, because of the amount of money that was involved, we should all get ourselves financial advisers.

Mr ROBERT—Did he explain where the amount of money was coming from and when it was to be paid?

Mrs Grady—At that stage he was talking about the ex gratia payment. I think that is what that was about.

Mr ROBERT—When he spoke about the amount of money, did he give any indication as to who would receive anything?

Mrs Grady—No.

Mr Grady—He mainly addressed who was in the room at the time.

Mrs Grady—Only the group 1s had been invited to that meeting so we assumed that was it.

Mr ROBERT—My understanding was that group 1 was anyone who was eligible for the interim health care, which is to date about 1,000 or 1,100 people. That was my understanding of group 1 from the SHOAMP study.

Mr Grady—Yes, I think that is correct.

Mr ROBERT—Then of course from that the SHOAMP study only specifically covered the four program people.

Mr Grady—It did specifically cover the four program people, but it also made reference in a number of areas in the SHOAMP to the pick and patch work as well, and recognised that these studies should also be directed to those people.

Mr ROBERT—My understanding is that the SHOAMP study specifically excluded the pick and patch people in that the target group were only those on the four formal programs?

Mr Grady—It was, yes, but they did make reference to the pick and patch workers.

Mr HALE—Thank you for your evidence. Just quickly in regard to the white card, had that been approved by the DVA, who agreed that your eye condition was caused by your employment as a desealer and resealer?

Mr Grady—No. They accepted that condition prior to the release of the SHOAMP study and they made no reference at all to deseal-reseal activities. They in fact made a reference to general airframe activities being exposed to different chemicals.

Senator TROOD—You have commenced common law proceedings; is that right?

Mr Grady—That is correct.

Senator TROOD—Is that against the Commonwealth?

Mr Grady—Yes.

Senator TROOD—What is the status of those proceedings?

Mr Grady—We instigated those proceedings shortly after the ex gratia payment was announced, because we thought it was a simple slap in the face—the \$40,000. Since then we

have filled in all the forms and done everything required by us under law to get a reaction back from the Australian Government Solicitors. It has been sitting with them up until very recently, just sitting on the backburner with them, and nothing has become of it. But recently it went from the AGS to DLA Phillips Fox and they had a meeting with them only a few weeks ago. They are now saying that they have been advised to further the claim, which means that I will have to go back and get retested again for every claim that I put in.

Senator TROOD—Is that as part of the proceedings?

Mr Grady—Yes.

Senator TROOD—Have you been in touch with any of the other people who are pursuing the Commonwealth?

Mr Grady—No, I have not.

Senator TROOD—You do not know any of the other plaintiffs in the proceedings?

Mr Grady—No.

Senator TROOD—Has your solicitor given you any explanation of the speed at which this matter is proceeding?

Mr Grady—I did ask him about this about a year after. I asked where it was at and what was happening with it and he just explained that basically we have all been put into a bundle and the government does not know what to do with that bundle of people just yet.

Mr BALDWIN—When you say ‘we’, how many are you talking about?

Mr Grady—Thirty-odd.

Mr BALDWIN—Is your solicitor acting for any of the other plaintiffs or just yourself?

Mr Grady—No, he is not, just myself.

Senator TROOD—Has he as yet given you any indication that there might be a trial date in prospect in the near future?

Mr Grady—No, nothing like that at all. That is a long way off down the track—a long way. I have to now go back. They are going to review it. This only happened a few weeks ago. They want to review the situation, which means that I will have to start from scratch again and go back and get all the doctors’ reports again, because they cannot go off the other doctors’ reports, which are more than two years old. I will have to go through the whole system again. Then we asked them whether they can get advice on whether they are going to use the statute of limitations against us. At the end of the day we can go through all of this again and we can fork out tens of thousands of dollars with our lawyers and then they can go say: ‘I’m sorry. We are going to argue statute of limitations.’

Senator TROOD—Has your solicitor advised you that that is a possibility?

Mr Grady—Yes, absolutely.

Mr BALDWIN—Have you been in touch with the advocacy services provided by Defence through the Air Force?

Mr Grady—Only earlier on after my meeting at Amberley at the reunion. That is when I put my claims in, after talking to the Air Force advocate.

Senator FORSHAW—Is that where you were asked whether or not you had consulted a lawyer and you said, no, and they said that that was a good idea.

Mr Grady—Yes, that is exactly right.

CHAIR—Mr Robert?

Senator FORSHAW—So, it was a good idea that you had not consulted them.

Mr Grady—Yes.

Mr ROBERT—You were eligible for the interim health care scheme, and of course your wife and family were interested. Under the interim health care scheme you are eligible under group 1 for certain medical assistance, and your wife and family under group 2.

Mr Grady—That is correct.

Mr ROBERT—I believe that in 19 August 2005 interim health care was replaced by the SHCS, so everyone would have transferred through to that. Did you and your family transfer to the SHCS?

Mr Grady—Yes.

Mr ROBERT—However, there is no scope for treatment under the SHCS for heart, chronic respiratory and infections for all new registrants, so anyone who registers after 20 September 2005 obviously gets no support under it, which I find extremely odd considering the latency involved in diseases that may come up.

Mrs Grady—Also, David still has ongoing bowel problems. After the first lot of tests they found no cancer, luckily, so I asked them when they would retest. Obviously, having had polyps removed it is important to be retested. They said that because they did not find cancer they would not be retesting.

Mr ROBERT—Really?

Mrs Grady—Because there was no cancer found, that would be the end of it.

Senator FORSHAW—Senator Bishop asked you about linkage between exposure to chemicals and the work you were doing and depression, and whether or not that had been put to you. You said that you could not remember or know. But in that letter that I referred to earlier from Ms Baynes, of the Compensation and Rehabilitation Service, there is reference to Dr Estensen's opinion about a possible causal link between the exposure to toxins and your illness. Would you be able to provide us with a copy of the psychiatrist's report?

Mr Grady—That is in here.

Senator FORSHAW—Is that in your submission?

Mr Grady—Yes, that is with this.

Senator FORSHAW—My apologies. I have found it now. Thank you very much. I saw the reference in the letter. We have that.

CHAIR—Mrs Grady, in your opening comments you referred to the incident where your husband was in hospital when DVA chose to hand deliver the advice that his application for ex gratia payments had been declined/refused. Obviously they were aware that your husband was in hospital, but would they have had any knowledge of the reason for his being there?

Mrs Grady—Yes. David disappeared and when they found him he was put into hospital. He was there for an hour and I was rung and told to come and pick him up because he was fine. This being the third suicide attempt, I refused to go and get him. That is when I spoke to DVA and Vietnam Veterans, who were fantastic. Their counselling service said to leave it to them and that they would be working with DVA and they would find somewhere for David to get treatment. Yes, I would say they did know why David was in hospital.

CHAIR—Are there any other questions? As there are no other questions, I thank you both. You did note in your submission that preparing the written submission had been a difficult task and not an easy thing for you to do, and I am sure that today has been no easier. We certainly appreciate the fact that you have come along to give us your testimony and on behalf of the committee I thank you both.

Mrs Grady—Thank you.

Mr Grady—Thank you.

Proceedings suspended from 10.48 am to 11.13 am

FUNK, Mr Melvyn Francis, Private capacity

CHAIR—I will reopen this hearing of the Defence Subcommittee's inquiry into the F111 reseal-deseal matter. Mr Funk, welcome, and perhaps tell us in what capacity you appear.

Mr Funk—Thank you. I served in the Air Force for just over 21 years. I started as a boy apprentice in 1955, became an electrical fitter, worked out in the field and became an officer, graduated from RMIT in mechanical engineering and reluctantly resigned my commission in April of 1976 as a consequence of my involvement with the F111, which broke me.

CHAIR—We will not go to the opening statement just yet. As this point I will advise you that you are not required to give your evidence on oath. I would also advise that these hearings are legal proceedings of the parliament, have the same standing as proceedings of the respective houses and require the same level of integrity and honesty as if under oath.

Are there any introductory comments that you would like to make?

Mr Funk—Yes. I have added to my original submission, which has been distributed to the members of the committee. I would like the opportunity to walk through this document to give you a bigger picture of what the conditions of the F111s were when they first arrived at 482 Squadron in mid-73. The work carried out, which was all unexpected, was not just contained to the leaks in the fuel tanks, but there were also major structural defects and major avionics flight control defects, just to name a few. I have only covered this in very broad terms, understanding that this is some 35 years ago. As I said, in isolation, trying to put all this together, this was the best that I could do to just give you an idea of the very poor conditions that the aircraft was in when they arrived in Australia.

I will just walk through this. I have added another submission which is on folio 1 and which is dated 24 July that describes the work that had to be carried out as a consequence of the defects on the aircraft structures and aircraft components and also the defects for the aircraft avionics flight control systems. I added additional notes to the leaks in the aircraft fuel tanks and that is that it was not just contained to the main tanks of the fuselage, but all the tanks in the aircraft. If you open that submission you will see a drawing of the F111 on page 5. That came from the board of inquiry of 2001 which gives a very good description of what reversion sealants mean and why the tanks were metal to metal, why General Dynamics designed the tanks that way and all the problems associated with it.

Folio 2 is a very important document. In my search for documentation, which I believe the committee is very interested in, I found from my reply from the Commonwealth Archives some of these documents which I had previously requested on the first two pages. I will walk through that and talk about that. The health issue again came from the last report in 2001, which only covered the deseal-reseal per se, but 482 Squadron who started this work in 1973 suffered the same illnesses. Folio 4 is a photograph of the officers at that point in time, February 1976, and you will see me fifth from the right in the front. Some of these officers, which I will name later, had a detailed knowledge of the work which had to be carried out and some of them continued with that work when I was reassigned.

Perhaps I will start, with your permission Mr Chairman, by going through the additional submissions and just give you some idea if we go to the first page, in the paragraph headed 'Defects, Aircraft Structures and Aircraft Components', I only gave three examples of major structural defects on the aircraft. There were many more, but that is all I could remember when I started to write this in isolation as quickly as I could just to give you an idea. There are many people here from 482 Squadron that would have a far more detailed knowledge than what I would because I am going back some 35 years. If I formed a small committee with these people I am sure we could remember a lot more. That is not necessary because the documentation, which I will talk about in Folio 2, will give you the information which you are seeking. With regard to the defects with aircraft structures, we have already had Mr David Stenzel talk about the heat exchanger in the wheel well of the F111, which was terribly corroded, in a shocking state and a very difficult task to accomplish. Just to get to the heat exchanger alone was a very big problem, as I described there very briefly from what I could remember. You had to remove components to even get to it and when you did get to it you had to be very flexible to work in the tank. It was very tight, as has already been described by Mr David Stenzel.

The other one, which was very alarming of course, was the delaminated flight control systems. The vertical fin, the rudder, was delaminating. It was unbelievable and that is how it came from America. All of that had to be stripped back and fixed. I might read that to just give you a bit of an idea.

CHAIR—You take us to Folio 2. It lists a number of documents.

Mr Funk—Yes.

CHAIR—What exactly are those documents about?

Mr Funk—Thank you for asking that question, because this is a very important part of the investigation. When I was preparing my submissions to DVA many years ago, many questions were asked about where I was and what I did; they wanted proof, proof, proof. I thought the best thing to do under the freedom of information was to request some information on the repairs that had to be carried out on the F111 over a period of 12 months from 1973 to 1974. I thought if we locked in that window that would not be too difficult to search, because that was when the major reports were written. There were many reports written. Many defect reports were written. Many letters were written. There was a huge interest placed at 482 Squadron on the F111 by politicians and all other members as well who had an interest in this aircraft because it was in a shocking state.

Nearly two-thirds of the aircraft were grounded when they arrived. That is unbelievable. If you ran a fleet of cars and you were buying a sophisticated model from overseas and you had all your clients available, when they arrived on shore you would never accept them. I will leave my comments there. There are a lot of words that have already been said about this aircraft.

On the documentation side I will show you, Mr Chairman and members, some of these titles. Notice in green there taken from the top, 'Organisational 482 Squadron'. That is very important documentation. That will give you what the structure of the organisation was, how many people were there and, hopefully, the names. The aircraft accident and incidents on the F111C is very important. It will give you the reasons why those accidents and incidents occurred.

CHAIR—Is there something here that tells us the time frame for these documents?

Mr Funk—What I asked for was the period from 1973 to 1974. The reason why I asked for that period of time was it was the time that I was on the floor when the commanding officer directed that I take over the senior engineering officer's job as he was suffering a medical condition.

Senator FORSHAW—Is that the two calendar years of 1973 and 1974?

Mr Funk—No, one calendar year.

Senator FORSHAW—Is it from 1973 to the start of 1974?

Mr Funk—Yes. What I was hoping for is that we would get the picture over a 12-months period for, say, from the end of 1973 to the end of 1974. It is a calendar period of time.

CHAIR—For 1974?

Mr Funk—Yes. The next one I colour coded red. If you open up the folio you will see where these documents are. The first one is the establishment of 482. We had the organisation and then the establishment. They are very important documents there involving the servicing, nose landing gear, the engines and flight testing. The MCS, Maintenance Control Section, stagger chart gives you a picture of precisely what the conditions of the aircraft were on a daily basis. In other words, what was flyable, what was grounded, why it was grounded, what was being repaired, what was in scheduled service and so on, and of course this is quite alarming because when they arrived in four stages of six, of the first six that landed four were immediately pushed into the hangar, grounded. We had two out of the flight line at various stages of disrepair.

The next lot came with a similar story. At the end of October when the 24 aircraft arrived the hangar floor was full of aircrafts broken and the others outside the hangar. There was no room in the hangar. 482 Squadron was only manned and equipped to carry out routine servicing of the aircraft, which meant pre-flight, post-flight and what was known as C servicing and then D servicing, and the major servicing after that would have gone to 3AD. All of the work that 482 had to do, some of which I have described here in very broad terms, was completely unexpected. There were major works. We had lack of staff and lack of knowledge, which made it very difficult.

CHAIR—Are all of these documents on the two pages in Folio 2 for the calendar year 1974?

Mr Funk—That is what I asked for. I only received a reply from the National Archives as attached. We only got replies to the ones in red, green and brown. The brown one is a very interesting one. Please open that one, Mr Chairman and gentlemen. It says:

I refer to your inquiry regarding inspection and rectification work undertaken by 482 Squadron on the F111C aircraft 1973-1974.

This is the crux of it. There is a reply which states where these are held. Whilst the aircraft documentation was destroyed, as I read in the report by Air Vice Marshal in 1990-something,

these documents here will provide the whole history of the F111. There are more but these are the only ones that I have asked for at this point.

Senator MARK BISHOP—Have you read the material in all these boxes?

Mr Funk—No, sir. One of the other letters tells me the cost of getting them.

Senator MARK BISHOP—How do you know what is in the boxes?

Mr Funk—Only from the letters from the National Archives.

Senator MARK BISHOP—Is that what we have here?

Mr Funk—Yes.

Senator MARK BISHOP—It does not state what is in the boxes.

Mr Funk—No. If you take the green one, it says that these are ‘Organisation 482 Aircraft Accidents and Incidents’. They contain potentially sensitive information.

Senator MARK BISHOP—May contain.

CHAIR—We can look at pursuing that with National Archives down the track. Are there any other opening comments that you would like to make in respect of your original submission?

Mr Funk—It would be worthwhile for me to expand on the work involved, even though I have written it in very broad terms. At that point the senior engineer officer had my involvement, which is on page 3 or 4.

CHAIR—You were there as one of the officers overseeing what was going on in those early days of the first arrival.

Mr Funk—Yes.

CHAIR—In those early days was the issue of fuel leaking and the requirement for repairs evident?

Mr Funk—Yes. All of these matters were running in parallel; that is, leaking fuel tanks, major structural defects and major avionics flight control defects, all of which had to be fixed.

CHAIR—That is very early on. What are we talking about, months after their arrival?

Mr Funk—When they landed. The aircraft was inspected and a full audit carried out on the aircraft by our people at 482 Squadron. When the reports came through the alarm bells rang. We could not believe what we saw. That was all recorded, reported and went to higher authority. The huge pressure was imposed on 482 Squadron immediately the aircraft arrived in batches and so therefore the senior engineering officer at that stage that was on the hangar floor had this

mountain of work in front of him, lack of staff, lack of spares and lack of equipment and he succumbed to it, unfortunately.

CHAIR—Did the pick and patch start while you were there?

Mr Funk—Yes. They started well before I was sent to the hangar floor. I was sent to the hangar floor at the end of 1973, I believe, and I stayed on the hangar floor for about 12 months, so I was exposed to all of the concoctions of chemicals that were being used on the aircraft right through. And it was not just contained to the work in the fuel tanks or the heat exchange unit. In fact chemicals were used as per the recommendation of the manufacturer to clean the aircraft. You had to strip the aircraft back and repaint it. All the corrosion control techniques were chemically based, including the D6AC steel, which I just gave a very short picture where someone had inscribed his name and it penetrated through the aluminium coating. This is in America. This is a very high strength steel fracture. It will fracture very quickly. It is amazing, but that is the technology at that point in time.

The workload was immense. It was huge and unexpected and it was pressure all the way through. For what it is worth, there was no office for me downstairs because the senior engineering officer was still there, of course, so the CO put me in a tiny little hole in the wall, which is an old tool store, and it was known as the 'Funk Hole'. When I left that they actually made a plaque and put it up on the door. The aircraft were just out the door. You could put your hand out and touch it and the hangar was full of aircraft in various states of disrepair and configuration. There were some with wings off, some with wings worked back et cetera, depending on their condition.

It was a noisy environment, as you can imagine, with huge amounts of work going on, so the management of that and the leadership of that became very important. I was directed to take over that role to lead the taskforce and to attend to the deservicing, which had not been carried out previously—it was a brand new one—and also all repair work that had to be carried out. You have got to work in an orderly, systematic manner.

CHAIR—In your own case what exposure would you have had to the chemicals?

Mr Funk—It was every day. It did not matter where you were in the hangar floor, everybody suffered. There was spill-over. The fumes just penetrated the air. The fumes were everywhere. Everybody that was working on the hangar floor, within or in the vicinity of the aircraft, was exposed, but some more than others of course. The ones that were carrying out work directly in the fuel tank or the water head exchanger were directly exposed. Everybody was exposed to some degree, some more than others. This was the same in the workshops as well, because when I was taken off that assignment after 12 months and I was reassigned to the TF30 engine workshop, which also had major problems, the workshop environment was the same. Chemicals were being used right through. The fumes were there.

CHAIR—What happened in those early days with the disposal of the chemicals, the clean-up and related matters?

Mr Funk—I think some of the other fellows may be able to answer that a bit better. My details are not that good after 35 years.

CHAIR—I just thought you may have had some knowledge of it from your time at the hangar. Are there any questions from committee members? Mr Funk, are there any final comments that you would like to make?

Mr Funk—I think the purpose of my being here is to try to assist and help to give you and members of the committee a bigger picture of the aircraft when they arrived in Australia and the work that had to be carried out by 482 Squadron. It was not limited just to repairing the fuel tanks, which was already a huge headache and a political hot potato, as has been stated in the report from 2001, and that is true. The defects extended throughout the whole aircraft and work had to be carried out. Therefore, everybody that had anything to do with the aircraft or its components were exposed. It does not matter whether you were on the hangar floor, the engine workshops, the avionics workshops, the armour workshops or anywhere else. The flight line was the same situation. You were smelling the fumes all the time; it did not matter where you were. With respect, the hypothetical limitations which have been set are unrealistic. I think it is very fair to say that everybody that worked on the F111 and the various workshops were exposed to chemicals, fumes from the tanks as well, right through in various degrees. Therefore, no one escaped it.

Senator FORSHAW—What about the pilots?

Mr Funk—The air crew, certainly. When they walked out to the tarmac they would be inhaling it. For the take off there would be no problem; they would be on oxygen and everything else. When they came back and once the aircraft was at full stop after it taxied in, they got out and of course you would smell all the burnt fuel which stunk like hell, all of the chemicals and fumes which were in those areas. Yes, when they came back from their sortie and went back to debriefing et cetera, they would be exposed to it.

Senator FORSHAW—Do you know if they complained?

Mr Funk—Did they ever complain?

Senator FORSHAW—Do you know?

Mr Funk—No. I suspect a few, but they were complaining and certainly bashing us for lack of aircraft, which believe you me created a huge amount of pressure on 482 Squadron. It strained the friendship right across the board.

CHAIR—Thank you for your evidence, Mr Funk. There will be a transcript of your evidence that will be made available to you and you will be able to make any minor adjustments that may need to be made. It might serve the purpose of this inquiry if we take this late material as an exhibit for the purposes of our public hearing. We thank you for that advice as well.

Mr Funk—Thank you.

[11.38 am]

CORRIE, Mr Glen Richard, Private capacity

CHAIR—Mr Corrie, welcome to the inquiry. Could you tell us the capacity in which you appear?

Mr Corrie—I am appearing as a witness as I served as a firefighter at Amberley through 1983 to 1985.

CHAIR—The subcommittee does not require you to provide evidence on oath. However, I do advise you that these hearings are legal proceedings of the parliament and have the same standing as proceedings of the respective houses. As a number of other witnesses from various backgrounds have been able to today, you come from an area of involvement in the program that is distinct from some of the others that have been dealt with on a more regular basis, so we are keen to get evidence from you as to the activities of people in your occupation. I would invite you to make any opening comments that you wish.

Mr Corrie—I was employed, as I said, from 1983 through 1985. My first handling of the chemicals came in mid-1983 where we were asked at the time to dispose of close to 200 drums. The drums were to be burnt out and prepared for disposal. Each drum held 25 to 30 millilitres of residue. If you work that out over 200 drums you are looking at roughly 1,000 litres. We could not cut off the lids with our cutting equipment because of the flammability, so we actually chiselled the lids off the drums, placed them in our fire pit and burnt them out. At no time were we issued with any safety equipment. We did have breathing apparatus on our trucks, but at the time we were not permitted to use them. They were to be used in emergencies only as funding to have the cylinders recharged on a regular basis was short.

CHAIR—Are you saying that they could not afford the recharge? Was that the trouble?

Mr Corrie—There is an old saying that I will not go into too deeply, but there were a lot of cutbacks on at the time so we were not permitted to use our breathing apparatus. A standing operating procedure was raised within the section and it was up to the fire controllers if they wanted the troops to wear the BA. If they wore it, we had to wear it, but most of the time we did not. We had no gloves, so we had the fumes all over our hands. We used to go back to fire section and it would be in our boots because we would have to climb into the fire pit to pull the drums out. This did not go on for one or two days; this went on for at least five or six weeks. It took us that long to get rid of the drums. I found out later on that once these different chemicals have been burnt, the toxicity is a lot higher through the smoke and we were breathing all of that in.

CHAIR—Do you know what chemicals were in the drums?

Mr Corrie—I am not sure as we were not made aware of it. I was aware that these drums had been sitting next to the rag hangar for some time, so there could have been anything in them.

Mr BALDWIN—What is a rag hangar?

Mr Corrie—That is the reseal-deseal section as we called it, or the ‘leper colony’. That was a common name that was referred to the area. What happened after that opened the floodgates. After that any chemicals used to be brought down by the reseal guys or we used to pick them up in our LGS, take them down there and burn them. We used to burn the rags. You can appreciate our fire pit was roughly 20 metres by 20 metres and these contaminants stayed in the pit as not all of it was burnt off.

CHAIR—How do you know they were contaminants?

Mr Corrie—You could smell it. It was the same smell as if walking into the rag hangar. We were informed at the time that they were contaminants.

CHAIR—Were you given any advice on protective procedures that you should follow?

Mr Corrie—No. There was no advice given. I will tell you a situation that arose. The environmental health gentleman, commonly known as the ‘ratcatcher’, came down one day and we were burning off the chemicals. He walked into the smoke, had a smell, walked out and said, ‘Yes, that is all right.’ Officially that is all the information we were given. I understand from what I saw with the tiering for the ex gratia payments, they stipulated only firemen that worked at the fire training school. As we put in the original submissions, the fire training school did not get to Amberley until 1987-88. Prior to that it was in Melbourne, at Point Cook. I know personally two firemen who received under tier 2 \$10,000 for being at the fire training school.

Senator MARK BISHOP—At Point Cook?

Mr Corrie—No, at Amberley after 1987, after the school had moved. They are both retired warrant officers and they cannot understand it. They got \$10,000 for being at the fire training school after 1987 where they did not handle or come across any chemicals, but they did between them spend 10 years prior at the fire section at Amberley, so they felt they were justified in receiving that amount, which I agree with. But then you have people like warrant officers and flight sergeants. As you can appreciate, can you imagine seeing a warrant officer climbing into a fire pit? It was always the troops and it is the troops who have missed out. This went on for quite a few years.

CHAIR—You know the work that was involved both at the training school and prior to the training school turning up. Is there any reasoning that you can think of from on-the-job experience that would lead to a determination that those who arrived after 1987 in the training school would qualify but those involved prior would not? Has there been some change in work practices or behaviour that seems to you to explain that?

Mr Corrie—No. I cannot explain that. All I can think of is that at the initial inquiry the information was wrong that was given. I understand some firemen were interviewed or gave submissions to that committee and they were ranking warrant officers within the fire muster.

Senator MARK BISHOP—Are you after access to the ex gratia scheme? Your facts are very clear and very simple.

Mr Corrie—I did apply for it and I read with interest the reports from last Monday where they said that the ex gratia was set up for a hazardous work environment and not for health, and that is why I come under tier 3, but I have hit so many brick walls. As you know in the reports, I have had cancer of this and that and every time I go to a medical assessment I am told, ‘But you weren’t in the tanks.’

Senator MARK BISHOP—But you state that you have got cancer from handling the chemicals, which has been admitted by the Department of Defence.

Mr Corrie—They admitted liability.

Senator MARK BISHOP—Yes.

Mr Corrie—I contracted reflux syndrome or reflux disease through 1983 and right throughout life, and that caused the cancer.

Senator MARK BISHOP—You are basically drawing to our attention the inconsistency of the tier 1, 2 and 3 and its application to yourself as a fireman because of the location of the school?

Mr Corrie—I am bringing that to your attention. I have heard no evidence or anybody talk about the firemen, how many times they actually handled the chemicals and how we used to climb into the pit. We would have it all over our uniforms. I used to go home and my wife would not allow me to wash my uniforms in the washing machine because they stunk. There are things like that. I went through a divorce in 1984 through anger management. I used to see firemen sitting there taking their socks off and the skin peeling off their feet, and we were totally ignored.

Senator MARK BISHOP—Yes, you were.

Mr Corrie—I used to sit there with no safety equipment. There was nothing issued.

Mr BALDWIN—When you talk about the breathing apparatus on the truck, were the requests made to be able to use it which were then rejected by your superiors?

Mr Corrie—I could not answer that. I do know that the rescue controllers at the time, who are the sergeant and firefighters in charge of the fire crews for that day, did make a request at section level and an SOP was raised that if the rescue controller deemed his men to wear the BAs then they would do it, but not all rescue controllers would do it.

Mr BALDWIN—I suppose breathing apparatus were compressed air and not oxygen?

Mr Corrie—Compressed air, yes, at that time.

Mr BALDWIN—When I was in the diving industry about that time it would have cost about \$1.50 to \$2 a bottle to recharge a bottle.

Mr Corrie—I believe at the time they used to take it to the local fire brigade. Do not quote me on that. It was not until 1987 that we received our own facilities to recharge our own BAs.

The whole situation was ridiculous. I just wanted to bring it to your attention that it is not only me, there are plenty other firemen.

Mr BALDWIN—The DVA has recognised your episode with cancer as related to your service. Are you on white card or gold card for that?

Mr Corrie—I was medically discharged after 12 years for other injuries and subsequently in 2000 applied and received a TPI. Luckily I did, because if I had to rely on Queensland Health I would probably be dead. It was only the gold card that saved my life. I do have a gold card, but not related in any way to the reseal-deseal.

Mr BALDWIN—Are you taking any other action other than to apply for an ex gratia payment? Are you seeking common law remedy?

Mr Corrie—I have been compensated. I was put down as 40 per cent and received monies for that, which I find rather ridiculous.

Mr BALDWIN—Is that for the cancer?

Mr Corrie—For the cancer. I have put applications in for sequelae, or secondary conditions, to the cancer. Most of those have been knocked back. I have some documentation here. This is an assessment by a specialist: ‘Mr Corrie spent three years on the periphery of the deseal-reseal program whilst working at RAAF Base Amberley. He was employed as a firefighter and involved in the program which comprised burning chemicals for a few hours two to three days per week.’

Mr BALDWIN—They have accepted your cancer as a part of your service in relation to the chemicals?

Mr Corrie—That is correct.

Mr BALDWIN—They refuse to give you access to any of the tiers because they say that you do not have qualifying service?

Mr Corrie—That is right. They have put me as tier 3.

Mr BALDWIN—They have given you a TPI because of your cancer, because of your involvement?

Mr Corrie—No, I had the TPI prior to the cancer, but they knocked me back on the thing—

Mr BALDWIN—Were the other injuries that you got your TPI for related to the chemicals?

Mr Corrie—No, nothing at all. The secondary conditions are the ones that I have had my problems with. For the initial operation I spent 10 hours in the operating theatre. I was two weeks or 10 days in intensive care. After that I started suffering memory problems. I would go to the shops and then wonder what the hell I was doing down there. Every two to three months I actually dilated in the sense that my throat shrinks and I choke and I cannot eat because I have

got staples in the throat. So every two to three months I am knocked out again and they stretch my throat.

In total since the cancer I have spent some 30 hours under anaesthetic and my memory gets worse and worse all the time. But when I went to claim against military comp. the big bulls came up as usual, the bureaucrats, and then the doctors said: 'Well, you weren't in the tanks. You were only a fireman that worked on the periphery.' It is like this gentleman here; two to three hours per day three days a week. I was at Amberley for near three years so that totalled something like 900 to 1,000 hours exposure to a contaminated environment, and that is what our fire pit was. We used to empty the fire pit and the residue used to run around the grass and with a shovel we would just lift the sludge out and throw it around and the grass never grew back. Whenever we went to that fire pit it was the same situation.

Mr BALDWIN—I have asked others the question of the fire pits and the settling ponds and whatever happened to the residues that were in there. Was there flow into neighbouring Worrall Creek?

Mr Corrie—Put it this way, I would never drink any milk from the Ipswich area. I would also not live on Churchill. That was another thing that used to astound us. When there was a light westerly breeze we would have our fires and thick black smoke used to go up and settle on Churchill with all the houses. What residue was in that smoke. This was a common occurrence. The Bremer River, the creek behind, everything just rushed into that.

Mr BALDWIN—I have not seen the creek so I am not aware whether it would hold fish and other marine animals, but did you see frogs or fish floating?

Mr Corrie—The area immediately behind the fire pit was a rather dead area to my memory.

Mr BALDWIN—Was it dead because of the contaminants overflowing?

Mr Corrie—It would have to be the contaminants.

Mr BALDWIN—Was it like a defoliant had gone through there?

Mr Corrie—Basically, yes. That is what I say about the fire pit itself. The grass never grew back. We used to get the sludge so it would not grow back and spread it around. We did not do that personally. We were ordered to do it. When I was at Amberley I was an LAC, so I did what I was told. Nothing ever grew back.

When we were there we trained every day. As you can appreciate they did not crash very much, so to keep our level of competency we trained one, two or three hours a day and we would do that seven days a week. We were on a six-day turnaround. We used to work two days, one night, two off, and you would be down in the fire pit five to six days a week. And it was all the crews, not just me.

CHAIR—There is a reference in one of your documents to Queensland WorkCover. It is a letter signed by David Robertson, Senior Reservation Officer, and on top of it has got

‘Queensland WorkCover’ on it. I am just trying to figure out where Queensland WorkCover fits into this?

Mr Corrie—I am sorry, I do not know. I am not aware of that letter.

CHAIR—Can you take that around to Mr Corrie for me, please?

Mr Corrie—The only reference I make in the submission was to a public servant who received \$68,000 for a broken ankle. No, that document does not relate to me whatsoever.

CHAIR—That is my error. That is fine. Are there any other questions for Mr Corrie? If not, I thank you. As I said in welcoming you it is important that we get a good feel for the range of activities that were undertaken in and around Amberley to do with the F111 reseal-deseal and related matters and you have been able to provide us with an important part of that jigsaw puzzle, so I thank you.

A transcript of your evidence will be made available to you. Should you have any corrections you wish to make you can submit those. Once again, thank you.

Mr Corrie—Thank you.

[11.56 am]

WEBSTER, Mr Raymond John, Private capacity

CHAIR—Welcome, Mr Webster. Could you state the capacity in which you appear before us?

Mr Webster—I represent the incinerator operators.

CHAIR—The subcommittee does not require you to give your evidence today on oath. However, I advise you that these are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. I would now invite you to make any opening comments you wish.

Mr Webster—My main concern was to represent what was required of the incinerators while I was there. In submissions there is no mention of the incinerator operators. Even though we were non-tech, we deserve to be included. We had a small staff. We were a small group of personnel given the task of burning the residue chemicals used in the deseal-reseal of the F111 fuel tanks. There was no training or instructions given, or any supervision by any officers. The only officers who knew we were there mainly was our barracks officer who was non-tech. During this period we were never visited or given support by this section commander. A junior officer would visit us on rare occasions. With them knowing the toxicity of the chemical, more supervision should have been taken.

The incinerator was not the appropriate type to be used for such an operation. The correct one should have been fitted with scrubbers and afterburners. During my time at the incinerator from June 1979 to March 1980 I had to do several modifications to get it to operate. As far as I am concerned it would have been near impossible to operate it to burn any quantity of SR51. It may have been run, but not to my knowledge. I was not informed about the incinerator until the last minute. We had to do our own maintenance to keep it operational. Statements on the board of inquiry state: ‘If it broke down Ray Webster should be called to fix it.’

Documents state: ‘The SR51 was most dangerous when being heated for decomposition. It would have created carbon monoxide, carbon dioxide, sulphur oxides, hydrogen sulphide gas.’ And this is in addition to the SR51. The personnel exposed to SR51 should be given priority as this chemical is well documented. I am not stating other personnel should not be given consideration. Also I have no idea what happened on other parts of the base. My main concern is the incinerator operators. My health has deteriorated due to the exposure of the operation of the incinerator.

With regards to being told, ‘If not enough was burnt, tip it into the Bremer River,’ this would have to be a statement of an idiot and he would have to be made accountable and quizzed to who told him this, as this is a slight on all incinerator operators. What is more, the Bremer River was not there. It was Worrall Creek.

There are several health problems in my family which could be related to me bringing home clothing for my family to launder. It is mainly bowel problems. My wife has had a stoma fitted.

She complained about the odour and how our bedclothes stunk, and our daughters have similar problems. Several of the other operator's wives also complained to our section commander.

During this time my eyesight became worse and potency reared its ugly head. Rashes appeared, confusion reigned supreme and memory loss are a few things that can be named. Only this week I have found out that I have got cysts on the kidneys. I have had several problems with kidneys and liver, which are the organs known to be attacked by SR51.

We used our own transport to get to the incinerators, which was approximately five kilometres from our normal working place. I drove a Monaro at the time and when leaving Amberley and posted at Lavington I had to have the carpets replaced and the seats done because of the stitching rotting out on them. As much as I did not want to, I had to get rid of it because of the smell of the SR51 through it.

I would like a statement of principles drawn up to cover the exposure to SR51 and other deseal-reseal personnel and other chemicals exposed to during the deseal operation. Our seals on our washing machine allowed the water to enter the mechanical workings, causing the gearbox to seize, with a new washing machine required as the F111 was designed to melt the rubber seals.

I have been accused of stating that I was the only one out at the end incinerator and of lying on the stand at the board of inquiry. A copy of Ray Webster on the stand is available to all the people who wish to read it.

My last request is that, if more personnel are paid, the same additional amount be paid to the original reciprocates on top of what they received, as these are proven chemicals. I do not know what happened to other people and I do not claim to know anything about other operators. Thank you for listening to my concerns.

CHAIR—Can you just describe what the incinerator was? How was it made and what was it constructed of?

Mr Webster—It was a two-chamber incinerator. It was lit up on dieselene. You would try to get enough heat into the top chamber to allow the SR51 chemical to be put into it. You kept the bottom chamber running a lot of the time because the residue of SR51 that we were getting had a lot of moisture in it and when you looked in the top chamber you could see the bright sparks taking part that could have been water in amongst the chemical. You kept the bottom one running and on some days, surprisingly enough—and I do not know how it happened—you would get a good run of SR51 and you could run both the chambers, but this was a rare occasion.

CHAIR—How did the SR51 come to you?

Mr Webster—It came over on a pallet with a forklift from the rag hangar, which people have explained. It is about 20 yards and it arrived in the black drums.

CHAIR—What quantity would be in a drum?

Mr Webster—It would probably be the 200 litres or as I used to call it, the old 44-gallon drum. It was about that size. It might have been a little bit smaller, but around about that size.

CHAIR—How did you get it from the drum into the furnace?

Mr Webster—It was fed into an overhead tank, which was probably about 15 feet high. It was pumped up into the overhead tank.

CHAIR—It was pumped?

Mr Webster—It was pumped out of the drums by us up into the overhead tank and it was gravity fed down through pipe-work into a filter and then into the burner.

CHAIR—How was the pump equipment cared for?

Mr Webster—When we first went out there it was a rotary sort of hand pump and somewhere along the line I managed to get an electric one to do the pumping. It played up on rare occasions because in the drums there was not only SR51, there were the rubber seals and they would get caught in the pump.

CHAIR—What I was thinking of is if you have got the chemicals going through the pump was the pump itself cleaned?

Mr Webster—You would have to clean it out. When the rubber seals or the little bits of rubber would come down and jam up the filter and, with the overhead tank coming to the filter, as soon as you lifted the lid off the filter it would spray out and you would cop a good dose of it.

CHAIR—I presume you are cleaning the SR51 out of the pump?

Mr Webster—Yes, when it was jammed up.

CHAIR—With what? How did you do that?

Mr Webster—A bit of wire to pull the residue seals and that out. Whatever you could get hold of to clean it; bump it, unscrew the suction pipe if you had to.

CHAIR—And what protective clothing did you have?

Mr Webster—Normal RAAF overalls, beret and T-boots. We were given gumboots to wear at the last, but when you went and picked up the tec blocks which were floating on the dam, the tec blocks or the chemical would run down and fill your gumboots up, put it into your gumboots. The gumboots lasted a very short time because they were rubber and you would be walking around and they would be screwing around and completely useless. To put the tec blocks into the incinerator you would have to pick them up, open the door and put them in, in that angle. These tec blocks were rubber sponges with the chemicals saturated in them, and of course you would wear it.

It has been said that I put my back on display fairly regularly as an example of some of the damage that has been done by the chemicals. It is still there. I have the agony when having a shower because it stings and as soon as you get water on it, it becomes itchy and naturally you scratch it and you make it worse.

The tec blocks were floating on the dam and after a big storm there one night I came down and found the tec blocks on the ground in the direction of Worrall Creek. The dam had probably overflowed or the wind could have blown the tec blocks over the top of the dam. Whether some went into Worrall Creek is not for me to say. I only saw it after the accident.

Mr ROBERT—You state in your statement that one morning after a large storm the dam overflowed into Worrall Creek and some of the tec blocks were in the creek. Were the tec blocks in the creek?

Mr Webster—No, they were on the bank of the creek. The ground was level and the dish of the creek was there. They were not actually in the water, but they were on the bank of the creek.

Mr ROBERT—Yes, that is the same thing. On your front page you stated: ‘When asked about SR51 I was told it was completely harmless and not to worry about it.’ Who told you that?

Mr Webster—Squadron Leader Oliver, our section commander. The blokes that were with me complained to start with that they had information that it was harmful. I went over to check it to find out for myself and that is what I was told, and to get on with the job. I went to medical a few times and they made contact with my section commander. I did not hear the conversation, but you can get the gist of it. It was: ‘Go back to work. You are trying to get out of doing your job.’

Mr ROBERT—With respect to incinerating, we heard from Mr Corrie before about what the firies were doing, burning things in the pit, and you are talking about the incinerator. Why were some things burnt in the pit and some things burnt in the incinerator?

Mr Webster—That, I do not know. On my statement it says that I do not know what other people did. We were only the incinerator operators. I do not know what other people had done previous to me or after me.

CHAIR—What happened to the drums?

Mr Webster—When they were empty the personnel from the rag hangar would come over. When I got there, there were heaps of drums and when asked, ‘When can we have some empty drums?’ I replied, ‘Look there they are, there.’ I am not sure, because I do not know what went on over there, but I think they took them back over and refilled them. I heard the gentleman saying there was some in the bottom of the drums. That is a good possibility because you cannot fit a pump directly onto the bottom of a drum and pump it. It could have been that high above. That, I do not know. All I know is that they asked when could they have some drums because they needed them.

CHAIR—I am sorry to interrupt you.

Senator TROOD—What was the state of the drums? Were they in good condition?

Mr Webster—Most of them were reasonable. A few had cracks in the top. When you took them off a pallet and dropped them on the ground to get them closer to the overhead tank it could spray out. It did spray out. You were manhandling it. You were tipping it up on its side, rolling it, popping it down and as soon as it hit the ground it popped up.

Senator TROOD—You had to move the drums around, obviously?

Mr Webster—Sometimes, yes. You would go over and ask for the forklift and they would say: ‘It is not here. It is up somewhere else.’ Your tank had got low so you would man handle them to keep the incinerator going. The main thing that I did was, once I got it operating and it was running and I had the heat in it, I would keep it going. Some nights I stayed out there for extreme hours because it was running. The biggest trouble was getting the heat into it to start with to keep it running.

Senator TROOD—Did you have gloves to move the drums?

Mr Webster—Yes. They were useless. They were the pink Ansell gloves. Within hours or possibly even less time of using them, the gloves would melt and they would melt onto your hand. They helped keep the SR51 on your hands.

Senator TROOD—What did you do with them when that happened?

Mr Webster—Threw them in the incinerator.

Senator TROOD—Did you get another pair?

Mr Webster—I would get another pair, until in the end I got fed up with changing gloves all the time and with the amount of gloves that were required I just thought I am exposed to it, so what else can I do?

Senator TROOD—Are you saying that you worked then without gloves at all?

Mr Webster—Towards the end when I was there they got some green gloves which seemed to be of more benefit, but when you were handling the tec blocks the chemical ran down into the gloves and kept your hands saturated.

Mr HALE—At any stage did you have respirators or any of that sort of stuff when you were handling the chemicals?

Mr Webster—Towards the end when I was there we ended up with respirators, but they did not help in any way.

Mr HALE—In regards to the Monaro, how did the smell get into the Monaro?

Mr Webster—It went all through the upholstery.

Mr HALE—Was it just from coming off you?

Mr Webster—Yes, off me. When you hopped in it your shoes were covered in it. It got into the mats and with the mats having a rubber base they just became like confetti on the bottom of them. When I put the new mats in it I thought this was going to solve the problem and when I got the seats reupholstered I thought that would hold the problem, but the smell was there. I had a few people hop in and asked, ‘Have you shit yourself?’ because of the smell of it. I would say, ‘No, that is the smell of the car.’ They would ask what was wrong with it and I would tell them that I was exposed to the chemical up at Amberley. They used to look at you and say, ‘Bullshit,’ and that was it. It became an embarrassment in the end. As much as I hated losing it, it was just one of those things that had to happen. I do not know what happened to it after I sold it. The poor bugger might have had the same problems.

Mr HALE—He should be compensated because it was a Monaro.

Mr Webster—It was a GTS four-door.

Mr BALDWIN—If it had been a Ford, it might have survived.

Mr Webster—It was a beautiful motor car and it was absolutely ruined. I did not know at the time what was happening.

CHAIR—Are there further questions from committee members.

Mr Webster—Also, with regard to the lying on the stand, there is the transcript of myself on the board of inquiry, if anyone wants to read it.

CHAIR—We will take that as an exhibit for the committee’s inquiry. Thank you. Mr Webster, thank you for your evidence today. You will be provided with a copy of the transcript of your evidence, which you should check.

Proceedings suspended from 12.17 pm to 1.30 pm

WHEAT, Mr Malcolm James, State President, Queensland Branch, Vietnam Veterans Federation

CHAIR—I declare open this session of the Defence Subcommittee’s inquiry into the F111 deseal-reseal workers and their families. Our next witness is Mr Wheat from the Vietnam Veterans Federation. The subcommittee does not require you to give your evidence on oath. However, I would advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. Would you like to make an opening statement for the benefit of the committee?

Mr Wheat—There are parallels clearly with the Agent Orange issue and the deseal-reseal issue. The key/underlying factor is the suffering of servicemen and women and families as a result of exposure to chemicals. It would have been nice to think that perhaps we had learnt some lessons from the Agent Orange issue, but it is clear that we have not. As this inquiry goes on, more and more is exposed as to the failures of the system and how we have failed some of the finest men in this country.

In his opening statement Air Vice Marshal Brown stated, ‘We are here today because the Air Force hurt a large number of its people.’ He further said that he was ‘grateful for this chance to look at what has been, and we believe more could and should be done’. The Air Force hurt a large number of its people and in doing so it has also hurt a large number of the family members of those airmen. It is refreshing, though, to hear of such an admission of a breach of duty of care. I think it goes a long way to beginning the road to healing. Without that admission we would still be wallowing around wondering where we are going to go with this. At least that is a positive.

There are three areas that I would like to address today if I could. They are the suitability of the healthcare scheme, the fairness of the ex gratia payment system, and compensation under the various acts, the VEA, the SRCA and the 71 act. Throughout the three days of hearings so far there has been a continual repetition of the desire to classify these airmen into categories that do not serve any real purpose other than to divide the whole unit. I am talking about falling into group 1 or 2 under SHOAMP, falling into tier 1, 2 or 3 under the ex gratia payment, and being described as in the four formal programs or having an activity that is in an ad hoc way in pick and patch and other programs.

Regardless of the name that is given to these activities, all of these men are suffering very similar conditions caused by very similar service. The categorisation, as I said, goes to create division. It creates misunderstanding and, at worst, it acts as a disincentive for the sicker men to access healthcare services and make their claims. We have already heard evidence of that in the past couple of days.

One of the key issues that I would like to talk about later on is access to section 7 of the SRCA. Even with the invoking of section 7 we saw that another hurdle was put in front of the airmen and they were made to meet either tier 1, 2 or 3 to get access to section 7. If you did not meet those tiers then you simply had the normal process of the SRCA act to follow. Section 7 implies some benefit, and the benefit is that you do not have to prove causation to service or that causal link to service. Go the other way and you have to prove the causal link.

We would recommend that the healthcare scheme be renamed to reflect the inclusion of families and civilians, that groups 1 and 2 status be abolished, and that all airmen and families who have had either primary or secondary contact with the chemicals used during the F111 sealing or cleaning process, or were involved in the supply or destruction of chemicals, fuel or other materials, or involved in the storage of the same in pits, ponds or hangars, and those involved in training, be eligible for free treatment. There should not be any barriers to somebody getting well when their injuries and illnesses are caused by service to this country.

Of significance to this suggested change is the unconditional inclusion of families. It is not acceptable that the RAAF acknowledges that chemical poisoning of its airmen is so serious as to require family counselling but on the other hand it is not prepared to offer proper health care while now knowing the insidious effects of the chemicals that we used. A universal healthcare scheme for all who may be affected is the responsible and appropriate response to this catastrophe.

As a matter of priority the registration date of 20 September 2005 should be removed. There seems to be a unilateral agreement that the effects of the deseal-reseal chemicals may have a varying period of effect, and that was borne out on the first day of the inquiry. The science has also been stated as to be uncertain; that no evidence is available as to when the onset of a disease might happen as a result of the exposure. Given these uncertainties and the probability of long-term spousal and dependant care, this date should be removed. It simply stands in the road of fair treatment. An example of that was that we recently asked Minister Griffin to intervene on the ability of a tier 1 airman to attend a lifestyle program being conducted by the BBCS. He was denied access to that program simply because he had not registered by 20 September 2005. He had registered one month later. It is borderline obtuse to refuse anybody a step that might actually improve their lifestyle as a result of the conditions they suffer. Thank goodness Minister Griffin agreed with a very simple proposal and allowed him to attend. There are others out there who have come up against the same barriers but have just walked away and said: 'That is typical. They never want to know us anyway so why should I worry?' It is a real effect. If we are going to put services on and if we are going to offer people a chance to improve then we have to let them access the programs.

I will move to the ex gratia scheme. Regardless of the intention of the ex gratia scheme, it has been a source of distress for many airmen. We all acknowledge that. The principle that it is not compensation is well accepted now. However, this then does not mean that the structure of the scheme should not be reflective of sound compensation and repatriation principles. Moreover, the scheme is deficient in that no account has been given to the social, family and future work functions of those involved. If the payment is for poor working conditions, what of the broader effect of working in such conditions? Even though the scheme may have been based on the best intentions, it was ill considered in failing to properly address the real effects of poor working conditions and encompass all who had experienced the dangerous working environment.

We would ask that the committee consider restructuring the scheme using well accepted principles entrenched in the Veterans' Entitlement Act and the SRCA. Perhaps a golden principle would be, if you like, that everything will be done to ensure the airmen and their families get their maximum entitlement. This would be commenced by establishing a standard of proof for the ex gratia scheme equal to the reasonable hypothesis standard applicable to the VEA. That is the most beneficial standard under that particular act.

To do this will not mean an open shop approach to a claim, but it will allow properly validated and credible claims to be fairly assessed using the reverse standard of proof. Airmen will not be subjected to rigorous standards of the balance of possibilities, but nevertheless will be compelled to supply supporting evidence of their service. Many in the past who were reduced to tier 2 or received nothing under tier 3 should be able to have fairer, less stringent tests applied to their claims. If *ex gratia* is not compensation but supposedly a generous payment for poor working conditions experienced, then why are criminal standards of proof applied as a test? We need to reflect on the type of service that these men have given and work from that point, ensuring that they obtain every benefit that they are entitled to.

I suggest it would work in this way. A claim is lodged that has with it supporting evidence. The supporting evidence could be in the form of service records, medical documentation, statements, say, from a retired NCO confirming his job and tasking role, supporting letters from local GPs and specialists. There is a body of evidence that is credible, sound, independent and, given the reverse standard of proof, should by all tests get through and allow the airman to access the *ex gratia* system. At present he could be challenged at any point on those documents and be rejected. It does not mean, of course, that there would not be some type of investigation under way, but the investigation would not be as inquisitorial as it has been in the past. The airman would have the benefit of the doubt, and that would be applied in a fair way.

This is not a hard system to invoke. The Veterans' Entitlement Act has been in vogue since 1986 and the department is well versed in handling the reverse standard of proof. It is a daily occurrence for them. They have some very skilled practitioners in there who have their heads around this sort of stuff, and it is not hard. The systems are in place to have this happen very quickly.

We believe that the principle of an *ex gratia* payment is sound and that the committee should end the present scheme and substitute a fairer program that provides recompense at the levels that add value to the lives of the affected airmen and, importantly, recognises the high-value role of wives, partners and children. With a fairer standard of proof should come payments that enable real worth to be added to the lives of airmen and their families by significant financial input. The quantum is not for my submission to detail, but as a guide perhaps a lower limit might be somewhere around the maximum sum available under the SRCA, with an upper limit at the maximum payout available under Queensland law. This whole idea is a moveable idea.

This would necessitate not only a calculation for time exposure but heavily weight the outcome according to conditions suffered, life expectancy, actual exposure and whether the airman is deceased. A further inclusion in the assessment would be the effect on families, medically, socially and functionally. Once again, the Veterans' Entitlement Act provides a way around assessing these particular conditions, and that is found in GARP, which is an impairment guide used under the Veterans' Entitlement Act. It is a very straightforward easily understood document and widely used and accepted in the veterans' law field.

The *ex gratia* payment should no longer be seen as tokenism but a meaningful attempt to right some significant wrongs and suffering. We suggest that all *ex gratia* rejections should be set aside and that at the appropriate time after the inquiry hands down its findings they be revisited.

After listening to the range of evidence and discussions surrounding the various acts, which catch many airmen, it is probably prudent that I name the acts so that everyone clearly understands what we have been talking about over the past days. The Compensation (Commonwealth Employees) Act 1971 traps those prior to 1988. The Safety Rehabilitation Compensation Act 1988 is the act that the majority of airmen tend to fall under. We have the Veterans' Entitlement Act and we have the new Military Rehabilitation Compensation Act 2004 and the Transitional Provisions Act 2007. Most airmen would not fall under these two acts but there are some who will have perhaps transitional issues and aggravation of existing conditions that may well find themselves in time being dealt with under the MRCA.

The experience of claimants with the DVA system has been widely aired. Many of the stories are not new to those who have been dealing with DVA in other advocacy roles. I have to say I am one of those who really did not raise an eyebrow when I heard some of the stories because I have to tell you, gentlemen, that they are not uncommon occurrences. That is not to say the circumstances are acceptable in any way. This committee is encouraged to further delve into the workings of the department and the trauma caused by unacceptable delays, poor decision making, lack of experience or lack of research capacity and specific training for events, such as a deseal-reseal crisis. It is fair to say that it has been revealed over the last few days that the department was not set up properly to handle a critical issue such as this. Everything seemed to be reactive rather than responsive, and planning suffered as a result.

There has been a fair bit said about statements of principles, these old pieces of paper that seem to confuse everybody who have the pleasure of coming across them. I listened to Defence give evidence and I listened to DVA give evidence, and there were some issues surrounding the statement of principles in the way they described them, but it is important to note that they relate only to the Veterans' Entitlement Act and the MRCA. They do not relate to the SRCA as has been indicated in the past. As a tool to assist airmen in accessing the benefits of the VEA they have been a wretched failure.

These documents are very much linked to the science of yesterday and as such were completely inadequate when an attempt was made to meet the factors of the SOPs for a deseal-reseal claim. The SOPs are based on science. Science had not caught up with what was going on and therefore the SOPs were completely irrelevant on nine out of 10 occasions and probably even higher. Most, if not all, airmen who have had high levels of disabilities accepted under the VEA have done so using other injury or diseases that were not caused by deseal-reseal service but some other service. Because of this the promises and benefits of the VEA cannot be properly delivered. Most must fall back on the SRCA and the 71 act. However, there is one section within the VEA called section 180A that should have allowed a number of airmen access to the VEA, but for some reason the department chose not to allow section 180A to be used and section 180A basically allows you to use a situation where no SOP exists. As long as you can prove a causal link to service and you have a diagnosis of the condition you are pretty well up. I have to tell you it is a lot easier or it should be a lot easier to get a condition up under 180A than under an SOP, but DVA do not view it that way.

I would like to move to the SRCA. Comcare states under the SRCA that injured employees have no legal onus of proof. That is not DVA; Comcare says that. However, it is necessary for them to provide evidence to substantiate their claims. We have heard continually of the bulk of credible evidence being put forward to DVA by these airmen that is continually ignored, changed

or challenged in some way. And they are right; their honesty is at stake, because it is their honesty that has given the truth in the first place and that is being challenged.

Comcare and DVA also have investigative authority under the act and DVA use this authority with some gusto. Unfortunately I have read many decisions which reject not on the basis of sound medical scientific evidence but on a report that cites no science, relies wholly upon gathered evidence from other specialists that is not scientific, and then proffers an opinion far removed from sound scientific evidence.

I am aware of doctors interviewing airmen for as little as 15 minutes and then developing the position that their conditions are not related to service or to the chemicals. They fail to apply proper standards of investigation, and the airmen's chances of compensation are severely jeopardised. Many stories abound concerning the unsavoury practices of doctors presenting substandard reports based on substandard investigation but resulting in demoralising rejection of the airmen. This at a time when fair expectations are that their service caused conditions will be dealt with and treated in a caring manner.

The previous minister invoked section 7 of the SRCA. We thought it was going to be a shining light and a window of opportunity for these airmen, but that was quickly shut when a condition was placed on it that they must first meet the conditions of the tier 1, 2 or 3 ex gratia payment. I am yet to understand how you can link a payment that is supposedly not compensation to a compensation act that is designed to give compensation. I still do not understand the logic behind it and I hope I never understand it.

It goes without saying for the vast majority of airmen affected by the deseal-reseal that but for their time undertaking the specific tasks they would not have suffered injury or disease. This is not a simplistic understanding of the nature of most causation but one based on sound law. Coupled with the Deputy Chief of Air Force's statement on breach of duty of care, there cannot be, in the majority of cases, any doubt as to the link to service. It is seen that there is a culture of rejection within the SRCA delegates of DVA. The evidence of the links to service have been available since the BOI, but it is not acceptable to DVA. The high courts have said that commonsense must be applied when addressing causation, particularly where breaches of care have been admitted. DVA continually ignores this advice.

The committee should make available to those airmen still wanting to pursue an appeal the services of an eminent lawyer who will be tasked to independently review rejected claims, which are then to be reconsidered by DVA following strictly the recommendations of the eminent lawyer. This would not be considered an appeal as such but an intervention, which would bring justified and impartial finality for those whom the system has treated harshly and uncaringly. This would also assist many airmen who do not qualify for Legal Aid but have deserving cases and through hardship cannot fund an appeal at the AAT.

It goes that we further recommend that all decisions under appeal or reconsideration be set aside to enable the review process to take place. These are recommendations that the federation believes will positively impact on the lives of airmen and their families. The saga of the deseal-reseal has scarred the lives of too many. It has caused untold misery not only for the airmen but for those whom they most cherish. The depths of despair reached by these men because of this and other factors is unspeakable.

Airmen of the deseal-reseal have placed great faith in this inquiry, not to specifically get an outcome that they each desire but the outcome that gives hope and fairness over a system that has failed to deliver in all respects. I will just leave this thought with you. Every tomorrow has two handles. We take hold of it with the handle of anxiety or with the handle of faith.

CHAIR—Questions from members of the committee?

Mr BALDWIN—You advocated the removal of the ex gratia system and its replacement with a compensation based system. What if people serving in that area have suffered no adverse effects? We have heard that some people worked their entire time and that the tolerance of these chemicals is different from being to being. If there were no adverse effects what would you say of their receiving compensation or payment if they have actually had no injury?

Mr Wheat—I will just clarify your first statement. Yes, I suggest the ex gratia payment be substituted, but I am not saying that it be called compensation. As I have said, the principle of the ex gratia payment is sound, so I think the ex gratia principle is fine, and I do not think we should go there, because it just muddies the water once we start to add compensation to compensation. In fact, I do not know that it is legal. As to the assessment of these people exposed to the chemical, firstly, there is the principle already established about exposure to the chemical. Perhaps we should not even talk about ‘exposed to the chemical’. We are talking about poor working conditions and it is those poor working conditions that have caused certain disadvantages, let us say.

Mr BALDWIN—You would agree with me that there is a difference between an ex gratia payment for working in less than favourable conditions and compensation for injury or health deterioration caused by those working conditions?

Mr Wheat—Absolutely. I agree with you totally. That is why I think it is important that we focus on the principle of the ex gratia payment. As I said earlier, there is no reason not to apply what we know is sound compensation principles to it so we make it work properly. Clearly this system as it is now has not worked. It has not provided an acceptable sum of money. It has locked out a large number of airmen who are as deserving as anyone of some type of payment. It has not taken into account totally the effect of those poor working conditions. Wives and families cannot come under the compensation act, but they can be accounted for in the ex gratia payment, because they too have suffered as a result of the poor working conditions.

Mr BALDWIN—Would it not be more in line with other areas of compensation; if ex gratia were for working conditions then it is purely for working conditions, and any compensation, whether there is a minimum or maximum payout for certain ailments, even if that compensation were extended to family and children? Because then it becomes a compensation for a loss or an injury or a suffering, not a payment for a less than favourable working condition? Compensation and ex gratia payment for working conditions are two entirely different areas.

Mr Wheat—I can see where you are going.

Mr BALDWIN—With respect to an ex gratia payment for working conditions, everyone who worked in those conditions can be entitled to it, but compensation for deterioration of health can only apply to those that have the deteriorating health.

Mr Wheat—I agree with you. However, there has to be a fairer way.

Mr BALDWIN—I am not arguing that.

Mr Wheat—I realise that.

Mr BALDWIN—You have brought the term ‘compensation’ into ex gratia payment, which actually muddies the water.

Mr Wheat—The first sentence states that ‘we believe the principle of the ex gratia payment is sound’.

Senator MARK BISHOP—Is it the program participation or is it the adverse program outcome? That is the question you are being asked to address.

Mr Wheat—Yes.

Senator MARK BISHOP—Is participation in a normal part of the program sufficient to qualify for an ex gratia payment, or do you have to have an adverse physical or mental outcome that results in all the things we have heard about? What is the test?

Mr Wheat—I propose that there be a minimum amount and clearly those who have worked in the poor conditions but suffer no adverse response to those conditions would have to fall into that minimum area. Those who have had more severe reaction to those working conditions go up the scale.

CHAIR—I have the same difficulty that my colleagues have been having. It seems to me that the ex gratia payment has been, from the outset, both confusing and confused itself. Just reading the statement that we received which largely mirrors your opening remarks, it actually says of the proposed replacement ex gratia payment:

This would necessitate not only a calculation for time exposure but heavily weight the outcome according to condition suffered, life expectancy, actual exposure, deceased airmen, etc.

It then goes on to talk about medical, social and functionality. That seems to me to maintain the confusion, as is were, that it is neither a payment for a difficult or unpleasant work environment, nor a payment for medical outcomes. It is a bit of a hybrid. That is certainly an alternative, but it seems to me the confusion about that has been one of the causes of angst and one of the problems, and that an alternative might be to clearly identify the ex gratia payment once and for all as what it was said to be, which is that if you worked in that environment it was an unpleasant environment and there is an ex gratia payment as a one-off compensation for that, and then in a separate construct try to deal with the problems associated with compensation. I know there are a number of subsets in both of those that in themselves are complex, but I am just trying to get clear in my mind the distinction as to the approach.

Mr Wheat—Our approach is put forward as a discussion paper and hopefully an ideas generator, so that we get around the firm stance of ex gratia being only for poor working condition and only for airmen. I have expanded it to try to entrap the wives and children into the

ex gratia payment, because they are denied access under compensation. There has to be some consideration given to those people in relation to what they are suffering. We have heard the stories today. I guess I am suggesting that we widen our outlook on the ex gratia payment and perhaps add another subset to it that covers wives and children.

Mr BALDWIN—Do you think that would be easier to cover under a compensation rather than an ex gratia? Ex gratia is for the work that a person did in less favourable conditions, the side of effects of which, as I said before, may have been a variety of health conditions, and the effect of which may have been passed on to other family members. In my understanding, all of those health conditions whether direct or indirect that were passed on would form a compensable area rather than an ex gratia payment.

Mr Wheat—In common law as I understand it.

Mr BALDWIN—Common law comes from the acts passed by members of parliament.

Mr Wheat—I understand that.

Mr BALDWIN—Extensions to common law via precedents come from judges, but in essence law comes from the parliament of the land. Today we have heard from one witness that they were entitled to what I think was called a tank allowance on their pay, which was sometimes signed off and other times not signed off depending on whether their supervisor or superior officer deemed they had had enough hours in or not. Those allowances are a payment for working conditions and it is obvious that the government of the day saw in the review of this matter that those payments were not enough compensation for going into those matters. As the president of an organisation representing veterans, which does a tremendous job, you need to be very clear that you do not confuse an ex gratia payment system with rights and entitlements for the direct individual or subsequent indirect health issues from compensation, because all we do is exacerbate the anxiety in the community and for people such as those that have come to us with health issues such as cancer, respiratory, suicide and mental health who may not be close enough to it to understand the difference but believe the ex gratia payment is solely for that and there is no further compensable remedy available to them. As a committee, we and those who represent people in the community making claims need to have a clear differentiation and understanding of what ex gratia payments are for, and what actions and remedies under compensation are available to them.

Mr Wheat—I understand totally what you are saying, but there is one important element that we need to be aware of. If the wives, partners and children launch a compensation suit—

Mr BALDWIN—That is compensation.

Mr Wheat—Sure it is compensation, but it is going to be at a huge financial cost over a long period. Surely what we are after here is a solution to a problem that exists now and we are looking beyond what is the standard method of compensating or paying ex gratia payments, attempting to get to a resolution that suits everybody and applies the most benefit.

Mr BALDWIN—The committee may or may not look at a recommendation for providing a more streamlined path to compensation for those affected. The government may or may not

accept those recommendations and act on it. If a person is entitled to it for the work that they have done, and the scope and limitations on that are one of the things we have heard various reports on, does it then become a multiple of one person or two persons or three persons for every person who actually worked on that site at that time, because it is an ex gratia payment for working conditions for that person? I do not deny there are people seeking a remedy.

Senator FORSHAW—Whilst I do not disagree with most of what you have said, I think you should remember that ex gratia payments can be made in all sorts of circumstances and can be made, if it is agreed and accepted, in settlement of a whole range of things—I do not want to get into the law on this—generally on the basis that they are accepted as some sort of finality.

Mr BALDWIN—That is the key issue, because it is not a finality payment.

Senator FORSHAW—These ex gratia payments were not. They are not related to health or supposedly that is what they have said.

Mr BALDWIN—That is the point that we are making. It is that the system was not related to health at all. It was related to working conditions.

Mr Wheat—I understand that.

Mr BALDWIN—That is why the 30 cases, as we understand it, currently before the common law system seeking compensation are not denied, because it is not a full and final ex gratia payment covering health and conditions.

Senator FORSHAW—I understand the proposition that you are putting forward. We can get a bit to hung up on the terminology, even though it is extremely important for the committee when we are looking at what has been done so far. What I wanted to ask you is that you have put your submission in and detailed elements of a package, if you like. We have had the reseal-deseal support group appear before us and we have had other witnesses. But you have put forward your proposition after consultation with members of the groups.

Mr Wheat—The only consultation has been with my executive at the federation. I have not discussed this particular proposal with any other group.

Senator FORSHAW—Do you know whether it is one that would be acceptable? Let us say that it were to be adopted, do you know whether it would be acceptable to the broad group of people who seem to be involved in this?

Mr Wheat—No, I do not. But I think it is flexible enough to be able to accommodate other changes and other views.

Senator FORSHAW—I am not trying to downplay or undermine your proposition. It is important for us to know. Whatever we recommend out of this committee the government of the day has to determine its response. It is important for us to know that we do not end up with a situation where we satisfy some and cause more problems elsewhere.

Mr Wheat—I understand that.

Senator FORSHAW—That is what you are saying, anyway.

Mr Wheat—That is right. Clearly in our submission we have a fair element of focus on the family unit and that is borne out of our experience ourselves back in the dim dark ages of the Agent Orange issue where there were significant genetic problems with children. There were unbelievably dysfunctional families. There were suicides and the whole world was turning upside down for the Vietnam veteran community. What we believe is that whatever steps need to be taken to intervene to stop it happening to the desealers should be taken, and we believe this is part of those steps.

Mr BALDWIN—How many people involved in the broader F111 experience would your organisation represent?

Mr Wheat—Our experience with the F111 groups comes from two areas, handling claims directly for them through our advocacy and pensions area, and my advisory role with the group.

Mr BALDWIN—Would you say your organisation's membership drawing from people involved in the F111 would be 10, 20, 50, 100 or 200?

Mr Wheat—I would have to say it is probably around the 10 mark and I am aware of some 25 individual claims that we are handling at the moment in various stages.

CHAIR—Finally, as you are well aware, because of the length of the whole program, it covers a range of compensation acts, and that produces an outcome where people in identical circumstances receive differing treatment. Do you have a preferred way that you think that problem should be dealt with?

Mr Wheat—It is a confusing and vexing problem. I believe that the best act a veteran can find himself falling under is the Veterans' Entitlements Act. There are a number of valid reasons for that and not the least being that their compensation is payable for life. There is a variety of levels of disability that they can access quite easily, and they could end up with a gold card. The limitation there is the statement of principles.

If we continue down the track that we have had to go down with DVA where they stonewall any claim made under section 180A, then we are just heading towards the SOP regime the whole time, which creates an air of failure. If there were some direction to the department that they were to fairly exercise the use of section 180A, I would see no reason why most airmen would not fall under that. It has to be prior to 1994.

CHAIR—If there are no other questions from the committee, I thank you for your evidence today and for your written submission. You will be given, in due course, a transcript of your evidence and you should contact Hansard about any adjustment that you think needs to be made to that.

[2.19 pm]

JOHNSON, Mr Peter Ian, Private capacity

CHAIR—Mr Johnson, before we commence formally, I want to confirm that you are comfortable with the hearing being conducted and giving evidence at a public hearing?

Mr Johnson—No problem.

CHAIR—Mr Johnson, the committee does not require you to give your evidence on oath, but I advise you that these proceedings are legal proceedings of the parliament and therefore have the same standing as proceedings in the respective houses. With those formalities complete, I would now invite you to make any opening comments that you wish.

Mr Johnson—I am a retired RAAF warrant officer and I speak on behalf of the deseal-resealers employed on the four programs recognised and identified by the board of inquiry, the BOI. In particular, I speak for those who were employed on the first deseal-reseal program, the only program where the chemical strippers SR51 and SR51A were used.

I was seconded to the first program in September 1977 after an extensive period of service on rotary-wing aircraft, Iroquois and Chinook helicopters as both a crewman and an airframe fitter. I knew nothing about the F111 except that the wings do not go all the way around, and neither did the 10 transport fitters who were also seconded to the program due to an apparent shortage of airframe fitters. These guys were at a distinct disadvantage as they had no aircraft maintenance experience at all. They therefore had to be monitored at all times on the first aircraft on which they were employed, A8126, and we all became slaves to the program.

It should be remembered that the BOI was convened following the health concerns emanating from the deseal-reseal programs conducted at 3AD or 501 wing. These deseal-reseal programs, with the exception of spray seal, can be defined as the complete and entire removal of sealing compound from within the fuel tanks, and in the case of the fuselage tanks the laying up of an adhesion promoter, a barrier, two coats of brushable A2 sealant, and one coat of the thicker protective coat of B2 sealant over every seam and joint within the tanks. On the first program the use of the highly dangerous 7,000 PSI water pick, the highly contaminated chemical sprinkler system, and the chemical deseal rig must be included in the list of contaminants.

Do non-deseal-reseal personnel really think they had it as hard as the deseal-reseal personnel? Having read many of the claimed submissions to this inquiry I ask how doing pick and patch repair work within the tanks at the then 482 Squadron and 3AD—and I do accept that there were hardships—can possibly compare with the work carried out during deseal-reseal. If claimants were entering the wet tanks to do repairs, they appear to have disregarded aircraft publication requirements. Did the Air Force have spare aircraft to accommodate their needs?

Whilst pick and patch may have involved entry into the tanks for various periods of time, there can be no comparison with the time spent in the tanks during deseal-reseal, which involved being in the tanks for not days but months on end, in some areas somewhat like working in a

coffin with the foot end kicked out. Indeed the first aircraft, A8126, took almost seven months to complete due to the lack of experience of both the troops and the supervisors.

With regard to the three tier levels, it is my contention that the parameters for the three tier levels were far too broad and should have been in part framed by former desealers and not just by people who thought they knew about it. The inclusion of a 1973 date as part of deseal-reseal, the arrival date of the first aircraft in Australia, to the tier level should not have occurred as the first deseal-reseal program did not commence until September 1977, with the first chemical run starting on 4 January 1978 around the clock in a facility made with canvas at the end of a runway adjacent to an engine test bed and across the road from a rubbish tip.

I have become aware of some former serving members who apparently may have been granted an ex gratia payment and have never been employed within the aircraft tanks, within deseal-reseal programs or in some cases never set foot inside the tanks. Whilst some other trades may have entered the tanks for such things as crack or damage recognition and/or repair, or for wiring or fuel probe removal and/or installation or repair, none—and I repeat none—were employed on the actual deseal or reseal of the tanks.

It is my belief that if these additional claimants are granted the same rights as those who suffered great hardship on the programs, the BOI was a complete and utter multimillion-dollar waste of time. This inquiry should also be reminded that, if these additional claims become recognised as part of the deseal-reseal process and claimants become eligible for benefits or compensation, then anyone who has ever entered a fuel tank for any reason or any Defence Force aircraft may have grounds to claim those benefits. A case in point will be the workers who carried out the replanking and fuel tank repairs on the fleet of C130 Hercules transport aircraft mentioned earlier.

I wish to advise that I am not saying—not saying—that the pick and patch claimants should not be compensated, but they should not have the same equal level of financial rights as the genuine deseal-reseal employees. If the pick and patch claimants are awarded the same level of benefits, the genuine deseal-reseal employees should have their financial benefits increased. If this is not the case, then the genuine deseal-reseal employees have fought a lost cause to have their claims recognised after suffering great hardship over and above others in the service of their country. The difference in benefits must be maintained if for no other reason than to acknowledge the genuine deseal-reseal workers and the hardships they have endured.

If I lose friends because of my statement and the evidence given to this inquiry today then so be it. Maybe they were not true friends after all. I have always been and always will be an honest man with a clear conscience who has served this country in peace and in war and in what would be the worst and most unpleasant job I have ever had. In closing, ironically I informed the inquiry that after having supervised deseal-reseal for some two years and having been reassigned to other F111 maintenance tasks within 3AD, someone in their wisdom organised my attendance at 482 Squadron to complete an F111 fuel systems course. The logic is unbelievable.

I left 3AD in January 1982 on posting to the F111 engineering cell at Headquarters Support Command in Melbourne, which no longer exists, where I had access to all F111 engineering activities and correspondence, and where I liaised with the USAF and with the other RAAF units

operating the F111. My final posting was as WOENG to No. 6 Squadron, and I discharged in July 1986. .

CHAIR—To say the obvious, you provide an alternative prospective on the evidence and that is an important part of this process. The ex gratia payment system as it is currently applied means that there is a threshold of days involved in the program after which you qualify for a certain payment. Notwithstanding the confusion that surrounded it, it is officially stated as a payment for the extraordinary environment in which people operated. In other words, there is no connection to whether you may or may not suffer ill health as a result of exposure to that environment. If you reach the threshold you get a certain payment. If you are just short of it you miss out. You could be double the threshold and you get the same amount as if you were just over the threshold.

Mr Johnson—That is correct.

CHAIR—Firstly, I would be interested in your comments about whether that construct strikes you as a fair way of doing it. But given that construct, if a person had days in that working environment, irrespective of which program they were on, why would they not also qualify for the same threshold?

Mr Johnson—The parameters that were laid down from the board of inquiry recognised only the four distinct deseal-reseal programs, and that is what they based their judgment upon.

CHAIR—Are you comfortable with the all or nothing threshold arrangement?

Mr Johnson—Most assuredly.

CHAIR—Senator Forshaw?

Senator FORSHAW—You were the supervisor of the reseal-deseal program?

Mr Johnson—The first program.

Senator FORSHAW—Did you personally ever undertake the work?

Mr Johnson—Yes, I did. We were short of troops. I mentioned in my opening statement that we had 10 transport fitters who were totally unfamiliar with working on or in aircraft. They needed to be monitored all the time, because we did not have enough troops to fill all the bays. There were of course time constraints to try to get the aeroplane out. In fact, 126 was the first aircraft to have the reconnaissance package fitted, so we had a timeline that we had to meet. Despite the fact that it took us nearly seven months to do it, and I guess they gave us a degree of flexibility, the supervisors from sergeant down all did their own bays and they were in the tanks just as much as the troops on the first few aircraft.

Senator FORSHAW—We have had quite a number of witnesses and submissions put to us that the health and safety protection equipment was either non-existent, inadequate, useless, impossible or difficult to use because of the environment, crawling in and out of the tanks and so on, or all of those. I am sure that you have heard that and you have read that.

Mr Johnson—Yes.

Senator FORSHAW—These workers would go home at the end of the day with stuff all over them, whether it was the smell from the SR51 or the goop. Could you comment upon that? I have the impression out of this that there was a fairly bad health and safety environment when this work was being done. I know it was 1973, but in the early seventies I was doing some casual work in refineries and I was conscious of the fact that there were lots of signs around warning you about accidents and exposure as in not to go into areas and so on if there were hazardous chemicals and that. The picture we have had painted to us was that it was shocking, so what do you say to all of that?

Mr Johnson—The PPE, which was listed as suitable initially for the first aircraft and probably the subsequent ones was white cotton overalls, which are exactly the same overalls that are worn in instrument and hydraulic cleaning rooms. In other words, they are supposed to be lint free. They decided that was the most appropriate form of dress. There were not enough rubber boots on the first program, so they were shared. There were not enough cartridges for breathing apparatuses, or the masks. There were not enough masks to go around; they were shared. We were provided with two air-supplied suits, which were originally designated to be worn during water picking operations. The biggest problem was that the vision range from within the suit was totally inadequate and in fact the helmet of these two suits would not fit in the doorway of the back tanks, so there was no way in the world you could use it in there.

Senator FORSHAW—You are not disputing any of that?

Mr Johnson—No, I am not disputing any of it. It was inadequate for the time. In comparison with today's workplace health and safety issues, the issues then were non-existent.

Senator FORSHAW—It seems to me with the benefit of hindsight and I must say with limited knowledge that it was inadequate in comparison to what would have been or should have been applicable at that time. It was the 1970s, but there are lots of industries around this country that have handled hazardous chemicals for many years and I am appalled at what I have heard that this was allowed to go on. I am trying to think of another regulated working environment—and I referred to an oil refinery—where this sort of thing would be allowed to happen, where workers would go into small tanks and slosh around with liquids, residue getting over them and spraying chemicals without sufficient airflow and masks. The whole thing to me sounds incredibly irresponsible, even if it was 30 or 40 years ago.

Mr Johnson—In the first instance the information that came from the hierarchy stated that we did not really have any great health concerns with what we were about to do. Little did we realise until we started to smell chemicals that maybe there were some issues. Approaches were made to the upper echelons within 3 Aircraft Depot to determine what we were up against and were there any toxic problems that we could encounter with chemicals. We were politely informed that there were no known toxicity problems that we should be facing and that they could not give us any of those datasheets because they are commercial-in-confidence; we did not have a right to have a look at them. After much pressure, around 18 months later, we finally did get that data and then it started to come to light that some of these things are carcinogens, they can affect your eyes, your nervous system, your bowel system and everything.

Senator FORSHAW—We have had one witness tell us that when they objected to doing the work and raised concerns they were ordered to do it and that could have included, or did include, being ordered to do it without wearing the appropriate equipment that might have otherwise been used.

Mr Johnson—I always tried to stress upon my troops to wear the PPE that was given when they could. There were certain areas in the tanks, for instance the lower trap tanks, that were very tight. I do not know whether you gentlemen saw the lower trap tanks yesterday morning. They are extremely tight and in fact anyone even with spectacles would not be able to work in there because you simply would not be able to focus on the areas you were working in.

Senator FORSHAW—You would not dispute the fact that people were ordered to do this at the threat of disciplinary action?

Mr Johnson—No, I—

Senator FORSHAW—I am not suggesting that you did. I am trying to test the evidence of another witness. It is not that I disbelieve that witness, but simply you were directly involved in supervising the work and you were there, so I am trying to ascertain from your recollection if this happened or did not happen.

Mr Johnson—The troops really did not have to be ordered to do the job. They did it willingly. I think it was the custom of the time to get the job done and keep them flying. That was the attitude.

Senator FORSHAW—That was put by the same witness and other witnesses, that there is a pressure that can be applied without necessarily being hit over the head with it.

Mr Johnson—That has been a carryover from the Second World War to keep them flying, keep them flying, and do your utmost to keep that objective in mind.

Senator FORSHAW—Thank you.

Mr BALDWIN—You raised issues in a lack of PPE. As a supervisor, what actions did you take up-line to secure more PPE?

Mr Johnson—With constant approaches to the upper echelons within 3 Aircraft Depot, and it was stated that they would do their utmost to upgrade the amounts.

Mr BALDWIN—Did any of your subordinates ever refuse an order to go into a tank without PPE?

Mr Johnson—I am only aware of one who ever refused to enter the tanks and the PPE was not the issue, but it was on the first chemical run. When the chemical was being sprinkled throughout the tanks, you can hear the sprinklers as they twirl inside the tanks. It is just like an ordinary garden sprinkler, and one was determined in the back tanks not to be spinning, so someone had to enter the tank. A young man was asked would he enter the tank to clear that sprinkler and tie it back out of the way and he refused. I did not deny him his rights to be able to

do that, but we had a technical representative from El Dorado Chemicals, Mr Ron Reid who was there and he entered the tank claiming that there was no problem to work with the chemicals. I saw him dip his arm into the chemical. This is before we got the toxicity—

Mr BALDWIN—Is he still alive?

Mr Johnson—I have no idea whether he is still alive, but he looked about 90 and he was only 60.

Mr BALDWIN—The issues that have been put to us as evidence is the relationship of people not being provided or there not being accessible PPE but also, when it was available, a lack of enforcement that people wear the personal protection equipment in undertaking their job, therefore abrogating their responsibilities for the safety of those subordinates under them.

Mr Johnson—Sure. I can only come back and say that there are certain areas in the tanks where it was physically impossible to wear it. It was physically impossible, because you could not fit.

Mr BALDWIN—You have stated that those on deseal-reseal should be entitled to ex gratia payments. You do not believe that other people like pick and patch, those that we have heard evidence from that have been involved in the material handling and others that have put submissions in or given evidence in relation to firefighting and burning off should be entitled to it. My colleague, Mr Bevis, said that if a person is involved in a deseal-reseal and spends a set period of time, what would be the difference if a person was doing pick and patch in a tank for the same period of time, given that not all of the complaints are in relation to the chemical, because the ex gratia payment is not related to health, but working conditions; in other words, being in confined spaces. There are legal problems that come with that and a range of other issues, so can you perhaps comment on that?

Mr Johnson—I mentioned in my opening statement that pick and patch guys might have spent an hour or two hours a day or a couple of days in the tanks at a time, deseals were three or four months continuous and sometimes up to seven days a week for their entire shift, apart from say a 10- or 15-minute break every half an hour or so.

Mr BALDWIN—They would go in for 15 or 20 minutes and then come out?

Mr Johnson—It was usually half an hour, come out for 10 minutes and go back in again. It was mainly to get the body moving again because some of the places were so tight. The one that I particularly comment on is bay 4 in A2 tank, which is right under the base of the fin and right at the back of the aircraft. It is extremely small.

Mr BALDWIN—I was not able to get in there and have a look.

Mr Johnson—I would not comment on that.

Mr BALDWIN—Be that as it may, in relation to some of the evidence that has been given with pick and patch that people were in there for extended periods of time, do you still feel that they should be denied ex gratia payments?

Mr Johnson—If I was to accept that they could be paid an ex gratia payment for doing pick and patch for various times inside the tanks, then the deseal-resealers in the true sense of the word should have their benefits increased.

Mr BALDWIN—Did you ever supervise pick and patch?

Mr Johnson—Always. Pick and patch happened at 3AD as well, and in fact after I had finished working on deseal-reseal I was still entering tanks whilst the aircraft were undergoing the then E servicing or the major overall, R5 as it is called now. One such occasion was tail No. 132, which had come back from deseal-reseal, but I was to do the inspection of the tanks before final close-up. We ran into some problems, found a crack in the tank, and had to do some more disassembly to get the NDI guys in to have a look. They were in there for about 10 or 15 minutes, did a dam up and did a magnetic particle inspection. We had an aircraft metal worker in the next day and fixed it and then it was all locked up within the next four days.

Mr BALDWIN—The ex gratia payment is for a workplace that had issues around it, whether it be a confined space. We have heard from those involved in firefighting—I know you have made some comments in relation to that—where there was breathing apparatus on the back of a truck but they were not allowed to access it because of the cost of recharge. If indeed that is a restriction in being able to be afforded with the best protection, would you see that they should still be denied a form of payment?

Mr Johnson—Firstly I have got to go back to a claim that they think they might have burnt chemicals from deseal-reseal. I am afraid that I cannot accept, certainly not in the first program, that they would have burnt any of the deseal-reseal. I am aware of the 200 drums—having access to the files and support command helped—where they cut the tops out of the drums, filled them up with firewood and burnt them to take all the residue. Any residue was later buried in landfill, as far as I know.

Mr BALDWIN—We have heard it has been sprinkled about to stop the grass growing.

Mr Johnson—I am not aware of that one at all.

Mr BALDWIN—I understand the smell of this stuff was rather unique.

Mr Johnson—Unique is probably an understatement.

Mr BALDWIN—Would you have another chemical that would be used at the Air Force base that may smell familiar?

Mr Johnson—Not—

Mr BALDWIN—If somebody is covered and reeking in that odour, or if their car stinks of it or if their clothes at home stink of it, then they have been in contact with that chemical?

Mr Johnson—Supposedly, yes.

Mr BALDWIN—Either you have or you have not.

Mr Johnson—I cannot comment for the firies.

Mr BALDWIN—If the firies in the evidence that has been provided to us—correct me if I am wrong here, Mr Chair—claimed that their clothes were covered in it—because of their close proximity, the burning off, the smell, the acrid, black smoke that went up to Churchill, distributing the residue of the combustion out over the ground to dissipate it—and that that stench is with them, it would be a fair assumption to say that they have actually been in contact with the residues of that material.

Mr Johnson—They may have. I would also ask if you have ever smelled the outcome of foam that they use in firefighting?

Mr BALDWIN—The white foam?

Mr Johnson—The white foam is quite pungent.

Mr BALDWIN—I have not.

Mr Johnson—It is a long time since I have smelled it, but maybe the residue from that probably would not have helped them either.

Mr BALDWIN—That is assuming that they would have foamed the fire?

Mr Johnson—Quite possibly as training. They claimed to be training every day of the week. I very much doubt that they would have ever burnt SR51 or SR51A.

Mr BALDWIN—Your statement is that the residue was buried?

Mr Johnson—Yes.

Mr BALDWIN—Is there any log or record keeping of where it would be buried?

Mr Johnson—The only thing I can say is landfill and I do not think that it would be the tip that was across the road from our facility, the rag hangar, because it was subsequently filled in probably 18 months after we started work.

CHAIR—Do you know who would have been responsible for doing that disposal?

Mr Johnson—I would imagine barracks would have taken—

CHAIR—They were not people under your command?

Mr Johnson—I am aware that in the later deseal-reseals all of the waste that was taken for landfill I believe was done by a private contractor.

Mr BALDWIN—Would it have been disposed of in an area that has become residential development now?

Mr Johnson—I do not know that I want to get into that one. I have no idea.

Mr BALDWIN—I have little understanding of Brisbane and the broader areas around, but disposal is disposal and I have to ask the obvious question.

Mr Johnson—No doubt that would be like coal mines.

Mr BALDWIN—There are plenty of those, but we tend to take stuff out of coal mines and not dump it into them.

Mr Johnson—Except houses.

CHAIR—There are some local problems.

Mr HALE—When you said you sprinkle inside the tanks—

Mr Johnson—The chemicals?

Mr HALE—Yes, the chemicals. When does that chemical go on as part of the process?

Mr Johnson—Once the tanks have been deplumbed—I might add you end up with a fuel spill once you take the plumbing out of the tanks, because everything is entrapped in the plumbing, so you are up for another depuddle and another sponge out and dry—the sprinkler system is then added. It comes in sections and fits through the doorways for each tank and it runs just like a garden sprinkler. It was under pressure, but at the same time the tanks were run at a very low vacuum to draw the chemical back into the deseal rig so it could be recycled. The sealant in the tanks before the chemical run were scoured and cut with sharp instruments so that you have got a better surface area for the chemical to attack, and for 72 hours straight the temperature of the chemical had to be maintained at somewhere around 70 degrees. We heated it with six hot water systems which ran through a heat exchanger inside the deseal rig. So for 72 hours we sat around and watched that, or a couple did anyway, and monitored for any spills and leaks. We had sodium hydrochloride to catch any of the spills on the floor.

We also water picked and hand cleaned the engine bays at the same time and of course chemical would eventually start to drip through from the saddle tanks above the engines, so you had to back away from there then and wait. But for 72 hours the chemical was run. Then the tanks were flushed with a soap solution to bring it down to a recommended pH level and then flushed out with water. Air conditioning was then added and the troops could go in and start water picking inside the tanks.

The first aircraft, unfortunately, did not have its full complement of covers, panels and sprinkler systems. The two saddle tanks had not arrived, so we attempted to manipulate the system by building panels over the top. Unfortunately they did not leak, so when we got to the water picking stage the chemical had softened all of the sealant in the tanks, but when you water picked it you blazed it from there and it landed there and it stuck again. So you shifted it from there and it went somewhere else.

Mr HALE—It would be fair to say that the troops that were doing the water picking would be coming in contact with the chemicals, going in there first.

Mr Johnson—Definitely. It was mentioned earlier by another witness that sometimes the chemical would puddle underneath lifted sealing compound and that is quite true, so you never knew where you were going to hit it.

CHAIR—If there are no other questions, Mr Johnson, thank you very much for your submission and for your evidence today.

Mr Johnson—Before I finish if I may, Mr Chairman, I have just a couple of comments from yesterday. I had one occasion of a young man in the A2 bay 4 tank who collapsed and we had to physically manhandle him out of the tank. I might add that it took us nearly half an hour to get him out, after pumping copious quantities of fresh air into him, but he ended up with a few battle scars in coming out of that tank and being dragged through from all the areas.

I mentioned the PPE and that the air-supplied suits would not fit through the hatchways, so we were using visors, just the ordinary protective visors, and wet weather gear, being raincoats and pants with rubber boots if you could get them. You were always wearing wet boots from somebody else's use. I am a little concerned that even during the board of inquiry none of the senior officers who put the program together at 3AD have ever been drawn to task for their efforts or lack of it. This has been evident right through the whole case. Nobody has made them answerable for their actions. It has also become evident that those who entered the tanks whilst they were still wet in fact broke the rules. The publications clearly state that you should not enter them and you have got to have the explosive levels brought right down before you can do so. You can only go in in fully air-conditioned times or at least with some fresh air being pumped in. Somebody asked why the board of inquiry recognised only the four programs and it was simply that that is where the health issues started to emanate.

The attitude I mentioned earlier with the bosses was just get the job done. Somebody else this morning also mentioned the use of seals. All of the doors that you might have looked in yesterday in the tanks all have a rubber seal around the lip. That is called a form-in-place seal and it has to be made by the troops. It is not done with rubber, but it is laid up sealant, the lid is bolted in and the seal is there intact. When you pull it away with a release agent you have got a built-in seal. That is just to clarify that for you.

I mentioned that it would be difficult to work in areas such as the lower trap tanks with spectacles and I do not recall anybody who wore spectacles on the program at all.

There was also the photographer who claimed that he was taking pictures throughout the tanks and I do recall that the tradesmen sometimes took photographs for them, because they had easier access.

I think that covers just about everything I wanted to say and I thank you for the opportunity.

CHAIR—We appreciate your evidence. There will be a copy of your transcript provided to you by Hansard. Once again, thank you for your evidence and for your submission.

Mr Johnson—Thank you kindly.

Proceedings suspended from 2.54 pm to 3.00 pm

ABURN, Mr Alan David Robert, Private capacity

CHAIR—I reopen this public hearing of the Defence Subcommittee and welcome Mr Aburn. Could you please state the capacity in which you appear before the committee.

Mr Aburn—I am representing the family of my son who is deceased and other like type widows that have had similar experiences to what my son did, as well as myself.

CHAIR—Thank you. The subcommittee is not going to require you to give your evidence on oath, but I do advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. I also note that there will possibly be some members of the committee who will need to leave because of flight commitments, but I assure you your evidence will be provided to all members of the committee, not only those that were here earlier today but, as with all of the other evidence, it will be made available to all members of the committee. Would you like to make an opening statement?

Mr Aburn—Yes, thank you. Initially, I would like to comment on the previous person who gave evidence. I was of the belief that the first NCO in charge of the deseal-reseal program was Flight Sergeant Wrigley and he had a sergeant that was James Robertson who was to appear but due to illness himself and his family were unable to attend. He may well have shown light other than Mr Johnson.

It is a known fact that some of the people in that program have a sheltered value of what they actually did and whatever anybody else did did not count, because they were at the brunt of it and suffered more than anybody else. I would just like to clarify that point before I start.

I am an electrician with the Air Force. I joined in 1955. I had 38½ years service and I discharged and joined the defence public service and had another 14 years associated with aircraft working with the defence department. All up I had 43 years of Defence service.

I would like to make mention of some of the 100 hours of experience that people who were assessing the tier structure and people that were eligible for the ex gratia payments. I would question the range of their experience as to whether it covered deseal-reseal as well as the pick and patch as it was at the squadron level, because if they had not experienced the squadron level activities I think their experience is somewhat unreliable.

My main point of issue here is with the ex gratia payment on the deceased members cut-off date. The cut-off date is set at 8 September 2001. My son unfortunately had the audacity to die earlier than that, on 1 February 2000.

My son worked on F111 aircraft for some 11½ years. During that time he was an airframe fitter and as a result of that he was involved in doing what they lightly call pick and patch work for extended periods of time. Contrary to what the previous speaker said, it was not one or two hours. There were long, protracted periods of time where the aircraft was trying to be repaired, as other people who have given evidence here today have also asserted.

I was able to get a couple of statements from some of Greg's supervisors to state what his activities were over their period. He served in that area for a lot longer and there were other supervisors who, if I could have hunted them down, would have been able to give an equal amount. The reason I went to this level is that I have had considerable correspondence with the previous Minister for Veterans' Affairs, Mr Bruce Billson, and his predecessor, De-Anne Kelly. I have had no satisfactory response to any of my correspondence there and attached to my submission there is the track record of all my correspondence with the ministers.

The main point that I had there was to have that cut-off date removed or at least bring it back to when the aircraft first arrived in Australia, because that is when they were leaking at the greatest amount and demanded the greatest amount of work. I was an electrician so I did not enter and do that sort of work. I was only responsible for the electrical aspects within the F111 aircraft. The electricians took responsibility for the fuel systems, contents, distribution and the like. When they had those burns that is part of the equipment that we were responsible for as well, the shut-off valves and so forth. That demanded entry to tanks to attend to the equipment that we had in there. A lot of this equipment may have had to be removed for access for those people to gain entry when they were doing the pick and patch.

I served at 482 Squadron and was on the third ferry flight to pick up the aircraft, so I go back to when the aircraft first arrived in Australia. I was posted to 3AD then after about 15 to 18 months, or in that vicinity, and was promoted to flight sergeant.

When the first C servicing started, the major servicing on the F111 down at the depot, I was involved right from the beginning on that as well, and supervised the deservicing that was conducted at 482 by 3AD personnel because I had experience in that area. Therefore, I was involved with a lot of the activities at that particular servicing to find out what was actually going on. If an aircraft leaked it was fixed as it could be as an ad hoc servicing; in other words, it was not scheduled. The definition of what 'ad hoc' means may be construed as being ship-shop, make-up or whatever. It was not; it was conducted by trained aircraft technicians, airframe fitters mainly, and they conducted their servicing according to their profession.

With the OH&S issues, I have a statement on my file that I sent to you from a Mr Bates who deals with OH&S. That is Folio 3 of my submission. It tells you about the lack of OH&S conditions that were available at that time when the work was being carried out; it was pretty substandard.

From comments that my son has made regarding the PPE and equipment that you should use and from my own experience we only had those painters' masks which were next to useless and no good at all. They had masks later on, which had the little bellows filters. Because they could not get the filters, they were using time expired ones, and sometimes they had to use dust filters which were again no good for vapours. Both of those were used.

CHAIR—Did your son seek compensation for the illnesses as being work related?

Mr Aburn—I was instrumental in getting his claim through DVA. Initially we were going to look at the deseal-reseal side of things, but that was going to be a saga. He worked on Macchi aircraft before coming there and they had a lot of asbestos in lagging and brakes and such like

where he was employed, and they found that the F111 also had asbestos contained on it, so we got his claim up on exposure to asbestos.

Since he died while he was still serving, his wife and daughter are holders of a gold card and their medical needs are well catered for. They are both suffering illnesses as a result of Greg's involvement. My daughter-in-law has cirrhosis badly. She has had breast cancer and has had a lumpectomy with the whole one taken off and she has had to have another one for lymphoedema and has had lymph nodes removed as well. She suffers diabetes and she has a whole heap of other issues, which she does not choose to tell me, but she has other issues there. My granddaughter has also got a number of issues. She has difficulty in focusing and concentrating. She has had fainting spells. She has been quoted as having lupus and is still undergoing investigatory specialist examination to find out what the basis of her illnesses are. She has got sleep apnoea and other things such as that.

CHAIR—Just to be clear, your son's compensation and the entitlements that his widow and children have relate to exposure to asbestos being accepted, so that those other matters that are peculiar to the reseal-deseal were not the subject of that?

Mr Aburn—I was just primarily focused on what the ex gratia payment was on their behalf and also on behalf of other widows whose husbands have passed away. At the time when they brought down that cut-off date, I am led to believe it was the issue date for the board of inquiry report, which I find has got no relevance, because I submitted evidence into that board of inquiry on Greg's behalf and on my own behalf. The head of that inquiry was an acquaintance of mine from the support command area. He was Greg's CO at Williamtown for a while and he actually attended the funeral. When I tendered my evidence in Brisbane, I was asked if I could see him after I had finished with that, so my wife and I went in—

CHAIR—Who was that?

Mr Aburn—Group Captain Clarkson, as he was then. He is an Air Commodore now, now retired.

Mr BALDWIN—You have many years experience in the RAAF yourself.

Mr Aburn—Yes.

Mr BALDWIN—Did you and your son discuss the work environment?

Mr Aburn—I was in Melbourne and he was in Amberley when this was going on for the most part of it. From my own experience at 482 Squadron when the aircraft first arrived I am aware of what was going on there with the leak repairs and they continued on. They started in 1973 when they first arrived. The first deseal-reseal program began in 1977-78 and Mr Billson turned around and said that they were doing two per year. Let us say for 20 aircraft, because we lost a few, that is 10 years. The aircraft that were left in the fleet did not stop leaking. They still leaked. They still had people who were out there repairing those in an ad hoc manner and, when they were leaking too much to fly, they had to be fixed. I have spoken to supervisors within the 1 Squadron organisation and the 6 Squadron organisation and some of the people in the 482 area,

and they were saying that they had the equivalent of about three aircraft offline per year. I can only go on their anecdotal evidence as far as that is concerned.

If you look at the work effort there, as compared to what was being done aircraft wise at the deseal-reseal, you have got equal numbers of aircraft downtime; however, I would concede that the people on the deseal-reseal would have had a far greater and more intense exposure than the people in the deseal-reseal. They were not using the same chemicals to start off with as in the SR51. The main thing that brought the whole board of inquiry together was the spray seal program with the inhalation of those fumes. Closer investigation widened the scope of that and, from my observations of this, it should be widened again to consider the efforts that were done at 482 Squadron.

There are a number of people within the deseal-reseal community that believe that they were the group and they were special, because they had it hard and that nobody else counts, but there were other people that count and I have made big things in my submission saying that people other than those who received the ex gratia payments were in hard working conditions, as you have stated, as in close environment, toxic fumes and fuel. That is what made it a hard working area and that is what they were compensated for. There were other people that were compensated as well. There were supervisors that were head of the deseal-reseal program that did not even get into tanks; they stayed in their office. There were some that did. It depends on who the person was as to whether they did that or not. The people at 482 Squadron and in the other squadrons had long periods of exposure as well.

Senator FORSHAW—I have to catch a plane. I apologise. I have just one question. You mentioned your daughter-in-law and your granddaughter have a range of illnesses. Is there any evidence to link their conditions with those of your son?

Mr Aburn—We have not looked at that avenue, because she is a gold card holder as a result of being married to my son, and therefore there has been no attempt to—

Senator FORSHAW—You are not asserting that, either, at the moment?

Mr Aburn—No. I am just saying that she has got illnesses. Whether they are linked or not, I do not know. I am not her doctor or physician and she has not given me that sort of information, but I have spoken to people in the deseal support group who have children with similar complaints, so one would assume from that that there may be similar links.

Senator FORSHAW—Thank you.

CHAIR—Is your core concern the arbitrary date of September 2001 that barred consideration of people like your son and now your daughter-in-law's circumstance?

Mr Aburn—That is correct. I believe there is something in the order of six or eight personnel that were affected in this manner. I have since found that there are quite a number of other deceased members who will be post that date, which Veterans' Affairs have awareness of. The minister at one of the meetings turned around and asked who were they and requested the names. I do not know whether he is into theatrics or whatever, but he was saying, 'Give us the names.' We felt like we were kindergarten kids with the way that he was talking down to us. This was

Minister Billson. So I hunted around and asked the RAAF advocate if they could get the names back of the ones or if he knew of any others. Because of privacy issues, I was not able to be given that. I spoke to a RAAF executive officer from Canberra in the medical field; it was the same story. He did not have all the names and he would not be able to give me the names anyway because of privacy issues.

I contacted people that I knew in Veterans' Affairs from my involvement with the SHOAMP committees and the SAC committee meetings and said: 'I know you can't give me the names, but the minister has asked for them. You were there; he asked. Can you supply him with the names?' She did that and they were forwarded to one of his staff members. That was a list of 38 names and I am aware of another three persons that have died since then.

CHAIR—Was your son involved with the pick and patch?

Mr Aburn—Yes. As far as my own activities on that, I went to 3AD and I was on the servicings of the F111s down there. As an electrician I was not involved in doing pick and patch work, but as an electrician Sergeant Robertson, who was on that initial program, asked me to come over to the hangar and have a look at his motors because they were starting to burn and getting red hot. During the summer months they smoke and smell of insulation, so he was worried about burning them out. This was in the setting up of the rag hangar area, so I was called to have a look and investigate that and I had to take some current measurements and examine operating procedures to see how long it was before they got hot. The way that they had it rigged up, they had pipes that go up to blanks that had hose fittings on to them to go into the tanks where they would spray them and these leaked. The deseal-reseal had SR51 on the ground from spraying around and you got contaminated.

I might add that the first aircraft that they did was conducted in the four hangars where they conducted the E servicings. There was one of the hangars set aside and they did the first one there and, because of the foul smell of the SR51, that was transferred into the working hangars adjacent to that, so the people in there would have been exposed to the smells, but I do not know if there was any toxicity in that. You can have smell that is not toxic and you can have some that you cannot smell that is very toxic, so it is a question of what is, but it was evident there.

Mr HALE—Thank you for your evidence. The previous witness was adamant that it was just the guys that were doing the deseal and reseal that were exposed to SR51. He was adamant about that, and you touched on it in your opening statement. With 28 years of service, could you elaborate further on your feelings, and I would appreciate your position on the other people, the pick and patch people, as well as the storemen and those types of people?

Mr Aburn—As he stated, the pick and patch was conducted at the depot as well and 501 Wing, because it later on became 501 Wing, conducted pick and patch work there. They were mainly on carried forward USs that were too difficult to get access to during the work on the line, because they would try to do ones that they could fix relatively easily. If they were down for other servicings at the wing they would take the time out to do that because they had the downtime for the aircraft to gain the time to actually get in and do it.

As to the exposure to the SR51, mainly it is in the tanks when they are spraying it. It is sucked out and it is contained in drums when it was finished. So when they got into the tanks after they

finished that process and they had a rinse process, they would have had to have got into the water picks and they would get pockets of the deseal-reseal and they would get smothered in it. I have no doubt about that. SR51 should not have been used up at the wing because they would not have had the heating mechanisms to look after that, and I have stated in my statements that it was not used there and neither were the water picks used up there.

Mr BALDWIN—You talked about the heating elements for the SR51.

Mr Aburn—They said they used water heaters.

Mr BALDWIN—What happened if it was below 70 degrees?

Mr Aburn—It probably would not have the chemical reaction on the sealant to effect its softening. They heated it up to make it react better and faster than if they left it at room temperature.

CHAIR—As there are no other questions, Mr Aburn, I thank you for your submission and your evidence here today. I pass on our sorrow at the loss of your son. It is important in the context of the range of evidence that the committee has received to acknowledge there are people in your situation and it is important that you have been able to come along today to give us that evidence. There will be a copy of your transcript made available to you and you will have the opportunity to make any minor adjustments you think are required in that.

Mr Aburn—I would like to just say one thing. With the definitions and things that they lay down for the eligibility for that ex gratia payment, apart from the shut-off date for the deceased members of estates and such, they also stated that it goes back to 1973 as long as you belong to a 501 Wing deseal-reseal section. We know that that did not exist. That has never been acknowledged by any of the correspondence that I have had with the previous ministers. I would like to see something in that order where that is put right, because what that would do is show acknowledgement of the effort that was being done at the wing where they were doing the pick and patch work. It was done by them, not by the people from the 501 Wing because they do not exist, and it was continued on until the rest of the aircraft had finally had the deseal-reseal done because they still leaked.

CHAIR—Thank you, Mr Aburn. Ladies and gentlemen, as I did yesterday, I just remind people that the committee's report, when it is finalised, will be a public report. It will be tabled in the parliament and it will be available for all on the website. We hope to be in a position to provide that report before the end of this year. Indeed, we have been tasked to do it before the end of this year and we are intent on trying to keep to those timelines. I am sure that everyone understands there are more than a few complexities in the matters that we are dealing with.

Also, on behalf of the committee, I would like to thank those who have come along over the last two days. I said at the opening of these hearings yesterday that this process here in Brisbane was very important as part of our inquiry work, as well as yesterday morning visiting Amberley, but I think anyone who has sat through the last couple of days would have a much clearer understanding of the human face of these issues which we have heard about and read about for some time. That would not have been possible without the willingness of many of you to recount

what for some I know has been a difficult experience. So on behalf of the committee I want to thank you for that.

Resolved (on motion by **Mr Baldwin**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day and yesterday.

Subcommittee adjourned at 3.26 pm