

# TRANSCRIPT

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### Inquiry into the CFA training college at Fiskville

Melbourne — 23 November 2015

#### Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

Mr Bill Tilley

Ms Vicki Ward

Mr Daniel Young

#### Staff

Executive officer: Dr Janine Bush

Research officer: Mr Patrick O'Brien

#### Witness

Mr Peter Rau, chief officer, Melbourne Fire and Emergency Services Board.

**The CHAIR** — On behalf of the committee, I welcome Mr Peter Rau, chief officer of the Metropolitan Fire and Emergency Services Board, or MFB. Before we go into our questions, I will just go through some of the formalities. 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 this inquiry, and the committee may ask you to provide further information or come back if there are other things that it may at a later date need to speak to you about. All evidence is being recorded, and you will be provided with a transcript proof so you can just check for accuracy before the transcript is made public.

Mr Rau, perhaps if we just start off, I know that you have provided a statement, and we have had the chance to go through that. That is there for the public record, if you are happy for that to be part of the public record.

**Mr RAU** — Absolutely.

**The CHAIR** — Perhaps if you could just let us know a little bit of your background in terms of the MFB and Fiskville, and then we will go straight into questions on your statement and some other questions that we have.

**Mr RAU** — I commenced with the emergency services in 1980 as a volunteer, and then I started as a career firefighter in 1983 with the CFA. I worked through the ranks at various locations around the state, which included at Fiskville training college. I then left and started with the MFB in 2009, and I have been there ever since. I suppose I wanted to say that my relationship with Fiskville, if that is the right terminology, started in 1980. So I went from being a volunteer attending Fiskville regularly, going through to a permanent firefighter — the 16-week recruitment course — and then became an instructor, coming into there from a station-based instructor, where I would go up and instruct either volunteers or staff members. Then it moved into my position as ops manager training delivery, which was for three years and three months, and that was located at the Fiskville training college. On moving to MFB, most of my period at MFB has also included a responsibility of training, and so I have had oversight of our people attending the Fiskville training college, as well as other training colleges. Here I am today, still talking about Fiskville, in trying to help the inquiry. This is a very important inquiry. The health and safety of firefighters is paramount, and we need to get to the bottom of what occurred, if anything, at Fiskville.

**The CHAIR** — We heard from Mr Purcell from the MFB, and of course he was not there at the time that you were, so the information you can give us is really valuable. I think you said in your statement that when it comes to Fiskville and training in the period of time that we are talking about, you were responsible for the MFB firefighters who were training there, and so there were sort of joint operations. Even though you did not really run any of the operational stuff at Fiskville, you were there on behalf of or overseeing the MFB firefighters and their training; is that correct?

**Mr RAU** — Sorry, just for clarification, when I made contact, I was told we would be talking about the start of my career at CFA through to the MFB, so it is quite an extensive period. You are talking about my time at the training college? As a CFA — —

**The CHAIR** — I think it was overseeing the MFB track (?) firefighters, or was that when you were with the CFA?

**Mr RAU** — I am not sure. Could you just point me to the — —

**The CHAIR** — I have it marked here somewhere. While I am looking for that, perhaps you could tell us at what point you were aware that there were problems. There are two issues, are there not? There are all the chemicals that were unknown and used and burnt earlier at Fiskville, and then there was, I guess, the present situation, which is the quality of water. Perhaps we could start with the quality of water, and when you were first aware there were problems with the water that had been used for firefighter training.

**Mr RAU** — On 6 December 2011 it was the first time I became aware of any concerns at Fiskville, and that was the *Herald Sun* article that came out, and Brian Potter went public on a number of matters. As we know, that article really concentrated on contaminants. It really did not touch on the water.

**The CHAIR** — The benzenes and the diesels and all of that?

**Mr RAU** — Correct, and it was based around past practices, if you like, of Fiskville back in the earlier stages. In relation to water, a number of requests had been put through. As we move through from that particular day, a number of requests came from MFB to CFA to try to understand a number of issues that had been flagged in the *Herald Sun*, but also concerns from some of our firefighters. We had made contact with the CFA, trying to ascertain information.

**The CHAIR** — So this is around the same time?

**Mr RAU** — No, it was well later than December. So 6 December 2011 was when it came out in the paper. That is the first time I was made aware of any concerns up at Fiskville, and then as we moved through the next six months, around about, that is when other issues started to come into play. It was really highlighted with one of our officers who was on an officer course at Fiskville on or around 19 or 20 June, who made contact with me directly and may have made contact with others to say that the water quality was of concern. It was a night training activity. They were at Fiskville for an SO course. I cannot recall the conversation exactly, but was told it smelt pretty ordinary and looked pretty ordinary. From that conversation I made contact that evening with three people initially. So it was Justin Justin from the CFA, who was the ops manager, training delivery; Lex de Man, who was an executive director, I am not sure of the title, at CFA — he looked after training as part of his portfolio; and Nick Easy, our CEO, saying that I had pulled the pin on the training that night, and from that point forward there has not been any training actually at Fiskville from MFB's perspective.

**The CHAIR** — I want to go back to when you were the OMTD at Fiskville, so that was going back further, prior to 2011. Was it 2005?

**Mr RAU** — Yes, that would be right.

**The CHAIR** — At that time, as I understand, you had certain responsibilities at Fiskville, and the instructor or supervisor of Fiskville had particular responsibilities as well. Was health and safety one of the responsibilities of either you or that other person?

**Mr RAU** — Health and safety was everyone's responsibility at Fiskville for a start. It was a really close-knit team. I am interested in the term Fiskville. A lot of people just refer to that as a place. There are actually people in this room today that are from Fiskville; 80 people have been affected by what has occurred.

**The CHAIR** — Absolutely right, yes.

**Mr RAU** — That is actually what makes Fiskville, not the buildings or the fire props or any of that sort of stuff. In saying that, it was a very small team from an instruction perspective, so I had 13 established positions up at Fiskville. When I first arrived at Fiskville, only three of those positions were filled. Most fireys wanted to be on fire stations, because the overtime was a lot better, so to actually encourage people to come to Fiskville and spend time there, work a different roster and become instructors was quite difficult and challenging.

But getting back to your question, on an OHS sense, everyone was accountable and responsible to report issues of concern. The PAD supervisor, John Myers — I do not think I have ever called him John, so if I could refer to him as Turk from now on — was a HSR, and he looked after the PAD environment. I did not sit on the OHS committee. The facility's manager sat on that because most of the issues from an OHS sense in our view were about the older buildings, the aged buildings, that were up at Fiskville.

**The CHAIR** — That makes more sense. I was not going to talk about this straightaway, but now that you have said it, that makes sense, because we have got some analyses of some of the water that was used at the site, and it is interesting. The sampler who took the sample is Turk, obviously Mr John Myers.

**Mr RAU** — Turk, yes. I do not know how he got named Turk.

**The CHAIR** — But the actual sample, which is in 2007 — 15 February 2007 — was an Ecowise Environmental Victoria Pty Ltd sample. Have you got that?

**Mr RAU** — I am not sure which, sorry.

**The CHAIR** — You may not know anything about this, but I suppose we are just trying to establish what was going on. You will see it has two columns — column 1 and column 2, 3, 4. As we understand it, column 1 refers to samples and analysis of chemicals in dam 1, and column 2 is an analysis of chemicals in dam 2, so the samples taken by Turk, the health and safety rep — and we do not have a person — —

The client was Mr James Stitz from CFA. If you look at the *Pseudomonas aeruginosa*, you will see it has a 33 000 reading when the standard was 10.

**Mr RAU** — Yes.

**The CHAIR** — Then if you look at the E. coli result it is 440, and I think the standard for E. coli is — —  
Are you aware of what that is? It is maybe 100?

**Mr RAU** — Yes. What it should be, the E. coli? It is well under that.

**The CHAIR** — I am pretty sure it is about 100.

**Mr RAU** — Yes.

**The CHAIR** — What we are trying to understand is that the water quality may not have been known by yourself, and other people are telling us they did not know up until December, but here we have in 2007 water standards that are right outside the acceptable range, and people at this time, in 2007, are not only using the fire water for dousing fires but, from what we understand, maybe swimming, or having that water all over them without any sort of protection. What does this mean in terms of the health and safety and the monitoring at the time?

**Mr RAU** — Turk was responsible — I think it has already been mentioned at this inquiry — so he had the relationship with Central Highlands Water, and Central Highlands Water would test the water on a fairly regular basis based on the samples provided to them.

**The CHAIR** — This is the private arm of Central Highlands Water?

**Mr RAU** — As I understand, yes. I have got to say it is actually quite difficult, because I know more about Fiskville now than I did at the time, so I am trying to provide you information from 2007. In 2007 my knowledge of what was occurring in relation to the water testing was quite limited. I now understand how the sampling system worked, since, but this water was provided to Central Highlands Water by a Fiskville staff member, who would take it into Ballarat, get it tested. A phone call would be made back to Turk to say, ‘You’ve got to do nothing’, ‘something’ or ‘It’s okay’ or ‘not okay’.

**Ms WARD** — Sorry, can I just stop you there?

**Mr RAU** — Yes, sure.

**Ms WARD** — The advice that we have received from Central Highlands Water was that they did not offer any advice on action to the CFA at all, that all they supplied was a readout of what was found and gave it back to the CFA, that there was not interpretation done by Central Highlands Water at all.

**Mr RAU** — That is not the information I have.

**The CHAIR** — This was Ecowise Environmental. Central Highlands must have done it a bit later on. Sorry.

**Mr RAU** — Could have. So my advice is that the water is taken into Central Highlands, they do a check on that quality and provide advice back to John Myers, and then John takes some action if he needs to.

**The CHAIR** — This was before Central Highlands Water performed the tests?

**Mr RAU** — Okay. Yes.

**The CHAIR** — Just for the record.

**Mr RAU** — Sure.

**The CHAIR** — But probably the same thing happened then?

**Mr RAU** — If I could make comment on that particular document?

**The CHAIR** — Yes.

**Mr RAU** — I have not seen that document. This was sent to James Stitz. James Stitz looked after all the field training grounds, so he is a senior person at CFA headquarters. That central group of all the training facilities, of which Fiskville was one, would provide a number of things, which included policy, standards and an attempt to standardise a whole range of things across all the facilities. In essence, whilst Fiskville was the biggest facility, it was expected that a standardised approach would be adopted across the CFA. The document that I have got — I am not sure if you have got this, but you certainly — —

**The CHAIR** — Just on that, if there was a health and safety committee and things were happening, do you think that this should have been known about? It seems extraordinary that with the levels it was negligent to have people being exposed to this without telling them.

**Mr RAU** — The first thing I would say is we need to understand that on that date — this is the tail end of a 10-year drought — we have got the longest running fires in Victoria's history occurring in 2007, so 69 days of fires around this period of time. The facility would not have had water, apart from small amounts.

**The CHAIR** — I think it is more about whether people were told.

**Mr RAU** — Sorry. If I could just answer the question. You mention dousing firefighters in training; there would not have been training occurring. The bottom line is that in that year a contract was signed with Werribee sewerage to bring in 30 B-double tankers of A class water. There was not any water, and that is one of the reasons that this document — which I think you have, and if you have not, you are certainly welcome to it — reflects those same sample amounts. The 33 000 parts, that is in there.

**The CHAIR** — Yes. We have that document.

**Mr RAU** — It talks about the date, and then it moves through to the flam PAD. There is a comment on the bottom which is really important, and which has been missed a lot throughout these discussions. The sample taken from the point of delivery, which is the flam PAD, met the recommended standards with the exception of BOD, being just above the standard.

**The CHAIR** — I am sorry to interrupt you. Just for the record, could you say the name of the report?

**Mr RAU** — It is a Wynsafe report: *Management of the Quality of Firefighting Water at CFA Field Training Grounds*, October 2007. This is a report again — James Stitz has arranged for this to occur with all training facilities — so this has got every training facility in it. I take it, because of the number, it is the same information that has been put into this report.

**The CHAIR** — We do have that report, and there are a number of other, I suppose, samples and qualities. That is one of the largest ones. There seems to be a bit of a pattern. I think there are graphs and all sorts of things that show really high levels of E. coli, *Pseudomonas* and all those things. The point really is that people were not told. There might be reasons for it and all that sort of thing, but nobody seemed to know about this. Even though the information was there, nobody was told anytime up until 2011 in December. This is what we are trying to understand.

**Mr RAU** — Can you just wander back a bit — no-one was told up until 2011?

**The CHAIR** — You are saying that you did not know about the water quality until 2011. I am talking about people who were fighting fires — volunteers, paid staff. Based on that Wynsafe report, the water quality was poor for years.

**Mr RAU** — Just the important bit which has been missed, as I said, is the sample taken from the point of delivery. So dam 1 — whilst there has been a lot of talk about dam 1 — in 2007 you were not to take water

from dam 1. I have a document again you can have. When blue-helmeted people come on — so people who are not Fiskville instructors but they are instructors from other organisations, which included the MFB — a level of training is provided to them. They are given a blue helmet, which determines that they can do certain things on the PAD area at Fiskville, and they have an orange-helmeted person who sits across the top, who has oversight of a whole range of activities that are occurring. Those blue helmets are given quite a large amount of documentation, and I have the 2007 one here, and it says quite clearly, ‘Do not use the water from dam 1’.

If that has occurred, there is a failure in the system not only from the blue-helmeted people, who should know better, but the orange-helmeted people, which is the CFA, in allowing it to happen. I am not saying it did or did not occur, but if it did, you should not have been utilising the water in 2007 from dam 1. The other dams are different, but dam 1 is not the one you would directly go to.

**The CHAIR** — So you are saying there was no problem with the water again until 2011, in December?

**Mr RAU** — No. I am saying that even in 2007, when this was on, at the point of delivery the *Pseudomonas aeruginosa* was 6. John Myers would have received this information — I am making some assumptions here — looked at it, received a briefing. Looking at this document, there is not an issue at the point of delivery. Sure, dam 1 is really bad — we get that.

**The CHAIR** — Are you talking about in the holding tanks? The samples in the tanks?

**Mr RAU** — There are a number of dams. It is a filtration process that the water runs through, so dam 1, sure, it is bad. We understand that 33 000 is bad.

**Ms WARD** — Can I just pull you back there for one second, because I might have misheard you. Did you say that there was a directive or something that was put out in 2007 saying, ‘Don’t use dam 1’?

**Mr RAU** — By chance I have the MFB blue helmet course. It is quite a thick document. It talks about what you do if there is an emergency up there, where you need to assemble, what you do on the PAD from a safety perspective, where you draw your water from, what you do if you have an accident or an incident or you feel sick, which includes a reporting program. It details all of that.

**Ms WARD** — I understand. I just need to clarify what you said about there being something distributed around telling people not to use the water in dam 1 in 2007. Was that in your folder? The blue-helmet folder?

**Mr RAU** — No, that is not in my folder. I have got it here today, and you are welcome to it.

**Ms WARD** — No. I might have misheard you. I am just trying to get some clarity.

**Mr RAU** — It is a document that — —

**Ms WARD** — No. I do not want to go back to the folder — that is okay. I am trying to clear up whether or not something was sent out to people in 2007 saying, ‘Don’t use the water in dam 1’.

**Mr RAU** — I cannot remember the date on this in 2007, but whenever the MFB were coming up there for this particular course in 2007 all the blue-helmeted people would have gone through a course. In this particular documentation it talks about, I think, a two-day course. All the instructors would come up to speed on how Fiskville operates, what they should and should not do, which includes, ‘Do not use dam 1’.

**Ms WARD** — Why was there the advice not to use dam 1? Then there was knowledge that there was a problem with the water in dam 1?

**Mr RAU** — I do not know. I am not aware of why it happened. All I am saying is it should not have happened. If people are using dam 1, they should not have been doing it.

**Ms WARD** — Across the board then there were members of the CFA, not just this guy Turk, who were aware that there was a problem with pollution in the water, at least in dam 1?

**Mr RAU** — I am not sure, but all I can say is — —

**Ms WARD** — Who created the folder?

**Mr RAU** — Who created the folder? I assume the instructor group; some of the instructors up there would have put it together. We put through on average 6000 students a year.

**Ms WARD** — Yes, I understand.

**Mr RAU** — But it is an important point: 6000 people a year, with 13 instructors; if we move to Craigieburn, I think for 2015 it is about 1250 people to 70 instructors.

**Ms WARD** — No, that is okay.

**Mr RAU** — I am just saying that — —

**Ms WARD** — I am just trying to clarify that point.

**The CHAIR** — We have 2007. You have explained that. Then we have the directive given in 2012 that people from the MFB are no longer going to train at Fiskville because of the water. I guess what we are saying is between 2007 and 2012, what was happening in that time?

**Mr RAU** — From 2007 to 2012, what was happening at that time? I am sorry, I am not sure what you are — —

**The CHAIR** — There is a problem with the water in 2007 — ‘Don’t use dam 1’, you say — and at that point the MFB are not going to train at Fiskville because of the water. Was the water okay in 2008? Was it okay in 2009? Was it okay in 2010? Was it okay in 2011?

**Mr RAU** — All I can say is in my time John Myers never came to me and said there was an issue with water. He ran a number of significantly important OHS issues. Water was one of them, but with the number of people we put through, it is really important that our breathing apparatus is up to scratch, all our oxy-vivas, all our first aid — all of those things. John and myself would meet on a weekly basis, every Monday morning, and talk about the issues of the previous week: what is not working, what is broken — all that sort of stuff — and what is occurring in the next week. John, in that three years and three months — and I put it in my statement — never came to me talking about concerns of water.

**Mr McCURDY** — Mr Rau, do you have any concerns for your health, about your time at Fiskville?

**Mr RAU** — I think it is clear that my intentions to release any information about my health were taken away from me by somebody else who elected to do that. I have put that in my statement. I have got some concerns.

**Mr McCURDY** — I suppose I cannot help but think it is nearly a conflict of interest if you have concerns about your own health but you are here representing the MFB. I just get concerned about where you might head with some of those discussions, that is all.

**Mr RAU** — How do you mean, ‘a conflict of interest’?

**Mr McCURDY** — If you think you have got personal health issues because of your time at Fiskville, but you are also representing the MFB here, I just wonder: is there anybody else who could do that as well?

**Mr RAU** — I do not follow your question, I am sorry, Tim. A conflict of interest — —

**The CHAIR** — We actually asked you to come, Mr Rau.

**Mr RAU** — Yes. The reason I did not come initially — and I am really keen to be here because — —

**The CHAIR** — We understand it was a mutual agreement. We did actually ask you and you were very happy to come, and we thank you for that, because we know it could be difficult.

**Mr RAU** — I am sorry if I have not answered your question.

**Mr McCURDY** — That is fine. Thanks.

**Mr RICHARDSON** — Thank you, Mr Rau, for coming in. I have just a few questions. We had evidence the other day, I think it was on Friday, from the chief executive officer of WorkSafe, that suggested to us that from 1991 through to 2012 there were 117 attendances at Fiskville for various inspections. I just wanted to ask whether you have any recollection of WorkSafe’s attendance at Fiskville during your time as one of the operations managers?

**Mr RAU** — Look, I believe WorkSafe came up at a point in time when both MFB and CFA were looking at PPC and there was some testing being undertaken, but I cannot recall any other time that I saw them up there. I am not saying they were not — there are a lot of people who could have seen them — but I cannot recall seeing them up there.

**Mr RICHARDSON** — They tabled in evidence on Friday that they were not aware or were not focusing on the water issues until 2011, so whether their nature was around other chemicals at that time we are trying to find out. The other evidence they suggested, which was tabled on Friday, was that they issued improvement notices during that time. They could not point to the numbers, but there were improvement notices issued. Just following on from that, did John in his time, in your discussions, have any knowledge of those improvement notices being issued? Did you have any knowledge of improvement notices issued?

**Mr RAU** — Look, I think there were a number of PINs issued. John certainly would have; he was a very active HSR. He would quite regularly close down parts of the PAD that were not, in his view, in a safe environment — and rightly so. John would have been across that. As I said, he was a very active HSR.

**Mr RICHARDSON** — Following on from that, and just to close out the loop on that information, under section 103 of the Occupational Health and Safety Act once an entry has been made by an inspector there is a report generated on each entry. Do you recall any of those reports from that time that you were appointed the operations manager?

**Mr RAU** — I certainly do not recall the detail of them, no.

**Mr RICHARDSON** — I will just take you to changes at the MFB in your submission. The changes I refer to are the class A category of water through 2009 and the discussions about the new training facility. What was the nature of that discussion in 2009? Was any of that based on your experiences at Fiskville?

**Mr RAU** — No. My understanding was that both CFA and MFB, and I believe the UFU but I am not exactly sure, had formed some agreement in relation to the use of A-class water for training activities. That was the premise of the VEMTC build, and there are a number of people in this room here who worked diligently on the VEMTC project. They will understand that at a point in time, with everything that was occurring up at Fiskville and irrespective of some clear evidence that we got from an external consultant to talk to us about A-class water, we made the decision to make that into a potable water system. People talk about the expense of doing that. It was expensive, but for health and safety of firefighters it took away any of the problems. So if you could go there and drink it, there should not be any problems with training, so that is exactly what occurred.

I understood at the time that that would have some significant ramifications for other organisations because it was going to be difficult for Fiskville to come up with potable water unless they, as they did eventually, went to above-ground tanks or mains water. If you go to a lot of the smaller training facilities around the state, it was going to be really difficult, and the local communities would be quite concerned if they saw their fireys using their drinking water in the middle of a drought in the bush. Safety is absolutely paramount. That was a thing for the CFA.— It was not MFB’s concern. I was just aware that to sit without an actual standard for firefighting water, in essence we created one by saying, ‘This new flagship’s going to be potable’, and that is it.

**Mr RICHARDSON** — What year was that decision? That discussion was in 09?

**Mr RAU** — I think it is in my statement. I would need to look through it, but it was — —

**Ms WARD** — I think it is April 2011.

**Mr RAU** — Okay.

**Mr RICHARDSON** — Okay. Thanks for that. Just following on from your correspondence, I will take you to the correspondence you had with the CFA about the quality of the water during the end of 2011 through to



the middle and latter part of 2012. It looks like about eight or nine occasions where you are corresponding with representatives of the CFA. Did you try to attempt to go higher than the operations manager at Fiskville at that time and maybe raise with the chief officer that those issues were not being addressed?

**Mr RAU** — My initial contact, which was, I think, on the day or the day after the *Herald Sun* article, was with the operations manager, training delivery, Justin Justin. Not long after that I went, sort of, to his boss, which was Lex de Man. But at around the same time the CEO of the MFB set up a steering committee which was to look at the Fiskville issue. There were a whole range of things the MFB was interested in looking at, and it set a team of people together from across the organisation to concentrate on that. I am not sure they ever had a title, but let us call them the MFB steering committee.

I was not on that committee. The reason I was not on the committee is, as Mr McCurdy has indicated there, there might be seen to be a conflict of interest. So here is a guy who has come from CFA and who has worked at Fiskville; is it right that he should be sitting on the MFB steering committee to actually make some decisions about what we do as far as sending our people back, as far as getting information and as far as communicating? So my role, in essence, was more the arms and legs for Nick Easy, our CEO. Nick would say, 'Can you get me some information on what's happening there with water or with what's happening at Fiskville?'. I would do that and provide it to him. I was not privy to what was occurring in that steering committee that Nick Easy set up.

**Mr RICHARDSON** — So the first contact you have is after the *Herald Sun* report — that is on 20 December — and on 21 February 2012 you are following up, 20 April, and then on 14th, 15th and 16th, then again in June. Did you find it very unusual, given the media interest and the public's interest, that you were not able to get for a six-month period a clear answer on testing, on information and on results from the CFA?

**Mr RAU** — Whilst the media and public are interested, my interest was actually finding out for firefighters. That is the first thing. I wanted to make sure that we got as much information as we could about what was going on at Fiskville.

I am unaware of any other conversations that anyone from within the steering committee undertook — so, CEO to CEO, from the members of that steering committee to other people within CFA. All I know is what I did. I think my documentation shows that there was a level of frustration with trying to get some of the information.

I could not imagine the pressures that would be on some of the people at Fiskville at the time. This was a significant thing that was coming crashing down on them, so they would have been busy doing a lot of things. My disappointment was based around my requests to get information; I would have expected to get something a lot quicker than I did.

**Ms WARD** — Given your relationship with them, were there regularly periods of non-communication with them when you sought information?

**Mr RAU** — At my level?

**Ms WARD** — Yes.

**Mr RAU** — No. Look, initially there were a number of phone conversations. I also log a lot of stuff, but that is a little bit more difficult to provide evidence of. Certainly there were a number of phone conversations, and then at a point in time I wanted to formalise it — a phone conversation, followed up by an email, followed up by a letter — and I think you will see in there that at a point in time I said, 'I'm not going to deal with the OMTD at the CFA. I'm going to his boss', because it was challenging. Again, I am not being critical of the CFA in that area; I understand that they would have been very, very busy. All I am saying is it was difficult for us to get some information in a timely manner.

**Mr RAMSAY** — I just want to follow on from the sort of summary of events from Mr Richardson here. I understand the toing and froing between CFA and MFB in relation to trying to extract information regarding water testing and potential contamination on the site. A question I raised with another representative from the MFB at another hearing was in relation to discussions you had with the UFU, and if I can just take from some of your statements:

From the time that I first became aware of potential contamination issues at Fiskville, I also had a number of conversations with MFB senior station officer and UFU delegate Mick Tisbury regarding his concerns and those of the UFU about Fiskville.

In one of my meetings with Mick Tisbury, he indicated to me that he had documentary evidence that proved contaminants were present on site at Fiskville and that CFA knew about it. Mick Tisbury refused to show these documents to me, despite my repeated requests. On one occasion, after a meeting at the MFB Burnley facility, we were in the car park and Mick permitted me to see a couple of pages from within a number of folders that he had in the boot of his car. Mick Tisbury would not let me read these documents fully or make copies; however, from the pages I was shown, I saw that some documents appeared to be scientific test results.

It then goes on:

I made numerous attempts to get copies of these documents from the UFU with a view to having the information independently assessed. Mick Tisbury continued to tell me that I would be provided with the documents; however, despite following up with him on several occasions, the documents were never provided to me. Mick Tisbury later confirmed that MFB were never provided with these documents. I have since learnt that the UFU instead elected to provide these documents to WorkSafe (and I assume the *Herald Sun*) for the purposes of an investigation.

Yet in testimony by Mick Tisbury on 15 June 2015 he said the MFB initially refused to view documents held by the — —

**The CHAIR** — Are you reading from Mr Rau's statement now or from something different? This is not your part, I do not think.

**Mr RAU** — No.

**Mr RAMSAY** — No, I did not say it was.

**The CHAIR** — But it sounded like you were continuing. I am just clarifying.

**Mr RAMSAY** — No, I said taken from the testimony from — —

**The CHAIR** — Which is not in Mr Rau's statement. It is in Mr Tisbury's.

**Mr RAMSAY** — This is a statement from you.

**The CHAIR** — I am just clarifying.

**Mr RAMSAY** — And now I am referring to testimony, which I just said, on 15 June 2015 from Mick Tisbury. It was said that the MFB initially refused to view documents held by the UFU regarding safety at Fiskville. Now there is conflicting evidence: one from your statement and one from the testimony of Mick Tisbury. I am just wondering if you could comment on which you believe is the factual one.

**Mr RAU** — I know exactly what occurred, and I am not saying that Mr Tisbury carrying around documents in the boot there was anything wrong with that. I am sure he had a lot of documents. I certainly was shown some documents on one occasion. Mr Tisbury's view is that he requested us or me or somebody to go up there and look at that. I dispute that, and I think I would answer this by saying, under oath, Mr Tisbury in a completely unrelated Fair Work case indicated that he agreed that we were asking for them, he agreed that he was going to give them to us and he also agreed that they never did. I think, unless he has perjured himself, and I doubt that would have occurred, that stands exactly as it is.

**Mr RAMSAY** — The issue I am having trouble with is that I understand the CFA were not providing you with the information you were seeking in relation to water samples and contamination. Yet the MFB safety officer had documents indicating some contamination levels at Fiskville but not showing the MFB, and I do not understand the reasoning for that unless there was some ulterior motive, because it would seem to me important for the MFB, if there was documentation in relation to scientific data on water testing, to have those results so that you knew that your members were going to be going into either an unsafe or a safe training facility.

**Mr RAU** — You would need to ask Mr Tisbury about the reasons why he would not give us the documentation. However, one of the things that I had a view of at the time — whilst I was not one of the decision-makers — was that if the union had information, if the union had documentation that indicated there was a problem, then they would have stopped the CFA, both recruits and CFA Fiskville workers, from actually operating up there. Whilst I had no evidence other than: surely the union would not put their own members or anyone else in danger if they have got that information, would they? I suppose that is a rhetorical question in that there is no way that they would do that in my view.

**Mr RAMSAY** — Just the last question, Chair. Given the MFB made the decision to not continue training at Fiskville, presumably when the Craigieburn site came online, were there any other indicators or any other information you had at that time that would indicate that any firefighters, currently or post-currently, training at Fiskville would be in any danger because of the contamination issues? Because we have had the regulators saying that there was no evidence, and no legal evidence, to proceed with the case in relation to contamination. Roger Drew has given testimony in relation to PFOS, that there were no unacceptable levels of PFOS on the site that would endanger or compromise the health of firefighters at the training. Was your decision not to train at Fiskville based on the fact that you had an operational facility at Craigieburn that came online about that time you decided not to continue training?

**Mr RAU** — Sorry, just so I understand the question, this is about why we did not push the Fair Work situation? Because remember the grievance went in, we could not go back because of a right that the union have, and we have as well, in the enterprise agreement. That right was exercised, so the MFB and the UFU needed to sort it out in a Fair Work process. Is that where you are sort of heading to? I am not sure.

**Mr RAMSAY** — You might have to help me with the timing. Apart from the Fair Work grievance activity, I understood that you stopped training at Fiskville at a point in time because you were concerned about the safety of —

**Mr RAU** — That was 20 June 2012, and that was following the phone conversation from the SO or Commander — I am not exactly sure — but it was SO course 49, and that was a conversation about, ‘The water doesn’t look right’. From that point forward a whole range of activities occurred at MFB to try to determine whether we could go back to Fiskville. This was undertaken by the Fiskville steering committee, so I was not privy to some of those things, but a number of reports that I have since read have indicated that some things needed to occur before we would be satisfied to go back. The CEO made the decision with the then chief officer at the time that everything had been signed off in relation to the WorkSafe assurance which came through and the fact that they had above-ground water. Then once the decision was made by the CEO to go back, the grievance came in, and then it was status quo.

**Mr RAMSAY** — So you never actually went back?

**Mr RAU** — Never went back.

**Mr TILLEY** — Firstly, thank you for your service to Victoria when it comes to firefighting across the MFB and the CFA. Probably for me, I probably should have stuck with the army when I joined in 1980 as well; I would not be bloody sitting here today.

Thanks for your recent explanation on some of this stuff dating back to 2000. I am limited with what I have got. I have got just one particular question, because I have got the testing before and after. But your reasons in relation to the time of the year, the drought, the weather — it could have been a cup of duck poo for all we know — putting that aside, with your intimate knowledge of the CFA training facility at Fiskville, are you familiar with the term the red and the beige pipe that is used out there for getting water?

**Mr RAU** — Yes, I am.

**Mr TILLEY** — Do you know where that water is coming from?

**Mr RAU** — There is an ability to have mains water and there is an ability to have the water in the filtration system which is up there, and that is the same filtration model that is utilised at the Werribee sewerage farm today. Whilst it may look quaint, it still actually works.

**Mr TILLEY** — At any time whilst serving or training or whatever at Fiskville are you aware that any draughting was every conducted out of dam 1?

**Mr RAU** — I have since heard that it could have. I have never seen it. I am not saying it did not happen, but certainly I had never seen it occur.

**Mr TILLEY** — That is fine. Just finally, I have not had much time to read your statement at this stage or those things, but I am just curious: are you aware at any stage of any evidence or any information that has been provided to this committee or of any other negotiations that have been going on since the closure of Fiskville, so

not necessarily this committee, that has been provided that has been materially or deliberately misleading or at the very least mischievous?

**Mr RAU** — This is since the closure or just across the whole — —

**Mr TILLEY** — Around the whole period.

**Mr RAU** — The whole journey? I hope my statement clarifies a couple of things from my perspective. I was disappointed with some things that have been said, but I wanted to make sure that they were clarified. One thing that still sits there that I hope this committee sorts is in relation to the *Pseudomonas aeruginosa* issue. Some claims were made about deliberately putting that into the water in 2007, which was when I was up there. That is something that needs to be challenged and that I would like you to get the answer to, because none of the people who worked at Fiskville know anything about that. When I first heard that I had concerns that: was it possible that the training ground group, the overarching group that looks after all the field training grounds, had been involved? I have spoken to John Myers since, and I said, ‘John, how could this happen when you were up there?’, and he said, ‘I have no idea, and I don’t believe it did happen’.

So what I am saying to you is that you have had a number of eminent scientists speaking to you. I know you have had people today, but mostly about PFOS. My understanding is that the bacteria can grow at a rapid rate when there is not much water. There were four days over 35 degrees and the tail end of a drought. I am just saying for firefighters to understand whether they have been put in jeopardy because of some deliberate act, they need to know. They need to know one way or the other, and I would like to think that every effort is made by this committee to find out the answer to that.

**Mr TILLEY** — Sure. The committee has learnt that it is an opportunistic bacteria as such, so your explanation certainly went there. Thank you. We appreciate your time.

**Ms WARD** — You spoke about the change in views towards class A water and potable water. Tim was asking about that. You have said today that this occurred because of what was happening at Fiskville; is that right?

**Mr RAU** — Yes.

**Ms WARD** — Between the start of the VEMTC project in 2009 and this decision in April, what was happening at Fiskville?

**Mr RAU** — Obviously there was the release of the information in the paper, so — —

**Ms WARD** — Was that the Potter story?

**Mr RAU** — Yes.

**Ms WARD** — That occurs in December 2011.

**Mr RAU** — The decision to change to potable water, and I will need to get the date — —

**Ms WARD** — In your statement you say April 2011.

**Mr RAU** — April 2011.

**Ms WARD** — Sorry; I have misunderstood. Can you tell me who was on the consultation committee?

**Mr RAU** — The consultation committee? Are you talking about the enterprise agreement consultation committee or are you talking about the steering committee?

**Ms WARD** — The steering committee, sorry.

**Mr RAU** — I know some — —

**Ms WARD** — No, sorry, that is for VEMTC, the steering committee; is that right?

**Mr RAU** — No, the steering committee is the one set up by the CEO to manage the issues running out of Fiskville. Nick Easy was on that, Shane Wright, Chris Wiseman and Kirstie Schroder. I am sorry, but I honestly don't know who else was on it. That is the group that those four were on, and I was not.

**Ms WARD** — As OMTD, who was accountable to you when you were at Fiskville?

**Mr RAU** — We had, as I said, the 13 established instructor group and the PAD operators.

**Ms WARD** — So the PAD operators and the instructors were accountable to you.

**Mr RAU** — Yes.

**Ms WARD** — Was John Myers accountable to you?

**Mr RAU** — Yes.

**Ms WARD** — On page 7, at paragraph 3.15 you say that John Myers said there was never any problem with the water. Given what we know of the results, why do you think he would say that?

**Mr RAU** — Sorry, can you just tell me the number?

**Ms WARD** — On page 7 at paragraph 3.15, you quote John Myers as saying there never was a problem with the water:

'No, Raunie, because there never was a problem'.

**Mr RAU** — Okay, I have got it there. Your question is: why would John — —

**Ms WARD** — Given the results that we have seen, why would he say that?

**Mr RAU** — If John was aware that it was those readings at the point of delivery, I would not expect him to say anything to me. It says quite clearly that the point of delivery is the most important bit. We have said that dam 1 is not to be used. We understand that at the first dam the expectations would be that some of the readings in bacterial growth would be higher. Then as it moves through the four dams and comes back onto the flam PAD. The important thing is at the point of delivery, as per the Wynsafe report. That is why I understand that John would not have said anything to me.

**Ms WARD** — You also say on page 10 at paragraph 6.3 that the water system was not detailed. Does that mean that there were no written procedures or information about how the filtration system worked?

**Mr RAU** — It says my understanding of the water filtration system at Fiskville was not detailed.

**Ms WARD** — Was there a policy around the filtration system?

**Mr RAU** — I cannot remember seeing it. I do not know whether there was any documentation in relation to that. I cannot answer that. John may have had that.

**Ms WARD** — Do you know how the filtration system came about and how it was decided that that was the best practice to use?

**Mr RAU** — No. Not at all. It was there well and truly before I got there.

**Ms WARD** — We have spoken about the frustration that you had in this long period in which the CFA are not responding to you about the MFB's queries regarding the water quality and what was going on. I see that from 7 to 12 May you had scheduled people to do some training, and on 14 May you emailed Justin Justin again to try to get to the bottom of what is going on with the water at Fiskville. Did the training on 7 to 12 May go ahead?

**Mr RAU** — On 7 to 12 May was recruit course 105. From 11 June to 15 June was recruit course 106.

**Ms WARD** — I understand that. What I am asking is: you had not received a response from the CFA regarding your concerns — —

**Mr RAU** — I have not got a written response, no.

**Ms WARD** — So did training go ahead between 7 and 12 May?

**Mr RAU** — I believe so, yes.

**Ms WARD** — So the MFB had some concerns about what was going on at Fiskville, and you did not have any answers as to what was happening at Fiskville, but you still sent recruits there, is that right?

**Mr RAU** — We had concerns about a number of things at Fiskville. We had been provided some information, but the other thing that needs to be remembered is that CFA continued with their training program up there, and with the information that we had at the time — —

**Ms WARD** — What information did you have at the time?

**Mr RAU** — We had a number of conversations and documentation that we had, which were, I think, provided to you.

**Ms WARD** — You may have provided it to us, but could you tell me what the documentation was?

**Mr RAU** — We have actually provided a lot of documentation to you. But can you leave it with me and I will get you that response about what documentation we had and what information we had about those decisions?

**Ms WARD** — Okay.

**The CHAIR** — We will follow up.

**Ms WARD** — I am sure we have got it. In the context of the conversation and just calling it ‘documentation’, it is helpful to know what documentation you are referring to; that is all. On 21 June 2012 you asked for Justin Justin to give the MFB monthly reports on the water quality. Did this ever occur?

**Mr RAU** — At a point in time we were informed, and it was via Lex de Man’s office, that we could access information via the CFA website, and that I think was provided to a number of people that were interested. I believe the union were provided with that information, but I do not know; you could talk with them. But that was the way that the CFA would like it to work, that we would just access their website, and I think they were loading up a whole range of training facilities on that website.

**Ms WARD** — Up until the MFB finally decided to not return to Fiskville, at any point are you satisfied with the information that you received from the CFA?

**Mr RAU** — I definitely would have preferred it to be a speedier response in a number of areas and we did have some concerns in the early stages in particular.

**Ms WARD** — So how were those concerns alleviated?

**Mr RAU** — By my attempts to lift it up the chain of command at CFA and informing the CEO, who was operating at a different level within the steering committee.

**Ms WARD** — Throughout this process was there any conversation — we talked earlier about the conversations you had with Mick Tisbury, but he is one person within the UFU — with the UFU? Did you sit down with the UFU or did they sit down with you and go through what they knew? Did they pass on any information?

**Mr RAU** — My main linkage at that time was Mick Tisbury, and really Mick and — —

**Ms WARD** — Did you sit down with the UFU? I do not know what his role is within the UFU. I understand that there would be a formal delegation, I suspect. Is there a time when you did talk with them?

**Mr RAU** — My relationship with Mick Tisbury was based around the FOLD build, the VEMTC build, and that team worked — —

It is a great facility, they worked really well and it is a great result. So my interaction with Mick, who was the UFU rep on that — —

**Ms WARD** — My question is not really about Mick, sorry to interrupt. My question is about whether you talked with the UFU about concerns at Fiskville.

**Mr RAU** — Mick was the main person that I discussed it with as a committee member, so I am not sure how else I could — —

It was a very good linkage into — —

**Ms WARD** — So Mick was the only person in that UFU capacity that you met with?

**Mr RAU** — Yes, from my perspective. But I am unaware of what occurred in relation to the steering committee. I am saying to you that at my level Mick was the person that I had the discussions with about a range of things.

**Ms WARD** — So there was no other meeting with the UFU?

**Mr RAU** — Not from my perspective, but I am not saying that the steering committee did not.

**Mr RICHARDSON** — Is there ongoing health monitoring of MFB firefighters who trained at Fiskville being undertaken?

**Mr RAU** — In your interim report you talk about the importance of at least offering consideration for access to firefighters and other people in relation to PFOS monitoring. At this point in time the Department of Health and Human Services are being requested to provide recommendations for that. EMV have indicated to wait until those recommendations come back. It is my understanding that, in relation to the Monash report, where you have a high, medium and low level of risk, MFB's people, excluding me, will fit into medium and low levels — I am not sure whether there is a zero level, but certainly at the bottom end — and that will be covered off by a model that CFA are going to implement, which is very similar to our health monitoring program that we offer voluntarily to our staff. So we need to wait until the authority responsible for that provides that. But there has been some work undertaken by our OHS department in relation to that and we want to get that right from the start.

**Ms WARD** — Can I just pull you back to page 7, paragraph 3.16:

Fiskville had an active health and safety committee ...

When did the health and safety committee begin, do you know?

**Mr RAU** — No, I do not.

**Ms WARD** — Was it there for the whole time that you were there?

**Mr RAU** — It was there for the whole time I was there, so it was there when I got there, yes.

**Ms WARD** — And did you attend any of those meetings?

**Mr RAU** — I do not believe so. So Noel Hawken, who was the facilities manager, chaired those meetings and was at those meetings, but there were HSRs there.

**Ms WARD** — Were any reports or minutes distributed to you?

**Mr RAU** — Yes, anything that came out. There was usually some work involved with the results of those committees, and John Myers, in our weekly meetings, would come in and say, 'Look, this is what needs to occur', and I — —

**Ms WARD** — Would you be able to give us copies of those minutes and reports?

**Mr RAU** — I would not have copies personally, having left that organisation in 2009. I am assuming — —

**Ms WARD** — But there would be records of those meetings?

**Mr RAU** — Absolutely. I am assuming CFA will have those records, or Fiskville will have those records.

**The CHAIR** — I seek two quick clarifications, just in terms of who notified whom. It is my understanding that you may have been discussing it with Mick Tisbury, but there was correspondence toing and froing from the UFU, because they had received complaints from people at Fiskville, to the MFB and then prior to the closure; is that right? I have not got the documents in front of me. There was sort of this build-up until finally the decision. You were trying to get information and everyone was concerned. The decision was made as a temporary measure and then there was again the toing and froing about whether to go back or not. Just for my mind, is that what happened?

**Mr RAU** — There was a lot of toing and froing at my level. There were discussions, obviously, at the steering committee level —

**The CHAIR** — So it was happening throughout the organisation?

**Mr RAU** — and the union were providing written requests to MFB and I take it to Nick Easy on a number of occasions to say, ‘Look, we need to understand what’s going on at Fiskville. Is there any danger to our members?’.

**The CHAIR** — You wrote seeking any and all relevant information about the nature of the potential health risks to personnel attending Fiskville then and in the past. Have you received that information, then and in the past?

**Mr RAU** — We have received some information, yes.

**The CHAIR** — In respect of the past or the water quality, or both?

**Mr RAU** — It is rather more current than the past. So going back a long time in history has been a lot more difficult.

**Ms WARD** — Did you ever notice the smelly water at Fiskville?

**Mr RAU** — No.

**The CHAIR** — Thank you very much for your time, for coming in and being with us longer than we asked. I hope everything goes well with you.

**Ms WARD** — Yes, absolutely. We wish you well.

**Mr RAU** — Thank you.

**Committee adjourned.**