

# TRANSCRIPT

## ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

### Inquiry into the CFA training college at Fiskville

Melbourne — 6 November 2015

#### Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

Mr Bill Tilley

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Mr Daniel Young

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Executive officer: Dr Janine Bush

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#### Witness

Mr Robert Purcell, acting deputy chief officer, regional director, north west metro region, Metropolitan Fire Brigade.

**The CHAIR** — On behalf of the committee I would like to welcome Mr Rob Purcell, acting deputy chief officer, regional director, north west metro region. Welcome today, and thanks for coming in to speak to the committee on behalf of the Metropolitan Fire Brigade.

First of all, as outlined in the guide provided by the secretariat, all evidence at this hearing is taken by the committee under the provisions of the Parliamentary Committees Act 2003 and other relevant legislation and attracts parliamentary privilege. Any comments you make outside the hearing will not be afforded such privilege. It is an act of contempt of Parliament to provide false or misleading evidence to the inquiry, and the committee may ask you to come back if there is further evidence that we might require, if that is okay. All evidence given today is being recorded, and you will have the opportunity to get the proof of the transcript so you can check it for accuracy.

Mr Purcell, I think the secretary would have mentioned that if you could give us first a brief presentation, and then we would like to ask you lots of questions. In terms of the record, perhaps if you could just give your name, your title and also perhaps your expertise or experience and responsibilities around the Fiskville training centre.

**Mr PURCELL** — I am Robert Purcell. I am currently the acting deputy chief officer of north west metro. I have got a bit more information about my past and current roles, for example, in the presentation. I will leave it until I get to there so you can understand how I fit into the inquiry.

Thank you for the introduction. MFB welcomes the opportunity to make this presentation to the committee. I have taken the Friday afternoon approach with the PowerPoint presentation; there are exactly two slides. One has our name on the front of it, and the other one is pretty much just the focus that I am going to take with the presentation. The presentation relates very heavily to the submission that MFB put to the committee and focuses on relevant dates; MFB actions, past, present and future; our current training arrangements; our continued health and safety focus for our people; MFB's ongoing commitment to transparency and provision of consistent information to our people during the Fiskville inquiry stages; our commitment to health and safety, understanding that MFB has safety as the no. 1 pillar in its current corporate plan; and our continuing encouragement of our people to report any health and safety matter that they see is an issue, whether it is related to Fiskville or any other particular event or issue.

About myself, I have been with the Metropolitan Fire Brigade for nearly 27 years. Like all of our firefighters, I started as a recruit firefighter and would have trained at our college at Abbotsford. I worked my way through the ranks to station officer and I moved into an instructor's role at our previous training college in the 1990s doing promotional courses, recruit training and specialist training during that time. I was promoted to commander in 2004, where I took the role of manager/commander of equipment and resource management. You would have heard Mr Whittaker talk about the relationship between the Hazmat team and the equipment and resource management team earlier today. Some of the roles there were to look at firefighting equipment, breathing apparatus and life safety equipment such as chemical gas suits and the like, appliances, design, layout and the carrying of equipment. There was a project team that was underneath me that looked at the transition from PFOS/PFOA foam to non-PFOS foam during that time. I was the staff officer of the chief officer in 2009 during the period of the Black Saturday bushfires and afterwards. I was promoted to assistant chief and took the role of the director of operational training in 2010 and 2011, up until August 2011. My current substantive role is as the director of community resilience. Community resilience looks after public education, community engagement and specifically looks after our high-risk groups such as the elderly, people with disabilities and people from CALD communities. At this point in time I am regional director for north west metro.

I will briefly touch on MFB's operating environment, and most of you will be aware of it. The metropolitan district covers 1400 square kilometres, with approximately 1800 operational staff and over 200 corporate staff supporting those operational firefighters. It responds not only across the metropolitan district but across the boundary into the CFA areas and, when required, works with other ESOs — emergency service organisations — to deliver emergency management services to the whole of Victoria using the planning, preparation, response and recovery continuum to provide those services. MFB has held a number of training sites during its history, including its Eastern Hill fire station originally as a training site in Victoria Street, Abbotsford, which is now closed; the site in Burnley Street, Burnley, which now operates purely as an office and specialist technical area base with some skills maintenance training that is provided there; and obviously the VEMTC training site at Craigieburn, which you visited earlier this year.

MFB has had a long history of training with the CFA and at CFA sites, including Fiskville, Bangholme or Carrum and Sale, and we have also had some history, as you heard earlier, with training at private sites including Longford down in Gippsland. MFB used the Fiskville training site since at least the early 1990s. Our records are poor at that point in time on who attended the site, but I can tell you from my own experience I was there in 1998 on a promotional course for a week. We did not use the props at the time. It was purely theoretical and we used the classroom facilities at that time, but many others used the complex in that way during that time. I can tell you also that during my time as the assistant chief of the operational training division I took the executive leadership team there to witness a recruit course in action in May 2011 to see them doing the hot fire training and using the facilities on site. MFB's history with the particular matter regarding Fiskville obviously dates back to 6 December 2011. I will talk about that period — 6 December — when we all know that there was a story published in the *Herald Sun* and that brought the attention of the Metropolitan Fire Brigade to the issue. At this time and between December 2011 and 20 June 2012 the MFB believed the issues related to Fiskville were of a historical nature.

After that period in time we sought assurances from the CFA — CEO to CEO at that time — about those reports of contamination to assure our people and ourselves that Fiskville was a site that was fit for our people to be attending to do their training. MFB reacted immediately after it saw that news report published. The very next day, for example, our own MFB CEO sent an all-persons message to MFB staff informing them that we were now aware of this issue that had been raised in the paper, and in that particular message the CEO reminded staff that if they had any health concerns they should make themselves available to the health and safety processes inside the MFB. This is called REII; I cannot tell you what the acronym means, but it is a health and safety management system. They should make themselves available to that system if they have any concerns; they should make themselves available to the brigade medical services if they need to, and, if they desire, to use the support of the peer support program we have in place at MFB.

During this period the MFB continued to seek information from the CFA to make ourselves assured that these problems were of a contamination nature and we continued to do that. We received several reports, as the submission points out, during that time from the CFA. We had those reports peer reviewed to make ourselves even surer that we were fully aware of the situation, and we continued to seek that information during that time, because we had courses that were planned to be run, I believe, in May that year and later in the year to meet our training schedule. We continued to use Fiskville for recruit training, believing, once again, that those issues were historical in nature.

On 20 June 2012, one of our station officer course instructors, while they were at Fiskville doing some training, notified the MFB of water quality issues — water that was discoloured, water that had quite a distinct odour. This process was notified through to the executive director by telephone, the executive director of operational training at the time, Mr Peter Rau, and on Mr Rau's direction, the training was ceased immediately. As you know from the submission, MFB has never returned to Fiskville to do any practical training since that particular time.

Immediately we were aware of that issue, the very next day, MFB, through the CEO, notified staff of this particular issue with the water quality via an email. It sought to seek information from the CFA regarding the water quality at Fiskville, the water-testing regime and what parameters were in place regarding that water-testing regime.

I will just briefly touch on the period between June 2012 and October 2012, noting that MFB, as I said, had not returned to Fiskville since June 2012. We continued to seek information regarding Fiskville and the water quality issues and the testing regimes. On receipt of any of those reports, we had those reports peer reviewed, and all that detail is in the submission. At some point in time, on the benefit of a recommendation in one of those reports, we requested and agreed with the CFA to changes to the supply of water for training to that being from towns mains, as opposed to recycled water. We did receive assurances from the CFA via a WorkSafe letter regarding the safety of the Fiskville site, reassuring us that the site was safe for re-use.

In October 2012 the MFB received a grievance regarding consultation on returning to Fiskville to do training. The MFB needed to continue its training program and sought to make alternative arrangements for training post this particular event. Subsequently, as you heard from Mr Whittaker, we used CFA Sale and CFA Longford to complete those components of training that were required for those people.

You would be aware of the development of MFB's VEMTC site at Craigieburn concurrently during this period. This project commenced in 2009 with a commitment to build VEMTC to train MFB people. But it also consulted heavily with the CFA, the SES, Victoria Police and other emergency service organisations about its development and about its size and capability. But it relied heavily on its own people — training officers, UFU delegates — to inform the capacity and capability of the VEMTC training site into the future. It even sent its people out to the world to find out what was best practice, including trips I think to New Zealand and to Europe and the UK. It budgeted for and fully funded development and construction of VEMTC, and it now operates, as you know, on behalf of the state of Victoria, MFB managed. You would be aware that there are courses running there now for MFB recruits and CFA recruits.

During that process MFB obviously had to make some decisions about the water that would be used there. MFB sought specialist advice about what quality of water we should use at the site, that being class A. But MFB consequently employed a higher standard, that of potable water, and I think set the standard now for firefighting water training probably in Australia. That came at considerable cost to the MFB, to make that decision, but you have seen that now, and you can see what capability it gives us.

Can I just touch briefly on foam and foam training at VEMTC as well. MFB developed scenarios, props and site-specific protocols and drills for foam training, on-site training, including a separate foam training area, which is exclusive — there is foam training held in that area and nothing else, and foam is not to be used in any other areas of the complex — and restricted access for vehicles carrying PFOS and PFOA foam. They are not allowed on site, as simple as that, basically. Any vehicle that comes on site from another agency must carry a certificate stating that it does not carry that kind of foam.

Finally, I will just touch on 2013 afterwards. MFB continues to provide and continues to give its people information regarding the Fiskville matter. The CEO, as I said earlier, sent out an email the very day after the newspaper report about the contamination at Fiskville was published. MFB along the journey has encouraged participation in the Joy report in March 2012. MFB provided information regarding the water issues at the Fiskville station officers course in June 2012. It alerted people to the publishing of the Joy report in July 2012, and it provided people with a WorkSafe report in October 2012 regarding the safety of the Fiskville site. This continued right up until March this year, when the CEO alerted people to the fact that this parliamentary inquiry would be held regarding Fiskville. All those messages contained information regarding reporting and encouraging the reporting of issues with regard to health and safety, attendance at health specialists or the use of the peer support program.

We have reviewed all the MFB health and safety records for the period in question, back into the 1990s. Knowing our people would be concerned, we would want to keep them informed of what was going on. We have read the submissions from our people and other submissions to be informed about what people are saying at the inquiry. We have sought to provide information that addresses our people's concern when we needed to.

As you will have seen by the MFB submission detail, the MFB is committed to providing a document that addresses the terms of reference as required by the committee to the highest degree.

Finally, MFB welcomes any recommendation the inquiry makes and supports the committee's desire to ensure the highest level of safety is afforded to our people, our firefighters, and then the broader Victorian community. Thank you for your time. I welcome any questions from the committee.

**The CHAIR** — Thank you. First of all, Mr Purcell, just talking about the welcoming of recommendations, are you aware of the interim report that the committee put out, one of the recommendations being that all firefighters should have the ability to be tested for PFOS and to look at the feasibility of that. Do you know what has happened there? Is that occurring amongst the MFB firefighters?

**Mr PURCELL** — I can only answer that I do not know if it is occurring yet. I think it is being considered on a risk basis, in line with, for example, the register that is held by CFA for people who worked at Fiskville for long periods of time. So it is definitely being considered.

**The CHAIR** — Okay. But you are not quite sure if it is happening or — —

**Mr PURCELL** — No, I cannot tell you if that is happening at the moment.

**The CHAIR** — Okay, sure. Can I just take you back to what you were saying in terms of the sequence of events. You referred to I think it was the first report that the CFA provided to you when there were questions about the water quality, which was the Cardno Lane Piper report. According to the submission, I think it was around 1 August 2012 that the MFB received a copy of that report?

**Mr PURCELL** — Yes.

**The CHAIR** — The MFB then commissioned the peer review, and that was conducted by the Environmental Resources Management Australia Pty Ltd company. As I understand, the Cardno Lane Piper report that the CFA commissioned was done under the auspice of the EPA as part of the audit process. Then the MFB conducted their own report or peer review of that report. I think you said — you sort of glossed over it — that there was a slight difference between the Cardno Lane Piper EPA report and the report the MFB commissioned. As I understand it, the difference between the two was quite big. We were talking about whether the water used for firefighting should be used or not. In the report that you had, the industrial or occupational hygienists were saying that it should not be used and that the methodology or the regime used by Cardno Lane Piper they believed was not adequate to determine that that water was safe. Is that correct?

**Mr PURCELL** — My recollection of the ERM report is that it does not support the Cardno Lane Piper report and that it makes recommendations that there be a change to the water for firefighter training at the site.

**The CHAIR** — So was it actually changing from the recycled water that was being used in the dams to mains water?

**Mr PURCELL** — Yes, that is right. And subsequently the CFA agreed that they would install two 200 000-litre tanks at the site from towns mains water.

**The CHAIR** — My next question is: why should anybody have confidence in the reports commissioned by the CFA on such an issue as this, which was the main issue about the quality of the water, if the CFA commissioned-report under the auspice of the Environment Protection Authority considered it acceptable and safe, yet there was another report that the MFB commissioned and you believed was correct, which completely contradicted it on that very key issue, which is about the safety of the water that they were using?

**Mr PURCELL** — I suppose the answer for the decision-making process is that there was conflict between the two reports, and that conflict was weighed up in the decision-making process to go with what is the highest standard. The early reports about the contamination, the peer reports for those reports, said, 'We broadly agree with the reports given to you by the CFA', but in this instance the report was offering up an alternate solution, which was a higher level of water quality safety. That would be the thinking, the decision-making, behind that.

**The CHAIR** — The way I understand it, though, it was not a question about the quality of the water; it was also about the way that the testing was done.

**Mr PURCELL** — That is true.

**The CHAIR** — It was actually that the conclusions were wrong because the fundamentals, if you like, of that report were not correct, or different to the report of the company that you employed?

**Mr PURCELL** — The peer review did point out that it could not accept the way that the report developed its conclusions based on the limited amount of test samples that had been taken, how they had taken the test samples, and the parameters they were using. That is correct.

**The CHAIR** — So then do you think the MFB would have confidence in the following reports that the CFA commissioned, that they would have been correct? This is the same company that has been used many times by the CFA to do many reports.

**Mr PURCELL** — I can only answer that by saying that once again we would be looking to peer review those particular reports and if we got a conflict then we would be concerned and we would probably put that into our decision-making process. I think the next report that we would have received was the letter from the WorkSafe authority saying that the site was safe for training, and we had no reason not to believe another government agency in that case, that the site had in place risk management processes that were acceptable.

**The CHAIR** — Okay, but in actual fact the Cardno Lane Piper report was contracted by the Environment Protection Authority, which is another government department, and they — —

**Mr PURCELL** — I suppose the only way I can answer that is that we wanted to be sure that the health and safety of our people was held in the highest regard. We had reports, and we were making sure that those reports were to the best practice possible, and that is why we would have gone out and sought peer review on those particular reports. It is not a matter of not trusting the reports; it is making sure that you can gather as much evidence as you possibly can to make the best decision you possibly can at that point in time.

**The CHAIR** — So would you at any time have advised the EPA that there was a conflict between the two reports? As I understand it, the Environment Protection Authority issued an audit or a clean-up notice or certain procedures that the CFA had to go to in respect of Fiskville, and the CFA itself was then responsible for engaging the consultant or whatever it was to do the work. Do you think you should have perhaps raised it with the EPA that there was a conflict within the two reports?

**Mr PURCELL** — I cannot tell you exactly whether that was raised, because there would have been meetings between people. Some of them are documented in the submission, between MFB management and CFA management. I cannot give you a direct answer as to whether that was raised in those particular meetings. Having said that, we were seeking and getting our reports from the CFA. The reports that were commissioned were coming from the CFA, not from other parties.

**The CHAIR** — Okay, great, thank you.

**Mr RAMSAY** — I just want to raise a few questions out of the submission. I am trying to get some clarity around the chain of events which you have provided in part to the committee this afternoon. But it was in 2009 when the MFB made a decision to seek a new facility because, in your words, or the submission's words, the MFB could no longer meet specific MFB requirements at Fiskville and a decision was then made to build a special-purpose facility at Craigieburn. That was well before any discussion around contamination. You made some decisions about relocating to Melbourne then.

The *Herald Sun* report, which has been identified in your submission and I just had a quick read of, makes no mention of water contamination at that point in time. It was only about chemical contamination and it makes some suggestions around burying of drums and what have you. So we still have not got to the water bit yet. We are building a special-purpose facility at Craigieburn, the *Herald Sun* has done a little bit of investigation and found some issues around chemical contamination, and then the UFU start to get involved in relation to its members and seeking information through the MFB to CFA. That goes tig-tag, tig-tag, tig-tag.

**Mr PURCELL** — Yes.

**Mr RAMSAY** — But if we move up to 2012 — so we are three years on; one year on from the *Herald Sun* report and three years on from the decision to relocate anyway to Craigieburn — the UFU again start seeking information. In fact they had a number of documents that the MFB were trying to get, but I must say — and the question I want to ask you — is I cannot understand why the UFU would not want to release those documents to you to provide an overall view of potential contamination on site. I note that in this submission it talks about the UFU wanting to hold the documents because there was legal action pending and also they were wanting to create a story in the public arena around some people being impacted by health. In fact not releasing the documents was not about trying to support the MFB in discovering some evidence; it was more about creating a publicity opportunity for them to be able to do an exposure in the *Herald Sun*, as I understand it from reading these documents. Could you give me one reason why the UFU would not provide you with those documents so the MFB had a better understanding of potential contamination at the Fiskville site?

**Mr PURCELL** — It is a long question, and the answer is really short: I cannot give you an answer to that, except to say I think it is probably best to ask the UFU why they did not supply those documents. They would have their reasons.

With regard to the development of or the planning for VEMTC, I can answer that question. In the 2009 period MFB had a training complex at Burnley, which was inappropriate for delivering large-scale practical training exercises and probably was not even big enough to deliver some of the theoretical components in terms of classrooms. Fiskville was a solution for a point in time to help us overcome some of those issues. We were not

desirous of going to Fiskville. It was an expensive exercise to ship people up, have them accommodated on site and pay them all the requirements that you need to when you have people away from home. The planning for what was the MFB's masterplan originally, and I am talking 10 years ago, was that we would have an additional training complex in the metropolitan district that would support the Burnley complex, but it never got developed and we left ourselves a little short in terms of practical training complexes at that point in time. Fiskville was just for a period of time when we needed a space and a place where we could do the practical learning exercises, and it fitted that need at that point in time.

**Mr RAMSAY** — If I may, Chair, just the last part. We have moved on from the chemical contamination issues to water contamination issues around about October 2012. That is when there was this flurry of emails between Peter Rau and Justin Justin seeking information in relation to water quality and, as the Chair said, there were two reports done in relation to water quality, as I understand it. Both came back with a summary that they felt that the water met the water standards or requirement.

**The CHAIR** — That is not the report I referred to.

**Mr RAMSAY** — There was a report commissioned where samples were taken and 10.1.3.1, personnel working at — sorry. There were two reports, as I understand, and both came back saying that they believed that the water was not contaminated or was not potentially harmful to the health of the firefighters.

**Mr PURCELL** — There was a later Eva report that was October 2012, which broadly supported that the health and safety risks had been vindicated, but it is not specific about water. It is only specific about general health and safety matters at the Fiskville site. I do not know if you are assuming that that report included issues related to water quality.

**Mr RAMSAY** — In relation to 8.1.2 — this is when Euan Ferguson wrote to Shane Wright regarding safety at Fiskville, and WorkSafe was asked to provide assurance in relation to the safety of water — WorkSafe responded, saying that it had not identified any further issues regarding risks at Fiskville that would preclude the ongoing use of the facility for firefighting purposes. That is 8.1.2 of the submission. It goes on to talk about WorkSafe not usually providing assurances, but the UFU wanted an assurance from a regulator in relation to safety at Fiskville. So I guess the question — —

**The CHAIR** — What was that section?

**Mr RAMSAY** — Section 8.1.2. Given there has been an independent report that indicated that the water contamination was not a threat to human health safety, and then a further report indicates that some of the sampling was not done appropriately — I think there were only two samples of surface water and a bit of groundwater — and the regulators were not making any noise about the potential risks associated with water quality or chemical contamination at Fiskville, do you think the regulators themselves, the EPA and WorkSafe, actually were compromised in the way they went about their role in making safe the facility for firefighters? Given all of the traffic that was going on, there was hardly a word out of the regulators in relation to their reporting of potential contamination and water safety issues at Fiskville?

**Mr PURCELL** — I am not in a position to judge how the EPA go about their business and provide those reports, other than to say that the MFB would trust another government agency to provide them with reports which were thorough and considered and had used best practice to develop their positions.

**Mr RAMSAY** — It just seems to me in the chain of events though, going on from 2011 to 2013–14, there was hardly any dialogue between our regulators in relation to contamination at Fiskville. There was a lot of information going from UFU to MFB to CFA, back and forward, back and forward, back and forward, but no real action by the regulators in relation to some of the issues that the *Herald Sun* and others reported. Do you not find that strange that the regulators were almost mute in this exchange of dialogue?

**Mr PURCELL** — Our submission does not detail it. There may have been conversations going on between the CFA and the EPA. We were dealing directly with the CFA at this point in time, and the UFU of course, so there may have been conversations going on in that space that we are not aware of, and obviously are not being included in our submission. I am not in a place to answer whether that was happening because I was not privy to those conversations, if they were occurring.

**Mr RAMSAY** — Can I just preserve a right of a question at the end, Chair, if that is all right? I just have just got to find this other report that I was referring to.

**The CHAIR** — Okay.

**Mr TILLEY** — Good afternoon and thanks for your contribution today, and particularly I thank you for the time line; it will make things significantly easier. I just want to go on from what my colleague was talking about in general terms in relation to giving the committee evidence on behalf of the MFB. I would like to ask how personally you were involved in the decision-making process as to whether the MFB continued or discontinued its training at Fiskville?

**Mr PURCELL** — That is very simple to answer. I was not directly involved at all.

**Mr TILLEY** — That is good, so we do not need to qualify that. All right, so going back — —

**Mr PURCELL** — But the submission does outline who the decision-makers were — the CEO, the chief officer, and the executives were involved in those decisions.

**Mr TILLEY** — Taking one step back from that, apart from the decision-making, were you part of any executive committee in the MFB in relation to the discussions that made the ultimate decision?

**Mr PURCELL** — No, by that stage, when those decisions were being made, I had moved to an alternate role of community resilience. We would have been part of information sessions as a senior leadership team at that level, but not in the decision-making process.

**Mr TILLEY** — During your contribution you mentioned to us that you went out to Fiskville, as part of the executive directors, back in sometime during 2011 — —

**Mr PURCELL** — May 2011.

**Mr TILLEY** — May 2011; thank you.

**Mr PURCELL** — For a recruit course that was taking place. So as the director of operational training I thought it was a good idea to expose the executive leadership team to what our people were training in at Fiskville. Obviously they were seeing that we were scheduling training there and we were spending our money training people there, and I thought it was worthwhile that they actually see what was going on. The reality was that the instructors were also pleased that the executive would take the time to come and see how they were spending their weeks away from home.

**Mr TILLEY** — Could you expand a little bit further for us? What were your observations of the hot fire training there?

**Mr PURCELL** — I had been there a number of times before to visit, to watch training take place, and I had been there on occasions to see other activities take place and make arrangements for bookings and the like. It was a normal training environment, so there were activities going on, which are part of the curriculum as part of the obligations we have to go through to get our people up to a standard where we feel they are safe to go and work at a fire station. That is the goal you set for a recruit: to prepare them with all the information and activities you can, all the experiences that you can, to go to a fire station so they will not be a risk to themselves and their colleagues. So they were going through a number of routines. You will see groups of people doing different activities in different scenarios in different places and times, with a broad variety of experiences, all with the aim of taking them to a place for when they are out at a fire station. They would be experiences that they would hope they would be encountering, and therefore it would not be unknown to them.

**Mr TILLEY** — During your visit there — and normally this happens when the brass turns up in town to have a bit of a chat — were any of the instructors or the trainees given the soldier's five to have a chat with the brass at any time during your tour there?

**Mr PURCELL** — The executive would have shared lunch. In fact they partook in some drills and exercises, so they could themselves experience what the recruits were going through. They had their own PPE and PPC on



to do those activities, so there was exchange and interchange between the recruits, the training staff and the executive.

**Mr TILLEY** — So during that time when you are having a casual sort of conversation during lunchtime — how do I best put it? — did the troops raise any issues with you personally or to the executive committee at that stage?

**Mr PURCELL** — Not that I was aware of on that particular occasion, no.

**Mr TILLEY** — Were you concerned at all during those visits yourself?

**Mr PURCELL** — Not with the quality of training that was going on. I personally certainly was not concerned with the quality of water that was there at the time. The issues we were dealing with at the time were actually sending people away for large periods of time — away from Melbourne, away from their families and their homes — and making sure that they were looked after when they were there, so they were getting well fed, they were well rested, they had breaks and they were being looked after during that time.

**Mr TILLEY** — Welfare is a very big part of looking after the troops in the organisation?

**Mr PURCELL** — An army marches on its stomach, as you know.

**Mr TILLEY** — In that time, in your personal observations, did you at any stage, observing the fire training, smell anything unusual or anything at that time?

**Mr PURCELL** — No, I did not.

**Mr TILLEY** — I know you said this at the start. How long have you been with the MFB?

**Mr PURCELL** — Twenty-six years, nearly 27.

**Mr TILLEY** — So it is a long time. You have probably turned out to a lot of incidents and attended a lot of training facilities in your time, and going through your promotional things. Was there anything at all at any stage during that time that gave you any cause or reason to get the MFB to have a look at what was going on?

**Mr PURCELL** — Not at that particular time, but I think our training site history and our training history would demonstrate that there has always been incremental improvement in how we operate. The training college that I went to in in Victoria Street, Abbotsford, drew water straight out of the Yarra River into a dam and then was used on site and went back into the river. I am talking about 1989. There was no testing of the water that we did in there. Subsequently when we moved to Burnley — and I was the officer in charge at Burnley — we did not use water at Burnley because we did not have in place a system that we were comfortable with, both from a water quality use and a size of capacity of the building, to actually do it in a safe manner. Subsequently VEMTC Craigieburn is informed from a water quality point of view from all those learnings: from Fiskville, from Burnley, from Abbotsford, and has been given a potable water standard, which is the highest quality that you can have.

**Mr TILLEY** — I want to propose a question to you and your agency. Hypothetically speaking, if Fiskville were able to be rehabilitated and restored, and notwithstanding that now the MFB has VEMTC, would there be any grounds or reason why the MFB would not go back or use the facility if there was a capacity issue or for whatever reason? Would there be anything prohibiting the MFB from going back to Fiskville?

**Mr PURCELL** — If Fiskville was given the clean bill of health, then if we had training requirements that were met by the Fiskville site, we would consider it. As we are at this point in time, the training sites for firefighter training are all classified as Victorian emergency management training complexes. There is VEMTC Craigieburn, VEMTC Bendigo, VEMTC Portland. There are VEMTCs everywhere. VEMTC Craigieburn is the premier structure firefighting, shipboard firefighting complex in Victoria. All I would suggest is that MFB would support that other training sites are built to purpose to suit certain particular needs. I would not build VEMTC Craigieburn in Wangaratta and I would not build VEMTC Craigieburn in the Mallee because it would not suit the risks that exist in those particular sites. We would encourage that the sites that we support as VEMTC sites into the future are built around the risks in those particular areas and to meet the needs of the

firefighters from those particular areas. If they want to do structural firefighter training, VEMTC Craigieburn is probably the one to come and do it at.

**Mr TILLEY** — No, do not worry. In my pursuit course I spent a day and a half at Burnley, and I can tell you that was ordinary too. Do not worry about that. But thank you; I appreciate it.

**Mr PURCELL** — No problem.

**Ms WARD** — There has been quite a bit of literature and conversation around the to-ing and fro-ing of the MFB regarding using Fiskville. What in your mind was the actual tipping point, though, for the MFB to become overly concerned about the health issues at Fiskville? There is a build-up, but what is the tipping point?

**Mr PURCELL** — I think the tipping point is probably our instructors on 20 June 2012 contacting us to say, ‘The water quality here is not acceptable’. Immediately we were aware of that we pulled the pin on training, and we have not been back since. We did not go back that year. I suppose if there was a second point in time about using Fiskville it was October. We planned to go back for a recruit course in late October and the UFU put a grievance in around consultation to return to Fiskville, and it is their EBA right to do that. We could not find a solution at that point in time, and therefore made a decision not to go back and to seek other alternatives, which were at that time Sale and Longford as training sites. The main one was 20 June, when one of our instructors said: ‘The water quality isn’t acceptable’.

**Ms WARD** — So that was the tipping point? That means that you were contacted a number of other times prior to that regarding concerns about the water quality?

**Mr PURCELL** — No, not at that point. That was the first point about the water quality. As the submission says and the timeline says, before that we were thinking historical contamination.

**Ms WARD** — Yes. The submission mentions past CFA employees who are now with the MFB who did not know about the pollution at Fiskville. Can you tell me who all of those people are?

**Mr PURCELL** — I cannot tell you all of them. I can tell you that our current chief officer, Mr Peter Rau, was a CFA employee. Peter Rau was the training delivery manager at Fiskville for a period of time — not responsible for the complex, just for training delivery. I am aware that he informed the CEO that he was not aware of any issues of health and safety at the Fiskville site.

**Ms WARD** — He is the only one that can think of?

**Mr PURCELL** — There are other members, but I am not sure what their relationship is to Fiskville and what time — —

**Ms WARD** — Would you be able to come back and supply that to us?

**Mr PURCELL** — We could, yes, absolutely.

**Ms WARD** — Thank you. In your role here today what was the process that the MFB went through to decide that you would be their representative here today?

**Mr PURCELL** — The MFB made the decision that because Mr Rau had a relationship with the Fiskville site he would not be appropriate. I obviously had some history with training — I had some history with development of our selection of foam, for example. I had some history with the development of our equipment and the tools that we use and I was deemed to be the appropriate person to make the presentation.

**Ms WARD** — Section 11.13 of the MFB’s submission discusses the thinking behind the MFB returning to Fiskville for training. I understand that the MFB received a letter from WorkSafe. Was it a letter regarding WorkSafe’s own findings or the findings and recommendations of the CFA?

**Mr PURCELL** — I believe the letter from WorkSafe is based on its own assessment of the safety of the site.

**Ms WARD** — Not the CFA’s?

**Mr PURCELL** — Not the CFA's assessment of the site.

**Ms WARD** — Okay. I imagine that there is a fair body of correspondence between the MFB and the CFA regarding the decision to no longer train at Fiskville. Would you be able to supply those documents to us?

**Mr PURCELL** — If we have not already, we would be able to, of course.

**Ms WARD** — That would be great. Thank you. Were there meetings within the MFB with the CFA and/or the UFU regarding Fiskville and would you be prepared to supply us with the minutes of those meetings as well?

**Mr PURCELL** — If we have those, we would be prepared to supply them, I think. I cannot give you a guarantee on that.

**Ms WARD** — But there would have been meetings between you and the UFU or the CFA or all three?

**Mr PURCELL** — I think the meetings between the UFU would be minuted and I think the CFA meetings would be minuted.

**Ms WARD** — Thank you. What happened at Fair Work that led the MFB to decide against resuming training at Fiskville?

**Mr PURCELL** — I am not 100 per cent clear on the details, but Fair Work was about lack of consultation about returning to Fiskville for training. As you may or may not be aware, our enterprise bargaining agreement we have with the employees has a four-step grievance process. Steps 1, 2 and 3 are basically attempted to be solved in-house is the simple way to put it. Step 4 is when you do not solve them in-house and Fair Work Australia becomes the place you go to resolve those particular issues. We obviously could not resolve in-house and we ended up at Fair Work.

**Ms WARD** — So it was a recommendation made by Fair Work that you do not go to Fiskville, or that was your — —

**Mr PURCELL** — No. I do not believe so. No.

**Ms WARD** — That was the mediation that was worked out between you and the UFU?

**Mr PURCELL** — I can explain it. We probably went to Fair Work seeking to receive a mediation around our decision to return and subsequently — I cannot tell you how it landed, but the decision was made to go in another direction.

**Ms WARD** — Is there a way that we can find out what happened?

**Mr PURCELL** — It would be a matter for the records of Fair Work Australia for sure.

**Ms WARD** — Thank you.

**Mr RAMSAY** — I just want to correct the record. In my opening statement to you I said there were two reports in relation to water sampling and they both had similar summaries or conclusions, and that is not correct. The initial report I was referring to was the CPL one and the peer review report, which is the second one that came to a different conclusion. It did not tell us what it was. It just said it was not consistent with the findings of the first report. I note that and I note it for the record.

The area I did pursue with you at the time, though, was in relation to WorkSafe and WorkSafe assurances in relation to work quality. There are three concerns I have. One is that WorkSafe — and I am not sure why it was even WorkSafe and not the EPA, which is the responsible regulatory body in relation to work testing was not involved at that point, given there was a review and a peer review with conflicting conclusions and then a request by the MFB for WorkSafe to provide some assurance, whereas I would have thought you might well have wanted a regulatory body to test the water samples to provide some independence in their conclusions and summary, because WorkSafe was involved and there is the fact that they made those statements. In fact, Euan Ferguson talked about 'All the independent experts have assessed the site and concluded it is safe to start'. That is not quite the case, because we had a conflicting peer review report.

The fact that the CEO of WorkSafe, the CEO of the EPA and the CEO of the CFA — one person had the three roles at one point in time; it was sort of a circus go-around. I am wondering if that had some impact on the fact that WorkSafe and the EPA were a little bit lazy in some of their regulatory investigations in relation to this?

**Mr PURCELL** — You will understand when I say I cannot answer that question.

**Mr RAMSAY** — Okay. The UFU withholding documents — I cannot help but wonder if this was merely to provide the *Herald Sun* with more reports. I would have thought that if the MFB wanted material they knew the UFU were holding in relation to providing some evidence of contamination or risk to their members, I cannot see any other reason why they would withhold those documents unless they were legally required to. That is a question I will ask them, to save you from answering that question.

**Mr PURCELL** — Yes, I think that is best. They will have their reasons.

**The CHAIR** — I will ask just one final question and that is in terms of the closure of Fiskville in the end. Did the CFA board or somebody from the CFA give the MFB a briefing on what happened, why the decision was made, what was going on there?

**Mr PURCELL** — Not that I am aware of, but that may have happened at a different level to me. It might have happened CEO to CEO or minister to CEO. I am not sure.

**The CHAIR** — So you are not aware but the MFB may have been briefed. We are not sure.

**Mr PURCELL** — It may have been. That is a question we might be able to supply an answer to later on, if you like.

**The CHAIR** — Okay. Thank you.

**Ms WARD** — That would be good.

**The CHAIR** — Thank you very much.

**Witness withdrew.**