

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 15 June 2015

Members

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Mr Tim McCurdy — Deputy Chair

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Witnesses

Mr Peter Marshall, and

Mr Michael Martin, United Firefighters Union of Australia.

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

The CHAIR — On behalf of the Environment, Natural Resources and Regional Development Committee, I welcome everybody and thank you for your attendance. Today we will continue to hear evidence from those who have been affected by training operations at the Fiskville training centre, including representative organisations, the firefighters union and the CFA volunteers association. The evidence today relates to contemporary events at the Fiskville training site, particularly issues of the contaminated water that firefighters unknowingly used during training at Fiskville.

This is the last hearing before the committee tables its interim report in the next parliamentary sitting week. The interim report will be limited because we have heard only part of the story of the CFA Fiskville training centre. For example, the committee has not yet called organisations such as the CFA and the environment protection agency that have had allegations made against them.

Since the last public hearing on 18 May there have been media reports that have quoted a confidential submission that had been provided to the committee. On behalf of the committee, I sincerely apologise to all those who have provided submissions for this most fundamental breach of trust. The leaking of a confidential submission is inexcusable, betrays trust and attempts to undermine the important task that has been given to us to investigate the Fiskville story fairly and honestly. On behalf of the committee I offer sincere apologies to the person whose submission was leaked.

I know many of those who have provided submissions were extremely concerned to ensure that their submissions were confidential. For many it had been a very difficult decision to make. I note that many people are worried and fearful to come forward in a public way on this matter. This was something that was also commented upon in the Robert Joy report. On behalf of the committee, I apologise for any anxiety or distress caused by the leaking of this submission and would like to reassure everybody that additional security measures are now in place to protect documents, and in addition the committee has instituted an investigation into the leaking of the submission, including a formal report to the Legislative Council of the Parliament.

Committee members have also taken the unprecedented step of making statutory declarations stating they were not the source of nor did they have knowledge of the leak. At this point all current and former committee members have provided a statutory declaration, with the exception of one. We hope that statutory declaration will be provided to the secretariat this week.

In finishing that statement I would like to call our first witnesses for today, who are Mr Peter Marshall and Mr Michael Martin. Just before I ask you to introduce yourselves I will go through a few of the formalities. On behalf of the committee, I welcome to this public hearing Mr Peter Marshall and Mr Michael Martin from the United Firefighters Union. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and the provisions of the Parliamentary Committees Act 2003 and is protected from judicial review. Any comments made outside the precincts of the 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.

Following your presentation to us this morning, committee members will ask questions relating to both your submission and the evidence that you will provide to us. Thank you again for appearing. We appreciate it and look forward to hearing from you.

Mr MARSHALL — Thank you, Madam Chair, and thank you to the committee for allowing us to appear. There is a PowerPoint presentation that we have prepared. Would you like a précis or would you like me to go through it? There are some important points we would like to highlight on behalf of the union.

The CHAIR — We have about three-quarters of an hour, and we would like to ask you a number of questions. How long would that take?

Mr MARSHALL — I could probably get through it briefly, but I think there are some very important points that need to be raised.

Visual presentation.

Mr MARSHALL — Just by way of background, we are a federally registered union. We cover approximately 10 000 professional firefighters in Australia. The national president is Mr Greg Northcott, and I

am the national secretary. We have eight branches, which on average have 95 per cent union density, a very high level of union membership. Our branches are in the states and territories shown.

In Victoria we actually represent the CFA career firefighters; MFB career firefighters; defence firefighters; ESTA, which is the communications centre; MFB corporate staff; CFA administration staff; Fiskville hospitality staff; and SEM, which is the manufacturing plant in Ballarat.

My submission will provide a series of submissions and presenters, but basically I will give you an overview of the union's interaction with the CFA and WorkSafe. Predominantly Mr Mick Tisbury will provide the primary submission in relation to questions relating to contamination, the history and testing implications. Mr Tony Martin is a station officer and instructor from the MFB. He will provide evidence in relation to his role and his experiences up at Fiskville in that particular role as an instructor.

In addition to our submissions, 450 firefighters have provided submissions outlining their experiences at Fiskville. Later on in this presentation you will see we have surveyed most of the operational staff and other non-uniform staff in relation to their experience and I think you will find that very compelling. Three of those firefighters will give evidence detailing their experiences at Fiskville and subsequent illnesses and medical issues post their attendance at Fiskville.

On firefighter exposure, I just want to make this point to the committee very strongly. There has been a suggestion that operational firefighting training is the same as operational firefighting training for the purpose of saving life and property. It is not. Operational firefighting training is a controlled atmosphere. Firefighters are entitled to the same protection as any other worker in relation to the Occupational Health and Safety Act. Naturally enough, the very nature of fire and incident when they respond to an emergency is an uncontrolled environment. Sure, we have procedures, but the exposures and risks are not the same. The exposures and risks at training can be controlled and should be controlled. We actually can minimise some of those risks through personal protective clothing and equipment and also through fire decontamination procedures post that particular fire.

I want to emphasise the employer's duty of care. I do not do this on the pretence of being a legal person. However, it is well known. The duties of employers to employees I think are most relevant in these circumstances:

An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.

If we go on to subsections of section 21 of the Occupational Health and Safety Act 2004, it says:

(2) Without limiting sub-section (1), an employer contravenes that sub-section if the employer fails to do any of the following —

and we say many of these sections have been breached in relation to firefighters, other members of staff and volunteers who have attended Fiskville —

(a) provide or maintain plant or systems of work that are, so far as is reasonably practicable, safe and without risks to health —

I think you will find the evidence, as it evolves, will show that this simply was not done.

(b) make arrangements for ensuring, so far as is reasonably practicable, safety and the absence of risks to health in connection with the use, handling, storage or transport of plant or substances;

(c) maintain, so far as is reasonably practicable, each workplace under the employer's management and control in a condition that is safe and without risks to health —

Our strong submission is that — and I pointed it out at the beginning — there is a difference between training and actually responding to life-threatening emergencies. It is a controlled environment, and those obligations can be met and should be met.

(d) provide, so far as is reasonably practicable, adequate facilities for the welfare of employees at any workplace under the management and control of the employer;

(e) provide such information, instruction, training or supervision to employees of the employer as is necessary to enable those persons to perform their work in a way that is safe and without risks to health.

Again we say the evidence will show, and has already shown, that those sections were simply breached. We are also acutely aware that there are other persons, other than employees, as well as volunteers, who have been allegedly affected by what happened at Fiskville, and we say that the health and safety act is also binding upon the CFA in relation to those other people. It says:

(23) Duties of employers to other persons

- (1) An employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer.

There are penalty arrangements here, but most importantly, we say that a breach, an offence under subsection (1), is an indictable offence. You will know that the recommendation from the UFU is that those persons who are deemed to be responsible for this inquiry should be prosecuted — either civilly or criminally — for their actions if it is found to be that they firstly, covered up, or secondly, knowingly put people at risk.

Occupational cancer: presumptive legislation is a topical subject around this particular Parliament, as it is in Australia. I have had firsthand experience in relation to that. There is internationally accepted evidence that demonstrates there is a higher risk of firefighters contracting cancer as a result of their service to the community as a result of being exposed to toxins. As I said, responding to a fire in an emergency, where there is life or property at risk, is an uncontrolled environment. There is no option for a firefighter but to go into that environment. In doing so they are actually exposed to toxins and carcinogens, and the evidence is that clearly over a period of time they have a higher risk of contracting certain types of cancers.

As a result of that, there was an Australian Senate inquiry in 2011 that called extensive evidence from both overseas and Australia in relation to that risk and whether it was applicable to Australian firefighters. Without going into all the details you can see that one of the findings of that Senate report — and a copy is actually in our submission — is:

The committee has carefully examined the large amount of evidence with which it has been presented. Study after study has pointed to a higher risk of cancer for firefighters than the general population. Science has confirmed what firefighters suspected for decades: that a disproportionate number of them in the prime of their lives are brought down with illnesses usually reserved for the old and the infirm.

Again I emphasise this is in relation to responding to emergencies in an uncontrolled environment. Training is in a controlled environment. There is a big difference.

On presumptive legislation, by way of background, it is impossible for a firefighter to actually make a claim under the current workers compensation system. You have to show causation and effect. If the roof came down on a firefighter while they were fighting a fire, there is a causation and there is an effect. It is clearly demonstrable. But because over a period of time firefighters were gradually and increasingly exposed to toxins and carcinogens, it is a slow onset of the type of cancers, so therefore it is hard to prove; you cannot show the causation. You would have to show which fire you attended, which of the many tens of thousands of toxins and carcinogens caused your illness, and clearly that is why presumptive legislation has been put in place. Presumptive legislation is simply a reverse onus with checks and balances for the employer and insurance. That is, the 12 types of cancers that scientists have confirmed are work related for firefighters, it is presumed that they actually contracted that as a result of work unless it was demonstrated otherwise. It flips the coin.

Interestingly enough, in December 2011, after the federal inquiry, the federal Parliament of Australia unanimously enacted legislation to cover ACT firefighters and aviation firefighters. They were covered under the Comcare legislation. A short time after that, in Tasmania there was presumptive legislation enacted as well. We can see the list goes on: Western Australia, 2013; South Australia, March 2014; Northern Territory, March 2015; and as I understand, the Andrews government has promised to introduce the legislation here.

Presumptive legislation reverses the onus. As I said, it flips the coin. It is impossible for a firefighter to show which fire, after many thousands of fires or hundreds of fires, caused his illness; which toxin, which one of the tens of thousands of carcinogens caused his illness. It flips the onus the other way. Also, it is not about compensation in the sense of giving them money; it is about enabling them to get well and seek necessary medical treatment so they can recover. It does not mitigate the employers' obligations to take reasonable steps to provide a safe workplace. As I said, training is very different to responding to unknown, uncontrolled

environments where there is fire, or building collapse, or motor vehicle accident, chemical spills, as opposed to being in a simulated exercise where you can control those outcomes.

Minimising the risk is not just about presumptive legislation per se; it is about doing things better and trying to mitigate that risk as much as possible. It is impossible to eliminate the risk. There is no uniform that is currently even on the manufacturer's drawing board that can fully protect the firefighter from absorbing through their skin carcinogens and the by-products of combustion and fire as a result of going in to save life and property. There is no uniform on the drawing board. The uniform of a firefighter has to breathe. A current state-of-the-art uniform will protect a firefighter up to 10 000 degrees Celsius if they are caught in a flashover, but it has got to release their metabolic heat build-up. In doing so, the uniform breathes, and whatever is actually in that environment leaches into their skin, and the hotter the firefighter gets, the more they absorb. That is just known science. So the employers have put in some mechanisms to try to reduce — to mitigate that through decontamination straight after the fire, new PPC, rather than their sitting around in dirty, old stuff.

Fiskville contamination: it is well known that the highly respected former chief officer, Brian Potter, publicly exposed the historical concerns regarding the use, storage and burying of chemicals at Fiskville. Firefighters, staff, visitors and the local community had been exposed to a toxic cocktail for some time, and that is why I pointed out that sections of the health and safety act would be so applicable. It was brought to the union's attention in June 2012 by the instructor, Mr Tony Martin, to my right, that the quality of the water up there was of an unusual colour and that it was the worst he had ever seen before.

Despite those concerns, there was an insistence by the CFA to continue training at that particular location. We were able to produce photos of the discolouration and the contamination of the water, as a result of Mr Martin's attendance and photographing it. I think the committee is going to be supplied with those photos.

This is most disturbing. I started off by talking about the obligations of employers to provide a safe working environment and the fact that firefighters are entitled to that same legislative security blanket that other workers are. Between June 2012 and 8 August 2012 the UFU had on occasion — at least nine times — written to the CFA, trying to get to the bottom of what was going on at Fiskville, and let me tell you the resistance was breathtaking. During the same period the UFU also sought information from the MFB on at least three occasions. To the MFB's credit, at the time when the concerns were raised they stopped training at that location.

I am not going to take you through blow-by-blow descriptions, but the following slides — 26 slides, and you have got a copy of them. Nineteen to 44 is very telling correspondence between myself as secretary of the UFU and that of the then CEO of the CFA, Mick Bourke, and some of those pieces of correspondence and answers are of deep concern to the union — extremely deep concern to the union — because essentially there appeared to be an avoidance of providing the information so that an informed decision could be made. So you can go through all the correspondence if you want, but that will cut into your time. But it is provided for you, and it is also in our submissions. It goes right through.

One of the responses from the then chief executive officer of the CFA, Mr Mick Bourke, was to put out a blog saying that we had no records of anyone being injured or alternatively affected by attending Fiskville. We actually conducted a survey through the ACTU, which showed that 427 UFU members completed the survey. Fifty-one experienced nausea during their attendance at Fiskville, 25 experienced suppressed appetite during their attendance at Fiskville and 56 experienced digestive problems during their attendance at Fiskville. You will hear Mr Tisbury give evidence in relation to some of the side effects of PFOS and other materials.

The CHAIR — Sorry, Peter. The 427 UFU members, were they CFA — —

Mr MARSHALL — MFB — a combination; not all operational as well. Eighty-two experienced headaches during their attendance at Fiskville, and 79 experience gastro during their attendance at Fiskville. Of the 427 members who completed the survey, 102 reported skin conditions; 30 experienced skin conditions during their attendance at Fiskville; 36 experienced conditions following their attendance at Fiskville; 36 experienced them during and following their attendance at Fiskville — one of the side effects of PFOS and the bacteria that was introduced that broke down the petroc carbons. Can I say that this committee will hear evidence from a firefighter that they were discouraged from reporting that information, and that may explain why there was no record of it.

We make no apologies for being critical of WorkSafe. Essentially we raised the issue in July 2012. WorkSafe is supposed to be the protector of the worker if you do not get a result from the employer. It is our submission that WorkSafe failed firefighters badly. It is our submission that clearly the issue in relation to Fiskville was not addressed in accordance with the obligations of WorkSafe, and we pointed this out under the previous government. I do not make that as a political statement; my understanding is there has been a change of personnel. However, we also say that we also asked WorkSafe to conduct an immediate and thorough investigation of the water quality at the CFA training grounds.

WorkSafe responded on 3 August saying the CFA were only to use mains water until a consultant's review but did not specifically address our request for an investigation. The UFU formally wrote to WorkSafe seeking prosecutions against the CFA for breaches of the OHS Act on 15 November 2012. Despite the UFU and its solicitors repeatedly following up on the investigation, the outcome of the investigation was only notified to the UFU in January 2015. Under the legislation, it is my understanding — and I stand to be corrected — that an investigation is supposed to be completed in three months. It is unexplained, and we still have no explanation why that was not conformed to, nor were we provided with the information that we were seeking.

I read the submissions outlining the various correspondence to and from WorkSafe. Our recommendations are not just solely directed at the CFA board and other persons; they are directed at WorkSafe as well. Under the WorkSafe Act, they have to conduct an investigation within three months. As I said, I stand to be corrected if that is not right, but that is our advice. WorkSafe notified the UFU of repeated delays and extensions due to comprehensive investigation, the complexity of the matter and the extensive range of documentary evidence. We do not accept that.

On 22 January Monash University released its study into the Fiskville firefighters health study. The UFU was publicly reported commenting on the study and pointing out that the WorkSafe investigation which had begun more than two years ago was yet to be completed. The public comment prompted WorkSafe to write to the UFU on 9 January 2015, referencing the recent media references and enclosing a letter dated 17 December 2014, allegedly forwarded to the UFU. Our records show there is no record of having ever received that letter dated 17 December, and the letter says there is insufficient evidence to establish any offences by the CFA under the Occupational Health and Safety Act, but I point out this some two years later, after we asked for the investigation and findings and conclusion.

Only after media coverage did we receive that letter on 9 January, dated 17 December. We have got a very comprehensive — obviously for very good reasons — as to ingoing and outgoing correspondence, and there is no record of us ever receiving that letter. I bring into question the validity of the date of the letter.

No information provided: the CFA have not provided all the information the UFU requested or responded to all the issues raised in the range of correspondence. It is in the public interest and it is in the firefighters' interest, both career and volunteer, to know what information is there. We still have not received all the information. One of our recommendations is to respectfully ask this committee to make them provide that information so we know what firefighters were exposed to.

Mick Bourke provided two results in his correspondence from June 2011, and two additional results were provided by their lawyers in their letter dated 14 August. It was incomplete information. We were promised more testing results within 48 hours. We never received that, and we still have not received it.

Additionally, the health and safety representative actually asked for the information in accordance with his entitlements under the health and safety act. He was given a box, and the box had information that was either incomplete or irrelevant. There was very little information in there that actually was able to be digested into giving a clear picture of the exposure of firefighters and other persons up at Fiskville, as well as the reports that we now know the CFA had.

Since 20 June the MFB has never returned to train at Fiskville. That is telling in itself — that the MFB have never returned to Fiskville to train. I should have started off by saying that the Fiskville staff and trainers are extremely professional, decent people. They have been caught up in this particular inquiry, or this particular incident, through no fault of their own. The majority of those persons are very good people.

Michael Tisbury will give evidence about the MFB intending to return to Fiskville in August after the CFA installed tanks for mains water to be used on the training pad. That did not happen, and he will explain why. He

will also give evidence as to the ineffectiveness of this system as the tanks would not contain sufficient water for training. It is very telling, and you will hear Mr Tisbury's evidence as to how you could actually conduct the training they say was conducted with the type of water supply that was there. To my knowledge the MFB have never provided any testing information or results from any training grounds, including Fiskville, to the UFU.

Summary: from 20 June 2012, upon being notified by members that the water quality of Fiskville was visibly of poor quality and had a stench, the UFU repeatedly sought water testing results and information from the CFA and MFB. The CFA continually claimed that the water was fit for firefighting training and denied firefighters were being exposed to contaminated water. We now know that is not true. It is our strong recommendation that persons responsible in the CFA, MFB and WorkSafe must all be made accountable for the exposure to contaminated water and failure to require the CFA to take reasonable steps to prevent such exposure. It is morally right to do that. For people who put their trust in that organisation and in those persons, as well as with the type of work they do, it is the very least that could be done to make those accountable who did not provide that information.

There has been a bit of talk about all this stuff, so we actually talk about recommending that the reports and all the correspondence be made available to this committee, so you can make an informed decision rather than having to digest the information that has been provided on an ad hoc basis and which we have discovered, or members have discovered. We recommend that there be a change. Actually we recommend that the current board of the CFA be immediately removed for failing to comply with its duties and responsibilities. Anyone here sitting in this room who is a director of a company would understand what those duties are, and clearly if this committee makes the findings we suspect the evidence will bring, those directors should be removed from their position, and would be in the context of corporations.

The CHAIR — Could I just — —

Mr MARSHALL — I am almost finished.

The CHAIR — Thanks.

Mr MARSHALL — The CFA management, including those who have since left, should be made accountable. We note there has been a large exit of those main players. That should not be an escape mechanism for them fronting this committee to answer the questions that every firefighter wants to know. We recommend you take all steps to bring the following before the appropriate authorities for prosecution — criminal or civil. I pointed out the health and safety act and indictable offences. If that be borne out, if it be true, it is the strong view of this union that those people should be held to the full account of the law.

Yes, of course we are seeking stronger regulations from the government to make sure it never occurs again, and at the moment the state of Victoria has a deficiency of one major training facility. I know from my own members that VEMTC, the MFB facility, is being used to probably over its capacity. There has to be another facility. As I understand, the government made provisions in the last budget for that to occur, but that needs to happen.

There has been a bit of controversy in the papers, and certainly we do not say to remove volunteers from the CFA board. We are actually asking that two be recommended from the volunteer associations — that two members of the board be recommended from the volunteer associations. We say that two should be recommended from the UFU, that one be from the emergency services commission and that the other five be appointed by the minister. It is very wrong for someone to go out and portray that we are saying to remove volunteer representation on that board. It is totally misrepresenting our submission to this inquiry. What we say is that we were asking for representation on that board — representation that if firefighters might have had, this may not have happened. We also ask for representation on the MFB board — firefighter representation. We say that in the sense that up until 1993 there used to be an employees rep on the MFB board, and we say that that should be reinstated.

We say that the OHS act should be amended to allow for certified enterprise agreements to include health and safety provisions and allow employees and the union to elect a dispute process through Fair Work Australia. We had nowhere to go. We went to the governing body, the so-called protector of health and safety and the workers here in Victoria through the Victorian legislation, and they failed us — and we say failed firefighters — in their

duty to provide answers as to what was going on in Fiskville. By having an amendment such as that we could have traversed other avenues with perhaps better results.

There is just one other thing I want to say very clearly. My understanding is, and the evidence will show this, that at the pit, when we actually did get some water testing samples, we understand the pit off one of the pads, which I understand this committee did see, was actually cleaned out and filled up with clean water — mains water — and then tested. That is not the water the firefighters used and were exposed to when they were firefighting, and I think you will find that that evidence will be borne out. That is wrong. That is clearly deceptive.

Ms WARD — Sorry, Peter, are you talking about a pit or the dam — dam 1?

Mr MARSHALL — I am talking about the pit on the site of the actual PAD where it collects the water and sends the water back. That was actually tested. It was cleared out first and filled up with mains water. The CFA solicitors confirmed that to be the case. That is just false and misleading.

Having said that, they are the submissions of the UFU, and I am sorry I took up so much time. There is a comprehensive submission here, along with supporting documentation in relation to what we put. Can I just finally say that we come here for a positive outcome, to do justice to the firefighters who were unnecessarily exposed, whether they be career or volunteer, as well as those civilians who were exposed. Thank you for your time.

The CHAIR — Thank you. We will now go to questions. The first question from me is around the health and safety legislation. I know from your submission and what you have said today that you believe WorkSafe has not fulfilled its legal obligations in terms of firefighters at Fiskville. But in terms of the actual legislation as it is now, I think you were saying that it was around 2011 or 2012 that you became aware — or members of the union become aware — of the contamination of the water, or concerned about it. Since 1985 the legislation has talked about obligations for employers to provide health and safety representatives with information about hazards in the workplace. I suppose in terms of looking at what sort of things need to change, did that happen at any time, and if not, why not?

Mr MARSHALL — The legislation was an enabler. All those things were supposed to happen, but they did not happen. When you brought that to the attention of, if you like, the watchdog, that simply was not enforceable. A hundred per cent, that information in relation to the testing reports, the contamination, was required by law to be provided to the health and safety reps or to the employees. It was not done. When that was finally revealed and came out and we went to the watchdog, the watchdog did not do anything about it. That is why the legislation is deficient, and that is why we ask for another avenue, being federal, through Fair Work Australia, so we could have actually gone somewhere else. As I understand it we have actually asked WorkSafe to refer the matter to the DPP anyway.

The CHAIR — You have heard nothing back on that yet?

Mr MARSHALL — It is still with the DPP.

Mr McCURDY — Why do you think the CFA and WorkSafe have taken so long to respond to your requests?

Mr MARSHALL — I can only guess why, but I suspect there was a cover-up, clearly and simply.

Mr McCURDY — What is the usual time frame that the CFA or WorkCover gets back to you in on matters of this nature?

Mr MARSHALL — The usual time frame for an investigation, as I understand it, is for it to be completed within three months. But given the fact that this was a health and safety matter that potentially could have been fatal to people, the period of time that this whole thing was traversed over is just totally unacceptable under anyone's view. It should have been acted on immediately, and that is why we are asking this committee to actually make them produce the reports, because we think that they knew the answers. Some of the reports we have already got, which you will hear about, will show they already had the answers.

Mr McCURDY — So in your other correspondence with the CFA it usually takes place within three months.

Mr MARSHALL — Correspondence, health and safety matters?

Mr McCURDY — Yes, that is right. With the CFA or WorkCover.

Mr MARSHALL — No, this was asking for WorkSafe to investigate, and to investigate under the act they must do so within three months. It took over two years before we got a response, so they failed. There were many excuses for why they failed, but when you are dealing with life, and when you are dealing with the potential for injury and life, I would have expected an immediate response in relation to that investigation.

There were PIN notices put on by the health and safety rep. Those notices were lifted by WorkSafe. As I said, on 15 January 2015 we got a letter from WorkSafe — and we actually asked that that investigation occur in 2012 — saying, ‘Oh, by the way, we wrote to you on 17 December, and there’s inconclusive information’. It is just not acceptable.

Mr RICHARDSON — Thanks, Peter, for coming in today. Just a quick question about the Joy report and its severing of time from 1971 through to 1999 and then discussions about practices from 2012 and issues. I just want to get your reflections on that time and that period and also into the early 2000s through, which we are looking at now. Could you just give some reflection on the Joy report and why you think there was a severance in time at 1999?

Mr MARSHALL — I will say very bluntly that it was an artificial time frame to protect the incumbents who were in charge. They were trying to make it an historical thing rather than a concurrent thing. I make no apologies for saying that. What other conclusion could you come to?

Mr RICHARDSON — Going to the reasonability test under WorkSafe, there is going to be a question of sequence of events leading from the mid-80s through. We have heard that a report or something was put forward to Alan Bennett about the various exposures. What have been your reflections on that in terms of prior to 2012 and leading up to that, the industry standards at that time? We have heard about various practices and challenges from the 80s through to the current time. Are you aware of a number of incidences prior to 2012 where those approaches were made?

Mr MARSHALL — You will hear evidence from Mr Tisbury. I am not sure if I understand your question correctly; if I do not, I apologise. Our greatest concern is that it was known and it was not passed on to employees. It is not a matter about work practices; it is about knowingly exposing people without telling them and having reports saying, ‘Don’t do this’. But that was not passed on. That is the whole point of this inquiry. Why was that done? You have no right to do that.

In relation to the health and safety act, if it is foreseeable, which this was, it is preventable. That was not followed through. They are the words out of our health and safety legislation. If it is foreseeable, it is preventable. That is the difference between training and responding to an emergency without knowing what you are going to.

Mr YOUNG — A lot of your recommendations talk about accountability and management in the future. What is the UFU’s position on the future of the actual Fiskville site?

Mr MARSHALL — We have publicly stated it should be closed, despite that not being a smart political thing for me to do, because I have members up there. But given the contamination levels that we now know, and did know, are there, and given the whole psychological confidence in utilising it, I just think you could not remediate. Even if you could remediate, which is doubtful due to the contamination, there has to be a new start site.

Mr YOUNG — So there is no opening to rehabilitation of it?

Mr MARSHALL — No. Not in our view.

Mr RAMSAY — Thank you for your introduction, Peter. Regarding the issue around presumptive legislation, which I think both the government and the opposition have indicated they are supporting, there are a

number of models in each state across Australia. I am just wondering which, in your opinion, you would recommend to this committee as a model that would best suit Victoria.

Mr MARSHALL — There are a number of different models, and you are dead right about that except for one comment. The Senate inquiry looked at the evidence based on studies of predominantly professional firefighters. Most of those studies are about professional firefighters. However, that did not do justice to the volunteers. The federal legislation does not cover volunteers up in the ACT. Tasmania got it right. They put in a system to make sure that everyone was covered with checks and balances in the system that would stop every claim, if you like, being put up being rebutted. The Tasmanian system is the most effective system.

The problem with presumptive legislation is that it is tied up in a lot of politics. Once that happens, you lose the objective of trying to protect those who cannot protect themselves while serving the community.

Mr RAMSAY — I will just ask another quick one if I may, Chair. We visited Craigieburn last week and saw a fantastic facility that had a very good water reticulation plant. Just responding to the question by the previous speaker, you have flat out said, ‘No Fiskville in any way’, but if you actually mirrored the water reticulation plant at Craigieburn at Fiskville, and assuming the audit, which is an EPA audit being conducted at the moment, indicates that it can be reconstituted, do you think there is still an opportunity to have that facility used with the new technology they have got at Craigieburn in relation to water treatment? There are 300 acres of land; it is a lot of acres.

Mr MARSHALL — I understand your question and I appreciate it, because it is something we have grappled with. As I said, it is not a good political decision for me to say close or for our committee to say close. But there are two factors, and you will hear evidence from Mr Tisbury in relation to reports that say to remediate the soil up there, because of the contamination you cannot take it off site. It actually has to be remediated on site. He is the expert on it, and he will give you more detail. That is one factor.

The other factor is in relation to just how widespread that contamination is. But there is another factor which people have not considered, and that is that firefighters need confidence. It is a dangerous job, as you well know. They need confidence without having something niggling in the back of their mind that they may be exposed to some drum of chemical that was buried some years ago that is going to cause cancer and about the water they are using, even if you put in the new system. There is a confidence factor as well. Unfortunately because of the high profile of this thing, that lack-of-confidence factor will probably be around for a long, long time. I think we owe it to firefighters to at least say, ‘We’re going to go and put you out there to protect life and property that could cost your life. When you train we’re going to make sure everything is done to make sure you go home safe’. That is my answer.

Ms WARD — Hi Peter and Tony. Thanks for coming in today. My question concerns the culture that was going on in Fiskville. The Joy report refers to a unique culture, and a number of the submissions that we have been reading through also talk about a culture that was unique to Fiskville. Do you have any thoughts on the culture of the CFA up there, and can you tell us what changes, if any, you have noticed since 1999, which is when the Joy report ends?

Mr MARSHALL — I am very conscious that Mr Martin has some very important things to tell this committee, but I will answer your question because you are going to make me. The answer is that I think there is a culture — —

Ms WARD — Tony can answer.

Mr MARSHALL — Okay. Good.

Mr MARTIN — I have only been at Fiskville since 2004, and I am happy for Peter to answer that one. I will share my experiences through my submission, if that is okay.

Ms WARD — We have a misunderstanding here.

The CHAIR — We have 45 minutes down for both of you. Was that not what you understood?

Mr MARSHALL — That was not my understanding.

The CHAIR — Okay.

Mr TILLEY — One quick one, Chair.

Ms WARD — Hang on, we have not gotten through mine yet.

The CHAIR — We did start a little bit late. Let us continue on, and we will just work this out.

Mr MARSHALL — The culture in the 90s was one of ‘can do’, I suppose, but still there were the legal requirements of the health and safety act. My greatest concern and the union’s greatest concern is clearly that the Joy report stopped at an artificial point in time. Why? Then you have to look at the culture after that of not disclosing important information that could mean the difference between someone getting sick, ill or even perishing. That culture is just impermissible under any circumstances. I think that that culture is wrong. In our view it is against the law, but most importantly it is immoral. So I think the culture is wrong, and I am not talking about the staff. They are very committed people.

Ms WARD — And do you think this culture led to people not making complaints or raising concerns?

Mr MARSHALL — I think you will hear evidence of people who were discouraged from it.

Mr TILLEY — Peter, just off the back of recent conversation, two of your statements are that your view is that Fiskville simply cannot be remediated and that firefighters need confidence. As you are aware, the committee visited Craigieburn in recent weeks. The committee has heard that the new MFB training centre at Craigieburn does not have the capacity to train CFA recruits and volunteers. Do you agree with that statement?

Mr MARSHALL — I can only tell you what I know — —

Mr TILLEY — What you know is great.

Mr MARSHALL — My understanding is that the business case did not allow for it to do that, so that is why there has not been another facility. That is my understanding.

Mr TILLEY — Do you have any recommendations or views as to how the CFA can best meet their training requirements into the future?

Mr MARSHALL — Yes, it is actually in one of our recommendations — —

Mr TILLEY — So with the slide there — —

Mr MARSHALL — Yes, it is in our recommendations. They need another facility. There are a number of very good reasons why you need two training facilities. First of all, if you are training all of your key personnel in one area, the reality is in this day and age that there is no redundancy. If there was a terrorist attack, there is no redundancy, so there is a very good reason why you want a couple of different places to train — not for parochial reasons.

The CHAIR — Tony, if you would like to present, we had allocated 45 minutes for both of you, but I understand that we can probably move some of the others a little bit back. Could you keep your presentation to about 5 minutes so that we can ask you some questions? Because we have gone through your submission and there are some questions we would like to ask on that.

Visual presentation.

Mr MARTIN — No problem. Thank you for allowing me to be here. I am very thankful that I can actually share my experience through my eyes of my eight years as an instructor at Fiskville and also share that of the recruits that were under my care while we were there and also the instructors that were part of that team looking after the recruits of what we were all exposed to, now knowing what we were all exposed to.

I am a station officer with the MFB. I have been in 26 years, the last 11 pretty much doing training the whole time. I have done training with recruits. I have done 15 recruit courses. I coordinated the last one to be at Fiskville; I was the coordinator of that, as acting senior station officer then. I have also helped do hot fire components at Fiskville for promotional courses such as station officer courses. Currently I am involved at

DEMTC Craigieburn, which you had the tour of. I helped set up and introduce compartment fire behaviour training on site there.

As it says, I was also part of the initial MFB-CFA PAD instructors course that was set up early to let us know the ins and outs of what went on down at Fiskville and what the SOPs et cetera were down there. My last day of training at Fiskville was 15 June 2012, course 106, and like I said 15 recruit courses started on course 90.

I am going to take you through a series of slides. Thank you for reading my submission, as you just said you have been, and my form put in, because I was going to refer to the main points in it. But if you have already read it, that is fine. I will try to relate what was in my submission to the photos we share here and explain why, and at the end I am going to show you a quick 3-minute video that will bring these photos to life.

What we are saying here — —

The CHAIR — Could we do the video if it shows the photos?

Mr MARTIN — No, it is a real-life scenario. It is actually footage of recruits doing training when we were there. I will be as quick as I can, sorry. I am just showing here pretty much the old uniform we wore. The Firemark uniform was like a sponge. Recruits have gone up the towers when you did a tour at Fiskville; they have gone up the towers there and they got wet from the water going up the towers. By the time they are up there, they are soaked through. That is mainly what I wanted to show you; they are soaked completely having been up there. At that point in time we had no concerns about the water because we kept asking if it was okay: 'Yes. Class A water'.

What we have here is that the cross pit is on the flammable liquid PAD, and it is one of the five ones that we use that operate both on gas and on flammable liquid. What it is showing there is that once flammable liquid activates, we will put a foam layer on it. That is a run-off off the cross pit. It runs onto the ground into the drains, and anything that is alight we protect it from going into that pit that was down in the south-east corner where all the foam and water runs into.

I believe on part of the tour you did there that you were told that this was just a gas-only prop. As you will see on the next slide, that is incorrect. That is liquid going through that prop, as you can tell by the black smoke and visually how hot it appears. We are in the process of applying foam to cover that layer and smother that fire out. You can see the drains that take it all away.

The groundwater sits on the industrial gas PAD. That is just showing that we have completed a drill and we are about to start another one. You can see the water that is laying around. We do not use foam on that PAD to fight gas fires; that is solely water and very bubbly and foaming as it is. As you can see, we have one of our CFA people there. Part of the whole story was that we would have a PAD coordinator that would be with us and PAD operators, and we would all work as a team because if they saw something they did not like, they would let us know straight away. If it was a major safety breach, it would be, 'Stop! Stop! Stop!'. Otherwise we would work together on achieving the outcomes that we wanted for the recruits in a safe environment.

That is that same PAD we just looked at — the LPG one. In the back is dam 1 there, showing the foam layer across dam 1. Here we see some of that foam being airborne across both industrial gas PADs. We would often walk back from the PADs to the PAD mess as such, and we would often comment about it: 'Look at this foam that's airborne'. Once again, looking back on what we are reflecting on, we were exposed to AFFF, Tridol and whatever may have been in the air that contained PFOS.

This is on the flammable liquid PAD. We used it like a car yard. They would have cars on there, and they would fill them full of tyres. The PAD operators would ignite the tyres, and then the liquid would start flowing underneath the cars. So we would have to stop that liquid and put the car out, rescue [inaudible] maybe. Most of the drills would be upwind, and we would not have to wear BA. If anyone was going in to fight that, we would, but we could not have the recruits in BA all day long. Also at that side there, that smoke was heading over the south-east corner, which is, once again, heading over Mr Neville's property.

The foam we used on site there — as you can see there, Tridol is the one with the pink label in the front and the blue drums are the refill drums coming from the bulk supply. Also, prior to us using Tridol, it was AFFF that was in the blue drums. So although we were given the foam and we had very good relationships with all the

PAD coordinators, instructors and operators there — and the trust, certainly I built up a lot of friendships there and I believed everything they said — I still believe they did not know what was going on at that site. Senior managers never filled them in. Over my whole eight years at the site, the four main people that I dealt with in no particular order were Paul Roughead, Peter Rau, who is now our chief, Chris Bingham and last but not least — certainly I had a lot of incidents with him — Justin Justin.

This is on course 105, which was just prior to the course that I finished on and which our CEO Mr Nick Easy visited, and he is on the flammable liquid PAD there. He was quite happy to partake in one of the drills. He joined in between the two crew. I say that because he was under the understanding, as we were, that it was a safe site and nothing was wrong.

This is the end of a night drill, the day before we finished at Fiskville permanently. That is just showing what happened at the end of it; it is showing all the foam all over the place, where the water was. Directly down where we are sitting, both bunds are full. One is full of water; one is full of foam. They are all heading down into that south-east corner into that pit before going through into the interceptor, as we did as part of our tour.

That is the morning after the last day we were there, showing dam 1 in the background where the foam is. That is after having been through the triple interceptor, so that is what is left. That is showing that. As I just mentioned, that was on that night, showing the recruits in the bund to the right of the recruits, full of foam that we put on that bulk tank behind them. What foam was missed, the AFFF and the Tridol, over the years would go over into the grass, which is directly behind that, and soak into the grass area. To the left, the stairwell is full of water that we had to wade through to get up those stairs.

The CHAIR — This was the Tridol foam instead of the Solberg foam that you talk about in your submission?

Mr MARTIN — The Solberg foam was what we used in the end, yes. That was finally approved by the chief in 2011. That was taken in 2012, but we did the same drills, as per our programs from the first course that I started on, with the foam. So that was just an example of what was being used.

The CHAIR — The Tridol foam?

Mr MARTIN — Yes, we went through the AFFF and the Tridol the whole time until we finally got approved by the chief, the Solberg.

Mr RAMSAY — Was Fiskville the only training facility using the foam?

Mr MARTIN — As in which foam?

Mr RAMSAY — What you are just showing us there, whether it was the PFOS or the other foam, Tridol.

Ms WARD — When did they stop using the Tridol foam, do you mean?

Mr RAMSAY — Were you using foam on other training facilities like Bangholme and the other — —

Mr MARTIN — No, we would only use it away here.

Mr RAMSAY — Fiskville was the only place the foam was used?

Mr MARTIN — For recruits, that we would use. In the early days, before I trained there, we had high-expansion foam, but no, this would have been the only site that we would use it. That is me, doing recruits.

Mr RAMSAY — I am talking about generally, firefighters training in any facility. Were they using foam in any facility other than Fiskville?

Mr MARTIN — Not that I am aware of, because it was one of those things we did not get to do very often, and it was great learning outcomes. There were two courses at Fiskville. Because they still had the Tridol and we had the Solberg and we knew it was not environmentally friendly and of its possible health effects, we went without because we were told to use Tridol by Justin Justin or you do not use it. Hence we had a discussion on that, and it finally got approved.

The CHAIR — To change to the other?

Mr MARTIN — Yes, where we were allowed to use the Solberg. This is on that last day we were there. The crew were emptying the tanks to fill up with town's mains before returning to Burnley. It got brought to my attention, the colour of the water in the tank. I could not believe how green it was and how it smelt. That was from overnight, from the drill before. I took photos of it, but I brought it to the attention also of my senior management back at training. I also let the coordinator at CFA know what was going on, why we were leaving. He also let the OIC know what was going on before we left, which I spoke to.

Here we have our BA pod that we used to take away with us to refill BA cylinders. That is a pod, and the stainless steel sinks as such are full of water just to keep the cylinders cool. We filled it up off a tap on one of the sheds that is opposite their BA room with a hose, as we normally do every tour we go there. This is what was presented on that particular day when we went to empty it. As we were filling the cylinders up, it was brought to my attention all the foam that was there. Never — it is always clean. There are no detergents or anything else in it. There is a long view shot of that pod.

This is the pit inspection that we did. Our recruits were told, they were ordered, that they were going back to do the next recruit course because we were guaranteed that there were two tanks placed on site of town's mains water, both over 200 000 litres. Myself and Mark Lyons got asked to go up because we knew the place very well, and we went up and got toured around by Justin Justin. The first one he showed me, he showed me that. I said, 'Where's the tank?'. He said, 'This is it'. I said, 'The pit? You're kidding, aren't you?'. It was green and green and green, and I could not believe it. We looked at each other, and we certainly were not going to make any issues there. But of the two tanks we were told were there, only one of them was in place.

I am showing that because we were talking about the PPC and you have read it in my statement as such. As it says there, 'No turnout coats to be worn in the PAD kitchen'. So they still wore their pants, shoes and that in there. Unbeknownst to some people maybe, but as we know later on you can carry contaminants in everywhere you go. The MFB brought out an instruction in 2004 when they started introducing the clean and unclean areas, known as dirty den, where we had to leave our gear outside. Now, as we do, it gets boxed on site if it is dirty.

We used to have to remove that. People from CFA would go in there and whip that gear on and we would take our gear off next door and go in with our pants and shirt on, as is demonstrated there. We had many discussions and were not happy a couple of times about 'No, it shouldn't be in there where we're eating'. Once again, we were told, 'If you don't like it, go up to the main mess and get changed', and in the end we did.

The CHAIR — That was just the recruits with you?

Mr MARTIN — The recruits.

The CHAIR — Everybody else was still going in there?

Mr MARTIN — After we left, our recruit course left after the 15th there, the SOs course, under Mr Easy's — the CEO then — instruction then by agreeance they said they would eat up in the main dining mess because, as per MFB policy, you have to eat in clean messes, and that was that.

This was up there on our last recruit course. It was changed from that previous sign to this. The person who was in charge at the time, who was filling in for Justin Justin, I said to him, 'Well, we're not wearing any PPC into the mess. There was an agreement made that it's a clean mess as such'. He was very obliging and helped us out, and it was that way. It got taken down, and we all did it that way.

When Justin Justin came back at the end of it, he was not too happy and he wrote a letter, which you have had given to you, dated 20 June, to our senior manager, saying, 'No. It will remain a dirty mess', the way they see it. Once again, if we do not like it, we can go up to the main dining room. It says it all there.

Part of our tour with Justin Justin: that is the foam that was in dam 1, still there.

Just quickly on a personal experience, and it is certainly not about me but I will share with you about me. While at Fiskville, I had multiple skin rashes but thought that it was just due to being wet. We would often go into the change rooms where we would take all our wet gear off — we had been soaked through from the day — and we would hang it up to dry. We would notice each other and make comments about how red our skin was

and that. Like I said, I just thought it was the water. We would crack jokes, not knowing what we know now. Now I know it was due to the water — we were soaked through and the absorption into our skin.

On two occasions I had lower stomach and back pains where I had to change my duties. Instead of being up front and being in charge of the crews, I would have to sit down and take a lesser role, that being communications or the like. A couple of times — and this led to me going to seek medical treatment more urgently — I had several headaches. In the end, I had two aneurysms clipped and taped, in 2012. Thankfully, they were picked up pretty early.

In 2010 Mr Rau brought out an email that said about a Paddy that was there — his name was Paz and he died of prostate cancer. They brought out a day of prostate awareness time that we would do every May and just get tests done. Anyway, I had one done early on and it was all good. Then, under the MFB medical monitoring, one of my good mates, Chrissy Kaye, at Christmas time said, 'Pluggie, come on, you come and get it done'. I said, 'No. I'm alright, mate. I'm not doing that'. He said, 'Come on. You're coming'. The guys grabbed me and took me, and I still thank them to today and so does my family, because I was diagnosed with prostate cancer and had to get it removed fairly quickly. I am one of the lucky ones, thank goodness. At the same time when I was getting the scan done, it was picked up that I had a tumour in my pancreas. Once again, thankfully it was benign and still is to this day.

Like I said, it is not about me. They are experiences I had there. Those people were under my care, those recruits. They trusted me, just as I trusted everyone at that site. I still have good relationships with a lot of people at that site, and I know they did not know what was going on. But it hurts to know what we were exposed to in a safe training environment, and what all the instructors and recruits were — and just all the illnesses and all the people who have got sick from it. Enough is enough.

The CHAIR — Thanks, Tony. We really appreciate your coming in and providing that information. We hope we can make sure that there is a safe environment for everybody into the future, so thanks for contributing to that. You were saying that you had a video. I am just wondering whether we could go into some questions first, or would you prefer us to see the video before that?

Mr MARTIN — No, with the video in first please, if that is all right.

The CHAIR — Sure.

Video shown.

Mr MARTIN — I will speak relatively quickly here because it is only short. I will detail what is going on. I have got the recruits on what is called the flange. We were going to go on the Pidgman's shield on the gas PAD. You can see the wind blowing in this direction, and we had no choice because you have got to attack the shield from that direction. That water is just going all over the recruits. There is a fire coming back. It is going all over the recruits and the instructor in the middle; they are getting drenched. As you will see off their visor, it will be pouring off their visor very shortly. What they are doing is advancing into isolate a valve there so the fire is turned off. You will see the water coming down there. The tunics were soaked right through. The person in charge in the middle is looking after them, and once again we have coordinators in there and safety lines side on in case something goes wrong — stop. In a safe working environment, but we did not know about the water then.

We have the high-expansion foam in a single-storey building coming out. We are wearing our splash suits and BAs, all following guidelines in there. All that foam went directly into dam 1, okay; it never passed through any triple interceptor at all, and it became airborne of course.

Here on a flammable liquid PAD, we have the bulk tank burning now. Once again that plume of smoke is heading in the direction of Mr Neville Callow's property. Calling the tank down: there is our CFA personnel watching, and once again if something is wrong, they will let us know because we all work together as a team there. We were getting set up to put foam over the top of the tank, once again from down low. A lot of it would go into the grass over the back until we are overhead and we direct the foam down on top.

We have got the liquid burning once again, and we are making an attack in on it there. What I am going to show here is the airborne foam once again going across in the path of the troops — in that gear that we do get wet in.

The new gear we wear now, thankfully the PVR gold is far better at keeping the water out, but it will still get through.

Now we are on the road tanker making an advance from upwind here. This is both liquid and gas. That is a safety line off the beige hydrants, and keeping an eye on things and on the crew. Downwind we have two crew in BA, and what they are doing is sweeping the liquid on the ground to make sure it does not go down the drain and into that tank in the south-east corner so it ignites and explodes. We were told that all the time: keep it out of there. And we would work hard to do that.

The CHAIR — Could I just ask you about some of the health and safety practices and your observation about some of the comparisons. You have identified that uniforms and wearing them into the mess hall was a difference, where you could either take them off and not carry the contamination and cross-contaminate. Also the introduction of a more harmless foam happened at different times at — —

Mr MARTIN — Yes.

The CHAIR — the CFA — or at Fiskville versus other sites. An induction video that we saw when we were at Fiskville talked about that people did not have to wear breathing apparatus, for example — or actually that they could not wear it unless they were trained in it. Is that also a bit of a difference in terms of health and safety protections, and can you think of any other examples of where the standards or what happened at Fiskville were very different to what happened at other fire training places?

Mr MARTIN — I will certainly say in the PAD mess, about keeping the gear outside and keeping a clean environment, at what we knew as south-east training ground back then — CFA Bangholme — they adopted the policy of having a clean mess, and we pointed it out to Fiskville quite a few times: ‘They have adopted it, yet you haven’t’.

Ms WARD — When did they do that, Tony?

Mr MARTIN — That would have been around, I would have said, about 2011.

Ms WARD — The clean mess policy.

Mr MARTIN — Clean mess. Yes, totally. They went through the phase of converting that, and they finally went over. That is just a rough time frame I am saying, but it would have been a year to two before Fiskville did, and when I say ‘did’, they did not do it while we were there. Only that last person that took charge of us agreed to it.

The CHAIR — At the moment would you say that just about everywhere people have to wear breathing apparatus when they are doing fire training?

Mr MARTIN — In a training environment, yes, at VEMTC. It depends on the scenario of what we are doing, but more times than not, we do, and we schedule the timetabling to reflect that so we have not got them in BA all the time. If they are out there all day in BA, they are going to get very tired, and then that is when an incident can occur — or just fatigued. We do not want to put them through that, to subject them to too much physical activity that way, so we will reflect the timetabling so that, yes, they will — —

The CHAIR — In what circumstances would you wear breathing apparatus and in what circumstances would you not have to?

Mr MARTIN — In all internal attacks we wear breathing apparatus, and anywhere you may be subject to a risk management, once again. But you are going to be subject to any form of possible scenario that could turn the wrong way — and not in a training environment; we relate it to a practical environment. If we are going to go into a practical environment, a real-life scenario, BA on, we will do it in the training environment as well.

Mr McCURDY — Tony, I am just trying to ascertain if your health issues are related to Fiskville alone or whether you believe it is an ongoing issue. You were in the MFB for 26 years, so were there other occasions that you would see, looking back now, that some of your health issues could have been born from other activities, not just the Fiskville experiences?

Mr MARTIN — It is funny you say that, and I was asked the same by the WorkCover surgeon, I think. I said to him ‘Nobody can answer it’. It is because we go to so many different fires. He asked me, ‘Have you ever been to Coode Island? Did you go to Coode Island?’, and I said, ‘Excuse me, you only have to go to one car fire and put your head in the wrong spot or be in the wrong spot and take that in, and it has the same effect’. It could be an accumulative effect of all the different fires and different calls for assistance we go to. I cannot answer that as a person. All I can do is all the things that I have been exposed to — as all other firefighters have been exposed to. Even with breathing apparatus on, you get inside a structure as such, and you are in there. You are going to carry those contaminants, and, mate, if they are of the wrong type and things that we do not know about, they can get into your skin. For me to answer that, clearly I cannot say. But I, like everyone else, has been exposed to everything in the job we do. But in a training environment, no, we do not want to be exposed to it, because it is a safe learning environment.

Mr RICHARDSON — Just quickly, Tony, about Fiskville management, there seems to be inconsistencies: someone acting who is adhering to better practices, then someone coming back and not. Can you give some reflections on some of those challenges you have faced on site with Fiskville management?

Mr MARTIN — Yes, certainly. Probably the water was an ongoing one. We would ask what the state of the water was, and we were always told, ‘It’s fine; it’s good to go’. We were always told — repeatedly. Once again, I trusted people; I did. I had good relationships with them. When I say ‘I trusted people’ there were a lot of people who did not know either, but senior management were not telling them the right answers.

Mr RICHARDSON — With your experiences in raising that at Fiskville and the board, what were some of your challenges with that? Reflecting on that email as well, that you have provided to us, what were some of the challenges?

Mr MARTIN — We did. I had another officer with me — Tony Trimble — and we had quite a robust discussion about wearing PPC into the mess. It went over the phone to senior management at CFA, but still nothing came about it as such, and we virtually said we were not going back in there. The same was said for the foam. We said, ‘We’ve got Solberg, we’re not using Tridol’. It was up to them what they wanted to use, but we wanted to use this, which was a better and safer foam. ‘Let us use it’. They still would not let us, and when I say ‘they’, Justin Justin still would not let us do it. It was very frustrating because two courses missed out, but we were never going to expose our recruits to an unsafe environment knowingly.

Mr YOUNG — You have your management of the site, and ultimately they would be in charge of OHS practices. Reflecting now on you saying that you just trusted them — there was complete trust in those sort of processes — who do you think would be the appropriate person to manage those OHS implementations, given that you have lost trust in the management that was there?

Mr MARTIN — To manage them back then?

Mr YOUNG — Who should manage them, do you think?

Mr MARTIN — We are all responsible for OHS, each and every one of us, as in what we see. We never take anyone into an unsafe environment. We can only go on what we see and what we know and the information that is supplied to us. Unknowingly a lot of the good staff that were there, I have got no doubts, did not know. They just did what they were asked to do each and every day — carry out their duties and look after the visitors that were under their care. Did that answer your question?

Mr YOUNG — Yes.

Mr RAMSAY — I am wondering: do you think the lack of leadership by the CFA at the time was partly because of the changeover roles of the CEO of EPA to CFA and back? There are three or four individuals that have crossed over to different agencies in relation to leadership roles between the hierarchies of those organisations, as Peter identified in his submission. Do you think that is part of the reason that the leadership was not responding to concerns raised by firefighters?

Mr MARTIN — That may have been, Simon, but I always had my own belief that they just were not saying all that they knew. I thought that is lack of leadership — by knowing things, instead of putting your hand up and saying, ‘We’ve got a problem here. Let’s fix it, and if we’ve got to be accountable for it — well, so be it. But let

myself look in the mirror and say, “I will put my hand up and stop this now”’. None of them did that. I know one particular person who may have got promoted very quickly because of the actions he took, and that is one thing I hope I never have to look in the mirror to see, because he did not take care of his people.

Mr TILLEY — Like you say, Tony, who is that? You are putting it about. You should — —

Mr MARTIN — Justin Justin. He told me a lot of untruths. Those recruits were under my care, and he put us all at risk. Even when I went back there, he still told us untruths. What he said to me and Mark when we were there — and this is not my language as such — was: ‘Plugger, we don’t give an F if the MFB come here or not’. Hence he is no longer with the CFA as well.

Mr TILLEY — Just on some of that information you provided the committee with, apart from oral evidence, do you have any documents that substantiate that or in any of the submissions you have made so far?

Mr MARTIN — No, they are conversations we had. All I can do is support it from the colleague who was with me, Mark Lyons. That is all I can do, and I understand that you might not see it that way, but that is fine. I speak with truth because I can look in the mirror — because I do care, as we do, for the people we are looking after.

Ms WARD — I have got two parts to my question. Firstly, when you started in 2004 were you aware of an OHS officer at Fiskville?

Mr MARTIN — Was I aware of an OHS officer?

Ms WARD — Was there one there?

Mr MARTIN — Names are not coming to mind, but I know there would have been. I never had to go to any.

Ms WARD — Do you know when they started to appear at Fiskville, when they were first appointed?

Mr MARTIN — No.

Ms WARD — When we were at Fiskville we saw a safety video. Do you know when they started to put that into place at Fiskville?

Mr MARTIN — After we left, that is for sure.

Ms WARD — So after 2012?

Mr MARTIN — Yes. I noticed, by watching that myself, that it had the new building in the background that he was standing in front of. When I got there to do the tour with you guys I said, ‘What’s that building?’. That building is built on the grass where all the foam went over the top of the tank and landed in, so it was only done recently. We used to have — which I have got here — one of the PAD coordinators or instructor would read out the safety brief each and every time.

The CHAIR — We might end the questions there, but just following up on what Bill was asking you about, we might have some further questions for you at a later time, if you do not mind whether we ask them in writing or if you can come back in. Is that okay with you?

Mr MARTIN — I would be happy to do it any which way you would like, and once again thank you for allowing me to be here.

Mr TILLEY — If I could, just on the last statement on your personal experience, may I ask a difficult question?

Mr MARTIN — Sure.

Mr TILLEY — You have said here that you have had multiple skin rashes but thought it was due to being in wet PPC. At any time during your entire working career as a firefighter, have you experienced any other skin rashes through that 26-year period?

Mr MARTIN — No, and I will look you in the eye and say, ‘No, I haven’t’. It is because we were wet through by the end of the day in training there.

Mr TILLEY — Being very clear, at no stage during your 26-year career have you had skin rashes as a result of your service, whatever the response is — structural fires or chemical fires or whatever the nature?

Ms WARD — Outside the experience.

Mr TILLEY — Outside Fiskville.

Mr MARTIN — Not that has made me do anything about it, no — that I have noticed, no.

Mr TILLEY — Can you help the committee possibly? At the time when you experienced these skin rashes, did you pay a visit to a medical physician or seek some medical advice on those rashes?

Mr MARTIN — Yes, I did. When I get back I can provide evidence for that.

The CHAIR — Thank you. We are running a little bit behind schedule. We apologise to everybody. Hopefully we can make some of the time up. The next person we will be hearing from is Mick Tisbury.

Witnesses withdrew.