

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

The CHAIR — On behalf of the committee, welcome, Trevor Lansdown, and thank you for coming in to talk to us today. What we normally do is allow you a few minutes to give a presentation and then we ask you questions, but if you would prefer us to just ask you questions, that is fine as well. I just have a few preliminary formalities that I need to go through before we start.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and 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 the members of the committee will ask you some questions unless you would like us to go straight into questions. It is in your hands as to how you would like to proceed.

Mr LANSDOWN — Thank you, Chair. I have an oral submission. I believe you have a copy of these documents. They have been handed out to you? Yes. They are just documents that support some of the statements I am about to make and might give you a bit of a history and hopefully add credibility to what I am saying. I would like to thank you for the opportunity to speak today. It has been a very long time that I have been wanting to speak about this. Today is the first opportunity, so thank you.

I first joined the CFA in about 1980 as a junior. I served, all up, about 27 years in various capacities in the CFA. My father served the CFA for 60 years. He started back in the 1939 fires. In 1983 we both worked Ash Wednesday together — same thing. We have a huge history in the CFA. My brother was an officer in his time at the CFA. My family have members with national medals, including fire service medals. It goes on and on.

I discussed in my written submission my time at Fiskville as a teenage firefighter in the 1980s and my experience with the open burn pits and the old fire attack buildings. I have strong memories of being covered in soot, blowing black out from out of my nose, dirty hair as well as being covered in firefighting foam. I think we saw a picture before of a high-expansion foam drill. I remember in the 1980s doing that with no breathing apparatus, no BA (breathing apparatus), other than a pair of overalls.

In 1986 I was diagnosed with a very rare skin cancer, a thing called Merkel cell carcinoma, which is very similar to melanoma but very deadly, I believe. I survived it, obviously. The treating doctors were baffled. It is very rare. It is normally found in women over 50 to 60 years old with high UV exposure. I worked outside; I was 19 years of age. I did not fit the profile. I remember my doctor, who was Cyril Minty, at the time asking me about chemical exposure — ‘I do not know’. I had none, do you know what I mean? So it was very interesting. I wish Cyril was still alive now. I would love to revisit that discussion with him today.

Recent events and findings really turned my thoughts around to make the connection. I cannot guarantee anything, but I did read a paper that came out of Canada about this cancer that linked a lot of arsenic exposure to Merkel cell carcinoma. It is a very interesting one. The interesting thing for me is that no-one can tell me the long-term effects of this thing. Most people who get this cancer have it treated. It goes away, and another 10 or 15 years down the track they have passed away of old age. I do not have that luxury. I still have a few more years of my life to go, so that is a bit of drama.

What I really want to talk about is 2002. I would like to take you on a journey about the culture at Fiskville. I think maybe that is what you are interested in. I started as a recruit firefighter. I started the course with no really big health issues. About week 3 of the 16-week recruit course, we started to work with water on the PAD. The same week we started doing beep tests to measure fitness. The required standard was 9.6. The first beep test I blurred at 6. I had to walk off the PAD and I had to throw up, I was that sick from stomach cramps and so forth.

The stomach issue continued all through the whole 16-week course. I started visiting doctors. Appendicitis was discussed. I believe there are some documents there from the doctors’ reports about those things. I passed that report onto the instructors and the officer in charge at Fiskville. The response I got was, ‘I know you’re faking this. You’re using it as an excuse’. I still continued to seek help, but I just stopped telling the guys at Fiskville. It was just a waste of time.

In the end the only reason doctors could come up with was stress. I dealt with it by using Buscopan to stop the stomach cramps. I used Red Bull to stop the depression and the drowsiness the Buscopan gave me. I was just feeling flat and down all the time, so I was just basically in a spiral of depression. It was just really bad. I was under constant pressure from the instructors and the officer in charge for performing below par in fitness tests. I

could not run well with the stomach issue. At work-related tasks, a thing called the challenge test, which was basically firefighting tasks, I was leading the squad by a long way at one stage. I was never tested for gastro, but I am really just starting to think that is probably what was going on at that stage.

I discovered at the same time that Fiskville had a toxic culture. You need to understand that as a recruit you had no voice. Anything you did or did not do or say would be held against you. The power they had over you was that if you did not fit in, you were gone. That was the end of your career. It might have been the end of your job; or you are never going to progress. The firefighting industry is very small. I know you talked about the army before. I had a lot to do with the army in another place. It is not like the army. It is smaller than the army. It is like a unit of the army. You cannot go to another location. You cannot go to another base. You are locked into a very small location. Basically your reputation was what your career moved by or did not move by, so the culture there was that you just had no voice. That culture runs through the CFA from top to bottom, even to today.

I outlined a number of experiences of mine at Fiskville in my written submission. I have been forced back into tunnels when we were wearing breathing apparatus without enough air to get out and no way to remove the breathing apparatus or change air. Recruits have been taken aside and told to sort out other recruits and have a discussion that would include an opinion at the end of it that the sorting out was meant to be a physical sorting out. Recruits have been misled on results like theory results not being up to scratch, but you know when your theory results were over 90 per cent that the guy was doing it easy.

At formal interviews, I can remember the OIC at Fiskville and me being told outright, 'What are you going to do when I sack you?'. It was just intimidation. Unsafe practices, like forcing recruits to do push-ups wearing breathing apparatus for not answering questions correctly and being told, 'It's not bullying if we all agree'. That was just the norm. That was our day. Being forced to continue a breathing apparatus drill when you knew you did not have enough air and you wanted to exit because you were on whistle time — the last 10 minutes, your safety time — and being forced to continue and then when you exit on whistle being abused because you ran out of air. You just could not win. It was a no-win situation.

I can remember an incident with another recruit who had a respiratory issue on the day. We had a thing called the Fiskville flu that went through us. Everybody had this flu thing. It was a bronchitis-like flu. It was quite interesting. It went around the whole squad. After hearing some of the evidence this morning, a couple of things sort of clicked in my mind. During the drill on the PAD he collapsed. He had to be revived by oxygen. No ambulance was called. I thought if someone collapsed and you had to revive them by oxygen, you probably should call an ambulance — but no, that was not the case. I cannot remember any incident report being filled in.

A couple of recruits in the course were ex-army. One came from a unit that had a huge reputation for bastardisation in the 1980s and to the 2000s, through that era. He confided in me later that the course was the worst bastardisation he had ever experienced in his career and his life. It became apparent that this culture was the norm. It carried over from past courses. There was a belief by some of the instructors that if they had to do it the hard way, then you were going to do it the hard way. This was supported by the saying 'the trees have ears'. Anything you said or did not say could be used against you on duty or off duty.

I witnessed things like seeing an instructor bringing his private water tanker onto the site and filling up water for his own farm at home. Maybe the contamination is a lot wider than we realise. People might have taken it offsite. In the end I passed out from the course. I was posted to Bendigo. I had no comeback. Four other recruits on my course were told they had to be reassessed in three months and brought back to Fiskville for reassessment. I did not have that on me. I passed.

About three months later, I had a call-up to the boss's office in Bendigo. I was told the officers had no confidence in me and I was going to be sent back to Fiskville for reassessment with these other four. It turned out that was not the case. The officers were not even asked. In the documents I gave you, there are numerous letters from my leading firefighters and station officers of the day all saying that that was not the case. They were not even asked.

I believe what happened was that the OIC at Bendigo had spoken to the OIC at Fiskville, and the OIC at Fiskville said, 'Get that buggger back here and I'll fix him'. I believe that is what happened. I was sent back to Fiskville for reassessment. They had three months to be prepared; I had two days. It was a huge disadvantage to

me. I was told to my face by the boss at Bendigo that my job was on the line. He told my officers at Bendigo the exact opposite.

Back at Fiskville we were running through the same number of drills and assessment once again under the same culture. Straight away I was dressed down in front of everybody because I was cold and I had my arms folded. I got dressed down for folding my arms — bad attitude. I had the OIC at Fiskville pull me aside at dinner on the first night and demand that I resign because it was not for me. ‘This job is not yours. You resign’.

I was chastised for having a demeanour and attitude of not wanting to be there. Of course I did not want to be there. I just did not want to be in that situation. I did not want to be treated that way. I did not want to be in that situation where my job was at risk. I just had no preparation. I did not want to be there; of course I did not want to be there. Anybody could understand that.

What made it even harder was that my wife was on site at that time with a group of school-aged cadets. The CFA had cadet program and the kids used to go through Fiskville, so there were actually 16-year-old and 17-year-old kids on this site using the same water. She was on site that day when we were being run through these drills. I could not even speak to her. If I went over to speak to her — God, I do not know what would have happened. She was sitting back in the background watching all this happen to me.

In the end I was taken into an interview and I was told by the OIC at Fiskville I had passed the assessment but they did not like my attitude — ‘I’m going to sack you’. So I was sacked. I appealed the dismissal under the CFA act, and the hearing was heard by the CFA appeal commission with an independent commissioner and two other people, one from the UFU and Craig Lapsley representing the CFA. It was found that the OIC at Fiskville had misled the CFA about the outcome of my assessment. I actually passed. Two others who had gone through that reassessment had failed. I was the only one dismissed.

It was also found out that the boss of Bendigo had been given the full results. He was not; he was only given an oral report that I had failed. He would not have approved my dismissal. The CFA reply to the appeal outcome was by letter: ‘Contact your legal representative to contact our solicitors’ — so my lawyer talks to your lawyer. The response from their lawyer was that I was given an opportunity to meet requirements. The commission had found independently that I had met those requirements; the CFA refused to acknowledge it. It was all I could do. Under WorkChoices, I just had no more rights. That was the end of it.

Over this time, my wife was having issues with it. She was also a CFA member. She sought a bit of support from the CIS system, which is peer support. It is a confidential system in the CFA. She contacted the senior operations officer of the region where we were both volunteers. He is now a very senior officer at the CFA. This same person made an assurance to my family and to my face, at his instigation, he called me into his office with my two kids and my wife and asked why did I not ask to come to region 8. I said, ‘I did not have any opportunity, Sir’. He said, ‘If you come back and get back in, we’ll look after you in region 8, bring you back to region 8. That’s the region you should be in’. He said that to my face in front of my wife and kids.

In an email he sent to a chief officer later on, after the appeals commission, which was made public when I was forwarded the emission, he laid out the confidential peer support he had organised for my wife, questioned both our mental stability and retracted that offer. I believe he was put under pressure to do so. I rang him up that night. I said, ‘Look, blah, blah, blah’ — he had asked about the appeal and all those type of things — ‘you realise the email has been given to me, don’t you?’. He went dead silent. I said, ‘Do you realise that you’ve just released all this confidential information?’. No reply. Basically, he came back to me in the end and he said, ‘It was my career’. He was worried about his career. I sort of said, ‘Well, what about my career? I don’t have one. It’s gone’.

I have actually added a copy of the email in your documents and also my diary notes I made on that day when I made that phone call. Added to that story, I was informed later on around this time that this same person had locked down a major fire station where his office was located, twice — because I was coming to get him. The only problem was that one of those days he decided to lock down the fire station I was actually interstate; I was not even in the state. I believe he did that just to prove his email and to further discredit me as unstable.

I continued to request help for my matters to be dealt with by each successive minister and each new CFA chief officer and CEO, with no reaction other than repeated versions from the CFA — ‘We maintain we’re right’, the response from the CFA. With each successive minister and even the government Ombudsman, it has come

down to the fact that CFA is a statutory body and basically they have no power or will to intervene. I have even sent an email to the new minister — I have not even got a reply to that — in December last year. All I have asked for at this stage is a simple sorry. I just want to clear my record. I just want a simple sorry. I feel like I am stuck in a *Happy Days* episode where I am dealing with the Fonz and he cannot say ‘Wrong’ or ‘I’m sorry’, you know? It just seems to be there. I remember the reply I got from Mick Bourke was, ‘It would not be helpful to review this matter’ — probably not for the CFA, I guess.

My dismissal and the treatment of my wife and I was basically in clear breach of the CFA’s own policy. They broke their own rules. They had no problems with breaking those rules; they seem to break them happily and willingly. The CFA believes that they are a power in themselves, with no-one to answer to. If the response from the government and all the ministers I have had over time is a measure of this, I think they are right. There is no-one pulling them up; there is no umpire blowing their whistle. If challenged, the response is to gun up with lawyers — barristers and QCs. I remember sitting in an appeal against two barristers, two solicitors and a QC on call. I felt really ungunned with one barrister.

I am not alone in this; this is not uncommon. When my case became public I had people contact me — staff, volunteers, ex-members, current members. They all had a story to tell, even to the point where I had contact last night from someone who knew I was coming — someone I had known for years, a family member — who told me about bullying and harassment. I never knew that story. It is still coming out to me. It happens all the time. You seem to attract this stuff when it happens to you.

It is a pattern of behaviour here. It is a clear pattern. There is a culture. There are parallels between what happened to me and to these other people — to Brian Potter. It is a pattern of behaviour. The CFA I grew up with in the 80s as a kid was a good-hearted organisation. They were people based, not this corporate organisation, the ‘Win at all costs; I can’t be wrong’ machine controlled by lawyers. In the 90s the CFA changed its public logo from the fire service star. The fire service star in part had meaning to it: loyalty, tact and sympathy. They changed it to a corporate logo. I think that says a hell of a lot about the CFA today.

The CHAIR — Thank you, and thanks for having the courage to come in today and talk to us. I just want to understand a little bit about the culture of the CFA. Do you see it as going from the board and down, or are we talking about the full time? How much does the board know? Are they connected or not connected to the operational side?

Mr LANSDOWN — Good question. Interestingly enough, I spoke with a friend of mine who is a senior officer for another service. I will leave it at that point. He knew I was coming up, and I spoke to him on the weekend. He made a comment about it to me. I already had this feeling anyway, so it just confirmed it. He remembered a discussion he had with the previous chief officer and chairman of the board about the system. They have actually created a system or a structure inside the organisation that basically has denial of all accountability. If something goes wrong, you blame it on the corporation or blame operations. There is always a fall guy in there. It is like this: we move it around, and we keep dodging stuff around. That is my real belief about what is happening.

I think the board and the current structure you guys have now in the CFA really creates this situation where there is no-one accountable. The culture runs down from the top. I think there is an old boys network, and people of like mind get promoted and move to the top — simple as that. The good people get stuck at senior station officer rank, and that is it.

The CHAIR — So is this again at the board level or the operational level?

Mr LANSDOWN — I think they are both connected, at the end of the day. To give you an indication of how much interest the board has in this type of situation, I wrote numerous letters to chairmen and members of the board. I never ever received the courtesy of a single reply. Once again, you would think the board might be an umpire in this situation. They chose not to be involved in it.

Mr McCURDY — In those letters to the CFA, when you were diagnosed with Merkel cell carcinoma, was there any response from anybody?

Mr LANSDOWN — I never tied it to the CFA until very recently — I am talking about how as this thing sort of fell out. I thought it was totally unrelated to anything at the CFA or Fiskville. I never put it together.

When stuff started coming out about Fiskville, I started going, 'Oh', and I started doing a bit more research. One that sort of really pricked my attention was when I found a paper from a Canadian source that talked about linking arsenic exposure to Merkel cell carcinoma. It is very rare. You have to realise this cancer was only really identified in the late 70s, start of the 80s. Beforehand it was lumped in with melanoma. It is very new and very rare, so therefore the research on it is very limited. I have never approached this cancer thing with the CFA.

Mr RICHARDSON — Just taking you, Trevor, to some of those challenges you faced at Fiskville, what were some of the reflections of your colleagues at the time? When you were going through these challenges, were there any similar challenges faced by some of your colleagues?

Mr LANSDOWN — As I said, I do not think it was uncommon. A friend of mine, one of the guys, a fellow recruit on the course, we had a bit of a saying. We had both spent a bit of time in Europe before — we went backpacking and so forth and we had both visited the World War II concentration camps. We used to sort of look at each other and rattle off, 'Hard work will set you free'. It really had that feeling about it. Look, I was a whipping boy, I will admit that, in that course. I was not the only one. There were several others in there as well, too.

Mr RICHARDSON — What were some of their experiences? What were some of their feelings? What were some of the ways that you tried to address those challenges over that time period?

Mr LANSDOWN — We just pulled together as a squad and tried to work through it ourselves. Some of the guys in the squad were not involved, were not interested in being there. But there were a lot of guys that you knew were struggling with it who worked with other guys and helped other guys through. It worked both ways. I had help both ways: I gave help and got help. We had no option to go to the instructors. There was no option whatsoever, really. It was just going to be a sign of weakness, and it would have been just 'end of game'.

Mr YOUNG — You talk about the culture of Fiskville being toxic and the bullying tactics and harassment. Do you think that would be one of the contributors to the reason why people did not speak up about safety aspects or contamination on site?

Mr LANSDOWN — Yes, I will jump straight down on that. Yes, 100 per cent for sure, particularly from the staff side of the fence. As volunteers you probably had a little bit more voice, but from the staff side of the fence you had no opportunity to really speak up. I think you heard that a bit this morning as well, too. 'Just suck it up' is probably a common thing you would hear a lot — 'Just suck it up'.

Mr RAMSAY — Have you tried through the CFA act, or is it the compensation act — there are two acts — in relation to dealing with health impacts in the workplace?

Mr LANSDOWN — I tried none at all, even to a point — and I was talking earlier here about a counsellor talking to me — where I cannot even trust counsellors anymore after my experience of counselling with my wife and myself. I cannot even speak to a counsellor at the moment. I just cannot do it, which is really sad because sometimes you need to. Sometimes it would be nice to talk to someone like that. I just cannot do it; I physically cannot do it. It makes me sick in the stomach to talk to a counsellor now, and that is just a by-product of what has happened. I cannot trust them. I feel like my information is going to be used against me.

The CHAIR — Are you talking about CFA-organised counsellors?

Mr LANSDOWN — I am talking about counsellors full stop. As I said, I do not take it personally. I understand the difference in that type of thing, but I physically cannot do it. It is just a hangover at that point. No, I have not tried for that compensation. I do not think I have got any recourse in that area. I do not want to try.

Ms WARD — How are you going?

Mr LANSDOWN — Getting there.

Ms WARD — Good. You are doing well.

Mr LANSDOWN — Thank you.

Ms WARD — How did you first become aware of the contamination issues at Fiskville? And with your previous experience at Fiskville and as an employee of the CFA, have they contacted you about your health issues?

Mr LANSDOWN — No, I have had no contact from the CFA whatsoever. The only contact I have ever had with the CFA since I parted company with them has been pretty one-way: I have been sending them information and so forth. Having said that, to the credit of the current chief officer he did reply to an email I sent, but basically it just came down to the reply I finally got from him being virtually, I reckon, written by a lawyer. It was the same lawyer that wrote the original letter, I can nearly guarantee you. No, I have no contact. I understood there was the health system and so forth. Once again it falls in the line of that counselling situation, where again there was no way known I was going to give them any personal information about myself. I had no trust in the reality that it was going to be kept private, and I still firmly believe that that information will not be kept private.

Ms WARD — How did you find out about the contamination at Fiskville?

Mr LANSDOWN — The contamination at Fiskville came out through the media and so forth, and Brian Potter's issue. I would really like to pay tribute to Brian Potter for having the courage to speak forward, and I probably understand more than a lot of people how much courage it took to speak up against the organisation. I was really CFA through and through, probably very much like Brian, and I really do understand the betrayal that he felt by his organisation. I can understand that feeling; I know exactly how he feels. That is how I found out about it, and I follow it very closely and stuff, asking myself some serious questions.

Mr RAMSAY — Just a quick one: I do not quite understand the role of Volunteer Fire Brigades Victoria, which is supposed to be representing volunteer firemen and women. Did you at all, at any time, particularly with Pauline, try to seek some assistance?

Mr LANSDOWN — Yes, I did.

Mr RAMSAY — And were they useless or were they helpful?

Mr LANSDOWN — Yes useless, that is a pretty good assessment. I had a very good friend of mine who was actually on the board of the organisation — a friend of my wife — and I talked to him, and, 'Oh yeah, rah rah rah, we'll do something about this'. Then all of a sudden, 'Well, this is not a volunteer issue; this is a staff issue'. 'Hang on, I am still a volunteer and being treated by this'. 'Oh no, this is a staff issue'. Then suddenly the GST thing got in the way, so, 'We can't do that because of the GST; we're talking to the board about the GST thing'. It was just useless. My view of the organisation — the volunteer fire brigades or the association or whatever it is — is that you have got to question an organisation that is funded by the organisation it is basically advocating against. They might have a different opinion on that, and I know they are here in the room now, but that is my personal opinion.

Mr RAMSAY — Thank you for your answer.

The CHAIR — You have covered it all in what you have told us, so thank you very much, Trevor, for coming along today.

Mr LANSDOWN — Thank you.

Witness withdrew.