

ACT VETERANS ADVICE & ADVOCACY SERVICE
"Veterans Helping Veterans"

Vietnam Veterans Association of Australia
National Secretary, Mr Ken Foster
PO Box 97
MINTO
NEW SOUTH WALES 2566

9 Edkins Street
DOWNER
ACT 2602

26 September, 2011

Dear Ken,

VIETNAM CONTAMINATED WATER – INCORRECT DECISIONS BY DVA

Despite the Statements of Principle regarding the contaminated water problem from Vietnamese waters referring to the need for persons to have been onboard a vessel and consuming water for 30 days that the ship had distilled while in Vietnamese waters some decisions in the states have demanded 30 days in Vietnamese waters. The relevant Factor for non-Hodgkins lymphoma is as shown below:

SOP 28 of 2010 Factor 6 (r) being:

- (ix) on land in Vietnam; or
- (x) at sea in Vietnamese waters; or
- (iii), **on board a vessel and consuming potable water supplied on that vessel, when the water supply has been produced by evaporative distillation of estuarine Vietnamese waters;**

for a cumulative period of at least 30 days, at least five years before the clinical onset of non-Hodgkins lymphoma; or

The above terminology is relevant to all cancer SOP's where contaminated water is accepted.

In my letter of 15 May 2011 to the Secretary DVA, copy to Deputy Commissioner NSW case details were listed and a Case Officer and Review Officer named who have made several incorrect decisions. As shown in my attached letter no response to date.

As stated in the enclosure I am concerned that there may be more cases out there which have not been brought to my attention and to that end I am requesting that the association by means of its magazine or newsletters brings this to the attention of Advocates and Pension Officers.

When the original amendments were requested there was no time limit set. The RMA insisted that to make the SOP's workable a time period must be included therefore the period of 30 days was promulgated. I was not happy with that as it meant that troops, and any crew member posted off on return to Australia could have been partaking of this cocktail for approx 18 days and had no cover.

Yours Sincerely



Commander P J Burn OAM RAN Rtd
Honorary Advocate VAAS (ACT)
Copy to peter Ryan ACT.

COPY
ACT VETERANS ADVICE & ADVOCACY SERVICE
"Veterans Helping Veterans"

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Office Manager
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Department of Veterans Affairs
Attention: Secretary Mr Ian Campbell
PO Box 21
WODEN ACT 2606

9 Edkins Street
DOWNER
ACT 2602
26 September, 2011

Dear Secretary Campbell,

CONCERN WITH RECENT DVA CONBTAMINATED WATER DECISIONS

Reference: My letter of 16 May 2011.

It is disappointing that to date I have not received any response or acknowledgment of the issues raised in the reference.

At the time of writing I have personally taken four cases to the Veterans Review Board who saw fit to overturn DVA's decisions. These decisions were based on thirty days in Vietnamese waters, not onboard and consuming contaminated water produced while in Vietnamese waters as required by the SOP's.

Furthermore five written depositions have been provided to interstate Advocate/Pension Officers which have also resulted in DVA's decision being overturned.

Since forwarding the information in the reference one more case has been rejected by NSW, quoting the same requirement of thirty days in Vietnamese waters (request for review forwarded), and two requests for assistance with South Australian cases, depositions have been raised and forwarded. In one of the SA cases not only did the Delegate and Review Officer make the wrong decision but the VRB upheld the DVA decision by stating that "the SOP required thirty days in Vietnamese waters. Case details for all can be provided if required by DVA.

My concern is that if I have been able to have these decisions overturned, some of which were brought to my attention by Interstate Advocates how many other incorrect decisions may have been accepted. I am forwarding a copy of this letter to the major Ex-service Associations requesting that they check with their Advocates & Pension Officers for any other outstanding cases.

Yours Sincerely,



CMDR P J Burn OAM RAN Rtd
Advocate, VAAS (ACT) 02 6241 5329

Copy to: National RSL, Vietnam Veterans Assn and Federation, Naval Assn & DFVA