

Victorian Government's Response to the Environment, Natural Resources and Regional Development Committee's Inquiry into the CFA Training College at Fiskville

Introduction

The Victorian Government welcomes the Final Report of the Environment, Natural Resources and Regional Development Committee's Inquiry into the CFA Training College at Fiskville.

The Government thanks the Committee and its Chair, Ms Bronwyn Halfpenny MP, for their extensive work in producing the Report and thanks all stakeholders involved for their valuable contributions to the Committee's Inquiry.

The Government acknowledges that the Fiskville Training College has a special place in history for both the people who trained and lived there as well as other members of the local community. The Government also recognises, however, that some people have concerns about how their time at Fiskville may have affected their health and that sharing their experience with the Committee may have been difficult. The Government specifically thanks them for their efforts in doing so.

The Committee makes 31 recommendations in its Report. The Government either supports the recommendation, supports them in principle or supports them in part. Where the Government supports a recommendation in principle or supports in part, this means that it agrees with the intent of the recommendation, but considers that further analysis is required or that the intent of the recommendation can be achieved in a different way.

The attached table provides a summary of the Government's response to the recommendations with further detail provided in the body of this document.

The Government acknowledges that the Inquiry captured the situation at Fiskville at a particular point in time. To this end, many of the response to the recommendations made by the Committee have already been implemented or are being implemented.

The Government also notes that many of the recommendations intersect with the Independent Inquiry into the Environment Protection Authority (EPA). This Inquiry delivered its final report to the Government on 31 March 2016. Where relevant, these interactions have been noted in the response to each recommendation. Government will release a response to the Independent Inquiry into the EPA in 2016.

Finally, the Government is committed to supporting those people affected by their time at (or near) Fiskville and improving the regulatory accountability of the departments and agencies with responsibilities relevant to Victoria's firefighting brigades. Therefore, it is important that the Government, departments and agencies act swiftly on the actions set out in this response. To ensure this, the Minister for Emergency Services has written to the Inspector-General for Emergency Management requesting him to prepare a report under section 64(1)(ca) of the *Emergency Management Act 2013* on departments' and agencies' first 12 months of work implementing the Government's commitments in the response to the Inquiry Report.

Background

On 23 December 2014, the Victorian Government referred an Inquiry into the CFA Training College at Fiskville to the Environment and Natural Resources Committee (the Committee). The Inquiry's Terms of Reference were to provide:

- 1) a comprehensive historical study of pollution, contamination and unsafe activities at Fiskville between 1970 and the present day;
- 2) a study of the health impacts on employees, residents and visitors between 1970 and the present day;
- 3) a study of the role of past and present executive management at Fiskville;
- 4) an assessment of the feasibility of decontamination/rectification of the training site; and
- 5) recommendations as necessary to mitigate ongoing harm and to provide justice to victims and their families.

The Committee provided an Interim Report on 24 June 2015 and a Special Report on the Tabling of Documents on 12 November 2015. The Government provided a response to the Interim Report on 9 February 2016. The Committee handed down its final report on 24 May 2016 (Final Report). This is the Government's response to the Final Report.

Response to Recommendations

The Inquiry Process

Recommendation 1

That the Victorian Government:

(a) Provide an update on Departmental and agency compliance with the directive from the Secretary of the Department of Premier and Cabinet (as set out in the Government's response to the Interim Report) to provide individuals with access to records and documents relating to their involvement at Fiskville

Government response: Support

(b) Provide an assessment of the CFA's compliance with the Model Litigant Guidelines when people seek access to documents

Government response: Support in Part

(c) Provide an assessment of the Victorian Government Solicitor's Office's compliance with both the Secretary's directive and the Model Litigant Guidelines

Government response: Support in Part

Recommendation 2

That the Victorian Government amend the Model Litigant Guidelines on the State of Victoria's Obligation to Act as a Model Litigant so that the Guidelines extend to the conduct of Departments, agencies and their legal representatives' dealings with Parliamentary Committees, particularly when conducting a document discovery process.

Government response: Support in Part

Recommendation 3

That the Department of Premier and Cabinet amend the Guidelines for Appearing Before State Parliamentary Committees so that they contain some standards for conduct when a Parliamentary Committee requests information and documents. The standards should reflect relevant principles contained in the Model Litigant Guidelines.

Government response: Support

The Government is committed to transparency and ensuring the accessibility of documents related to individuals' experiences at Fiskville. As part of the interim response, on 15 October 2015, the Secretary of the Department of Premier and Cabinet wrote to the secretaries of other departments to ensure that any person requesting documents relating to their involvement at Fiskville was provided with access to those documents as soon as possible.

On 27 July 2016, the Secretary DPC wrote a further letter to department heads requesting an update on "the number of information requests received by departments and their relevant portfolio agencies, relating to individuals' experiences at Fiskville; and the status of those requests."

The Department of Justice and Regulation was the only department to report a relevant information request in the period between the Secretary to DPC's letters, being a request received by the Metropolitan Fire Brigade, which was addressed and completed.

The Government acknowledges CFA's commitment to acting consistently with the *Model Litigant Guidelines*. The Government will ask Crown Counsel to assess CFA's compliance with those Guidelines in relation to its provisions of documents relating to Fiskville sought by the Committee. The Government will advise the Committee of the results of the assessment.

In relation to the role of the Victorian Government Solicitor's Office (VGSO) in providing documents, the Government considers that the VGSO cooperated consistently with the Committee's requests, acknowledging that the process consumed Committee resources.

The Government is currently revising and updating its *Guidelines for Appearing Before State Parliamentary Committees* to reflect relevant principles of the *Model Litigant Guidelines*. The Victorian Government considers that this is the most appropriate means of addressing the spirit of Recommendation 2. The *Model Litigant Guidelines* relate to litigation and the conduct of Government agencies in dealing with claims made by citizens/private entities, rather than appearances before, and the production of documents to, Parliamentary Committees. However, there are many principles in the *Model Litigant Guidelines* that are appropriate to guide engagement with Parliamentary Committees and these will be reflected in the revised Guidelines for *Appearing Before State Parliamentary Committees*.

Therefore, the revised Guidelines will:

- promote early engagement with inquiries to minimise the potential for misunderstandings;
- include standards of conduct for responding to requests for documents that reflect relevant principles of the *Model Litigant Guidelines*; and
- encourage departments and agencies to consider other options available to provide inquiries with the information they need where documents are subject to claims of executive privilege.

The revised Guidelines are expected to be released in early 2017.

Activities and Contamination at the Site

Recommendation 4

That the Victorian Government offer all students and teachers who attended Fiskville State School the opportunity to participate in a health study on the effects of contamination at Fiskville.

Government response: Support

Recommendation 5

That the Victorian Government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.

Government response: Support in Principle

The Government acknowledges that many people who have an historical connection or experience with the Fiskville site have concerns about potential impacts of this experience on their health. The Government wants to address these concerns.

The Government has the student records and employee records for Fiskville State School from 1952, which it can use to identify the students and staff who may need to be invited to participate in the health checking and monitoring program for Fiskville affected people that was commissioned by the CFA and conducted by independent medical practitioners.

As the school closed in 1992, the Government is investigating the best way to contact past students and staff to ensure they have the opportunity to participate in any relevant health program. The Government recognises that it may not be possible to contact all staff and students in a range of circumstances, but will ensure that any opportunity to participate in a health and monitoring program is conveyed to the community it .

The Government recognises the importance of government entities maintaining adequate records and complying with regulatory requirements.

In the context of Fiskville and environmental compliance more broadly, the Independent Inquiry into the Environment Protection Authority (EPA Inquiry) (discussed earlier in the background to this response) made a number of recommendations to improve the regulator's ability to hold polluters to account, including a commitment to expand the range, and increase the severity of, sanctions. The Government will release its response to the EPA Inquiry in 2016.

Currently, EPA licences and approvals contain conditions requiring the recipient to maintain records. Failure to comply is a breach of the licence or approval and may result in a sanction under the *Environment Protection Act 1970* (EP Act). Similarly, some regulations also have requirements to maintain records and have specific sanctions associated with a failure to comply with them.

There is a variety of record keeping obligations in Victoria's occupational health and safety regulations that support the management of specific occupational health and safety risks and attract penalties for non-compliance. The Government is considering penalties for record keeping offences as part of the review of the Occupational Health and Safety Regulations 2007, which are due to be remade in 2017.

Recommendation 6

That the Victorian Government introduce potable water as standard for firefighting training water to be complied with at all firefighting training facilities.

Government response: Support

The Government is committed to the health and safety of its firefighters and to ensuring that the water used at training campuses is of a standard that is safe for training use. The Government will implement any necessary additional treatment processes required to improve training water at all training centres to ensure it is of a standard that is safe for training use and consistent with requirements under any relevant enterprise agreements.

Recommendation 7

That EPA Victoria conduct regular environmental testing of firefighting training facilities across Victoria ensuring records are properly maintained for future use.

Government response: Support in Principle

The Government supports regular environmental testing of firefighting training facilities. The environmental duty holder (usually the occupier of land) is responsible for testing its facilities against relevant standards and for maintaining the required records. EPA is responsible for enforcing these standards.

EPA has issued clean-up notices to CFA for all seven of its Regional Training Centres, including Fiskville, and continues to provide public updates on the progress of this work. Under the terms of the clean-up notices for the CFA training centres, the CFA is required to undertake environmental testing of the facilities, site upgrades, clean-up where necessary and, in particular cases, EPA has appointed environmental auditors to verify this work.

Recommendations of the Independent Inquiry into the EPA (EPA Inquiry) to strengthen EPA's ability to require preventative action are discussed further under Recommendation 16.

Recommendation 8

That the Victorian Government audit all CFA training facilities to assess their capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.

Government response: Support

The Government will ask the CFA, assisted by advice and support from WorkSafe, to include in its audit of its OHS management systems (discussed in the response to Recommendation 10) an assessment of its capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.

CFA Culture and Health and Safety**Recommendation 9**

That the CFA contact the driver who was exposed to chemicals in the early 2002 drums incident, ascertain his current state of health and offer him the opportunity to participate in its health surveillance program.

Government response: Support

Recommendation 10

That the Victorian Government conduct an audit of CFA occupational health policies – both those by the CFA Board and those recommended by external reviews – to determine if they have been implemented effectively throughout the organisation.

Government response: Support in Principle

Recommendation 11

That the CFA review its occupational health and safety management structure.

Government response: Support

Recommendation 12

That the Emergency Management Victoria Inspectorate be given responsibility for overseeing compliance with occupational health and safety requirements at CFA training facilities.

Government response: Support

Recommendation 13

That the Victorian Government amend the Occupational Health and Safety Act 2004 to require WorkSafe to include in its annual report under section 131(6):

(a) The number of cases in which WorkSafe fails to meet the three month time limit in section 131(2)

(b) In each such case, the time the investigation has taken and the reason why WorkSafe was unable to meet the deadline

In addition, WorkSafe should be required to report to the responsible Minister in each case it fails to meet the deadline imposed by section 131(2). A copy of the report should be provided to the applicant. (Support in Principle)

Government response: Support in Principle

The Government and the CFA are committed to improving the health and safety culture and practice at the CFA so that they are of the highest standard.

The CFA is seeking to identify the driver referred to in Recommendation 9, and will formally offer him support services and participation in the health surveillance program. Significant efforts have been made to identify the individual, but CFA have experienced

difficulty in doing so. As with the students and staff of the Fiskville State School, the opportunity provided to the public to participate in the health program public will give this individual a further opportunity to come forward and access the program.

As stated in the response to Recommendation 8, the Government supports auditing the CFA's practices. It also supports other measures the CFA is already taking action to improve its health and safety culture and practice, such as undertaking a complete review of its management system to meet the certification requirements of AS4801 and ISO14001.

The management system review is due for completion by the end of 2017 with an independent certifying body (Lloyd's Register Quality Assurance) undertaking a series of audits during different stages of the program design and delivery. The newly appointed CFA Board is overseeing the audits to ensure compliance with its obligations under the WorkSafe statutory scheme to satisfy itself as to the effectiveness of its safety systems as well as determine what systems and processes may be most appropriate in each circumstance. The Government considers engaging an independent auditor is the best way for the CFA Board to achieve the necessary assurance.

CFA has also developed an enhanced Health, Safety and Environment Work Plan over the last 12 months to meet its legacy, current and emerging health, safety and environment risk requirements. The development of this Plan was supported by a structural review, which has seen the addition of 10 health, safety, environment and wellbeing staff, including assurance and environment specialists and the appointment of an Executive Manager to oversee the Health Safety and Wellbeing team.

In relation to oversight of OHS compliance at Fiskville, neither EMV nor the Inspector-General for Emergency Management (IGEM) have a legislative mandate for direct monitoring of OH&S compliance. However, it is appropriate for IGEM to have a 'system level' monitoring function and to consult with Worksafe over any OH&S interactions.

The Minister for Emergency Services has therefore asked the IGEM to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. The IGEM will conduct this complementary monitoring role in close consultation with Worksafe and in accordance with IGEM's legislative assurance functions.

The Government considers recommendation 13 is directed towards creating an environment in which investigations for breach of health and safety legislation are undertaken in a thorough and comprehensive manner and without undue delay. The Government will review the current legislation and practices to determine the best way to achieve the underlying intent of this recommendation.

Initial analysis of five years' worth of WorkSafe data and experience suggests that the three-month period allowed under s131(2) of the OHS Act is not sufficient in many cases to conduct a thorough and comprehensive investigation and legal review to consider whether a prosecution should be brought. WorkSafe will undertake further assessment to establish whether the provisions contained in the OHS Act and, in particular, the mandated time period under section 131(2), is practical and in line with the purposes of the Act and the achievement of good safety outcomes.

In the interim, WorkSafe will expand its reporting on section 131 outcomes in the manner recommended by the Committee, while ensuring the maintenance of any legal professional privilege and the integrity of any ongoing criminal investigation.

Recommendation 14

That whenever feasible, WorkSafe should reduce its reliance on reports by consultants engaged by employers it is investigating and should utilise its statutory powers to conduct its own tests where relevant.

Government response: Support in Principle

The Government supports the Committee's recommendation that where feasible, WorkSafe should minimise its reliance on reports by consultants engaged by employers it is investigating and should use its statutory powers to conduct its own tests where relevant.

Recommendation 15

That the Victorian Government examine laws in the United States of America and elsewhere requiring companies to provide regulatory agencies with any internal studies that produce results of concern for public health, with a view to amending Victorian law to impose similar reporting requirements.

Government response: Support

The Government supports the examination of the laws referred to in Recommendation 15 and, in particular, will investigate laws that require companies to provide internal studies that produce results of concern for public and worker health. In doing so, the Government will consider issues such as privacy, protections from self-incrimination and the potential for unintended consequences, e.g. discouraging the commissioning of important studies.

Regulation of Fiskville by Other Regulatory Agencies

The Government is committed to ensuring that Victorian regulators are properly equipped to perform their roles in an effective and comprehensive manner.

As discussed in the background to this Response, the Government also notes that many of the recommendations concerning the EPA interact with the recent Independent Inquiry into the EPA. Where relevant, such interactions are highlighted in this response. The Government will release a response to the EPA Inquiry in 2016.

Recommendation 16

That the Victorian Government confirm that EPA Victoria currently has powers under its Act to take pre-emptive action to prevent pollution.

Government response: Support in Principle

The report of the EPA Inquiry (published in March 2016) identified critical gaps in the EPA's regulatory toolkit and found that some instruments will need strengthening to more effectively prevent pollution.

The EPA Inquiry recommended introduction of a general preventative duty to minimise harm to human health and the environment, and expanding the cohort of activities requiring a works approval or licence from EPA. The government will release its response to the EPA Inquiry later in 2016.

Recommendation 17

The Committee re-affirms its view that the Victorian Government ensure a resolution to the Lloyds' case forthwith.

Government response: Support

The Lloyds' case has been resolved on a confidential basis between the parties.

Recommendation 18

That the Victorian Government investigate the development of a Maximum Residue Limit for PFOS and other PFCs.

Government response: Support

The Government acknowledges the Committee's concerns about the lack of specific limits for perfluorinated chemicals (PFCs), including perfluorooctane sulfonate (PFOS) in the Australia New Zealand Food Standards Code. In Australia, limits for contaminants in food are developed nationally by Food Standards Australia New Zealand (FSANZ) and not by individual states and territories.

The Victorian Government, through the Department of Health and Human Services, is a member of the national Environmental Health Subcommittee (enHealth) of the Australian Health Protection Principal Committee (AHPPC).

In April 2016, enHealth convened a national workshop to review overseas standards and draft Australian human health toxicity reference values for PFOS and perfluorooctanoic acid (PFOA). The workshop was attended by toxicologists, enHealth members,

representatives of the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment (CRC Care), FSANZ, the Commonwealth Department of Health and the Commonwealth Department of the Environment. Workshop participants considered various approaches to the development of toxicity reference values for PFOS and PFOA, including approaches applied by European and American authorities.

In June 2016, enHealth published the '*enHealth Statement: Interim national guidance on human health reference values for per- and poly- fluoroalkyl substances for use in site investigations*'. This enHealth Statement was endorsed by the AHPPC.

This enHealth Statement includes an interim tolerable daily intake value for use in assessing site contamination and risks through the consumption of food, and recommends that FSANZ assess the available toxicity data about PFCs and publish relevant limits in food in the Australia New Zealand Food Standards Code. FSANZ has commenced its work that will include consultation with key stakeholders, including other Australian and New Zealand government agencies and international bodies.

FSANZ's final report, including whether or not a change to the Code should be made, is expected to be delivered in mid-2017. Any new values published by FSANZ will supersede the interim human health reference values set by enHealth. Work undertaken by FSANZ may in turn be considered by other national standard setting bodies in the development of other health-based standards, for example by the National Health and Medical Research Council in determining the need for Australian drinking water standards.

Recommendation 19

That the Victorian Government establish a framework to ensure that the management of a contaminated site such as Fiskville has the necessary leadership to ensure that the polluter and regulators are responsive, meeting legislative requirements and timelines, and taking the required steps to consult with affected individuals, assess the contamination and implement a timely remediation plan.

Government response: Support

The Government acknowledges the importance of regulators being properly equipped, both from a legislative and resource perspective, so they can enforce legislative requirements and timelines effectively.

A Strategic Coordination Group was established in 2015 and tasked with implementing a whole of government approach to coordinating the off-site risks and impacts resulting from contamination at CFA regional training centres.

The environmental auditing process under the EP Act provides for assessing contamination of sites and providing a remediation plan. EPA administers this system, which includes appointing environmental auditors and reviewing audits undertaken. In addition, a Ministerial Direction concerning 'Potentially Contaminated Land' requires planning authorities (including local government) to be satisfied that the environmental conditions of land for potential sensitive use will be suitable for that use when preparing planning scheme amendments.

Further, the EPA Inquiry made recommendations to improve the management of legacy contamination risks, including:

- development of a comprehensive state-wide database of potentially contaminated sites that pose a high risk to community, and
- strengthening the integration of planning and environmental regulation of legacy contamination to position the EPA and planning decision-makers to identify and consistently screen potentially contaminated sites according to risk.

As noted in the Government's response to Recommendation 16, the EPA Inquiry also recommended a stronger (environmental) preventative regulatory tool kit. If supported by Government, this could expand the application of EPA regulation to sites that are not presently covered.

Recommendation 20

That Emergency Management Victoria urgently publish the remaining two parts of the operational standards required under section 48 of the Emergency Management Act 2013.

Government response: Support

The Government recognises the importance of providing operational staff with relevant tools to enable effective decision making. The Emergency Management Commissioner published the two performance standards referred to in recommendation 20 in December 2015.

The standards were developed in collaboration with, and form part of the operational approach of, the following agencies:

- Country Fire Authority (CFA)
- Metropolitan Fire Brigade (MFB)
- Department of Environment, Land, Water and Planning (DELWP)
- Victoria State Emergency Service (VICSES)

The standards apply to fire, flood, rescue, storm, tsunami, hazmat and earthquake emergencies of any size and complexity and at every level of response (that is, local, incident, regional and state).

Emergency Management Victoria has commenced developing a second tranche of Emergency Management Sector Performance Standards, concerning Relief & Recovery and Risk & Resilience functions, in consultation with relevant departments and agencies.

The Consequences – Human Health

Recommendation 21

That the Victorian Government lead Government action to support the expeditious ratifying of changes made to Appendix B of the Stockholm Convention on Persistent Organic Pollutants.

Government response: Support in Principle

Recommendation 22

That the Victorian Government implement a strategy for ensuring that all relevant regulatory agencies are kept up to date on the latest scientific evidence relating to the risks associated with exposure to hazardous materials and chemicals.

Government response: Support in Principle

Recommendation 23

That the Victorian Government take a lead role in identifying safe levels of PFCs for water and soil in Australia.

Government response: Support in Principle

Recommendation 24

That the Victorian Government investigate the use of biomonitoring to assist with research into the health effects of exposure to PFCs. The PFC testing that has already been done at Fiskville could inform a new biomonitoring program.

Government response: Support in Principle

Recommendation 25

That the Victorian Government take the lead at the COAG Health Council in recommending a greater use of human biomonitoring across Australia.

Government response: Support in Principle

Recommendation 26

That the Victorian Government invite the German Environment Agency to brief Victorian health and environment regulators about the latest evidence regarding PFCs and human health.

Government response: Support in Principle

Recommendation 27

That the Victorian Government monitor PFC levels in all firefighters in Victoria accompanied by appropriate health advice and current research.

Government response: Support in Principle

The Government recognises the importance of using the most relevant and up to date data on the potential health impacts arising from the use of chemicals on training sites.

In relation to Recommendation 21, the Government notes that the Commonwealth Government is responsible for leading Australia's ratification of all international treaties, including the Stockholm Convention on Persistent Organic Pollutants (POPs).

At the 2009 Conference of Parties (COP) to the Stockholm Convention, Australia supported the amendment decision adding nine additional POPs to the Convention, including perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOS-F). Australia's position in 2009 was informed by a preliminary Regulatory Impact Statement (RIS) and extensive consultation with states and territories and industry representatives. However, the Commonwealth RIS process remains incomplete and the amendment decision not ratified.

The Government will seek assurance from the Commonwealth Government that it will complete the RIS process and take actions to ratify the 2009 amendment decision. Given the time since the 2009 amendment decision, the Government considers that the updated RIS should consider as a priority a review of any specific exemptions or acceptable purposes to ensure the uses of the substances are phased out as soon as the use of safer alternatives are technically and economically feasible, potential costs of regulation and the disposal of stockpiles of PFOS.

If and when the amendment decision is ratified, the Victorian Government will work with the Commonwealth, other states and territories to update the National Implementation Plan under the Convention and to develop any legislative amendments that may be required in Victoria to bring this into effect.

The Government supports the determination of safe levels for PFCs for water and soil in Australia. While the Commonwealth Government is responsible for the development of nationally consistent standards for PFCs in water and soil in Australia, the Victorian Government will continue to provide input into the development of such standards, while appropriately implementing them through its legislative and policy framework. Until the RIS process is complete, the Commonwealth Government enHealth Statement currently provides interim, national standards for PFCs in water. In relation to soil, there are currently no national standards. However, the national Heads of Environmental Protection Agency (HEPA) has endorsed the Victorian EPA's proposal for a national summit, referred to in response to Recommendation 25, which will consider development of a PFC National Management Plan that will be likely to involve consideration of soil values and other standards.

The Government agrees with the intent of the Committee's Recommendation 22 that all relevant regulatory agencies must be kept up to date on the latest scientific evidence relating to the risks associated with exposure to hazardous materials and chemicals.

Current regulatory practice already requires agencies to collaborate with each other and share relevant information, supported by:

- The Better Regulation Unit within the Department of Treasury and Finance (DTF), which oversees the development of policies designed to improve the performance of regulators

- The Independent Commissioner for Better Regulation (CBR) facilitates a community of practice to assist regulators to share information and build effective relationships.

The Government will continue to support this good practice by highlighting the need for collaboration and information sharing through its regulatory improvement programs, including through Statements of Expectations that Ministers provide to regulators within their portfolios.

Key office holders and technical staff across government (for example, Chief Scientist and the Chief Health Officer) also have a role in identifying and disseminating new scientific evidence relating to all regulator activities, including exposure to hazardous materials and chemicals.

People who were (and continue to be) affected by their experience at Fiskville must be treated with respect and appropriate assistance and advice provided. The Government notes the reference to biomonitoring throughout the Committee's report in relation to managing people's health concerns and acknowledges the benefits of a human biomonitoring program.

In relation to Recommendation 24, the Government, through the Department of Health and Human Services and participation on the AHPPC, has investigated the use of biomonitoring to assist with research into the health effects of exposure to PFCs. The AHPPC made the following statement in June 2016:

Blood tests (as a form of biomonitoring) are not recommended to determine whether any medical condition is attributable to exposure to perfluorooctane sulfonate or perfluorooctanoic acid and have no current value in informing clinical management, including diagnosis, treatment or prognosis in terms of increased risk of particular conditions over time.

The value of blood testing is limited to assessing exposure at a population level, such as monitoring over time, which may help determine the success of exposure reduction measures. However, given the long biological half-life of perfluorinated chemicals, frequent blood monitoring is of no value.

In other words, blood tests cannot determine if the PFC levels in a person's blood will make them sick now or later in life and, therefore, at this stage a national health-based human biomonitoring value has not been established in Australia.

A broad community biomonitoring program would have value where there has been significant and widespread off-site contamination with community exposure, and the aim of the program is to assess and verify whether exposure reduction measures have been effective. As the off-site contamination at Fiskville from PFCs was limited to a small number of properties and the CFA has made its health check program available to concerned neighbours, the Government considers, based on advice from the Department of Health and Human Services, that a new or further expanded biomonitoring program would not be beneficial in this instance.

In relation to Recommendation 25, the Government considers that introducing a human biomonitoring program in Australia has the benefits of establishing human population reference values for chemicals that inform development and evaluation of national and state policy. Human biomonitoring (HBM) programs are well-established in several countries around the world including USA, Canada, Germany, Belgium, France, Spain, Italy, Czech Republic and South Korea. These programs monitor the levels of chemical exposures in the general population. HBM is a scientifically-developed approach for

assessing human exposures to natural and synthetic compounds from environmental, occupational, and lifestyle exposures. It relies on the analyses of human tissues and fluids (such as blood and urine) and provides a direct method of determining whether populations have been exposed to particular substances, the amount of uptake in the body and how this changes over time. Australia does not have a dedicated human biomonitoring program.

To specifically address the Committee's concerns, Victoria will formally request that COAG Health Council considers establishing a national human biomonitoring program in Australia.

EPA Victoria is currently working with other environmental regulators, through the HEPA and the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment, to develop and convene a summit and conference of invited international experts in the field of PFCs and PFC contamination, including representatives from the German Environment Agency. The summit is proposed for March 2017.

The Government is committed to addressing people's concerns about their exposure at Fiskville.

In delivering on recommendation 27 of the Parliamentary Inquiry into the CFA Training College at Fiskville, as well as similar recommendations of the 2015 Fire Services Review and the Hazelwood Mine Fire Inquiry, the Government is committed to developing a First Responder Health Program. It will provide an ongoing, holistic and comprehensive program that improves health and wellbeing outcomes for our first responders from the moment they are recruited.

This program will complement existing health and wellbeing programs to ensure first responders are healthy and safe. It will be developed in consultation with staff, volunteers and other key stakeholders and have appropriate Governance arrangements.

Based on the principles of accessibility, consistency and quality, it will be an opt-in/voluntary program designed to:

- Improve health and wellbeing outcomes for emergency responders
- Improve work practices to better protect the health of workers
- Provide earlier care and support to emergency responders
- Target prevention and the earlier identification of key risk factors for those working in emergency service environments
- Enhance information and web support for health and well-being

Work will also be undertaken to increase understanding of how workplace factors impact on the health and wellbeing of first responders and how best to help first responders stay healthy.

This program will complement existing health and wellbeing programs, including that available to eligible Department of Environment, Land, Water and Planning (DELWP) staff.

The Victorian Government is committed to reinstating the WorkHealth Program, which raised health awareness amongst workforces, so that people can remain in work or return to work after an injury when it is safe to do so.

A Ministerial Advisory Committee has been established to identify ways the former WorkHealth Program can be improved and develop a major strategy to improve the health of all Victorian workers.

Recommendation 28

That the Victorian Government as a matter of urgency purchase a new site in the Ballan area for construction of a new firefighting training centre, managed by the CFA, with occupational health and safety compliance managed by the Emergency Management Victoria Inspectorate (in accordance with Recommendation 12 in Chapter 5).

Government response: Support

Recommendation 29

That, in recognition of the closure of the Fiskville site and the need for a new 'spiritual home' for the CFA, the Victorian Government in consultation with CFA members fund the relocation of the firefighters' Memorial Wall at a suitable and easily accessible location.

Government response: Support

The Government considers the finding of a new site for firefighting training as a high priority. The CFA received \$34.8M in the 2016/17 State Budget to acquire land and develop a new Central Highlands Training Campus and upgrade the existing Huntly Campus for specialist fire investigation training. The works are scheduled to be completed over 3 years.

CFA has conducted an extensive process to identify and secure a suitable site for the new Central Highlands Campus. CFA will begin detailed planning for the new Central Highlands Campus once suitable land has been acquired.

In relation to ongoing monitoring of the site and as noted in the response to Recommendation 12, the Minister for Emergency Services will ask the Inspector-General for Emergency Management (IGEM) to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. IGEM will work closely with Worksafe to ensure the roles of each are complementary.

The Government also recognises the significant importance of finding a new spiritual home for the firefighters' memorial wall. CFA has been, and continues to, undertake extensive consultation with families, brigades and the broader CFA community to locate a suitable Firefighters Memorial to remember firefighters who have fallen 'in the line of duty'.

CFA is working with EMV and the designers to progress a design and implementation plan for a memorial to meet the desired attributes gathered from CFA consultation and research to create a reflective memorial that tells the story of firefighter service and their sacrifice for Victorian communities.

CFA will continue to engage with families and brigades over the next six months with aim of having the Annual CFA Memorial Service for Firefighters in May 2017 held at the new site. Construction is planned to commence in 2017.

Recommendation 30

That the Victorian Government update the proclaimed disease schedule in light of changes in disease schedules that have been made in other jurisdictions.

Government response: Support in Principle

WorkSafe is close to finalising its advice to Government about whether the current Victorian proclaimed disease schedule to the *Workplace Injury Rehabilitation and Compensation Act 2013* (WIRC Act) needs updating. The Government looks forward to receiving that advice and intends to respond to it promptly.

Recommendation 31

That the Victorian Government establish a dedicated redress scheme for Fiskville affected persons and ensure:

- (a) That a register of Fiskville affected persons is created*
- (b) That the scheme is developed in consultation with Fiskville affected persons*
- (c) That a timeline for implementation is developed*
- (d) That there is broad eligibility including people from neighbouring properties and other nearby sites*
- (e) That there is a low evidentiary requirement so that it is not onerous for people to access, reflecting the fact that supporting records may be difficult for some people to produce*
- (f) That a range of redress options exist, such as access to health services, a financial payment, and / or a meaningful apology*
- (g) That there is robust administration of the scheme independent of the CFA*
- (h) That the CFA's required operational capacity is not affected by any redress scheme.*

Government response: Support in Principle

The Government acknowledges that many people have concerns about how their time at Fiskville may have affected them and supports the intent of this recommendation.

The Government will consider the many complex issues associated with a redress scheme, including appropriate funding arrangements. The issues examined will include:

- eligibility issues that face redress schemes
- how any redress scheme would interact with other schemes and legal rights
- the form, administration and duration of redress schemes (adopted in other jurisdictions, including the types of redress that are offered and considered effective)
- resourcing.

The Government will consult with stakeholders, agencies and industrial representatives as it considers these issues and the most appropriate way to ensure that those who suffered harm as a result of their time at Fiskville receive the response they deserve.

Fiskville Final Response Summary Table

Recommendation	Response
The Inquiry Process	
1. That the Victorian Government, in responding to this Final Report: <ul style="list-style-type: none"> (a) Provide an update on Departmental and agency compliance with the directive from the Secretary of the Department of Premier and Cabinet (as set out in the Government's response to the Interim Report) to provide individuals with access to records and documents relating to their involvement at Fiskville. 	Support
<ul style="list-style-type: none"> (b) Provide an assessment of the CFA's compliance with the Model Litigant Guidelines when people seek access to documents, and 	Support in part
<ul style="list-style-type: none"> (c) Provide an assessment of the Victorian Government Solicitor's Office's compliance with both the Secretary's directive and the Model Litigant Guidelines. 	Support in part
2. That the Victorian Government amend the Model Litigant Guidelines on the State of Victoria's Obligation to Act as a Model Litigant so that the Guidelines extend to the conduct of Departments, agencies and their legal representatives' dealings with Parliamentary Committees, particularly when conducting a document discovery process.	Support in part noting recommendation 3 is a more appropriate avenue to address this recommendation
3. That the Department of Premier and Cabinet amend the <i>Guidelines for Appearing Before State Parliamentary Committees</i> so that they contain some standards for conduct when a Parliamentary Committee requests information and documents. The standards should reflect relevant principles contained in the Model Litigant Guidelines.	Support
Activities and Contamination at the Site	
4. That the Victorian Government offer all students and teachers who attended Fiskville State School the opportunity to participate in a health study on the effects of contamination at Fiskville.	Support
5. That the Victorian Government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.	Support in principle
6. That the Victorian Government introduce potable water as standard for firefighting training water to be complied with at all firefighting training facilities.	Support
7. That EPA Victoria conduct regular environmental testing of firefighting training facilities across Victoria ensuring records are properly maintained for future use.	Support in principle
8. That the Victorian Government audit all CFA training facilities to assess their capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.	Support

Recommendation	Response
CFA Culture and Health and Safety	
9. That the CFA contact the driver who was exposed to chemicals in the early 2002 drums incident, ascertain his current state of health and offer him the opportunity to participate in its health surveillance program.	Support
10. That the Victorian Government conduct an audit of CFA occupational health policies – both those by the CFA Board and those recommended by external reviews – to determine if they have been implemented effectively throughout the organisation.	Support in principle
11. That the CFA review its occupational health and safety management structure.	Support
12. That the Emergency Management Victoria Inspectorate be given responsibility for overseeing compliance with occupational health and safety requirements at CFA training facilities.	Support
13. That the Victorian Government amend the <i>Occupational Health and Safety Act 2004</i> to require WorkSafe to include in its annual report under section 131(6): (a) The number of cases in which WorkSafe fails to meet the three-month time limit in section 131(2) (b) In each such case, the time the investigation has taken and the reason why WorkSafe was unable to meet the deadline In addition, WorkSafe should be required to report to the responsible Minister in each case it fails to meet the deadline imposed by section 131(2). A copy of the report should be provided to the applicant.	Support in principle
14. That whenever feasible, WorkSafe should reduce its reliance on reports by consultants engaged by employers it is investigating and should utilise its statutory powers to conduct its own tests where relevant.	Support in principle
15. That the Victorian Government examine laws in the United States of America and elsewhere requiring companies to provide regulatory agencies with any internal studies that produce results of concern for public health, with a view to amending Victorian law to impose similar reporting requirements.	Support
Regulation of Fiskville by Other Regulatory Agencies	
16. That the Victorian Government confirm that EPA Victoria currently has powers under its Act to take pre-emptive action to prevent pollution.	Support in principle
17. The Committee re-affirms its view that the Victorian Government ensure a resolution to the Lloyds' case forthwith.	Support
18. That the Victorian Government investigate the development of a Maximum Residue Limit for PFOS and other PFCs.	Support

Recommendation	Response
19. That the Victorian Government establish a framework to ensure that the management of a contaminated site such as Fiskville has the necessary leadership to ensure that the polluter and regulators are responsive, meeting legislative requirements and timelines, and taking the required steps to consult with affected individuals, assess the contamination and implement a timely remediation plan.	Support
20. That Emergency Management Victoria urgently publish the remaining two parts of the operational standards required under section 48 of the <i>Emergency Management Act 2013</i> .	Support
The Consequences-Human Health	
21. That the Victorian Government lead Government action to support the expeditious ratifying of changes made to Appendix B of the Stockholm Convention on Persistent Organic Pollutants.	Support in principle
22. That the Victorian Government implement a strategy for ensuring that all relevant regulatory agencies are kept up to date on the latest scientific evidence relating to the risks associated with exposure to hazardous materials and chemicals.	Support in principle
23. That the Victorian Government take a lead role in identifying safe levels of PFCs for water and soil in Australia.	Support in principle
24. That the Victorian Government investigate the use of biomonitoring to assist with research into the health effects of exposure to PFCs. The PFC testing that has already been done at Fiskville could inform a new biomonitoring program.	Support in principle
25. That the Victorian Government take the lead at the COAG Health Council in recommending a greater use of human biomonitoring across Australia.	Support in principle
26. That the Victorian Government invite the German Environment Agency to brief Victorian health and environment regulators about the latest evidence regarding PFCs and human health.	Support in principle
27. That the Victorian Government monitor PFC levels in all firefighters in Victoria accompanied by appropriate health advice and current research.	Support in principle
28. That the Victorian Government as a matter of urgency purchase a new site in the Ballan area for construction of a new firefighting training centre, managed by the CFA, with occupational health and safety compliance managed by the Emergency Management Victoria Inspectorate (in accordance with Recommendation 12 in Chapter 5).	Support
29. That, in recognition of the closure of the Fiskville site and the need for a new 'spiritual home' for the CFA, the Victorian Government in consultation with CFA members fund the relocation of the firefighters' Memorial Wall at a suitable and easily accessible location.	Support

Recommendation	Response
<p>30. That the Victorian Government update the proclaimed disease schedule in light of changes in disease schedules that have been made in other jurisdictions.</p>	<p>Support in principle</p>
<p>31. That the Victorian Government establish a dedicated redress scheme for Fiskville-affected persons and ensure:</p> <ul style="list-style-type: none"> (a) That a register of Fiskville-affected persons is created (b) That the scheme is developed in consultation with Fiskville-affected persons (c) That a timeline for implementation is developed (d) That there is broad eligibility including people from neighbouring properties and other nearby sites (e) That there is a low evidentiary requirement so that it is not onerous for people to access, reflecting the fact that supporting records may be difficult for some people to produce (f) That a range of redress options exist, such as access to health services, a financial payment, and / or a meaningful apology (g) That there is robust administration of the scheme independent of the CFA (h) (h) That the CFA's required operational capacity is not affected by any redress scheme. 	<p>Support in principle.</p>