

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 27 January 2016

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

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Staff

Executive officer: Mr Keir Delaney

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Witnesses

Mr Lex de Man,

Mr John Myers, former Country Fire Authority members; and

Mr James Stitz, executive manager, frontline learning and development, Country Fire Authority.

The CHAIR — Thank you very much for coming in today. I will go through the formalities, and then we will go to introductions. Committee members will then ask questions.

Welcome and thank you for attending today's hearing this afternoon. There are some preliminary comments I need to make before we begin. As outlined in the guide provided to you by the secretariat, all evidence at 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 you make outside the hearing will not be afforded such privilege. It is an act of contempt of Parliament to provide false or misleading evidence to the inquiry, and the committee may ask witnesses to return at a later date if it is necessary to hear further evidence from them. All evidence given today is being recorded. You will be given a copy of the transcript prior to it being made public to check its accuracy. Thank you once again for coming in to talk to us today.

In terms of starting, I should first welcome Mr James Stitz, executive manager, frontline learning and development. Is that your correct title?

Mr STITZ — That is the correct title now, yes.

The CHAIR — And Mr John Myers, former PAD supervisor.

Mr MYERS — Yes.

The CHAIR — Who was also involved with collecting the samples for the water testing.

Mr MYERS — I was, yes.

The CHAIR — And Mr Lex de Man, former executive manager, operational training and volunteerism. Is that correct?

Mr de MAN — Former executive director.

The CHAIR — I am sorry. Perhaps the first thing is to find out a little bit about what your roles and responsibilities were. Maybe we can start with you, Mr de Man. With your role, what were the responsibilities of that position? What were you responsible for?

Mr de MAN — I took on the responsibility initially as the executive manager of operational training and volunteerism in December 2010 and was given the responsibility then to establish the new directorate under the CEO at the time. That was operational training and volunteerism. I think it was in about March or April of the following year I was then appointed to the role of executive director, so I was responsible for the overall strategic direction of operational training for the organisation and also for volunteerism. It was the first time that the organisation had established a dedicated directorate to support both volunteerism and operational training. In essence, my understanding is that that came out of the royal commission into the bushfires. I was there until March last year.

The CHAIR — Mr Stitz, what were your responsibilities in your role?

Mr STITZ — I will probably have to go back a couple of years. I arrived at the CFA in 2000, and I was the manager, training and development, at Western Port until 2003. Then from 2004 until 2008 I was the manager, field training, which sat under the executive manager, learning and development, Mr John Butler, at the time. John Butler departed around June or July 2008, and then I assumed the role of acting manager, learning and development, from 2008 until late 2010 when Lex de Man came on board.

The CHAIR — In terms of the two of your roles, how did you determine what each of you was responsible for on a day-to-day basis as well as in an overall sense?

Mr de MAN — There was a structure in place. I was the executive director, James was the executive manager for learning and development and then I had a number of other senior managers who were part of the leadership team of operational training and volunteerism, so James reported directly to me.

The CHAIR — When we heard from Mr Justin Justin, did he report directly to you as the officer in charge at Fiskville?

Mr de MAN — Correct.

The CHAIR — Mr Stitz, what was your responsibility in terms of Fiskville?

Mr STITZ — When I was the acting executive manager — that was from 2008 to 2010 — Fiskville would have reported to me.

The CHAIR — So from 2008 to 2010 Fiskville reported to you, and then from — —

Mr de MAN — December 2010 onwards.

The CHAIR — Okay. The position that you held at that time, was that a newly created position, or was it held by another person prior to you?

Mr de MAN — No, it was a newly created position following the bushfires royal commission —

The CHAIR — Sorry, you did say that.

Mr de MAN — where there were certain matters raised with regard to operational training and volunteerism. The organisation is a volunteer-based fire emergency service. It had never had a dedicated strategic focus on volunteerism at the time, so the directorate was established, and two of the key objectives were to establish the operational training strategy and the volunteerism strategy.

The CHAIR — Was your focus then more on the volunteerism?

Mr de MAN — I had responsibility for operational training — —

The CHAIR — Across all of the sites?

Mr de MAN — which included initially Fiskville — not all of the sites. All of the sites came under my responsibility I think about 12 months later following identification that they needed to come under one management regime because of the way they had previously been funded, managed and so forth without any strategic corporate overview of our training facilities. Then of course I also had the volunteerism component of my role, so it was a pretty significant role responsible for operational training focus and the volunteerism focus across the state of Victoria.

The CHAIR — Mr Stitz, did you report to Mr de Man? If you are looking at the individual training sites, if something was going on at Fiskville, you would report that to Mr — —

Mr STITZ — When I worked for Mr de Man, or Lex, I was the executive manager, training and development. My focus was on program design, maintenance of our RTO status and materials design; it had nothing to do with the training grounds at all.

The CHAIR — None of the day-to-day operation?

Mr STITZ — Not at all. There was no involvement with the training grounds at all. Before that, though — —

The CHAIR — Yes, two years before that you were responsible for — —

Mr STITZ — There were two training grounds that came into that position. They were the Bangholme campus, which we were at, and Fiskville. All the other training grounds belonged to the areas in which they were situated, and so did the training and development personnel. They also belonged to those areas, so I did not have any direct influence over those people from a line management concern.

The CHAIR — When you were responsible in terms of the day-to-day operation of Fiskville, who was the officer in charge at Fiskville at the time? There are all these dates running around in my head.

Mr STITZ — I understand. At that time it was operations manager Alan Ellis, and then also the facilities manager was Noel Hawken. They were the two main players there in that period of time. Just so that it is clear, when I was the manager, field training, which was the period just before that, my job was only there to

coordinate activities throughout the areas — it had nothing to do with Bangholme and Fiskville. It was more focused on ensuring that training programs that were running were running properly across the areas, so it was like a coordination role across the areas.

The CHAIR — When we look at the documentation that has your name on it in terms of water testing and so on, what was your role then?

Mr STITZ — I think some of those, the ones that I have seen, the main ones, were to do with when I was the manager, field training, not the executive manager. The executive manager did not happen until 2008.

The CHAIR — So that is prior to 2008?

Mr STITZ — Yes.

The CHAIR — We might come back. Mr Myers, can you just tell us a bit about your role? Just putting some of this into context: we are talking about the Fiskville training centre, and I suppose a lot of this centres around the water, the quality of the water, how that was managed, who knew what and who was responsible. Perhaps if you could just go through a little bit and explain your role in terms of the PAD but also in terms of the water quality.

Mr MYERS — I was in charge of the practical area, the drill area — the PAD. We had to supply training, mainly hot fire training, to any students who were there, and also we had to have the maintenance and the safety and all that up to scratch. We also had to try to improve ourselves at all times on props and all that.

With the water, when we started testing the water I was the main one, being the supervisor, who would collect the water. If it was not me and I was not around, it would be one of the PAD operators who worked under me. I would collect it and send it off, and then we would try to keep it as good as we could within the standards.

The CHAIR — Okay, so just in terms of PAD operator versus PAD supervisor can you explain a little bit about how that worked?

Mr MYERS — I was in charge of the whole PAD. The PAD operators worked on the PAD for me — —

The CHAIR — And they were the ones setting up the props, organising the fires — —

Mr MYERS — They would set up all the props, and I would look after all the rest of it, so the maintenance program — I would look at the maintenance program and the safety precautions. I would liaise with the instructors over in the office. We might have something that was not working properly, so I would go and liaise with them.

The CHAIR — So there were the instructors — the training instructors —

Mr MYERS — Yes, the training instructors.

The CHAIR — and the supervisors for that part of the training, and then there was the physical set-up and management of the physical things that created the fires and experiences for the firefighting. That is what you were responsible for?

Mr MYERS — That is what I was responsible for, yes.

The CHAIR — Then in terms of the water, was that ordinarily the role of the PAD operator or PAD supervisor? Was that a standard duty to — —

Mr MYERS — When they started testing water it just fell onto my desk. I was in charge of the PAD, and as I said, we would collect samples. We would organise for sample bottles to be picked up. We collected them and organised them to go back.

The CHAIR — And when did they start collecting the samples, and do you know why?

Mr MYERS — It would probably have been round about 2000 I think. I am only guessing off the top of my head here. Just to be proactive, we ran a PAD development team, so it was a combination of me and a paddy

and some instructors, the facilities manager and a couple of other people from the property. We were always trying to improve ourselves on the PAD. Instead of having the same old stuff we wanted to improve our training at all times, and the water was always an issue. Like I said, it was always an issue that came up, and it was out of our hands. We could only do so much, and then it was referred to Melbourne. Then we would never hear anything back.

The CHAIR — Because you were on the health and safety committee as well; is that right?

Mr MYERS — I was too, yes.

The CHAIR — What was your role on that and for how long?

Mr MYERS — I was the health and safety representative for a fair few years. With our committee I think we set that up about 96 or 97, and we had a delegate from each area — I think you have been to Fiskville; it is a big area — so we had six or seven delegates. Again we did a lot of proactive work on a lot of small issues that came up. We met every two or three months or so, but anything big we just did not have the budget for it. Our budget was just minimal.

The CHAIR — So you had a health and safety committee budget that you were able to — —

Mr MYERS — We did not have a budget as such. We had a very small budget. We had to take from somewhere else to make it work. Anything major — I will just give you an example: in probably 2002 we were talking about trying to put a disabled ramp in one of the classrooms, because we had never had anything, but it never got past Melbourne. We did not have the money to do it.

The CHAIR — So you would come up with suggestions and ideas, and then if it was possible, the officer in charge would get a bit of money together and it would be done. Otherwise it would have to be referred — —

Mr MYERS — It was either the operations manager or the facilities manager. They used to take it in turns on the committee, and if they could wangle a bit of money from somewhere, we would get it done.

The CHAIR — And water quality did come up pretty well — —

Mr MYERS — Yes, it came up a lot.

The CHAIR — Since the committee started, was it?

Mr MYERS — Yes, definitely.

The CHAIR — And then it was referred to Melbourne and nothing happened.

Mr MYERS — It never happened.

Mr RAMSAY — My questions will be on the Fiskville facility and directed to Mr Lex de Man and also to Mr Stitz, and they are in relation to correspondence, which the secretariat is going to provide. We heard evidence this morning, just to put the water reticulation system at Fiskville into context. We were told that initially it was a pit where water run-off comes off the PAD during firefighting activities. Then there is dam 1 and dam 2 and latterly dams 3 and 4 and Lake Fiskville. That is basically as we understand the run-off of the effluent. We were told this morning that in fact the pit is regularly cleaned and that water testing is done on dams 1 and 2 to comply with the EPA. I understand Central Highlands Water does that testing and you, John, read the results and make the determination whether it is within the standards.

Mr MYERS — Yes.

Mr RAMSAY — That is reasonably easy to follow — that is, intercepting effluent discharge. The question I want to raise with you is around action the CFA took or did not take in relation to remediation of dam 1, because dam 1 seems to be the elephant in the room in relation to its holding of quite heavy metal and other substances that are, from WorkSafe and the EPA's point of view, toxic, dangerous and unhealthy. In particular there was a report completed by ALS in 2012 that found that the sludge in the dam 1 was considered category A industrial water, and the report recommended removal of the sludge. The secretariat has provided, I understand,

two documents in relation to this issue. The first is a letter from Wynsafe Occupational Services, addressed to Mr Stitz and dated 17 April 2009. On page 2 of that document the letter refers to contamination of dam 1, stating it contained hydrocarbons and heavy metals, as I said. So my question to you, James, initially is: can you provide any context to this letter, and what action was taken after it was received, because my understanding is that there has been no real physical remediation of dam 1? It dried up in 2001, we were told. I am not sure if there was any work that was done while it was dry — I suspect not — and this dam still holds those heavy metals.

The second one I just flag so you can prepare yourself is a report from WorkSafe dated 20 March 2012. That report notes that the inspector met with Mr Lex de Man, and on page 2 it says, in response to the 2012 ALS report that I have just referred to, that another consultant was employed to verify the result. So you had a letter from WorkSafe that provided information, yet Mr de Man saw fit to engage a third consultant about that particular report. So we are keen to know: one, what action was taken to remediate the sludge in dam 1, given both Wynsafe and WorkSafe indicated it needed remediation; and, two, why it took so long to address the issue of heavy contamination in dam 1; and why, Lex, you saw fit to engage a third consultant? That is for Lex to ponder while James answers the first question.

Mr STITZ — I will have to go back in history again. This was when I was the manager, field training. Sorry, the sludge — wrong time. I was provided with a report from SRS from Fiskville, which indicated that there were hydrocarbons and so forth in the sludge at Fiskville. At the time I had little knowledge of what those things were and what the impact they were on water quality. As a result of that, I then spoke to the OHS manager so I could get Jim Blight from Wynsafe to have a look at that document.

The CHAIR — Is that Mr Green?

Mr STITZ — Yes, Jeff Green.

The CHAIR — Who was the health and safety manager at CFA.

Mr STITZ — Correct. And then I asked if I could use Wynsafe to review the document and provide me with some advice. So that is where this document has come from. It is advice from Wynsafe to me in regard to that. When I got the report I noticed the recommendations, and I took those to the director, HR, who I reported to, to see whether any funding could be available in regard to remediation of the sludge.

The CHAIR — Perhaps you could give us the name of the director.

Mr STITZ — It was acting director Paul Garvey.

The CHAIR — It is just for the record. It makes it a bit easier. Thank you.

Mr STITZ — As a result of that, there were a number of things going on at Fiskville at the time. Airservices Australia was in a project for the development of a specific prop at Fiskville. It was an A380 aircraft prop. Included in that work was an environmental system that they were going to put into Fiskville if they came into the site. So that was going on. The other thing too was that we had done a master plan for Fiskville that looked at upgrading the site because there was going to be an increase in the number of firefighters — 262, I think, was the number. As a result of that information, the director settled on the situation where we would continue to test the quality of the water in accordance with water management plans that were at that site and then seek funding for the remediation of the sludge. So in regard to seeking funding there was an exercise undertaken which resulted in a board paper which was called Fiskville training college stage 1 redevelopment strategy. We were going to the government to ask for \$46 million.

Mr RAMSAY — What year are we talking about then?

Mr STITZ — That was in 2010 that paper got there; it was 30 August 2010. That paper was to get funding to upgrade Fiskville. Included in that would be remediation of the sludge in dam 1 as part of that. I have that document here if you would like a copy.

Mr RAMSAY — Sorry, in 2010, what month was that?

Mr STITZ — That was August that it went to the board. So work was done, obviously, prior to that.

Mr RAMSAY — And what was the response from the government of the day?

Mr STITZ — At the end of the day, which was then into 2011, we got 13.7 million, I think, was the response.

Mr RAMSAY — Was that for remediation of dam 1 sludge?

Mr STITZ — That was to do some upgrades of the PAD facilities —

MR de MAN — Accommodation.

Mr STITZ — and accommodation.

Mr RAMSAY — Was that work carried out?

Mr STITZ — Lex?

MR de MAN — The accommodation was constructed — the new \$6.3 million accommodation, which was part of the whole program, along with a new ablutions block and, I believe, security fencing around the PAD area.

Mr RAMSAY — So I have got to say Lex, given all I have heard in however long this inquiry has been going — nearly a year — I cannot understand, when the water issues were well known very early in the piece, that investment was not made into a closed water reticulation system for Fiskville, given the past history, yet you were happy to spend \$13 million on accommodation, which is now all sitting there empty, but not on water reticulation.

Mr de MAN — Just to clarify, that was not \$13 million on accommodation.

Mr RAMSAY — Or six million, was it? Sorry.

Mr de MAN — And around the time, in 2011, when the issue surfaced with regard to the historical contamination issues there was the Joy report that started, and then from the Joy report of course there were a number of recommendations, and part of those recommendations were also to clean up the whole PAD area, including the dam work. So whilst we were operating Fiskville — managing Fiskville — there was also that work that was being done as a separate project in the organisation.

Mr RAMSAY — Getting back to my question to you on notice, as it was, can you explain to me why you saw fit to engage a third consultant after you had already received a report from WorkSafe in relation to the contamination of dam 1?

Mr de MAN — Looking just briefly at the email, I cannot recall why I would have engaged P. J. Ramsay. I have been thinking about who was P. J. Ramsay, in my mind. My normal practice would have been to seek advice from the experts in CFA, our health and safety area, and also through others, such as Wynsafe or those types of organisations, to see what needed to be done to ensure that we met with the compliance that WorkSafe were asking. From the start with WorkSafe, when they first attended the site in December, we were very open and very transparent with WorkSafe all the way through, from my perspective. I cannot recall that report.

Mr RAMSAY — The committee is grappling with why it has taken so long — in fact, even to have taken effect — to do dam 1 sludge remediation, given it was raised in 2009 and still has been a contentious issue, even to this day.

Mr de MAN — My understanding was that dam 1 was not being utilised for firefighting operations; the water was being used from dam 2, being supplemented by mains water at times, when required, that dam 2 was a dam that was being used for the run-off from the PAD — and John Myers may be able to clarify this — and that was being treated by the PAD staff through John and his people. But because there was no direct draw on that water from dam 1 — that is my understanding of what was occurring with the water.

Mr RAMSAY — I will let John respond, if he wishes. I just wanted to add that we had evidence from Justin Justin on 21 December, and he said:

From my perspective, the only additional steps that could have been taken to improve the quality of water on site was the removal of contaminated sludge from dam 1 and I was unable to get authority from CFA management to remediate the sludge in the dams.

Mr Justin also said that he directly reported to you, Lex.

Mr de MAN — Correct.

Mr RAMSAY — Can you recall Mr Justin raising the remediation of the sludge in dam 1 with you, and what was your recollection of those discussions?

Mr de MAN — From memory, my recollection is it was around about November of 2011, around that period of time — late 2011 — that it was raised. It was one of a number of infrastructure issues that both Justin and myself and the leadership team at Fiskville at the time had become aware of. Justin was new in 2011. We wanted to ensure that Fiskville was a state-of-the-art training facility. When that matter was raised I knew about the existence of the 2009 report, and then in December, when the issue was first raised, it was then, from my understanding, placed into a business case.

We tried to get some funding through a business case through the 2016 program. That was a committee that was run in-house through foreign emergency management. So it was not a case that we did not try to get funding for upgrading issues at Fiskville; it was a case that dam 1 was not being used for firefighting. That was not in the scope — the water that was being used by the firefighters. Yes, the work needed to be done. Yes, we needed funding for it. Yes, we were putting a business case together. That is where we tried to get the funding through, and that is where we actually got the \$6.3 million to upgrade the accommodation and so forth and the ablutions blocks. Now that has been picked up. That was then subsequently picked up — from my knowledge and understanding — in the business case for the whole remediation of the site to comply with the EPA notices that are currently in existence.

Mr RAMSAY — Do you want to add anything, John, in relation to dam 1?

Mr MYERS — I think just to clear up about the dams, the pit has been there since Fiskville started, and the pit has always worked on the town's mains water. In early days we pumped out of dam 1 as the backup line. In 2000 when we built the new flammable liquid PAD dam we transferred the pump from dam 1 to dam 2. Part of that was we built dam 2 a bit bigger. So dam 1 was never, ever used again as the backup line or anything to do with training at Fiskville. So dam 1 was virtually just a sediment pond.

Ms WARD — John, can I just get a clarification? Sorry to interrupt. Was dam 1 ever stopped from draining into dam 2?

Mr MYERS — No.

Ms WARD — So water from dam 1 continued to go into dam 2 through the scoria?

Mr MYERS — Yes, yes. But I was under the understanding when SRS did their investigation of the sludge in dam 1, which we tried to get going, to try to clean up — as I said, being proactive as much as we could — I was told by SRS that the contaminants were in the sludge and they were not in the water as such, so once it went through the scoria into dam 2, you would not get all that stuff leaching into dam 2.

Ms WARD — Sorry, who gave you that advice?

Mr MYERS — SRS.

The CHAIR — Was that in writing?

Mr MYERS — No, just informal — informal talk. So of course then over time, after 2000, dam 3 was built. The idea of building dam 3 and dam 4 was so everything ran off, so just to cover ourselves if we did have a major leak or overflow, or anything like that, we had backup dams instead of going down to the lake — if that clarifies.

Mr RAMSAY — So exactly what time did you use only mains water from Central Highlands for the PAD?

Mr MYERS — 2012.

Mr RAMSAY — Without the backup of dam 2?

Mr MYERS — Without the backup, 2012. Early 2012. We put a tank in, they put a tank in at the pit, and that was on mains water. Then we had to get funding to put another tank at the backup pump, which is at dam 2. It took us about four or five months to get that funding. In that meantime we put up collar tanks — they are an inflatable tank that the emergency services use. We had two collar tanks on the property at the time for training. We put up these collar tanks, and every time we trained we pumped town supply into the collar tanks, and that went back through the backup pumps. So we were using complete town supply from 2012.

Mr McCURDY — From 2012 — do you know the month, exactly? So that was exclusive town supply.

Mr MYERS — Yes.

Mr RAMSAY — Given PFOS was found in a hydrant near the hangar, as I understand, and some other areas of Fiskville, given it was a fully closed system in 2012, how do you see some of the residue of the PFOS being found, tested positive, on some of those sites? Is that residual from many years ago of the dam interceptors? How do you see that PFOS being where it was tested?

Mr MYERS — Personally I think the one over the hangar — I do not know how that was ever found over there. We had never had water over there, so I do not know how PFOS got over there. They also found — I do not know if it has come out or not — PFOS in the creek above Fiskville. We cannot push water uphill — we are pretty good, but not that bloody good! They found PFOS above Fiskville in the creek. With the ones on, I think, the hydrant — was it?

Mr RAMSAY — That is my understanding.

Mr MYERS — Yes. That is on the PAD — was it?

Mr RAMSAY — I thought it was near the hangar, but I will stand corrected.

Mr MYERS — There was a connection at the hangar.

Mr RAMSAY — And one at the accommodation. Anyway, I am not — —

Mr MYERS — No, I do not think it was at the accommodation. It was a connection at the hangar. A coupling which probably had not been used — probably the last time that would have been used, as I can remember, was probably when we held a helitack there when we had a fire down at Anakie.

Mr RAMSAY — What year was that?

Mr MYERS — I am not very good with years. Five or six years ago, I think, were the Anakie fires.

The CHAIR — Something does not add up here. You are saying that dam 1 was not used. When was dam 1 not used for firefighter water training?

Mr MYERS — In 2000, 2001 — around then.

The CHAIR — In 2001, okay. You are saying that because it was just a matter of an historic contamination, if it was just left as it was, it would not matter; therefore we did not need to spend any money on it to remediate it. There were more high priorities, such as accommodation. Is that — —

Mr de MAN — No, I did not say that. What I did say was that from historical past, yes, the sludge was there. Then the report was done in, I think, 2009. WorkSafe came. We knew from the 2009 report that there was an issue with the sludge. No water had been taken out of there, from what John was saying, for firefighting since 2000, 2001. Not that it did not need to be cleaned up — it needed to be clean up. We needed to get the money to do that.

The CHAIR — But it was not a priority.

Mr de MAN — It was one of the priorities, but it was not the highest priority.

The CHAIR — That was not my issue though. I was trying to, in my own mind — —

Mr de MAN — Sorry, I just wanted to clarify.

The CHAIR — Why I am asking this is — and you have maybe not got the whole report, and maybe we need to do it — basically the Wynsafe health and safety report of 27 May 2011 says:

Dear Jeff —

Jeff Green —

in response to a request to test firefighting water at Fiskville following concerns due to exposure of a trainee to firefighting water, Wynsafe conducted sampling ... on 18 May 2011.

One of them was dam 1. So it seems that the consultant was under the impression that dam 1 was being used and that there was an incident where there was an exposure of a trainee to firefighting water, and that is what brought about this consultant being brought in to assess the water quality. So how do you explain that Jeff Green is asking Wynsafe to come in in 2011 as a result of exposure by a firefighter trainee to contaminated water, and one of the areas that they test is dam 1 because it is assumed that dam 1 was still being used and part of the exposure.

Mr de MAN — I suppose a general comment on the question then is that the hydraulics or how the water moves around Fiskville can be easily misunderstood if you do not understand the history of it. As best as I do, I think I have about 80 or 90 per cent, but not totally. I can only assume that when that occurred and that was audited that the dams were tested and dam 1 would have been included in those tests because it was a water source that was at Fiskville.

The CHAIR — So the consultant was misunderstanding the water set-up, do you think?

Mr de MAN — I do not know what instructions were given to the consultant. I can only assume. Around that time, of course, I think the Joy investigation was still underway or nearing completion. Certainly Fiskville was very topical throughout the organisation and throughout the state and so forth. So anything where there were tests taken on site, an assumption from my point of view is that everything would have been tested by a consultant to ensure that nothing was left untested in relation to that particular matter. That is only an assumption from my point of view.

Mr MYERS — Just adding to that, I cannot say that anybody used dam 1. We had one occasion that I can remember. It was in our SOPs that dam 1 was not to be used for anything — for drafting or anything — but the MFB came up and decided to use it, and they were stopped immediately. Part of the instructors' induction was that they were not allowed to use that dam, but they went ahead and did it. But that was stopped before they virtually had any water coming out, as far as I know. That is the only one that I know of that used that dam since about 2000, 2001. It just was not used.

Mr RAMSAY — I think the issue concerning us is that the same Wynsafe letter indicates that the water quality of dam 2 is compromised by the fact that it is located adjacent to dam 1. So without any remediation of dam 1 you are actually, according to Wynsafe, compromising the quality of water in dam 2, which you have admitted is used and part used with mains to provide — —

Mr De MAN — That is right, yes.

Mr RAMSAY — So that is the area of concern for us. So if you are getting correspondence that indicated that there was compromised water quality in dam 2, which you used for firefighting, dam 1 really should have been a priority to either contain by some method or at least the sludge to be remediated. I understand that requests were made for funding to do that and time took over, but I think that is the concern for us — that there is always that water quality compromisation issue in dam 2.

Mr STITZ — Can I add something to that? There is a water management plan that was put into Fiskville in 2008 that said, in essence, in regards to water testing and water testing in the pit, that if it did not appear to be of standard, then particular actions were to be taken. So what we are concerned about, as you know, is that the water goes from dam 2 into the pit and then from the pit onto the PAD. So testing was done in the pit, so if it was not suitable, then the site had to take certain actions.

That management plan was issued in 2008 — I have got a copy of it here — and we expected the site to operate in accordance with the management plan. What would happen and the way that would occur is that it would say that all personnel must return our clothing and equipment as outlined in SOPs relevant to the PAD area being used. Water must not be used if any of the conditions were as listed in ‘3 — Operational considerations’, and they talked about whether water looked visibly contaminated, smelled or in essence did not meet water quality standards. If the water analysis results indicate the water is not of the agreed standard, then the storage location is to be immediately isolated and tagged out. Notify the following: the manager of CFA Fiskville, PAD supervisors, health and safety representatives and all staff. Provide a copy of the test results to the manager of CFA Fiskville, PAD supervisors, site health and safety representatives and staff noticeboard. Use other sources of water, investigate the cause, determine a course of action and rectify the problem until there are acceptable results.

So they were the actions at that pit. If it did not work, then Turk would go, ‘I’ll go straight onto mains water until I can resolve the problem’, and that was the idea. So you may have got a reading out of dam 2 — let us say if dam 2 water is pumped into the pit, it will obviously influence what that standard is. Some days it would meet standards, and other days it would not meet standards. If it did not meet standards, then the management plan for firefighting water at Fiskville college was to be followed, and again that was issued in March 2000.

Mr RICHARDSON — Just quickly for you, Lex, is it telling that it took not the Wynsafe report of 2009 but a *Herald Sun* article in December of 2011 before those remediation matters were acted upon?

Mr De MAN — From my perspective the December 2011 articles certainly raised the issue that there may be matters that needed to be addressed. James had certainly, when I came on board, shown me a document that James had put forward. I think it was a strategic infrastructure plan document. It had about \$142 million worth of suggested capital works right across the whole network, which you had taken 2010 through to the executive, to his end line manager, prior to the establishment of the directorate — OT&V, as it was known. I became aware of that shortly after coming on board, and that was part of the whole discussions in early 2011, through 2011, and then the *Herald Sun* article happened with regards to the investment that needed to occur at Fiskville. One of the investment bids was \$42 million. It was a business case put together from the youth services request to actually upgrade Fiskville, so it was all going to be part of those works.

Mr RICHARDSON — So just finalising and rounding out Simon’s point, the fact that under the OHS act there is the requirement upon the employer to maintain a safe workplace, ensure a safe workplace, given the 2009 report from Wynsafe, do you believe CFA acted in their duty of care to their employees and to their volunteers by going ahead and focusing on accommodation rather than remediating dam 1 and looking at the ramifications for dam 2?

Mr De MAN — If you look at all the reports from the experts, the water specialists and so forth — Wynsafe and so forth — and that is what we acted on, the advice from those with the credentials and the expertise in water quality management, we took their advice. Right throughout that whole period we continued to get the water samples and so forth and to make sure that there was a safe working environment there for those who were training and working at that particular location. Yes, the Wynsafe report talked about the sludge, but it also talked about, as John indicated before, that we also had knowledge that it did not affect the water that was being used on the training PAD, and that was pretty critical. I think there was one point around June or mid-2012 when there was an issue with the water, so we stopped using the water and we relocated a recruit course until we could get the water back to the standard it should be.

So we always made sure — and I had total faith and confidence in the leadership team at Fiskville — that we would never compromise the safety of any person using Fiskville, the PAD, through water at Fiskville.

Mr RICHARDSON — So despite the comments that John has made about trying to go back to Melbourne and get infrastructure upgrades, despite the comments from Justin Justin pleading for funding on site, pleading

for remediation works — that is his evidence that he provided, so people on the ground are screaming out to whoever is in charge that they report to — do you think it is reasonable that it took three years from that Wynsafe report for that consideration? The implementation is now still ongoing of remediation. Do you think that is a reasonable time frame for that to be undertaken?

Mr de MAN — I would have preferred that it was a lot sooner. Of course I would have preferred that it was a lot sooner, but the safety was not compromised of the personnel at the site. Had that been an issue with regard to the safety of personnel, of course it would have been more of a priority. It still needs to be done, and it has been picked up in the business case that was put forward to actually remediate the whole site. So they are the facts as we have them today.

Within the organisation this is one of the issues that the royal commission picked up about training within CFA. Training is the biggest thing for any of our firefighters, be they volunteer or be they career firefighters; hence the establishment of a dedicated directorate for training. But the organisation has still got to come to terms with the fact that it costs money. And if the organisation needs to come to terms with that, then those that provide the organisation with the funding of course need to ensure that our personnel have the funding to do the right training at the right location to meet the risk that we face across the state. I think training has always been one of those things in the CFA — that it needs funding.

To say that OTV was very frugally run with regard to expenditure would not be an understatement. The leadership team at Fiskville had a maintain and delivery budget and did wonders with that budget to bring that facility up to the standard that it was. Then we wanted to come along and support them with the new accommodation. What was the priority? The new accommodation, because of the new recruits for the 2016 project, and the new ablutions block, and then we were in the process of constructing a new three-storey PAD. We had government authority from to redirect I think it was around \$900 000 to build a new three-storey training building. One of my challenges in the directorate was to make sure I supported the leadership team there, who I had and have had great confidence in, and also to make sure that I advocated on behalf of Fiskville at the executive table. I do not walk away from it — do not walk away from that.

Mr RICHARDSON — Thanks, Lex. Just quickly, John, we heard from Mr Mark Glover this morning, who I understand was your colleague at Fiskville. The committee heard reference to buried drums and an incident that happened with a tractor, and the committee understands that buried drums were discovered I believe around Christmas 2001 — was what Mark was saying. A tractor was preparing the land for planting trees, and the driver passed onto the drums when they were hit. What is your recollection of that event and the incident that took place?

Mr MYERS — I was working on the PAD at the time. It was a Saturday. We had an orange helmet — what we called instructor in charge — on the day. That was Mick Smith. Also we had the dozer driver. He was over there ripping ground to plant blue gums. Mick Smith came and saw me on the day, probably mid-morning I suppose, and he said, ‘Oh, the dozer driver has just wandered over. He’s a bit nauseous. He said he’s hit some drums’. Before that, and I cannot say exactly how long before, but we had a big clean-up. They decided that they knew there were buried drums over near the hangar. I think with Mark and David Clancy we tried to pinpoint exactly where the drums were, and they said, ‘Well, there’s no point leaving the drums buried, so let’s get them out of our way’. So we had a big clean-up, and what happened is they missed six drums. We thought everything was clean as a whistle. The ground was all cleaned up, reconstituted — the whole works.

Anyway, the dozer driver was pretty nauseous and a bit groggy. It looked like there was probably four or five drums of solvents, and he ripped them open and the fumes had gone up into his cabin — it was a closed cabin — through his aircon. So I went over with Mick, and we looked at it and rang Mark, who was boss at the time. He was home. He said, ‘Just cordon it off’. He said, ‘I’ll ring up EPA or WorkSafe’, and he said, ‘We’ll cordon off and just make everything safe’. He said we could lock the gate going out to the hangar where he was ripping so no-one could go out there. So we pulled the dozer out to avoid having the dozer there. I went and got, I think it was, about three or four loads in a tanker and gave the dozer a good wash down to try and get all the solvents off it, which we think we did. That all landed in the contaminated area, so we cordoned all that off. Mark did his ringing up, and then on Monday morning they were in there cleaning up.

The dozer driver — we said ‘We can take you into the hospital and you can get checked out or something’. He said, ‘I’m quite happy’. He sat down for a while. He had a drink of water. He said, ‘I’m right’. It was just more

he got a whiff and a bit of a nausea. As far as I can remember he never got it on him. So he was happy. As soon as we cleaned the dozer he started ripping again.

Mr McCURDY — It was a dozer? It was a dozer on tracks, not a tractor?

Mr MYERS — No, a dozer on tracks. She was about a D9, I think, with a cab on top and an aircon.

The CHAIR — Just for the record, it was Mark Glover, and you also mentioned somebody else. Can you give their full name for the transcript.

Mr MYERS — Mick Smith.

The CHAIR — That is fine.

Mr MYERS — Mick was the lead instructor on the day.

Mr RICHARDSON — Whose responsibility was it to engage EPA and WorkSafe at the time?

Mr MYERS — Mark.

Mr RICHARDSON — It was Mark's responsibility.

Mr MYERS — I reported to Mark. Mark was boss. He was operations manager at the time, so we just rang Mark.

Mr RICHARDSON — You are not aware whether a report into the incident was prepared or — —

Mr MYERS — I would not have a clue, to be honest.

Mr RICHARDSON — We understand from evidence that the drums were dug up and then removed. Could you elaborate any further on that process?

Mr MYERS — In what sense?

Mr RICHARDSON — Do you know anything more about how they were removed and where they went?

Mr MYERS — A company came in — the same company that removed the drums in the first place. There was something like 200 drums buried over there, and they just missed 6 near the end. So the same company came in. I am pretty sure they came in on the Monday, and they cleaned all the drums up and put them in containers and all that, took them down to, I think it was, Tullamarine, and then they took all the dirt contaminated around it and they did tests and then they reinstated that dirt from dirt at Fiskville.

Mr RICHARDSON — Just finally on my section, John, last year the committee heard evidence from Mr Michael James, who was said to be a part-time instructor at Fiskville on numerous occasions from 1987 until approximately 2000. Mr James said in his evidence that people were not allowed to wear breathing apparatus during training drills. He raised concerns about this at the time, and he said:

It is not the fact that it was not made mandatory; it is the fact that I sought it and was refused permission to wear it.

They were the concerns he had. He went on to say to the committee that during his time as a full-time instructor at Fiskville he clearly identified unsafe practices but was refused the opportunity to operate safely. In his opinion the 'management of CFA and some staff at Fiskville failed in their duty of care to provide a safe workplace and should be called to account for their failings'. Do you have any comment on those statements from Mr James?

Mr MYERS — Who was it? Michael James?

Mr RICHARDSON — Michael James.

Mr MYERS — I cannot even remember him, to be honest.

Mr RICHARDSON — You are not familiar with Mr James?

Mr MYERS — No.

Mr RICHARDSON — Do you have any comment — —

Mr MYERS — I started in 89. As far as I am concerned, we had probably about 40 or 50 sets of BA at all times at Fiskville. I or none of my fellas ever refused anybody to wear BA. So I do not know what he is going on about, to be honest.

Mr RICHARDSON — So if there were concerns about safety on site, would they come to you in the first instance, or would they — —

Mr MYERS — He never came to me, not that I can remember, to be honest. If he wanted BA, we would have given him BA. It is as simple as that. I can't see why that has come out, to be honest. I really can't.

Ms WARD — Thanks for coming along today, gentlemen. It is great to have you here. One of the things I really would like to do is to clear up 2011 and 2012 and when mains water was exclusively used for firefighting, because we have had a number of testimonies, and we have had copies of emails and reports, and to be frank, it is all over the shop. If any of you or all three of you could shed some clarity on that, I would really appreciate it. There has been some indication that it was June–July 2012. Other indications were that it was not until the second tank was installed around 18 October 2012 that exclusive mains water was used.

Mr MYERS — I will start with that if you like. It was the end of June 2012. Firefighter water from dam 2 was deemed to be no good. It was hard to keep up to scratch with the testing.

Ms WARD — What was not up to scratch? What was wrong with the dam 2 water?

Mr MYERS — Mainly suspended solids.

Ms WARD — Do you remember what was in the suspended solids?

Mr MYERS — They were just called suspended solids in the testing regime.

Ms WARD — Yes.

Mr MYERS — I will be honest, that originated from — we used to use training foam at Fiskville, and then the chief gave a decree that we had to use real foam. That just played havoc with the dam. It is as simple as that. We had to do it, and we battled on as well as we could. But in June 2012 we set up the collar tanks, and then we used the collar tanks — —

Ms WARD — How many collar tanks did you have?

Mr MYERS — We had two — one 10 000 litres and one 7000 litres.

Ms WARD — That is not very big.

Mr MYERS — No, we had to cut back on our training, on our backup line, as such.

Ms WARD — So how does that work?

Mr MYERS — We had two lines. We ran two mains around Fiskville for safety reasons. At every prop we would have two separate lines. One pump broke down or had a — —

Ms WARD — So this is coming from the main hydrant?

Mr MYERS — There are two hydrants. So we had two separate lines. And what we call the backup line came from dam 2, and then we went to the collar tanks.

Ms WARD — No, you have lost me. Hang on; sorry. You will have to talk us through it. Pretend we are babies. Just talk us through it. So you have got two water sources. One is from, let us say, the pit, which is now tank 1. Tank 1 replaces the pit at this point.

Mr MYERS — Yes, that is right.

Ms WARD — Yes? That is one source of mains water, and that takes around 12 hours to fill up?

Mr MYERS — Six hours in the middle of the night — 5 or 6 hours in the middle of the night.

Ms WARD — Okay. But in terms of using it throughout the day, once you have used it, it is very hard to reuse that tank again?

Mr MYERS — Yes. We had to keep an eye on it as much as we could.

Ms WARD — So the second line that has mains water; where does that come from?

Mr MYERS — We took it from the pit.

Ms WARD — I thought you were not using the pit?

Mr MYERS — Originally, to the collar tanks.

Ms WARD — So in July 2012 where does it come from?

Mr MYERS — To the collar tanks from the pit. We would pump — —

Ms WARD — So the pit is still being used in July 2012?

Mr MYERS — No, sorry, from the tank. Sorry; my problem — from the tank, from tank 1. We pumped the water from — —

Ms WARD — So tank 1 is filling up a 10 000-litre tank — these inflatable tanks — —

Mr MYERS — Yes, it is 17 000 litres all up.

Ms WARD — Seventeen-thousand litres. And then you are filling up tank 1?

Mr MYERS — Yes.

Ms WARD — How long did that take?

Mr MYERS — Tank 1 was 240 000 litres. So we only took 17 000 litres out of it. We just had to keep an eye — we had to put a pumper on the two collar tanks. This is in the interim until tank 2 got built.

Ms WARD — And these are covered tanks, or are they swimming pool — —

Mr MYERS — No, they were filled up in the morning when we started training. They are not covered. And then we had to put a pumper, a spare pumper, onto the tanks, plus an operator, which was one of my fellas, and then he would keep the pressure up into the backup line. So those two collar tanks supplied the backup line.

Ms WARD — So how many drills could you do during this time?

Mr MYERS — We had to restrict our drills a hell of a lot, until we got the second tank.

Mr de MAN — Perhaps I could assist with that question.

Ms WARD — Yes.

Mr de MAN — If I have a look at the documents — that is all I can go by — in Kieran Walshe's interim report of July 2013, on page 4, he talks about the first chronology of steps. On 26 June CFA ceased using water from the dams at Fiskville for hot fire training and switched to the town mains water. Then if I have a look at a letter from our then CEO to the branch secretary of the United Firefighters Union, it is the day after or around that. It is the day before. It indicates that — —

Ms WARD — Sorry, it is the day before when? What is the date?

Mr de MAN — Prior to 26 June I think it is.

Ms WARD — So it is 25 June?

Mr de MAN — So samples were taken on June 21, 25 and 26. There was an issue. In line with the water management plan, until retests are done, the training would cease. Course 2 of 2002, because of the restriction on mains water at the site, then went and did training out at Longerenong and at Bangholme, from my understanding. We were under a lot of pressure to ensure that we could comply with 342 firefighters. Because there was the rest water available at Fiskville that course was then relocated to do its hot fire training. A plan was put into place and then implemented for Longerenong training and then for Bangholme.

Ms WARD — With the installation of these inflatable tanks, these collar tanks, in July 2012, dam 2 does not get used again as a source of firefighting water?

Mr MYERS — No.

Ms WARD — Great. Thank you very much for helping to clear that up.

Mr MYERS — That is all right. It was June, the end of June 2012.

Ms WARD — At the hearing on 21 December — and this is to you, Mr Stitz — we had a question for Jeff Green which he was unable to answer, and he suggested that you would be the best person to approach. What we asked was: has the CFA claimed that the water used at Fiskville was class A recycled water?

Mr STITZ — No.

Ms WARD — What is your understanding of the difference between class A recycled water and stormwater?

Mr STITZ — Class A recycled water is from treated sewage, and it has I think four criteria: E. coli, suspended solids, BOD and pH. In regard to — what was the other type of water you mentioned?

Ms WARD — Stormwater.

Mr STITZ — Stormwater, as I understood, did not have criteria associated with it.

Ms WARD — This is how you were able to bump the E. coli levels up? There is correspondence from you seeking to increase E. coli levels.

Mr STITZ — We went and sought advice from EPA and the department of health in regard to what we could do in that particular area. We had set up — let me get my mind to it — it would have been in late 2007, a standard, and that standard for firefighting water was 10 E. coli, *Pseudomonas* less than or equal to 10 I think, but I can look in the document and get it exact. I think you have all probably got the criteria there.

Ms WARD — There is a point at which the *Pseudomonas aeruginosa* is very, very high.

Mr STITZ — That particular standard was a very, very conservative standard. It is pretty hard to drink rainwater in line with something that you have treated, but our intent was to get it as close as possible so that we just had the one standard across all field training grounds. It was not just pertaining to Fiskville, but was in fact relating to all the other field training grounds that had dams. When we instigated that through the management plans at the sites we got some indications that we were having trouble meeting the E. coli levels.

We sought advice on what could be done in that area. We went to Ecoscience, and they came back with some advice that said you could lift the E. coli level from 10 to 150. We got that advice, and I then sought advice on how to go about doing that. Wynsafe came back and said, 'Look, you should go to EPA, you should go to the department of health and you should have a look at WorkSafe'. I think that is all they mentioned. As a result of that, I asked could he construct some letters for us that would go to people in EPA and DHS, because I got separate advice about WorkSafe, and I am coming back to that. Obviously letters were constructed, and then those letters were forwarded to particular people who had been identified to respond. We got a response back indicating that we could raise that level of E. coli.

Ms WARD — Can you also talk us through the pollution levels in dam 2 in June 2012 that triggered the need to then create new inflatable tanks to help continue training?

Mr STITZ — I cannot because I was not actually part of Fiskville or had any direct involvement in Fiskville or any of the field training grounds after 2010. If you have got a copy of the results, I might be able to suggest something, but I would be coming from the wrong place.

Ms WARD — Sure. Lex, are you able to give any information on that?

Mr de MAN — Only what I have given, not about the actual scientific tests and so forth — the results. I have not got those with me.

Mr MYERS — I can probably fill you in on that one. Once we went to tank 1, at a PAD development team meeting we said, ‘What is the point of having dam 2? That is just ludicrous. We are going to mains supply’.

Ms WARD — Sorry, what made you think what was the point of having dam 2?

Mr MYERS — Yes.

Ms WARD — No. What triggered that reaction?

Mr MYERS — We are going on mains supply in the pit, so why would we have made a dam 2 in the backup pump? Like I said, we were always trying to be proactive and safety conscious, as much as we could. I think it was internal. We made the decision: dam 2 is out. That also gave us leverage to get tank no. 2.

Ms WARD — Going back to the remediation around dam 1 and the decisions and the conversations that were had around that, Lex, you have got conversations in November-December 2011 talking about dam 1, Justin Justin says that he sent you an email in February 2012 expressing concern over the dam not being remediated and we have dam 2 now unable to be used because of the pollution levels that are in dam 2 in June 2012.

Mr MYERS — No, not unable to be used.

Ms WARD — You have chosen not to use it because of the pollution levels.

Mr MYERS — Why use it when we can just use mains water?

Ms WARD — No, I know, but I thought before, when we were talking about how the water was being used and when it stopped being used, you said that there pollution levels in dam 2 in June 2012?

Mr MYERS — No, I did not say that.

Ms WARD — Maybe I misheard.

The CHAIR — I think something was raised that there were problems with dam 2.

Mr MYERS — I said we were having troubles maintaining our levels in dam 2 because of the foam, but we did keep dam 2 operational.

Ms WARD — But given Justin Justin’s ongoing concerns around the lack of remediation of dam 1, Lex, do you think that there might have been some merit in his concerns in light of what we continue to learn?

Mr de MAN — If I could have a look at a copy of his email, then I could put that in a context — because of the context of all the other testing that was going on around that time, because it was a busy time at Fiskville with testing and the joint investigation that was going on. People were continually asking the general question, ‘Is the water safe?’. I think Cardno Lane Piper wrote to us in June-July to say, ‘The water is safe’, because I wanted to make sure that the safety of people at that site had to be paramount. That is my bent.

Ms WARD — I understand that, but I think we are all in broad agreement that dam 1 was heavily polluted, especially the sludge.

Mr de MAN — Yes. I do not disagree.

Ms WARD — With the fact that water from dam 1 is continuing to run into dam 2 you can understand why people would be concerned about that.

Mr de MAN — In hindsight perhaps if the original report that was done in 2012 had been funded by the organisation in 2009, the sludge would then have been removed. But would that have made a difference to the issue of safety of the firefighters if the water continued to be safe?

Ms WARD — Again, in Justin Justin's testimony on page 9 of the transcript he says he is not sure what the intentions or thought processes were of CFA management, but there was definitely a focus on — and I will paraphrase that by saying — getting improved facilities and more people on site. It seems to me a bit back to front and that you are putting the cart before the horse in that you are spending a lot of money on building new things and getting more people on a site where you have still got pollution issues.

Mr de MAN — Yes. I will go back to what I said with regard to the ALS report and recommendations with regard to the sludge. It was not going to stop the training from occurring there, from the experts the water being safe — it was within the low and acceptable levels and so forth. We were under a lot of pressure in the organisation at the time with the 2016 project to get the 342 firefighters to commence that training — enormous pressure — both at Fiskville and with myself to get the training up and running. Is the water safe? Yes. Move it on. What were the issues that we had? Accommodation was an issue. They had to make sure that we could accommodate the number of courses that we had. We were actually working to a time frame. I think that we would end up with three courses at one stage within about 12 months of the program running, so we were under a lot of pressure to make sure that we could accommodate them. It was the same with the ablutions block and so forth. Taking on board that there was a sludge issue, we put it into the business case for 2016, and then the assumption from my point of view was that it was decided that it would go from the business case there into the business case for the remediation of Fiskville, because it would form part of the subsequent clean-up notices issued by EPA. Through that whole process was the water low and acceptable and safe? Yes it was. That in broad terms is the sequence from my point of view.

Ms WARD — Despite all the testimony that we have heard and the many members from the CFA, including Justin Justin, why is this the first time that we are hearing about the collar tanks?

Mr de MAN — I do not know.

Mr MYERS — It was just something we did at Fiskville.

Ms WARD — No, no. With the people on the ground at the time, no-one has said to us, 'This is how the water worked, and we were using collar tanks'.

Mr TILLEY — There is nothing special about a collared tank.

Ms WARD — No, I am not saying there is.

Mr RAMSAY — We have heard about the tanks before.

Ms WARD — What I am saying is it could have been cleared up a long time ago. I am surprised that no-one has mentioned it.

Mr MYERS — The hydraulics of the PAD area is mainly my area. So we just made a decision — well, I made the decision with a couple of employees to put collar tanks up so we would get away from dam 2.

The CHAIR — Just before we go on to the next line of questioning, when you were talking about the priorities, and I understand with the government at the time there was going to be an increased number of firefighters, which was good, and they needed to be trained, but in terms of priorities for spending, when you say the decision was made or this was the priority, who was it who made — was it a group; who makes the decisions on these sorts of priorities and orders?

Mr de MAN — Things that were put forward under the 2016 project went through a program or project management board that was led by the then chief officer of CFA. That was in line with a set budget approved

by the government. So from my understanding it was a program that was originally commenced by the Brumby government and then reconfirmed by the Baillieu government when the Baillieu government came to power, but at the same time, if there was to be a variation of any of the funding allocations, approval would need to be sought from government via the ministry or via the Department of Justice. My understanding is that when it went from the project 2016 program it had to be approved there first, and it would then be taken through to the ministry via DOJ for the funding reallocation, and hence there was the reallocation of the 6.3, for example, for the accommodation blocks. But that sat with that committee, so I would have to seek approval through that committee and of course from that committee through to the CEO, through to the Department of Justice.

The CHAIR — Tell me if I am wrong. So my understanding of what you have just said is that there is a CFA committee that determines what they would like, what they want to see and what their priorities are.

Mr de MAN — Yes.

The CHAIR — Then that goes to the department as: this is our plan, this is our budget and what we want to do, and then that is approved by the government of the day. If, say, something comes up like, ‘Oh, no, there’s a major issue around pollution’ or something, does it have to go back then to the CFA committee?

Mr de MAN — No. What I was talking about was this was a dedicated, specific program established by the Brumby government to establish the 342 firefighters.

The CHAIR — Yes. I understand that bit.

Mr de MAN — That had a project control board. That was what I was talking about. If something were to occur today in CFA — if a pollution issue were to occur today — that would be dealt with in a completely different way.

The CHAIR — Again, I suppose I am just trying to understand. There is the budget. There is specific money allocated for certain things approved by government, such as additional firefighters.

Mr de MAN — Yes, in a project plan; correct.

The CHAIR — When you were saying before that with the remediation of dam 1, the accommodation was given a higher priority because of the strains of training and increased firefighters needed.

Mr de MAN — Correct.

The CHAIR — If that was going to change, who determined that that priority would continue as that, is what I am trying to say? Was it a CFA internal thing?

Mr de MAN — CFA internally would decide that is the priority and then in essence take it through the department to get sign-off, but the decision-making — —

The CHAIR — Is it the board or this committee that would decide?

Mr de MAN — This committee would make recommendations, from my understanding, through to the CEO.

The CHAIR — Again, it may have been the right decision, but I am just trying to understand who is responsible for determining, say, accommodation versus remediation, if that was an issue. That may not be the situation, but if that was, what group or section or level is responsible?

Mr de MAN — Ultimately I had to get endorsement from the program 2016 project team for that priority to be there, and then — —

The CHAIR — Because it was the Fiskville site and it had to come under that training budget or that — —

Mr de MAN — Because it was a 342 project which fire and emergency management were running under their responsibility. So training was just one input into the 342 project. HR, for example, had the input into recruit people for the project that fire and emergency management were running.

The CHAIR — And it could not come out of any other money, the remediation?

Mr de MAN — No. There was no other money available that I could obtain for that or that could have been allocated, from my understanding.

The CHAIR — Sorry; I was just trying to clear up how that sort of worked.

Mr de MAN — Hence my earlier comments about training budgets.

Mr McCURDY — Lex, the committee heard evidence that you and Justin Justin met with Mr Callow in his front paddock.

Mr de MAN — We did.

Mr McCURDY — Do you recall that conversation?

Mr de MAN — I do.

Mr McCURDY — What was discussed?

Mr de MAN — In essence, from my recollection, we, CFA, had been approached by Mr Callow to purchase his site. That is from my recollection — that he approached us. I had been talking then with a real estate agent in Bacchus Marsh who Mr Callow had engaged to be the mediator, if I can put it that way, or the go-between between CFA and himself with regard to the purchase of the site. There were valuations done on the land. The valuation came in at around, I think it was, about \$550 000, and that of course was provided through to the estate agent, where my understanding is that Mr Callow wanted \$1 million for that particular site. That was well outside the statutory organisation's ability under the land monitoring purchase process. I advised the CEO at the time of that; hence the valuation going forward and getting the property moving underway — —

The CHAIR — Sorry, just for the record, would you mind saying the CEO's name, just for Hansard?

Mr de MAN — Yes, the CEO was Mick Bourke at the time. Then I went and met with Mr Callow on site with Justin Justin. I met Mr Callow once on the site, and then I indicated to Justin, because what it was with regard to a request for the land purchase was that he step out of it and I would deal with it through the CEO. Because of course it was a topical issue at the time with the Joy report and everything else that was going on at Fiskville.

Mr McCURDY — Did you have discussions about smoke over his property?

Mr de MAN — We did. We spoke about a number of things about smoke over his property. I recall Mr Callow talking about his daughter's ill health and his ill health, and at the time on the land there was a slab, just a concrete slab I think it was. He had not actually started construction up, but he had certainly put the slab in. He spoke about a number of things with regard to health, yes.

Mr McCURDY — He claimed to us — Mr Callow has claimed — that all conversations in future had to be had with you over the phone rather than by email.

Mr de MAN — No, because post that Mr Callow spoke to the staff at Fiskville at times when he raised issues with the staff — the duty officer and so forth — at Fiskville. From memory I might have spoken to Mr Callow two or three times on the phone, but we were in contact for a short period of time; it was not ongoing.

Mr McCURDY — He felt he was fobbed off a bit by the CFA. Do you think the relationship between the CFA and Mr Callow was amicable?

Mr de MAN — I will be quite blunt: when the CFA would not accept the million-dollar request for the site and said to Mr Callow, 'No', my understanding was we started to get a small increase in complaints. There was an issue with regard to some concrete allegedly going onto his property and some other issues right up until when he felt, I think it was in October last year or September last year, that he was still ill and so forth. The doctor, Dr Sargeant, spoke to him personally about what his state of PFOS levels and his daughter's were. I

spoke to Dr Sargeant about that to make sure that Mr Callow had had a face-to-face and had been told and so forth. That might be his perception. It is not my perception.

Mr McCURDY — What about with Mr Lloyd? Did you organise a valuation for Mr Lloyd?

Mr de MAN — No. With Mr Lloyd and Mrs Lloyd I went around there — and I stand to be corrected on this — either three or four times. The first time was to meet Matt and Beccara Lloyd, and they were talking about issues that they had because of what was appearing in the paper. I then arranged for the program manager for Informing the Future, Sherry Herman, to visit the Lloyds with me, and I think we then subsequently went back with Dr Roger Drew and with Sherry Herman. I think that was the third visit — again, I stand to be corrected just on the number of visits — and that was for arranging of veterinary testing of animal serum and blood and so forth. Basically from that period on I was subsequently advised that I was to step out of any contact with the Lloyds and that that would be dealt with through the program office, through Sherry Herman, and Mick Bourke, who was the CEO, and that there would be a process put in place there. So I think it was about four times that I had face-to-face contact with the Lloyds.

Mr McCURDY — What is your understanding of the compensation offer that was put to Mr Lloyd and then was subsequently withdrawn?

Mr de MAN — I have no knowledge of the compensation offer that was made to the Lloyds. The only thing I could put forward is that I believe there was some work or some discussions or people from the then Premier and cabinet office who were involved in the process — the department was involved, but I have no personal knowledge of who did that.

Mr McCURDY — So you were aware there was an offer or just not aware at all that there was even an offer?

Mr de MAN — I was not aware that there was an offer until the committee started, because I was taken right out of the loop.

Mr RAMSAY — Can I just ask a question in relation to Mr Callow, who I understood whether he was on site permanently in a caravan, I think, while the house was being built — I stand to be corrected — but was there an estimation of value of property by the real estate agent as against the offer he was seeking?

Mr de MAN — No. The only two figures that I have in my mind are the 550 and the million — —

Mr RAMSAY — What was the 550, sorry?

Mr de MAN — The 550 was the valuation from the land valuer.

Mr RAMSAY — That is what I am talking about.

Mr de MAN — Yes, the agents engaged by CFA as part of the normal land purchase process to provide CFA with a valuation. Sorry, I misunderstood.

Mr TILLEY — I will outline the discussion I would like to have with the three of you. The first part is about a safety review report in 2012, and I will get to that in a minute because there is some privilege attached to it which I need to qualify; some matters about WorkSafe; concerns about some water testing; some safety procedures at the PAD; and some change of standards on the E. coli bacteria. I have been asked by the committee to ask these questions that have been earlier prepared. But in saying that, to provide you gentlemen with all propriety in these matters there are a number of documents attached to that so I want to ensure that you have seen the documents and you have an opportunity to make any comments.

Firstly, is there still legal privilege attached to the 2012 report that we are about to discuss? Can I get some advice on that?

I just need to get some other advice before I go on.

You have that report before you that I would like to ask you some questions about?

Mr STITZ — I had nothing to do with Fiskville in 2012. I had stopped actually in 2010.

Mr TILLEY — Okay. I suppose in that case I probably need to qualify from the organisation itself — the CFA — that they do not have any concerns that I ask some questions about this document. The witnesses we have got cannot make any determinations on behalf of the organisation, so maybe we need a 2-minute break quickly to ask someone from the CFA who can make a determination.

The CHAIR — Sorry, what do you — —

Mr TILLEY — This report, and I have not mentioned its name yet. It has some possible legal privilege attached to it.

The CHAIR — We know the argument about parliamentary privilege.

Mr TILLEY — Yes, but we have a public gallery sitting here. They can walk out of the door and go and talk to anyone they like.

The CHAIR — We will adjourn for 3 minutes while we sort this matter out.

Apologies to everybody — to witnesses and the gallery — for that interruption. I at least hope you have had a bit more time to have a look at the documentation.

Mr TILLEY — I just confirmed a couple of things because, as you may appreciate, we have a public gallery here. The document I am wishing to talk about does have — or did have — a number of legal professional privilege issues emblazoned on the document. That document is currently publicly available on a website so we have overcome that technical issue. The document I am talking about particularly is by a company called Hazcon that did a health and safety review back in January 2012. I will get to that. I will talk about some of the other documents so that it gives you an opportunity to have a look at the document before we go on further. In particular for Mr Stitz there are two documents here: one from the Department of Health, and we have got another one from the EPA. You have got copies of those, so if you could have a look at those.

For Mr de Man, I have got a WorkSafe document here dated 10 July 2012. I draw your attention, Mr de Man, particularly to the third paragraph of paragraph 3 and the top of paragraph 4. I will give you some time to possibly refresh your memory on those.

Mr Myers, I will go on to the Hazcon document. I have got some simple questions there. Have you got the document in front of you?

Mr MYERS — Yes.

Mr TILLEY — For the purposes of the committee, we have all had the opportunity to read this. It is a 19-page document which was prepared by Hazcon Pty Ltd for Blake Dawson. In that document it talks about a number of things, but I would like to talk to you specifically and the committee has asked me to ask some questions there. We will go to page 9 and the bottom paragraph there. I will give you some time to have a look at that. Is it highlighted?

Mr MYERS — Yes, it is highlighted

Mr TILLEY — That is the particular passage there. In this document it talks in the executive summary and the conclusion of this document, and the advice that has been provided includes from direct observations and the review of records and procedures, which have been well discussed by its personnel. There is an opinion in there that there is no significant risk to the health and safety of people working at the site — the site being Fiskville training centre — and those attending the site either as trainees or visitors. Also in the conclusion it is important to note, I feel, that:

The general health and safety at Fiskville does not present an unacceptable risk to people attending the site once the purpose and activities of the training college is taken into account. Many of the training scenarios have elements of risk and are intended to provide a controlled but realistic simulation to what the trainees will encounter in real-life situations.

Chemical management in the PAD area is well managed and the limited number of chemicals used ensures that there is control over what exposure personnel may encounter during training exercises.

From this document, certainly I share some of its significant views as being on this committee. If I could draw you to page 9, and you have had an opportunity to have a read of that.

Mr MYERS — Yes.

Mr TILLEY — Even though you have covered it during this last hour or whatever it has been, I am asking you if you can provide some more detail about the process you followed when E. coli results were high. If we could talk in a practical sense, you are on the frontline, you have had some results come back — what did you do yourself?

Mr MYERS — Well, it depended on when the tests were taken too, a lot. We shut up from December till usually February or March. E. coli is high in that period, and no training is on at the time. So in instances like that — say, dam 2 — we would pump water up from the lake to put water up into dam 2. If the E. coli was high in the pit, and it was on a few occasions, we would just normally — straightaway we would pump the pit out, we would give it a quick clean, and then we would fill it up with town supply again, and that got rid of that. There has been one occasion — in that paragraph — that I actually put chlorine into the pit.

Mr TILLEY — Yes, okay. You said that was on one occasion.

Mr MYERS — One occasion.

Mr TILLEY — Was that one occasion only?

Mr MYERS — Only one occasion, and that was on the 28th of the 6th, 2012. I did not have the time to pump the pit out at the time, so just in casual conversation they said, ‘Well, try chlorine in it’, so that is what I did.

Mr TILLEY — The committee has learnt that an E. coli presence is in farm dams, it is in swimming pools, it is in natural waterways.

Mr MYERS — Yes.

Mr TILLEY — We have also learnt that wildlife can present a problem, and livestock can give the problem.

Mr MYERS — You also have to remember too — I just have to point out — that for four or five years we were going through drought, and we just did not get the water. We had this water supply from the town’s mains, and that was it. We were really struggling for it. I even had to get A-class recycled water in to top the dam up, which we got approval to do. That is how bad things were. We were doing the best we could with what we had.

Mr TILLEY — John, in the short time I have spent with you sitting in this inquiry hearing today — we have not met in the past — you strike me as the sort of fellow who, as a PAD supervisor, took your role, your function, very seriously.

Mr MYERS — I did, yes.

Mr TILLEY — So was there any case at any time while you were the PAD supervisor that you would not allow training to proceed if you had any concerns with the quality of the water at the Fiskville training centre?

Mr MYERS — Definitely, yes, and we would stop it.

Mr TILLEY — You never had any?

Mr MYERS — Yes, we stopped training once. We had to empty the pit out.

Mr TILLEY — I will cut you short there. Can you talk about that one event?

Mr MYERS — Yes. The pit results came back. The pit was a bit high. I am pretty sure it was an E. coli again. We did not have time to — this was before —

Ms WARD — Sorry, can I just clarify? The pit is filled from mains water, though, is it not?

Mr MYERS — There was a top-up of backup dam 2, like a bit of a shandy.

Ms WARD — Right, yes — not a shandy you would want to share, though!

Mr MYERS — It was alright. I was in it a few times; it never hurt me. We just talked to the instructors on the ground at the time. We were not in, like, real full-on training at the time. We still had trucks out. We had a town supply ground bore plug in the PAD area, and that would take probably — I do not know — 15 minutes to fill a tanker. At least they kept on training while we rectified the water as best we could.

Mr TILLEY — Sorry, I did not quite hear that. So 15 minutes to fill a tanker?

Mr MYERS — Yes. That is how good our supply from Central Highlands Water was.

Mr TILLEY — With your practice as frontline, did you document any of the procedures or any of the things that you undertook?

Mr MYERS — I did not document all of them, I must admit — a bit old school. I did not document all of them. Sometimes if the dam was — —

Mr TILLEY — I will just stop you there. Did you orally report it, if you did not document it?

Mr MYERS — Yes, definitely. I talked it out with the off-site manager and my bosses. We would talk it out on the PAD. The instructors were in the PAD at the time. So we would yap about it, yes.

Mr TILLEY — So you had absolutely confidence, on the issue that you were putting up higher, in the advice that they were providing back to you? You were satisfied?

Mr MYERS — Yes. I think everybody has said it, and I mean it too, but I would not let training commence — keep going — if we had any inkling that it was going to harm anybody. To back that up, not once did I get an injury report. They came through my office from the PAD. Not once did I get anybody say they were sick or they had diarrhoea or they had rashes — not once — in all the years I was there.

Mr TILLEY — I have to throw in here, from having spent a fair bit of time in large, structured organisations, was there any time that, because of loyalty to an organisation or being scared that something might happen as a trainee, people were not reporting it?

Mr MYERS — No, I do not think so.

Mr TILLEY — So every trainee who went through Fiskville, whilst you were PAD supervising, you developed a — can you describe the relationships that on the site you had with the trainees?

Mr MYERS — Yes. We were up-front with all the students about everything. We told them about the dams. When the reports came out that we were an unsafe workplace, we were up-front. We talked to every student that came through. We said, 'If you're not happy — we're quite confident that we are a safe workplace' — and we were. We just put that up-front to every student. If they were not happy, they could go home. We never hid anything from anybody. It is the same as all the reports; they were always in the office, the test results. Anybody could come in and ask for them, which a few people did, and I had no qualms with showing them the reports.

Mr TILLEY — At any time whilst you were at Fiskville was there any event — not necessarily including water, but any other issue — where you called a stop to training at Fiskville?

Mr MYERS — Yes, we have had a few. We have had a couple of accidents. Back in the early days a student got hurt — not bad, but got burnt. That was immediately stopped. As soon as we had an incident on the PAD, everything stopped. People trip over — stop. People fainted — stop. We have had quite a few, and they are all documented. Jeff Green would have that in his office. They are all documented through our accidents.

Mr TILLEY — On some of those days did you have any concerns at any stage about any PPE?

Mr MYERS — No. If you are going to have accidents, it does not matter what you do — I hate to say that — but you are. It does not matter how good you are.

Mr TILLEY — All right. I will just ask you again. I know it is a long time ago, that is fair enough, but I want to draw you, get you to recall your memory, around July 2005, if I can.

Mr MYERS — That is a long time ago.

Mr TILLEY — We are going back 11 years now, okay? The committee has learnt that you issued a work cessation for hot fire training because you had concerns that the personal protective equipment was not adequate.

Mr MYERS — That is right, yes.

Mr TILLEY — Let us qualify that. You first told the committee that you had not. I have given you some more detail around the specific incident I am talking about, and you have been able to recall that.

Mr MYERS — Yes.

Mr TILLEY — Can you just describe a little bit more detail about that?

Mr MYERS — Yes. Well, we did not stop training at that time. It was a concern about — I brought up, as occupational health and safety rep, that we had a concern about what we call the horse blankets, the black coats that the CFA, we had to issue out to all our students. Because at Fiskville we got a lot of student throughput, the black coats were being dry-cleaned and dry-cleaned and dry-cleaned and dry-cleaned, and no-one ever told us whether we were taking away the protection of the coat. So we brought it up as an occ health. I brought it up as a rep, and then we went through the consultant thing and it worked out that the CFA came back and said that they did testing and they were okay. But we were never shown how to check or maintain the coats properly. We were taught how to look after the coats better.

Mr TILLEY — So the matter was rectified and you were satisfied?

Mr MYERS — Satisfied, yes. All signed off.

Mr TILLEY — Thanks, John. We have covered that. Mr de Man, if I may, those documents, that WorkSafe document you have there, is it sufficient time to refresh and recall any memory you may have of this?

Mr de MAN — Yes. I see this is done by a WorkSafe inspector by the name of Halil. I first met him in December 2011, I think it was, when this issue was first raised in the *Herald Sun*. I want to express that the relationship that we had both at Fiskville and from my office with Halil and WorkSafe was quite transparent. I also utilised the knowledge of Jeff Green, who was the manager of OHS during that period. I know that there were a number of visits on site by Halil and also by Amanda Tonks, who was the Ballarat WorkSafe person. As a result they made a number of recommendations, and actions were required. When those were required, both the leadership team at Fiskville, the management team at Fiskville, did what was requested, and I supplied the relevant documentation.

That was followed up. There was a report put together on the WorkSafe actions and who was to do what and so forth. I have a copy of one here, just with my notes, and one from September 2012. If in those actions he requested documents, I would be surprised if those documents were not supplied, and I would have been surprised if Halil had not asked for them a second or third time if they had not been supplied. I wanted to make sure that everyone understood that we have been working with the other agencies. We needed to be open and transparent with WorkSafe and so forth.

Mr TILLEY — I want to just qualify that specifically it says there was a five-day delay.

Mr de MAN — I cannot explain what the five-day delay was.

Mr TILLEY — Right.

Mr de MAN — Whether that was from the actual laboratory, I am not quite sure. I would have to do a lot more thinking or looking at other — —

Mr TILLEY — I think we might have to ask. If there is an issue, we will have to ask the organisation.

Mr de MAN — I just cannot recall.

Mr TILLEY — Sure. I will move on, but I will come back to some other — —

The CHAIR — Just on that, I think there is another question as well, which is that they also said that when there were elevated readings — so readings that were above the safe levels — there was no test to see whether the action taken to try to reduce the harm actually worked.

Mr de MAN — I note that says that, but it also says that as part of the response to that CFA management and Anthony Lane, who was from Cardno Lane Piper, who was doing the remediation work for CFA on the Joy report, those issues would be picked up as part of their review.

The CHAIR — But in the meantime the training was happening? The fire training?

Mr de MAN — Training continued through that period. I support what John Myers just said. The water was safe. It was low and acceptable within the ranges — —

The CHAIR — That is not the WorkSafe report is saying. They are saying that you did not test to see when it was high and unsafe.

Mr de MAN — To me the WorkSafe report is saying that the testing was done. If there was a follow-up that needed to occur — —

The CHAIR — No, I think it was saying that if the testing was done and the standard was not met — so therefore it was at an unsafe level — there was not further testing done after it. Whether you aerated, mixed some water or whatever, there was not more testing to check whether that actually fixed the problem. That is my understanding.

Mr de MAN — No, it does not use the word ‘unsafe’. It says that where elevated readings were found, there was no evaluation — —

The CHAIR — ‘Elevated readings were found’, yes.

Mr TILLEY — Thank you. Elevated — it did not say it was unsafe.

The CHAIR — What is the difference? If there is a standard, it is probably based on a safety aspect.

Mr de MAN — You could have a reading that is well below and a reading that is elevated but still below.

Mr RAMSAY — It does not mean it is unsafe.

The CHAIR — No, no-one seems to think so.

Mr de MAN — Without any further information, I cannot add anything to that.

The CHAIR — Anyway, I guess the point was, though, in terms of doing a second check to see whether the action taken had reduced elevation levels. That was the other issue that they were concerned about. Did that change?

Mr de MAN — I cannot recall without looking at the documentation that followed that report with regards to both the Cardno Lane documentation and the follow-up work. That may well provide the response you are seeking, but I do not have that with me.

The CHAIR — Okay. Mr Myers, do you know whether — —

Mr MYERS — The test results went to Cardno, so I never followed up after that. If it was high, I would go through my normal process — —

The CHAIR — Which is the aeration or mixing — —

Mr MYERS — Aeration, yes, filled up there and then Cardno — I do not know whether they did any more tests or not, I really do not.

Ms WARD — Which water were they testing?

Mr MYERS — Cardno was in charge of the water sampling at that time.

Mr de MAN — So on 3 August Cardno wrote to me saying that:

Water quality data has been received from the CFA for Fiskville in the week starting 30 July ...

They say:

These test reports have derived from the water monitoring program ... in the CFA's water management plans with testing by independent laboratories certified by the National Association of Testing Authorities ...

The results have been reviewed by our team of water quality and health specialists and we can report that the results do not indicate any water quality issues that would make the water unsuitable for use in firefighter training' —

and so on, and it is signed by Cardno Lane.

The CHAIR — I guess all I was raising was that WorkSafe expressed a concern and I was asking whether anything was done about it and you are deferring it to Cardno Lane.

Mr de MAN — If I look at this letter from Cardno, the sample date is 10 days following the WorkSafe report, so on 17 July — 'Sample taken', and 24 July, a further week post that — sample was taken, so I would suggest that action was taken in relation to that. It is in the WorkSafe report.

The CHAIR — And the WorkSafe report is dated 12 July?

Mr de MAN — 10 July, the one I have got.

Mr TILLEY — The document I am talking about, if you look at your notes, our notes are incorrect.

The CHAIR — Okay, so that was just seeking some information about that. I guess the other point though is, John, if you did not know what happened with the samples, how were you assured that it was — after you did that extra work to fix it up — —

Mr MYERS — If I got a phone call. If no phone call, I just kept on going. Simple as that. They were looking after it. A couple of times I got a phone call from Cardno and they just said, 'Yes, everything's good'. That is all. I did not go any further.

The CHAIR — Okay, so keep using it until an issue came up and someone told you that it was no good.

Mr MYERS — Yes, if something came up and it was bad, which was never, not that I know of, that something had not been remediated. I never heard from them.

The CHAIR — Okay, sorry about that. I interrupted Bill.

Mr MYERS — No, that is all right.

Mr RAMSAY — That correspondence from Cardno, do we have a copy of that? Would you be able to table that?

Mr de MAN — I am happy to provide that to the committee.

The CHAIR — I think we will have it in amongst the hundreds of thousands of documents, but perhaps in terms of the transcript it would probably be useful to have the document that is being referred to.

Mr TILLEY — Mr Stitz, those two documents that I provided to you earlier on in the piece, have you had an opportunity to read them?

Mr STITZ — Yes.

Mr TILLEY — So they effectively talk about the correspondence between the EPA and the Department of Health around 2009, about the changing standards and the level of E. coli bacteria in the water at Fiskville. What the committee would like is for you to provide some background on those two pieces of information or anything else you might be able to offer the committee in relation to that correspondence.

Mr STITZ — Okay. The background on these was probably over a couple of years. In 2004–2005 we did an assessment of all water across all the sites so that we could come up with — firstly there was not a standard, so we could derive a standard. The SOP said that you could use class A water but it did not say that that was the standard for recycled water. So we had to go look for a standard, being aware of the class A standard, obviously. We went through that process and at the end of that report it made a recommendation that the E. coli level could be up to 150, it basically said. Plus it introduced the idea of the pseudomonas into the standard. Once that was done that report also said — and I can quote that:

Based on the results carried out by Wynsafe and of previous testing available, it is considered that personnel exposed to firefighting water at training grounds should not suffer any adverse health effects from such exposure.

So we thought the water in fact was pretty good across all the field training grounds coming out of the dams. We then did testing for another 12 months and at the end of that we confirmed a standard. The standard that we confirmed or we went for was the conservative, class A standard plus pseudomonas was added onto it. We knew, at the time, that was quite conservative, but it was felt that we could get to that standard and maintain it at all the field training grounds. As a result of that water management plans were put in place and dictated what would happen. If you got a reading above the safe levels then you had to undertake a certain number of actions at the site, and I expected all sites to do that.

Ms WARD — So there was like a manual or something?

Mr STITZ — Yes. It was a plan that said, ‘Think and then you do this, this and this, you talk to this, this and this and so forth, so you take action specifically in accordance with that plan, and all sites had one of those plans. As time went on, but shortly after, a number of these field training grounds were expressing a problem of trying to beat the 10 E. coli, which was quite difficult. As I said, we previously had been provided advice that we could probably go up to 150.

I am just recollecting now that I think I spoke to Jeff Green probably about what I could do to do that and he said ‘Speak to Wynsafe again and see if they have got any ideas’. I went to Wynsafe and they suggested that the way we should go about doing this was to ensure that the appropriate authority were aware of what we were going to do. As a consequence, I wrote a letter stating the facts and asked whether they had any objections for us raising it to 150. The responses are in those letters, which was that they did not have any problems with us raising it to 150.

That was not the end of it. I got those two responses, I then asked whether I needed to speak to WorkSafe about that and I got a response and I went to Jeff Green in regard to that one. I got a response back from Jeff Green saying there was no need to go to WorkSafe. That was good. I then went to the deputy chief officer who was responsible for those SOPs, I suppose, to do with firefighting water, and provided him with the evidence that we had plus the letters and asked: did he have any objections to us changing the letter? He had no objections. From then on I then issued a new criteria, which indicated 150 E. coli. That is the story of how it got changed.

Mr TILLEY — The advice you got, the expert advice you got — a single source, was it, or did it come from a couple of different — —

Mr STITZ — The advice we got, as I said — in regards to raising the — —

Mr TILLEY — Yes.

Mr STITZ — Wynsafe and Ecowise. Ecowise also provide advice. In fact Wynsafe agreed with that advice. I suppose also if you have a look at the EPA’s regulation of the quality of water it says that E. coli levels up to 200 are regarded as high-quality water. So there are little bits of information around to give you an indication that even 150 is a pretty good standard to try to aim for. But 10 was very, very difficult for us to do.

Mr TILLEY — Yes. All right, I suppose to just sum — —

Mr STITZ — And can I say — —

Mr TILLEY — Yes, please.

Mr STITZ — Just the same it would not have been raised to 150 unless we had received a positive response from both health services and the EPA and from Wynsafe.

Mr TILLEY — And these issues were not only — —

The CHAIR — Sorry, can I just understand: the EPA — —

Mr TILLEY — I was talking then.

The CHAIR — I just want to clarify the EPA agreeing to the E. coli level increase.

Mr STITZ — Yes, it says, ‘... has no objection to the proposed amendment’.

The CHAIR — That was from the EPA?

Mr STITZ — Yes, and a similar letter from — —

The CHAIR — That letter — we probably need that for the transcript as well.

Mr STITZ — I beg your pardon?

The CHAIR — If we could get a copy of that for the transcript.

Mr STITZ — I think you gave them to me.

The CHAIR — Okay, sorry.

Mr STITZ — You gave those letters to me so you have already got them.

The CHAIR — Okay. I just did not think you said that they agreed — the EPA.

Mr STITZ — Had no objections — sorry, they said ‘No objections’.

The CHAIR — Okay, keep going. I thought that they had not agreed to it. They actually said it was not for them to decide. Anyway, keep going, Bill, and I will just check. I might be wrong on that.

Mr TILLEY — These issues with E. coli and other issues about water quality and safety — at an executive level this was all shared with the board? You said this advice was provided to the board.

Mr de MAN — My assumption is it would have gone through at the time — through the executive at the time when James did that work.

Mr STITZ — I cannot put my hand on my heart to say that the board knew about the change in the standard. It is not necessarily something that we would have put to the board, I do not think.

Mr TILLEY — Yes, right. On what basis would that be?

Mr STITZ — I would speak to my director about it, but whether he thought that was enough to take to the board or not, I do not know. The management of water was just an issue that we were dealing with within the function to make it right and in a pretty good space.

Mr TILLEY — So there was never any directive or indication from above or from the board that there were any concerns?

Mr STITZ — No.

Mr TILLEY — No. All right. Not rewriting history, a view of your work for many years, gentlemen, at Fiskville is that we have seen and we have heard of underinvestment from government. We saw 173 Victorians

perish in 2009. We saw a royal commission with a number of recommendations. With all this that has played its way out over more than a decade and the interest that it is now getting, do you have a view, Mr de Man, now that you have separated from the organisation, being the CFA, with your approach that you have experienced for many years: can Fiskville be rehabilitated or do you have a view in relation to the future — the training aspects?

Mr de MAN — I do.

Mr TILLEY — It would assist the committee if you could.

Mr de MAN — If I can speak quite candidly.

Mr TILLEY — Please.

Mr de MAN — In March of last year I ceased being the executive director of operational training and volunteerism, and I was then put in charge of the project to do the clean-up notices with Fiskville and the regional training campuses, establish a new firefighter memorial and ensure compliance with the EPA notices. That was post the 25 March decision by the CFA board, I think it was at the time, that the facility not reopen. I believe it was the CFA's decision, the board's decision. It may well have been others — I do not know. I then learnt when I came into my subsequent role of the Informing the Future Program that the acting interim or the CEO, Michael Wooten, had been advised in writing by the Informing the Future Program team that the issue of PFOS was not an issue where Fiskville should close. That advice, I was told by team members at the time, was provided prior to a decision being made. Senversa, who I think the committee has heard from, made certain comments in relation to that in the memo, but the facility was closed. I was quite taken aback when I learnt that Dr Roger Drew had not spoken to the CFA board in March 2015, and I subsequently arranged for Dr Drew to talk to the board in September 2015. Unfortunately he could not do August because he was away.

Having had the opportunity to sit in that role and talk with the team who were doing the clean-up, I have a very strong and firm view that Fiskville should never have been closed on 25 March because of the issue of PFOS. Nothing changed at Fiskville from January 2015 when our Premier and our minister made statements at Fiskville that the place was safe except the issue of the PFOS. I do not know what changed, but that is my personal view.

Now I move forward I am still with CFA as a volunteer. I am no longer employed by CFA. If I look at CFA Fiskville today, the site, it has been brand-damaged. That does not mean it should not reopen. I am pretty passionate about this, because the people at Fiskville, the leadership team at Fiskville, did an outstanding job, and the people who worked at Fiskville, in catering, hospitality, PAD, maintenance, gardening, they did it not because it was a job but because it was their love.

When I look at what has occurred since — 41 people are now no longer employed by the CFA. If I look at the site — 350 hectares — yes, compliance with the EPA notice must occur, but that does not mean that the investment that has been looked to be done elsewhere and — —

I was involved in trying to find new land around Ballan. You just cannot. People just do not want to sell. There is no reason why a modern, up-to-date, state-of-the-art PAD area could not be re-established at Fiskville. The old Fiskville site could then be used by the sector for its passive training, which is its classroom training and conference facilities, especially following the investment of the 6.3 and so forth to actually complement what has actually been built around the state, instead of establishing a new facility at Mount Macedon, which was one of the strategies, and closing the site at Fiskville completely.

I think the state has an opportunity. My view, now as a volunteer, is that there is no reason why the state could not have a state-of-the-art, world-class emergency management training college and training facility at Ballan, known as the Ballan campus, that would re-establish employment for the Ballan community and re-establish some other great training facilities that would complement what has been built at Craigieburn and what governments of both colours have invested in around the state with regard to the field training campuses. There is no reason whatsoever in my mind.

Otherwise the state is going to have a 350-hectare site to do what with when it is safe? It is safe. That is my view.

The CHAIR — We understand that it has been really hard for the staff who were working there and who experienced the loss of that facility. So we are trying to do our bit in terms of trying to come up with some of these — —

Mr de MAN — Thank you for the opportunity. That is my view.

The CHAIR — That is fine. People are allowed to speak freely here and say their point of view. It is no problem at all.

Mr de MAN — I am pretty passionate about my former staff, the organisation and the community of Ballan and so forth. It should reopen.

The CHAIR — We have to keep going. Thank you for telling us what you think about things. I am just going to talk a bit about the interaction with the MFB, but just before that I want to clear up the EPA letter. What it says is:

As discussed over the phone ... the use of rainwater/stormwater is not regulated. From an environmental perspective, we encourage the use of stormwater and do not have an issue with this practice as no water actually leaves the site.

So they assumed that there was no water leaving the site, which I guess in terms of the Lloyds may not necessarily have been the case.

However, from a public health and worker safety point of view, we would advise you discuss — this with DHS and WorkSafe, which you did.

Mr STITZ — Yes. The other thing too is at the time I did this, the indication I had was that no water left the sites.

The CHAIR — But I suppose — —

Mr STITZ — What I am saying is that I did these letters back in 2009. I got reports that said that no water left the site. So that is what I was working from.

The CHAIR — Okay, fine. Mr de Man, we just want to now talk a little bit about the interaction between the MFB — the Metropolitan Fire Brigade — and the Fiskville training centre, because there are a few pieces of correspondence that go to this issue about at what point knowledge or concern about the water quality was known and at what point the MFB was told and therefore able to make decisions about whether or not its staff were to attend training there.

Have we given you the correspondence? It is very short. It is not like the report that you received a bit earlier. There are emails between you and Peter Rau. There are two of them. I think it is 25 and 27 June. Read the one on the back first. That is probably better.

Mr de MAN — It is 25 June, yes.

The CHAIR — That is you saying to Mr Rau that there had been a *Herald Sun* article. The email states:

... I'm seeking advice on the following:

Has there been any health reports lodged by the MFB with regards to Fiskville over the past couple of weeks?

And what were the types of illnesses?

Then you also asked whether there had been any complaints about the discolouration of the water.

Then we have the letter back from Mr Rau that says that basically they had not had any indication of any concerns about the water quality or any illnesses. Could you give us a bit of background on what was going on there? What prompted this, and where did it go to?

Mr de MAN — Sorry, I am just reading it. I am trying to refresh my mind. There was obviously an article in the *Herald Sun* that morning.

The CHAIR — So obviously that has come out, and then — —

Mr de MAN — I have not seen the article. It says:

Has there been any health reports lodged by the MFB with regards to Fiskville over the past couple of weeks?

So there must have been something in the *Herald Sun* article in relation to health reports by MFB members. Also there may have been a claim in the paper about the discolouration of water. That is all I can glean without reading the article.

The CHAIR — But you wrote the email. Do you remember why you wrote it?

Mr de MAN — I am just saying, because I started off by saying:

Peter,

Following on from this morning's *Herald Sun* article ...

So obviously I have written to him because there has been an article in the *Herald Sun* that morning.

The CHAIR — Okay. So you do not remember writing the email?

Mr de MAN — It now refreshes my memory. I was writing anywhere between 60 and 80 emails a day.

The CHAIR — Sure. Okay. So you do not remember specifically —

Mr de MAN — This specific one. Does it jump out at — —

The CHAIR — this email in terms of it being, 'There were some health issues' or something.

Mr de MAN — There would have been an issue raised in the *Herald Sun* in an article, and I was obviously seeking advice from Peter as to: did he have any knowledge of any of the issues that were raised in that article. That is the assumption I have, reading my email.

The CHAIR — So you do not remember the circumstances of this — the email that you sent?

Mr de MAN — It is not a case of 'I don't remember'. If I had a look at the *Herald Sun* article, it would more than likely refresh the memory of what was done three and a half years ago as regards to what was the topic at that time with regard to issues being raised at Fiskville. I just think in fairness I should see the *Herald Sun* article, so that will then help me put together the questions that were raised and then Peter's response.

The CHAIR — Earlier you talked about 21 June and some water samples taken. This was getting close to the time that training was going to cease at Fiskville, and I think you mentioned that on 21 June there was some vat sampling that said the standards were poor.

Mr de MAN — Around that time we had the relocation of course 2 of 2012 to Longerenong and Bangholme. John's team had converted to the mains water issue whilst we were doing that testing. That may have been the issue that was raised, but I am not sure.

The CHAIR — If you cannot remember the email, can you remember what happened after you got the response back from Peter Rau? Do you remember the response that you got back from Peter Rau?

Mr de MAN — No, I cannot recall, not without having the ability to do some more research and looking at the other documentation, because Peter said:

I will forward a couple of emails to you. The first is a follow-up email to Justin, which requests information re water quality at Fiskville. As we discussed this morning —

obviously Peter and I discussed it —

as a follow-up to an email sent to Justin from Kirstie and telephone conversations I had had with Justin in relation to giving this information.

I would need to look at the various emails and so forth in fairness to get a good understanding of that issue or what was occurring around that day.

The CHAIR — I think Anita has a copy of the *Herald Sun* article, but in some ways it is more about what you remember as opposed to what an article says.

Mr de MAN — Three and a half years later with everything that has gone on — I just do need to refresh my mind.

The CHAIR — Do you remember any discussions with the MFB about water quality, because, as we know, they did stop sending trainees there, or staff from the MFB there.

Mr de MAN — Yes, I remember having various chats with Peter at various times through the months about water quality.

The CHAIR — But this seemed to be the key time — June 2012 — and then continuing on.

Mr de MAN — I do not know because there were a raft of things happening around June 2012. For example, there was us needing to — obviously the tests which we have talked about before — relocate the course. Also around that time James and I had been meeting with the MFB — I think it was James and I — with regard to the final development staging of the new facility at Craigieburn. I think they were in the final stages of getting land-use permit approvals around that time. Without being given the opportunity to really have a look at the month of June in relation to this, there were a number of things going on.

The CHAIR — But problems about water quality did not stick in your mind?

Mr de MAN — I remember the MFB no longer going to Fiskville. I think they went and did training at Sale and other facilities.

The CHAIR — You cannot recall any particular conversations or emails that you had with anybody from the MFB? Because in the position you were in you probably would have been the person they were talking to.

Mr de MAN — As I said, I spoke at times with Peter Rau in his role at the MFB, and obviously there was an exchange of emails, but to say that I cannot recall is not correct. I need to have the opportunity to look at the emails and so forth around that time, which will then of course refresh the memory.

The CHAIR — It is just more the issue of water quality as opposed to anything specific, because it was a fairly big issue as I understand it.

Mr de MAN — Around that June period is when we put our people to Longerenong — that course — because of water quality.

The CHAIR — Thank you.

Mr RAMSAY — My question to Lex is in relation to the water filtration policy. I appreciate your previous remarks. We have talked a lot about water and water testing and contamination, yet you had a very passionate response to Mr Tilley's questions around what basis the site was closed to volunteers wanting to train. My understanding was it was because of PFOS levels, more so than the dam filtration system that you had, yet we have hardly talked about PFOS in what has been nearly over three hours now of hearings. It is a question I am going to pose to Claire Higgins when she appears before us — that is, exactly on what basis did the board make the decision to endorse the closure to the government or was there coercion in that decision, and was it because of PFOS levels or other things?

The question I want to ask you is about the evidence received from Mr Rau in relation to a water filtration system at Fiskville, because he was not aware there was any policy or documentation relating to it and in fact he suggested that Lex might have it or know of it. I am not sure what is meant by a water filtration policy, whether it was the mains being connected in 2012. Is there such a thing?

Mr de MAN — I have never heard of the water filtration policy. It may have been the connection of the mains in 2012.

Ms WARD — How were the dams created? What was the science behind putting the dams in and the filtration system, and were there any manuals explaining that?

Mr de MAN — John, do you know?

Mr MYERS — The actual dams were just put in proactively, to try to keep our water on site as much as we could. I do not know if you know or not, but if you have water running through dams and all that, it will slowly drop down and clean itself up — not for everything. That is why the extra dam is there. When I started there we had one dam.

Ms WARD — Basically it is a bit of bushman's science.

Mr MYERS — Yes, and it was for safety so we would not contaminate the lake. We did not want to contaminate the lake — it is as simple as that.

Mr RAMSAY — Mr Myers, Fiskville comes into the region that I represent. I know the Ballan community well and I know what they think of some of the water that is provided for drinking and domestic purposes to them by Central Highlands Water. It is not unusual for the Ballan community to complain about its smell and colour.

Mr MYERS — No, that is right.

Mr RAMSAY — We have spent a lot of time talking about smell and colour through the processes that Fiskville uses, but in fact the Ballan community suffers on many occasions with normal mains water discolouration and smell. Have you heard that before?

Mr MYERS — Yes. The water that came to Fiskville originally, and I will just give you a little bit of history, came from the railway weir at Ballan. There was an old weir that used to be for the railway steam engines and that is why it was built. When Fiskville started the water was that bad that Fiskville had to put in a water treatment plant for the mains water because the water was brown and stank. We had a treatment plant there, probably up until about — I am only guessing here — five or six years ago. That is when Central Highlands changed the water from the railway weir and we got on to the Bungal Dam water and the water was a lot better. For all those years in between the water was shocking. Like you said, it is not the best water ever so we had that to contend with too. Near the end, when I left, we were strictly on Central Highlands water, yet on the occasions when they tested our pH level was up. In the water we got from Central Highlands the pH was up, just up half a point but it was still up. No-one could explain why it was up.

The CHAIR — Was there any testing for PFOS or PFOA in the water when you did the water sample tests? I am just picking up on what Simon was saying.

Mr MYERS — I think in 2012–13 I was asked to do some PFOS and PFOA testing six-monthly — a test every six months.

Mr STITZ — John, that started in 2010, at the time that we adjusted the E. coli levels. No, sorry; we had a report in regard to PFOS and after that we sent a number of emails out to adjust the criteria and also to test for PFOS. Yes, it was around 2010.

The CHAIR — What would have prompted the testing for PFOS at that time?

Ms WARD — Given that you had stopped using PFOS about three years earlier.

Mr STITZ — At the time we had Airservices Australia, as I mentioned earlier, building a prop at Fiskville and they commenced that process in about 2007.

The CHAIR — We understand it was a while ago, so just put it in broad terms.

Mr STITZ — Yes, it was in 2007 that they were doing it. We were a fair way through it and then they wrote us a letter saying they no longer wanted to continue with the building of the prop. They cited one of the reasons was PFOS and there was another element that was almost the same but I cannot quite remember what it was.

Ms WARD — PFOA.

The CHAIR — PFOA.

Mr STITZ — PFOA. Yes.

Ms WARD — So Airservices Australia decided to no longer continue a relationship with the Fiskville site and physically be on the Fiskville site because of the PFOS and the PFOA levels.

Mr STITZ — Yes, they closed down the project. There are a couple of things. There is a letter that refers to that. As a result of that letter, we got WynaSAFE back in to do another assessment for us across the site. They went across the site and indicated that the PFOS levels were extremely low and that there was no risk to health. I have got that report too. But it also said that we should test, as I remember, and so we tested six-monthly I think I asked for the tests, and then the six-monthly tests began from there. But the readings were so low, which I think a number of other experts have indicated too. However, we did do the testing.

The CHAIR — Did they do their own testing originally?

Mr STITZ — Airservices?

The CHAIR — Airservices — maybe without telling you or did you not know?

Mr STITZ — No, no.

Mr MYERS — They did an environmental study.

Mr STITZ — But I am not sure that was the trigger. I am not sure at all that that was the trigger, because I would have thought that once they finished it, it would have come pretty quickly, but this was getting to quite a late stage in the project in terms of when we were going to turn the first sod. I was quite surprised personally, and I just said, ‘Well, okay’.

The CHAIR — Yes. We do not have that correspondence. We have a lot of correspondence but not that one.

Mr Tilley interjected.

The CHAIR — No, I did not read it in that way.

Mr STITZ — No, that is fair enough.

Mr RAMSAY — Perhaps to John, in Germany we visited a site where PFOS was used and they saw fit to remediate and bury the PAD and put another one on top because of the existence of PFOA. Other countries are looking at remediation. I am not sure if there was any discussion at the board level about other remediation works that could be had to allow the facility to continue. You are not aware of that conversation at all?

Mr MYERS — Not that I know of. No.

Mr de MAN — I have not been privy to any conversation either.

The CHAIR — I think we might be finished.

Ms WARD — I have two quick questions.

The CHAIR — Two quick questions. You do not mind a couple more minutes of questions?

Ms WARD — John, are you able to tell us how you got the nickname ‘Turk’?

Mr MYERS — There are only about two people who know and I am sorry, you are not going to be one of them. I will leave it to your imagination.

Ms WARD — No worries. We have heard there are some different views on work practices that went on at CFA and at Fiskville. For example, WorkSafe and the EPA could sometimes be a hindrance and we have had evidence from Jeff Green, the workplace health and safety manager at the CFA, that the further out you go from metro Melbourne, and I refer to page 5 of his transcript:

... there is less emphasis and interest in reporting. It is more of a cultural thing, particularly our rural colleagues. It is more of a, 'I don't want to go through a bureaucratic process'.

Do you think that is more or less the way things were managed?

Mr MYERS — I do not think so, no. In my dealings with WorkSafe I could not doubt them at all. They were more cooperative than you could say.

Ms WARD — That is good to hear.

Mr MYERS — I suppose back in about 1989–90 they would come in and throw their chests around a bit. But after that, WorkSafe really came in to help us. They never pushed anything. They told us this was what we should do, 'We recommend you do this'. WorkSafe are really good as far as I am concerned — for a long time. I had no complaints whatsoever.

The CHAIR — Thank you for giving up all this time. I am sorry we have run a little bit over, but we had all these questions for you. Thank you very much for coming in today.

Mr MYERS — Can I just add one thing? I will go out of turn here a bit. I hope you realise that I am old school and I will call a spade a spade. I have read a lot of these submissions, and I just find it very annoying that no-one has paid much regard to what you say, you know, we have got to try to keep it all nice and true and all this. A lot of the submissions are great reading for fiction. A lot of the site has come back onto me a bit — not mentioned me, but there is that flyrock and bloody pseudomonas in dams and all this sort of stuff. It is just way out in left field, and this is usually done, from what I can work out, by what I call 'fly by nighters'. They spend four or five days at Fiskville and they know everything.

I appreciate the time today. I hope I cleared a lot of stuff up, because I just think there is a lot of stuff that has got to be really cleared up. It is just out there in left field. Like I said, it is great fiction reading. So thank you for today's stuff.

The CHAIR — Thanks for coming in.

Witnesses withdrew.