

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 28 January 2016

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

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Staff

Executive officer: Mr Keir Delaney

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Witness

Mr Jeff Green (sworn), manager, workplace health and safety, Country Fire Authority.

The CHAIR — We will get started. Apologies for the delay. We just cannot get the time right, but we want to be as thorough as we can be. Mr Green, I will go through the formalities and then confirm your position at the CFA and so on. We will then have a few questions to ask in a follow-up to the previous evidence you gave. I would like to welcome and thank you on behalf of the committee for attending this hearing. All evidence taken at this hearing is protected by parliamentary privilege as provided under the Parliamentary Committees Act 2003 and other relevant legislation. I also advise you that it is contempt of Parliament to provide false or misleading evidence to this inquiry. All evidence taken today is being recorded, and you will be provided with the transcript prior to it being made public so that you can check it for inaccuracies. Mr Green, do you continue to be the manager of workplace health and safety at the CFA?

Mr GREEN — Correct.

The CHAIR — Do you also continue to be a member of the health, safety and environment committee that was established in 2012?

Mr GREEN — No, I am not a member. I was an invitee.

The CHAIR — Because that is a subcommittee of the board, and you attend as an observer?

Mr GREEN — As required.

The CHAIR — As required. Good. Thank you very much. You have in front of you a copy of your transcript from last time?

Mr GREEN — Yes.

The CHAIR — The first question for clarification is: if you could go to pages 8 and 9 of the transcript of your evidence, there were questions asked by Mr McCurdy on page 8 with your answer on the top of page 9. I will just quote that. You were asked about a report made by David Clancy that was prepared in 1996 and you said in your evidence:

I am aware of it. I have only recently vetted it, but I was not involved in it.

That is at the top of page 9?

Mr GREEN — Yes.

The CHAIR — What we want to give you now is the executive summary of the David Clancy report, which Anita will provide to you.

Mr GREEN — With that, I think I did seek to confirm with — I am not sure — the support services you have that there were some points in my transcripts previously that I wanted to correct, after some investigations, so I can go through that.

The CHAIR — What we have been advised is that when you were questioned about some of the Wynsafe reports from 2005 to 2010 you proposed — and we received on Monday — some answers, some follow-up, as to what actually was actioned in response to those reports. Is that what you are talking about?

Mr GREEN — No. There were a couple of points in here. I think it has led from — I cannot remember, but I think there has been an ongoing question about when did WorkSafe know about the move to mains water, and I think there was debate about it being March. So after this I went back to my office, went through all the historical emails to determine when that was, and in doing that identified that the reports from David Clancy were sent to a number of people — I think it was on 6 December — including myself. That was part of the search of documents once the *Herald Sun* article was identified there was a little working party set up to find all the documents related to the *Herald Sun* article to try to capture the historical issues. So I was copied into, I believe it was — it was not this one tabled but one that David Clancy I think had raised, and it went off to Trevor Roche, the report. It was not this one.

The CHAIR — The one that you are talking about, perhaps when we get to that, if you — —

Mr GREEN — I just want to make it clear that I — —

The CHAIR — Yes, sure. You will be given full opportunity to make those corrections. I am just suggesting that, in terms of making it easier for us to all understand, when we get to that report then perhaps that is the time to raise the issues.

Mr GREEN — Sure.

The CHAIR — This is a report from David Clancy, who was working with the CFA in 1996. If you can turn to page 4 of that report, at the bottom of it, it says:

Implement safety map at Fiskville as a model for future CFA direction in this area utilising both Mr Jeff Green CFA and Ballarat HSO resources that will be supplied at no cost.

Mr GREEN — Yes.

The CHAIR — So there is that. Then if you could turn to page 6, there are two dot points under the heading ‘Training’. Can you see that?

Mr GREEN — Yes.

The CHAIR — Those dot points are:

Formulate and implement a training program for the emergency control organisation at Fiskville utilising the assistance of Jeff Green and Ballarat HSO.

And the second dot point:

Formulate and implement a training program for the health and safety committee utilising the assistance of Jeff Green and Ballarat HSO.

In terms of this report from Mr Clancy, is it still your evidence that you did not know about it in 1996?

Mr GREEN — No, no; we are talking about a different report. There was one that David Clancy produced, and that was the one I thought we were originally referring to, that was sent — I think it was a collection of reports from Coffey partners and, I do not know if I am pronouncing it right, Diomedes and I think the CRC, and that led to the development or redevelopment of the PAD.

The CHAIR — So you know about this one?

Mr GREEN — No, no; I am talking about the other one, and that is the one I thought you were talking about. This one, I know I went in February — I think it was 1996 — to do part of an audit of Fiskville. I identified a range of topics, and I think over previous days there were people from, in the old days, HSO or WorkSafe, or whatever it was called at the time, and then I think on subsequent days there was a group of people from CFA’s internal dangerous goods assessed. This one here — I do not recall seeing this one, but it probably came out of the report or what I identified in February 1996.

The CHAIR — In terms of this report, in your first evidence you said you had not seen it. So now you are saying you have seen it.

Mr GREEN — Can I clarify again, not this report but the report, which I think I have got in here, was one David Clancy put together on behalf of Fiskville to Trevor Roche. That was the one I thought you were talking about. That is the one I had not seen.

The CHAIR — Okay. So now a question is: had you seen this one in 1996?

Mr GREEN — I do not recall it, but I would suggest this came out of the review I did in February 1996 when I was involved in looking at parts of Fiskville.

The CHAIR — So even though you are quoted in it as being a person who is going to be used as a resource, you —

Mr GREEN — David might have spoken to me 20 years ago. I do remember the one — I went back to February, so we found that report, which is where we inspected Fiskville and identified a range of topics in

conjunction with the dangerous goods department from CFA. And I think it was a subsequent day there was the old — what was it called — health and safety organisation, or WorkSafe these days. I identified a range of issues there across Fiskville. There was hearing protection, there was electrical testing and tagging, licensing of forklifts and those sorts of things. I believe the dangerous goods branch came and looked at the management of dangerous goods on site, and then subsequently I believe someone from the health and safety organisation — I think that is what it was called — came in to do a review in addition to the dangerous goods report. That is one I have subsequently recalled that I did. Just to clarify again for the record: the one I thought we were talking about on the day was one from David that went to Trevor Roche, and I think it was referred to in Trevor Roche's evidence that he and Len Foster took it to the board — —

The CHAIR — That report you said previously, in your original transcript, that you had not seen, but now you recall you have seen it — —

Mr GREEN — What I said was I went back through my emails. I saw it in 6 December when a plethora of documents were being gathered.

The CHAIR — Okay, so you have seen that one.

Mr GREEN — Yes.

The CHAIR — You have not seen this one.

Mr GREEN — This one I do not recall, but I think it led from part of the work we did in February 1996 when we did an inspection of the whole of Fiskville.

The CHAIR — So then in terms of dangerous goods and practices at the time, what did you do at the time?

Mr GREEN — The CFA had internal dangerous goods officers, for want of a word, authorised under the dangerous goods legislation. I think it was Murray Ravenhall. There are some names I have got that did that, and then there was, I think, a gentleman from the health and safety organisation, which is presently WorkSafe, who came and also did a report. Mine was on 13 February, I think, and then on subsequent days the other two parties came in.

The CHAIR — I have just been made aware, because we do not have the front of the report, that this report that you have in front of you that we have just given — —

Mr GREEN — I think this is what came out of my original report.

The CHAIR — Because this was addressed to Mr Roche, this report.

Mr GREEN — Trevor Roche, yes, chief officer.

The CHAIR — Mr Clancy is saying that you were going to be used as a resource.

Mr GREEN — Yes.

The CHAIR — What did you do at the time regarding the health and safety in terms of the storage, location, labelling and identification of the dangerous chemicals?

Mr GREEN — I reconfirm that that was addressed by the CFA's dangerous goods section at the time, which fell under the risk management department, overseen by a deputy chief. My role was probably more broad. It was electrical testing and tagging, and licensing of forklifts. There was noise management, because there were generators up there, so there were issues about the noise, and then there were issues about hygiene management. We looked at not only what you are looking at, the PAD; there are also the other parts of the organisation.

The CHAIR — Why would the dangerous goods have come under another section and why would you not have been involved?

Mr GREEN — Because, as I said, we have people who are specialists in that area. They are licensed. I am sure at the time they were licensed under the WorkCover legislation. They actually do that for industry. They go out and review industry

The CHAIR — But as the health and safety person would you not be — —

Mr GREEN — Correct; but these people had specialist skills, whereas we do not necessarily have the broad list of skills for every single health and safety function that exists. They brought in — I assume David would have brought in — people who have that charter as predominantly their sole purpose of employment — the dangerous goods section.

The CHAIR — What they were doing or what they discovered, was that reported to you at any time?

Mr GREEN — It was certainly in that overall report that was done, and they looked at bunding and they looked at chemical management et cetera on site.

The CHAIR — Do you recall what came out of that?

Mr GREEN — I do not recall what was followed up, because that was raised at that time, to my understanding, to whoever was the manager at Fiskville, and David Clancy had followed those through — things that were raised. Obviously this now highlights that David had raised those issues with Trevor Roche, who I think in 1996, I can assume, would have been the person responsible for that site to raise those issues, yes.

The CHAIR — The next one we wanted to look at was the WorkSafe report of 16 December 2011. Have you got that? I am going to grab my copy.

Mr GREEN — I think this is where Halil, who was WorkSafe's senior hygienist, attended as part of a follow-up to CFA headquarters to gather additional information, which obviously was being captured prior to this.

The CHAIR — You have got page 7 of the report, and I am just going to grab my page 7. There is a section that says:

In addition during today's visit the following documents (which the CFA has a copy of) were referred to/discussed —

I will just go through. First of all, at the very top of page 7 the report says:

During my visit today I met with Jeff Green (OHS manager) and Trevor Griffett (legal counsel).

Mr GREEN — Yes.

The CHAIR — Do you remember this meeting?

Mr GREEN — I remember meeting Halil there, yes.

The CHAIR — Sorry?

Mr GREEN — I remember meeting Halil at CFA headquarters.

The CHAIR — Do you remember discussing the CRA ATD technology for CRA report titled 'A report prepared for Country Fire Authority Fiskville training college review of site assessments and remediation options' from 28 November 1996?

Mr GREEN — All those reports listed there, when Halil came in, it was part of WorkSafe's data or information gathering. I think Halil had been out prior. I think it was the 6th or something that he had been to Fiskville, and part of that process was for WorkSafe to get an understanding of the issues that had been raised in the newspaper. From that point, and that was where obviously our data gathering had occurred from CFA on what historical reports existed, I remember Halil going into a meeting room we set up for him. We provided him all the documents that we had acquired at the time. Halil went through all the documents to determine which ones he wanted to take a copy of, which was obviously WorkSafe's investigation. I understand these are

ones he would have taken copies of. They have to actually issue a notice to say they are taking copies of documents.

The CHAIR — Were you aware of these documents when — —

Mr GREEN — I said they were emailed, by memory, the first two — —

The CHAIR — It might just be easier if you could just say, yes, you were aware of them when it was discussed at the meeting with WorkSafe.

Mr GREEN — I was aware of them, yes.

The CHAIR — And had you read any of them?

Mr GREEN — No, because they were sent to us on, I think, 6 December. As I said in my opening statement, it was 6 December — when I went back and looked at my emails. They were sent through from Justin Justin, because they had done a search of historical documents at Fiskville.

The CHAIR — Again going to your transcript — page 11; this is from 21 December — you were asked about a number of the reports that the CFA had commissioned in 1996, of which there is a list, plus the Clancy one. You said that you were ‘not privy to all the reports that were done in 1996’.

Mr GREEN — Yes.

The CHAIR — Are you saying that you were privy to some, none or all?

Mr GREEN — No. Again, what I said in the opening was when I went back to look to find out where WorkSafe might have got the interpretation of March water, I identified emails from Justin Justin — I think it was on 6 December — that were sent to myself and a large number of people, which is where Fiskville was identifying historical documents. I think it was on 6 December 2011 when the documents came through as an email to me, and that was part of a working group to identify the documents that were referred to in the *Herald Sun* — the old historical documents. That was part of data-gathering — information. Subsequently Halil came in and selected the documents they wished to take.

The CHAIR — Sorry, are you saying that you knew about them in — —

Mr GREEN — Six December was when they were emailed to a collective group, and I was in that collective group.

The CHAIR — Of December 2012?

Mr GREEN — In 2011.

The CHAIR — In 2011. But you are saying that even though there is a WorkSafe report where you were present at the inspection and these documents were discussed you did not know about them until December 2011?

Mr GREEN — On 6 December, I think it was, that I recall was the first time. As I said, I clarified and went back to look through my emails. That to my understanding is the first time I saw them. Whether they were presented to me well before that I honestly cannot recall, but I certainly went back to confirm that information, and they came through, as I said, on 6 December from Justin. That was part of that information search — documents going back to the historical records.

The CHAIR — The next is there was a Wynsafe letter about sludge, and this was about the sludge in dam 1.

Mr GREEN — Sorry, page?

The CHAIR — I refer to your transcript, pages 12 and 13, so if you look at your transcript, at the bottom of page 12 it shows that you were asked:

With all of these reports done by Wynsafe, do you know what action was taken in response to those reports?

Then at the top of page 13 it shows you replied:

No, I could not tell you piece by piece by piece.

Mr GREEN — Yes.

The CHAIR — Do you know, again, anything about these documents and what happened to them?

Mr GREEN — I knew about them, and I think one of the questions you or one of the administration — —

The CHAIR — Have you got the Wynsafe documents?

Mr GREEN — Which one?

The CHAIR — No.

Mr GREEN — There was a summary provided to, I think, the administrative staff as part of a follow-up question, which I sent

The CHAIR — This is the Wynsafe report or letter?

Mr GREEN — It depends which one you are talking about. That was 2011; yes, that one. There was an overall summary provided to the committee last week from the CFA. That you wanted to know the status of the reports?

The CHAIR — What we are trying to clarify is that in your evidence last time basically you said that you had not really seen any of this information at the time.

Mr GREEN — No, I think — —

The CHAIR — Because we were asking about why was action not taken, who was responsible for ensuring the Fiskville training centre was safe, and at that time — pretty well — you were saying that you had not seen or been involved with any of these documents. We are just trying to establish if that is the case or not.

Mr GREEN — I think I said I did not commission. We recommended Wynsafe to a range of people in CFA for a range of issues. This one here, yes, I did commission. This one is in relation to a person who stated they had taken on some foam at a foam training course. This was part of one that, yes, we commissioned as part of a review of a claim; the medical officer determining the claim needed some information.

The CHAIR — But the question is: in your evidence you were saying that you had no knowledge of water issues as the health and safety manager.

Mr GREEN — I do not recall saying that. I am pretty sure I said the water quality reports were provided to those in the training sections at the time — I mean over many years.

The CHAIR — The Wynsafe letter is addressed to you.

Mr GREEN — Correct.

The CHAIR — It says after the heading it is:

In response to a request to test firefighting water at Fiskville ...

This is dated 27 May 2011. Who made the request for this?

Mr GREEN — It was myself on behalf of one of our areas, because what we were seeking, as I said before, was a person had indicated they had suffered some stomach issues from ingesting firefighting foam. The doctors who were assessing this person needed background information in regard to the typical training activities that occurred, and part of that was to go out and try to find as openly as we could the water that was used and also the foam that was used, which I think was Tridol, because obviously when you are firefighting you would not necessarily intentionally ingest the foam. As part of that process, I think the training activity, the

person either inadvertently lost the branch, but they ingested a quantity of foam. When the doctor required that information, this was provided, in addition to the information on the foam.

The CHAIR — Going back to the document, I want to read out from the front page of the letter — this is the Wynsafe one. It says:

Dam 1 contains sludge contaminated with hydrocarbons and heavy metals from past practices, and firefighting foam from the flammable PAD. Options for the remediation or removal of this sludge were assessed by SRS Australia Pty Ltd and a proposal and cost estimate was provided to CFA on 17 March 2009.

Do you agree that you received the letter?

Mr GREEN — Yes, I would have received the letter.

The CHAIR — What did you do in terms of addressing the sludge in dam 1?

Mr GREEN — My understanding is issues regarding the sludge were being addressed by the training department, which I think was confirmed by James Stitz yesterday. They were seeking funding to remediate that site and also undertake — my understanding is dam 1 is not used for firefighting water. Again, all the reports — I think Wynsafe and — —

The CHAIR — I think Mr Stitz also said yesterday that they relied on information and advice from you.

Mr GREEN — About who to use, which is why we suggested specialists

The CHAIR — About safety issues, such as remediation of the sludge in dam 1.

Mr GREEN — Which is why we recommended Wynsafe. I sought information of who we should use to seek specialist input, and then they utilised Wynsafe.

The CHAIR — What was your role in all of this?

Mr GREEN — To provide identification of specialist consultants or experts who could provide support to the training department, which is what occurred.

The CHAIR — That was the extent of your input?

Mr GREEN — For those, yes. This one was different, but for those, yes, unless — whether James came back for clarification, I cannot recall. But James looked at those, and as it was confirmed, I think it was yesterday, James came back and they prepared a detailed report for funding. And a part of it, I think, was remediation of dam 1, and that went up to management.

The CHAIR — The issue was raised way back in 2009. You had knowledge of the issues — that letter — from 2009.

Mr GREEN — Yes.

The CHAIR — So from 2009 and up until, I suppose, the switch to mains water, what was your role, or what did you do to look at sorting out the safety problems at Fiskville?

Mr GREEN — To my understanding at that time CFA and Fiskville had a water management plan in place. Water was getting tested regularly, and the advice was getting back from the chemist on whether there were any issues, and it was again confirmed by numerous people that if the water quality was outside the recommended parameters, either the training stopped or they sought advice on how to treat that. So they had a management practice in place.

The CHAIR — So what was the process? How did you know what was going on, as the safety manager? What was the process?

Mr GREEN — I cannot recall the detail of conversations, but again, part of that process was to provide that relevant specialist advice, and as I said, there was obviously a process in train, being the water management plan, the regular testing and the advice from the specialists, to see whether there were any concerns. At that time

I do not recall them coming back to say, 'The management plan is not working'. So clearly that management plan to maintain the water at the right quality was being met.

The CHAIR — But what about the remediation of the dam?

Mr GREEN — And again, as I said to you before, the remediation of the dam was addressed by James Stitz — or attempted by James Stitz to try to get that remediated. Again, my understanding is dam 1 was not used for firefighting work.

The CHAIR — You provided — and we thank you for it — when you came before us last you said that you would follow up on some of the reports and what had happened with them.

Mr GREEN — Correct.

The CHAIR — So you provided us with a list titled 'Wynsafe reports from 2005 to 2010 recommendations acted upon'.

Mr GREEN — Yes.

The CHAIR — That is the document.

Mr GREEN — That was obtained from the training department. I sought to try to find out the status of those reports.

The CHAIR — Okay. On the first page, the very last column — —

Mr GREEN — Have you got a copy?

The CHAIR — This is the document you sent to us, yes?

Mr GREEN — Yes.

The CHAIR — We got this on Monday? The last column is 'SRS proposal for remediation of sludge from settling pond at CFA Fiskville April 2009'. The middle column has three recommendations, and then it has 'Acted upon'.

Mr GREEN — Yes.

The CHAIR — I just want to draw your attention to point 2 in the middle column. It says:

Funds should be sought from CFA to carry out a remediation of dam 1 in the near future. Pressure to clean up this dam will only increase with time from both an environmental and health and safety perspective. It is considered that contaminants from this dam are impacting on the water quality of dam 2 which is used for firefighting and does not meet the criteria.

Then in the third column that says 'Acted upon', you have put in 'Yes'. Can you explain what that means; how you got to that?

Mr GREEN — Again, this is a summary from the training department on those, so I cannot speak on their behalf, but I would expect that was where they sought funding from management

The CHAIR — But this is the document that you undertook to give us, telling us —

Mr GREEN — Correct, and provided

The CHAIR — from you to tell us what had happened.

Mr GREEN — Which is a summary of the information I was given by those who received the report, yes. And that is clearly indicating they sought funding for the remediation of the dams.

The CHAIR — And when you say 'Acted upon' — 'Yes', yes would imply, or I understood that to mean then, yes, the funding had been sought to remediate the dam.

Mr GREEN — And that was my understanding, that they actually sought funding

The CHAIR — And the dam had been remediated?

Mr GREEN — That is not how I would interpret that. That was that they sought funding to remediate the dam; for whatever reason funding was not provided, so the dam, as I said, still needs to be remediated.

The CHAIR — So you do not think you need to have explained a little bit further, then, rather than just a ‘Yes’ as to what happened?

Mr GREEN — Again, I repeat: I went to seek the status of the reports, which is what I committed to do. We did not manage the outcomes of those reports, they were either with the training grounds or whatever department received them, and these are the responses I was given.

The CHAIR — Who sought the funding from the CFA for the — —

Mr GREEN — My understanding is it was James Stitz as part of his broad training program, the redevelopment of the field training grounds.

The CHAIR — And he spoke to you about that, or —

Mr GREEN — Sorry? No, no.

The CHAIR — did he talk to you about the progress of that — he had sought the funding, what had happened?

Mr GREEN — No.

The CHAIR — So you did not seek to find out what was going on, if anything was going to happen, in your role as the safety person for the CFA?

Mr GREEN — No, because there were management plans in place for the management of the water quality, and at no time that I know of they raised issues that the management plan was not managing those water qualities appropriately.

The CHAIR — Thank you.

Mr RAMSAY — Thank you for your time, and congratulations; you are one of the few witnesses who seems to have survived a long career in the CFA. We have had a lot of witnesses who had been there for some time but are no longer with them. So it is good to see you still hanging in there.

Mr GREEN — Yes.

Mr RAMSAY — My question is a carry-on from the chair’s, and we are still talking about sludge in dam 1. I am going to refer to the ALS report and ask you to look at the transcript where Mr Richardson, my colleague here next to me, raised some questions in respect of that report. In fact it was raised this morning with the chair of the CFA, but she was unable to provide any real understanding of the report; it was not familiar to her. You were asked by Mr Richardson in relation to that report, and I think you have got there page 21 of the ALS report?

Mr GREEN — Of the transcript?

Mr RAMSAY — Yes, the transcript, sorry. Page 21.

Mr GREEN — Okay, yes.

Mr RAMSAY — Mr Richardson asked you:

... do you think that you should have been involved in that process?

I assume it is the process around recommendations in respect of the sludge in dam 1, and you replied:

It probably would have been beneficial if they had involved us in those, but again for us it is a judgement call for those people to include us. If we do not know about it, we cannot put our hand up and say we want to stick our nose in.

That was a fairly profound statement. From the correspondence we have provided you today, it is clear you were engaged in correspondence about the sludge in dam 1 in 2011?

Mr GREEN — That was from 6 December, by memory, when it came in. Is that what we are talking about, or are we talking about prior to that?

Mr RAMSAY — No, in relation to the correspondence you have got there in front of you. I have not got it in front of me.

Mr GREEN — Is this Wynsafe?

The CHAIR — It is the ALS report of 2012.

Mr GREEN — February? Yes.

Mr RAMSAY — The issue is around your involvement in the correspondence around the sludge in dam 1.

Mr GREEN — The ALS report, you mean?

Mr RAMSAY — That is what I am referring to. That is what I have always referred to.

Mr GREEN — The ALS report, again, I think I confirmed that I went through those emails to try to find issues about WorkSafe, the water quality issues. I did identify that Justin Justin sent the email, copied us into an email, regarding the ALS report in February. I do not know the exact date.

Mr RAMSAY — February 2012 report, it was commissioned — —

Mr GREEN — They copied us in, and again that was part of that data-gathering process to get information.

Mr RAMSAY — So I guess this line of questioning is about trying to understand your involvement in action and response to that report. Again, I understand the secretariat has provided you with email correspondence, or is just about to, between yourself and ALS on 4 July 2013. If you turn to the second page, it shows that an initial email was sent by you, stating:

... I was hoping to discuss a proposal for ALS to undertake a broader water quality review than recently proposed at Fiskville.

If you turn to the front page, it shows that you said the scope of the review would include water standards and guidelines and benchmarking current CFA parameters. Do you recall that email correspondence?

Mr GREEN — Not specifically that email, but I remember I think it was a lady, Patty Chier, from GBD — the organisation. My understanding was that they wanted to have a second opinion on obviously the water quality standards that were picked by CFA by the Wynsafe information, and I think we were trying to find organisations that had the expertise to provide us with a second opinion to make sure our water quality standards were still appropriate. I do not think it was ALS. Looking at it, I cannot remember. It was GHD, which I believe were water experts.

Mr RAMSAY — My understanding is that the email/snail trail was between yourself and ALS?

Mr GREEN — It could have been that GHD took over ALS or vice versa, but it was certainly a water quality organisation. It has there GHD, was the company. They might have been taken over by ALS.

Mr RAMSAY — Jeff, if I can ask you, then, to get some clarity around this: is it the case that you had no involvement in the 2012 ALS report that recommended remediation of sludge in dam 1 but you did liaise with ALS about other work they did in 2013?

Mr GREEN — That was at a later stage, yes. The ALS report in 2012, I think, was commissioned by Justin Justin, I believe, or Martin Bona — one of those two. It was commissioned for Fiskville.

Mr RAMSAY — So you are saying to us that you had no involvement with ALS or its report in 2012 but did in 2013?

Mr GREEN — At a later date, where we were believed to have reviewed water quality standards at the time, yes. That one in 2012, I think was commissioned by someone at Fiskville.

Mr RAMSAY — We have heard evidence that the sludge in dam 1 was raised by the CFA 2009, 2011 and 2012 in a report by ALS and, following the 2012 report, that WorkSafe was told that another consultant was being engaged about this issue. How many consultants' recommendations did the CFA need about the contamination of dam 1 to remediate?

Mr GREEN — I do not know. I mean, it would have been ideal to remediate the dam, yes. But again my understanding was that it was not used for firefighting water; it was a settling pond. Why the funding was not provided is not in the areas I work. I do not know why the funding was never provided.

Mr RAMSAY — So I guess to encapsulate this line of questioning, since 2009 there have been various reports indicating concerns around the potential heavy metals and contamination in dam 1, particularly in the sludge or heavy solids at the bottom of the dam. I do appreciate water samples were taken and tested regularly out of that dam, as it was with the pit and dam 2, and the water quality as against the actual sediments or sludge at the bottom of the dam appear to meet the appropriate standards, and I suspect that is why that dam was in use to that point in time when the mains was fully operational. But there were too many reports to say that this dam needed to be remediated, regardless of whether it was being used or not, because it does actually, as I understand, have some osmosis to dam 2. So there was potential risk of contamination in dam 2, which was used at that point in time in those years to supplement the mains supply up until it was fully commissioned in 2012, as I understand it, or late 2011 — it is a bit grey about exactly when.

My question is: given your role and given the numerous reports from numerous different agencies about concerns raised about contamination and sludge in dam 1, why you were not more committed to encouraging — whether it was Lex de Man, and I understand he had and did try to garner funds for remediation, whether it was the board or the leadership group at Fiskville — to make some movement towards the remediation area that is dam 1. There seemed to be almost a reluctance, or there were other priorities within the board or the leadership at Fiskville rather than to remediate the dam but to do other projects.

Mr GREEN — I do not know why it was not remediated. I do not know whether there were other priorities. I am not privy to the determination of the remediation process or the consideration of the remediation process within either the board or the executive's determination.

Mr RAMSAY — If I can ask you in relation to a transcript from 21 December 2015, page 14 — —

Mr GREEN — Is this mine?

Mr RAMSAY — This is you, yes.

Mr GREEN — Okay. Page 4?

Mr RAMSAY — Page 14. I might just ask the secretariat to help you find that piece. Do you have it there? It is on page 14, in relation to WorkSafe. This is a transcript of previous evidence.

Mr GREEN — Up the top, yes.

Mr RAMSAY — You were asked:

Why would WorkSafe think that you were using exclusively mains at Fiskville in December 2011 when that is not the case?

You responded:

I do not know. You need to ask WorkSafe on that.

Correct?

Mr GREEN — Yes.

Mr RAMSAY — I would like to provide you with a copy of a WorkSafe inspection report dated 10 July 2012. If you turn to page 2 of the report, on top of the page it lists the CFA representatives that the WorkSafe inspector met with, and this includes your name.

Mr GREEN — Yes.

Mr RAMSAY — If you refer to paragraph 2 from that report, it says:

CFA management advised that only mains ... water is currently being used in firefighting exercises at Fiskville ...

Do you recall this inspection report?

Mr GREEN — I recall a meeting, because I believe — it was between, I think, Cardno Lane. They had a few specialists from Cardno Lane taking WorkSafe through the process of what Cardno Lane were doing and they went through mapping and all those sorts of issues with I think it was Amanda Tonks and Ian Grayson went through a process. I do not know how they determined that. I know I confirmed to Halil in, I think, it was October 2012 in email that mains water was used from that point in time. So how they determined that, I honestly do not know. It was confirmed to Halil, who was a workplace representative, in October 2012 by myself that mains water was used from that point on — only mains water. So whether that was a misinterpretation via WorkSafe, I do not know.

Mr RAMSAY — And you were a part of that management group that WorkSafe referred to in the report?

Mr GREEN — We were in attendance at the meeting with Cardno Lane because I believe they wanted to speak to Cardno Lane and get an understanding of all the work they were doing, how it was functioning, what they were assessing, how the whole process worked, what was their role and function, and again part of that was what the testing of the water that Cardno Lane were doing.

Mr RAMSAY — Is it still your evidence to the committee that you had no involvement in advising WorkSafe about the transition to mains water? Because there seems to be that grey between what WorkSafe perceived in that point in time, that Fiskville was using fully mains water for firefighting when in fact they were using a mix of, as I understand it, dam 2 and mains.

Mr GREEN — It was my understanding, as I said, I think it was a project officer that advised me to confirm to WorkSafe that in October '12 was when CFA transferred to full mains water and, again, that is what I confirmed with Halil and there will be an email on that somewhere.

Mr RAMSAY — There is some reason why WorkSafe thought that you were exclusively using mains water in December 2011.

Mr GREEN — I do not know. Again, as I said before, you would need to ask WorkSafe. Again, we confirmed in October '12 that is when we were exclusively using mains water.

The CHAIR — I think one of the questions in the correspondence with WorkSafe was a question that they could only see, when they went on their work site inspection, one tank.

Mr GREEN — You are talking about a really large, 260 000 litres?

Mr RAMSAY — Yes, 240 000.

The CHAIR — Yes, and they wrote back to you with this sort of query, 'We only saw one tank when we were there'. I am assuming that was the time when the inflatable tanks were being used with a sort of collar?

Mr GREEN — It could have been then. I know that WorkSafe did numerous visits up at Fiskville. I know that — I think Halil by memory queried about the single tank. I am pretty sure in the email that I have got somewhere that I confirmed with Halil we had two tanks — I thought it was 260 000 litres.

Mr RAMSAY — It is 240.

Mr GREEN — Those two large tanks were in place and functional in October 2012, so I confirmed that back to Halil. Now, there might have been a transition where we were installing the second tank.

The CHAIR — But you do not recall any of that?

Mr GREEN — I do not recall they were using sort of collar tanks but I guess that is the determination they did until the larger tank, the second tank, was in place.

The CHAIR — So you were not regularly keeping yourself up to date about what was actually happening at Fiskville?

Mr GREEN — No, because it was part of a whole process. It was a large project office. We had specialists. Cardno Lane were obviously the lead from that point of view. My role again was to facilitate that process with WorkSafe where required. I mean, WorkSafe did attend there and did meet with others outside when I was around, but my role was to try and, I suppose, maintain that information flow back and forth to WorkSafe when required.

The CHAIR — How could you do that without knowing all the information?

Mr GREEN — I said if it was required. Again, as I said, they do not have to meet with me, so they will attend, just walk in off a cold floor, which I think they did quite regularly at Fiskville — —

The CHAIR — But — —

Mr RAMSAY — Chair, I am in the middle of a question on the process. Thanks.

The CHAIR — Sorry. I thought you had halted. I was just asking — —

Mr RAMSAY — No.

The CHAIR — I just do not understand how, if you do not know it all, you can be the liaison person with WorkSafe?

Mr GREEN — Because part of that process was I would be provided the information to maintain, I suppose, where possible, a single point of contact with WorkSafe.

The CHAIR — Sure.

Mr RAMSAY — I was just going to complete that so that we might be more clear about the position you had. The issue around the WorkSafe perception of fully utilising mains for firefighting purposes was in their report which has a statutory obligation to go to CFA. So it is somewhat strange — and I think this is what the Chair was getting at — that the CFA, and I am not suggesting you were party to that, kept that perception alive in that they did not delete, omit or change the WorkSafe report that indicated that the CFA was using fully commissioned mains water in 2011, and that perception carried on until into 2012.

I was wondering if you could turn to page 2 of an email that you sent to a WorkSafe inspector on 19 October 2012. It shows that in your first email to WorkSafe you referred to two above-ground storage tanks — second dot point at the bottom of the page. You will see at the top of the page that the WorkSafe inspector then replied to say that they had visited Fiskville on 28 September 2012, they had only seen one above-ground tank and asked whether another one had been installed. If you then turn to the front page of the document, it shows that you replied to say that a 260 000 — I think we are talking about 240, but it says here 260 — litre above-ground tank was installed on 15 October 2012. The question I pose to you is: is it still your evidence to this committee that you had no involvement in advising WorkSafe about the transition to mains water?

Mr GREEN — No, I said that was the one I was referring to before where it was advised to me that that is where we had to change it, so I confirmed with WorkSafe that we had actually gone to the two tanks, and from that point in time CFA was only using what I will call mains water. That is where we confirmed that to Halil. Obviously the one before is where CFA must have been installing the second tank. It had not been completed and it was obviously completed on 15 October 2012.

Mr RAMSAY — I suppose in a nutshell, Jeff, can you just tell us what exactly was your involvement in relation to advising WorkSafe on the transition to mains water or the central highlands water main for both tank 1 and tank 2, in a later stage, for firefighting purposes at Fiskville?

Mr GREEN — As I said, my role was to maintain, where possible, the relationship with WorkSafe, and that is not just at Fiskville; that is at other areas. I do recall that I was advised and it was confirmed to me by I believe it was the project team that ‘We were all good to go, tanks are in place, we are fully using mains water. Can you confirm that with WorkSafe?’.

The aim was, where possible, to have, maybe where possible, a single contact point. If you get 200 people dealing with WorkSafe, it is just all over the place. We try to maintain, where possible, a single focus, be it myself and maybe Sherry and maybe Lex, where possible. Obviously WorkSafe will cold-call anyone they want to call, so that was not always available. From these sorts of things via the project office, I was aiming to try, where possible, to be, I suppose, a conduit to provide information to WorkSafe. Again that is where we confirmed in October that mains water was being used.

Mr RAMSAY — The second tank was not installed then, was it? It was just the main tank, that 260 000 litre?

Mr GREEN — My understanding was, as it says here, ‘another 260 000 litre above-ground, fully enclosed tank was installed’ — so that would be the second one — ‘and commissioned on ... 15 October’. That is where it confirmed that that is when we ceased water quality tests, because they were not using the dams; they moved to mains water.

Mr RAMSAY — I stand corrected. I understood that the first tank was about — —

Mr GREEN — No, this is the second tank.

Mr RAMSAY — No, I did not think the second tank — —

Mr GREEN — This is where the two tanks were in play and they were using the two tanks. It was October.

Mr RAMSAY — I thought that was a small tank; okay.

Mr GREEN — That is the two tanks.

Mr RAMSAY — The committee’s understanding is that the installation of the tanks was required so that the CFA could store mains water to have enough water to conduct multiple training exercises. You have really explained why the installation of the second tank was necessary. What was the practice with only the single tank in initially? Was that single tank being topped up by water from the pit or from dam 2, and what was that time frame?

Mr GREEN — Again, I cannot quote 100 per cent, but I would expect that tank was filled by mains water at the time.

Mr RAMSAY — But prior to the second tank, because we were told that the first tank, the volume of water was not sufficient to provide the flow of water required for training exercises.

Mr GREEN — Yes.

Mr RAMSAY — So what was in place to provide the additional volume before the second tank was installed?

Mr GREEN — Again, in my understanding, they had filled the pit with mains water and ultimately where it was required if that was not sufficient, I anticipate they would have topped it up from dam 2.

Mr RAMSAY — So what time frame was that?

Mr GREEN — I could not tell you.

Mr RAMSAY — You cannot remember? Do you remember when the second tank was installed?

Mr GREEN — The second — again, that is what we confirmed in here. It was commissioned and, again, functional on 15 October 2012.

Mr RAMSAY — And after that period it was a fully contained mains water system —

Mr GREEN — That is my understanding.

Mr RAMSAY — from tank 1, tank 2 —

Mr GREEN — That was my understanding — —

Mr RAMSAY — To the PAD?

Mr GREEN — The two were very large tanks, yes.

The CHAIR — Just listening to the questioning, I suppose just stepping back a minute, I am a bit confused, because on the evidence on the 21st that you gave, and we asked about various reports like the ALS report, the Clancy report, and you said that you did not have any knowledge at that time. You said — —

Mr GREEN — Which I have come back and clarified.

The CHAIR — Just hear me out to the end. You were saying at that time, on 21 December, that no, you did not know about those reports. You went away and you had a look — fair enough; it was a long time ago — so you have come back today, because we have asked you to come back to clarify — —

Mr GREEN — Yes.

The CHAIR — and you have said, ‘No, I did know about those reports’. But then in your evidence on 21 December you also said — and we have just gone through it — in relation to the ALS report, and this was in response to Mr Richardson’s question, ‘If we do not know about it, we cannot put our hand up and say we want to stick our nose in it’. So on 21 December you were saying, ‘I was not aware of these reports. I didn’t know there were problems with chemical contamination or water quality, and if we do not know about it, we can’t do anything about it’, but now you come back today and say, ‘Actually, I have gone back and refreshed my memory, and we did know about it’.

Mr GREEN — Yes.

The CHAIR — How does this sit with you did know about it but you still did not stick your hand up and put your nose in it, which is what you were saying on the 21st, because the justification for not doing anything about it on 21 December was ‘didn’t know’. Today you did know. What is your justification for not doing anything about it?

Mr GREEN — As I said earlier, the idea is the CFA had a water management plan in there, all the water results were coming back appropriate. Where they were inappropriate they would seek advice from either Central Highlands Water or the chemist, to adjust that. So that process was in place. In addition, the Hazcon report — —

The CHAIR — Sludge in the dam — —

Mr GREEN — Again, that is remediation.

The CHAIR — Dam 1, contamination of dam 2 —

Mr GREEN — Remediation.

The CHAIR — Buried drums, chemicals all over the place.

Mr GREEN — Buried drums were removed, I believe.

The CHAIR — But I am just saying there are all these reports and all these issues at the time that you have been at Fiskville —

Mr GREEN — Yes.

The CHAIR — and from what you are telling us today, it was none of your business to be actually actively doing anything about it.

Mr GREEN — I did not say that. I said — —

The CHAIR — So you did do something actively about it?

Mr GREEN — As I said, they had a management plan in process that was produced and developed in conjunction with Wynsafe, the EPA and the Department of Health, and again those processes were in place. They did not identify through that process, to my understanding, anything untoward. There might have been a slight adjustment here and there. Again the ALS report came out, but again, the reports from Hazcon, Wynsafe and Golders have come back and said the water quality would provide no adverse health — —

The CHAIR — But they have made recommendations to improve —

Mr GREEN — Remediate dam 1, yes.

The CHAIR — the safety of the site.

Mr GREEN — Yes.

The CHAIR — Surely that is the issue. You keep talking about water quality, but there are recommendations to improve the safety of the site, urgent recommendations where things be done immediately, dam 1, dam 2 — —

Mr GREEN — Dam 1, yes.

The CHAIR — But the concern of Wynsafe was that dam 1 contaminated dam 2, because they were right next to each other. I guess I am just asking: what did you actually do in terms of responding to and acting upon these reports?

Mr GREEN — Again, as I have repeated, the training section was involved. They had sought funding for those rectifications — why the funding was never required — so they were acting appropriately. At that stage, let us see, we had a water management plan, the reports were coming back, and again Wynsafe in their advice state there are no immediate risks and there are no adverse health effects. Yes, there were improvements to be done and the training department was working through those. They had submitted funding requests for those improvements. So adequate processes were in place. None of the reports that we had came back to say there was absolutely a significant risk. As I said, Golders, Wynsafe and Hazcon all came back and confirmed that the site water quality would not produce any adverse health effects. They are the experts.

Mr RAMSAY — Can I just go back to what the Chair was talking about when she mentioned buried drums and the like? We have heard plenty of evidence about a lot of things.

Mr GREEN — Yep.

Mr RAMSAY — But my understanding is that the CFA actioned the recommendations coming out of the regulators, WorkSafe and the EPA, in relation to disposal of the drums and also the actions around the mains water commissioning. The point is that these reports were all done. I cannot remember a report saying there was an urgent and immediate requirement to, say, remediate dam 1, because at the time it was not being used for firefighting purposes; it was used there really as containment or an interceptor.

Would it be your view that maybe the board or the leadership at Fiskville decided it would not prioritise remediation of dam 1, given that water quality was of a standard that was deemed safe and it was not being used as a supply of water for firefighting, but there was a risk of water — and it was not sludge, it was water, which the sampling showed was of reasonable quality — going into dam 2, and then there was the investment in tanks? I am just wondering, given all the reports that we have talked about over many weeks, why the CFA still was not convinced it was an urgent priority for it to remediate dam 1, that there were more urgent priorities, and it was not a decision made on the basis that it would affect the health of firefighters?

Mr GREEN — That could have been a determination they made not to remediate the dam. I am not part of the board, so I cannot determine what decisions they made and why they made those decisions.

Mr RAMSAY — I have to say, though, Jeff, you are the manager of workplace health and safety —

Mr GREEN — Correct.

Mr RAMSAY — so I guess you have the responsibility to make sure that the workplace is safe?

Mr GREEN — Yes.

Mr RAMSAY — So you must have made a determination that remediation of dam 1 was not a priority in relation to providing a healthy workplace.

Mr GREEN — No. As I said, those reports and the recommendations were presented to — I do not know if it was the board or ELT to make those remediations. Now, ultimately, and I think it was also — I do not know why they did not do it. Again, there is nothing in there that says that it is an immediate high-level risk. The water quality was being assessed. Other independent reports had come back and say there are no immediate health effects for the individuals. I do not know whether that is a determination that was taken into consideration. I do not know.

Mr RAMSAY — So did you see it as maybe your role, given that there was some reluctance by the CFA — well, the board did not seem to know anything about it, so it must be more like other management at Fiskville — to advocate for that to be a priority, given your role?

Mr GREEN — Ideally, you could say that for everything.

Ms WARD — No, but we are asking in this particular instance.

Mr GREEN — Correct. But again, all the reports had come back from the specialists to say, yes, it should be remediated, but currently there are no adverse health effects. And again, the information was presented to the board and, I assume, senior management.

The CHAIR — Was this your interpretation that you provided as advice to the decision-makers?

Mr GREEN — And was confirmed, I think, by Len Foster and Trevor Roche that they had discussed it at the board.

The CHAIR — So your advice was that there was no immediate threat to the quality of the water —

Mr GREEN — Correct.

The CHAIR — and to people. Therefore, there was no need to rectify the water issues that were identified in the reports.

Mr GREEN — In dam 1.

The CHAIR — Is that correct?

Mr GREEN — That is my understanding, yes, in dam 1, because again we had a water quality management process in place

The CHAIR — But that was your advice to the decision-makers?

Mr GREEN — No, I did not provide advice. My advice was never sought.

The CHAIR — Okay. As there are no further questions, thanks for coming in to go through some of those issues in terms of your evidence from 21 December.

Witness withdrew.