

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 20 November 2015

Members

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Witnesses

Commissioner Craig Lapsley, emergency management commissioner, and
Mr Neil Robertson, chief executive, Emergency Management Victoria.

The CHAIR — We will commence with our next section. I would like to welcome Mr Craig Lapsley and Mr Neil Robertson to the hearing today. Thank you for making time to come and speak to us. I will just go through the formalities that I have to read out — you have heard it all before — and then we will go straight into questions.

As you would be aware, 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 made outside the hearing will not be afforded such privilege. It is an act of contempt of Parliament to provide false or misleading evidence to the inquiry. The committee may ask for further follow-up of information if you are not able to provide it today. All evidence is being recorded, and you will be provided with a proof of the transcript just to check for any inaccuracies and to make sure that it is all correct.

Once again, thank you for your attendance today. By way of starting, in terms of the emergency services act we understand there is a requirement for fire services such as the CFA to provide six-monthly reports in terms of how they are fulfilling their functions. Could you give us a bit of a brief understanding of what those obligations are and what the statutory requirements are of organisations such as the CFA?

Mr ROBERTSON — It is actually the Emergency Management Act 2013.

The CHAIR — Yes, sorry about that. I did not have my notes. I was on the wrong page.

Mr ROBERTSON — That is an important distinction to make. In terms of the relationship of it to the CFA under it, there are three broad points of intersection. One is that the act actually imposes a duty on the State Crisis and Resilience Council to produce a strategic action plan, and the responder agencies — of whom the CFA is one — underneath it to develop a work program. There is a quarterly reporting regime on their delivery of commitments under that plan. The second relates to operational standards, and Craig will probably elaborate a little on that, and to the reporting cycle, which I think is six months.

The CHAIR — That is the one we are talking about — the operational standards.

Mr ROBERTSON — That is the one you are specifically talking about. The other is around — I think they are called incident management operating procedures under the act. You are interested in the standards piece?

The CHAIR — We actually wanted to talk about how it relates in terms of Fiskville, the training college, but we have not been able to get an understanding of what those operational standards are. For example, do they include training of firefighters as part of it? Health and safety — is that a requirement?

Comm. LAPSLEY — From where Neil has taken off there are two steps in this. One was the Fire Services Commissioner Act 2010, under which I was appointed as the fire commissioner at the time. There was a requirement to set standards, and two standards were set then. One was for information — issuing information to the public when an incident occurred. We were very prescribed by that — that was very definite. That came from the royal commission. It was about the lack of systems and processes and the intent of having timely, relevant and tailored information out in the community for them to make decisions about their safety. That was one — the systems and presenting information to the community, published under the Fire Services Commissioner Act. The second one was about operational interoperability — very much about the principles of how we operate together between CFA, MFB and now DELP — at the time DSE — through that legislation. However, SES also put up their hand to say, ‘We’re not in the legislation, but we need to be part of this as well’. I will park that.

We come to the Emergency Management Act of 2013, which replaced the Fire Services Commissioner Act. We then saw that by that act it was not voluntary for SES to be part of it; it was actually mandated as part of the responding agencies under that act. That has now been in place since 2013, and I have in front of me here, which we can provide a copy of — this has got my notes on it, but we can provide a copy — what is the standards framework. This has only just been published now. There are three parts to that framework. One is the risk and resilience — yet to be developed — which is about community connection and understanding, hazard identification, risk mitigation and the like. The second part is capability and response, which has got the capability development, the readiness in response part and the public information — and I will come back to those because they are the ones we are publishing now and that is where the training framework comes in. The third part is the relief and recovery, so the aftermath, and that is yet to be developed.

In the capability and response part, which is the standards that we have got here — and they are only being published now and will be published in November 2015, that is the program date — the need for the state training framework and state exercising framework is adopted and applied. I have also got here what we call the state fire and emergency services training framework, which we published under my signature as the fire commissioner — not as a standard though, as a framework. Now we have been able to progress it to where this will now become a standard and have standards approaches to it in the plan, the do and the apply, and the reporting regimes. At this stage we have not been able to achieve the six-monthly reporting or, for that, any formal reporting from the agencies under the standards framework due to the evolution of it. That would be a blind spot to you in the sense that it is not there.

This document I read from, though, goes deeper than what I have talked about just in the training and exercising framework. It takes us down to, ‘What are the capabilities? What’s the exercising regime? How do we not only build our capabilities for today but for the future?’, so it is actually future setting. It is aspirational in some aspects in the sense that we have got an industry that has not been set by standards. It has been a void. If you go to the health system, if you go to the education system, there are underpinning standards. This is an industry that never had that, hence why the legislation is the way it is written. This document is the first time we have seen a comprehensive approach to achieve standards broader than those that were identified by the royal commission in public information and operational interoperability.

To summarise, with the Fire Services Commissioner Act we achieved two standards — not focused on training; focused on the ability to work together and the ability to issue information to the community. We developed systems, approaches — and when I say ‘approaches’, that was culture change within our incident controllers and systems — achieved; park that. There was a change of Act, so that Act fell and was replaced by the Emergency Management Act 2013. This document is the first set of standards. As I hold it up, it is a draft, but it has actually been through the consultative mechanism and now will be published, dated November 2015. That, you might say, is convenient — that we are in here today — but it is a program time line that it was always going to be November 2015 to achieve this.

The CHAIR — In terms of Emergency Management Victoria, as I understand it all of the training sites, for example, are under the umbrella of Emergency Management Victoria. How long has that been the case?

Comm. LAPSLEY — You will get me on the exact date — I will have to provide that to you — but you would go back to the early part of 2014, when we actually took all of those training sites and gave them the single badge of what we call Victorian Emergency Management Training Centre. Then we identified them to say, ‘Owned and operated by MFB at Craigieburn’ and ‘Owned and operated by CFA at Huntly’. The aim of that was to ensure that this framework was being applied in a governance sense effectively, and then with each of the sites it might not be that it is an MFB or a CFA site. It could be an SES site, it could be a VicPol site and so on. I could use the example, it is not there now, but the Glen Waverley police training facility has a tactical arm operational centre at the back of it for training. We could at some stage see that that comes in under this framework and would be used as a multi-agency facility. That has not happened yet; I give that example. But the ones that we have captured in the first example are those that have been the traditional fire sites, and Fiskville is badged VEMTC. If you drive past it today, although it is closed, it still has the sign on the front. Craigieburn has got it, Huntly has got it at Bendigo and Longerenong at Horsham has got it. We have now seen all of those sites badged ‘VEMTC. Operated by’ — that agency that actually owns the facility.

The key issue there is not about the ownership; the key issue there is to get some consistent outcomes in training across the state, and also, broader than that, that they are not just fire dominated — they are seen as emergency management training centres. Whether that is Ambulance Victoria or whether that is the council of churches doing recovery training or all those other agencies, we make sure that the door is open — that it is not just fire dominated — and that we have got the broader footprint, which we have achieved to some degree, but it is evolutionary about the programs.

The CHAIR — In the case of Fiskville and the health and safety and the public health issues, when would you have become aware of what was going on at that facility?

Comm. LAPSLEY — This is probably why Neil and I sit here, because as we have evolved we have got different roles. I as the fire commissioner from 2010 until the new steps in 2013 had very limited oversight of what was the investment and training approach, although I would see the outcome of it. I need to be able to see

that we have joined-up approaches, which is why we wrote the standards under the fire services commissioner about operational interoperability, but it was about the systems.

The CHAIR — But when you say ‘oversight’, that is one thing, but becoming aware is a different thing.

Comm. LAPSLEY — My knowledge was, along the way we knew that CFA had various things. The main issue — and I will not get the date right — would be 2011, when the *Herald Sun* brought it to the community, the extent of the problem in there. Although in a previous life I did work at CFA, and I understood the challenges of what Fiskville was as you move through because of old practices to new practices. It was a constant issue of new water supplies, new cleaning of water; all of those that just over decades were a challenge with Fiskville in the sense that it had old infrastructure, old systems and old processes and was being renewed all the way through to improve to what were then newer standards. Obviously some of the work practices have now been judged to be potentially quite destructive to the site itself.

The CHAIR — You think it was not a problem in the past?

Comm. LAPSLEY — No, in hindsight it was clearly a problem. I have been a very strong supporter that Fiskville needed to close — very clear — and have been very strong in my leadership position to say, ‘Fiskville needed to close and should never reopen. It needs to be a site that is cleaned and used for some other purpose. We need to move away from it’. As I said, I have come from a CFA background. I worked at CFA for 25 years. I understand the cultural history of that place. It is a leadership position to say that cultural history cannot allow you to tie you to something that has got profound OHS and environmental issues that need to be managed. The best way to manage the site is not to be there and actually make sure we go through a proper structured program of what might take a decade to clean that site.

The CHAIR — Perhaps you could just go through some of the reasons why you have drawn that conclusion in terms of closing and not reopening. That is one aspect, and the other is the training capability, if there is a gap now, and what really needs to be done about that. So that is two questions.

Comm. LAPSLEY — The easiest way to describe this is that CFA had the responsibility, obviously. It is their site — it is their facility — and it was primarily for their people. They had a duty of care about anyone else who came onto the site, whether it be another fire service, whether it be community members or whether it be a paid person who came and trained there in an industrial sense. My opinion whilst I was a fire commissioner — and Neil can speak for himself about that as the deputy secretary who sat beside me — was that CFA had the responsibility to manage it whilst it was on their property. I was aware in 2012 running into 2013 that there were issues away from the site — the monitoring of the creek that runs to the south of the property and the impacts on the neighbouring properties themselves.

The other point that both Neil and I became involved in is when the two fire services came to a point about the quality of water on the site, MFB training there, MFB believing that the water was still not being appropriately managed. We became actively involved between two fire services to ensure that the water supply was an appropriate water supply for training to continue on the site. That will be documented in something around about October 2013.

It was clear to us that we needed to support and provide some leadership to the two chief executives of CFA and MFB to ensure that independent water supplies were provided and established on the site, and they were. It took a little bit of a discussion between the two agencies, I think it is fair to say, Neil, about making sure that that was an appropriate, separated system and not going back and using open water supplies that visually had some water-bound pollutants in them. Some people were saying, ‘But that’s okay. Water has these in them anyway’. We were saying, ‘No, you can’t risk that. You need to come’. That was one example where we were involved where the two fire services could not come to an agreement on the use of the site.

The second one was clearly to me when we were advised that we had issues with water downstream and affecting other properties. We became heavily involved in discussions regarding what it meant to the neighbouring property, what it meant to the livestock of the neighbouring property and what it meant to the water stream that was reaching some 30 or 40 kilometres. The 44th kilometre, if I remember rightly, was a point on that stream heading into the top of another water catchment that had traces of pollutants from Fiskville.

Obviously you could see that my opinion was very strong that the CFA manage their own destiny on a site that they owned and operated. Once we had conflict or conjecture between two fire services we then became involved in the management of that, and certainly — —

The CHAIR — Is that the point at which you would say that you have a role, when there is this overlap of two services?

Comm. LAPSLEY — My job is to make sure that we do get interoperability, and when we see two services not operating together well, that is obviously where it escalates to us. In the legislation you could actually argue a little bit about how defined that is to the extent of what that means for me. That does not say I have got line responsibility of CFA or MFB in their day-to-day business; that is not what it says about me. But — —

The CHAIR — But you are saying that prior to that point of the two services you had no ability to intervene or be part of it?

Comm. LAPSLEY — I was not requested to intervene and nor did I see a role to intervene, because I believed CFA were managing something. I had no evidence to say they were not managing. They were just managing the site as they saw the need to. There was reporting that came up through the — —

The CHAIR — How does that work in terms of no evidence? We are hearing a lot that no-one knew or did not realise, but there was a lot of evidence that the CFA held to themselves, it seems.

Comm. LAPSLEY — If they are not going to share, I think that is one point. I think on the other one though, Neil might be able to talk as the deputy secretary of Justice at the time. This is why we sit beside each other, because there is a bit of a joint program running here about what I was legislated to do and what is the responsibility of the secretary of Justice and exercised through the deputy secretary of visibility of budgets of an agency. I do not have visibility, as the fire commissioner, of budgets. The secretary of Justice did. That is, I think, where Neil might be able to colour the other side in. Remember Neil and I also work in this very strong partnership, so if it is with Neil and he has the responsibility, there is a fair chance that we would share and understand the contextual understanding of some of those briefs that are up. They were not briefing me formally, but there will be a series of briefs that went to Justice. I would have had visibility from time to time of those, but they were not addressed to me. That is where Neil might be able to help you with that bit, and then I think I can probably fill the next part of that in.

Mr ROBERTSON — I can probably take it from there. The committee is aware of the Professor Joy process and report and then the CFA's action plan in response to it.

The CHAIR — Can I just perhaps get some dates. At what point were you made aware of — —

Mr ROBERTSON — It was December 2011.

The CHAIR — The newspaper report.

Mr ROBERTSON — The newspaper, yes. I had no previous — —

The CHAIR — Mrs Potter has reminded us that 6 December is the fourth anniversary of the day that Mr Potter came out — —

Mr ROBERTSON — That would be the precise date then, because it was around that time. I was not aware of the prior history, and I was relatively new in the role then, so I really learnt of it through the newspaper reporting. You know the brief history, but it takes me to the budget point that Craig has raised through the Joy report process and the CFA's response to that.

The CHAIR — When did you get information? Craig Lapsley was just saying that the department received information about what was going on in terms of, I assume, the sampling, the terrible state of the water and so on. When did that reporting start to happen?

Mr ROBERTSON — The work was done by Professor Joy and then some of the detailed work — I will get the dates a little bit wrong — because it was the environmental testing that was done on site and, as Craig mentioned, downstream and on neighbouring properties. I know the committee is aware of that. That led in the

budget context into the costs of the remediation and the funding of it. From memory it was in the 13–14 budget, \$16.8 million, to progress those remediation works and I think also to fund some of the additional site testing that was going on.

The CHAIR — There was an application made — —

Mr ROBERTSON — Through the usual budget process by the CFA to obtain funding to assist with the site remediation.

The CHAIR — That is when the department became aware of all the other problems. On 6 December was the report in the *Herald Sun*, then sometime after that or before that you were asked to provide budget for remediation. Was that before or after?

Mr ROBERTSON — As I said, Professor Joy's report led to the CFA response, which in order to be fully implemented required budget support, which was the \$16.8 million to facilitate those remediation works. I suppose the primary focus in the first instance around that was both in terms of a testing regime but also in minimising or trying to prevent any off-site run-off. That was the primary target there, and — —

The CHAIR — Just in terms of budget times, at what point was the request or the budget approved for upgrading the facilities — that is, the new conference centre and the accommodation? When was that budget in comparison to when the remediation was being requested?

Mr ROBERTSON — There was funding for the upgrade, as I remember, of the accommodation and I think it was the ablution facilities connected to the PAD, I think, in July or August 2011. That money was in the order of — and I can get this precisely — \$6 million, which was earmarked for the Bangholme facility, and the CFA requested the minister's approval to transfer it to Fiskville, which was linked to one of the government's commitments around its response to the bushfires royal commission, which was the additional 342 firefighters. That was the context of the rationale for that transfer.

The CHAIR — With the remediation, was there any looking into or investigation of what that would entail, how it would be done, who was going to do it or anything like that?

Mr ROBERTSON — In part. I suppose part of the funding involved actually determining more specifically what needed to be done. So the first group of physical works was around this off-site discharge and the water treatment. The longer run, which is linked to the EPA's audit — there is the short-term and the long-term; the longer term one — actually involved the further testing to determine what needed to be done. Part of it was known and understood and quite clear, and the next part involved further investigation to determine what more was required in terms of the site clean-up.

The CHAIR — At what point were the firefighters themselves and the people who were at Fiskville told that the environment was unsafe or the water was unsafe? Were they told at that time, or was that much later?

Mr ROBERTSON — I do not know precisely. It is back to Craig's answer before around the CFA's management of the site. Obviously you mentioned 6 December, so it was in the public domain at that point in time.

The CHAIR — That was more about the past — the terrible situation about the chemicals — then the more recent modern-day issue was about the quality of the water and the fact that it was thousands and thousands of times higher than the recommended levels, including the various *E. coli* and the *pseudomonas* — the organisms that firefighters were being exposed to.

Mr ROBERTSON — I can give you a general answer, because I know the CFA put in place a program to update communications across that period. But in terms of the specifics of that, I am sorry, I cannot answer your question. I do not know.

Comm. LAPSLEY — If I may, this may help this discussion, and I am sure you have heard this from others. This was an evolving thing from a health assessment. And if I go back to those things I believe I saw when I was a fire commissioner, there was water contamination, the Joy report, and then we started to understand the Brian Potter health issues to some extent. If you put all those together, they were not there at any one date; it was over a period of about 18 months, and that was that period late 2011 into 2012.

WorkSafe was involved, then you come along to the fish issue and the dams and what was happening inside the site, so it was still inside the site, and that is what I think is important. We were being briefed but we were not being asked to intervene, and if anything we were probably being held out from intervention because it was being managed by CFA. I am very strong in my belief in this — and probably I might be standing by myself to say this — that CFA believed it could be fixed in every way, shape and form. I do not believe they had actually gone and said, ‘When do you close? When do you not invest? When do you leave this site? When is enough enough?’.

I think they were on the track, CFA management, particularly at the senior level, ‘This is going to be fixed and we are staying here. This is the cultural heart of CFA, and we are not leaving’. That is my belief; others may have different evidence of that, that they want — —

The CHAIR — We know the United Firefighters Union had been raising this issue —

Mr LAPSLEY — Absolutely — and others.

The CHAIR — ongoing for some time without response.

Mr LAPSLEY — Yes, about what is right.

The CHAIR — So there was more than the CFA involved at the site.

Mr LAPSLEY — Yes. But all of those — if you read the reports, and I am sure you have — it was about how to fix it. How to fix the water supply, how to fix the back dam, how to fix — —

The CHAIR — It was also about providing information to people who were exposed to — —

Mr LAPSLEY — Yes, and then what information was provided. We do not bring that here today. I have certainly not done that in my preparation for here. And then when you come to 2013 we were asked to be involved in more things, and the reason we were asked was, like I said before, it started to reach outside the property. We had ministers saying, ‘You now need to drag them in and talk to them about this. We now need to know more, and we now need to make sure the chief health officer and EPA and others are formally involved’. It escalated along to something that others might say should have been escalated in 2007 or 2009 or 2011. You start to see that these reports are coming there and it is increasing and things are not being resolved, and we are getting more questioning about ‘What is right and wrong, and is the investment of \$6 million or \$60 million the right investment?’. In hindsight I believe that was the wrong investment. It was the wrong strategy at that time to keep investing in something. We would have been better off investing that money somewhere else and moving to the strategy that we talked about to have regional training facilities that were not Fiskville.

I am very strong on that. Like I said before, I come from the culture of CFA; I understand the cultural issues of CFA. It was time to leave the site. We had to brief our ministers. Our ministers at the time were briefed about the potential of, ‘It’s no longer; we can’t stay there’. But it was still left as a statutory authority — —

Ms WARD — Sorry. So you briefed the government in 2013 that Fiskville should be closed?

Mr LAPSLEY — There were a number of sites. I was one that did brief the then government to say, ‘There’s option to close, and when should that be closed’ — clearly. So that is there. It goes on to say, ‘What do we do in a strategy?’. We will support events to develop this, to say, ‘You need a strategy about how training will be delivered as a state capability’, because you could start to see that things were stacking up that this site was not necessarily the place that training could continue. But if it is not there, where is it? At that point in time, Craigieburn, the new facility, was not open; it was being built. So it was not a matter of just turning this off and moving over there; you did not have alternatives.

At one point in time we asked the services to consider whether they should do recruit training in South Australia or Queensland, or out of state. So those things we discussed — about how you deliver the capabilities of the state if it was not there. There was still that conjecture about what was right and wrong — how safe or unsafe was it? You have read that. Some people were saying, ‘No, we’ll get over this. We’ll fix this. We’ll separate the town’s water supply from what is the firefighting water supply’. In the end you go month after month after month — the history is there — of all these reports starting to stack up to say, ‘It’s no longer a viable option to continue with Fiskville’.

The CHAIR — Where are we today in terms of the capabilities of training for firefighters?

Comm. LAPSLEY — Craigieburn. As VEMTC training Craigieburn is open and able to take a large part of that. Fiskville closing means that some people probably are not getting access to training that they do, or if they do they have to travel further. So if you are in the Ballan area or Ballarat area you are travelling to Horsham. Does that particularly suit volunteers? Does it suit the need for some of the career staff? Are we really capturing the audience we want to? I would suggest not.

The CFA have got as a strategic capital works program the purchase of land in the Ballan district, which you would have been briefed about. The Moorabool shire said there is an absolutely critical thing about the economics of the land as well, so it is not just about training facilities; it is about something that is being built around this, and we are very conscious of that. So the Ballan site, or what we will call the Central Highlands regional training facility, will not be another Fiskville. It will not be the same as Fiskville; it will be a training facility to cater for a need.

The other bit that we are looking at is: are there other facilities that we should buy? With a leadership training facility, we are looking at options now to say in 2016 what should we do to have something that we can move in and look at what we are about in Emergency Management Victoria. It is not just about the firefighters; it is not just about their response. We have to look at how we develop local government in their planning capabilities and their relief and recovery, which, when I talked about the standards, are the bits yet to be developed. We have to look at other things apart from just that to be the first responders' training capability, which we will in 2016. So we have some other parts of the strategy to come. The primary bit, though, is the replacement of Fiskville. When I say 'replacement', I have to be careful of those words because it is not the replacement; it is a facility in the Central Highlands area to provide regional training.

The CHAIR — Is there any further progress on that at this point?

Comm. LAPSLEY — It is in the final stages of negotiation of purchase of land, which is confidential between landowners. Obviously we were getting the valuer-general's advice on property and sale prices. That is, we believe, in the final stages of negotiation, but again it is in the confidentiality of what is a negotiation between a landowner.

The CHAIR — Others will have a lot of questions, but just one quick question in terms of advice to the minister about the future of Fiskville. When was that exactly? Was it 2012, 2013? When was the first discussion on that?

Comm. LAPSLEY — The discussions that I was heavily involved in was when I was the emergency management commissioner. I had moved to my new role, and it was in the period of August, September, October 2013. One of those briefs, for the record, is withheld under executive privilege. Therefore I cannot talk about the detail of that. That is obviously an issue that that brief is held under executive privilege. If it was available, I would be quite willing to talk about it, but it is not here today.

The CHAIR — We are still progressing that. The argument and the clear advice is that parliamentary privilege does prevail.

Comm. LAPSLEY — Yes. If that was ever put on the table, I am more than happy to explain that brief, but it is not on the table today.

Mr TILLEY — Firstly, gentlemen, I wish you both well for the forthcoming season and the important work that you will do for the state of Victoria in emergency management. I just want to go very quickly across a couple of issues. It is probably no news for you particularly, Commissioner, as to your view about Fiskville. There will be nothing new in that. With its closure being the cultural heart of the Country Fire Authority, is there anything at all that that site could ever be rehabilitated for? I note your comment about leadership. Is there anything at all that Fiskville could possibly be used for?

Comm. LAPSLEY — We have not built into any strategy to say that we would repopulate the site at Fiskville. We believe it will be used for other things. To the extent that we have been working with CFA and other agencies about a memorial because it actually has a wall of those who have died in the line of duty for CFA; it is very sensitive, and rightly so. We are looking now at where we would build a memorial and the wall

acknowledging those people. The wall might also acknowledge SES, MFB, DELWP and others. We have got consultation on that and we are quite prepared to hand up documents in regard to it.

When you talk about the cultural centre of the CFA, the CFA is a changing organisation and it will change significantly over the next 5 or 10 years, as we all will with the growth that is happening in Victoria. I think it is time now to take that and say, 'We bury that as part of the history of CFA. We respect it, we understand it, but we will rebuild the new part of CFA'. To be fair to the CFA, Lucinda Nolan, the newly appointed CEO, and Joe Buffone, the new chief, will take that. It will be a generational change. It will be important change. Let us respect the history and the heritage of what the CFA is; let us not lose it, but it does not have to live in Fiskville.

Some people will absolutely emotionally reject what I am saying. As I said before, I have come from a CFA family. I grew up in CFA, I understand it, I understand the heart, but it is time to move and we need to take this generational step to move and look at what that means and understand it better.

Mr TILLEY — I think in time the commentary is that people will value your judgement, so thank you for that.

Ms WARD — Hi Craig, nice to see you again. Hi Neil, thanks for coming along. We appreciate it. In your nearly 30 years' experience with the CFA, can you give us any comment about the training culture of the CFA as you observed it in particular around Fiskville, and how that worked?

Comm. LAPSLEY — One of the strengths of CFA is that — —

No, I will explain it a little differently. We in Victoria have two urban fire services, so the MFB and CFA. We are the only state in Australia to have two urban fire services. CFA is sometimes seen as the little cousin, and I say that in the nicest way — the country cousin. It is by the term. The fact that CFA badges itself as 'CFA' was a definite decision in the early 1990s to take away the word 'country' because it has brigades that operate at Eltham, Springvale and Dandenong. That is important to understand. So even the badging was at exactly the same time as when Kentucky Fried Chicken changed to KFC. It was exactly the same time, so think about that. It was about branding — —

Ms WARD — I do not want to.

Comm. LAPSLEY — You probably do not. But they were the two that came up at the same time.

Ms WARD — We are both wearing orange outfits, but I am not sure that is where we want to go.

Comm. LAPSLEY — So it was iconic in itself about what CFA was positioning at that time to see that it was an organisation that was not the country cousin. As an urban fire service it has fantastic skills. It will stand up beside MFB, and MFB is a fantastic organisation too. They operate together. We are finding now that there are differences in their training — some very tactical, some are differences in the way they have applied certain regimes, some of it is cultural — but they are not miles apart; they do the same job. A firefighter is a firefighter. The difference in the two organisations is one of our challenges. How we get them to work better is to say that one actually works with volunteers all the time and the other sometimes works with volunteers but not as regularly. Some of the cultural understanding is there.

We would like to see, and I believe we have had great support from the MFB, the CFA and the UFU in recent times about how we can get interoperability across all of them. That has been a very positive outcome of the last number of months, particularly sponsored by the union. That has hit a little stumble at the moment because of an EBA dispute, so these other things sometimes do not progress as fast because the dispute takes over the focus. But it is important that we, for the Victorian community, actually see that they are the same and that they are not different.

Underpinning CFA is a bit of a can-do culture. Is that a positive thing or does that lead you into some areas? That is there; the can-do culture is in CFA, because I think they have been the underdog fighting for a place in the urban fire service for many years. Why Fiskville was even put there was to establish that they were good at what they do. The first building at Fiskville was all about urban firefighting, and then it grew to be other things. Over history that is why there is such an emotional attachment to Fiskville. It has been the heart of how they have stamped themselves in the Victorian community, and we need to accept and understand that. That is a question for Mr Tilley about how that is seen.

With the can-do culture, does it mean they are a lesser firefighter? I do not believe so. They certainly see things in a more innovative way sometimes, but by the same token MFB is a very progressive and innovative organisation. They are not miles apart; they are just slightly different in their cultures.

Ms WARD — Do you think there is a cultural resistance within the CFA then to accept when mistakes have been made, or when things have been done in a wrong fashion?

Comm. LAPSLEY — Yes. I think it is a little bit deeper than that. I think the CFA has a very deep culture of pride about their brand, their organisation. Even through this discussion where it is almost being forced upon them to close something that is very connected to their inner core — and it looks like it is being forced — that is why, as I explained a moment ago, they were very strong in senior management to keep this place going. Anyone who mentioned that it should not be there was probably not included in the discussion all that often. They did not want to hear that. They wanted to fix it and build it for themselves to keep going because it means so much to them. That is what I was saying before. For me to say that it is closed and should not reopen —

I had the chance to talk to the CFA board only this week and I made that comment as clear as clear — that it is not about reopening Fiskville; it is gone.

Ms WARD — Do you think there has been a culture within the CFA to protect their reputation at any cost?

Comm. LAPSLEY — I think in organisations that have an inner core like CFA, yes. But remember they have also had lots of inquiries around them. They are almost inquired out. They are reviewed out from a royal commission in which they believed they were a victim. There are a number of things from the royal commission that were very deep in there. They had a volunteer review, very deep. They have had a very deep Fiskville review. You mention reviews to CFA and they glaze over at you. It is where they believe they have been inquired and reviewed to the nth degree, and sometimes they are not seeing that there is an opportunity to do it differently. We have to take them in leadership positions to see that.

The CHAIR — Just on that, are you saying that it is not just about protecting reputation; it is also as if, ‘Maybe there is something wrong with everybody else, not us’. Just when you are talking about being reviewed out, is it a concern because it then means that you may not think that you have done anything wrong, even in hindsight.

Comm. LAPSLEY — There is a sense of that, in my opinion, and that is why I talk about the victim mentality — that is, ‘We are being reviewed and have not done anything; why would we need to be reviewed because we have done it all right?’. I think there is a slim tendency of some people in there about that. I do not think it is across the broad sector of the CFA, I think the broad sector of the CFA is a little bit more attuned to what is the right impact for the Victorian community.

The CHAIR — Just on that, the other question is when we say ‘they’ or ‘them’, it just seems that in terms of culture does that mean the board, everybody else?

Comm. LAPSLEY — Senior management. I will put it to senior management. My view — and, again, it is strongly my view — is that we have a culture of firefighters, both career and volunteer, who want to be innovative and who want to deliver the best service. It is there. Middle management holds on to a number of things. Change is not easy in the middle management. You need to really work hard to prove that there is a need to change something. In this instance I believe senior management has been very strong and that they hold the opinion that Fiskville should stay. It has been very much senior management. When I say ‘them’ or ‘they’, I would refer to senior management.

Ms WARD — Section 6C of the CFA act requires the CFA to consult with the EMV. What has been the nature of this consultation with you?

Comm. LAPSLEY — I meet with the chief officer — the operational chief, so the chief officer — every Monday morning at 7.30, when we —

Ms WARD — You are not eating KFC?

Comm. LAPSLEY — No, not there! The desire to be part of the bigger group is there. I think, Neil, we meet with the chief executives on a regular basis. You do yourself and we do together. It is not as if they are not

part of it all. One thing that I think has been a challenge in our change program is not just the CFA but the fact that we need to do some things differently, hence why we have legislation with the strategic action plan. That is why it is legislated — to see that we do not just talk about change, we legislate.

I will also say — and it probably bears no significant outcome for this hearing — I have personally enjoyed that I have been supported by a Labor government, a Liberal government — a coalition and a Labor government. Through the journey since 2010 we have had bipartisan support in what we are doing, and that has been helpful. We have got the necessary legislation and support mechanisms to drive reform, but reform is change, and that does not necessarily come easy. Sometimes there is a reluctance to say ‘Why’ and ‘How’ and ‘Why would we want to do it now?’. But in the main we have some very good programs and these agencies now toe the line, if that is the right term, and in some cases actually drive it.

Ms WARD — Did this consultation occur under your previous role?

Comm. LAPSLEY — Fire services commissioner, yes. In the first 12 months it was quite difficult.

Ms WARD — So in 2010?

Comm. LAPSLEY — From 2010 into 2011, and the reason for that is it was seen — and again I go back — that a royal commission had made an observation that things need to change, and we took a lot of time to make sure people understood that that change was not just something that was going to go away; it was a change that was coming to stay and would set up the sustainability of the future.

Ms WARD — So were there conversations with you from 2010 around the emerging concerns at Fiskville and the changes or the ongoing testing that was going on and what they had found?

Comm. LAPSLEY — Not with me, not in the early stages. In 2010 and 2011 that was not the case. It was brought to me as an issue later. It started, as I said before, and evolved through multiple reports that there were multiple concerns, multiple issues, to be dealt with.

Ms WARD — So did they bring that up with you, or you brought it up with them because of what you had come across?

Comm. LAPSLEY — Neil is probably best to say. The briefs as I have seen them were all driven by the *Herald Sun* story of late 2011.

Mr ROBERTSON — Yes, 6 December, I think.

Comm. LAPSLEY — Yes.

Mr ROBERTSON — Just to add to that, I think any of the discussions — and I might be getting the timing a little bit out of sequence — around Fiskville at that time was more in the — I will call it — interoperability frame leading into what Craig talked about before with the training framework. So it was very much coming from the creation of the fire services commissioner role, which was a recommendation, of course, in the royal commission and what was driving that, and training was seen as a core part of lifting the capability and, in large-scale events, the capacity to work better together. Black Saturday was probably the biggest event in Victoria’s history around that, so yes.

Ms WARD — To your knowledge, then, the CFA have never brought to you, your predecessors or anybody having a role that could be comparable in some way to yours any concerns around the testing at Fiskville and the pollution that had been found there in the dams and elsewhere?

Mr ROBERTSON — Not to my knowledge from — and this is, again, pre-EMV — in the department. I am not aware of that, no.

Comm. LAPSLEY — I would be as bold as to say that the briefs that come from CFA were requested from — potentially, or most of the time — Neil’s office, to say, ‘We need to know about water’ and ‘We need to know about health’. There was not a proactive approach from CFA to offer up a lot of information in the early stages — definitely not in 2012, or the early part of 2012.

Ms WARD — Prior to 2010 who would the CFA have had these conversations with?

Comm. LAPSLEY — It is the justice system.

Mr ROBERTSON — Yes, it would have been to the department, and one of my predecessors. As you know, it has been through various changes.

Ms WARD — Yes.

Mr ROBERTSON — But it would have been whoever had carriage in my current role then. I do not know for a fact, but in the handover when I took up the role this certainly was not in the frame. I had no knowledge until December 2011.

Ms WARD — Going on what you have said then, would you agree with the statement that the CFA have been very keen to self-regulate and solve any of the problems within their own sphere, if you like, without going to external agencies for support or advice or assistance?

Comm. LAPSLEY — I would say yes, but that is also the culture of a statutory authority.

Mr ROBERTSON — Yes.

Comm. LAPSLEY — When you have got a board and when you have got a governance structure the way it is set up, it is very much about, ‘We are a statutory authority and we are at arm’s-length to that of central government, and we’ll go there when we need help and support’ — budget support and so on. That is why I describe it as, whilst it was inside the boundaries of Fiskville, it was very much managed by CFA, with CFA resources and bringing only those people they needed to bring in, which most of the time were consultants.

Mr ROBERTSON — Could I just endorse that? I think, in my experience, the CFA, like many statutory agencies, were fiercely independent and at arm’s-length from government. One of the things that has been a significant change — and I forecast this with their board — was the move from the insurance-based levy to the property-based levy. Because what I forecast — and it is what has happened, and there have been other drivers in this — is that government will come a lot closer to you, include Treasury because the money flows now, all of it, through the Treasury coffers, not 77.5 per cent out of the insurance industry. That was a game changer, that legislation. There were other drivers, of course — the royal commission et cetera — so they were brought it together. So I think it has been a somewhat uncomfortable experience, for the reasons Craig said, for the CFA, but it is closer to government in that sense than it historically was.

Ms WARD — So is it accurate to say that the extent of PFOS contamination at Fiskville did not become apparent to either of you until 2012, 2013?

Comm. LAPSLEY — I am not sure. I would say it is definitely not 2013. I would have to go back and look, but I think I was aware of the concerns in 2011. It was there.

Ms WARD — So how did you become aware of those concerns?

Comm. LAPSLEY — I think it was the noise that was happening before the *Herald Sun* story. There was noise.

Ms WARD — So there was a lot of chatter going on?

Comm. LAPSLEY — There was noise. There was noise that went on for a number of months before that broke.

Ms WARD — Did you seek to talk to anyone about that?

Comm. LAPSLEY — No. I did actually speak to the CEO about — remember the CEO at the time was an ex-EPA CEO — and said, ‘How would you actually validate, test, work this through?’. I do not know what Mick did about that, but it was an informal chat about, ‘What would you do as a CEO of EPA if you had this noise? What is it? What do you do?’. That is not my area of expertise, to do sampling, soil testing and all that, and understand it. I suppose the question you are actually asking is: was it alarming enough to see intervention? No, it was not. It was a site that was operating, knowing that it was probably a site that always needed constant

management of what was oil or fuels or foams or water contamination in any way, shape or form. I think we knew that. As I said earlier, it had evolved. It had evolved to be open water sources, open drains to what then were water treatment plants, and more sophisticated methods of how to actually use fuels on site. So it evolved over many years to be something that then obviously had a residual problem on it, and still has.

Ms WARD — Finally, what is your thinking on the blood testing of people who have been at Fiskville — whether MFB, CFA, people who worked there, people who live in the neighbouring properties — regarding the PFOS levels?

Comm. LAPSLEY — I think any health testing should be made available to anyone who believes they have got a concern or a problem. I think it is as simple as that. It is an unknown. Again, it is not my expertise to know which would be the level of health monitoring you need to do, but health monitoring has to be a consideration for anyone that has been there, and, to the main, that has been offered. Has it been offered to all, I am not sure, or to those it had been offered to, have they taken it up.

Mr ROBERTSON — I can expand on that a little bit. I agree with you. The monitoring program that the CFA set up was expanded, I think, in March this year, with those assessments made available to all. It is also true that we worked with the chair — this is the Department of Justice — to create an alternate path into that. Rather than initially through the CFA's inquiry line, we used the departmental one for people who might have been ill at ease about that. Yes, it has been opened out and expanded. I agree with Craig, and I think the basis of your question that people should have that available to them, absolutely.

Mr RICHARDSON — I want to touch on the statewide strategic plan that is updated every three years, and draw attention to section 12 of the act. How that is implemented is done by the commissioner, and also training and advice directly to government, and then there is a general catch-all about the implementation of that. I just want to go to the training element of that, and then more broadly to some of the cultural issues. It is no secret as to some of the challenges that people are facing accessing information and of the committee accessing information. To better inform the committee, what potential actions could be taken or recommended to better deal with those kinds of cultural challenges where information is not free flowing?

Comm. LAPSLEY — That is a good question actually in the sense that in my remit I have been very strong about the systems we need to have transparency of information and decision-making. In the operational systems to have what we call an emergency management common operating picture is a project we have got running now, and we have taken significant steps in there, and the same with the public facing information. All that operational information needs to ensure that it is able to the decision-makers as an incident manager or the community, so that is transparency, and we are well progressed in that space.

It then comes back what is the data model, what is the information model, around what is an agency? When you think about it, we deal with — the ones we talk about here as the first responders or the responding agencies — CFA, MFB, SES and DELWP in their bushfire responsibility, but it goes deeper than that straightaway to be Ambulance Victoria, the health department and the EPA. We have got a fire running in Somerton right now where it is a health issue, so it has got EPA, health, Ambulance Victoria, VicPol and the fire authority all in the one space. We have got to have a system that is able to do that. Some of that data has to be able to be managed by the agencies and then able to be utilised by the common good of the rest, so there is quite a structured process of how to do that.

The principle I think of what you are asking is we need to have transparency. and there is also a privacy issue. I respect that there is some private information by law we have to protect that the agency has that ownership of. Transparency of information is a critical thing. Timely access to information is critical. Have we got that yet? No, we have not. Have we got a culture that wants it? No, we have not. That is why the strategic action plan to some of those are about systems. We have to fix systems, but we also have to fix culture or change culture.

Mr RICHARDSON — Going to that, one of the things in the themes, priorities and principles of the document talks about governance and talks about the culture. What are the measurables over the next three years to work towards achieving that? Are there steps in place overarching that are measurable over the next year and subsequent?

Comm. LAPSLEY — There are.

Mr ROBERTSON — I will answer that question, and I might make a point before I get there. I guess part of the underlying thinking behind having the strategic action plan, which Craig has described in the information context of almost working horizontally across rather than the silos. This came out of some of the work Neil Comrie did on the flood review. The requirement for it to be published and renewed annually is part of the driver, because one of the experiences — and I think it was really quite compelling and out of a tragic disaster — at the bushfire royal commission was the amount of change that facilitated under the glare of both the Parliament and the community was quite profound.

We do not want a crisis to have to precipitate that sort of change, but the fact that the strategic action plan has to be published and renewed annually, so how we are moving in those directions is intended to be much more visible, is part of the governance and accountability theory of it. The fact that the State Crisis and Resilience Council was created and owns the document is quite significant, because you have got departmental secretaries, the chief commissioner, Craig, and accounting for the delivery of the elements of it. The peer group pressure dimension of that is not to be underestimated if you are literally letting the team down, so there are some levers put in there to try to advance this. It will not necessarily overcome the cultural resistance part, but it is designed to make it more difficult to resist than in the past, if I can put it that way.

Mr RICHARDSON — Finally, there is a section under the Emergency Management Act for the commissioner to have an all-encompassing power under section 33 where that falls down. Is that something or a mechanism that could be used to try to break through some of those challenges? Is that something that you would envisage?

Comm. LAPSLEY — You could use that, but, again, the big hammer approach sometimes works for the short term not the long term, so it is about how you take culture and systems and organisations to the new world, but we have got those mechanisms. That is why they are there.

The other one is I have the ability to request information and that it will be provided in a 28-day period. Some of those things are there, and I have only used that once already. In the main we do encourage that people are collaborative in the way in which they operate.

One of our realities — and it is probably a frustrational reality — is that we have got different systems to draw from now, so even when you try to drag it into one place the architectural designs are quite significant, and they are separate. That will take us a couple of years to unwind, and some of that is about contractual issues, where the next time we have the next radio contracts come up or the next information technology contract, those contracts will run differently. Some of it is not just that I want to turn off now; some of it is we have got contractual arrangements that I cannot change until the next opportunity, and some of those are in 2016 and some in 2018, for example.

The CHAIR — Is any of this going to change what happened at Fiskville and stop it from happening again? Are there consequences for anybody at any time? We are talking about implementing all of these things. Yes, it is good in terms of fire management, but what are we going to do to stop Fiskville happening again? From what you have just said, there is nothing in that that would say that Fiskville cannot be repeated.

Comm. LAPSLEY — I would like to say that is not correct.

The CHAIR — I hope so.

Comm. LAPSLEY — But on the question I suppose why I would not answer that in a rush is you are going to pull Fiskville apart and understand that I think Fiskville was an evolution of evolution and I think what they did in 1970 and 1980 and 1990 was then trying to be unravelled and turned, and there was a whole set of issues in there of what actually happened on that site from years gone by that may not have been wrong on the day with lack of standards, lack of, lack of, lack of.

The CHAIR — But in 2011 and 2012 people continued to be exposed to things, people's land was contaminated next door, there is pollution down the creek, and there is no responsibility. We hear from the chief health officer that the CFA is the lead agency in the response to this disaster and it is the perpetrator, and we are told there is culture and all sorts of issues, and that continues to go unchecked.

Comm. LAPSLEY — Yes. Let us maybe look at it a bit differently. Use Craigieburn for an example. Craigieburn has been built state of art. MFB used the world, the globe. They went and looked at properties across the globe to come and bring the best technologies into play that would deal with not only a good training environment but that that was environmentally friendly, safe for those to be trained. We proudly say that MFB sponsored now for the state something that is the state-of-art training facility.

It is not just my legislation. I have to, as we all know, comply with lots of other legislation, so whether it is OHS, whether it is what is procurement policy and so on and so on about how we build these things. I think we are more able to be regulated today and have accountabilities and responsibilities and leadership regimes in our structures that will get it right, and we will not see another Fiskville be built because I think we are more focused on what are the consequences. Remember, we are very regulated in our lives to manage these types, and rightly so. Some of us might get frustrated we are overregulated but let us apply that.

The CHAIR — We have heard — I guess it is yet to be determined because we have not heard from all the regulatory bodies but there seems to be a situation where the regulations are not followed by the regulatory bodies. We hear Central Highlands Water say, Environment is not our responsibility; we think it's the EPA's responsibility'. The Moorabool shire says, 'We don't have any responsibility; it's somebody else's responsibility'. These are the regulators that have acts that they are to abide by but it seems that it does not occur and nothing happens.

Comm. LAPSLEY — That might be one of your recommendations, to say convergence and complexity is one of these realities. I deal with complexity and convergence every day of my life and I do not have legislation to fix every bit of it.

The CHAIR — Have you got any suggestions on that?

Comm. LAPSLEY — I think, and I do not know the process of this, but we would be, I would be, quite pleased —

The CHAIR — We welcome suggestions.

Comm. LAPSLEY — to be involved in what might be the potential recommendations of where you take this because I think we are dealing with something that is complex and convergence occurs, but if we can see that in our environment — I am sure it is being seen in other environments. That is one of those things. We do have to work hard with those, WorkSafe, EPA. Sometimes — and I will give you an example and EPA will talk this afternoon — we use in emergency management EPA as an adviser and it is also the regulator. 'We want you to advise us to tell us how to fix this emergency', and they are looking over the thing saying, 'But we're also the regulator and we've got to actually enforce what we were involved in in the planning and now enforce what might be a breach'.

Sometimes there is conflict of our roles and the EPA review, which is far from my place to talk about here, is one of those that is coming up with exactly what you just put on the table: what is it about convergence and complexity and then to have collaboration but also compliance — they are all great C words — that actually gets us to where we need to be? I think that is a challenge we all face. What it does take, though, is a bit of conviction and leadership and accountability. That is what we have tried to put into our roles, that, 'No, we're not going to accept that; it's not the right thing to do'. Now, what is a good leader? Someone who has got a bit of vision and someone that actually knows what is right. Sometimes I think we have lacked leadership in some of the things you have just talked about because people have been worried about their turf, their culture and not what is right for the outcome. I am not saying I can name any one individual person to do that, but collectively that is where we end up, and that is not the right space that we should be.

The CHAIR — I am sorry for butting in.

Mr TILLEY — No, you are right. I just want to go a little bit more on the conversation on interoperability. You have been very generous with your views and I thank you for that; it has been very helpful. In my working experience I have worked with both the permanent regular army and the reserve army and they have their professional challenges amongst one another. Similarly with the US marines, the expeditionary force which is the US marines, and the army, which have that interoperability where the marines get second-hand equipment and the army gets all the brand-new rolled gold stuff. Certainly I can see that there are similarities with both our

fire services. What I am leading to — you may or may not want to express a view on this one and I am not going to press you on that, but without playing the man, trying to play the ball here, we have some extraordinary individuals that have served on the CFA boards over many years — is whether or not you would have a view on the future with those changes in relation to interoperability and the challenges between organisations, with the CFA maintaining its own board?

Comm. LAPSLEY — I will start by saying that we have not got either side of government that wishes to amalgamate the fire services. It does not matter. That is what I have been told by the Labor Party; that is what I was told by the coalition. But we have written as part of the fire service review a paper that is available publicly that sees that some of the government's arrangements should be challenged and changed. That is our view. The fire service review is yet to come out. It is obviously with ministers and cabinet, so we are unable to comment about it and nor have we actually even got a copy of it. In that sense we have positioned — so Neil and I authored a document as one of the submissions of many submissions to the fire service review — that there is, we believe, an opportunity to change the governance of how the boards operate, and one of those is to have a joint board. That is not about amalgamation. It is still two organisations called CFA and MFB but a joint board that gets this connection, investment, strategy going the right way. I think that is important to me down the road because I can work with multiple agencies but when you have got two fire services that are in the same business, the extent of the business may be different at the edges but the main core is the same, you would suggest that the governance would be in better shape to have a joined-up, connected board.

The CHAIR — Thanks for coming in. I think there were some documents that you might have referred to, if you could leave them.

Comm. LAPSLEY — We can leave these.

The CHAIR — Do you mind just saying what they are, just for the record? You may have done that, although not the full details.

Comm. LAPSLEY — The *State Fire and Emergency Services Training Framework* is the one I referred to. That was signed by me as the fire services commissioner. There is no date where I signed it, but I will tell you that later. I can hand that up as a document there.

The CHAIR — Okay, thank you.

Comm. LAPSLEY — I have not got one to hand up as the responder agency performance standards, but we can provide that. That will be the second document.

The CHAIR — Thank you.

Mr ROBERTSON — Chair, we have some notes which probably need to just be polished up a little bit, but we can make it as a short statement around the statutory frame that we operate in, which might help with some of your questions.

The CHAIR — Do you want to say that on the record?

Mr ROBERTSON — Yes, sure. We will transform these notes — they just need a little bit of polishing — into a statement for the committee which just outlines in summary form the sort of current statutory framework in which we operate. We will provide that to you.

The CHAIR — That would be appreciated. Thank you.

Witnesses withdrew.