

# **ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE**

## **Subcommittee**

### **Inquiry into the CFA training college at Fiskville**

Melbourne — 29 January 2016

#### Members

Ms Bronwyn Halfpenny — Chair

Mr Simon Ramsay

Mr Tim Richardson

Ms Vicki Ward

#### Staff

Executive officer: Mr Keir Delaney

Research officer: Mr Patrick O'Brien

#### Witnesses

Mr John Peberdy, acting chairperson, and,

Ms Lucinda Nolan, chief executive officer, CFA.

**The CHAIR** — Perhaps we can get started. At least one other member of the committee will be here very shortly; he has just been held up. I will just go through the preliminaries prior to our asking questions.

First of all, thank you both for coming and agreeing to give evidence today to the committee. I welcome you here. In accordance with the guidelines of the hearings I would like to remind those in the public gallery that they cannot participate in any way in the proceedings, and the gallery should maintain silence, or be quiet, at all times. As outlined in the guide provided to both of you by the secretariat, all evidence in this hearing is taken by the committee under the provisions of the Parliamentary Committees Act 2003 and other relevant legislation and attracts parliamentary privilege. Any comments made outside this hearing do not attract parliamentary privilege. It is an act of contempt of Parliament to provide false or misleading evidence to the inquiry, and the committee may ask you to return or provide supplementary information at a later date. All evidence is being taken and is being recorded, and you will be given a copy of the proofs prior to them being made publicly available so you can check for any inaccuracies.

Once again thank you for coming today. I will just go through your positions to make sure that we have them correct. Welcome Ms Lucinda Nolan. You are the CEO of the CFA and have been since November 2015?

**Ms NOLAN** — Yes.

**The CHAIR** — Mr Peberdy, you are the acting chairperson of the CFA board; however, you have been on the board since 2009.

**Mr PEBERDY** — Correct. I originally joined the board in 2009 as one of the insurance reps nominated by the Insurance Council of Australia, and I remained on the board until 30 June 2013. When the fire levy moved, I stepped off the board for three months and was then invited to come back onto the board from 1 October as the deputy chair. So I came back as an independent board member at that stage. I have been on the board since 2013 in that role.

**The CHAIR** — Thank you. First, I will just go through a few things. The submission that the CFA has provided to this inquiry — I am assuming you both have seen it and are aware of the contents?

**Mr PEBERDY** — Yes.

**Ms NOLAN** — Yes.

**The CHAIR** — Ms Nolan, you, of course, would not have been involved in the preparation of this submission because you were not there then.

**Ms NOLAN** — No.

**The CHAIR** — What about you, Mr Peberdy? Did you have any involvement in it?

**Mr PEBERDY** — No, it was really prepared by the executive level. The board got to see what was being put in, but it was not a document prepared by the board. But we were able to have input and make comment.

**The CHAIR** — Having looked at it, what is your view of the submission? Do you find that it is accurate and that you are happy with the detail?

**Mr PEBERDY** — I am pretty comfortable with what is there, yes. The people who put this together knew far more detail than the board would actually know, because the board is not living and breathing Fiskville every day, because we have an overall role around governance rather than operations.

**The CHAIR** — The first thing we would like to talk a little bit about, which was touched on yesterday with the former staff of the CFA and board and the chairperson, is the issue about some of the expenditure. Do either of you have understanding of the types of legal fees that the CFA has incurred in relation to Fiskville — how much they are, what they were for and that sort of stuff?

**Ms NOLAN** — My understanding is, obviously I have not been present with some of the submissions to the inquiry, but the CFA provided, I think, a comprehensive report to the inquiry around the financials on a variety of issues concerning Fiskville, and I am happy to hand that up to you.

**The CHAIR** — Sure. As I understand it, unless something has come in late, we received bits and pieces but not a summary, if you like.

**Ms NOLAN** — This is a full summary.

**The CHAIR** — Fantastic. Great; thank you. This has already been sent in?

**Ms NOLAN** — This has been sent in.

**The CHAIR** — I guess because I have not seen it and our understanding was that it was — Unless it is a collection of — —

**Ms NOLAN** — It is a collection of — —

**The CHAIR** — Okay, of what the documents are. For Hansard, the covering letter is from the Victorian Government Solicitor's Office, dated 10 November 2015, and it is regarding the summons for information and documents, and we are talking here about item 1, which is tables outlining the overall Fiskville budget for the financial years 2010–11, 2011–12, 2012–13, 2013–14. Then there is also a table of invoices for the environmental remediation work and also two tables outlining the amount CFA has spent on environmental and human health assessments. It is not really easy to read.

**Ms NOLAN** — I apologise.

**The CHAIR** — Okay, thank you anyway.

**Ms NOLAN** — I am presuming you will have that electronically, so hopefully you can make it bigger.

**The CHAIR** — Yes. In terms of the document, because you are probably more familiar with it than I am, because I have not seen it and I do not think other committee members have seen it, what has been the overall cost in terms of legal expenditure regarding Fiskville, not just for the inquiry but for defending any liabilities in terms of claims that individuals have made against the CFA, as well as any other legal cost in respect of liabilities because of the Fiskville training college?

**Ms NOLAN** — I am sorry, but I do not have it to that detail and breakdown, but I can certainly take that question on notice and provide that to you.

**The CHAIR** — That would be great — thank you. We have a commitment now that this is the documentation and we want the amount for the public record, which you are going to provide to us because you cannot provide it today in terms of the overall cost.

**Ms NOLAN** — I would not have those breakdowns for those particular areas, so they will have to be sought.

**The CHAIR** — You will provide them to us and we will take them and publish them as part of the public record.

**Ms NOLAN** — Certainly.

**The CHAIR** — The other documentation that we have received, Ms Nolan, in regard to CFA expenditure on the Fiskville contamination is that there has been in excess of \$2.5 million spent on a single consultant, with expenditure on other consultants during similar time frames being hundreds of thousands of dollars. Our question is: why was it necessary for the CFA to spend that sort of money on consultants in respect of Fiskville?

**Ms NOLAN** — I think it is good management practice to ensure that we have the expertise and the most appropriate advice, up-to-date scientific evidence, to ensure that the management of the site — the remediation — is undertaken in the most appropriate manner. Now obviously because of the types of issues and the types of contaminants present it is an emerging science, so that sort of capability was not within the CFA, and I think we would have been very remiss and not fulfilled our obligations as a good organisation if we had not sought the most appropriate advice.

**The CHAIR** — I think you have been present at many of the hearings.

**Ms NOLAN** — Yes.

**The CHAIR** — We are talking about consultants and reports that have gone back for many years: 2009, 2010, 2011, 2012.

**Ms NOLAN** — Yes.

**The CHAIR** — The next query then is on 21 December we heard evidence from both Mr Michael Bourke and also Mr Jeff Green. We also heard supplementary evidence yesterday, but I want to go back to the transcript of what they said on 21 December, because in relation to this question I do not think their evidence from yesterday in any way has changed their evidence from the 21st.

**Ms NOLAN** — Okay.

**The CHAIR** — During the hearings of the 21st, Mick Bourke and Jeff Green both spoke about the technical reports, and both of them had said on the 21st, and really confirmed yesterday, that either they had not read them or they were not really familiar with them or that they really did not particularly follow up and know what happened in response to the information that was contained in them. I will give you a couple of examples. We had Mick Bourke saying that he was unable to recall the 2012 report by ALS that said that ‘Sludge in dam 1 is considered category A industrial waste’. We had an example from Mick Bourke again saying he was unfamiliar with the recommendations made by the Wynsafe report in 2010. Then we also had Jeff Green say he had only heard of the 1996 report recently despite the fact that he was appointed as the CFA’s first occupational health and safety officer in 1994. I should say, though, yesterday he did then say that he had gone back and reviewed and had remembered or refreshed his memory but, again, he was not very forthcoming in terms of what has happened out of that. Does it concern you that the CFA has spent all of this money — \$2.5 million at least on one consultant and more money on others — to provide all these reports but, for example, dam 1 and the sludge has still not been remediated?

**Ms NOLAN** — I do not have the context unfortunately around the calling for the reports — who actually requested them, and the governance around that and the accountabilities. What I will say, though, is that the changes that have been made to the CFA, not only prior to my arrival but since, would suggest that that type of lack of awareness and appreciation should be well and truly mitigated. I am happy to go through some of the changes to OHS and environmental management.

**The CHAIR** — Maybe, I know that we did ask you — and we want to give you a full opportunity — to go through the reviews that you have done and what has happened, but do you mind if we just go through some of our terms of reference issues? Then we are all very interested and really do want to hear then in respect of going forward. But perhaps if we could just stay with the historical stuff — —

**Ms NOLAN** — Certainly.

**The CHAIR** — Then we will definitely give you plenty of opportunity to go through that.

**Ms NOLAN** — In terms of the remediation of dam 1, obviously the EPA audit has now overtaken the previous reports. That is a significant, comprehensive grid approach to the site of Fiskville, including the dams and the remediation required. That will be ongoing so that the final audit review will be completed by 2017. We will be awaiting the views of the EPA auditor in terms of the most appropriate use of land and the remediation of that land. I understand the issues around the lack of remediation of dam 1, but I think that has well and truly been overtaken by the involvement of the EPA and the audit review.

**The CHAIR** — Mr Peberdy, as a board member during this time, were you made aware of any of these serious reports in terms of water quality and the health and safety of personnel who were training at Fiskville?

**Mr PEBERDY** — We were certainly made aware of the reports, and as far as dam 1 was concerned, the understanding I was given is that dam 1 is a settling pond. Basically water flowed into it but we did not use water from it — but the sediment there is at the bottom of the dam predominantly. We are not using the water from that dam — —

**Ms WARD** — Can I just interrupt for one second? You do understand that the water from dam 1 goes into dam 2?

**Mr PEBERDY** — Yes, I do understand that. I do understand that, but to clean, to remediate, that dam, my understanding — this is what I have been told — was that to remediate dam 1, you obviously have to drain it and then dig it out completely. The immediate priority was to deal with the works that have already been done there, which included of course bringing in basically mains water rather than using water from the dams for firefighting. It took a different course of action when the scope of works was being planned — other works took priority over dam 1 — but I was always of the belief that the dams are certainly a problem and they would have to be dealt with.

One of the things we talked about as a board, and this was largely in discussion with management, was that there were two scenarios with Fiskville. One was if it was to continue on and the scope of works you would do as a going concern, and if it was closed, we had a far different scenario and a much more costly scenario to deal with, because we would be responsible for quickly remediating. That was my understanding.

**The CHAIR** — I just thought that maybe we should talk about some dates. When was the board, to your recollection, first made aware of the problems with the quality of the water?

**Mr PEBERDY** — I think that really came through some time — my understanding would be that it must have been in 2011–12. It would have been between 2011 when the initial report appeared in the newspaper and the decision to move to mains water in 2012.

**The CHAIR** — Okay. I guess I am talking about prior to that, because otherwise there is a bit of difference between what was said yesterday, but it sounds like there is not. My understanding from a former chairperson was that she was, and she believed that the board was, unaware of the issues around water quality. Only when the newspaper reported it in I think — —

**Mr PEBERDY** — That was December 2011.

**The CHAIR** — Yes, okay. I guess we are looking at prior to that, because — —

**Mr PEBERDY** — No, we had no awareness of earlier reports— —

**The CHAIR** — The Wynsafe reports, many of these reports — I think the ALS report was February 2012 were in 2009, 2010 and even further back. You were not aware of those reports?

**Mr PEBERDY** — No, and I was not a part of the Fiskville committee — the board committee that was established with other people on that committee. The reports that came to the board from Mick and also from the chair of that committee, certainly had expressed some of the concerns, but we did not go into the detail of what was in the reports. It was only more latterly, in more recent years, that we actually had the people writing the reports come and present to the board and share their findings with us. In the last few years we have had the people who have been writing these reports — not Wynsafe, but more Professor Joy, Professor Drew — come and present their reports to the whole board.

**The CHAIR** — Do you think that prior to it getting into the papers the board was denied vital information? Do you feel a bit let down in terms of the full-time managers of the CFA not providing you with this information?

**Mr PEBERDY** — I guess in the period when I first joined the board we were in the middle of the bushfires royal commission, and that was where our major focus would be. From a Fiskville point of view, Fiskville just was not really on the radar at that point in time — but we had a lot of other things we were dealing with which were pretty big for the board. As I say — —

**The CHAIR** — You do not think the safety of firefighter trainees is important?

**Mr PEBERDY** — Absolutely, and safety is always a first concern for CFA, but that was not on our radar. That is what I am saying, Bronwyn; I am not saying we would not have been concerned if we were given these reports, but it was not there. At that stage we were dealing with many other issues, and until that newspaper report appeared it just was not something that in my two years on the board had really come to our attention.

**Ms WARD** — I think this is one of the things that we are grappling with. We are well aware of, understand and appreciate the importance of Fiskville to the CFA community and how it was a very important training

facility, that it has been regarded as a spiritual home, that there is a great deal of emotional and intellectual importance attached to that facility, yet the board is not alerted to a number of key issues as they arise throughout Fiskville's history, and it includes the WynaSAFE report from 2009 and so on that does talk about some of the emerging issues at the site — and if they had been addressed then and there when it was recommended they be addressed, we would be having a different discussion.

**Mr PEBERDY** — No, I understand that. But, as I say, I have no recollection of those reports being brought to the board.

**Ms WARD** — No, but I think Bronwyn's point more went to the fact that despite the importance of Fiskville as an institution for the CFA, are you disappointed that no-one thought it important enough to let your board know?

**Mr PEBERDY** — Absolutely. I mean, I think we have all learnt a lot through this inquiry of what was actually taking place as far as even testing and so on is concerned.

**Ms WARD** — So you should have been told?

**Mr PEBERDY** — I think we should have been told, yes. Absolutely.

**Mr RICHARDSON** — Thank you, John and Lucinda, for coming in today. I just want to start on the occupational health and safety discussion that we have had. I want to get a sense of whether you were present during Jeff Green's evidence to the committee yesterday but then also on a previous date as well. Were either of you here during that?

**Ms NOLAN** — I was not present yesterday, but I was at the previous.

**Mr RICHARDSON** — Okay. I want to cover off specifics on that, but I want to get a sense first on what you envisage the occupational health and safety manager role to incorporate and what expectations — and I appreciate you are new in the role, Lucinda, but the expectations you would have that a manager in that position, what overarching macro roles, would be looking to undertake.

**Ms NOLAN** — My understanding is that Jeff was a one-person show in the position at that time, which I think is different to today, as a strategic adviser in terms of the progression of OHS for the CFA. I would see that as a different role than a manager role. I would see an OHS manager as more hands-on, more in terms of building capacity and capability across the organisation, providing advice as issues emerged and actually getting out and speaking to as many people as possible.

**Mr RICHARDSON** — What is Jeff's current role with the CFA?

**Ms NOLAN** — He is in a manager role but we have brought in different expertise and capability around occupational health and safety and environmental management, because I think previously the organisation did not have that expertise embedded within it. So he now works for a manager who actually drives the strategic direction, does the action planning for the next few years, identifies gaps and priorities for the organisation and then progresses that.

**Mr RICHARDSON** — There is a convenience with the Fiskville inquiry that we have because of the Joy report to basket things before 1999 and then a post period as an epiphany of compliance with occupational health and safety — yet that seems to be very far removed from the reality of this committee and particularly a WorkSafe document that we have that references three reports from the same consultants that were commissioned by James Stitz in 2005, 2007 and 2009 that have the same headings — water quality at firefighter training. We are led to believe that that was recommended by Mr Green, yet there was no consideration about how the CFA would actually fulfil its obligations other than pushing it onto the particular region. Is that systemic of some of the buck-passing of responsibility or should that have fallen to the manager at the time to oversee compliance of the CFA's obligations to their employees?

**Ms NOLAN** — I would only be guessing at that. I do not have the context and the timing around those issues. What I would say is that you have got one person trying to manage occupational health and safety for the organisation. When you look at the size of the organisation and the spread, I would think that would be a very hard ask for Jeff to have actually fulfilled that obligation — —

**Mr RICHARDSON** — Despite that being the central training facility, the overarching training facility, for the CFA that has a number of reports commissioned into its water quality, and not one in isolation but multiple reports that are not implemented across that period.

**Ms NOLAN** — Again it is back to the governance and the management of those issues. I am not aware of the exact circumstances, obviously, because of my recency, but I would say that with those reports called and managed they should have been, and there would be an expectation that they would seek advice from Jeff, but the actual obligation and the accountability around the implementation of those recommendations and the management of the site would go to the managers at the site.

**Mr RICHARDSON** — I just wanted to reference a particular point of Jeff's evidence. In evidence given to the committee it talked about the CFA commissioning a large number of reports. Bear with me and I will read out an extract from his evidence.

**Ms NOLAN** — Certainly.

**Mr RICHARDSON** — Mr Green said that:

... Fiskville at the time needed specialist support, so we provided a number of companies that we suggested they might like to use. I have noticed since I have looked at some of the Wynsafe reports that Wynsafe have been used quite regularly, as has AMCOSH because of, I guess, their knowledge and background. I have not commissioned all those reports. I would have suggested they either use Wynsafe or AMCOSH. We have used NSCA, we have used Greencap, we have used a multitude of organisations to provide specialist reports, depending on what the topic is.

My colleague Vicki Ward then went on to ask:

With all of these reports done by Wynsafe, do you know what action was taken in response to those reports?

Mr Green said:

No, I could not tell you piece by piece by piece.

'We would have gone back and seen what was done'. I have two questions related to that. One goes back to the role of the manager in overseeing occupational health and safety compliance if that person is not intimately across that detail all aware of the reports. In fact yesterday we discovered that Mr Green was actually referencing the Coffey report of 1996 and referenced the person and the contact point and the conduit for a limitation, yet he was not aware of the report. What does that say then about what the role of the manager is, and are you satisfied that the procedures you are putting in place now deal with some of those systemic limitations?

**Ms NOLAN** — Two answers. The second answer is yes. The first answer is that, again, I would hark back to what I said originally, and this is only based on Jeff's evidence when he originally described his role back then, and that was that he was the single point of contact for strategic advice for the organisation. Again, it sounds like, from the evidence he gave yesterday, that that is what he did — he provided names of experts that the managers responsible for those aspects could contact and get that advice and then be able to implement those recommendations.

**Mr RICHARDSON** — So effectively there was not any oversight; it was all upon the people on the site at the time. There was not a managerial oversight then of procedures on the site at Fiskville, despite him being the point of contact to recommend action, effectively. What was the point of the role if it was just to say, 'That's a better company to use than the other'?

**Ms NOLAN** — I think the role was — and I am not saying whether the role is right or wrong — as a strategic adviser, not a strategic manager or even a manager of those issues.

**Mr RICHARDSON** — So where that strategic advice was never adhered to or was not implemented, would there have been an expectation that that would have been challenged or was it just bouncing against the wall?

**Ms NOLAN** — As I said, I was not there, and I would not like to hazard a guess about what did or did not occur. I think it is unfair.

**Mr RICHARDSON** — Do you still have confidence in Mr Green and his role given the evidence that you heard in his first testimony and subsequently and the fact that reports were not known? Do you still have confidence in Mr Green to undertake the OHS requirements for CFA employees?

**Ms NOLAN** — I am confident that we have got the expertise within the organisation across OHS and environmental management. Jeff is one part of that team, but he is certainly not the leader, manager or executive director. Therefore I am very confident with the expertise we have got in, we have embedded across the organisation, and some external reviews around gap analysis of where we are lacking in terms of a comprehensive approach to that. I am confident that those issues would not arise.

**Mr RICHARDSON** — When were those changes undertaken?

**Ms NOLAN** — There has been a series of changes, and I am happy to just go through a couple. Obviously, you will have seen from the Joy report and some of those recommendations from the board that there has been a priority focus on OHS, health, safety and environment since then. It is the no. 1 agenda item for the executive leadership team and certainly for the board. It is now safety first. We now have the health, safety and environment subcommittee, so they do have that oversight and governance around issues that are emerging and raising.

We have put in to gain accreditation in terms of not only OHS but also environmental management across the standards. We will achieve that this year, in 2016. That just shows the enormous amount of work that has gone in by the team in terms of systems, processes, training and awareness, particularly targeting management — management accountabilities, responsibilities and delegations in terms of their accountabilities under the legislation. We have appointed specialist environmental management expertise that supports our OHS consultants within the organisation. We have successfully completed our HSC action plan from 2013 to 2015 and we are currently just finalising the draft for 2016 to 2018.

**Mr RICHARDSON** — I appreciate that the CFA has been under a number of reviews before and probably the significance of the Black Saturday royal commission was a massive turning point, but I am just also interested in — if you have got this information, or it can be taken on notice — the amount of money that the CFA has spent on consultative reports relating to water quality and environmental assessment, because we are keen to get a sense of if people were — —

In particular James Stitz commissioned three reports that all focus on the same area. How will that be managed going forward to ensure that — —

And the assessment was, ‘Well, that wasn’t my responsibility’. That is what we have heard. The only person we have heard claim responsibility from the CFA for an incident was Mark Glover, and it floored us because that was the first time someone said, ‘I should have done something’. It has been someone else or, ‘I’ve moved that up the line’. You have properly heard the Justin Justin testimony that talked about how he pleaded for remediation works to be undertaken in dam 1 but he got nowhere with that. If someone is saying that it is his responsibility and that he is doing all that he can, then who does it fall to next up the chain? What are some of the strategies there to try to undertake better accountability? Because every policy document or statement we see is great written out on the management principles, but implementation, we have seen, has just been completely lacking.

**Ms NOLAN** — Certainly. For me, that is two issues that have been raised in evidence given to the inquiry. The first one is around governance and issues arising on training grounds, and the second is that more general governance issue in terms of people’s understanding of their accountabilities and roles, clarity around their roles and responsibilities and delegations. So I can take you through what has occurred and what is currently being either scoped or progressed if you like?

**Mr RICHARDSON** — Yes, just a quick overview would be great.

**Ms NOLAN** — So in terms of the governance of training facilities, what has occurred before my arrival is that previously the training facilities were managed in a geographical location reporting line. We now have a single line of accountability for all of our training grounds straight up to our executive director. We have reviewed the staffing capacity and capability of our training facilities improvement team to make sure that they have the skills and the ability to make sure that our training grounds are governed, are improved and are



following all the most appropriate standards and policies. We have scoped the development of a comprehensive risk matrix for all of our training grounds, not just previously with Fiskville, and that is really around identifying any possible emerging issue of risk that may come about because of our training and our methodology and then making sure that we have the appropriate mitigation strategies in line for that. Then obviously you know that we have put in a funding submission to government in terms of a new training facility for the broader emergency management.

**Mr RICHARDSON** — Does that also incorporate other regional facilities as well?

**Ms NOLAN** — Exactly. You took the words right out of my mouth. In that submission we are talking about not only a new facility, which will not be a Fiskville replacement per se. We have done a training needs analysis across the state about what we need now and into the future, taking into account different skills and capabilities but also geographical locations. So for us the most appropriate funding mix would be a new training facility but enhancements to our other training facilities. I am happy to go through broader governance issues.

**Mr RICHARDSON** — Yes, just a bit, if we could.

**Ms NOLAN** — I will keep it short. On day 1 of my arrival I increased the representation of operational and service delivery membership on our executive leadership team. That was really to address any tensions or disconnect between our operational frontline service delivery and our corporate and support areas. So now our executive leadership team includes all the deputy chief officers, our executive management for community and capability and an assistant chief officer on a rotational basis every three months. We have had done an external review by Ernst & Young of our corporate governance framework. This is focused on two aspects, and I am happy to provide you the scoping document should you like. But that is on, no. 1, the assessment of the design and the operating effectiveness of our key processes, procedures and controls in terms of governance across the organisation, and then a further assessment of the corporate governance framework using Fiskville as a case study. So if this is how our corporate governance is operating, if Fiskville occurs, so if there was water contamination and other issues in our training grounds, would that governance structure, framework and processes support us in the most appropriate way?

We have also scoped out a monthly reporting regime, as obviously communication has appeared to be an issue across the organisation. This monthly reporting regime will not be reporting on what they have done, but will be about identifying emerging issues and risks, what they are doing about it and then, obviously, pushing that up the line should that be beyond their control or there are organisational issues that we need to be aware of.

We are enhancing our business operating model. That is around an end-to-end business process incorporating environmental scanning, planning, monitoring and review, but also an enhanced risk management and enterprise risk management framework to ensure that everything is being considered and provided.

We are developing a business intelligence unit. That business intelligence unit is around analytical intelligence capability to make sure that we have emerging issues and risks — the evidence — so we can not only provide the evidence to make the best decisions at all levels within the organisation but we also have evidence to support particular financial investment decisions.

One of the other issues, which I think you will be more than aware of, is that plethora of external review that the CFA has been subject to over the next x amount years. We are now trying to centralise all recommendations onto one singular recommendations database that would provide a very clear overview in governance so we can record, we can monitor, we can track and we can make sure that all of those recommendations are implemented. Also we are further enhancing our knowledge management systems, particularly around lessons learnt so that with any results from reviews, even other findings, we not only capture them but we keep them for our history so we do not remake historical mistakes.

**Mr RICHARDSON** — I just want to take you to something. That is a great overview of some of those strategies, and we would be keen to monitor how that is implemented over time.

**The CHAIR** — And I am hoping that we do not have to use the word ‘review’ in any recommendations.

**Ms NOLAN** — I am hoping that I do not see another review for about five years.

**Mr RICHARDSON** — It is interesting that we are led to believe that the slogan ‘safety first’ was something that was a 1989 discussion. The CFA’s annual report post-Linton talked about a major program to reinforce safety first. When will it become a reality for CFA, given these systemic failures? You have put together a huge list of initiatives, but practically what are the time frames for its implementation? When will safety first be the reality for CFA?

**Ms NOLAN** — That is a very good question. The issue is that when you come up with values or statements about safety first you have to have a comprehensive planning process and understanding of the cultural environment to actually make that a reality. Understanding the culture or cultures of the CFA is no. 1. When I look at the broad culture that I think the community sees in the CFA, it is an incredibly committed, dedicated and incredibly valuable resource for the community of Victoria. When you look at particular cultural aspects, there is no one culture for the CFA. There are cultures within cultures within cultures, and it could be sliced and diced according to the function you are performing, your geographical location, your work unit, your level, your responsibilities, your peers, so I would be very, very careful around picking up any negative cultural aspects to really understand what they are and where they are actually found in the organisation.

I do not think safety first is an issue that is not picked up across the organisation. I think there are a few components in the organisation that we need to work on, but I would like to refer to some findings from our culture survey around OHS. Again, it is trying to understand the culture of the organisation and what is uppermost in the members minds, because it is a mutual accountability. We can do everything we can from our level, from the managers, but we obviously need our members and our staff to also be involved. In the 2014 survey we provided some supplementary questions about health and safety trying to get a gauge around the attitudes towards it. I think that is vitally important after some of the evidence heard before this inquiry. So 94 per cent of participants agreed with the statement ‘I am encouraged to report health and safety incidents and injuries’ — I would be very proud if Victoria Police was as positive as that; 93 per cent of participants agreed with the statement ‘I feel safe working at the CFA’; 80 per cent of people agreed with the statement ‘This organisation provides its members with a safe and healthy working environment’. In terms of a volunteer engagement survey, 71 per cent of participants agreed that ‘The CFA is a truly great place to volunteer’; 80 per cent agreed that ‘Their workgroup is free from bullying and harassment’; 78 per cent agreed that ‘Discrimination is not tolerated’; and only 4 per cent of members surveyed had formed a specific intention to leave.

**Mr RICHARDSON** — Was everyone a participant in the survey?

**Ms NOLAN** — Yes, it was sent out for everyone to participate.

**Mr RICHARDSON** — What was the response?

**Ms NOLAN** — That response was 412.

**Mr RICHARDSON** — Just on that point as well in terms of feeling safe, I think there is a segregation between operational on the ground and if you are talking about the training facility, where no-one knew about the risks despite reports and the like. So if an individual is not aware of risk or not consulted on potential risk — if it is chemical exposure or the like — and the Monash study shows that, they may feel safe but the reality of OHS and those preventative measures is that if they are not implemented, they are not going to know.

**Ms NOLAN** — I understand that. I was purely addressing the cultural aspect of any concept or perception that our members did not see safety as a priority and the fact that they did not see safety as a priority within their work environment. I was only addressing that component. The other component is right, and that is all around risk management, risk identification and the appropriate OHS and environmental management frameworks to ensure that that flows through the organisation and prevents those issues actually emerging.

**Ms WARD** — Can I just clarify one thing? When you are talking about members, are you talking about paid staff or volunteers or both?

**Ms NOLAN** — Both.

**The CHAIR** — And managers?

**Ms NOLAN** — And managers. That was sent out to the entire CFA — —

**Ms WARD** — Database.

**Ms NOLAN** — Yes.

**Mr RICHARDSON** — Just finally on my section, and thanks for bearing with me Lucinda, I have a question. Obviously there have been a lot of allegations and witness statements as well as public hearings about the potential risk to staff health and safety — and neighbours at Fiskville. Do you have any comments broadly about some of the general public perception and some of the things you have heard here, and how do you plan to ensure similar problems do not occur into the future within the CFA?

**Ms NOLAN** — Sorry, I will have to ask for a bit of clarification about that first component.

**Mr RICHARDSON** — The committee has heard a lot of allegations about the way CFA has handled potential health risks from staff, volunteers, neighbouring properties and the general public. I am just interested in your thoughts on that and some of the testimony that has been put forward, and then more broadly how you ensure those perceptions and those allegations are addressed going forward.

**Ms NOLAN** — Certainly. I will answer that in two parts. The first part is: I have reviewed the action taken by the CFA in terms of information awareness and support provided not only to CFA members but other agencies using the site and the local community and the community in general. When you look at that on the face of it, as an objective, valid observer — not having been involved — I was very impressed at the lengths the CFA had taken to make sure that they followed through on their obligations.

That said, perceptions are a completely different reality. I think when you are confronted with issues and concerns that cannot be directly dealt with then and there, so that is surveying health checks and monitoring over time, I do not think any organisation can provide and prevent that angst occurring irrespective of how much effort, time, resources and money they put into information and support.

**Mr RICHARDSON** — Flowing on from that, my final part of the question relates to the advice to employees now. What has been provided to CFA staff and volunteers about contamination and chemicals that they may have been exposed to at Fiskville and has that similar advice been provided to people with neighbouring properties? One historical example is Fiskville Primary School up until 1993.

**Ms NOLAN** — Yes.

**Mr RICHARDSON** — Have there been any efforts across that board to also consult with people who were affected on the perimeters as well?

**Ms NOLAN** — There certainly has. Can I refer to some notes because I do not want to mislead?

There are probably two components and I am happy for you to seek clarification, but I will talk about community engagement in terms of what was provided around Fiskville. There was obviously the offer of testing for PFOS and that extended to local community members and was promoted through the local media. There was a Fiskville update distributed to neighbouring properties through the mail. Dr Roger Drew provided group presentations to those who may have been impacted and provided information and a forum to raise questions or concerns directly. Dr Sargeant, and in some circumstances Dr Drew, met privately with some of those concerned about any health issues. Since the closure of Fiskville there have been blogs, CFA website updates, individual engagement with neighbours re property testing and medical health checks, Department of Health and Human Services-led neighbour engagement during October, November and December 2015, meetings with Ballan fire brigade and the brigade captain, working with Moorabool shire and shire-led community briefings. That is just some, particularly around the engagement and information provision and support.

**Mr RICHARDSON** — Does it concern you then that some of the testimony put forward by the Lloyds was around the inability to gain access to their health records — that is, some of those transparency issues; the fact that there has been testimony from individuals talking about the fact that they have not felt that the CFA has been proactive in monitoring their health? What are some of the ways that you are addressing some of those transparency issues and then ongoing monitoring of individuals?

**Ms NOLAN** — Just in terms of the Lloyds, CFA has provided a submission to this inquiry around some of those issues. I am happy to hand that up and I am happy to read from page 7, which is one of the footnotes:

Having not heard from Mrs Lloyd, Dr Sargeant again contacted her on 19 December 2013. During this conversation, Dr Sargeant told Mrs Lloyd that he had commitments in Ballan and that he would coordinate that visit to be at a time that was convenient to Mr and Mrs Lloyd. Dr Sargeant again attempted to make contact with Mr and Mrs Lloyd by telephone on 21 January 2014. At this time, Dr Sargeant was advised that the family was away in January and February ... The appointment to meet on 4 March 2014 was eventually made following further calls on 11 February and 27 February 2014.

And I am happy to hand this up.

**Mr RICHARDSON** — Yes, that would be helpful. Thank you.

**Mr PEBERDY** — Can I just make one point on medical results? The CFA does not have the medical results to give people; they are always given by a doctor. Even for any standard procedure that you have, your doctor will give you the results. In this case Dr Sargeant was the one to give the results. We are not qualified medical people within CFA to provide results to people, so that is why it was important that Dr Sargeant provide the results.

**Mr RICHARDSON** — I think, broadly, that is one part of the element. But the other thing that they were not able to access was the PFOS level testings in their animals; they were having to go to VCAT for that information. That was put forward in evidence to us. So broadly, one is the health but there is also the effect on their property — the inability to access some of that information. I am interested in, from a transparency sense going forward, whether that would be accessible to people so they can be better informed on some of those exposures and make an informed decision on the action that they take.

**Ms NOLAN** — Certainly. I think some of the evidence, not only from the people impacted but from the MFB also in terms of that slowness in communication, that is certainly something that would be addressed. I think in the spirit of openness and transparency, when people are affected, the more information they have — it is an obligation on any organisation.

**Mr RICHARDSON** — Thank you.

**The CHAIR** — I am going to butt in for a minute. In terms of the document on the finances that you provided, I confused myself. I have actually seen this one. I thought it might be something different, as in giving a bit of a summary. It is a little bit difficult to work through, so I wondering if you can go through it. I guess what we are looking at as part of this inquiry is the attitude historically of how the CFA has handled the issues —

**Ms NOLAN** — Certainly.

**The CHAIR** — of people who have been affected through their contact with the training college.

**Ms NOLAN** — Sorry, maybe I can make a suggestion, Chair?

**The CHAIR** — Sure.

**Ms NOLAN** — If the inquiry determines the types of breakdowns, categories, that they would like, then we can actually facilitate that.

**The CHAIR** — Okay. Are you not really in a position to explain it? Just say yes or no; it is not an issue.

**Ms NOLAN** — Well I would be guessing some components, so any questions about specifics around some of those payments, what they were concerning — because it is quite general — I would not be able to answer.

**The CHAIR** — Yes, and a lot of it is about volunteers and payments, but it could be for something else. I suppose we are trying to understand what was the response initially around this?

**Ms NOLAN** — Yes.

**The CHAIR** — How was it dealt with? That is what, I guess, we are looking for.

**Ms NOLAN** — Certainly, and as I said, I just do not have that context, but I can certainly chase it up.

**The CHAIR** — All right. We would appreciate that and look forward to receiving that. Perhaps we can have some correspondence to explain a little bit more?

**Ms NOLAN** — That is right. If you can send me details of exactly what you would like to see and how, then we can follow that through.

**The CHAIR** — Okay, thank you.

**Ms WARD** — John, we have heard a lot about — as you would expect — and you referred to the Joy report. What are your thoughts on the Joy report?

**Mr PEBERDY** — If I go back to the initial discussions we had at the board about the appointment of Professor Joy — obviously Mick Bourke was the CEO; there was a concern at Professor Joy and the closeness to Mick Bourke, and at the same time we were persuaded that Professor Joy was the best person to do that report.

**Ms WARD** — Who persuaded you?

**Mr PEBERDY** — Well in our conversation with Mick, talking about the sorts of qualifications that would be required to lead that type of work, we were persuaded that it was Mick. But what we decided was we needed to have a peer, or a review process in place, and so we asked Heather Wellington to do that review of Professor Joy's — —

**Ms WARD** — This is the PricewaterhouseCoopers review?

**Mr PEBERDY** — That is the Pricewaterhouse — PWC.

**Ms WARD** — What does that mean? What was the review?

**Mr PEBERDY** — Well just simply — from my perspective, when you ask an academic to do a report like this, a lot of peer review goes into academic reports. I was satisfied that Professor Joy was the appropriate person.

**Ms WARD** — So PricewaterhouseCoopers looked at what his academic papers have been?

**Mr PEBERDY** — No, they were looking at basically, and peer reviewing, his work — that the process of review looked to be thorough, that the scope of what he was doing was appropriate for the issues that would be raised.

**Ms WARD** — Did they look at his relationship with Mick Bourke or Mick Bourke's relationship with the EPA?

**Mr PEBERDY** — I think that was well-known; I do not think that was an issue as far as that was concerned. But we needed to protect ourselves a little bit from the point of view of accusations of collusion — —

**Ms WARD** — No, of course, but did PricewaterhouseCoopers investigate a potential conflict of interest there?

**Mr PEBERDY** — No, not as far as I know.

**Ms WARD** — Thank you. Did you think it was a thorough report? You agreed with a lot of what it said?

**Mr PEBERDY** — Well I think what the report gave us was the need for further testing as well, and so, it grew a life of its own because with the passage of time more information was coming forward. The idea was to get a handle on the allegations that had been made, because for most of us sitting around the board table, this was all news. Now I think, within CFA — and we have heard testimony at the inquiry — the practices of the 70s, 80s and 90s were quite well-known within CFA. It was just, simply, with the rotation of the board, and particularly those of us not coming from the fire area, we were not aware of some of those practices, and then the residue that is there as a result of that obviously was something we were not really aware of at that time,

although we have heard through the inquiry that there was regular water testing and so on taking place. But from the point of view of what Professor Joy was there to do — I mean, the big concern initially was the barrels in the ground, because that was a major part of the allegation; the place was littered with barrels in the ground. That was very much news to us. In fact, the incident — —

**Ms WARD** — So there was not an ongoing history of corporate knowledge within the board that barrels had been dug up in the past and that this kind of pollution had occurred?

**Mr PEBERDY** — I think we are going back a fair way to when barrels were dug up, basically, so — —

**Ms WARD** — Two thousand and one, I think, was the last incident.

**Mr PEBERDY** — Yes, that is right. At board level, no, because board members tend to stay — six years is quite common — —

**Ms WARD** — Sorry, 1991.

**Mr PEBERDY** — We have had some board members a little longer, but that is part of it — although the Chair at the time was Kerry Murphy. He, again, is a firefighter and so he may have had more knowledge. But as I say, it was not something that was discussed at the time. The practice, or the way in which the PAD changed, really in a way put that issue as far as how firefighters were trained to the backburner basically, because we were now using the gas-fired props and so on on the PAD. So there was a huge change in the way the firefighting training was taking place.

**Ms WARD** — Should the report have finished at 1999?

**Mr PEBERDY** — I think for the initial allegation that was what we were trying to get a handle around — the initial allegation. I think what then came to the fore after that meant there was a need for further work to be done, and that is of course what is highlighted, then PFOS and other issues.

**Ms WARD** — Whose decision was it that it stop at 1999?

**Mr PEBERDY** — I think 1999 was around the date when the PAD changed.

**Ms NOLAN** — The new PAD was installed, so those issues ceased.

**Mr PEBERDY** — The new PAD was put in place, so that was really why 1999 was chosen as the date. So the issues around burning fuels and bringing in things to burn stopped at that time. That is why 1999 was actually chosen, because we were not aware of PFOS and other things at that point.

**Ms WARD** — Professor Joy says on page 124 of his report that in his extensive searches of CFA board minutes, it was revealed to him that the board considered day-to-day and operational issues. You said earlier today that the board's activities were more about issues of governance. Can you comment on Professor Joy's different understanding of the activities of the board?

**Mr PEBERDY** — I think the way in which the board operated back in those days was very different to the way the board operates today. I think over time we have had a move away from the board being very operational to much more of a focus on the board providing governance. So I think that just reflects the change that has taken place across board tables everywhere. I mean, the board had a lot of very operational people on the board, whereas today we would have our four VFBV representatives, who are operational volunteer firefighters, who are there, but then we are trying to get a broader skill base as well across the board. So I think that simply reflects changes that have taken place right across board tables.

**Ms WARD** — You have also said you were disappointed about the board not being informed of the ongoing pollution issues that were occurring at Fiskville before December 2011. Who should have informed you?

**Mr PEBERDY** — We would expect the CEO to provide that information to us. The board predominantly works through the CEO. I mean, the board should not be going wider and talking to a whole range of people. We work through the CEO; that is our way of working together. That would be the way I would answer that question: we would expect that would be brought to the attention of the board through the CEO.

**Ms WARD** — Did the CEO or the various CEOs fail in their duty to their staff and to their board in not informing the board of what was going on?

**Mr PEBERDY** — If they were aware, yes.

**Ms WARD** — Should they have been aware, though?

**Mr PEBERDY** — I mean, that is that whole channel of information coming up. Yes, I think they should have been aware. I mean, water quality is a very important part of firefighter training; it is a very important part of fighting fires as well.

**Ms WARD** — Absolutely, it is. It has been quite — I do not think I have the word to describe it — a very interesting journey to try to unravel the water issues at Fiskville, along with the pollution and so on, but to try to understand how water has been governed at Fiskville has been incredibly complicated. We have heard a variety of different versions of what has happened with the water quality at Fiskville. I am interested to know, firstly from you, John, why you think that has been the case, based on your history with the CFA; but also, Lucinda, looking back, why you think that might have been the case as well — in terms of your being a new person coming in and seeing what is going on.

**Mr PEBERDY** — From my perspective, I have been encouraged that there was testing taking place. Those are things that we may have had an expectation would happen, but there was a regime to manage water at Fiskville. I think it is the response, then, when poor results were achieved that is more the issue. We have an officer in charge at Fiskville, they have a reporting line, and we expect that if the water quality is a serious issue, then it goes to the CEO, and most importantly, that we take remedial action. That is really important. Certainly, as I say, from my recollection, in those first couple of years on the board, Fiskville was not really an issue that was talked about at the board. We visited as board members and saw what was happening there, we met the staff and we met people that were at Fiskville, but it just was not an issue that came to our attention at that stage. But if the CEO was aware, we would have expected that would have been given to the board, but then the board would have expected the CEO to tell us what we were doing about it as well.

**Ms WARD** — Thank you. Lucinda?

**Ms NOLAN** — I will make two points about it. It is very hard to operate in hindsight, I think, and unfair to the people there at the time. But I would look at scientific knowledge at the time. They did have a water management plan. Now, was that based on best available knowledge and expertise? I do not know, but I am not saying it was not. So I am looking at that as one aspect. There was a water management plan. My understanding is similar to John's, that dam 1 was a settling pond, downhill to dam 2, obviously with a natural filtering system as it gets to dam 2, and on we go.

I am heartened by WorkSafe saying there would have been no detrimental impact to the health of anyone using the water during that water management plan, and I think that probably ties into point two, which is that there is a difference between the presence of contaminants and contamination. I am still not sure from hearing some of the evidence, around dam 1 particularly, of what the priority setting was on that. So, yes, there was a presence of contaminants. Here are the contaminants. But what is the priority about remediation if, as we now know, it was not actually having any impact on the health of any firefighter?

**Ms WARD** — Well, I do not know that we do know that. Going on what we have heard, especially over the last couple of days, around the strengthening of mains water, or the increased use of mains water at the site, do you think it was a disorganised approach by people at Fiskville to try to get mains water or to have less reliance on the dams at Fiskville? Either of you?

**Mr PEBERDY** — No, I would have thought that was a big mitigator in overcoming the problems of contamination, like the problems of the dams and so on; that that was a solution that basically pushed that issue to one side compared to the issue of actually taking recycled water from the dam. I mean, the implementation does not get done in two days.

**Ms WARD** — No, it does not.

**Mr PEBERDY** — It takes some time to get that done. But I actually think that was really a pretty strong mitigating step to take to overcome the issue of concerns about the contamination from the dams.

**Ms WARD** — Was it a mistake not to remediate dam 1 in 2009, when the pollution levels came to light in the Wynsafe report?

**Mr PEBERDY** — Again, that is asking me, without having read the report, to make a comment about that. As we have said, there was a filtering process that was there within the dams. The things that we think have caused the contamination, those materials have not been going into those dams for some time, but it is a very hard question to ask: was that a mistake? I certainly have not reached the conclusion that that was a mistake, and I must say that when I was taken on the tour, at the end of 2014, of the works that had been done at Fiskville with Sherry Herman, I was incredibly impressed with what had been done at Fiskville to try to remediate the site and make it a much safer site than what it was prior to the — —

**Ms WARD** — Should the buildings at Fiskville have been a priority in 2012 ahead of remediating dam 1?

**Mr PEBERDY** — The buildings really were linked to the increase in actual recruit training. The buildings were pretty ordinary. I think it was — —

**Ms WARD** — They were, but you have got a water shortage, and you have got some challenges with the quality of the water, but your focus is on getting more people to the site, not fixing the water issue, which inhibits their ability to train.

**Mr PEBERDY** — But again by bringing the mains water on, that was actually addressing the issue of water quality.

**Ms WARD** — But that is not fully operational until October 2012.

**Mr PEBERDY** — As I said, it takes time to get that in place, that issue.

**Ms WARD** — It does. It took them a long time.

**Mr PEBERDY** — We did have assurances through some of that water testing. We were being told that there was not a threat to the safety of people by bringing mains water. By this stage there was evidence of PFOS and so on as well, and so basically the idea of bringing mains water on was to deal with that issue of water quality.

**Ms NOLAN** — Just adding to that, I have not seen the original business case, and I am not sure if John has. It was actually submitted in terms of the increased recruitment, and of course — —

**Ms WARD** — This is the Project 2016?

**Ms NOLAN** — Yes. I think where the money was allocated would obviously be strictly monitored, so I am not sure they had the room to move to say, ‘We’ve been given all this money to increase accommodation. Let’s chuck it into dam 1’. I think they have got serious restrictions about how they use that money.

**Ms WARD** — That is generous of you, but you are the first person to have mentioned that.

**Mr RAMSAY** — We heard evidence that money under that scheme was to be directed to Bangholme.

**Ms WARD** — Yes.

**Ms NOLAN** — Yes.

**Mr RAMSAY** — And there was a request by Lex de Man, through the hierarchy, to reappropriate the funds for the accommodation needs for the extra 355 firefighters — —

**Ms WARD** — No, it was Lex’s suggestion that it be for accommodation needs, and Justin Justin submitted in February 2012 that the dam be made a priority to remediate.

**Mr RAMSAY** — Well, that is true, but the money was tagged for Bangholme and redirected to Fiskville for accommodation.



**Ms WARD** — Correct. Another area of interest which we heard about just recently was Airservices Australia building on the Fiskville site and then pulling out. Are you aware of this — that they were doing a practice hangar or something at the site?

**Mr PEBERDY** — Vaguely aware of it. Attracting people to come to the site is now a very major issue, obviously.

**Ms WARD** — I want to talk about the provision of justice for those affected by what has happened at Fiskville. Lucinda, are CFA employees entitled to access compensation if they suffer an injury or illness from participation in or leading training activities at the Fiskville training college when it was open?

**Ms NOLAN** — If Fiskville has caused sickness, injury or trauma to any person attending Fiskville, obviously they would be eligible for compensation — no doubt about it.

**Ms WARD** — Are CFA volunteers entitled to access compensation if they suffer an injury or illness from participating in training activities at the Fiskville training college when it was open?

**Ms NOLAN** — Exactly the same premise applies.

**Ms WARD** — What is the CFA's approach to compensation for the owners of neighbouring properties who have also been affected by what has happened at Fiskville?

**Ms NOLAN** — I can only talk about the time I have been in. Those matters have been taken out of the hands of the CFA. They are actually being managed by a separate section of government, so I have not been briefed on progress, content or anything.

**Mr PEBERDY** — Can I just comment on the compensation? I will put on my very old hat of an insurer. Obviously career firefighters are covered by workers compensation, whereas with the volunteers we have a volunteer compensation scheme in place which tries as much as possible to mirror the compensation, as I think the committee is probably aware. When you get into illnesses, it is much more difficult than when you get injury. Injury is pretty straightforward; illness gets a lot more difficult. The call for presumptive legislation is really around trying to deal with some of these proofs that are obviously there are around illnesses as well.

With the volunteers it has always been CFA's policy to try to give the volunteers access to compensation that as close as possible mirrors what workers comp would do, but I am yet to persuade governments of any persuasion that we should provide a workers comp, just cover them under WorkCover and have them covered in the normal way. It is a different scheme altogether, but it is trying to mirror the benefits.

**Ms WARD** — What do both of you think justice for those who have been affected means? What does justice encompass?

**Ms NOLAN** — For me, it depends on the person. I think it is a very individual perspective on what justice means. It would be across the spectrum, and it would depend on impact, sickness, illness and trauma, and the extent and the debilitation of that.

**The CHAIR** — Just on that, do you believe there is a connection with people who trained at Fiskville and illnesses, and that that is being contributed to by their exposure at Fiskville? Do you think there is a connection?

**Ms NOLAN** — Obviously I am no expert on a number of matters, and I would be relying heavily on medical expertise and expertise across a broad range of OHS and environmental management aspects.

**The CHAIR** — I am picking up on this because before you said 'if', and I am just trying to get a feel. Is there a scepticism there?

**Ms NOLAN** — Not at all.

**The CHAIR** — Okay. I guess you cannot talk about each individual, but there is a view, though, that there must be some connection between the effects on people and what they were doing at Fiskville. I guess that is what I am just trying to understand.

**Ms NOLAN** — There have obviously been the two health reports conducted, but the issue is that the training was one small component of the employment of people who are firefighters. Depending again on what types of calls they have been to and what exposures they have had within those calls, it becomes so problematic to divide out a possibility of one exposure at Fiskville during the training compared to 100 exposures out in their normal everyday activities.

**Ms WARD** — We have just had an interesting session with Dr Tee Guidotti from Canada, who covered a number of those things. I would recommend you look at a number of his academic articles. It would be very useful.

**Ms NOLAN** — Certainly. Thank you.

**Ms WARD** — I also wanted to talk about how the CFA has engaged with people who feel that they have been affected by what has happened at Fiskville. We have heard evidence during the inquiry about how the CFA has engaged with staff and neighbours of Fiskville who are concerned about contamination and its effects. I will give you three separate examples. Example 1 is Alan Bennett, who needed information about the chemicals he was exposed to at Fiskville while burying drums containing chemicals. He wrote to the chair of the CFA board at the time, Mr Raymond Greenwood, and there were delays in the provision of information. The committee heard evidence from Mr Greenwood on 14 December that he never saw the correspondence. What is your response to how Mr Bennett was managed?

The second one is: the committee has heard evidence from Mrs Diane Potter that Mr Potter tried to meet with a board member, but the meeting did not take place. Her evidence was that Brian felt that he had to go to the *Herald Sun* because the CFA was not listening to him.

The third example is the one that my colleague has touched on regarding the Lloyd family. We have heard evidence that the Lloyds were made a compensation offer that was later withdrawn, that Mr Mick Bourke refused to communicate with them after they engaged lawyers, that they have been unable to get their blood test results from the CFA or their medical practitioner employed by the CFA and that they have a lot of problems accessing documents relating to scientific testings carried out on their property, even after they have lodged a freedom of information request.

Can you speak about those three examples and what your views are on how that has been managed by the CFA and how things could be improved?

**Mr PEBERDY** — My investigation of those three cases — —

I do not know the first two that you have talked about and what happened there. It is hard to comment on something that happened a long time ago like that, why the board did not respond. With regard to Brian Potter's situation, again Brian was a much-revered chief officer for the CFA. Brian was becoming more and more ill, as we know, but he had applied to lodge a workers comp claim, and his workers comp claim had been rejected.

From the board's perspective, I am not sure what the expectation would be. Board members regularly met Brian. I met Brian and Diane regularly at brigade functions and so on, and I have had conversations with Brian. He would never raise those personally with me as a board member. Diane would raise them with me. But from a CFA point of view, we did not have a magic wand where we could just sort of say, 'Well, we'll pay Brian some money', because we have a whole heap of issues around precedent and all sorts of things like that. But I believe Brian was also able to access welfare and some of the other help in the health area that we are able to provide. But the big issue was the compensation of course.

**Ms WARD** — Do you think that that was all that Brian was after, though? Was it just about the money?

**Mr PEBERDY** — As I say, he never spoke to me about what he was after, so I cannot comment on that.

**Ms WARD** — Do you think that he might have been frustrated with the lack of acknowledgement of how his service with the CFA had contributed towards his cancers?

**Mr PEBERDY** — That is probably the case, I would think. As I say, Brian was no longer obviously involved with the board at the time I joined the board, but he is just so revered in the CFA. But from a CFA point of view, as I say, there was a process to be working through with the workers comp and so on. I have been

told that CFA was working with Brian, but the thing we could not do was deliver on that compensation as a one-off type of thing for Brian. It gets in a very difficult area from the point of view that — —

My conversations with Brian were always really fantastic conversations to have, and he would talk, ask how the board was going, ‘What are your key issues?’, and all that sort of thing, but I did not have a personal conversation with him about what he was looking for from CFA.

Then with the Lloyds I really believe there was a good relationship between the Lloyd family and the CFA, and a lot of contact, not only those early contacts that we heard about. I believe Michael Wootten would have the conversation in very good faith with them. Like it was a situation of, ‘Let’s sit down with the Lloyds and just see what their expectations are’. Again we did not have the capacity to actually settle financially, but we could provide all that support with medical checks and the animal checks and the soil checks, and all of that other testing — all of that was done.

**Ms WARD** — But as we have heard, they found it incredibly difficult to access that information.

**Mr PEBERDY** — I think Lucinda also said it was difficult in the case of the medical — for Dr Sargeant to actually provide those results to them because of time delays; their availability became an issue around that. As I say, the first case, I cannot really comment on that; it is so far back. But with the last two, there was regular contact between the CFA and also with the Lloyds.

**Ms WARD** — Thank you. Lucinda, have you got any thoughts?

**Ms NOLAN** — Unfortunately I am a little bit in the same position as John in terms of knowledge of the first two. I think I have addressed the third. In the first two, from what you are saying, it sounds like it is a single point of failure, so someone has contacted one person who has failed then to act. Of course with all the best systems and processes in the world I do not think I could actually guarantee that that will not happen again.

**Ms WARD** — Do you think that there should be some kind of scheme set up in order to help people who have been affected by what has occurred at Fiskville?

**Ms NOLAN** — Sorry, outside normal compensation?

**Ms WARD** — Well, it depends on whether everyone falls within what is currently available for compensation, and it is also possibly a narrow definition.

**Ms NOLAN** — We do not have presumptive legislation.

**Ms WARD** — Yes. It is also at the moment quite a narrow definition of compensation. Working with people to address the needs that they have that have arisen. It could be counselling, it could be a whole variety of things.

**Mr PEBERDY** — I think those things are in place. What is not in place is the financial compensation, and so I think CFA has done a lot of work around establishing the other processes, but it does not deal with the compensation issue.

**Ms WARD** — Sorry, I am not so much asking what the CFA should do; I am talking more broadly — the broader governance.

**Ms NOLAN** — I think that anything outside the current legislation is going to be incredibly complex because there are so many stakeholders that need to play a part. It would not just be CFA and people impacted. It would be insurers and insurance companies. It would be EPA, chief health officer. It would be other experts that would be brought in. There is WorkSafe, and a number of people that would all need to be involved in the development of such a compensation scheme.

**Ms WARD** — In light of that is there a role then for the CFA to play?

**Ms NOLAN** — Without a doubt. I think we would be more than happy to play a part and be part of any review and development of such a framework.

**Mr PEBERDY** — In my view — and I am a former insurer, so I understand the insurance implications of all of this — it may not be an insurance scheme, it may simply be a compensation scheme.

**The CHAIR** — I think probably redress might be — —

**Mr PEBERDY** — Or redress. To me, I think, and I have thought about this quite a lot, it is really important that there is an independent arbitrator — that it is not CFA, MFB or the agencies that have to make the decisions on who gets compensated or who gets redress; that there is a process where there is an independent board, if you like, that is set up to consider the cases and make the compensation. It is an awfully big obligation to place on a board to decide who gets compensation and who does not, and you are setting up to become a very hated person; whereas independence is a good thing in that type of situation. I believe, under the direction we are seeing under a number of issues in society, we will see more redress schemes in the future, and they can work best if they are handled outside of the framework of the organisations from where the people come.

**Mr RAMSAY** — My apologies for being a bit late for this hearing this morning. Just on the issue of the Lloyds' compensation, are either of you two involved in the current government in relation to negotiations that are still continuing in relation to potential contamination for the Lloyds?

**The CHAIR** — I think this question was discussed prior, but if you want to recap — —

**Ms NOLAN** — It has. Any discussion with the Lloyds has been taken out of the hands of the CFA and is being undertaken by a separate part of government.

**Mr RAMSAY** — Which part?

**Ms NOLAN** — EMV is my understanding.

**Mr RAMSAY** — Why do you think it has taken so long to get to an agreed settlement?

**Ms NOLAN** — I have no idea. I have not been briefed on the progress or content of those negotiations, and they certainly were not part of CFA's accountabilities when I started.

**Mr RAMSAY** — Thank you; you have covered off a few questions that I was going to ask in relation to corporate governance. You were very succinct in your response to my colleagues' questions. Mine are more about the future. I am a member for Western Victoria Region, and Fiskville sits in that region. I am very familiar with the Ballan community and the importance the facility was providing to that community. I also trained at Fiskville myself during those times before mains water was reticulated, so I have a vested interest in making sure that certainly I was not exposed to potential problems associated with water quality contamination.

However, I have sat through most of the hearings, and I am yet to be convinced there is any evidence to suggest that the water quality was at a point where it posed a risk to human health. I asked Claire Higgins yesterday, and she could not furnish or refer to me any documentation that said whether it was the dams being used for providing firefighting water or in fact, post-2012, the water reticulation system. Even with the latest testing in PFOS, nothing has been shown to show that even the levels of PFOS were providing any sort of safety issues around firefighters. Historically — and hindsight is a wonderful thing we can all do things better in our lives with hindsight — there has been poor practice at Fiskville in relation to documentation with the noxious waste that was used as burning material.

Nevertheless, let us not lose sight of the fact that Fiskville has trained hundreds of thousands of volunteer firefighters and career firefighters and has held them in good stead for going out into real-life scenarios and protecting our communities. It has played an important role in training our volunteer and career firefighters. We have moved to a point where now politics has taken over the science. The government, the review and Craig Lapsley all do not want Fiskville there, and in fact Jane Garrett in July last year commissioned a report to look at the fire services — MFB and CFA. My understanding is that David O'Byrne was to prepare that report. It was given to the minister in October and has still not been released, so perhaps the first question is: have you been privy to that report that the minister has held since October, and do you know what the likely outcome will be to that report?

**Ms NOLAN** — My understanding is that the fire services review will be released in late February–March.

**Mr RAMSAY** — Why do you think, given the minister has had it since October, it would take nearly five or six months to be released?

**Ms NOLAN** — My understanding, and I am hazarding a little bit of a guess, is that they were waiting for the end of the fire season so that it could be appropriately explored and discussed in terms of where it might take us.

**Mr PEBERDY** — In answer to your first question regarding the fire services review, the board was involved. We had a meeting with David O'Byrne. So that review was completed, but we have not been privy, and I certainly have not been privy as chair since the end of August, to the results, and I do not believe they have been circulated or — basically it is cabinet in confidence, as far as I understand.

**Ms WARD** — And not really part of our terms of reference either.

**Mr RAMSAY** — No, but it was part of the question that was posed to me — it is important because obviously if the report indicates an amalgamation of services, which has been championed by the stakeholders I just mentioned in relation to the closure of Fiskville, one would think there might be more politics to play than in fact the actual safety of the firefighters.

**Mr PEBERDY** — I think the minister did make a statement, though, during the period of the review that that would not be the case, Simon.

**Mr RAMSAY** — On the assumption that Fiskville is closed permanently, and that has been pretty well expressed by the government — —

**The CHAIR** — And the board.

**Ms WARD** — And the board.

**Mr PEBERDY** — And the board.

**Mr RAMSAY** — The emergency management commissioner told the committee that the land for a new training facility is close to being purchased, and — I quote:

... is in the final stages of negotiation of purchase of land, which is confidential between landowners. Obviously we were getting the valuer-general's advice on property and sale prices. That is, we believe, in the final stages of negotiation ...

And:

We have not built into any strategy to say that we would repopulate the site at Fiskville. We believe it will be used for other things.

That was Craig Lapsley. Could you perhaps broaden those statements out on the basis of your knowledge of where we are up to in relation to land purchase and what might happen to Fiskville if in fact parts of it could be used that are not contaminated?

**Ms NOLAN** — Certainly. A number of sites have been identified for the purchase of new land for a training facility. They have not got any further than that, so there have been some negotiations but none successful to date, so that will continue. I have met with Moorabool council and spoken to them at length about it in terms about their concerns and some of the recommendations, so that is going ahead.

In terms of the remediation of Fiskville, it is a long process. The EPA auditor review will take us well and truly into 2017. We might be able to request earlier recommendations around components of the land that do not require remediation, presumably such areas as the accommodation et cetera, but if we were going to look at the re-using of the total allotment, we would have to wait till the final report is handed down by the EPA auditor, who would then make recommendations around the type of use of the land and what further remediation might be required to achieve that level.

**Mr RAMSAY** — I understand the EPA audit will be finalised in 2017, which is only next year. You are still searching for land which I understand is merely PAD land — fire training hot PAD land — is that right?

**Ms NOLAN** — No.

**Mr RAMSAY** — Not for full accommodation surely or training?

**Ms NOLAN** — There has been a number of options that have gone up in terms of obviously the ERC bid, so we are actually waiting — obviously it is now cabinet in confidence because it has gone up to government — and awaiting what decision they make around the options we put up.

**Mr RAMSAY** — So the land that is being looked at for the purchase around the Ballan area — I assume we are still talking about the Ballan area?

**Ms NOLAN** — Yes.

**Mr RAMSAY** — Is the land being purchased to accommodate a facility like Fiskville, or is it merely to accommodate a fire training PAD?

**Ms NOLAN** — My understanding is that, and having some involvement in the business case that went up for the ERC bid, it is a complete review. A training needs analysis was conducted around the requirements for CFA and the broader EMV areas in terms of training needs not only now but in the future. Those requirements were then articulated about what was actually required in the Ballan area and what other enhancements to other training facilities would be required to ensure that we actually covered off the capacity and capability requirement, geographical distances in terms of availability of training — to make sure that we had covered all of those off in any subsequent bids.

**Mr RAMSAY** — Do you think there is any possibility to be able to remediate the Fiskville site, the contaminated areas of the site?

**Ms NOLAN** — I am relying heavily on the EPA auditor for that advice.

**Mr RAMSAY** — So why would you then look at land that could substitute the training needs of Fiskville if in fact we do not know if the site can be used post 2017 or the final report of the EPA in relation to the audit process it is going through? You are not putting the cart before the horse?

**Ms NOLAN** — No, because as a very new, freshly minted CEO I certainly would not be going and second-guessing a decision made by our board that was certainly reinforced and accepted by government. For me there is a line in the sand: Fiskville will not be reopened as a Fiskville training facility. We will be looking for incorporating another Ballan site as part of our training. But certainly any remediation and future use of Fiskville will be reliant on the results from the auditor and what is appropriate in terms of cost of further remediation about the usage of that land.

**Mr PEBERDY** — Can I add to that that one of the concerns with Fiskville and PFCs particularly is I think it is an emerging science as well, and even this week on Australia Day there was a prominent doctor making quite a bit of noise about PFCs in camping gear and things of that nature. The reason Fiskville was closed by the board had to do with the discovery of PFOS where we did not expect to find PFOS basically, which was even away from the PAD area and so on. That is the unknown unknown as far as the board was concerned. We really do not know with PFOS and PFOA. I think it is still an emerging science, and we do know how much PFOS is there — even though all the health tests have shown that it is not at a level that is dangerous to humans at this point in time — but I do not think we really know into the future. It is an unknown. It is a concern to the board, a major concern, and that was one of the reasons. When we felt we knew where the PFOS was, what it caused and where it was running off to we felt we had some control over that, but I am not sure that we have control over PFOS at Fiskville, and that will be a big part of what EPA will have to look at obviously.

**Mr RAMSAY** — Ms Nolan has just told us that as far as she is concerned in her capacity Fiskville will not be used for any firefighter training and the training and accommodation areas of Fiskville which showed no tests of PFOS would not be used for accommodation and training.

**Mr PEBERDY** — Accommodation, yes.

**Mr RAMSAY** — My point is then why would the CFA, with its very limited budget resources, look at losing potentially \$50 million worth of training and accommodation facility that showed no signs of contamination and rebuild a similar type accommodation and training — which is required, we have heard that, because Craigieburn does not provide accommodation — for particularly those firefighters in regional Victoria and particularly those in south-west regional Victoria? What assumption would the board make that those facilities that show no sign of contamination not be used to help train firefighters in south-west Victoria?

**Ms NOLAN** — From my perspective, and I will let John follow, the evidence yesterday were around that loss of confidence in the site. That does not mean it is based on reality, but there is a loss of confidence in the site. There is the emergence of PFOS, and it is very difficult to shape and change perceptions about negative impacts that site may have caused to many people. Sometimes it is better to just cut your losses and move on. That does not mean in the future that that site will not be used for other activities for the CFA but, again, we cannot look into the future about what we can do with that site, with the accommodation, with all of the facilities, until we have a very clear understanding about the level of contaminants across the site, any remediation that would be required and what usage we could actually use that site for.

**Mr RAMSAY** — Have the board looked at other remedial sites that other states, and even just down the road here at Point Cook, have used in relation to reconstituting their assets that were shown to test positive for PFOS?

**Mr PEBERDY** — That is something that the board itself has not necessarily looked at, but it is part of the whole discussion around PFOS obviously with the experts that we have been working with. The point I would continue to make is I do not think we necessarily have a complete understanding of the PFCs — —

**Ms WARD** — Point Cook had to incinerate 30 000 tonnes of soil.

**Mr PEBERDY** — Yes. This is part of the research required — —

**Mr RAMSAY** — And Düsseldorf just buried a fire PAD and put another one on top. I mean there are different — —

**Ms WARD** — I do not think it is that simple, Simon.

**Mr PEBERDY** — I am not an expert in that science, but I do not think that is probably a solution.

**Mr RAMSAY** — The point was did the board give any discussion to potential remediation works going on in other places that they could emulate at Fiskville?

**Mr PEBERDY** — I think the board was aware that PFCs are an issue around fire grounds around the world, and even in the last year there have been a number of new sites identified. But with the remediation, at the time when the new discovery was made of PFOS in places where we did not expect PFOS to be, we basically made the decision on the basis that we had lost confidence in our ability to keep control of that issue.

**Mr RAMSAY** — One last question, Chair. Would either of you like to provide a summation of the type of organisation you think the CFA should be?

**Ms NOLAN** — In what regard?

**Mr PEBERDY** — Yes, in what regard?

**Mr RAMSAY** — Providing training — the essence is in relation to Fiskville's case, training — but generally. There was a review going on about fire services in Victoria. There has been discussion about preferred models. I am wondering, given your expertise, knowledge and leadership in the CFA, how do you see the CFA in the future? Do you see an amalgamation or an amalgam or a standalone organisation providing a fire service to country Victoria?

**Mr PEBERDY** — This is purely personal opinion, obviously; that is all I can give. I see the CFA as being a very different organisation, mainly because of the 58 000 volunteers that are there. It is a unique organisation. It does an incredible job. We are in an environment now where there will be areas — —

'Interoperability' is a very key word within emergency services, so we work closely with other agencies. That is something that has changed in the last five or six years quite considerably. So we are part of a sector and working much more as part of a sector. As far as training is concerned, the development of the regional training campuses is an important part of the strategy of the CFA, and that largely is driven by our volunteers, who do not want to have to travel more than 1½ to 2 hours to do their training.

I have in some ways the same emotional attachment to Fiskville. I enjoyed going there. I like the place. I have stayed there. Fiskville is a special place — there is no question about that — but I recognise that if I live in Mildura, coming to Fiskville is a long way, and so we have actually opened a new training campus at Mildura just in August actually, about the time when the changes to the chair took place. I think that there will be more of this replication of training, but working also with EMV around that, because it is really important that there is that cross-pollination in the way that we work together.

I think, personally, the CFA should be maintained. I think there is a huge risk if there is not a CFA. I think one service would create risk for the state. One would be that the volunteers could walk with their feet, because I think there is something unique around this volunteer-based community fire service at the CFA. To me I think there is a very prominent place for CFA, but I think the model that we use will have to evolve. There is no question about that.

I think we are finding there are issues, particularly around the fringe of Melbourne as far as providing a good service during the day as opposed to the weekends and the evenings simply because people move out of areas. There are a lot of issues there that will see the continual transformation of the CFA, as it has done in recent years with the establishment of integrated stations, but maybe our model of integrated will be different going forward as well. I think there are a lot of issues for us to deal with. Certainly those discussions are now happening, and I am encouraged by the level and depth of thought that is going into some of those discussions as to how we may need to evolve going forward. But I think the CFA is an incredible organisation. I am very proud to have the involvement with the CFA, because I think it is a unique organisation, and we need to be very careful we do not lose that uniqueness.

**The CHAIR** — Maybe this is a time. At the start we did say that John and Lucinda could go through — and maybe we have done a bit of that as we have gone along — to talk about the future of the CFA and what the future will bring. I know you have spoken on some of that, but I also mentioned that we will give you the opportunity to talk about what you have sort of put in place. So if there is anything that has not been said, maybe this is the time for it.

**Ms NOLAN** — It is probably more — —

**Ms WARD** — Sorry, just before we do that, I just wanted to follow on with Simon's ideas or thoughts regarding the closure of Fiskville. So if the decision was made, which I accept, to close Fiskville based on the fact that PFOS kept popping up all over the place in unexpected places. The main driver behind the change, as I understand it, was the policy created by the board to reduce firefighters' exposure to PFOS as much as possible.

**Mr PEBERDY** — Yes.

**Ms WARD** — What, then, about the neighbouring farms adjacent to Fiskville, who were also finding PFOS occurring in unexpected areas?

**Mr PEBERDY** — Again, the health tests on the neighbouring properties have not shown that there is a major risk to health. The further you get away from PFOS — —

**Ms WARD** — But you said the same thing about Fiskville itself.

**Mr PEBERDY** — Yes, but Fiskville is a pretty big property. It is — —

**Ms NOLAN** — I think that decision was made then and there about it. It was not so much a contaminated site as about something popping up where it was not expected. But I think all of the testing has borne out quite clearly that any of the PFOS, whether it is on the Fiskville site, whether it is in the water, whether it is in the neighbouring properties or whether it is in people's bloodstreams, is well and truly below the safe, non-effect level — well and truly below.

**Ms WARD** — I still do not think that you would want to live there.

**Ms NOLAN** — People do not, sorry?

**Ms WARD** — I know I would not want to live there.



**Mr RAMSAY** — Do not tell the Ballan community that.

**Ms WARD** — No, I would not want to live next door and have this stuff in my soil.

**Ms NOLAN** — Again, that ties in to the perception issue that we were discussing before. It is not the reality. The presence of contaminants is not the reality about people's impacts, but it is about a perception and a loss of confidence in the site.

**The CHAIR** — I invite either of you if there is anything you wanted to tell us in terms of going forward in terms of the management of the CFA. One of the things you were mentioning before was that the board of management plan was good, and I know we heard yesterday that there was a whole lot of health and safety policy implemented by the board or endorsed by the board. One of the things in terms of talking about the way forward is that we wonder just on the evidence that we have got that there were a whole lot of policies adopted by the board but the implementation and the lack of respect, it seems in a way, to board views on things — it just did not flow through to those who were given the responsibility to implement and actually make them happen. It sort of ticked the box, a bit of paperwork, cover your back but do not really do anything or make any changes.

**Ms NOLAN** — Again, that is about the values or having a position. It has got to be followed back with very supportive levers of change. So if you are looking at all your HR levers, policies, processes, training, awareness, understanding your role, role clarity, what your obligations are, there is a lot of work that needs to be done underpinning that type of approach, which I think I have covered off in talking more generally about governance.

But probably back in response to Mr Ramsay's issue around CFA and what we plan to the future, I am incredibly proud to be selected to lead the CFA for the next five years. It is an incredibly wonderful, committed, dedicated organisation. No doubt about it. I think when you look back on our conduct and performance in this recent fire season, no lives have been lost, many houses and many livelihoods saved. I have been so impressed with the performance of the CFA.

I have got two concerns about the inquiry, not about the inquiry per se in its running. Fiskville is one training facility that is a small component of the broader organisation, and unfortunately all of our trainers and people dedicated and committed to making sure that we have the best firefighters in the world have been tarnished by some of the evidence that has come out around Fiskville and around some of that hot fire training. I think that it is incredibly unfair. Some of the reporting has been unfair about the skills, the innovation and the capability of those trainers across the state of Victoria. They should be well and truly recognised for the work that they have done over time and the skill set that they have given the CFA to perform as we have performed. There is no doubt about it.

The second component is around that broader tainting and negative cloud over CFA as an organisation. So coming in fresh, two and half months, the evidence I have heard about Fiskville is not the experience I have had with the CFA. They are smart, they are innovative, they are dedicated and I think for us it is around not what is happening today but understanding the future environment over the next 20 years, understanding the environmental context, the challenges that are coming over the hill for us as an organisation and then making sure that we build the capacity and capability with that to meet those challenges. We are in the process of developing a very extensive environmental scanning strategic positioning document on behalf of the CFA. That will allow us to understand our current and future environments. That will enable us to set very clear direction and be the master or mistress of our own destiny. And hopefully the CFA will just go stronger and stronger because they will have the direction, that they will be able to mitigate and deal with issues as they arise rather than being reviewed over and over again and not being able to set their own clear direction.

**The CHAIR** — So do you accept that there has been failures at Fiskville?

**Ms NOLAN** — I think when you look at the Joy report specifically that I think the failures have been well and truly identified and admitted to by the CFA.

**The CHAIR** — Beyond 1999?

**Ms NOLAN** — I see the PFOS issues obviously emerging, maybe the communication and the processes could have been refined or enhanced. I think it is ‘you are damned if you would do it and you are damned if you do not’. Some of the issues and the board’s decision around the closure of Fiskville are never going to be popular across the board. It impacts on the lives and the dedication and the commitment to not only the trainers at Fiskville but also tying back to Ms Ward’s comments about the spiritual home. All I have heard about is how Fiskville is a spiritual home for the organisation and how all of them have been there. It is part of their history. There has not been a formalised closure of the school in any form of ceremony or formal component, which is something we will look into in the future.

**The CHAIR** — On behalf of all the committee, I think I can say that we have nothing but admiration for the firefighters within the CFA and their response in terms of protecting lives and properties. In some ways these inquiries are about the negative rather than positive because something happened. It was a terrible thing and you look into it. But in saying that, I think what we are looking at are terrible things that were done to firefighters in terms of the organisation rather than blaming firefighters for any of the failings at Fiskville. I just want to make sure that that was very clear.

**Ms NOLAN** — And look, mine was just trying to contextualise it.

**The CHAIR** — Just in case there was any misunderstanding.

**Mr PEBERDY** — But then we have to be careful always, when sitting in 2016, judging what happened in the way training was done for example in the past, particularly in uniformed-type organisations. We have new standards today to the standards that operated at that time, and so these people — —

**Ms WARD** — We do, but not everything that we have heard goes back to the 1970s, but you are right, things always need to be seen in historical context. But we also have seen that there has been a slow evolution throughout, the training in particular at Fiskville and the way the facility has been managed. It has lagged behind legislation and common practices within this state over decades.

**Mr RAMSAY** — Just on the question you raised. I think the work that was done over Christmas, particularly down at Wye River, Separation Creek and Ballarat — Scotsburn — was a credit to the CFA. I was very disappointed to see that Peter Marshall and the UFU saw fit to use their political muscle yet again and condemn the response by the CFA to those fires, and that is what makes me — —

**Ms WARD** — You are obsessed with the UFU.

**Mr RAMSAY** — Well, it was a disgrace that he did that.

**Ms Ward interjected.**

**Mr RAMSAY** — I was just going on from the comments. I thought it was a fantastic effort by the CFA, marred by the fact that the UFU saw fit to play politics.

**Ms NOLAN** — And certainly when you look at that and at the broader terms of the training, the capability building to our members, that is why I am concerned about this inquiry impacting on the reputation of our trainers, because they are first class.

**Mr RICHARDSON** — I will leave the grabs to someone else, but just getting back to — —

**Mr RAMSAY** — You have done enough of them.

**Mr RICHARDSON** — I will leave your grabs; that is your part for the afternoon. It concerns me still, Lucinda, the point you just raised — that the Joy report covered off everything, but the reports I referenced on water quality that were put forward to your people — that is not PFOS; we are talking about known carcinogens present in water with experts saying remediate. That was refused on a number of occasions, not just when it came up to Lex, not just with Justin Justin. There are systemic issues on OHS there in terms of you have got a manager putting forward recommendations and not monitoring. This is not just the Joy report; this was discovered during the Fiskville inquiry that we are undertaking, and it is a concern if that is not being acknowledged.

**Ms NOLAN** — No, that is certainly being acknowledged. Sorry, I was just talking about the CFA coming out quite openly in terms of the Joy report and the recommendations and the failings around that. There is — —

**Mr RICHARDSON** — Because the Joy report did not even consider these reports. We had to get them under an extensive discovery process that our secretariat has undertaken. That was not forthcoming at all, yet three reports from 2005 through to 2009 say, ‘Remediate, you have got to. You are risking dam 2, you are risking the integrity of the training’. I think while the comments about the Fiskville inquiry and the trainers — if people were taking responsibility at the executive director level, none of the trainers would be in that position because they were the ones pleading for action. What more could someone like Justin Justin do than ask for work to be undertaken, or for James Stitz to recommend tens of millions of dollars of work including remediation? What more can people who are on the ground do if the board or the executive level are not acting? What more can they do? I think that lends itself to the fact that they have had the reputation issues, but it is a management failure, not the people on site.

**Ms NOLAN** — Certainly, and that is why I recognised that is an issue with your previous questions around not only governance at training grounds but also governance relating to the broader organisation.

**Mr RICHARDSON** — It is easy to say that there is a lynch mob, but it is management, it is executive director level that we are looking at that says recommendations for funding have been put forward on numerous occasions and ignored. The Joy report did not evaluate. We are talking about 20 years on and beyond of the Occupational Health and Safety Act that puts forward that employers should put safety first and be proactive. They are reports that have been completely ignored. I am keen to get assurances that the Joy report has not just dealt with everything — —

**Ms NOLAN** — Certainly not.

**Mr RICHARDSON** — and that this is a PFOS issue. This is not just a PFOS issue — —

**Ms NOLAN** — No. Understand.

**Mr RICHARDSON** — There are also the chemicals benzene, zinc and arsenic that were in dam 1 that were ignored.

**Ms NOLAN** — And I thought I had covered that off as an issue in my previous answers.

**Mr RICHARDSON** — I think that is a really important point, though, that throughout 2000 we have discovered — it is not just that the Joy report covered everything, and there have been various submitters from the CFA who have acknowledged that.

**Ms NOLAN** — Unfortunately I have not seen Justin Justin’s evidence because it was in camera, so I am not quite sure what some of the issues about him raising concerns about the remediation are around.

**Mr RICHARDSON** — You heard James Stitz’s evidence and the fact that in 2009 he commissioned the Wynsafe report — —

**Ms NOLAN** — Yes.

**Mr RICHARDSON** — but then there were two others as well?

**Ms NOLAN** — Yes.

**The CHAIR** — Just to clarify. The Justin Justin evidence was held in private but the transcript is public.

**Ms NOLAN** — Okay.

**The CHAIR** — Maybe if you are interested. I know some people have had that confusion.

**Mr RAMSAY** — My understanding from the testimony I have heard is that the CFA is not suggesting there was not an issue around the sludge in dam 1, but I think to be fair, Tim, and I know you have been running on your horse on this one, there was water sampling going on all the time — testing — and at no time did the water testing show that the water was unsafe — —

**Ms WARD** — It did when the *Pseudomonas aeruginosa* levels were 33 000.

**Mr RAMSAY** — We all recognise there was sludge in dam 1 and dam 1 was bypassed in the latter years for providing fire water. I am not going to be an apologist for the CFA, but my understanding is that they were understanding there was sludge in dam 1, it contained heavy chemicals and they continued the water testing to make sure that water was safe for firefighting.

**Mr RICHARDSON** — My question would be: why would you — —

**Mr RAMSAY** — The question I should be posing not to you, Tim, but actually to the witnesses is is that the understanding you had — —

**Ms WARD** — This is a discussion we could have later maybe.

**Ms NOLAN** — It is, and I think the EPA and the chief health officer support that — —

**Mr RAMSAY** — And the Wynsafe and the WorkSafe — —

**Ms NOLAN** — And the Wynsafe, yes.

**Mr RICHARDSON** — Hang on one second. I know the EPA acknowledge in their testimony from 2011 that they were defunct in monitoring and that WorkSafe did not even test water until 2011. So the Wynsafe reports that Mr Ramsay is referring to predate them undertaking an extensive review and changes at EPA. To clarify EPA in consulting, the evidence we heard from John Myers as well was that there was no written response about that water testing that was delivered; it was on the phone. The question that I would proceed to is: why would the CFA commission three reports of the same organisation if they had no intention of acting or concerns about the quality, and then the experts say, ‘You have got big trouble if you do not remediate these dams’. What was the point?

**Ms NOLAN** — Sorry, can I just clarify? When I was talking about the EPA, I was saying it was borne out by the subsequent report from the EPA. I am talking about more recently.

**Mr RICHARDSON** — Okay.

**Ms NOLAN** — So they have said that there is no — and the chief health officer there said there has been no anticipated impacts from the use of the dam water in the firefighting training.

**Mr RICHARDSON** — So those reports from Wynsafe then that raised concerns about the presence of those chemicals — what was the point — —

**Ms NOLAN** — What I am saying is that they are two completely separate issues.

**Mr RAMSAY** — It did not affect the water quality.

**Mr RICHARDSON** — Where did we hear that from?

**Mr RAMSAY** — From Wynsafe.

**Mr RICHARDSON** — I would not miscategorise the evidence of Wynsafe.

**Ms WARD** — No, if you have a look there are dangerous levels of *E. coli*, there are dangerous levels of *Pseudomonas aeruginosa* and they do not start testing for PFOS levels until — —

**Mr RAMSAY** — There is no — —

**The CHAIR** — We have not got all the documentation here; we are doing the rounding off. In closing, one of our terms of reference is a study of the role of past and present executive managers at Fiskville. That is what we are talking about, not trainers, not staff or employees. Who do you think is accountable in terms of the failings? We may have disputes about what they were, but in terms of failings, where do you think the buck stops?

**Ms NOLAN** — The buck stops with me now.

**Ms WARD** — So the buck stopped with previous CEOs?

**Ms NOLAN** — I am not in a position to apportion or allocate responsibility or accountability. I have not heard all of the evidence and, as I said, I did not come into the position until November. So I have not heard the evidence, and I could not allocate or apportion. It does need the historical context, it does need an understanding of what was best practice considered back in those days. I do not have any of that context, so some of the issues that have been raised, certainly in hindsight you would deal with them differently, but I am certainly not going to be saying where the buck stops.

**Mr PEBERDY** — I cannot comment on the pre-2009 as far as what happened with dam 1. As I said earlier today, my understanding was that the remediation of the dams has always been an issue and one that was part of the overall works plan to be done, but a workaround was done to avoid — not to avoid, but to say that we could actually continue to use the PAD and to train at Fiskville without doing that as the first part of the works. So other priorities were delivered through the remediation, the work that has been done, which, as I say, from my viewpoint, I was really impressed when I saw that.

Certainly from a governance perspective, I mean there is always a requirement that the board should be told things that can be seen as a failure within the organisation or anything that — the front page of the *Herald Sun*, if you like — is going to look pretty nasty on the front page of the *Herald Sun*. They should always come to the board. From that perspective the board does not want to read it on the front page of the *Herald Sun*. They would rather have management, if management knows, tell them about it.

But again, the confidence levels in management in my time on the board I think were slow. I would agree that it appears at times we have been slow, but at the same time I think the committee structures, particularly in the time since when Claire became chair and we had a new strategy put in place — I think it addressed far more of the issues within CFA, and with our committees we have been very keen to have independent committee members with the expert knowledge to help us in that place. So I have been in the last couple of years I think very impressed with the development that had been made around the governance of CFA. But there is a distinct difference in the way the board operates today compared to the past, where I think the board was much more operational. At times the chairman of the board was almost the CEO, basically, and so on. I think, like always, in management you have to take to the board the things that are likely to cause concern; there is no question about that.

**The CHAIR** — Thank you both for coming in.

**Ms WARD** — Thank you.

**The CHAIR** — We actually almost stayed to time.

**Ms NOLAN** — Thank you.

**Ms WARD** — We have not run over.

**The CHAIR** — Which is a real achievement. Thank you very much for your time today.

**Mr PEBERDY** — Thank you.

**Ms NOLAN** — Thank you.

**The CHAIR** — We now adjourn the hearing for today. Thank you.

**Committee adjourned.**