



Peter Edwards' Brief Account of the Agent Orange Controversy in His New Book Is No Substitute for a Full Independent Study

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Peter Edwards' 'impressionistic summary' of the Agent Orange controversy in his newly released book, *Australian and the Vietnam War*¹, has included some relevant facts available to FB Smith but omitted in Smith's Official History account². But Edwards' own omissions, errors and brevity make his account unsuitable as a substitute for a thorough independent study of the issue.

What are some of these omissions?

Peter Edwards states that Justice Evatt in his Royal Commission report summary finds Agent Orange 'Not Guilty'. Unlike FB Smith, Edwards goes on to admit that 'Evatt noted, in the body of the report but not in the summary, that there did appear to be a link between the toxic chemicals and some cancers'³. But Edwards fails to explain that these apparently contradictory findings were made under two different standards of proof, the first at civil court standard, the second at the standard of proof demanded under Repatriation law. So the second finding that there was a link between Agent Orange and cancer was the only finding relevant to the veterans' case. In failing to explain this, Edwards avoids the inevitable conclusion that this finding vindicated the veterans' campaign.

Edwards, unlike FB Smith, admits that the Evatt Royal Commission was critical of the Repatriation Commission's interpretation of the standard of proof provisions of Repatriation law. It was the belief that the Repatriation Commission was denying veterans the benefit of the doubt provisions of Repatriation law that motivated the veterans' campaign. Edwards goes on to say that this remained 'a major source of contention between the repatriation authorities and the VVAA'. And this is true. But Edwards fails to mention that the Evatt Royal Commission also found 'a clear divergence of opinion' between the Repatriation Commission and the appeals tribunal as to the proper interpretation⁴. He also fails to mention that this divergence became clear when the campaigning veterans sponsored a long series of successful Agent Orange cases before the appeals tribunals. In other words, the veterans' campaign was once again vindicated.

What are some of Peter Edwards' errors?

Edwards writes: "The VVAA also took up the assertion, developed in the United States, that many if not all the ailments suffered by veterans and their families, including cancers, miscarriages and birth defects, as well as the typical manifestations of PTSD, were caused by toxic herbicides..."⁵

Comment: The VVAA did not dispute that war trauma caused PTSD; indeed as admitted by Peter Edwards, it lobbied successfully for the establishment of the Vietnam Veterans Counselling Service designed to remedy war caused psychological distress. The VVAA's concern was that chemical poisoning of the frontal lobe might cause similar symptoms which might be mistaken for PTSD.

Edwards writes: "The VVAA's campaign aroused controversy not only in the agencies against which it was directed but also amongst veterans. Many, probably the majority of the 60,000 who served, had integrated well into society; a number, including national servicemen who had become officers, achieved notable success. Some objected to the implication that all Vietnam veterans were likely to be damaged and unstable."⁶

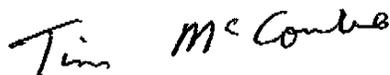
Comment: The VVAA made no claim that all Vietnam veterans were damaged. But it is worthy of note that of the 50,000 or so remaining Vietnam veterans 21,640 are classified as Totally and Permanently Incapacitated⁷ whilst a total of 41,016 have accepted war caused disabilities⁸.

Edwards writes: "The government...established a Repatriation Medical Authority. Since then the leading medical practitioners on the RMA have established detailed Statements of Operating Principles, creating a consistent if complex framework within which claims by veterans for compensation for particular ailments are assessed. Most ex-service organisations, including the RSL and the VVAA, work within this system, but one group of veterans formed a separate organisation, the Vietnam Veterans Federation of Australia (VVFA), which has maintained a confrontational attitude towards repatriation and other authorities associated with the early days of the VVAA."⁹

Comment: Peter Edwards seems to be suggesting that the VVFA does not work within the Statement of Operating Principles system. This suggestion is wildly wrong. The Federation's New South Wales branch alone processes over 1,000 compensation claims a year and some 300 appeals under this system. Australia wide these numbers might be doubled. And its 'confrontational attitude' on other matters has achieved important improvements to veterans' welfare.

Peter Edwards, by including salient facts available to FB Smith but omitted from Smith's account, has advanced our understanding of the Agent Orange controversy. But his brief 'impressionistic summary of a long and complex subject'¹⁰ includes its own omissions and errors. The need remains for a full and independent study.

Yours sincerely,



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References

- ¹ Peter Edwards, *Australia and the Vietnam War*, A New South Book, Australian War Memorial, 2014
- ² Brendan O’Keefe and F.B. Smith, *Medicine at War: Medical aspects of Australia’s Involvement in Southeast Asian Conflicts 1950–1972*, vol. 3: *The Official History of Australia’s Involvement in Southeast Asian Conflicts 1948–75*, Allen and Unwin, 1994
- ³ Edwards, *Australia and the Vietnam War*, page 281.
- ⁴ Royal Commission, Evatt, vol. 7, ch. XIV, Benefits and Treatment, p. 359. See also Topperwien ‘Relaxed Evidentiary Rules in Veterans’ Legislation: An empirical analysis’, p. 11
- ⁵ Edwards, *Australia and the Vietnam War*, pages 279-80.
- ⁶ Edwards, *Australia and the Vietnam War*, page 280.
- ⁷ Department of Veterans Affairs statistics, *DVA Pensioner Summary, Pensions Paid Under the Veterans Entitlement Act 1986, December 2013*, Table 10.
- ⁸ Department of Veterans Affairs, *Treatment Population Statistics*, Quarterly Report December 2013 (data extracted as at January 2014), page 15.
- ⁹ Edwards, *Australia and the Vietnam War*, page 283.
- ¹⁰ Edwards, *Australia and the Vietnam War*, page 277.