

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 21 December 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

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Executive officer: Dr Janine Bush

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Mr Jeff Green, Workplace Health and Safety Manager, Country Fire Authority.

The CHAIR — I would like to apologise to Mr Green and to members of the public for running a little bit behind schedule today. We have Mr Green followed by Mr Bourke, and then Ms Lucinda Nolan and Mr John Peberdy later on this afternoon. We are probably running at least an hour late, so apologies for the delay.

We have a few formalities to go through that I need to read out prior to us commencing with our questions. So again, thanks, Mr Green, for attending today. As outlined in the guide that would have been 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 this inquiry, and the committee may ask you to return at a later date or provide further information if we require it. All evidence today is being recorded, and you will receive a copy of the proofs for you to check through for accuracy prior to us making it publicly available.

Mr Green, thank you again for coming. As I understand it, you have been at the CFA as its first health and safety officer, starting in 1994. You have worked with the CFA ever since, and you are currently the manager of workplace health and safety. You are also a member of the health, safety and environment committee that was established in 2012. Are you actually a member of it or report to it?

Mr GREEN — I am an invitee.

The CHAIR — Okay, because that is a subcommittee of the board. Is that correct?

Mr GREEN — Correct.

The CHAIR — Thanks. Was everything else accurate?

Mr GREEN — Yes.

The CHAIR — Okay, great. Thank you. First, as you know, this inquiry is in relation to what has occurred at the Fiskville training site after revelations of the contamination and effects on people's health. Perhaps if I could just understand from you, having been at the CFA for pretty well a lot of the time that we are talking about in terms of the inquiry, what was your area of responsibility in respect of the Fiskville training college?

Mr GREEN — I started in January 1994, and I suppose my attendance at Fiskville — and I have certainly attended it over the years since I have been there — I guess since the 2011 issue was identified, I think my role is more about liaison with WorkSafe and providing support as required to the project team. Outside of that it was probably limited.

The CHAIR — So you were the person who was in direct contact with WorkSafe representatives in terms of providing them with information?

Mr GREEN — Not necessarily information; it was more liaison. I mean I provided information from time to time but it was also liaison, being a contact person, a face, part of the face, I guess, dealing with WorkSafe — not solely but one of the people who dealt with WorkSafe, yes.

The CHAIR — In terms of the Fiskville site, did you regularly attend so you could see what was happening in terms of health and safety?

Mr GREEN — Are you talking about after 2011?

The CHAIR — I think during your time as the health and safety officer.

Mr GREEN — I have certainly attended Fiskville on numerous occasions since I started, yes, as I did in many other sites in the CFA. Again, as you may be aware, the CFA has got at least 1300 sites so I cannot attend them all, but, yes, Fiskville I attended on occasions.

The CHAIR — Okay. Since 1994, again talking about your area of responsibility, you did some liaison with WorkSafe. What else were you responsible for?

Mr GREEN — When I first started in 94, I was working out where CFA was structured regarding health and safety and from that addressed gaps that I identified, such as injury reporting. I guess during the first couple of years I was there I sort of picked up responsibility for compensation injury management. Over a period of time we extended the resources within the health and safety unit, so in late 1996 we engaged another health and safety person. In about 2008 we engaged six field-based health and safety people to provide support to the districts and the regions. In 2013 we engaged one specifically for the training ground, an environmental adviser who worked with the project office. In the very late 90s to early 2000 we expanded our role more into health provision, provision of health and fitness services across CFA for staff and volunteers.

The CHAIR — Have you seen a lot of change in the way that the CFA views health and safety, separate to the welfare side, just in terms of occupational health and safety?

Mr GREEN — No question. I think when I first started across all emergency services I suppose they were a little bit more insular. I think when I first started with CFA I was the first health and safety person within a voluntary fire service in Australia, and progressively the fire service introduced those roles across time. I guess our role was more to look at our legislative obligations as against, traditionally at that time, fire response safety, but over the years we have obviously participated in providing support to the fire service — everything from the people issues, such as heat stress and all those sorts of issues.

The CHAIR — So are you saying that the health and safety was more directed in an operational way when fighting a fire, say, as a response to what happened at Linton or health and safety as, say, the Fiskville training college being in a workplace?

Mr GREEN — No, I suppose in the early days it was health and safety probably outside of an emergency response. If, as I say, 5 or 10 per cent of our time is responding to emergencies, we have a lot of other time. Again CFA has many other sites. We have mechanical workshops that have their own health and safety issues that we provide support to. We have radio technicians, we have tower overseers, we have our training colleges and we have integrated stations where staff are there 24/7, and only a small percentage of the time are they responding to jobs. So there are other safety issues that we addressed and supported at that time. Obviously over those years we have broadened our role to provide support, advice and education in the fire response role, from injury reporting through to playing a role during major incidents from a health and safety point of view.

The CHAIR — Just getting onto what has happened at Fiskville, and that is the exposure to all those noxious and toxic chemicals as well as the more recent issues around the contamination in the water that was used for firefighting, in terms of your responsibility, how have you dealt with those issues or how have you been involved in sorting out those issues?

Mr GREEN — I guess from around the time of the Professor Joy report of that process, the CFA set up a specialist project office. We provided support as required to that project office. I was that project —

The CHAIR — Sorry; that is about staff, putting on people. One of the concerns I have is that a number of times now we have heard the comment ‘Health and safety is everybody’s responsibility’, which seems to be abrogating the employer’s duty of care and ultimate responsibility to provide a healthy and safe workplace. So while every individual should be responsible for health and safety, the ultimate responsibility is with the employer or the organisation that is running a particular place. I suppose what I am trying to get at is: what did the CFA as an employer, as an organisation, do to make the workplace safe and healthy? Not how many staff did they put on, but actually what did they do to ensure that people were safe?

Mr GREEN — And you are talking about Fiskville specifically?

The CHAIR — Yes.

Mr GREEN — At Fiskville obviously there were managers who over a period of time who were ultimately accountable for the management of Fiskville. During the time there were variations in the structure of CFA where they had training departments or training directorates, so obviously the executive director of that directorate or department at the time was the one who ultimately had responsibility. Our role was to provide education support and develop processes and systems from that point of view, and, if they engaged contractors or consultants to provide reports, those reports would be tabled or provided to those managers at the time to action.

The CHAIR — So, for example, in 2011–12 who is responsible for the practical assurances that there is a healthy and safe environment at Fiskville?

Mr GREEN — At the time it would have been specifically whoever was running the site at the time, whoever was the officer in charge of Fiskville at the time, plus also the director of, I suppose, the operational training section at the time. I guess from mid-2012 there was a project office set up that brought in specialist consultants to provide advice to the project office. Those individuals, such as engineers who are doing work for us, supported the local management.

The CHAIR — I am just going to quote from the annual report of the Health Safety and Environment Committee that you reported to. That is a board subcommittee. It was a comment by the CFA internal auditors, PwC. It says:

... PwC, has characterised CFA's OH&S approach as having a strong compliance focus with the inference being that there is a need now to more comprehensively and successfully embed HS&E within the culture of CFA.

Can you provide the committee with any more details about the circumstances surrounding that comment and why there was a need for it to be made?

Mr GREEN — I am assuming PwC would be referring to the certainly strong culture of health and safety across the CFA from both operational and operational support. The areas I guess where we were focusing from early 2000 onwards was trying to build a system of process. There are Australian standards for health safety systems. One of our roles was to try to build a system, I suppose, that complied to 4801 and provide standardised processes to manage risks, be that plant safety, chemical safety — whatever it might be. That was not just for training colleges; it was across CFA, so it was quite a large task. That is where we brought in those project officers in 2008 to start introducing those processes and procedures more formally across the organisation. We had a lot prior to that, but there was a lot more ramped up once we got that support of additional people to provide that support and education across the organisation.

The CHAIR — And you think that is working better or the same?

Mr GREEN — It is certainly far better. It is an evolution with any organisation. When I first started at the CFA there was a strong focus on operational safety, but I guess our focus was on, I will call it, the non-operational safety, the normal day-to-day stuff — so processes and procedures, simple injury reporting and encouraging injury reporting and incident reporting, because we needed to learn from those issues. We have used various resources over time. I think it was in early 2000 we introduced an online chemical register process so all brigades can access chemicals that have been endorsed for use by CFA, building our chemical register and having those on board. We have introduced over a period of time an external hygienist who will go around specific sites to make sure their chemicals registers are up the track, MSDSs are available and risk assessments are available. That is an online process. He will provide reports to the relevant OIC to say, 'You need to do A, B, C and D', or whatever it may be. Then it is the OIC's responsibility to address those issues.

The CHAIR — You mentioned injury reporting and having processes on that?

Mr GREEN — Yes.

The CHAIR — That did not happen before, or there were a few problems with it in the past?

Mr GREEN — In 1994 when I started there was a reporting process for staff, but it probably was not as clear for volunteers. There was probably a significant gap, so we introduced a process where both staff and volunteers can actively report through access to documentation. Over the years we have got a bit more sophisticated. We have got health and safety business systems, so they can actually report on a tablet, a phone or whatever it may be. We can actually report at the incident if they have those technology devices. Currently with those processes, I think all emergency services now use the same software, except the police — I think they have got a different product.

But again, if an injury is reported today on the computer system, the OIC will know via email within about 30 seconds, and there is a tracking process for them to be able to action, if there is a corrective action to be made, and monitor and track. We can provide those reports. We have been providing those reports for a number of years to the local management, depending on the layer of the organisation on trends.

The CHAIR — We have heard evidence that injuries were not being reported, or incidents might have been reported but they were not being logged or filed. Is that the reason for that happening, the new system?

Mr GREEN — Certainly the further out you go — and I think it is more of a historical process — from the outer metropolitan area, 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’. Part of that is our ongoing education. We certainly want more injuries reported which we know may be underreported, but when it becomes a serious injury or a claim, we are pretty confident we know most of those, because they do get reported. I suppose it is the minor-type injuries or near misses that we still want people to understand they need to tell us so we can learn and do trends.

The CHAIR — In terms of health and safety representation, at the moment I am assuming there are health and safety representatives. How are they elected and what is the process?

Mr GREEN — Under the current legislation employees can elect a health and safety representative. I am pretty sure we have got about 80 of those across the state, and that has evolved as we have grown as an organisation. Volunteers are not considered employees under the current legislation, so they cannot necessarily elect a health and safety rep, but we have an opportunity. What we do have is health and safety coordinators. We have had those for a number of years in a number of brigades who wish to fill that position, but recently the previous chief made a decree that every brigade must now have a volunteer health and safety coordinator. The election cycle has just been through. We have 500 out of the 1300 roles already filled. We provide education and tools for those people in those roles. Obviously we are going from a rural very, very quiet station through to a very large, very busy station, so we do have representation from staff and also from volunteers, which is obviously critically important.

The CHAIR — When did that start? Just a couple of years ago?

Mr GREEN — I think Euan, the previous chief, put in officially that, ‘You must have this role’, it would have been about six months ago, prior to the recent election cycle. But prior to that many districts had already introduced that. We had already created a role, not under the health and safety act, because volunteers are not employees, they are not considered —

The CHAIR — Yes, I understand, so in terms of — —

Mr GREEN — but we are encouraged to have those processes. Also in the districts and other locations they have health and safety committees, as the training grounds did, and volunteers are encouraged to be on those committees.

The CHAIR — So at Fiskville, which was a workplace as opposed to a brigade — —

Mr GREEN — Fiskville had a committee.

The CHAIR — There was a health and safety committee? Were there elected health and safety representatives as per the act there?

Mr GREEN — Yes. There was certainly one and then expanded to —

I would need to go check the records, but I think prior to its closing there probably would have been five or six, because they were representing different functional units within that area, such as catering, ground staff, fire and the PAD area. They had a health and safety committee.

The CHAIR — And they would have been permanently at Fiskville?

Mr GREEN — Some of them may have been casuals. There might have been a casual employee who was in the domestic area, but they were nominated and elected as health and safety reps, and they had a health and safety committee, which was run by the local management.

The CHAIR — Okay.

Ms WARD — When did that first operate, the health and safety committee?

Mr GREEN — We can confirm that.

The CHAIR — We will perhaps get that information. We might contact the CFA or whoever to get that later.

Mr GREEN — That is fine. We can confirm that.

Mr RICHARDSON — Thank you, Jeff, for coming in. Just a few questions about the CFA people strategy. The committee understands that in March 2014 the CFA board adopted the people strategy 2013–16. Can you provide an overview of the strategy and its relevance to Fiskville?

Mr GREEN — For us it is probably all irrelevant, because at the time that strategy was produced we introduced a health, safety and environment strategy, which is probably I think more relevant, because it was specifically related to health, safety and environment. I am not sure if that is —

Mr RICHARDSON — Is that something that the committee can access, or will a copy be made —

Mr GREEN — Yes, sure. We are going through a revision of that as we speak, but we can provide you with a copy of the previous health, safety and environment strategy, which fitted under that people strategy.

Mr RICHARDSON — Just going on to OHS committees a bit more in detail, the committee notes that the Joy report said that in late July 1996 the Fiskville OHS committee was established. The committee also is aware that in 2012 a health, safety and environment committee was established. Since then has there been a committee responsible for OHS at Fiskville at all times?

Mr GREEN — That was a local management process. I would need to confirm how often they met and when they maybe ceased to exist.

Mr RICHARDSON — So if they were operational, would it be due course or due practice for them to be reporting to you or liaising with you?

Mr GREEN — No. The line of accountability is that they report to the local manager of those locations, no different to what we do for mechanical workshops or districts. They report to the relevant manager, being the assistant chief officer or whoever may be responsible, so they do report to the manager in line with normal accountabilities for health and safety.

Mr RICHARDSON — Okay. So your involvement then is more at that managerial level?

Mr GREEN — Yes. For example, at a lot of the local committees we do have a health and safety advisor sit on those to provide support and advice, but again it is a management line accountability that coordinates those committees, supported by a local health and safety person.

Mr RICHARDSON — So you would not be aware of the staff representatives or the people who made up such a committee on-site?

Mr GREEN — It depends it was. If it was Fiskville — —

Mr RICHARDSON — So Fiskville in particular.

Mr GREEN — At Fiskville, it would have been at least a 50-50 mix — probably slightly more employees than managers or supervisors.

Mr RICHARDSON — Do you know who those staff were or some of the main people who were responsible?

Mr GREEN — My recollection is certainly it would have been the PAD supervisor, it would have been representatives from the domestic area and also representatives from the ground staff, and either the manager at the time or the assistant manager at the time would have been involved. There should be minutes of those available.

Mr RICHARDSON — In going to the OHS act as a whole — section 21, that you would be very familiar with, and section 22 — were you primarily responsible at a macro level for overseeing the training centres and making sure OHS was adhered to? What was the structure there? Was it to the people on-site? What was your responsibility?

Mr GREEN — The overall responsibility for the training grounds obviously sat with whoever the director was at the time for the training department, so that is the overall responsibility. Again our role as health safety is no different than in the legislation. Our role is to provide support. Yes, we are responsible for delivering programs that we are endorsed for or chartered for or funded for, but ultimately the line accountability for anything of safety in line with the legislation is with those line managers, being the directors through. We are accountable when we do risk assessments or produce documents, procedures et cetera, provide guidance or recommendations. That is our accountability — to develop programs to support those managers to deliver their accountabilities and responsibilities.

Mr RICHARDSON — Would you be involved in or briefed on any visits from WorkSafe during that time at Fiskville?

Mr GREEN — Most of the time, because again one of our roles was if WorkSafe came on. Some people have a concern when WorkSafe come up, with the police coming, so we provide support by where possible having one of our people attend, depending on the type of visit. Probably in more recent times we would have had a representative; either I or someone else would have attended when WorkSafe attended Fiskville, particularly over recent years. WorkSafe had a lot of programs across industry, where they would target a particular industry or activity and visit, and the CFA would be one of those. They would go to the MFB, go to the police — whatever it was. We would work with WorkSafe to make sure we knew when they were coming so we could actually have someone available and a program to make sure staff were there, or if there was an activity they wanted to see. It is more that we were just there to provide support to local management if required.

Mr RICHARDSON — Were there any adverse notices issued that you can recall that went to safety at Fiskville?

Mr GREEN — Certainly over the years there have been a number of them, and most of those would have been improvement notices. There was not a lot. If I recall, looking through the records that I have seen, I think there was at least one prohibition notice. That was after an incident where one of the props was probably inappropriately set up and it resulted in an injury and a prohibition notice was issued. Our

role again is trying to facilitate that and ensuring that it is rectified in line with legislation and we meet our legislative obligations.

This is just an estimate, but there probably would have been over that period of time at Fiskville maybe five to six improvement notices that I can recall. Most of those relate to a program where WorkSafe came in to visit certain issues, and that would not necessarily just be exclusive to Fiskville. They would issue notices — that is one of the roles of WorkSafe. If they see an issue they believe is a significant risk, they will issue an improvement notice, with the expectation of working with the location to make sure they can resolve it. Our role is to facilitate and make sure the location — not only Fiskville, but anywhere in the CFA — meets the regulatory requirement and to provide advice and guidance to meet that compliance notice where it has been issued.

Mr RICHARDSON — Are you familiar with the ALS report that was provided to the CFA in 2012? In that report it talks about a range of chemicals that were of unsafe levels in dam 1, that included arsenic, copper, lead, mercury, nickel, zinc and benzene. Would it be practice for you to normally be notified of that and the risk to participants on-site, if any?

Mr GREEN — If there were significant risks, more than likely. I have seen the ALS report. I have not gone through it in detail. I was not physically aware of it, but again at that time I would have anticipated that would have been as part of the Informing the Future Project team, which was set up exclusively to look at Fiskville and the other training grounds. That is who engaged that report. There were lots of reports being done from Professor Joy through to the setting up of the program office. They got specialist scientists and consultants in to do all these reports. We did not necessarily get involved in all of that because they had a dedicated team of specialist scientists, toxicologists involved. If we needed to get involved, provide support, they would ask us. Outside of that, it was run as a very specific unit.

Mr RICHARDSON — Do you think there are issues, though, that the OHS manager is not included in some of those safety practices and oversights for chemicals that are known carcinogens that were at unsafe levels?

Mr GREEN — Again I am not 100 per cent on that report. I would have expected it to be more relevant to have a specialist, be it a toxicologist or whatever, which I believe they were — a hygienist. We have used hygienists quite regularly. My role is that if we do not have the knowledge and expertise, we need to source it and rely on those specialists to provide us that advice. There were numerous reports. We use hygienists quite regularly, bearing in mind the type of service we are. We may be confronted internally and we will respond to particularly risks, because we might not have the necessary skills. We want to make sure we engage the most competent people to deliver that service and undertake those reviews. Hence we use a number of organisations to provide the support. Yes, my role might have been, if there were issues there, to try to coordinate and make sure there was a response, but that would be based on specialist advice, from a toxicologist or hygienist or other forms of science.

Mr RICHARDSON — But just to clarify, you were not consulted on this?

Mr GREEN — Not for that one.

Mr RICHARDSON — For Fiskville.

Mr GREEN — I have seen it, but I have not read it in detail, no.

Mr McCURDY — Jeff, we had Len Foster, the former chairman of the board in recently and he spoke about OHS. There was a report done by David Clancy. It was reported as a ‘full and complete’ report. Do you concur with that?

Mr GREEN — If it is the one that I think was done in 1996 —

Mr McCURDY — Correct.

Mr GREEN — I am aware of it. I have only recently vetted it, but I was not involved in it.

Mr McCURDY — And did you notice any change in the board's approach after that report, from, say, 1998 onwards?

Mr GREEN — Again, I could not honestly say. It is only recently that I was made aware of that report from 1996.

Mr McCURDY — The minutes of the board meeting in April 2000 say:

The chairman advised that a specialist company would be engaged to assist CFA in developing a strategic overview and a senior OH&S practitioner will be employed to raise the level of activity.

Do you recall which that company was?

Mr GREEN — No.

Mr McCURDY — So you do not know who the senior OHS practitioner was either?

Mr GREEN — Not at that time. CFA over the years, as I said, we do engage specialists. It is not unique to any large organisation. We engage numerous consultants — contractors, hygienists, toxicologists — and again, that would be also the requirement, I would guess, an expectation, for a director to do if they believe they have concerns. They talk to us for advice of maybe who is available, and we would provide advice on that area. But that one does not ring a bell; sorry.

Mr TILLEY — Just in plain language, if you could, with this business. Principally where is your desk located?

Mr GREEN — In Burwood.

Mr TILLEY — So you picked up your employment with the CFA in 1994?

Mr GREEN — Yes

Mr TILLEY — So in all those years, how often would you personally travel out to Fiskville?

Mr GREEN — It is just a recollection. I might have been there 100 times over the 20-odd years. But again, I repeat that it is one of 1300 sites across CFA.

Mr TILLEY — Yes, fair enough. So talking around, since my colleague spoke about the environment audit report that came out, you mentioned that you were aware of it. With your big pile of documents, does any of that relate to around that period?

Mr GREEN — I think I have got a copy of that document because I think it was part of the questions you wanted to ask.

Mr TILLEY — Yes, it is where I want to go to. Taking that into consideration, how did the CFA respond to those notices as a result of the audit report from the HSO, your predecessor there?

Mr GREEN — You are talking about 1996?

Mr TILLEY — Yes. How did the CFA respond to that?

Mr GREEN — Again, for the 1996 report, I think it is the environmental one you are talking about — the dangerous goods?

Mr TILLEY — Yes.

Mr GREEN — Again, if that was the question you asked, I was not involved in any of those so I cannot answer what the response was because my understanding, looking at some of the notes, is that that

was being addressed through the management of Fiskville at the time and CFA's building and property services or whatever they were called in 1996.

Mr TILLEY — So are you able to provide the committee with who might have been responsible at that time?

Mr GREEN — I think the officer in charge might have been Mark Glover, at a guess, from Fiskville, and there would have been a person — Abe Pollock, I think, would have been in our building property area at the time. He has retired.

Mr TILLEY — The thing is we just want to get some of the historical stuff — the sins of the past, alright?

Mr GREEN — Yes.

Mr TILLEY — So when it comes to refining and manufacturing, we have seen that there has been donated all types of chemical solvents, using all those big fancy words that relate to the carcinogens and the other things that we have been investigating during this committee. They say that there are two things that come out of refining: there is the stuff that they sell and the stuff that they have got to pay to get rid of. Are you aware of what types of chemicals or do you have an inventory as such of what was taken on board?

Mr GREEN — I was not aware of the issues that reportedly occurred at Fiskville in the 80s until I guess about 2011, since it came out. Obviously slightly prior to that, we do have a chemical register on site; we do have an online chemical register at Fiskville. We engage a hygienist to maintain those chemical registers and identify any issues at those sites, and I am pretty sure it was around the mid-90s when CFA Fiskville changed and went to LP gas, diesel and petrol — all from reliable sources. I think all of that was designed by engineers and overseen by I think it was Gas and Fuel or Energy Safe at the time, over that new PAD. Prior to that, those questionable practices in the 80s, I was not privy to that.

Mr TILLEY — So during the course of this inquiry there has been all kinds of public comment, or not necessarily public comment, but jungle drums and all kinds of things that have been going on through this inquiry, but back on 18 January 1996 the committee here has an inspection report from the HSO in relation to compliance with the Dangerous Goods Act at Fiskville. The inspector, whoever it was during that time, had identified a large number of 205-litre drums. When I asked what they contained, I was told, 'I did not want to know what was in them'. On further questioning I was told it contained a mixture of petrol, diesel and in some cases kerosene. The drums were labelled 'home kerosene' and 'Jet aviation kerosene'. These same drums were not stored in a bundled area; they were stacked on pallets on the ground. Are you able to enlighten the committee at any point in relation to that statement?

Mr GREEN — I do not think I have ever seen a report from the health and safety authority at the time, but again if it was not bundled or correctly stored and labelled, it was inappropriate.

Ms WARD — Why would it be that you would not have known about the Clancy report until only recently?

Mr GREEN — Because other people, by looking at the historical records I have scanned through, were dealing with it. I cannot say why they did not.

Ms WARD — You have been employed with the CFA since 1994 — is that right?

Mr GREEN — That is correct.

Ms WARD — So at no point have you heard about this report at all until recent times?

Mr GREEN — Not to that time, no. If people do not bring it to our attention, I cannot provide support.

Ms WARD — Is it unusual for this kind of matter not to be brought to your attention in your role within the OH&S?

Mr GREEN — Historically over the period there are reports or issues that identify that I might not have been asked for or made aware of. Again, with an organisation this large, one may expect that people who have those responsibilities were addressing and dealing with it. I have had a scan through some of the reports that talk about I think it was a 96 report, where they were addressing the environmental processes between Fiskville and the building property, so the manager at the time has obviously identified the issues and was dealing with them through the building properties section for the clean-up, but that is historically me taking up — —

Ms WARD — But why would they not have come to you? Would that not have been part of your role — to help work to procedures and processes and help create modern policies around OH&S legislation and requirements?

Mr GREEN — If it was deemed as though it should have been a risk, maybe I should have been advised, but I do not recall ever being advised.

Ms WARD — Who would have been in the decision-making role to decide whether or not it was a risk, especially if their expertise was not in OH&S, but it was your role and expertise?

Mr GREEN — It depends who did the reports. If the reports were done by environmental or chemical experts or scientists, I would expect they would have provided the guidance to the local management at Fiskville at the time, and if that has been done, again, I am not privy to all the reports that were done in 1996.

Ms WARD — You seem to have been very siloed.

Mr GREEN — Again, do not forget that at that time I was one person. I am not defending myself; I am just saying that logistically I was one person in CFA since 1994. Prior to that they had no-one providing the support to the organisation. That was not unique to CFA. I can almost guarantee that every emergency service was in the same boat, and many organisations I used to visit when I was at WorkSafe were in the same boat. I guess they did not consciously think they needed those roles. We have expanded those resources since, but again in regard to that specific question, I was not involved, and I cannot speak on why people who had those reports did not raise it with me.

Ms WARD — Does it seem to you that Fiskville as an institution was very isolated?

Mr GREEN — Certainly historically in those early days, I would say yes.

Ms WARD — That is geographically, possibly, but even culturally or in terms of what East Burwood is thinking and what Fiskville does there seems to be a lot of disconnect and lack of communication between Fiskville as an entity over decades and the CFA more broadly.

Mr GREEN — Historically that is probably not unfair.

Ms WARD — When you say historically, though, do you mean 10 years ago? People are talking historically, but we are not just talking about the 70s; we are talking about culture in the 80s, we are talking about culture in the 90s and we are talking about culture in the 2000s.

Mr GREEN — Certainly regarding our involvement, I guess, across the CFA our resources and capability increased. It would have been from the late 90s onwards that we were more involved in a lot of the day-to-day activities — not specifically just at Fiskville but across CFA. It was part of our ongoing process to educate the organisation that there are issues that we can provide support to. There are legislative obligations across the organisation we need to address. That was part of our ongoing process. In the first couple of years of my role we partnered up with WorkSafe or whatever it was called in 1994 and

1995, and they provided training sessions for our senior management at the time. We coordinated that with previous contacts at WorkSafe to make sure people understood.

Ms WARD — I think we have got some Wynsafe documents to give you. We have got evidence that Wynsafe Occupational Health Services prepared a large number of reports about OH&S matters at Fiskville. The document that you have got shows that Wynsafe prepared reports or advice for the CFA in 2005, 2009, 2010, 2011 and 2012. Who was responsible for appointing Wynsafe to supply advice to the CFA?

Mr GREEN — Probably at the time our section or myself have used Wynsafe for quite a number of years. They have got good knowledge of CFA. Prior to that we used an organisation called AMCOSH. The precursor to that was the State Chemistry Laboratory, before it was privatised. We probably used AMCOSH and Wynsafe for quite a number of years. They had quite knowledgeable hygienists — quite practical and quite ethical. If anyone needed a report or investigation, we might have used one of those companies or recommended one of those companies to whoever it was that was requesting advice.

Ms WARD — One of the things that we have been quite interested in is Wynsafe recommending that the standards for E. coli bacteria in water be increased from 10 organisms per 100 millilitres to 150 organisms per 100 millilitres. Can you explain why so much reliance was placed on Wynsafe as your one sole consultant?

Mr GREEN — Wynsafe were coordinating that process — I recall that one. They ended up contacting the Department of Health and I think the EPA at the time, and I am pretty sure there is a letter floating around you will see from the Department of Health confirming that they had no question with going to 150 for E. coli regarding its use as firefighting water. Also if you look back at the EPA guidelines, the EPA obviously do water quality testing across the bay and the Yarra. I remember that that came up in one of the media reports that I looked up. The EPA at the time, their standard was much higher. In other words, ours was 150 and they were going way above 200 for people to use recreational water — that is swimming, fishing and whatever it may be. The EPA's standard was not as stringent as the CFA's at 150. We got confirmation — —

Ms WARD — The EPA, I think, said they did not have any jurisdiction in this area because it was stormwater.

Mr GREEN — They did not — or I do not know if they did or did not. But what I am saying is that the CFA sought advice from EPA and DHS at the time, and they confirmed they had no issues with going to 150 — —

Ms WARD — No, the EPA confirmed that it was not their area because it was stormwater that was being collected, and they referred them on to the Department of Health.

Mr GREEN — And the Department of Health came back and said they had no issues with 150, but the EPA again, for the community, set up a less stringent standard for recreational use in the Yarra.

Ms WARD — So you had quite a strong relationship then with Fiskville in terms of determining the testing and what was allowed in and out of the water, but not so much — —

Mr GREEN — No, Fiskville at the time needed specialist support, so we provided a number of companies that we suggested they might like to use. I have noticed since I have looked at some of the Wynsafe reports that Wynsafe have been used quite regularly, as has AMCOSH because of, I guess, their knowledge and background. I have not commissioned all those reports. I would have suggested they either use Wynsafe or AMCOSH. We have used NSCA, we have used Greencap, we have used a multitude of organisations to provide specialist reports, depending on what the topic is.

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

Mr GREEN — No, I could not tell you piece by piece by piece. We would have to go back and see what was done.

Ms WARD — We have also heard a number of allegations regarding the idea that the CFA in 1996 — 1996 appears to have been a very busy year for the CFA — was report shopping to get the advice that they wanted to hear. They kept getting test results that told them that the water was not at acceptable standards, so they would get it retested and retested again. What are your views on that?

Mr GREEN — All I can say is the stuff I was involved with, I can guarantee I do not window shop. I do not need to. I do not want to. I go to people who I think are ethical, honest and provide the specialist advice.

Ms WARD — What are your reports around getting 6 to 8 reports in one year on the same area?

Mr GREEN — I cannot assume anything, because I was not involved in what you say they were shopping for — advice. I do not know whether there was the expertise out there or whether they did not feel the expertise was provided in the reports they were receiving. Again, I was not involved, so I do not want to — —

Ms WARD — Sure. Regarding PFOS, what OH&S advice had the CFA provided to employees in relation to PFOS exposure?

Mr GREEN — Over the period of time, and I think the CFA may need to provide you with some more documentation, there has been a lot of information that I have seen has been placed on our intranet and brigades' online sites. The other one that has been provided is a CFA medical officer and Roger Drew, the toxicologist, provide briefings to numerous staff at Fiskville and at Darley. For those staff or those individuals who are part of the health surveillance program, CFA's medical officer talks to them about the risks and the issues of not only PFOS but other issues, and there is a suite of information available on CFA's website as issues identified with PFOS are readily available. Again, I am sure — it will be a fair bit of information — that we can provide that if required. Plus I think the most recent one was the EPA web document on PFOS.

Ms WARD — How current do you think the information is that the CFA has regarding PFOS and PFOA?

Mr GREEN — I would expect, and from my understanding, Roger Drew and Professor Brian Priestly have probably got the most recent work in the world, and I believe that those people are experts in their area. As far as I know, the most current information in the world on PFOS has been provided.

Ms WARD — One of the reports that we have been told of from Harvard University talks about PFOS and PFOA and the current thinking on that been quite out of date, that it is mainly reliant on information from pre-2008. Are you aware of the degree to which Roger Drew has gone through PFOS and PFOA and its current effects?

Mr GREEN — I do not think I can answer that one. I am not that close to that research.

Ms WARD — I was just interested in WorkSafe interactions. The committee understands that on 14 March 2013 WorkSafe served a notice on the CFA requiring information and documents relating to procedures for substances used in live firefighting training at Fiskville during the period July 2005 to December 2012. Do you know if this notice was in response to the formal request the UFU made to WorkSafe to investigate in November 2012?

Mr GREEN — I am not aware if it is primarily related, but I anticipate it would have been. I cannot guarantee that is what WorkSafe was looking for, but I would be fairly confident it was. As a result of that, CFA provided a significant amount of information to WorkSafe. We have evidence or I suppose a document log of what has been provided to WorkSafe since I guess late 2011 — I think it was 6 December — and since that time WorkSafe has been closely, I suppose, scrutinising or investigating

across CFA. We have logs of information that we can provide, like history and what documentation WorkSafe have been provided with.

Ms WARD — I just want to read you out a quote from Clare Amies, the chief executive officer of WorkSafe Victoria. When she came to see us on 20 November, she said that she was:

... saying that the day the article broke in the paper —

and this was on 11 December —

we did send people on site, and at that time they collected a number of reports but also confirmed that they were not using the dam water, because at that time it was the dam water that was seen to be contaminated, and that we were satisfied that they had moved to mains water.

We have received a lot of evidence that says that Fiskville did not fully go to using exclusively mains water until around 26 July, I think. It is grey between 26 July and sometime in October. Why would WorkSafe think that you were using exclusively mains water at Fiskville in December 2011 when that is not the case?

Mr GREEN — I do not know. You need to ask WorkSafe on that.

Ms WARD — Okay.

Mr GREEN — I do not know. I am not WorkSafe, so I cannot answer on their behalf.

Ms WARD — But the WorkSafe transcript says that they were told by the CFA that they were using exclusively mains water in December 2011. We have also got evidence from the UFU or members of the MFB that says that they also had the belief throughout 2012 that mains water was being exclusively used. So we have two different groups of people who are saying that they are of the understanding that mains water is being used in fire training, when we know that it was a combination of dam 2 water and mains water, as it went through the pit. Can you explain how there can be this discrepancy in information?

Mr GREEN — No. My understanding is that CFA switched to full mains water in I think it was October 2012, something like that, so how WorkSafe got that interpretation, I do not know.

Ms WARD — They did not get an interpretation; they were told.

Mr GREEN — But I do not know who told them. Again, I cannot speak on behalf of WorkSafe or who provided that information.

Ms WARD — Do you know what type of information and documents the CFA provided to WorkSafe in response to the notice that was received on 14 March 2013?

Mr GREEN — I can go through it in anal detail if you want, or we can provide I guess the tabulated version of what was provided.

Ms WARD — If you can provide it to us in hard copy, that would be great.

Mr GREEN — Yes, because over the period that WorkSafe have been investigating, they issued directions or notices for information. CFA fully complied with that, but it is a significant amount of information. I think it was on 6, 7 or 12 of that December that they came to CFA headquarters. We provided a large amount of information, and that has been consistent over the period of their investigations. There was a large volume of data, of information.

Mr RAMSAY — Thank you, Jeff. On 26 June 2012 the United Firefighters Union wrote a letter to Justin Justin, signed by Peter Marshall, which stated:

The UFU respectfully writes to you to inform you of the following section of the Occupational Health and Safety Act 2004 regarding prohibitions on discrimination by an employer against a health and safety representative. We write in the context so that you are fully informed of the legal protections that apply in relation to HSRs in particular HSRs at Fiskville.

My two-part question is: what was the nature of the discrimination allegations referred to in that letter, if you are familiar with that letter; and how did the CFA respond to the letter?

Mr GREEN — In regard to discrimination, the only one I can think of is that there were some PINs issued, the period I cannot remember, for seeking information at Fiskville by the HSR. CFA at the time sought input from WorkSafe about clarity of what information had been provided — there was a significant amount of information provided — to a period of what additional information CFA can or should provide. Now whether that was what is alleged in that UFU correspondence, I can only guess that that is linked to what it was. So WorkSafe came in, arbitrated, made decisions on what information or documentation can be provided and resolved the PIN notices. All I can assume is that that is what it is related to, that topic.

Mr RAMSAY — I might come back to that question later.

Mr GREEN — Sure.

Mr RAMSAY — On the same day, Byron Kershaw, who was a health and safety representative, emailed Justin Justin with 12 requests for information, mostly regarding water quality, and the expectation that the information would be provided the following day. This was from the UFU submission. Are you familiar with that email and are you aware of what follow-up action was taken in response to the requests for information?

Mr GREEN — Have you got a copy of that email?

Mr RAMSAY — Yes.

Mr GREEN — I have got some recollection that there was a request for information. I think there was a request for information on water quality standards or testing results at the time.

Mr RAMSAY — I guess the answer I am really looking for is what followed up on those requests in relation to — —

Mr GREEN — In detail, I believe somebody should have responded to it. You would need to, I guess, talk to Justin about what was provided on his behalf.

The CHAIR — I think he was saying that it might have been you.

Mr GREEN — It was issued to — this was, again, written to the person running Fiskville at the time, Justin Justin. It was not written to me, but I do recall — —

The CHAIR — But you are the manager for workplace health and safety; is that the wrong title?

Mr GREEN — Correct.

The CHAIR — Should it be a different title?

Mr GREEN — Again, this was addressed to Justin, not to me, and I do recall we had a PIN hearing — if this is where it is related to; I would need to go back to the records, so we can come back to you — but there were certainly, I think, a number of PINs issued regarding seeking information. A lot of information was provided, but I think there was a dispute about additional information, so WorkSafe came in and arbitrated on that position, and I think in the WorkSafe records there is an outcome of — it was finally agreed that the information was provided. It is in one of the entry reports. Regarding responding to that, I believe there was a response provided, and it should be on file somewhere, the response that was provided to that. But again, can I recall that in 100 per cent detail right as we speak? No, but I am sure there will be a documented response. It will be provided.

Mr RAMSAY — We might check that because 12 requests is a lot from a health and safety representative, seeking information in relation to concerns raised by the UFU in relation to water quality. I am not familiar, but I will ask our secretariat what, if any, response was received back from Justin Justin.

Mr GREEN — There should be some information on file, but again it is the HSR, not the UFU. The HSR represent the employees; they do not represent the industrial bodies. They are representative of an employee body, as in the members at Fiskville. The HSR should be asking for information regarding the concerns they have for employees within their designated work group. That is who they represent.

Mr RAMSAY — Thank you. My last question — —

Mr GREEN — But there should be documentation available for that.

Mr RAMSAY — Thank you; we will have a look. In relation to improving training practices, the CFA submission provided to the committee earlier this year states:

While training in realistic conditions helps save firefighters' lives, CFA acknowledges that hot fire training carries inherent risks, especially to workers at fire training grounds, but also to trainees. To better manage these risks, CFA will take steps to ensure that its training facilities are accredited as meeting recognised international and Australian standards, including AS4801 in relation to health and safety and ISO14001 for environmental management. Together, these standards should ensure that our people and the community can have a high level of confidence in our training management practices.

That was from the CFA submission. It sounds all nice, but the real issue is: firstly, can you provide any background about the health and safety standard in particular referred to? What aspects of training at Fiskville do not comply with the health and safety standards? Going forward, how will training be organised to comply with this standard, assuming there is a Fiskville in the future?

Mr GREEN — Okay. The CFA has a framework of 4801 currently, as we speak. That was part of the task of the project officers who came in 2008. The framework exists. It is in line with 4801. We have not gone for accreditation for that yet because part of that process is that we are reviewing all those policies and procedures because the environmental standard and the safety standard are basically linked. There is commonality between the environmental and safety procedures. We are amending our existing safety procedures to incorporate, where relevant, the environmental requirements. They are designed to complement each other. That process is happening as we speak, so we are amending those existing procedures we have had in place for a number of years to incorporate the environment. There is commonality across the standards.

That was originally part of the role of the project office. We have picked up responsibility for that in recent times. We said that is probably our charter to push forward, and it is not unique to Fiskville. We are trying to push that forward across CFA, to pick up the environmental safety standards across CFA. So the procedures for safety have been in place for — I would have to go back and check — probably at least eight or nine years in its full package to address 4801.

The CFA has had meetings with certifying bodies. The federal government under something called JAS-ANZ actually accredits organisations to be certifying bodies. To be certified to a standard, you need to be certified by an organisation approved to provide that auditing, checking and verification and issue a certification certificate. We have had recent discussions, I think, with Lloyds, which is a recognised certification body, and part of that process is to educate — undertake pre-audits, pre-checks, of where we are sitting. Again that is a task we have taken on. It was in the health and safety and environment strategy — I think we can provide you with a copy — and as part of our task, as our unit, is to implement that across the broader CFA.

Mr RAMSAY — If I may, can I just have clarification? If my memory serves me correct, Justin Justin — actually I will leave it.

Can I have clarification around the water? When we talked about the time of the mains going on for fire training purposes, I am seeking clarification on the time, because my understanding was the mains water

was not pressurised enough to provide the needs for fire training on the PAD, so it was supplemented by some water from the dam 2. Is that correct — just as a small top-up?

Mr GREEN — I believe that is reasonably accurate going back. The CFA installed, I think, two 260 000-litre massive tanks, because the mains at the time could not supply it — to fill the mains water into those tanks to provide obviously sufficient water when we are going to live PAD training. Again my understanding is that it was October 2012 when we went live with just total mains.

Mr RAMSAY — Thank you.

The CHAIR — Just a little question about the water: in, say, 2011 and before going on to the mains, what is your understanding of what type of water was used for firefighter training?

Mr GREEN — Again this is my understanding — you are probably better off to get it from someone who was wholly involved in that process — it was a combination of water from the mains and a combination out of one of the dams. Which dam it was, I could not confirm.

The CHAIR — We hear about potable water, drinking water, industrial waste, class A recyclable. Did it have a category? Because all this testing that was being done must have been done to compare it to a standard?

Mr GREEN — I think the aim was class A water, but at that stage, bearing in mind where we take water from, I do not think that was at that time achievable.

The CHAIR — That is what the CFA classed it as?

Mr GREEN — Sorry?

The CHAIR — The CFA classed it as A class?

Mr GREEN — There is class A and class B, but also the CFA takes water, as would have happened on the weekend, out of any reasonable water source to provide community protection from fires.

The CHAIR — But from a health and safety point of view —

Ms WARD — And a training perspective.

The CHAIR — if water is being used in the workplace, such as at the training site at Fiskville, from a health and safety point of view you would have to have had adhered to certain standards or certain levels, whether it is E. coli or this or that or whatever. So surely as the health and safety manager, you must have known what the CFA considered the water to be? At what standard did they measure it?

Mr GREEN — There was a water standard I think set — and do not quote me on the date; I would need to go back and look as it was a number of years ago — across the CFA. I think it was 2005, or it might have been earlier. Again, Wynsafe was involved in setting that criteria, and that was utilising and looking at, ‘Is there a standard across the world for firefighting water?’, and my understanding is that there was not. Wynsafe came up with minimum, I suppose, standards for E. coli, pseudomonas, whatever it may be, and through that process the training ground’s separate process to rigorously test water by sending it off to an accredited NATA lab and measure it against that standard at the time. I am sure there would be a report there — —

The CHAIR — Why I am asking is that we received information from the EPA. I think the correspondence was from Mr Stitz from the CFA — —

Mr GREEN — James Stitz, yes.

The CHAIR — James Stitz. From a health and safety point of view, he was writing to the EPA, talking about class A recycled water and if that was what the CFA was using. Very clearly the EPA wrote back

saying, 'No, you can only call it stormwater harvesting because you have to have a water treatment plant to be using class A recycled water'. What I am trying to understand is, from a health and safety point of view, were people thinking that it was of a certain standard when in actual fact it was not? This is correspondence we only got from the EPA a week or so ago, so that is why I am —

Mr GREEN — What the EPA was considering I cannot say, but certainly we set a standard based on specialist advice. Bear in mind that it is my understanding there is no standard for firefighting training water in the world. There may be, but I am not aware of it. So what we did is we worked through various environmental organisations to set that standard and tested it against that standard —

The CHAIR — So it has never claimed it to be class A recycled water? The CFA has never claimed that the water used at Fiskville was class A recycled water?

Mr GREEN — I cannot answer that. You would need to talk to the people running Fiskville at the time.

The CHAIR — Even from a health and safety point of view you did not know the levels?

Mr GREEN — My view is again that as long as it is a standard set by people — hygienists and environmentalists — who say, 'That standard is safe', that is what we adopt. Was that class A water available at all our training grounds? I could not answer whether it was or not. You would need to confirm that through James Stitz. But I know we set a standard to measure; we set a standard based on that advice, and they measured and regularly tested water samples to laboratories on I think it was at least a monthly basis to confirm whether the water was meeting those standards that we set, or the environmentalist company set.

The CHAIR — In this case it sounded like there was an assertion made that the EPA refuted.

Ms WARD — Sorry; we cannot get away from water, Jeff, so bear with us.

Mr GREEN — I will have some; it is all right.

Ms WARD — Have a drink. I just want to clarify a couple of things around the pit. From what I understand it contained around 240 000 litres, and on busy days up to 600 000 litres could be used. So in pumping water up from dam 2, and in WorkSafe not being clear or the CFA not ensuring that WorkSafe was clear on the kind of water that was being used from December 2011 to October 2012, would there then have been any part of the OHS act that the CFA would have breached in not ensuring that WorkSafe had a full understanding of what water was being used?

Mr GREEN — My understanding is that WorkSafe should have known because they had attended numerous meetings. My understanding is that during that period of time we had — I think it was Cardno Lane or all the environmental companies involved — and we sat and met with WorkSafe over numerous meetings to explain what the process was, including the people at Fiskville at the time. So I would be surprised if WorkSafe did not have a good understanding —

Ms WARD — We know of an email from March 2012 which goes to WorkSafe and tells them that only mains water is being used.

Mr GREEN — Have you got a copy of that email?

Ms WARD — The secretariat do. We can supply that to you. Would that be a breach of OHS regulations?

Mr GREEN — It would only be a breach if it was a critical safety issue. At the end of the day if it was a misunderstanding of what was provided, or whoever provided information was doing it in good faith, it would not be a breach. The breach would have been in regard to where there was an intentional error or —

Ms WARD — So management at Fiskville would not have known what kind of water was being used in practice drills?

Mr GREEN — They should have known; I would have expected they would have known. They are the ones supplying the water.

Ms WARD — Correct. So if they are then sending emails saying that it is mains water when it is clearly not, that is an issue.

Mr GREEN — It is certainly an issue. Whether it is a breach that you might be looking at for prosecutions is probably up to WorkSafe. I would say that is questionable.

Mr RAMSAY — Can I just ask a quick question? Given what we have understood in relation to the standard of water quality — the fact that since 2012 they have been using mains and the fact that evidence suggests that the levels of PFOS are not unsafe — from your own experience, do you see a reason why Fiskville is closed then, from an occupational health and safety point of view, given your experience?

Mr GREEN — My view is again that if the scientific experts are telling us it is safe, I do not know why it is closed. It might have been closed for other reasons other than safety. But if the scientists and toxicologists and they are saying the site is safe, that is the information I would be relying on to make a determination. It is not up to me to make that determination, but that is why you engage professionals, ethical people who are specialists in that area, not relying on hearsay or people's assumptions. You use the science and the logic in science to make that fact.

Ms WARD — Do you go to one scientist?

Mr GREEN — Sorry?

Ms WARD — Do you go to one expert or do you go to a few?

Mr GREEN — It depends, I guess, on the topic you are looking at. If you go to the leading expert, I know that a lot of the leading experts when they come up with a determination will have it peer reviewed. Whatever the topic is, if it is not as controversial or if it is well known, that process should be quite clear. Again it depends whether you are talking about water quality, the design of the mains or design of plant and equipment. Some of those things, I would suggest, are a lot more logical to assess. But if the leading experts — and if you needed more and you needed to get a second opinion, so be it — lead to say that the site is safe, I am not sure why you would close it. Or you might close it for a period of time until the specialists say it is safe and then consider whether you would open it.

Ms WARD — Are you aware that Craig Lapsley recommended that it be closed in 2012?

Mr GREEN — I think I was here when he said that — yes.

Ms WARD — Does that surprise you?

Mr GREEN — No. Again, I think there is a difference between safety facts and media focus, and I guess: is it worth pursuing something that has had so much significant impact, which might not be based on fact and science but is based on, I guess, emotion and people's perceptions? That is where it comes back to the science.

Ms WARD — So you are saying that Craig Lapsley is reacting hysterically to a media story?

Mr GREEN — No, I did not say that.

Mr RAMSAY — Do not put words in his mouth.

Mr GREEN — No, they are not my words. What I am saying is that at the end of the day it is like a lot of things. If a decision has to be made, whether by government or someone, to say: is there value in

reopening or closing a site? Because perception can outweigh science and fact. I am certainly not saying Craig Lapsley has suggested that.

The CHAIR — Could I just quickly ask: what is your view of those people exposed to chemicals during the 1970s, 80s, 90s, and concerns about their health? Do you think that is a real issue?

Mr GREEN — I am sure it is, and again that is up to the medical advisers and specialists. If any of the impacts have been done through those practices — —

The CHAIR — You were there for some of that time from 1994. Do you see where the exposure was and understand what people were exposed to?

Mr GREEN — If there is a linkage to that, they should be supported and looked after — no question.

The CHAIR — But in doing health and safety for the CFA and being there at that time, are you aware of those issues — these are the old chemicals — and the connection between health effects and those toxins?

Mr GREEN — I guess over recent periods of time there have been a number of people who have submitted claims for exposures, yes, and where people are linked to that issue they should be supported in the link. Back in the 70s, 80s et cetera, I was not aware of any people who had reported those incidents. I am sure Professor Joy looked through all our documentation — through really, really old hard copies of injury reports well before my time — and basically identified there was not a lot of reporting done. That could also be a cultural thing at the time.

The CHAIR — It was more an issue about the link between those chemicals and health effects of people who were exposed to them.

Mr GREEN — Again, I think that is why the CFA engaged Monash and I think it was the Cancer Council to provide that evidence.

The CHAIR — Have you seen that?

Mr GREEN — I have seen some of that, and, yes, I think they say in some cases there was a proportionally high linkage.

Mr RICHARDSON — Just to your comment, Jeff, on the fact that you were not given the Clancy report until recently, the fact that you were not provided with the ALS report and given that you are the manager overseeing OH&S, could it be said that section 22 of the OH&S act has been left wanting, when the manager of OH&S is not aware of these documentations that go directly to the heart of OH&S at Fiskville?

Mr GREEN — I would suggest that the legislation sets up that the managers are accountable and responsible. We provide support and guidance, which is in the legislation, provide or engage people who have expertise in health and safety. If those managers at the time believed they satisfactorily met the requirements of the recommendations or the issues and were addressing the risks as they perceived them to exist, I would have suggested that is appropriate. Where they did not have the knowledge or skills or needed support and input, they should have asked for support. At the time if they believed through the specialist advice or reports they had that they were appropriately addressing those risks and meeting their obligations to satisfy their accountabilities, it would have — —

Mr RICHARDSON — Should you have had a seat at that table?

Mr GREEN — If they perceived they needed our input. Back to 96 again, I have not read all of the reports, I have not seen the outcomes of those — —

Mr RICHARDSON — What about the ALS report that referenced pretty dangerous chemicals above safe levels in 2012, which would suggest that they were present for longer than just that year or around those years, do you think that you should have been involved in that process?

Mr GREEN — It probably would have been beneficial if they had involved us in those, but again for us it is a judgement call for those people to include us. If we do not know about it, we cannot put our hand up and say we want to stick our nose in. If they had sought support, we would have provided it as best we could.

The CHAIR — Thanks for your time today. Thanks very much, and sorry we have gone a bit over time.

Witness withdrew.