

# Agent Orange Odyssey

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It was 1981.

THERE WAS A SET of rickety stairs overhung by a fly-marked light bulb leading to the office. The office itself was small, dingy and cluttered, more appropriate, I thought, for the legendary whisky-powered down-at-heal 'private eye' than the Vietnam Veterans Association. I approached Phil Thompson at his desk through an obstacle course of piles of documents.

Only a week previously my mother's friend's son, a National Service veteran, had sent a message saying the Association needed help. He knew I had just left the Army and had some time on my hands.

I contacted him: "What is the Vietnam Veterans Association?" I asked.

"That's the Agent Orange mob," he replied.

"What is Agent Orange?" I asked.

I was given the job of establishing the Association's first filing system so I had to read those piles of documents.

What I read disturbed me.

THE UNITED STATES AIR FORCE was being frustrated. It had complete mastery of the skies over the battlefields of South Vietnam and ached to unleash its air power on the Viet Cong and North Vietnamese armies. But the enemy soldiers would not cooperate. With great success these soldiers sought sanctuary from the seeking eyes of US jet jockeys under the thick canopy of the Vietnamese jungles. To the US Air Force the solution was clear – remove the offending canopy by defoliating the jungles with 'Agent Orange'.

Also, enemy troops planted gardens in isolated areas. These crops could be most easily destroyed by spraying them with 'Agent Orange'.

'Agent Orange' was the popularly used term covering a number of toxic chemical mixtures used during the Vietnam war as defoliants and crop destroyers. More correctly 'Agent Orange' was the particular name of only one of them; a mixture of the chemicals 2,4-D and 2,4,5-T with its deadly impurity, dioxin. The others, agents White, Blue and Purple were various mixtures of 2,4-D, 2,4,5-T with its impurity dioxin, picloram and cacodylic acid.

Between 1965 and 1971, the US air force sprayed from low flying aircraft some 20 million US gallons<sup>1</sup> (75,700,000 litres) of these chemical agents over the Vietnamese countryside.

Quickly and thickly growing tropical vegetation round the perimeters of our military bases threatened to obscure the soldiers' view. This bush, too, was cleared by

spraying a long list of defoliants<sup>2</sup> from helicopters, trucks and backpacks. In popular usage, these herbicides, too, were covered by the term ‘Agent Orange’.

The chemical deluge did not end there. In the tropical heat and humidity of South Vietnam particularly aggressive mosquitos, dangerous spiders and huge scorpions threatened. To kill these and other pests in military bases, large quantities of chemical insecticides<sup>3</sup> were regularly sprayed from the air and ground. Soldiers lying in ambush in the paddy fields saturated themselves with insecticides from pressure packs.

In the late 1970’s, reputable scientific research in the USA began linking exposure to ‘Agent Orange’ with cancer in veterans and birth abnormalities in their children. In Australia, ex-CSIRO scientist, John Evans, had gathered a formidable body of scientific studies pointing to the harmfulness of the chemicals. He had become something of a hero to those suffering damage through chemical spills or leaks, successfully appearing in court on their behalf. Professor John Pollack, Sydney University’s distinguished embryologist, was warning about the chemicals’ involvement in birth abnormalities.

These eminent Australian scientists had become the Association’s scientific advisers.

Vietnam Veterans round Australia had reacted to this scientific news.

Ex-warrant officer Phil Thompson had been quite badly wounded late in his second tour of Vietnam with 1<sup>st</sup> Battalion Royal Australian Regiment. He had also fought at the famous Battle of Fire Support Base Coral. He loved the army, seeing it as his second family. So when after 14 years service he was discharged for medical reasons, he felt the separation strongly. He threw himself into federating the scattered groups of Vietnam veterans seeking answers to their questions on Agent Orange, giving them one, more powerful, voice.

Veterans, understandably, wanted to know to what chemicals they had been exposed and what harm might come from that exposure. Phil took those questions to the government and the Department of Veterans Affairs. After ‘political-speak’ and bureaucratic jargon had been deciphered, he realised he was being given the ‘brush-off’. He sought help from the Hon Clyde Holding, MP, the Shadow Minister for Veterans Affairs. In February 1979, Clyde took Phil’s concerns into the Parliament. His first question was met with denial<sup>4</sup>. Even after several more questions during the following year the government remained evasive, even flippant.

On 28 March 1980, a year after the first question was asked, the Minister for Defence, the Hon Jim Killen, MP replied to a question asked by Clyde Holding:

“... I asked my Department what toxic herbicides were used... and this is the answer I was given: regione, gammoxone, tordone and hyva. I do not wish to be disrespectful to the honourable gentleman, or indeed to the House; but, as far as I am personally concerned in the field of qualifications, **they [Agents Orange, Blue, White and Purple] could be four horses running at Rosehill on Saturday...<sup>5</sup>.**”

ALL THIS I LEARNED from the documents and from talking to Phil.

I found the government reaction to veterans' questions perplexing. After 21 years in the army I expected honesty and integrity and especially loyalty from those in authority. We had served well so I naturally expected the government would energetically do what it could to assuage veterans' concerns. I expected this even more because many politicians responsible for prosecuting the Vietnam War were now members of the government. Indeed, the Prime Minister, the Hon Malcolm Fraser MP had been the Minister for Defence during the conflict, whilst the Hon Andrew Peacock MP had been Minister for the Army.

Some weeks after my first ascent of those rickety stairs, the government released a document containing some of the information veterans had been demanding. For me this was a great relief. Certainly it had taken an unreasonably long time to produce but it showed, at last, the government was keeping faith with its Vietnam veterans. The document which realigned the planets of my solar system was titled, *Pesticides used in Vietnam hostilities and their use in Australian agriculture: A comparative study*.

But sometimes we can wish meaning into words. A closer study of the document showed that 'keeping faith with its Vietnam veterans' was not the motivation for its publication. It showed no sign of reciprocity for a job well done. The whole document reeked with the fear that the growing Agent Orange controversy would spill over to threaten the use of those same chemicals in Australian agriculture. It warned:

“...Any restrictions on pesticide use would certainly jeopardise several of our most important primary industries and reduce the quality and quantity of primary produce offered for sale domestically and overseas.”<sup>6</sup>

The document made it clear that the reputation of agricultural chemicals was far more important to the members of the government than 'keeping faith' with those who had fought their war. We were simply a bunch of nuisances whose mischief had to be nullified.

Some veterans, more cynical and conspiratorially minded than I, noted that the Federal Cabinet included five farmers<sup>7</sup>.

I was learning.

DESPITE THE SCIENTIFIC EVIDENCE coming out of the United States and the revelations of the extensive use of Agent Orange in the '*Pesticides in Vietnam...*' document, the Department of Veterans Affairs rejected applications for compensation from veterans claiming chemical caused cancers.

“Perhaps we've got it wrong,” I suggested to Phil. “After all, the Department will have access to all the latest scientific information.”

Phil laughed at my simple trust, then he explained the law to me.

Repatriation law required the Department of Veterans Affairs to give the 'benefit of the doubt' when assessing compensation claims. If the assessor was doubtful as to whether or not a veteran's illness was caused by the war, the benefit of that doubt had to be given to the veteran.

The ‘benefit of the doubt’ concession, I discovered had a long history.

DURING WORLD WAR I, the Federal Parliament grappled with what responsibilities it had to the soldiers returning to Australia from the front. The result was the Australian Soldier’s Repatriation Bill.

In introducing this Bill into the Australian Parliament in 1917, Senator Millen explained. “Repatriation, he said, was an attempt to indicate Australia’s obligation ‘to those who on its behalf have gone into the Valley of the Shadow of Death...’”<sup>8</sup>

The Prime Minister at that time, Billy Hughes, had no doubts that this obligation was the result of an unwritten but binding contract between the Australian Parliament and Australia’s service men and women. He declared: “...we say to them ‘You go and fight, and when you come back we will look after your welfare’<sup>9</sup>. And: [W]e have entered into a bargain with the soldier, and we must keep it...<sup>10</sup>” Billy Hughes was also clear that the service men and women had every right to expect that the government would honour its promises: “The soldier will say to the Commonwealth Government: ‘You made us a promise. We look to you to carry it out.’”<sup>11</sup>

In 1926, reacting to a growing feeling that many sick veterans were being treated neither justly nor with the dignity they deserved, the Parliament introduced the concession of ‘benefit of the doubt’.

In 1941, with World War II well under way, the Federal Parliament again considered its responsibilities to the members of the armed forces returning from the front. The adequacy of existing Repatriation arrangements was examined by a Joint Parliamentary Committee “in the light of the conditions caused by the 1939 war<sup>12</sup>”. One of the ‘conditions caused by the 1939 war’ was the need to attract volunteers to fight the advancing Japanese armed forces. A promise to properly look after the casualties of that fight would help. Indeed, such a promise was probably necessary because there were well publicised grievances generated by the existing legislation<sup>13</sup>. Also guiding the Committee’s considerations was the by then well accepted principle that those who risked life, limb and sanity on behalf of the Australian community (those who had ‘gone into the Valley of the Shadow of Death’) should be treated generously.

Out of this Committee’s considerations came the Australian Soldiers’ Entitlement Act 1943, Australia’s new promise to its fighting forces.

Part of the Act’s generosity was to strengthen the ‘benefit of the doubt’ concession. When a war veteran became ill and thought his illness may be caused by his war service, he would not have to prove the link at the high standard of proof required in a civil court. In introducing the new legislation to Parliament the Attorney General explained:

“The whole purpose of this provision is to reverse completely the method of proof and put the burden of proof upon the authorities to negative any connection between war service and the disability.”<sup>14</sup>

And:

“In other words, if any question which is material to the case before any of these tribunals cannot be placed beyond reasonable doubt, the question must be determined in favour of the member of the forces<sup>15</sup>.”

Succeeding governments re-pledged themselves to this principle and boasted of Australia's generous treatment of its war veterans.

In 1977 Repatriation legislation was completely overhauled after a two year enquiry by Justice Toose. The legislation retained the generous ‘benefit of the doubt’ concessions promised by the Attorney General in 1943. The test for veteran's compensation claims was to remain significantly less onerous than that applied in a court of law.

IT WAS UNDER THE PROVISIONS of this 1977 legislation that Vietnam veterans' claimed that Agent Orange may have harmed themselves and their children.

Our scientific advisers and many other reputable scientists were convinced that exposure to Agent Orange caused both cancer and birth defects. Even though this view was not yet firmly held by the medical establishment, we strongly felt that the government's promise to give veterans the benefit of the doubt would ensure veterans suffering certain cancers would be granted compensation.

But the Department of Veterans Affairs consistently rejected veterans' ‘Agent Orange’ claims.

This suggested to me there must be a yawning gap between the Australian Parliament's repeated promises to veterans and the Department of Veterans Affairs' administration of the law.

Once again I was perplexed. The Department of Veterans Affairs was specifically charged with promoting veterans' welfare (for one period in more recent times it wore the slogan, *Vet Affairs Cares*), and I felt sure it would carry out the promises of the Australian Parliament to the letter. Surely the Department, too, was not acting in bad faith.

Or were they?

In response to the Agent Orange controversy, the Department formed the Vietnam Special Studies Group. Its task was to collect and assess information on Agent Orange which would form the basis of Departmental policy and the decisions of those assessing veterans' claims for compensation. This, surely, was good news. It seemed to me an indication that the Department did care about Vietnam veterans and was doing all it could to find justification to compensate them.

Then we discovered the background of the First Assistant Secretary who led the Group. For years he had held responsible positions in the Department of Primary Industry, the Department most vociferous in its condemnation of those who warned of the dangers of agricultural chemicals. Indeed, in a speech made in 1979, the Department's Pesticide Co-ordinator claimed that those questioning the safety of these chemicals were part of a ‘powerful, vicious and well organised’ plot to exploit the ‘innocent and unwary silent majority in order to claw down man's achievements in

chemical technology and emasculate the chemical industry'. He referred to those crying caution as 'a heterogenous mixture of activists, axe grinders, do-gooders, cranks, guilt complexes, profiteers and vested interests'.

Even though the chaos in our dingy Parramatta office would have cleared us from any accusation of being 'well organised' and though I couldn't identify with any on his list of those trying to destroy Western civilisation, I felt sure we were included in his condemnation.

As recently as 1980 the First Assistant Secretary in charge of the Vietnam Special Studies Group had been appointed as Assistant Secretary, Grains and Industrial Crops, Field Crops Division, Department of Primary Industry; Chairman, Tobacco Board; and Chairman, Wheat Industry Research Council. Just as I was, to some degree, a prisoner of army culture, would not the First Assistant Secretary, no matter how honest a fellow, be infected by the radical culture of the Department of Primary Industry? Indeed, would he have been selected for such responsible posts in that Department had he not been?

It was impossible for even me to believe his appointment as head the Vietnam Special Studies Group had been made in good faith.

I was continuing to learn.

WITH TRUST IN THE GOVERNMENT and the bureaucracy looking like a bad bet, it was time to try the judiciary.

Phil Thompson, Tim McCombe, Terry Loftus and the rest of the team of mainly sick veterans had moved from the Parramatta office to a storeroom in the back of an old Granville RSL hall. It was no more salubrious but at least there was room to move. From there we ran a campaign that resulted, with the 1983 change of government, in the establishment of the Agent Orange Royal Commission.

After sitting for two years the Royal Commission declared the chemicals had been harmless.

If the Royal Commission's report had been believable we would have been happy. We did not relish having an increased chance of contracting cancer or fathering children with birth defects. But the report caused a storm in the scientific community with a number of world-renowned scientists outraged by the findings and some of them expressing their outrage in letters to the Governor General<sup>16</sup>. Then we found that great slabs of the most important parts of the Royal Commission's report were lifted verbatim (mistakes and all) and without acknowledgment from the submissions of the chemical company, Monsanto. A Wollongong University academic specialising in the study of incidents of plagiarism wrote:

"The extent of plagiarism is undoubtedly great. I have examined hundreds of pages which are transcribed almost verbatim, while other parts appear to be based on the content and structure of arguments in the Monsanto

submission. Of the many instances of plagiarism which I have studied, this is one of the more egregious cases.<sup>17</sup>”

I was still learning.

BUT THE AGENT ORANGE ROYAL COMMISSION had not been a waste of time. In its two years of enquiry, it had collected and collated mountains of scientific evidence and information about the use of toxic chemicals in Vietnam. The information was good; it was what the Royal Commission, with the help of Monsanto, had done with it which was flawed. It was a source of information we could draw on to take our fight to the independent appeals tribunals and courts.

Adrian Crisp’s Vietnam service was as a rifleman with the 8th Battalion, Royal Australian Regiment in 1969/70. In 1977 Adrian died of a cancer of the nerve sheath called malignant schwannoma of the right brachial plexus. His widow applied for a war widows pension on the grounds that exposure to toxic chemicals whilst in Vietnam caused Adrian’s cancer. The claim was rejected.

With information gathered by the Royal Commission in the hands of two eminent Australian medical scientists, the Sale sub-branch’s Ted Warner with Tim McCombe, appealed the case. In 1989 the Administrative Appeals Tribunal heard the case. We won. Adrian Crisp’s cancer was attributed to his exposure to Agent Orange. The Tribunal’s findings made it clear that our success came because of the good quality of evidence presented on behalf of the veteran and because the law required the Tribunal to give the veteran the ‘benefit of the doubt’.

A series of similar successes followed, each success discrediting more the Royal Commission findings.

In December 1992 the cases of Ken Kain and Peter Edwards came before the Administrative Appeals Tribunal<sup>18</sup>. Both veterans had been diagnosed with Hodgkin’s disease (a cancer of the lymph glands) in the early 80s. The Department argued vigorously against the veterans being compensated.

A few months later, in early 1993, the United States Veterans Administration announced that it was accepting the link between Agent Orange and Hodgkin’s disease. It was a decision based on the same evidence available to our own Department of Veterans Affairs. But the United States decision was made at the standard of proof close to that used in an Australian civil court<sup>19</sup>. And in this case in particular, the US decision had been a very conservative one<sup>20</sup>. In other words, while the Australian Department vigorously argued against any link at our concessional standard of proof, the United States Veterans Administration was convinced of the link at a significantly higher standard.<sup>21</sup>

There was, of course, something very wrong. The Australian Department should have been compensating veterans with Hodgkin’s disease long before the Americans

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<sup>•</sup> *surpassing; shocking, The Concise Oxford Dictionary.*

because our law required a lower standard of proof. The gap between political promise and bureaucratic execution was graphically exposed.

But whilst the Department bowed to the United States decision and subsequently compensated Australian veterans suffering Hodgkin's disease, it refused to acknowledge the wider issue of its flawed assessment process.

I CEASED BEING PERPLEXED. Now I swung between anger and the doubt that some war-caused paranoia must be warping my perspective of events.

In 1997 the Pearce review was established to look at the operation of the Repatriation Medical Authority. We were able to obtain a copy of the Department's submission. Part of that submission was a document titled: *Legislation and Case Law Background Paper; Application of Statements of Principles*. In it, the meaning of the 1977 Repatriation legislation was discussed. The Department claimed that the wording of the legislation giving veterans a generous 'benefit of the doubt' did not mean what it appeared to say. And whilst admitting that the Minister in introducing the legislation had not referred to any alternative meaning, the Department claimed the Minister and the government intended the legislation to impose not the concessional 'benefit of the doubt' the words expressed, rather they intended the legislation to impose what amounted to the civil court standard of proof.

But if this was the government's intention why had not the Department made it clear in the legislation? And if the Minister wanted the words in the legislation to have a special meaning, why had not the Department written an explanation of it into the Minister's speech introducing the legislation.

There was the smell of bad faith in the air.

Down at the Granville office, Tim McCombe remembered a speech made by Senator Durack a few years previously. The speech was part of a Senate debate on another Repatriation matter. Senator Durack had been the Minister for Veterans Affairs during the Fraser government when it had been his duty to frame and introduce the 1977 Repatriation legislation. Being the Minister responsible he knew exactly what the government intended the legislation to mean and being a lawyer understood the legal language used. During his 1992 speech he referred to the 1977 legislation.

"...my main responsibility was to implement the Toose report," he explained. And as "...we were not in the business of taking anything away from the veteran community..." the government and himself certainly did not intend to, nor did they, impose the civil court standard of proof on veterans. Indeed, Senator Durack continued, the legislation was meant to give the same generous 'benefit of the doubt' concessions as was promised by Attorney General in 1943.<sup>22</sup>

That a Department should have so blatantly defied the will of the Australian Parliament shocked me. That the Department of Veterans Affairs would write a submission contradicting the responsible Minister's words of only a few years previous was surely impossible in Australia.



When confronted with the contradiction, the Department sunk into a prolonged, obstinate silence. The Minister, when confronted, eventually responded in a voluminous letter which addressed everything but the question. The silence and evasion were perhaps a reaction to the realisation that the truth was exposed; the momentous truth being that the thousands of veterans claiming compensation for war caused illness assessed under the 1977 legislation, including those claiming Agent Orange as the cause, had been assessed by the Department illegally at too high a standard of proof.

Our suspicion of the Department's bad faith was confirmed by other revelations in Senator Durack's 1992 speech. Having specified the government's generous intentions for the 1977 legislation he then said:

“It is that particular matter [the generous ‘benefit of the doubt’ concession] which this Repatriation Commission, in the last decade or so, has been absolutely determined to modify and hopefully reverse<sup>23</sup>.”

Senator Durack added:

“The reason I have risen to speak in this debate is that I believe that over the last 10 years or so there have been very strong attempts by the Repatriation Commission to subvert the longstanding intentions of Parliament in favour of claims for war-caused injuries by veterans<sup>24</sup>”

Finally we knew for sure.

I hoped I had no more to learn.

But at least the suspicion that I may be suffering paranoia evaporated. That left only anger.

BILLY HUGHES HAD SAID: “The soldier will say to the Commonwealth Government: ‘You made us a promise. We look to you to carry it out.’” Phil Thompson and his crew had certainly done that. But Billy Hughes had not mentioned, probably not even contemplated the possibility, that the soldiers would be ignored and the promise dishonoured.

MY AGENT ORANGE ODYSSEY had taken me through a new world. There, half-truths, evasion and deceit had replaced honesty whilst benign masks had replaced integrity. There had not even been the pretence at loyalty.

Oh for the simple army life.

## References

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<sup>1</sup> Mr Justice Phillip Evatt, *Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam*, (Australian Government Publishing Service), Volume 1, Chapter IV, page 6.

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<sup>2</sup> Paraquat, diquat, bromacil, diuron, monuvon, distillate-creosote and borate-chlorate.

<sup>3</sup> Such as DDT, malathion, lindane, chlordane and dieldrin.

<sup>4</sup> ‘The Australian Defence Force did not use Agent Orange in Vietnam.’

*Hansard*, House of Representatives, 20 February 1979.

<sup>5</sup> *Ibid*, 28 March 1980.

<sup>6</sup> Commonwealth Government, *Pesticides Used in Vietnam Hostilities and their Use in Australian Agriculture: A Comparative Study*, page v

<sup>7</sup> Malcolm Fraser, Doug Anthony, Tony Street, Peter Nixon and Ian Sinclair.

<sup>8</sup> Quoted in Clem Lloyd and Jacqui Rees, *The Last Shilling*, (Melbourne University Press, 1994) page 5.

The words of Senator ED Millen are in *Commonwealth Parliamentary Debates*, 18-11-1917, Senate, page 195.

<sup>9</sup> *Report of the Resolutions, Proceedings and Debates of the Premiers Conference Held at Melbourne, December 1916*, page 13, in *Commonwealth Parliamentary Papers, Reports of Proceedings of Premiers Conference 1916-17*.

<sup>10</sup> *Ibid*.

<sup>11</sup> *Report of the Resolutions, Proceedings and Debates of the Premiers Conference* (with Ministers of Lands), Held at Melbourne, January, 1917, (adjourned from December 1916), page 9, in *Commonwealth Parliamentary Papers, Reports of Proceedings of Premiers Conference 1916-17*.

<sup>12</sup> Minister for Repatriation, Mr Francis, Minister’s second reading speech, *Parliamentary Debates, Australian Soldiers’ Repatriation Bill 1943*, Collected by the library of the Department of Veterans Affairs, page 2.

<sup>13</sup> Clem Lloyd and Jacqui Rees, *op cit*, page 266.

<sup>14</sup> *Hansard*, House of Representatives, 18 March 1943, page 2010.

<sup>15</sup> *Ibid*, page 2009.

<sup>16</sup> Dr Alister Hay, Department of Chemical Pathology, The University of Leeds; Olav Axelson and Dr Hardell, internationally known researchers of agricultural chemicals; Dr John Pollak, embryologist, Sydney University; Dr Dieter Riedel, Head, Reassessment Section, Pesticides Division, Environmental Health Centre, Canada; Dr Frenzel-Beyme, German Cancer Research Centre, Heidelberg, FRG.

<sup>17</sup> Brian Martin, ‘Agent Orange: The New Controversy’, in *Australian Society*, Volume 5, number 11, November 1986, page 26.

<sup>18</sup> Administrative Appeals Tribunal Reasons for Decision, *Kain v Repatriation Commission*, (1992), (unreported) and Administrative Appeals Tribunal Reasons for Decision, *Edwards v Repatriation Commission*, (1992), (unreported)

<sup>19</sup> For the standard of proof required in the US repatriation system, see, Professor Robert MacLennan and Professor Peter Smith, *Veterans and Agent Orange, Health Effects of Herbicides Used In Vietnam*, (Department of Veterans Affairs, September 1994) page 6.

<sup>20</sup> An assessment of the US committee’s review in, *Ibid*, page 5..

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<sup>21</sup> In 1991, the US government passed Public Law 102-4 tasking the US Academy of Science to conduct a comprehensive review and evaluation of available evidence on the health effects of exposure to Agent Orange and other herbicides used in Vietnam.

The US Academy of Science report in 1993 identified evidence that linked a number of cancers to exposure to Agent Orange.

The Australian government tasked Professor Robert MacLennan and Professor Peter Smith to review the US Academy report. They concluded that it was at least as likely as not (ie Australian civil court standard of 'balance of probabilities) that the following cancers were linked to exposure to Agent Orange):

- Soft tissue sarcoma (over fifty varieties);
- Non-Hodgkin's lymphoma;
- Hodgkin's disease;
- Multiple myeloma;
- Leukemia; and,
- Respiratory cancers (lung, larynx, trachea)

They also concluded there was strong evidence for a link with the following diseases:

- Chloracne,
- Porphyria cutanea tarda

As a result of this report, the Australian Department of Veterans Affairs accepted these cancers and diseases as 'war-caused' in Vietnam veterans who stayed a minimum period in-country. Sufferers of 'war-caused' illness and diseases are eligible for compensation.

As a result of subsequent US Academy of Science reports, Prostate Cancer, Acute and sub-acute transient peripheral neuropathy have been added to its list of diseases with links to exposure to Agent Orange (these reports are available on the internet).As a result, these additional diseases are now accepted as 'war caused' in Australian Vietnam Veterans who stayed a minimum period in-country.

The US Academy of Science report of 1996 identified a link between exposure of veteran fathers to Agent Orange and the veterans' children suffering Spina bifida. Whilst the report did not put the strength of the link in its highest category, the report was compelling enough for the US government to take responsibility and generously compensate the affected children.

<sup>22</sup> "In drafting the [1977] legislation, we gave the right of proof beyond reasonable doubt ... to veterans." *Hansard*, Senate, 16 December 1992, page5243

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid*, page5241