

## President's Report 1- 2019

A belated happy New Year to all. I've had a few other things to contend with over the past few months, however, I am recovering reasonably well by acting in accordance with the advice given by my surgeon, and follow-up advice from my medical practitioners.

**HMAS Sydney 2 Plaque in the Shrine Gardens:** This Plaque has been refurbished and relocated to the HMAS Sydney 1 tree, which is slightly closer to the Shrine itself. I think those who saw the condition it was in, as illustrated in my last report, will be heartened to see that it has been refurbished and sited in its new position. Photographs enclosed.



**HMAS Sydney 3 Plaque:** This Plaque has been manufactured at a cost to the Association of \$484. This will now be sited at the HMAS Sydney 1 tree along with the other two Plaques commemorating the service of HMAS Sydney 1 and 2. I don't think I need to remind anyone that this new Plaque commemorates for posterity the service of HMAS Sydney 3, 1948-1973, which encompasses our service during the Vietnam era, 1965-1972. Photograph enclosed.



**HMAS Sydney Commemoration Service:** This service has been shifted from Tuesday 19 November to Sunday 17 November 1130 for 1200. This is to allow for the dedication of the refurbished HMAS Sydney 2 Plaque to be undertaken, and the unveiling of the new HMAS Sydney 3 Plaque to be dedicated on the same day. This has much significance to those of our members who served in Sydney 3 during not only the Vietnam era, but Korea and Malaysia as well. Being on a Sunday may make the difference for those who might wish to avoid attending on a week day, especially with its associated chaos on the roads.

**Frederick Ian McLeod Dryden:** Fred's name now appears on the Donor Board at the Shrine of Remembrance. His name is also recorded in the Shrine's Annual Report 2017-2018 at page 52 of same. A fitting tribute to a man who did so much for others, and never sought fame or fortune for his efforts on behalf of us all.

**Contaminated Water:** I have located a Declaration from Dr Jochen Muller, one of the team of scientists involved in the water contamination investigation of 2002, confirming that the resultant study has been peer reviewed on at least three separate

occasions, which is contrary to the fallacious claims by both the Department of Veterans Affairs (DVA) and the Repatriation Medical Authority (RMA). In coming days I will scan and circulate this document for everyone's perusal.

**The Federal Court of the United States:** This Court of Appeal has, by a majority of nine to two, ordered the US DVA to allow claims for Agent Orange exposure to those who served in what has become to be known as the Blue Water Navy. In other words, those ships that served off the coast of Vietnam, as compared to those who served in the coastal and riverine waters of South Vietnam, commonly known as the Brown Water Navy. Both this ruling by the Federal Court in the USA, and the Jochen Muller Declaration, cast serious doubts on the arguments of the DVA regarding 'a lack of peer review of the 2002 study' and 'lack of exposure offshore.' For further reference, members might like to try downloading the following two articles <http://www.smithsonianmag.com/smart-news/court-rules-navy-personnel-eligible-agent-orange> or <http://psmag.com/news/court-of-appeals-rules-in-favor-of-blue-water-vietnam-veterans>

**Shipp Division:** A presentation by members of this association and members of the VVAA Education Team, scheduled for 6 February, was cancelled due to inclement weather conditions. I seem to remember that this was the day of 44 plus deg C and a brisk northerly blowing just to accentuate the humid conditions. A response was received from the Divisional Officer, Lt. Andrea Lock, who totally understood, and was looking forward to seeing as many as could make it at the next Shipp Division graduation.

As the publication 'Out of Sight' has sold out I was without a prize to present at the next graduation. In the interim, I purchased, and have since been reimbursed by the association, for an excellent hardcover book titled 'The Shipwreck Hunter' by none other than David Mearns, the person deeply involved in finding HMAS *Sydney* 2, and the Kormoran, off the Western Australian coast.

**Invitation to Shipp Division Passing Out Parades:** Members who wish to attend are more than welcome. The next scheduled passing out parade of Shipp Division is down for Friday 21 June, 0930 for 1000. Those wishing to attend should contact either the Hon. Secretary or myself so that your details, and those of your vehicle, are recorded for Security purposes.

**Statements of Principle (SOPs):** I have noted with some degree of satisfaction that the SOPs for Dupuytren's Disease, SOP 9 of 2019, and Meniere's Disease SOP 108 of 2015, now have more than the sole factor of 'Inability to obtain proper medical treatment'. These changes can be made provided you have the time and the wherewithal to state a case, research each disease in turn, taking into logical consideration its relationship to the conditions of your service. Any eligible ex-service person can do this, but this process is preferably done with the assistance of people with professional knowledge of the symptoms and causes of the condition which is claimed to be deficient. To then have thoroughly researched several other factors which could be considered causes of the condition claimed, which could be appended to the existing SOP. For example, concussion was not a factor in the original SOP for Meniere's Disease, now it is. The use of vibrating tools over a long period was not a factor in the original SOP for Dupuytren's Disease, now they are.

**Appeal to the Members:** I am seeking a copy of a book titled 'Century of Silent Service' by Graham Seal and Lloyd Blake. Its main theme is about Australian submarines. If anyone out there has a copy they no longer want, or are prepared to lend, I would be extremely grateful.

**Future Directions:** It is my intention to continue with the argument concerning water contamination by defoliants, as I feel that logic must win out eventually. At the moment, where the electorate is being promised all sorts of things by all sides of politics, it is rather pointless to continue until things settle after the scheduled Federal election, mid to late May 2019. Not that we had much success with the existing, but at least they know we exist.

**ANZAC Day 2019:** members are encouraged to attend and support your Association. I will be there with you both physically and in spirit, as I continue with the ABC commentary team, describing and making comments about each unit or formation as they go by.

All the very best.

Sincerely

Dr John Carroll

Wednesday 03 April 2019



### DECLARATION OF DR JOCHEN MÜLLER

I, Dr. Jochen Müller, state and declare as follows:

1. I along with Dr. Caroline Gaus of the National Research Centre for Environmental Toxicology, Mr Vincent Alberts, Queensland Health Scientific Services and Professor Michael Moore of Queensland Health Scientific Services was the author of the report entitled the "*Examination of the potential exposure of Royal Australian Navy (RAN) personnel to polychlorinated dibenzodioxins and polychlorinated dibenzofurans via drinking water*", prepared for the Australian Department of Veterans' Affairs.

3. I studied at the University of Hohenheim where I received a diploma and a Master of Science in Agriculture-Biology in 1992. I received my PHD at Griffith University, Nathan Queensland in 1997. My early research focused on transfer pathways of dioxin-like chemicals from contaminated sites into (food) plants. In 1997 I joined the National Research Centre for Environmental Toxicology where over the years I established a research focus on sources, fate and human exposure to persistent organic pollutants. I have lead various studies for Australia's National Dioxin Program and the Brominated Flame Retardant Programs. The focus of my research is on identifying pollutants and measuring their potential effects on people and the environment. I have published about 150 scientific publications that have received around 4000 citations (for detail see <http://www.researcherid.com/rid/C-6241-2008>).

4. This study was undertaken because representatives of the Australian Department of Veterans' Affairs noted a significant increase in cancer incidence among Royals Australian navy veterans who never set foot in Vietnam, higher even than the incidence rates among soldiers who fought in country. The study was accepted for presentation at the 21st International Symposium on Halogenated Environmental Organic Pollutants and POPs and is published in the associated peer reviewed conference proceedings: Müller, J.F., Gaus, C., Bundred, K., Alberts, V., Moore, M.R., Horsley, K., 2001. Co-distillation of TCDD and other POPs during distillation of water - a potential source for exposure. *Organohalogen Compounds* 52, 243-246. The results of the study were also accepted for presentation at the IXth International Congress of Toxicology; the abstract is published in: Mueller, J.F., Gaus, C., Bundred, K., Moore, M.R., Horsley, K., 2001. Water volatility of disowns - exposure through consumption of distilled water. *Toxicology* 164, 157-158. The study was also cited in "*The Third Australian Vietnam Veterans Mortality Study*" published in 2005 by the Australian Department of Veterans' Affairs and Australian Institute of Health and Welfare and resulted in the Department's consideration of Royal Australian Navy Vietnam Veterans as potentially exposed Vietnam Veterans. Shortly after the study's publication, the Australian government began to modify its "Statement of Principles" to grant the presumption of exposure and benefits to those who served afloat in the operational area, which is 185.2 kilometers from the former Republic of Vietnam.

5. I have been informed that the United States Department of Veterans Affairs claims that the study reviewed a "reverse osmosis" process rather than a steam operated evaporation process. That is not correct. The only reference to this process in the study was near the bottom of page 13 which described the methodology and parameters used in the testing. In this portion of the report we indicated that the pertinent chemicals were added to a one litre flask, then pure water,



that had been through the reverse osmosis process to remove any contaminants, was added. At that point the known quantities of sodium chloride and sediment were added to replicate the estuarine waters of the South China Sea.

6. The diagram on page 14 clearly shows an evaporation system rather than reverse osmosis system. The laboratory distillation unit adopted the key elements of the evaporation system to replicate the distillation process used on warships at the time. Consequently the statement that our study was based on the "reverse osmosis" process is categorically wrong.

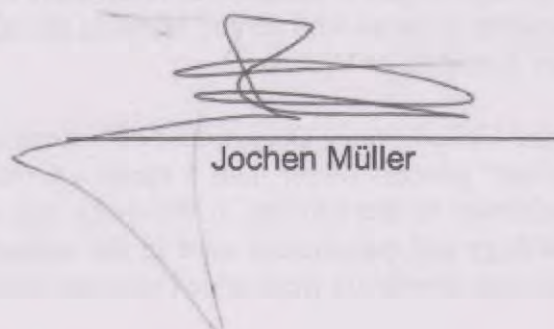
7. Ships in the near shore marine waters collected waters that were contaminated with the runoff from areas sprayed with Agent Orange. The distilling plants aboard the ship, which converted the salt water into potable drinking water, actually enhanced the effect of the Agent Orange. The study noted that there was an elevation in cancer in veterans of the Royal Australian Navy which was higher than that of the Australian Army and Royal Australian Air Force. To my best knowledge this was confirmed by *"The Third Australian Vietnam Veterans Mortality Study."*

8. The evaporator distillers – as far as I am aware - all work on similar principles to produce water (feed water) for the boilers and potable water for the ship's crew. Water is introduced from the sea and is passed through the distilling condenser and air ejector condenser where it acts as a coolant for the condensers. It is then sent through the vapor feed heater into the first effect chamber and into the second effect chamber where it is changed to water vapor. Vapor then is passed through a drain regulator into a flash chamber and passes through baffles and separators into the distilling condenser where it is condensed into water and pumped to the ship's water distribution system. Sea water not vaporized is pumped over the side by the brine pump. This is the same process discussed in our study.

9. Reverse osmosis is a completely different process using a semipermeable membrane. An applied pressure is used to overcome osmotic pressure. The membrane allows water to pass through while preventing the passage of solids such as the sodium chloride in sea water. A high pressure is exerted on the high concentration side of the membrane to overcome the natural osmotic pressure. The reverse osmosis process was not the basis of our study.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to my best knowledge.

Executed this 4<sup>th</sup> day of February, 2014.



Jochen Müller





## The Hon Darren Chester MP

Minister for Veterans' Affairs

Minister for Defence Personnel

Minister Assisting the Prime Minister for the Centenary of ANZAC

MC19-000009

- 5 MAR 2019

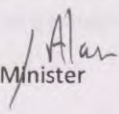
The Hon Alan Tudge MP

Minister for Cities, Urban Infrastructure and Population

Member for Aston

Suite 4, Level 1, 420 Burwood Highway

WANTIRNA SOUTH VIC 3152

Dear Minister 

Thank you for your representation of 21 December 2018 on behalf of Dr John Carroll concerning his enquiry about the inclusion of dioxin-contaminated herbicides in the Statements of Principles (SOPs) administered by the Repatriation Medical Authority (RMA).

By way of background, SOPs are legislative instrument that define medical conditions and identify factors that are known to cause those conditions, based on the most recent medical and scientific evidence. SOPs are used in assessing claims for compensation by veterans to determine whether a claimed medical condition can be causally linked to service.

I understand that matters relating to the possible exposure of veterans to dioxin-contaminated herbicides (such as Agent Orange) during service in Vietnam have been of continuing interest to Dr Carroll for a number of years.

I acknowledge that Dr Carroll may not entirely be satisfied with the provisions made in the SOPs in relation to links between exposure to contaminated herbicides and medical conditions. However, Dr Carroll has previously been advised that the specific issue he has raised, namely the presence of dioxins in drinking water aboard naval vessels, has been comprehensively investigated by the RMA and reflected in SOPs where supported by the available sound medical-scientific evidence.

In addition, I further understand that Dr Carroll has been advised that while it is true that the United States Department of Veterans' Affairs has adopted a different methodology in relation to exposure to contaminated herbicides, including a presumptive approach to certain conditions where a veteran served in Vietnam, the United States system of veterans' entitlements is in many respects significantly different from its Australian counterpart.

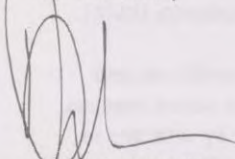
Under the *Veterans' Entitlements Act 1986* (VEA), there is no presumptive approach; rather, where SOPs have been determined by the RMA in respect of the relevant condition, at least one factor must be met in order for a claim to be accepted. This is a legislative requirement under the VEA, and claims must be determined in accordance with the SOPs for the relevant condition.

I should also note that although the factor relating to service on land or at sea in Vietnam for at least 30 days is included in the SOPs for seven conditions, exposure to dioxin-contaminated herbicides is a factor in the SOPs for the other seven conditions listed by Dr Carroll. However the terms of these factors are different and require certain thresholds to be met in relation to duration or amount of exposure to dioxin-contaminated herbicides.

I appreciate Dr Carroll's keen interest in this issue and the work of the RMA, particularly as it relates to reflecting the medical-scientific understanding of the health effects exposure to dioxin-contaminate herbicides.

Thank you for taking the time to bring this matter to my attention.

Yours sincerely



**DARREN CHESTER**