

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 27 July 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

Mr Bill Tilley

Ms Vicki Ward

Mr Daniel Young

Staff

Executive officer: Dr Greg Gardiner

Research officer: Dr Kelly Butler

Witnesses

Mr Alan Bennett and

Mrs Heather Bennett.

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

The CHAIR — On behalf of the committee I welcome Mr Alan Bennett. I will give a little spiel in terms of parliamentary privilege. Then perhaps you would like to introduce yourself, and we will go from there. Does that sound okay?

Mr BENNETT — I would be happy with that, thank you.

The CHAIR — 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 precinct of the hearings are not protected by parliamentary privilege. All evidence given today is being recorded, and you will be provided with a proof version of the transcript to look at before it is released.

Following your presentation to us this afternoon, committee members will ask questions relating to both the information you have given us and the presentation you give today. I will hand over to you. Are you going to give a presentation first?

Mr BENNETT — I am, Bronwyn, if you do not mind.

The CHAIR — Fine. We really appreciate your coming in. We have heard quite a bit about you — all good. Take your time and go through what you would like to tell us.

Mr BENNETT — Thank you. That is much appreciated. This is my wife, Heather. This is very much a dual arrangement. Heather, like so many of us, lived at Fiskville and was deeply involved in the community, and I think it is important that she is here, both to prop me up, as she always does, and to give perhaps a lady's insight into some of the aspects.

The CHAIR — Good. Thanks for coming, Heather.

Mr BENNETT — I would like to thank you for the opportunity to speak. I think Michelle gave you of some of the extensive amounts of correspondence, which regrettably relate to this little incident — or large incident — and I presume you would like me to read them out with some brevity because I am conscious of the time, and it will perhaps save us some time.

I have to admit that I had some great reluctance to revisit this part of my life. It was a period of time where I felt a vast amount of non-accomplishment and a fair betrayal of the trust that I had placed in some people over some of the issues that I had raised and that have now unfortunately come to a head. I hope you will forgive me because I am not the most eloquent of people, so I will refer to notes sometimes if you do not mind and probably — —

The CHAIR — You are doing very well.

Mr BENNETT — Thank you. I regret that this is a very drawn-out story, as you have probably gathered. It covers a long span of time. It deals with a large number of permanent and volunteer people, some of whose familiar faces I am pleased to see here today.

Up until 1978 I was an assistant regional officer at Warragul and had been in a number of other places for short periods of time, and I transferred to Fiskville as an instructor in September 1978. All of you kind people have been to Fiskville and will be aware of the residential arrangements. We lived up the back with 10 other fine families, and we occupied the very first residence, which was on the right-hand side as you drove up the back. We were the most prominent residence. Down the front Chalky and Wilma McPhee — Chalky being the manager — and his four lovely kids and their Luton boys choir, which perhaps you might like to ask me about at some stage or other, occupied the residence down the front as manager.

As I said, ours was the first house that you reached when you went up the back. From memory, around early November in 1978 on a Saturday morning we had a truck driver knock on the front door. He had tried unsuccessfully down the front of Fiskville to raise someone, but it was a Saturday and on odd occasions it was not occupied, and at that time of the year it certainly was not. He advised me that he had a consignment of drums which he wished to deliver. I was no wiser to it, and there had not been any

discussion about it, so I walked down to the PAD area with him. There was him, another chap and, from memory, a couple of other offsidars, with two truckloads of forty four 200-litre drums — call them what you will.

I questioned him as to what they were and where they came from, and he merely said, 'I'm just the driver'. He led me to believe that they had delivered drums there before, and there were a number of drums. As I said you kind people have been there and perhaps noted the location, and certainly the guys from Ballan and Butch up the back would be well familiar with where they were stored. A number of drums were sitting there, and I said, 'Go ahead. Just stack them and store them where the other ones are'. They rolled them off the trucks, stood them up and left.

On the Monday when we all went back to work I raised the subject and no-one seemed any the wiser other than to pointedly remark that there were other ones there. Quite obviously these merely added to the number. No-one seemed to know what the contents were, no-one seemed to be able to specifically tell me what they were and the drums were very poorly labelled.

Sometime early in 1979 Don Pink came to Fiskville on secondment — and a nice young man he was too. At that stage, as you may well be aware, the Fiskville training ground was largely shut, for obvious reasons, over the summer period. There was some discussion about what we burnt and what we did not, and Don and I decided that we would have a look at some of these drums to see what they were. So we rolled one of the drums across, we undid the bung and we tipped a small amount of liquid out into the earthen that was beside the road that leads to the residences.

One of us — I cannot think which of us was the guilty party — lit a long-life match and threw it into the puddle of liquid and absolutely nothing happened. We had a brief discussion on it, and as we turned our backs the drum exploded and rocketed up in the air. It trailed this long sheet of flame, and it splattered the back of the Fiskville bus that we were driving with all these nice little droplets of still burning liquid. I well remember Ray Smith — who worked on the PAD and who some of the locals will know — was leaning on the fence watching this little fiasco, laughing his head off while we ran like rabbits away from this.

On the Monday or sometime following that, it was painfully obvious that whatever was in the drums was certainly not suitable to be used — and this was the latest consignment, not the ones that were already there. I raised the point and was backed by the other members, or most of the other members, of those who were present — of the staff that were there — that it was too volatile to use and that we should investigate it further, and we left it at that. I believe there were around 160 drums at that stage — and that is an approximation only — and they were added to the number, which was only small at that stage, of the ones that were already there. I made a few brief inquiries, from memory, with a couple of disposal companies and got absolutely nowhere. The drums merely sat there and gradually deteriorated.

There were a number of other issues. I know they are an aside to this, but I will raise them, if I might, as they came around. I had worked in Gippsland for a period of time and had some experience with treated timber. I was quite aghast to find that we were actually burning treated timber in the fire building and also that the breathing apparatus tunnel, which was not meant to be set alight but which was merely a super-heated building, was actually constructed with walkways and crawling sections which also had treated timber in them. So we had a discussion on the treated timber, and to my knowledge it was no longer burnt in the fire building. For that matter, because the drum numbers stayed much the same, I do not believe the number of drums were used after that period of time. Certainly those deliveries did not seem to be.

As far as the breathing apparatus tunnel went, sitting amongst us here today is Leslie Morrison, who was the secretary at Fiskville. I am pleased she is here. Leslie will remember with great fondness the day we burnt down the not-to-be-burnt breathing apparatus tunnel, which largely took care of the problem of the treated timber that I had complained about.

I also discovered — wandering around the place, as we were wont to do — that there was a large stock of quite surprising dangerous goods stored, for want of a better word, in the back of one of the sheds behind

the teaching centre. In the first of the correspondence, which I hope you nice people have got, you will find the report that I wrote on 8 February 1983 in regard to that matter. Would you like me to read it out?

The CHAIR — Which page is it?

Mr BENNETT — This is page no. 1, and it is dated the 8th of the 2nd 1983. If you do not mind, I will not mention names and specifics.

The CHAIR — Sure.

Mr BENNETT — It states:

As per the discussion at the last staff meeting I have examined the above storages and made inquiries regarding the reduction of stock.

My discussions with Mr John Low of the Department of Minerals and Energy left him rather shattered, particularly in respect to our sodium stock, he is going to endeavour to find someone/way to get rid of it and contact us. I believe we should keep two substantial glass jars of the stuff and be thankful we haven't had our posteriors blown off (though this could still happen!).

The person I wrote the letter to suggested that I might make a number of corrections as far as the language went.

I further recommend that:

1. The magnesium shaving stock be reduced.
2. The chlorine cylinder be drained and used as an aid only ...
3. The remaining bottles of hospital ether —

which were absolutely frightening —

be destroyed — they are becoming most unstable at this stage of life.

4. The storage of phosphorous be closely regulated and the containers regularly checked.
5. The need for a decent storage remains urgent.

As time progressed, the drums became worse, and they appeared to start to corrode; the fumes started to smell; the ladies, who I always paid attention to, complained on quite a number of occasions; and in general the situation seemed to be becoming much worse. The lids started to become loose and displace, and in 1981 I took samples from the solid and liquid contents of the drums and made various inquiries for disposal. My memo of 12 January 1982 refers to that:

Five samples of both solid and liquid matter were sent to Cleanaway industrial disposal group — they will not accept our stock as flash points are too low in most cases.

I gave two alternatives, one of which was Chemorganics and the other the EPA. If ever I regretted writing anything, it is this:

Or the drainage of the liquid matter to burn off and the burial or disposal of the solids.

Many of the drums are showing signs of deterioration and leakage. The matter needs resolution prior to further heavy rain causing run-off — approximately 160 drums remain.

I do apologise. There is quite a lot of correspondence on this, and I hope you will bear with me.

On 22 December 1982 a fire started amongst some of the drums and ultimately was extinguished, along with that on the surrounding grass. I wrote a memo on 29 December 1982. It merely details the details of the fire. Are you happy if I do not read that?

The CHAIR — Yes.

Mr BENNETT — On 23 December there was still no clear indication or hope of external disposal of the drums. A decision was made to bury the worst of the drums as there was a real risk of a further fire and ignition of the surrounding grass. Almost all of the chosen drums — which were from the group that was there originally, not the semitrailer loads, or the ones that I had received — had been rolled away, when one of the drums collapsed and I was overcome by the fumes. There were two letters that related to this, one of mine and one from Rod Roberts.

I might mention almost in defence — for those of you who were in the fire service, you would remember — at that time, that was prior to Ash Wednesday. The whole state was in a parlous state. There was lots of dry grass, there was a real risk of any sort of fire causing great concern and this was particularly true, or more so, of Fiskville, even though we did always and could take actions which might prevent any fire escaping at that time of the year. It was necessary to bury those drums, I believed at that time. Certainly there was some discussion as to how many. Because quite obviously I was a bit out of it after this happened, I cannot remember precisely how many were buried but certainly not all of them. There would have been no more than perhaps 30 at that stage.

I know there have been some discussions on whether we took adequate precautions to look after ourselves on that day. In words of defence, I might just say that we tried to do everything safely there, but Fiskville was very limited in the amount of equipment that it held at that stage. On the day of the fire, two of us who managed to extinguish the fire and upright the drums had used two of the three remaining sets of breathing apparatus that were on the property. So there was only one set of breathing apparatus left on the property, and we were two days before Christmas. So we did the best we could with what we had and allocated the one cylinder that was left.

The CHAIR — Mr Bennett, could I just ask a quick question as we go through. You have written a report of what happened. Without saying the name, I note that the assistant chief officer wrote a report that said:

I consider that the operations at the time were being carried out safely and that undue risks were not being taken.

It seems to suggest, then, that all responsibility was on the individual performing the task, as opposed to an overall safety plan from management. Is that the case? Was there any sort of overall safety plan from the management about this sort of stuff?

Mr BENNETT — No, there was not, Bronwyn. In firefighting terms, it was probably no different an incident from that which would perchance occur in any volunteer or permanent fire station. Circumstances were such — and remember we are talking about a long time ago — that we had limited equipment, and we were supposedly competent instructors and experienced firefighters. We took what precautions we could. We wore splash suits and we wore masks that prevented the vapours — I think it was just a bad stroke of luck that the drum collapsed under the circumstances.

The CHAIR — Sorry about that. I hope you have not lost your place.

Mr BENNETT — That is fine. There is such a lot. Please ask a question; feel free. In 1983, in March, I was transferred from Fiskville and went to Kerang as a regional officer. I noticed as the years progressed, in 85 and 86, that I started to have some problems. My hearing deteriorated, my level of concentration deteriorated, I had problems on occasions with my balance and on a couple of occasions I felt marginally unwell. On one occasion — I still cannot drive by without pinpointing the spot specifically — I stopped on the side of the road and thought, 'I'll just take a few moments rest', and woke up 4½ hours later on, still encased in the car with no idea where I was and what had gone on. Times have changed; I do that all the time now.

In March of 1987 I became ill at work and went on sick leave. I had no idea what was wrong. I went to a number of doctors, had a number of tests and no-one could determine anything. In May of that year, on the 28th, I returned to work. I had had a clearance from the doctors, and I determined that I felt well enough to go back to work. I lasted at work for probably four working days, and the senior officer of the area said

that I was not fit to go back to work, that I could not be there on an administrative basis and I was to return to sick leave and to get a certificate for that particular reason.

On 29 June 1987 I got a letter from the authority, which said that they had arranged a medical for me, which was understandable. I went to this medical, and on 11 August the authority doctor wrote to the authority advising that there was no clear indication of my illness, they could not determine precisely what was wrong with me and that I was going to go and see a number of ear, nose and throat specialists, or at least one to start with, but that I could return to work on an administrative basis, which I was happy enough to do. I went back to work, and at around midday on the day I returned to work I got a phone call from the senior officer again advising me that this was unacceptable and I was to return to sick leave immediately.

On 18 September of that year — and we are still in 1987 — I wrote to the authority chairman advising the completion of an operation to remove some growths from my nostrils and following discussions from the specialist sought information on the chemicals I was exposed to as a possible lead to these growths.

I do apologise, ladies and gentlemen. That letter is not in the file that you have, due to my inefficiency not Heather's. If you wish to have a copy, we will be happy to provide it.

The CHAIR — That would be good, whenever you can. Thanks.

Mr BENNETT — By all means. I do have a copy here I believe.

Ms WARD — And Heather, we have noted you are not responsible.

Mr BENNETT — On 8 October 1987 I received a letter from the ESSS — the emergency super, which you would all be familiar with, I am sure — stating that the authority advised them I was unfit for duty and wished to apply for a disability pension. I must confess it came as rather a shock to me, but nonetheless. On 20 October, after I had made a series of phone calls, I again wrote to the chairman of the authority advising that I had made no indication or application for a pension and would be grateful for some indication of the authority's direction to the ESSS, and I would attend the required medical and appreciate a response to my letter in respect of the chemicals.

The CHAIR — So you had not made an application for this; the CFA initiated it?

Mr BENNETT — Yes, the CFA initiated it.

The CHAIR — Is that how it normally works?

Mr BENNETT — I really do not know, to be quite frank. On 9 November 1987 I received a letter from the chairman's office about my letter, which, as I said, had indicated that I had not made application to go before the Emergency Services Superannuation Board, and that I would like a response if possible to my letter in regard to the chemicals, because I had outlined the incident. That letter also advised that the deputy chief operations officer, operations, had been requested to investigate the matter of the chemicals.

On 12 November 1987 I got a letter — Rod Roberts, who was the person who was driving the tractor and had made the other report on the day that the chemical incident occurred — it merely summarised what his report on what had occurred on that day. The concluding paragraph read:

... in view of the lengthy time ... since the incident and short of digging up the drums to have them chemically analysed which may prove fruitless, I do not believe ... any further information can be obtained.

That was on 12 November 1987.

Ladies and gentlemen, again there are no copies of these next three little notations that I make, but I would happy to provide those if you so wish.

At some stage after this I received in the mail a letter which arrived anonymously, which included three internal CFA memos. They were that the matter would be investigated — and these were between the senior staff and a person asked to investigate the incident — but:

... in view of the nature of this investigation it would be appreciated if the matter could be kept on a confidential basis.

The second notation had revealed that the gentleman who was carrying out the inquiries had inquired with the previous commandant at Fiskville, who had given the indication that the drums had been received from a number of places, and this was prior to the drums that I had received and that there were no 'nasties'.

The third one was a response to that, that because of the lengthy time no further information will be obtained.

On 10 December 1987 — which is the next letter, if you do not mind — I received a letter from the authority chief officer advising of my placement on superannuation, the opportunity that it would give me to undertake retraining either outside or inside the organisation, the need — because at that stage I was still residing in an authority house, and quite obviously under those circumstances I would have to vacate the house, and regret that my medical condition required me to withdraw from the workforce. This was on 10 December 1987.

At various times after that I made various inquiries through the authority, primarily by phone and through other means, trying to seek re-employment or to get some indication of what was going on, including what was happening with the chemicals. I was offered a number of part-time jobs, or at least asked to think about them, but they were noted as being only for short periods of time, and indeed the offers were withdrawn.

In December 1989 I contacted the United Firefighters Union, who I had always had a good relationship with, even though I was not a member of them, in respect of my employment, and in particular the situation in respect of the chemicals, as I had a belief that the chemicals had been sampled some time prior, because in a discussion that I had had there was some discussion that further sampling would be carried out above and beyond the liquid and vapour that I had taken all those years before.

The CHAIR — So somebody said that they were going to — —

Mr BENNETT — Take further samples, yes.

The CHAIR — So from that you assume then there had been samples, even though they had not told you?

Mr BENNETT — Yes, even though I had not been told. You have had Michael Whelan here. Michael's sterling efforts — I know how they went — met with no avail. I was most grateful for their efforts, and I wrote to the secretary of the union in January 1990 thanking them for their efforts. Phillip Eberhard will forgive me, because I could never remember his surname, but I presume after all these years it is still the same. But I was most grateful for their efforts; they have done what they could, and Michael had simply said we can go no further.

On 23 July 1990, which is the next letter, I wrote to the authority chairman indicating in respect of a letter of 21 June 1990, which I cannot find, that I believed the chemicals had been analysed and, if so, would be pleased for a copy of the analysis, because this is what they had assured me. That letter was written on 23 July 1990. You do have a copy of the letter in front of you, dated 24 August 1990. It states, among other things, that in 1988, 10 samples of the soils and water were taken and revealed various resins, solvents and other little items, including benzene, toluene, xylene and phenol. So in May 1988 they had taken the samples.

In October 1990 I attended a meeting, on my request, at the chairman's office, because I had met with a number of people in passing who I knew still worked at Fiskville or had worked at Fiskville and had received no advice despite my requests that perhaps the authority might at least give them some indication

of what had gone on. On that day I met with the chairman, the chief officer and staff from the human resources department in respect of the chemical analysis, my re-employment and again the necessity for them to, please, let the other people who had served, worked and gone through Fiskville know, to at least give them some advice, because I knew full well that those little items that they had sampled — and I already had my suspicions — were not healthy at all.

I received a letter back from the authority on 29 October 1990 advising me that they would provide the details of the chemical analysis provided I used them for the information of my specialist and myself only and that I would also be advised in respect of the prospects of further employment with the Country Fire Authority. I think I had worked out before then that my opportunities for further employment with the Country Fire Authority had diminished quite some time before, and I could accept that. I think perhaps at that time I wish I had had the same confidence that the assurance that others would be advised was as positive.

On 13 November I wrote to the human resources department that in line with previous discussions they should let other people know about the chemicals — and you do have a copy of that letter, I believe.

The CHAIR — Yes, we have got that here.

Mr BENNETT — On 21 January 1991 I wrote to the chief officer seeking a meeting in respect of the chemicals, on my completion of further tests and treatments. On 2 April 1991 I wrote to the ESSS advising that I had met the chief officer, that I was still — even though it was a waste of time, I thought — pursuing re-employment with the authority and that I would be attending a further medical and was grateful to the organisation for paying the current specialist bills.

On 21 May 1991 I wrote to the chief officer again, after a number of previous contact attempts, in respect of re-employment. On 29 May I received a letter that discussions would be held on the possibility of my return to a training position within the authority, and I heard no more after that. On 28 October 1991 I wrote to the authority's human resources department advising of further tests and surgery and that I had, by coincidence, met one of the authority board members whom I knew personally — I did not necessarily move in those sorts of high circles, but nonetheless — who told me he believed that the drums and chemicals had been removed. In that letter I wrote and asked if this was indeed true, because I doubted that it was.

On 12 November 1991 I received a letter from the manager of the human resources department advising that they had notified ESSS that due to my hearing problems I remained unable to take up employment with the authority at that time — which quite surprised me, but nonetheless — and that in mid-January 1991, so that is 11 months or thereabouts beforehand, the chemicals had been removed by a recognised firm of waste processors.

On 11 December 1991 I wrote again advising of further tests and reminding the department that the authority had assured me that should the chemicals be moved, analysis would be made and the results passed on to myself, with still the vain expectation that they might have told someone else. On 8 January 1992 I received a letter that the soil and drums were in such a state when they were removed that no further analysis could be made, and that was it.

On 6 April 1992 I received a letter from the manager of the authority's human resources department advising that the ESSS had received advice from my specialist that I was fit for normal duties. In November of 1992, after that and after a bit of procrastination because I heard no more, I contacted a solicitor. Tim and I discussed my standing so far as the agreement that I had made for the retention of the chemical information without passing it on further, the authority's assurance that they would pass the details on to someone else and my standing so far as returning to work given the doctor's response that I was fit to return in at least an administrative capacity.

On 7 December that year, after various discussions with no resolution regarding a job, I received a letter from the authority's health and safety coordinator with my termination paper and my payments. I would imagine they would have been particularly glad to have seen the last of me at that stage, but —

Following on from this I sat with Tim Iser and we discussed how far his negotiations had gone, and he told me they had been far from fruitful and that the authority had brought the full weight of their legal system to bear. He did offer a number of suggestions, and at that time, physically and financially and, much to my shame, a little out of heart, I said, 'No, you have done enough'. He did at some time shortly after that, much to his and my surprise — and this was 1992 — state that the authority had agreed to pay an out-of-court settlement, which he had touched on with some overtures but without any great seriousness. He suggested that I accept this and trust that the authority's senior officers would abide by their assurances. I did that, particularly the trust part, but more of that later on.

I hope you do not mind, and I know this has dragged on, but I am wondering if I might make some random comments before you ask any questions.

The CHAIR — Yes, sure.

Mr BENNETT — I consider myself, and I gather many of my ex-compatriots from Fiskville do, to be particularly fortunate to have been at Fiskville at the time that I was there. We were a family, and my fellow instructors were a dedicated and supportive group. The administrative, domestic and the catering staff were industrious, always helpful and good humoured to a fault, and it pleases me to see a couple of them here today.

These people and their attitudes — the instructors and the people that worked there — did much to diminish what previously to that, I believe, was a real paramilitary stiffness about the whole place. It makes it all the more tragic to me that Heather and I knew so many of those people so well and that they have either suffered or in some cases have passed on. That to us is a real tragedy. We knew the families, the husbands, the wives, the neighbours, their children, and this should never have reached this stage — not ever.

I was very pleased to hear the gentlemen from Ballan speak, because Ballan was such an integral part, and I am sure still remains so, of Fiskville to this day. Not only was Fiskville a lovely family place, but it was also such an integral part, as I said, of the community. We had film nights for the district people. If I can be somewhat lighthearted, I was involved in the very first one that we ever did. I think Lesley would remember it. Marlene, who used to look after all the catering, said, 'How many people do you think will show up?'. I thought, 'Marl, by the time all of us get there and a few others, we might have 40 people'. I worked away that day, and when I arrived back I had to walk to the teaching centre; you have all seen the teaching centre. Marlene looked at me with less than great satisfaction because there were 120 people from Fiskville and the district there to see the movie, which I still remember to this day was *Every Which Way But Loose*.

We worked well as families. We took the kids on hayrides, we took them to the movies and on various outings, and not only from there. You will recall that the school was at the front gate, so if something happened in the district, kids came along. Judy Lee — you have heard Ken speak here, I gather — and I took 10 or a dozen kids to Luna Park on a bus trip on one occasion. They are all adults now I would imagine. I would be most grateful if some of them would band together if they remember that trip and return some of the 10 years that it took off Judy's and my life to escort 12 vibrant country kids around Luna Park.

It was a really lovely place. None of us lost the focus of what it was for, but we were all very conscious of the fact that it was very, very much a part of the district. So many people worked there, so many people from outside came there. In my opinion, they all seemed to get some measure of pleasure out of it. It brought a great measure of accomplishment and satisfaction to Fiskville I would like to think. Certainly I am pleased again to hear the Ballan people say that everyone is still keen — the volunteers — to go to Fiskville. To me, it was a great pleasure to work with the permanent staff, with the firefighters and station officers who came there, because I had come from a volunteer fire brigade and even though I had the good pleasure to work as a firefighter on a very short, temporary basis at Shepparton under Norm Carboon and a number of others, and at Bendigo and Ballarat fire stations doing urban training, there was much to be learnt from the station officers and the senior firefighters who came through that place. I believe that they

got a measure of satisfaction from it too. It benefited the attendees, the staff and the district as a whole. I firmly believe that if at all possible, in any way, shape or form, that because of its location it should be kept where it is. That is out of my hands, but I would like to think that it would work that way.

If I can, I would just again very briefly touch on a number of other bits and pieces. I do understand there has been much discussion on the principles of fire attack and how we did it and why we did it and how we did it in some cases. I will not elaborate on that, but I would like to point out that most of us took great pains to point out that while we were attacking the fires in a way that in many ways was a contravention of practical firefighting exercises — in other words, with the wind behind you and being uphill — I think we all agreed that it put people in the worst situations. It bonded them together as a team. It gave them the worst circumstances that could happen. I, and I am relatively certain my other friends and compatriots from Fiskville, explained full well, certainly before we went into such a situation, what the real reason was.

These attack measures also led some of us, with some unpopularity I might mention, to question both the skills and the physical and mental capabilities of some of the people who came to Fiskville. It was all very well to, if you want to put it in an uncultured term, have a body count of people who went through there, but we needed to be particularly cautious with some of the people who went through. That was a due consideration for quite a number of us. Even though we raised the matter, it unfortunately came to fruition with the tragic death of a gentleman on the PAD from an outside cause, who had a heart attack while I was on the PAD.

I took the chance and have done about enough, but I would like to mention, if I can, the fact that I have some sympathy with the authority management at the time because this whole disgraceful situation has raised its ugly head once again. I know none of the current authority people who work in the authority personally, but I do know that because of the historical nature of this, the lack of action and resolution made all those years ago coupled with the very public press that is associated with it, it must have made it an appalling situation to deal with, and I have no doubts about that.

If I could, I would also like to take this opportunity to thank a number of people who have come along today to support me and a number of others.

The CHAIR — Sure.

Mr BENNETT — I would particularly like to thank you people. It is a very onerous job, and I thank you for your time and efforts. It is very sad that it has come to pass at this time. Thank you so much.

The CHAIR — Thank you, Alan — Mr Bennett. Which do you prefer?

Mr BENNETT — Alan is far, far preferable. Very few people know me as the other.

The CHAIR — Thank you, Alan. We really appreciate you coming in and telling us what happened to you. It has shone a lot of light on some of the other testimony that people have given. One of the issues of those people who have come before us who are ill or who have loved ones who were ill was this issue about not being told. They felt that they had not been told, and I think you have raised that with your many requests to have people told about the chemicals that were at the site.

I notice that the December 1992 letter was signed by the health and safety coordinator. Was that a relatively new thing? Because one of the issues — the defence, I guess — in terms of people not being told that we have been given evidence about is that nobody knew or things were different then — there was not any legislation that talked about health and safety. But I note that there was a health and safety coordinator who was obviously at head office. Was that a relatively new thing in 1992, or had that position been there for a while?

Mr BENNETT — That was a relatively new one. The department had started, to my memory, a short period of time before that and was only in its development phase. It had not been there all that long. I think it mainly dealt with staff issues as opposed to health and safety in the field.

The CHAIR — So it was sort of human resources, although he was involved in the negotiations around providing you with a payment. What was that payment for? Did he tell you?

Mr BENNETT — To be honest, I have absolutely no idea.

Mrs BENNETT — It may be towards medical costs

Mr BENNETT — It could have been towards medical and legal costs. I know someone is going to ask — —

The CHAIR — In respect of the chemicals and what they did to your health?

Mr BENNETT — No, I have no idea, Bronwyn. None at all. I am not being flippant here and nor am I being flippant about this whole issue if you will pardon me saying so. It may have just been to get rid of me with some measure. But, if you recall, in the letter that preceded that many years before there was the statement I took money to keep quiet, and that was not the way. This payment was made — —

The CHAIR — This certainly does not look like that.

Mr BENNETT — It came a long time after that. And I really have no idea why the funds were provided. To be quite frank, and I am not a mercenary person and neither are we at all, it came as a surprise to Tim Iser, our solicitor, and myself and it went no way at all because I had paid a high proportion of my own expenses. I preferred it that way because I was obligated to no-one.

The CHAIR — The solicitor was engaged to look at the work-related connection between you not being able to work and whether that was to do with your work?

Mr BENNETT — That was part of it. Yes. After Michael Whelan and I had had our discussion, after Michael had appeared and spoken to the authority. Michael simply despaired. I know Michael, and I have not read his full response as yet, but Michael simply said that he was outgunned and outnumbered. He did persist, and I believe he was. I had given no thought to any sort of legal action. I had spoken with Philip from the union and they had offered to assist, and I said, 'No, I don't want that decision on my shoulder to bear' — and I am no martyr, believe you me. I then employed Tim for the reasons that I have mentioned.

The CHAIR — These documents that you have given us are for us to publish? That is okay?

Mr BENNETT — Yes.

The CHAIR — I just thought I had better double-check that you knew that that was the case.

Mr BENNETT — No, that is fine, and we will provide you with the ones that are missing if you so wish.

Ms WARD — Just to clarify, the letter regarding the payment came out of the blue just like your letter regarding the pension offer previously?

Mr BENNETT — I think that would be a fair statement, yes, Vicki.

Ms WARD — Thank you.

Mr BENNETT — I must confess, as I said to you, I did not really expect to get another job. I was a petulant child at the best of times I suppose for the authority, and I am again not being flippant about that, and I think, as I said, they were probably glad to perhaps just see the issue go. I regret of course that I ever agreed to make that undertaking, but I did expect them to at least fulfil that obligation.

The CHAIR — So you think they wanted to see you go because you were raising the problems about the chemicals and the safety. Is that what you are saying?

Mr BENNETT — I am looking at another person who I am very familiar with to see whether she is smiling or not. I think that is only one of a number of reasons, and again I am not being flippant. I do not know that I fitted the mould all that well at all quite frankly, and I could give you a list of probably 15 reasons why. I am not prejudging things, but I think one of the reasons may well have been the chemicals. There was still a measure of military style about the fire authority when I worked for them, and I am probably the most unmilitary person that you could ever hope to find. I had a detestation for uniforms, I could find no great joy in the thought of wearing medals and ribbons and decorations. My teaching methods were unorthodox. As Bob Dixon, who was at Fiskville as the senior instructor when I was there, said, I had a severe case of momentary lapses of self-discipline. Bob one day agreed that they were not just momentary — they all ran together, and I was quite pleased. I think Bob found me a difficult child, but I do believe he enjoyed that. And there are a number of other reasons.

Mr RICHARDSON — Alan and Heather, thank you for coming in. I have a question about the 8 January 1992 letter. It seems to acknowledge the fact that a comprehensive analysis had been undertaken but then no further testing will be undertaken, and I note that that is some 13 years after first raising issues. We have heard throughout the committee the lack of knowledge about what was stored, and that seems to undermine that position. What is your viewpoint on whether the CFA at that time discharged its duties of care to firefighters that trained and served at Fiskville?

Mr BENNETT — You can understand how reticent I am to answer that question, Tim, can't you?

Mr RICHARDSON — Yes.

Mr BENNETT — I can only say that I knew, in consultation with a number of others, that even those first samples that I took, given low flashpoints and various other things, gave an indication that they were not things to be trifled with, let alone burnt. I believe that it all was just too hard. Whether it was shoved from one basket to the other, I do not know. Bronwyn's relevant question of the signature of the gentleman from the safety and health section of the Country Fire Authority is a very good question. But I wonder whether they were indeed the ones — and I knew them well — because they had no practical firefighting experience or experience in chemicals or dangerous goods. They were a department, and I wonder whether they were guided from elsewhere as to what the letters should be, what the results should be, and whether they just put pen to paper.

Mr RICHARDSON — Did any of your colleagues at the time who were exposed to the same chemicals, did they have any similar engagements with the CFA?

Mr BENNETT — Not to my knowledge, Tim, no. I did speak to a number of people in passing — Robert Penna and Bronwyn, his wife. You may well have heard of Robert, who died of a very unusual cancer 15 years ago or thereabouts.

Mrs BENNETT — Yes.

Mr BENNETT — I did speak to Robert and Bronwyn in regard to this matter. I have seen a few others. Keith Hodge lived near Bendigo. Keith would not have appeared; he is sadly deceased. I discussed the matter with him at some length, as I did with the gentleman who initially buried those first drums. After that had taken place, I think we met Coralie and Henry Hume quite some time later on, and I said to Henry, because I had departed from the authority at that stage, 'What happened to the rest of the drums?'. Henry, who was a contractor, had gone ahead and buried them. I said to Henry, 'You do realise how unstable and dangerous they were?', and Henry said, 'Yes'. He said, 'I have kept notes and I was very, very careful', but as he said, 'I am a contractor; I am a man who works for myself' — the same as the famous bulldozer driver who dug up the drums so many years later on. There were others that were aware of it. Whether anyone else raised it or not, I do not know, Tim, not at all.

Mr RICHARDSON — Thank you.

Mr BENNETT — My pleasure.

Mr YOUNG — Thanks, Alan. That was a very detailed and personal account of things. I just want to take it away from these letters for a moment and ask you, because you seem to be a fairly considered person, what you want to be the outcome of this inquiry and what sort of things should happen moving forward.

Mr BENNETT — I would like to think that for the benefit of the district and the fire service as a whole — I am not putting these in order of priority — that Fiskville could be retained in as much as its present vein as it is now. I know I have elaborated on the benefits, but Heather and I are both small country community people and there is little enough that keeps the country communities going now, even one that can still rely upon a reasonable proximity to Melbourne, and it has got lot more in favour than that. It was established there more for convenience than anything else, but it is a very important place in the fire service. As I have said, I know when I worked in the Kerang area and elsewhere, and as the gentlemen from Ballan have said, people relate to that place. It is cold, it is miserable, it is bleak, it is absolutely appalling, the wind would blow the dog off the chain 99 per cent of the time, it has got a rock underlay that hurts your feet, but it still is a place that people want to go to, and I would dearly love to see it remain open. It is not my decision and I am not a person who moves in those circles, but that is one thing.

I would certainly be grateful to see some explanation as to why 25 years ago no-one took an effort, none of the senior officers who I met with, who I wrote to, who I communicated with, not because of me — I am not a believer in compensation and payments as such; you find your own way in this world — but I do believe there are some very worthwhile people out there who deserve some consideration. They are people, as I said, that Heather and I, Lesley, Alistair, the boys from Ballan, have a long and happy association with. I know I sit and mention some names: Maurice and Dorothy Conlon were the salt of the earth who lived next door; Bob and Pam Dixon, and so the list goes on — I will not drudge you with all of them. Someone needs to view those cases, someone of some skill, and those that are ill — Ken Lee and some of the others — and make some decisions. I am not a compensatory person; as I said, you make your own way. But someone far better versed, eloquent and more skilled than I should make some sort of recompense to those people.

Mr YOUNG — Thank you very much for that.

Ms WARD — Thanks, Alan, and thanks, Heather. I think you underestimate your eloquence, Alan; you have done very well today, thank you. You participated in the Joy report, and I am interested in what your views are of the findings that came out of that report and what your thoughts are on it finishing in 1999. Do you think it is likely that PAD instructors have a high likelihood of exposure to toxic materials?

Mr BENNETT — Amongst us all they certainly should — not should, could. The practices in the early times that were there were far from — I cannot say ‘safe’ but were far from perhaps safe now, in what is considered today. But we were dealing with very practical people. We were dealing with farmers and others who had worked on farms and other organisations, who were skilled in their own right and who were, as I said, practical people. Ray Smith, Maurice Conlan, the other Conlan boys, Ken, Keith Hodge were all practical people. They would not have thought, even in those days, of doing anything to shorten their lives. I believe they acted in the best of restraints.

In those times protective equipment was very limited as such, both in design and number. One of the reasons I was singularly unpopular, if you will pardon my saying so, with some of the CFA hierarchy was the fact that I had looked at the number of in those days supposedly trained volunteers that we had and discovered there were well over 100 000. When I went to some of the brigades, and if I can give you an example: I went to one brigade where one of the gentlemen had returned from the Second World War and was the captain at that stage. We are talking in the 1970s. I took along the membership list. He took a look at the list, and I had said to him, ‘We can’t have a meeting; we don’t have a quorum’. He said, ‘Rubbish. We’ve got more people here than we’ve had for years’. I said, ‘That’s fine, but you haven’t got a quorum’. I am nothing if I am not dramatic, and I had obtained the membership list from the CFA head office. I unrolled it and there were 140 names in this little rural district of people who were in the volunteer fire brigade. The captain had been there since the end of the Second World War, and he did not know probably 40 of the people on the list.

I raised the point and said, 'We will never get personal protective equipment for 120 000 volunteers, which we do need'. We could not, not possibly. We had so limited resources. I cannot say 'We', but I guess I was part of it. That remained true. There were so limited resources and so many people. The boys there at Fiskville in those formative years took precautions. I have a photo here.

One of the things, to my eternal regret, is that I instigated staff training for the people who worked there. When I look at this photograph, I see what an ugly lot they all are. There was Roly and Butch and Keith Hodge, Maurice Conlan, and they are all dressed up there in what was considered adequate personal protective equipment in those days. That was all that we had, and they did their best with what they had. They were not fools, they were not foolhardy. They knew what they were doing, and they acted accordingly.

Ms WARD — What are your thoughts on the outcome of the Joy report?

Mr BENNETT — Of the report? Obviously, as I have said, if Fiskville can remain open and if those people who justly deserved it are compensated in some way, shape or form, really that is the essence of it all.

Ms WARD — Why do you think the report finished in 1999?

Mr BENNETT — Good question. I wish you had not asked me that either because I do believe there are issues after 1999. I can understand why Robert Joy went that far, because as so many people have mentioned, the PAD development took place after that. But it goes beyond the PAD. I would think perhaps they would touch upon it. But I think they did what, as did the boys on the PAD, they were advised to do in the time frame that they were told to.

The CHAIR — Okay, thank you. We do not have further questions. Heather, did you want to say anything? Is there anything that Alan has forgotten?

Mrs BENNETT — No, I was just here to support.

The CHAIR — Okay. Thank you so much for coming in. It was a really good presentation and gives us lots of really good information. Thank you.

Mr BENNETT — Thank you very much.

Witnesses withdrew.