

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 25 May 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Brad Battin

Mr Simon Ramsay

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Staff

Executive officer: Dr Greg Gardiner

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Witness

Dr John Ferrier.

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

The CHAIR — I am sorry, Dr Ferrier, that we are running a little bit late. I hope that is okay with you.

Dr FERRIER — Thank you very much. I am John Ferrier of [REDACTED] in Victoria. First of all I would like to talk about my earned degrees. I have got a Doctor of Philosophy. I am a Master of Education and a Master of Environmental Studies. I have a Bachelor of Arts degree, a Diploma of Forest Science and a Diploma of Education. I have been awarded a Fellow of the Australian Institute of Company Directors, and I have been awarded a Fellow of the Higher Education Research and Development Society of Australasia. I am currently retired — a forced retirement as a result of sickness.

I will mention the positions that I have held within the state public service. I was a forester, a teacher, a program manager and a head of the department of Applied Science at the University of Ballarat's TAFE division. I have been a director and head of campus at Latrobe University for seven years, plus I have been chairman and director of a number of boards and committees. I mention that because I cannot testify as a medical doctor. I make that point; that is why I went through that laboriously, I am so sorry.

I have no report from any doctor saying that I have a link between having prostate cancer and my time spent anywhere like at Fiskville. This is therefore a very subjective report. I welcome the opportunity to explain to you my extremely aggressive prostate cancer and my personal views of where, as a public servant, it may have had its origins.

I would like to address the terms of reference (2), (3) and, given time, (5). That is, I want to look at a brief outline of my submission, the role of Fiskville executives, certainly from an academic point of view, and finally recommendations on where I think things could be changed at Fiskville.

First of all, term of reference (2) to do with health impacts. The key points of my submission outline the fact that I have basically lived a pretty healthy life, growing up in rural areas and having spent most of my working life in alpine areas, pretty pristine environments — four years in the UK, but again in the Green Belt, and having lived around Melbourne in the Yarra Valley, I have not really been exposed to those high-impact polluted areas of cities or urban areas.

As I stated in the submission, I have a stat dec indicating that there has been no previous history of prostate cancer in my family as far back as we know. That means that I am, and have been, quite unique.

I will mention my employment history with regard to fire, because that is what the Committee is addressing here. From 1965 to 1970 I was a student and a forest graduate conducting, for the Forest Commission ultimately, fire suppression operations and fire protection operations with fuel reduction burning — high-intensity prescribed burns in alpine ash, for example. I spent a lot of time doing that, although it was only one of my major tasks to be accomplished as a public servant and a professional forester.

From 1977 to 89, I was seconded for some 13 years to the Forestry School at Creswick, and I was teaching government officers basically in a number of subjects, and that included Fire Suppression, Fire Behaviour and other subjects. While I was there I used to accompany the forest officers in particular to Fiskville to the PAD. While I did not enter any buildings that were on fire, as they did with their breathing apparatus, I was certainly standing by, but I also took part in the BLEVE step-up operations, so I got within 3 or 4 feet of the burning gases emanating from the gas cylinders on fire. I was obviously exposed to the fumes, the sprays and any dust from that and other pollutants. In 1986, I actually spent a fair amount of time at Fiskville lecturing in a subject called Principles and Practices of Forestry in Fire Management. I wrote a textbook, and I taught a number of students at that time and obviously visited the site on a number of occasions.

I was diagnosed with aggressive prostate cancer in 2010. I have had treatment, and some of that did not go all that well. I certainly experienced a lot of pain. The effects are continuing. I have very little energy and other problems. An ideal outcome of the inquiry might be to recognise individual cases, hardships and suffering, and I have slowly warmed to the idea of some compensation, particularly with regard to medical expenses and the four to five years in which I have been unable to continue to work, particularly as a senior executive.

I would like to move on to term of reference 3 and look at the Fiskville executive management from an academic point of view. During the time that I spent at the Forestry School one of the subjects I lectured in was Pollution and Environment, so I knew a little bit about the impact of pollutants on the human body. The role of the CFA as a semigovernment agency had a responsibility to report to the EPA. The EPA, as you know, was set

up in 1971 based on the EPA Act of 1970. It had a responsibility to reduce the pollutants and emissions to air, water and soil as well as noise abatement, and it always worried me that these things should have been done but clearly were not.

On 10 February this year, I just happened to meet a former head of the EPA during the 1970s, who said in answer to my question about Fiskville — what else would I ask him? — that Fiskville was not on EPA's radar, which I thought was interesting. It was emitting known carcinogens into the atmosphere, water and land, so clearly from my perspective the CFA was not reporting to the EPA its emissions as a semigovernment agency, as it should have been and was required to by law. I need not point to the benzene fact sheet, which I have a copy of here, but it is clearly a carcinogen and it was one of the pollutants in the air. While at Fiskville I did happen to ask people on site about what was used as a fuel for all the fire that was going on around us that had to be suppressed and put out, and I was advised quite clearly that they were by-products from industries in the western suburbs of Melbourne. I could have asked more questions, but I did not. But I knew there were real problems there because, if we remember, in 1986 the workplace OHS legislation was enacted, which gave everyone in the workplace the opportunity to elect some representatives from their workplace and to set up committees to look at what could have been endangering people's health and safety. That also provided for the production of Material Safety Data Sheets, which should have been available to staff to at least alert them to what might be some kind of a problem in their workplace environment.

I will pause there for some questions, because I would like to spend some time on term of reference 5 — the recommendations. Are there any questions?

The CHAIR — Normally you would provide your full presentation and then we would ask questions, unless you would like to have a bit of a pause.

Dr FERRIER — I would like that.

The CHAIR — Is it okay to call you John?

Dr FERRIER — Yes.

The CHAIR — One of the things in your submission is that you have looked at the Joy report. What is your view of that report? What is good and bad about it, if anything?

Dr FERRIER — It was one of the terms of reference criteria I was going to mention, so I do not mind going straight into that now. With regard to the terms of reference, I make the point that we must avoid the parochial bureaucracy and simplicity that often rules our institutions. We require a bold policy framework that is innovative, imaginative, sound and safe. There needs to be wider debate about chemicals in firefighting and the human environment, with fresh thoughts that abandon passive neglect. We can afford to be critical of our institutions and their processes, so I posit the following three steps, one of which answers your question directly, Chair.

First, I think that further research is required. No research is ever perfect or complete. I respect the basic findings of the Monash University, but the committee has a responsibility to carefully assess and evaluate the evidence to ensure that there has been a lack of bias in the results and in their interpretation. It needs to ask questions regarding the methodology. For example, after 324 interviews and 4 million documents, how could they arrive at a conclusion that the facility was safe and, secondly, that the risk of getting cancer was low, as reported in the press and other places, including the Premier's press release? Why did the initial findings contradict the findings of a cluster that was later identified?

Was there independence in the research? Reports that the CFA CEO appointed a former friend and colleague, with regard to the Monash University study, are dubious at best. I feel that there was a lack of independence with regard to that, and the same applies to the Cancer Council of Victoria. When, as I understand it, the former head of the CFA made the appointment I ask the question which the panel must consider: was it made through an open and transparent process, since he allegedly appointed a former friend and colleague? I ask this because their findings would appear to favour the views of the commissioning body, the CFA, and which results contradicted later findings, according to the *Sun* — a real concern. Research of course must be broad-based, not reliant upon just quantitative research, and this gets right back to the question that you asked, Chair.

The CHAIR — Dr Ferrier, in your submission you talk about the Professor Joy report. That was the report prior to the Monash study. I think Professor Joy had contact with the CFA. I know in your submission you talked about these categories, low risk, medium risk and high risk. I guess I was asking for you to make a bit of comment about what you thought about those divisions in terms of a person's likelihood to be at risk of perhaps contracting a form of cancer.

Dr FERRIER — They border on being fanciful for a start. Once you start to look at results, somebody has to categorise the results, no doubt, to provide some kind of a simplistic or bureaucratically satisfying answer or response. That is one thing, but what that tends to do is to ignore the outliers, the data which could be eliminated under normal scientific-type research, which I have done as well, but you have to be very careful that you do not eliminate outliers or data that is somewhat scattered without knowing that there may in fact be some real causes as to why that data — those people, if you like — should be considered in the results, hence my criticism.

Whilst I understand the quantitative research scientific approach is useful to some degree, I think that there is further research required in the qualitative area, and I have mentioned that in my submission, to look at individuals. For example, we have not ever at this stage in our history considered the impact of chemicals that have not existed for 10 000 years or more in our human civilisation on the human body. We have not got the means of following the course of one atom or molecule through the human body and its impact on various of our circulatory, alimentary and lymphatic systems. We just have not got to that degree yet, but I am sure that one day we will, and it is going to make some of the research that has been conducted to this point look somewhat childish. I just alert you to that.

That was really the point that I was trying to make in my submission, that we should not let go of those individuals that might be considered at low risk when it is being done for convenience rather than with a total understanding.

Mr McCURDY — John, I note your concerns on the independence of the reports. For the committee's benefit, who should we be calling to this inquiry to better understand some of those integrity issues in those reports? Do you have anyone in mind that we can pursue?

Dr FERRIER — No. I do understand the question, but I certainly do not have any recommendations as to individuals who should be called. It is quite clear that at that time — that is, during the time I was at Fiskville — there were a range of officers responsible for the conduct of the enterprise and the business and the safety of workers. I think I have indicated that clearly a lot of the procedures were not being followed at that time for reasons that I do not know.

It might be why I am heading towards my second point. I would like to talk about the lack of adequate research. I might answer that in my next point, if I can, with regards to where I think and what the panel needs to do in regards to where we might be headed. A panel like this does not need a royal commission to decide that something has been seriously wrong with the CFA's Fiskville training college. I believe the CFA has been a small, effective and enthusiastic organisation that may have outgrown itself. Victoria finds itself in one of the most fire-prone places in the world, and the correct response here is that Victorians deserve a world-class rural fire service.

Accordingly, I would propose replacing the CFA Act 1958 — a lot of legislation was introduced in those years, but surely we could move on; it has been amended hundreds of times — with a new Act that would recognise first of all a new name. The idea that a semi-government agency, a firefighting service, would be called an authority is beyond me. Even the army is not an authority; instead we have the armed services. As a start I would suggest something of the order of the Rural Fire Service, with an emphasis on 'service' rather than on 'authority'. It may attract a different kind of cohort of permanent staff recruits to their ranks. Secondly, a rearrangement of reporting links with thought given to amalgamating Victoria's fire services to ensure greater and improved communications between the major firefighting department, the CFA, and the MFB. It is achievable, I believe. Thirdly, the reappointment of effective boards.

As you know, boards have three functions: to provide strategic direction; to ensure governance and compliance; and thirdly, to appoint the CEO. Why the CFA was not governed with compliance responsibilities by a board during those years I do not know, and it may get back to answer the question about who should be called upon to answer these sorts of questions. Clearly there has been a neglect in the past, and it may in fact come from the top down — my thoughts there.

The CHAIR — Do you mind if we just ask a few more questions?

Dr FERRIER — Let's go.

Mr RICHARDSON — Thanks for coming in and sharing your thoughts. As an expert who has lectured in the field of environmental studies you might have sat in the hearing before. Taking the present day levels of PFOS and those exposures and the talk about atoms passing through the body — I just want to clarify for the record as well that adjoining properties are 30 times the level that is deemed acceptable — how do you reconcile in your thoughts a situation where it is deemed very low risk yet standards that are not Australian standards but international standards are saying that that is a low risk even though it is 30 times the level? Do you have any thoughts on that from your experience?

Dr FERRIER — Yes, of course. It speaks volumes of how little our understanding is with regards to the impact of some of these individual chemicals, let alone the compounding effect of the chemicals that really we have not evolved with. There is clearly a lack of identifying the chemicals that we are at risk to and how to measure those, how they build up in the environment and the impact of that on other species.

For example, I think I heard earlier on that there are organisms that could have been eaten by snakes and that did not seem to be a problem, but that does not seem to be the way I understand it in environmental matters where poisons and toxins are basically concentrated the more that is eaten by a predator. That is my understanding. So yes, we live in the age of a lot of ignorance and possibly people trying to avoid responsibility, but I see the importance of your question. It is a very good question.

Can I just go on and talk about the third thing that could be done for the CFA? A new recruitment and training arrangement should be exercised — for example, a recruitment advertising campaign with huge incentives, such as offering study of a degree or a diploma just like the Army, the Air Force and the Navy does. That has not been done in the CFA.

When I compare the CFA officers with whom I have had a fair amount of contact over the years as a forester because you have got to conduct joint operations, I am very thankful for the fact that I did receive a solid tertiary education, but I notice that a lot of the colleagues with whom I had to liaise did not have the benefit of that. I just always felt a little sorry that they did not have the scientific basis and understandings that perhaps they could have had to make judgements. I can understand why the understanding about chemicals and the environment might not be quite so important. They might not see the relevance or the importance of them and how you have got heavy metals, you have got all the petrochemicals. There is a minefield out there, and I think that without a basis in understanding of the basic science a lot of the officers were — what is the word? — cut short; anyway, they were not benefited.

My concluding remarks would be that my personal professional dealings with CFA officers would show that many had worked their way up from a background in the trades — for example, farming, building and carpentry. There was never any doubting their levels of training as paraprofessionals once within the CFA, but bringing education levels up to a professional level within the public service could be achieved over time by providing incentives that I have referred to for further study so that the rural fire service body would be world class. This would be everyone's wish and would provide world-class protection for Victorian properties and lives.

Mr RAMSAY — Thank you, Dr Ferrier. I am wondering if you would be prepared to make comment in relation to presumptive legislation. I do so in the vein that if Victoria had introduced presumptive legislation in the past, do you believe that certain events would have taken place since? So the issue around firefighters having to prove that they contracted a cancer in the workplace as against the proof of burden being moved the other way in relation to presumptive legislation, do you believe that perhaps the CFA would have acted and behaved somewhat differently to what they have done now?

Dr FERRIER — Certainly I think there is a move in the right direction to introduce presumptive legislation in this regard. I think that the CFA would be reeling from the effects of that, and I do not really have too many thoughts on it. I do not know that the practices would necessarily have changed without a whole raft of other changes taking place that I have already referred to — for example, from the Act on down.

Mr RAMSAY — Just in that vein, can I ask, given you have suggested a connection between your health and the work you did at Fiskville, and I assume you were employed by the Department during the times you were training at Fiskville, have you been able to access workers compensation through the Workers Compensation Act in relation to your health costs and associated health for the work that you did under the department at the time?

Dr FERRIER — No, I have not, because I think like all good soldiers you expect to get shot every now and then. I just did not see that as a problem; I just thought it was one of those things that one gets. But when I started to look into it I started to realise there was something really serious going on and it had to be looked at, so I took a closer look to see my own contact with the training facility, particularly on the PAD and in the environment, and I started to realise with the lack of any history in the family that perhaps I had better start to look and see if this was in fact important. It was probably well after when I could have perhaps gone for some kind of compensation through the workplace or WorkCover or that body. So the answer is no.

Ms WARD — I think I will be your last question, and thank you for your time and evidence today. I am interested in the OHS issues. You mentioned the legislation that came in in the mid-80s regarding OHS. Did you notice any OHS officers at Fiskville? Or when they came on board, were any committees or representations set up for people?

Dr FERRIER — I was not inducted when I went to Fiskville, despite the talk about inductions, and the fact is because I was not part of the organisation structure I was outside of that. In fact I was on my own occupational health and safety committees at the University of Ballarat, so I was aware of what ought to be taking place and had never seen any evidence of that — nor had I looked — at Fiskville, nor should I have looked at Fiskville in actual fact; I did not have a responsibility to do that. But I was certainly aware of that — —

Ms WARD — Did you observe it happening with others who were employed at Fiskville — that there was an OHS officer?

Dr FERRIER — I cannot recall as a result of a lack of an induction any pointing to any sort of a system that would have enabled me to have a right to put down some of my concerns. As I said earlier, I did ask the question about where the chemicals were coming from, and once it was told to me about them being by-products from the industries in the western suburbs of Melbourne it obviously sparked alarm bells for me, because what happens in the production of a lot of the chemicals is that there are contaminants that take place within the manufacture, storage and distribution of those chemicals.

I can give you an example: the Agent Orange that was used in Vietnam is a forestry product too that we used for killing trees. That is 2,4-D, and in its manufacture the 2,4,5-T carcinogen comes along and is a product of the manufacture and is present in small amounts within 2,4-D, so a lot of the people who died as a result of the poisonings in Vietnam as a result of Agent Orange were actually not dying from the Agent Orange but from the pollutants within that chemical that are known carcinogens. That is just an example I throw out as to the sorts of things that did concern me at the time when I heard that they were by-products from the western suburbs.

Ms WARD — So you were concerned about where the chemicals were coming from. Were there other practices at Fiskville that you would have regarded as unsafe?

Dr FERRIER — You would have to worry about the lack of breathing equipment when we did the BLEVE step-ups. I felt that perhaps we were just so exposed that they were relying solely on a shield of water coming from the hose as a spray and that that was supposed to have absorbed the heat. It certainly did not absorb the gases there.

Ms WARD — This is the recycled water coming from the dam?

Dr FERRIER — I do not know where the water was coming from, but it was certainly been pumped out at great force that we were using. I never questioned where that was coming from; I do not know. But certainly it was used to put out fires, and we were very, very close to the source of the contaminant — extremely close, 2 to 3 feet away actually, which is pretty close in retrospect. So to answer your question, yes, there were other practices which were not entirely appropriate at the time.

The CHAIR — Thank you, Dr Ferrier, for coming in and providing that information to us and for your submission as well. It is greatly appreciated.

Dr FERRIER — Thank you. It is a pleasure. Thank you for listening.

Witness withdrew.