Report to the Members - January 2016

All the best for 2016, may it prove to be a peaceful and beneficial year for all.

**9RAR Association**

In June last year, the Ninth Battalion RAR (9RAR) Association extended an invitation to me, as your President, to their national reunion in November. However, due to a previous commitment made and paid for many months before, I was unable to attend. At our committee meeting in July, the situation was put to those present, and it was agreed that a person who had served in *Sydney* at the time 9RAR was being transported in the ship would be an ideal replacement representative. With this in mind, I wrote to the President of 9RAR Association, suggesting that David Dwyer, our Hon. Secretary, represent our Association on this auspicious occasion. This suggestion was readily accepted.

As a goodwill gesture on behalf of our Association, I prepared two presentation boards, similar to those I use for school visits. These gave a brief history of both 9RAR and HMAS *Sydney* on the front cover, and a visual account of their first anniversary, which was celebrated in transit aboard HMAS *Sydney.* The President of 9RAR Association has since written stating that:

*David Dwyer attended as you arranged and I’m quite sure he’ll report to you that he had a wonderful evening.*

*Furthermore,* *I thank you whole heartedly for the wonderful presentation that your Association gifted to us. It is extremely well done and we’ll be able to enhance future get togethers of our Association with it.*

*The 50th birthday of the formation of the Battalion takes place in Adelaide in November 2017 given that 9RAR formed and trained at Woodside Army camp. I’m sure our South Australian Branch would like to see it in pride of place at that reunion.*

*Once again, I thank you for the support and interest you have shown in our Association. Stan Sutherland, President, 9RAR Assoc. (Vic) Inc.*

**VVAA Education Team**

As part of my contribution to the Vietnam Veterans Education Team, I have produced 63 presentation boards, similar to the one described above. These cover the operations of the First Australian Task Force (1ATF) in Bien Hoa and Phuoc Tuy Provinces, from 1965 to late 1971. 1ATF, through their nine battalions, was involved in over 200 operations during their time in South Vietnam. Not all were major operations; however, I have managed to record them as best I can, with what material there is available. Of these boards, 43 relate to Army/RAAF operations, with the remainder covering RAN operations, both at sea and ashore.

The idea behind these boards is to give a visual representation of the activities of our forces in Vietnam. Each image has retained the caption which went with it. I have also written an introduction to each of these boards, which briefly describes their content. Each board has on the front cover the Battalion(s) or Unit(s) involved, the Operation Name(s) and the date parameters. The time-worn adage of a picture being worth a thousand words, I feel, still rings true.

**Shipp Division Graduation**

By the time this report goes to print there will have been yet another passing out of Shipp Division at Recruit School, HMAS *Cerberus*. In this instance, the Hon. Secretary, David Dwyer, received a written invitation from CO Recruit School to attend. David will no doubt report back on the occasion, as has been done in the past.

**James Eagles R57083 AAT Decision**

On 18 December 2015, I received an email from one James Eagles, a former RO, who served in HMAS *Stuart* as escort to HMAS *Sydney*. Before reproducing anything Jim sent to me, I requested his permission to quote in an email dated 19 December 2015, to which he readily agreed. Jim writes:

*To* *speed-dwyer@yahoo.com.au* *Dear sir would you be kind enough to pass on my thanks to Mr John Carroll for his publication Out of Sight, Out of Mind. The Chapter on Herbicide Exposure together with the excellent reference sources and citing so many remarks by various MP’s and Ministers, led me to research the subject more thoroughly . The outcome was, I discovered, having served aboard HMAS Stuart, escorting the Sydney into Vung Tau, that we had been ingesting contaminated water for months. This was the first time I had heard of this problem. I placed an application with DVA to have Ischaemic Heart Disease (IHD) recognised because of the contamination. This had already been approved by the US Veterans Administration along with several other medical conditions. DVA, naturally refused to approve my claim. I then went to the Review Board, who also refused my claim. I then went and saw an RSL Pensions officer who informed me he had over 50 claims waiting.*

*As I considered this not good enough I went straight to a solicitor, showed him the information from Mr Carroll’s book and he agreed he would take it further. I applied for and was granted legal aid for this work. The solicitor took all of research to the Administrative Appeals Tribunal (AAT) and after considerable delays and phone consultations they approved both my claims, which included IHD. This took just under one and a half years. The approval was also backdated to the date when I first lodged the claim.*

*So if you would be kind enough to pass my appreciation to Mr Carroll I would be most grateful as I consider the information he provided enabled my claim to be successful. The AAT wrote on 21 December 2015 ‘Set aside the decision of the VRB on 10 March 2015 that … and ischaemic heart disease are not war caused injuries or war caused diseases within the meaning of Section 9 of the VEA 1986 and Substitute for the decision set aside that ‘the ischaemic heart disease is a war caused injury or war caused disease within the meaning of section 9 of the Act; such decision to operate with effect from 29 March 2014.’*

*I sincerely hope this information may be of help to other veterans who have pursued this type of claim unsuccessfully in the past. James Eagles Sandstone Point Queensland.*

AAT Veterans Appeals Division No: 2015/3615 refers.

I have in the recent past received similar from Graeme Bartlett, a Pensions and Welfare officer with Forrestville RSL in NSW, quoting my book in a case involving a former member of the RAN. Graeme goes on to describe how the book, or parts of it, helped him to ‘win the appeal at the VRB.’ (N12/0769). Similarly, Ian Cavanough, who is also a Pensions and Welfare officer, from an unidentified RSL in NSW, has reported similar success. Ian also contributed a photograph of HMAS *Duchess* to my book, which he was quite pleased with when he saw it.

**Republic of Vietnam Campaign Medal**

In late December 2015, I received from the Hon Secretary a rather garbled email from an ex-Army person, who was attempting to appeal the decision to not award certain service personnel, from all three services, the Republic of Vietnam Campaign Medal (RVCM). The long and short of this person’s approach was his varied attempts at getting me to state that the sailors who served on the ‘gun-line’ ships were issued the RVCM in error. This was something I was not prepared to do. He then wanted to know how many sailors served in Vietnam who were issued with the RVCM, and when were they issued the medal.

My response to this person follows:

*By way of clarification at the outset, I do not agree with your assertion that RAN personnel were issued the RVCM in error. I base this firstly on logic. The RAN command was fully aware of the conditions of the award, and they were the allotting power.*

*Originally, there were 2,858 RAN personnel allotted for service in Vietnam. This includes those who served in the following units.*

*CDT3, 8 teams of 6 clearance divers + 1 replacement = 49 (7 months)*

*RAN Detachment 9 Squadron RAAF = 8 Pilots (11-12 months)*

*RAN Helicopter Flight Vietnam, 4 Contingents of 48 = 192 (12 months)*

*Naval Staff Office 1ATF Saigon = 8 (12 months)*

*They would have been issued with the ribbons on completion of service in theatre, and with the medals on return to home port. Information passed to me over the years tends to suggest that the perceived error was only officially brought to light late 1986, early 1987.*

*The figures quoted above may be verified by accessing Fairfax Denis, Navy in Vietnam, ACT, AGPS, 1980, pp. 195-225.*

Not satisfied with this answer, the person concerned still persisted. My response to his further enquires follows.

*The basis premises of good research is never assume or presume. To this end I have given you the title of the RAN’s only complete record of what ships, where served, and of those who served at the time. For me to more specific than this would take forever. I hope you can subtract the numbers given previously from the sum total of 2,858 which will give you as near as damn it the sum total of RAN recipients serving in HMA Ships Perth, Hobart, Brisbane and Vendetta. I cannot be more specific than that.*

*My other statement holds true as well. The sailors would have been issued the ribbons upon leaving Vietnam for home, and on arrival at home port, or shortly thereafter, they would have received their medals. This is probably why the perceived anomaly never drew any adverse attention because only one ship ever arrived home at one time.*

*Official correspondence in my possession tends to suggest that internal argument regarding the interpretation of the award of this medal was still going on as late as December 1986, early 1987, with the Army conceding that ‘sub para 5(a) of the relevant memorandum could have been expressed more clearly.’ Also, taking into account that: ‘CNP’s views on this matter may be based on a recent legal interpretation of the memorandum, from which he concluded that conditions applied by the Navy to determine entitlements to the RVCM were correct.’ Therefore, it could hardly be said that RAN personnel were issued the RVCM in error.*

*The RAN, it would appear, was attempting to look after their men, those that the politicians and public servants had not yet found a way to deny them the fairness, equity and comparative treatment that another 11,000 sailors rightfully deserved. That was yet to come.*

*All of those ships mentioned above - colloquially known as the gun-line ships - served on operational service in Vietnamese waters under the provisions of the Repatriation Act 1966-67.*

**Laura Benney**

On a more cheerful note, on 31 December 2015, I received a rather pleasant email from Laura Benney, an Hon. Member in good standing of this Association, requesting assistance with an essay she is preparing for the *Honouring Australian Vietnam Veterans* competition, run by the DVA. Laura had decided to write about the contributions made by the Australian Army Training Team Vietnam and CDT3.

I have had a few brief email conversations with her, sent some references for her to copy and return, and suggested one or two books of interest, which her father has since procured. When she has finished, I will ask her if she would mind if we could publish her essay in both forms of media, so that our members can pause and reflect on her work. To get the views of the younger generation on the service of our generation in Vietnam, would, I feel, be both interesting and informative.

**Commodore Malcolm Baird AM RAN Rtd**

I have to report that I am in receipt of a Christmas card from Malcolm simply stating in his own inimitable style that: *I have been in dockyard hands since May following a fall. Basin trials late November. Wheelchair thereafter. Happy Christmas. Malcolm.*  I also received a phone call from him earlier in December asking to be taken off our mailing list because he felt he could no longer contribute. However, following discussions with the Hon. Secretary, we have put Malcolm on the retired list. He will still receive the GFL, and be able to enjoy all that this small publication means to most of us. He might now even find time to add some cryptic comments of his own to its contents.

Malcolm is one of those former senior officers who is neither hidebound nor afraid to help and contribute to the fairness, equity and comparative treatment of former sailors. He readily obliged with advice and comments which were invaluable to both my thesis, and the book which was later published. I, along with many others, hold him in very high esteem. I hope we can enjoy his company for many years to come, and if he wants me to write another book, he needs to be available so that I can pester him like I did before.

**SOP 1/2016 Ischaemic Heart Disease (IHD)**

Members are advised that the SOP for IHD has been revised. Contaminated potable water did not get mentioned. However, Factor 69 of the new SOP makes for interesting reading where it states: *inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2, 3, 7, 8 tetrachlorodibenzo-para-dioxin (TCDD), for a cumulative period of at least 1000 hours within a consecutive period of ten years, before the clinical worsening of IHD, where the first exposure occurred at least five years before the clinical worsening of IHD, and where that exposure has ceased, the clinical worsening of IHD occurred within 25 years after cessation.*

In my view, the word ingest (or ingesting), meaning *to put or take into the body* would cover a multitude of related situations, including drinking contaminated water, eating food cooked in contaminated water, and related activities. Like the Jim Eagles case above, and other similar situations, this would need to be tested. I also note with some dismay that 1,000 hours - or in excess of 41 days - is now the magical figure for exposure, regardless of body size or overall physiology.

The same questions need to be asked, as have been asked many times before. What was the concentration of dioxin? How much dioxin did the service person consume? The 1,000 hour time period gives absolutely no idea of the level of exposure, and therefore should not form part of the stipulation. The United States National Academy of Sciences - Institute of Medicine stance of no time limit when serving in Vietnam, and no specified level of exposure is warranted, because they realise that it is impossible to measure the level of exposure, and the time spent with any surety, unless it was zero. The only real stipulation by the US authorities is, that the illness or disease is rated - through medical evaluation - as being at least ten percent disabling.

**ANZAC Day Commentary Team**

Despite my best efforts, I have been invited back onto the ABC Commentary Team for the 2016 ANZAC Day parade in Melbourne. I know that most members - being active participants - will not see the parade on the day, but it can be viewed on ABC I View up to two weeks after the event, should you or your family wish to do so.

As this year is the 50th anniversary of the Battle of Long Tan, Vietnam veterans will be to the fore, and, as per protocol, the RAN will be leading. I urge all members to make the effort to attend and participate, as this is a one off. There will never be another opportunity such as this in our collective lifetime.

**Conclusion**

I end this report as I started, by wishing all of our members and their families the very best for 2016. May this year be peaceful, safe, and beneficial to all.

Kind Regards

Dr John R Carroll

22 January 2016