

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 18 May 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Brad Battin

Mr Simon Ramsay

Mr Tim Richardson

Ms Vicki Ward

Mr Daniel Young

Staff

Executive officer: Dr Greg Gardiner

Research officer: Dr Kelly Butler

Witnesses

Mrs Deborah Etherton, and

Mr Kevin Etherton.

**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — On behalf of the committee, I welcome Deborah and Kevin Etherton to this public hearing. Just before we get started, there is a little bit of procedure I have to go through. First of all, thank you for coming. We really appreciate getting your submissions. Both submissions were fantastic and we are glad that you could come in to talk to us.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and the provisions of the Parliamentary Committees Act 2003 and is protected from judicial review. Any comments made outside the precincts of the hearing are not protected by parliamentary privilege. All evidence given today is being recorded and you will be able to get a copy of the proof transcript. Following your presentation to us this afternoon, committee members will ask questions relating to both your submissions and the evidence you will provide us. Thank you again for being here.

Mr ETHERTON — My name is Kevin Etherton. I was appointed to the CFA in 1975. I actually applied for a position as an instructor at Fiskville in 1985. Before I go much further, I would just like to state that I think the Country Fire Authority is an outstanding organisation providing outstanding service to the community. Fiskville, in the short history of the CFA, forms a huge part of that short history. It is almost like a citadel for volunteers in particular and other members of the CFA who have trained there.

Debbie and I lived and worked at Fiskville from 1985 until 1988. It is recognised as an outstanding training facility, renowned worldwide — a live-in training facility covering all forms of fire training. Our years at Fiskville were really wonderful years, a great part of our life. Fiskville was a great place to be. We raised our two children there for three years. They both went to the Fiskville school. It was quite a culture shock for them, going to a one-classroom school, with one teacher and six grades with 14 children.

The early procedures at Fiskville were really all we knew. It was obvious that the Country Fire Authority had tremendous costs involved in buying diesel and petrol and burning it. With the high cost of fuel, as it was increasing at that time, when the offer came along to burn slops at basically no cost I guess they jumped at the chance. That unknown flammable liquids were delivered and used at Fiskville to me is not the issue. When it became known later about the nature and the hazards of those fuels and the fact that that information was not passed on to people who had been exposed to them, to me that is the issue. I believe in today's age people are not accountable as much as they should be for decisions and for actions that they undertake. Many of my colleagues and friends who worked with me at Fiskville and who are currently seriously ill or deceased may not have been seriously ill or deceased had that information been passed on 24 years ago.

I am quite fortunate at the moment to be in a reasonable state of fitness and health for my age. I did have a heart attack last December and subsequent medical treatment for that, but there is the spectre of the anxiety of what might be happening to me, given that I am part of what is probably called a high-risk group and that many of my colleagues are sick or deceased and I am still surviving, the anxiety as to what might be occurring to me is scary. As I said, I am personally still in a reasonably good fit and healthy condition, but I will now introduce my partner, Debbie, who lived with me the whole time at Fiskville and has suffered worse health fates than I have.

Mrs ETHERTON — You have read my submission. Therefore I will not rehash it, and welcome your questions about my submission later.

Moving on, I will start with hindsight. What a wonderful word. It allows us to reflect on past actions to change and better our future actions. Had we as a family known there were going to be so many people, friends, fall ill decades later, would we have subjected ourselves, let alone our children, to Fiskville? No, we would not. I am grateful to have survived breast cancer twice and that I am able to be here today. Others have not been so fortunate. Each day is a blessing.

How many other women who lived on or around Fiskville have been affected by breast cancer? Including myself, I am aware of seven. For a small community I find this figure unexplainable. Am I angry or disappointed? More disappointed than angry. Why? The CFA became aware of possible health risks in the early 1990s and did not take any proactive measure to notify staff past and present, volunteers and/or their families. If action had have been forthcoming, perhaps this inquiry would be unnecessary. Has the CFA displayed a negligence and a failure of care of duty? I believe yes, by not passing on information obtained in the early 1990s.

In January this year my oncologist advised me that, because of my chemotherapy side effects, I could take the maximum daily dose of Endone and Panadeine Forte, get a walking stick and apply for a disability sticker. I was shattered; I was devastated. Was this the quality of my life and was this the rest of my life? I sought to find a better way. I did and I have. It is a natural therapy, and it is working. The sustainability of this natural therapy on a disability support pension is \$200 a month and is not within the budget. At least I am not dependent on Endone and Panadeine Forte or a walking stick. I am grateful for that. Side effects also include the deterioration of my dental hygiene, and I have three cataracts on my left eye. At the beginning of chemotherapy I was advised that this could possibly happen. It has.

Should the CFA apologise? Yes, to all individuals; it is not just about me. Many, many people are sick or are no longer here. Should compensation be forthcoming? Yes, to all individuals affected by illness and loss of life. This is not just about me.

In closing, I would like to thank the Potter family, Diane in particular, for her strength, courage and determination to have Brian's wishes fulfilled. Brian was a true gentleman, taken too early.

The CHAIR — Perhaps, Mr Etherton, I will ask you a question first. We have read your submission, and I noticed in your statement today you were talking about the fact that these issues were known and people were not told. We hear a lot out there, 'We didn't know'. 'Things were different back then'. 'We didn't know what was going on'. 'We didn't know the health effects of chemical exposure like we do now'. What would you say to people who say that? Were there specific instances during your time where people complained of the effects of some of the chemicals when they were on the PAD or whatever?

Mr ETHERTON — Not at the time. When I was an officer at Fiskville, I was a junior officer and not involved in the administration of the place as such, but primarily as an instructor on the PAD. It was generally accepted back then you went out on the PAD, you got wet, you got filthy dirty, you got covered in grime and grease and smoke and goodness knows what, and it was accepted. We did not know any better. If we knew then what we know now, obviously it would have been a lot different.

The CHAIR — So even though health and safety legislation was introduced during the time that you must have been at Fiskville, there was no training or nobody spoke about the requirements of employers or organisations when it came to the health and safety responsibilities?

Mr ETHERTON — It was around about that time when the formation of that legislation took place. I resigned from the Country Fire Authority in September of 1988, so that was coinciding basically at that time. I left the CFA at that time.

The CHAIR — Perhaps we can ask you questions first, and then we will go to Deborah. Is that the best way?

Mr ETHERTON — Yes.

Mrs ETHERTON — That is fine.

Mr McCURDY — Kevin, you spoke about the CFA — or maybe Deborah did — not doing anything about it or not making any changes. At any stage did you approach the CFA at Fiskville and suggest that changes should be made? Were you refused an opportunity to get things changed, or was it pretty much you were uncomfortable with the way things were travelling but you did not approach anyone?

Mr ETHERTON — It was not so much that I was uncomfortable with the way things were going. As I said, at the time it was all we knew. I never approached the CFA to make changes, because being a junior training officer at the college that is what the procedures were. You were given orders, and you followed those orders.

Mr RICHARDSON — I refer to your point, Kevin, about the 24-year period, that time frame from 1991 it might have been and that information, you touched on that it should have been shared. Could you elaborate a bit more on that for the benefit of the committee?

Mr ETHERTON — I do not know how far hearsay goes. Much later in time it was brought to my attention that one particular officer made application with regard to the nature and hazards associated with certain chemicals and was given that information but was asked to sign a declaration of silence — in fact a declaration

of secrecy. Again, this is hearsay, but when you hear something like that and you think I am one of many, many, many instructors who went through Fiskville who were exposed to these at the time unknown chemicals with unknown natures and outcomes, and that information was suppressed or not passed on, I do not think people were meeting their duty of care. I do not think they were accountable for their decisions.

Mr RICHARDSON — Coming up with some of the challenges you have faced, have you had any dealings with the CFA subsequently?

Mr ETHERTON — I have had no further dealings with the Country Fire Authority since I resigned in September 1988.

Mr RAMSAY — Kevin, like many other witnesses you have spoken fondly of Fiskville, and I think you appreciate that it is a world-recognised training facility that provides training that perhaps no other facility in Australia does in relation to real-life activity. However, there has obviously been very poor practice in relation to occupational health and safety going back 20 years. We are talking about going back 20 or 25 years in relation to process, documentation of chemicals, the dangers of et cetera.

There has been significant legislation since the 1980s period with dangerous goods and other things that have changed the process. We get now to what the CFA needs to do. One is recognise that there was poor practice in the 1980s and 1990s and why that was so. In fact were board members and CEO and staff complicit in covering up what they believed was poor practice and providing a workplace that was dangerous to those who were there?

Next is the compensation issue. I ask both Deborah and yourself: in relation to what the CFA can do now in relation to what has happened in the past, can you provide some recommendations to the committee, because that will make up part of the recommendations that no doubt we will consider in the future?

Mr ETHERTON — I have already stated that my time at Fiskville, and I think Deb would agree with me, were three and a half fantastic years. We think Fiskville was an absolutely wonderful place. It is a citadel within the Country Fire Authority. I personally would like to see it rehabilitated and brought back into training activity. I think its history exists within the CFA: you do not mention the CFA without mentioning Fiskville. To see the infrastructure at that place go to waste would be a crime. I really believe, no. 1, that Fiskville needs to be rehabilitated and brought back online. It is an outstanding training facility, and we need to maintain its history within the Country Fire Authority.

You mentioned compensation. How do you put a value on compensation? People have suffered fatalities within their families. I know in our own family we have had excessive costs in travel, in medical and in surgical. We need some form of compensation to cover us for those cost. We are out of pocket. I do not know how you would put a figure on it or what form of compensation it would be, but surely all the people who have been exposed to these substances, which it is evident has been covered up, are eligible for some sort of compensation.

Mrs ETHERTON — Can I just say something that is probably relevant?

The CHAIR — Please.

Mrs ETHERTON — With the health surveillance program that the CFA has implemented, we have been to see the CFA doctor on two occasions down in Warrnambool. Kevin passes with flying colours; he is pretty fit. For my 24/7 aches and pains, which is what I suffer from for side-effects, I was told to take fish oil. It is \$56 a bottle, and it does not work. But having said that, what I would probably like to see the CFA do, or the government do, is form a committee or helpline totally independent of the CFA, staffed by people who have nothing to do with the CFA and who can guarantee a level of comfort for people who wish to discuss their problems. I think that would be a great beginning, and from that it could lead to other things. Fiskville was a great place. I know that there are certain brigades lobbying to have it reopened quickly.

Mr RAMSAY — Can I ask, then, just in relation to your illness, do you believe that was contracted through the water? We have talked about the toxic chemicals on the fire PAD, but you have not been on the fire PAD, as I understand it.

Mrs ETHERTON — I used to park by the PAD and watch.

Mr RAMSAY — But you were not being trained on the fire PAD, were you? So do you think it is the water?

Mr ETHERTON — If I can just say something first, Deb — —

Mrs ETHERTON — Yes.

Mr ETHERTON — Yes, I was an instructor. I was on the PAD. I was exposed on the front line, as it were, but as to the families who lived on site, when the word got out that flammable liquid training was about to take place, the telephones ran hot, the wives all ran around and got each other and sorted out bringing their washing in, because the smoke, depending on the wind direction, would waft across those residences, which were just up the rear of the PAD, and there would be residue and scum on the drinking water. I do not know how many loads of washing we just had to throw out. Regardless of the fact that I was the one who was on the PAD and Deb might have been living up in the residences at the rear of the training arena, the fact that she lived on site and was exposed to that for three and a half years — I do not know where that fits into the Monash centre's report, whether she was high, medium or low, but three and a half years of constant exposure living on the site has got to have had some effect.

Mrs ETHERTON — And we did have embers and ash fall into the spouting, which is what our drinking water was — it was tank water. The tanks had been drained several times because the water was tainted. You could taste it. It was really quite off.

Ms WARD — I have a number of questions, but we will take it in turns. Kevin, you spoke about the issue being not so much what was delivered or what was used but the lack of transparency. When do you think that started to kick in, where there was a lack of transparency or where management or other people at the CFA started to know that there were some problems at CFA at the Fiskville site that were not then being carried forward to other people?

Mr ETHERTON — I could not put exact dates on it, and as I said, when I resigned from the CFA in 1998 I moved into a completely different field and I lost all contact, basically, with the CFA. It was some years down the track when it was brought to our attention that certain information had come to bear where the nature and the characteristics of these substances had become known and that they were carcinogenic and they did have adverse effects on the human body. The fact that that information was not passed on — that is the issue for me. I have got no issue with the CFA. I think it is a great organisation. Fiskville is a wonderful place. I want to see Fiskville reopened and started again. Fiskville is not the issue. The people who made the decisions not to pass on information to us — they are the ones who I think have got some answering to do.

Ms WARD — Deb, you spoke about knowing seven other women who have had breast cancer.

Mrs ETHERTON — I do not know them personally.

Ms WARD — I know, but you are aware of them.

Mrs ETHERTON — I am aware of them, yes.

Ms WARD — What other illnesses or conditions, along with cancer, are you aware of people having experienced after living at Fiskville?

Mrs ETHERTON — In 1997 I was admitted to hospital. It was 1997 or 2001; I cannot remember. Another woman who was living at Fiskville at the same time made a submission and remains nameless. She got diverticulitis at the same time I did, and we had not seen one another for over 12 months. She was diagnosed with polyps, and consequently I am in constant contact with her. We are very close. I had no hair and went down and visited her. She had had her bowel operation. I took off my wig, and I nearly gave her a heart attack. She had a colostomy bag for over 18 months. This is at the same time, 2011, when I had my first bout of cancer. I think it is just all coincidence that we have fallen ill basically at the same time. She has had another operation and another colostomy bag put on. She is a very sick lady. So I am here speaking for her too. Our illnesses have just coincided together. So it is bowels, diverticulitis and polyps. I do have a lesion on my liver, which they are monitoring quite closely. They are just a few of the problems.

Ms WARD — A lot of the submissions talk about skin rashes and irritations. Did you experience that, or did the children or anyone you know?

Mrs ETHERTON — No. Our children are very healthy.

Ms WARD — That is good.

The CHAIR — I have a couple of questions, if you do not mind, Deborah. Just in terms of being the partner of someone who worked at the CFA but who lived there, how has the CFA supported you, or has it in any way provided any assistance to you? We have talked about the expense of medication and treatments, and you said that you did go to a CFA doctor. Did you say they recommended fish oil?

Mrs ETHERTON — Yes, fish oil.

The CHAIR — For cancer?

Mrs ETHERTON — No, for my aches and pains.

The CHAIR — For the aches and pains generally; okay, sorry. Are there any other things you think the CFA should have done or that it did do in terms of supporting you, or do you think you were treated equally as someone who was with the CFA as opposed to the partner of someone? Was it different treatment or the same treatment?

Mrs ETHERTON — I think the treatment has been exactly the same, which has basically been no contact from the CFA except them offering to do this health program.

The CHAIR — So they offered that to you?

Mrs ETHERTON — Yes, they did.

The CHAIR — So they tracked you down?

Mrs ETHERTON — Yes, they did.

Ms WARD — When did they track you down?

Mr ETHERTON — We were interviewed by a representative as part of the Professor Joy report, and that is where we were offered, by the CFA, medical check-ups twice a year.

Ms WARD — So that is what they would do with you? They are doing medical check-ups?

Mrs ETHERTON — Yes, once a year.

Ms WARD — And have you received any other support, advice or assistance?

Mr ETHERTON — Nothing.

Mrs ETHERTON — No.

The CHAIR — So twice a year you can have a free medical check-up, no other — —

Mrs ETHERTON — Once a year.

The CHAIR — Once a year, sorry.

Mrs ETHERTON — It is an annual thing.

Ms WARD — And do they talk to you about the results?

Mrs ETHERTON — No.

Ms WARD — So they have the test, but they do not have a further ongoing conversation with you about what the results are?

Mrs ETHERTON — No, and nothing — —

Mr ETHERTON — There has been no follow-up.

Mrs ETHERTON — No forthcoming mail or anything, no.

Ms WARD — When did you have your last test?

Mrs ETHERTON — September last year.

Ms WARD — And you have heard nothing since?

Mr ETHERTON — No.

Mrs ETHERTON — Nothing since. We will get a letter in the mail saying that there is an appointment in September — —

Mr ETHERTON — It really feels like we have been given that medical check to appease rather than to see if we are okay. But that is just a personal opinion. That might be out of left field, but that is how it feels.

Mr McCURDY — Deborah, your health issues, can you put them down particularly to Fiskville only, or are there other areas somewhere in the past that you would say your health was compromised. In terms of your opinion was your time at Fiskville 99 per cent of the — —

Mrs ETHERTON — I would say my time at Fiskville is my only exposure to this environment. My time before that I worked in admin; I was in offices. Growing up as a child, I was a swimmer, very athletic. Whilst I was at Fiskville I was playing netball five times a week, so I am driving past the PAD. I was playing golf. Then when we left there, I worked in an office environment; I was not exposed to any toxins, or not that I know of.

Mr McCURDY — Unlike firefighters, who might be able to say, ‘Yeah, there was a particularly bad burn that we went to 10 years ago’, or they can look at different circumstances, for you there are none?

Mrs ETHERTON — No, I cannot see anything.

Mr RICHARDSON — Kevin, just a question on your time at Fiskville: could you give us an insight into the management of chemicals on site? We have heard a lot about how they are stored and managed on site, but what was your experience with working on the PAD and then also storage of those chemicals at the time?

Mr ETHERTON — From how I saw it, as I said I was a junior officer at the time and not involved in the administration of such things. But my observations were that the dangerous goods were kept in a cyclone fence-type compound or shipping containers. They were transported to Fiskville most times in 200-litre drums, and quite often those 200-litre drums were seen to be leaking badly, even though they might have been stored behind a locked gate. The leaking of those drums — goodness knows where that was leaching to or what the outcomes might have been, but at the time I guess under lock and key and in a shipping container they were considered then to be stored safely. Apart from the fact that they were leaking, I had no qualms about the security of them at the time.

Ms WARD — So the fact that they were leaking did worry you?

Mr ETHERTON — It did.

Mr RICHARDSON — And once drums were completed and the contents were on the PAD and the activity undertaken, what happened with those drums after? Do you have any observations of that?

Mr ETHERTON — I believe there were certain areas at Fiskville that were dug up and drums were buried. There was no security around those burial sites. Our children, together with the children of other instructors, were seen to be playing on top of the mounds where the drums were buried.

Ms WARD — As you would.

Mrs ETHERTON — Yes.

Mr ETHERTON — They thought it was marvellous.

Mr RAMSAY — Can I ask a question: while a lot of the discussion this morning has been around the chemicals — petrochemicals and other toxic chemicals — it is in fact the contamination of the water supply that has brought this to a head in relation to the inquiry, particularly with the use of PFOS and to a lesser extent A-class foam, which when I was a volunteer we used extensively until it was pulled off. What I am trying to understand now is: is the 25-year historical practice of using those chemicals at the time you were there — and there has been certain legislation introduced to stop that practice now — as against the use of some of these foams, whether it be PFOS or A-class or contaminants in the water supply to now. It seems to me that even after all the covert — if you want to use that word — cover-ups by the CFA in relation to the use of those chemicals, there still seems to be denial about the traceability and documentation of the use of chemicals in the 2000 period, which has led us to this inquiry in relation to water testing continually showing contamination in certain parts of Fiskville.

Do you have any degree of confidence that the CFA, one, has acknowledged there has been a problem in the past and, two, there is now a framework in place to protect the firefighter in the use of the facility going forward, even though it is closed now because of water contamination principally, not past practice? Do you have a comment about that?

Mr ETHERTON — Yes. I can only really speak from authority in my time at Fiskville, which was back pre-1988. During that time the use of foams, for example — protein foams, which were, as you would probably appreciate, made of animal blood, so the moment you took the lid off one of those containers, boy, you had to put a peg on your nose. We thought it was absolutely marvellous when they introduced AFFF foam because it was a lot cleaner and a lot more effective and we believed less hazardous to our own persons. With regard to after my time at Fiskville, I can only go by newspaper reports that indicated that there was concern with regard to the water supply at Fiskville. The CFA was denying it. Tests were done, and eventually what happened there was the place has been closed down. I am only an observer since basically I left Fiskville, and I can only go by what I have heard on the news or read in the newspapers.

The CHAIR — Is there anything else that you would like to say that we have not asked you? What you have told us and your submissions are really valuable for us understanding what has gone on there.

Mr ETHERTON — Just to summarise, I would just like to reaffirm what I have said, in that I would like to see Fiskville rehabilitated. I think it is too good a facility to allow to deteriorate. I believe that certain people have not been accountable for their decisions or their actions, and I think that those people who have been exposed and not given appropriate treatment over a long period of time are entitled to some form of compensation to cover the costs associated with medical treatments, medicines, travel and the like. It is not fair that people are out of pocket because people failed to make decisions years ago.

The CHAIR — And the risk, yes — a terrible time.

Mrs ETHERTON — I would agree completely with Kevin. I gave up work probably too early. Thanks to my alternative therapies I now have a clarity of mind that has come back, and all I want to do is work. I would love to be able to work, but where we live has made that pretty much a non-event, and it will not happen. I have got a lot to contribute, and it has been taken away from me. I have lost four years of my life. Yes, I am still here. I am a fighter.

The CHAIR — Despite having such a terrible time, thanks for coming in to talk to us about it.

Ms WARD — It is a hard thing to do. Well done.

Mr ETHERTON — Thank you.

Mrs ETHERTON — Thank you very much.

Witnesses withdrew.