

CLOSED PROCEEDINGS

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 21 December 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

Mr Tim Richardson

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Mr Justin Justin, former Officer in Charge, Fiskville, Country Fire Authority.

The CHAIR — On the behalf of the committee, I would like to welcome Mr Justin Justin today to give evidence before this parliamentary committee. Before we go into the proceedings, a few comments need to be made formally.

As outlined in the guide provided to you by the secretariat, all evidence at this hearing is taken by the committee under the provisions of the Parliamentary Committees Act 2003 and other relevant legislation and attracts parliamentary privilege. Any comments you make outside the hearing will not be afforded such privilege. It is an act of contempt of Parliament to provide false or misleading evidence to the inquiry, and the committee may ask for further follow-up information or for you to return at a later date if further evidence is required. All evidence today is being recorded, and you will be provided with a copy of the proof to check for accuracy before it is distributed.

To start off today, Mr Justin, you were operations manager, training delivery officer in charge at Fiskville from 15 August 2011 to 27 January 2015?

Mr JUSTIN — Yes.

The CHAIR — And prior to this you were a firefighter at Fiskville from March to July 2001 and a guest instructor from July to December 2007, and prior to that a volunteer. Currently you are assistant chief fire officer, strategy and capability, Northern Territory Fire and Rescue Service; I hope we have the titles and what you were doing down accurately.

Mr JUSTIN — Yes, that is correct.

The CHAIR — Perhaps if we proceed, and as I have mentioned to you, we do have a number of questions. As part of those questions if you have things that you would like to add within the questions, that is fine, and if we have some time at the end of this hearing, if there is anything you would like to add, you will be given an opportunity if you feel there is something that has not been covered. But first of all, perhaps if I just start by asking you a few issues about your role and areas of responsibility, because we just wanted to have clear in our mind what your duties and so on were. In terms of the Fiskville site, what was your area of responsibility? Training as well as management of the site, or both?

Mr JUSTIN — In response to that, Madam Chair, I have prepared a presentation this morning that has specifically been designed to assist this inquiry and the committee to understand exactly that question. It obviously highlights my managerial role and relates directly to my role as the officer in charge at Fiskville. I think for the sake of 10 or 15 minutes to run through that presentation that I believe would answer —

The CHAIR — We really have a lot of questions and a short time unless you can come back again. Surely you can go through, and you may want to refer to something in terms of that, but really we have lots of questions that we would like to ask you, and I am sure you can adapt them.

Ms WARD — Within your answers there will be the scope for you to put in what you have got in your head now.

Mr JUSTIN — I understand that, and once again I have travelled a long way, and I am obviously here to provide as much information and help the committee as I can. I believe I should be awarded the same opportunity as previous people who have come here and presented before this committee. If it is not the committee's intention to allow me to do that, I appreciate that, but I would definitely like to understand why I would not be given that opportunity.

The CHAIR — In the last four or so hearings there has not been the opportunity to provide statements. That was done earlier when it came to the victims in terms of those who believe they have health issues as a result of contact or exposure to chemicals, but when we are trying to understand the operation at Fiskville and what has happened, it has been really about questions. This is a parliamentary committee and we need to get answers. We have been charged by the government to investigate the situation, and really we need to ask you the questions. If there is time at the end, we can go into that.

Mr McCURDY — But feel free to refer to those notes as we ask the questions. If it is more suitable to go through those notes, feel free.

Mr JUSTIN — Okay. It just might take me some time to find them as I sift through, but no dramas.

The CHAIR — So you cannot say off the top of your head what your duties were at Fiskville?

Mr JUSTIN — Sorry, if you could repeat the question.

The CHAIR — It was really just to clarify the level of responsibility you had at the Fiskville training centre. Were you in charge of the training as well as the overall management of the site, or was it different to that?

Mr JUSTIN — I was the officer in charge of the facility.

The CHAIR — Were you involved directly with training, or did somebody report to you on training?

Mr JUSTIN — I had overall responsibility. I was the officer in charge of the facility; I had several people reporting to me. If I can just refer to my notes for a second, sorry. I had, I believe, seven direct reports that reported to me. Those were obviously the facilities manager, the PAD supervisor, several operations officers and some finance and admin personnel as well.

The CHAIR — I think in your statement you talk about the Fiskville operation was sort of an autonomous operation in one sense, but anything over, I think, \$20 000, you had to apply for, as well as the various policies of the CFA were also expected to be adhered to at Fiskville.

Mr JUSTIN — That is correct. I guess to give you some context about my delegated authority and the way larger decisions were made it is important to outline the way in which the CFA is structured. In your copies of my presentation there is a slide in relation to the chain of command.

The CHAIR — Please refer us to the slides, because if that helps to explain what is happening, that is fine.

Mr JUSTIN — That would be slide 7, page 7.

The CHAIR — Okay, the chain of command.

Mr JUSTIN — Yes. The chain of command is obviously very well respected within the CFA and is important in every facet of the CFA. In my role as the officer in charge the chain of command was as follows: we had Mick Bourke as the CEO, Euan Ferguson as the chief officer of CFA and Lex de Man, who was the executive director of operational training and volunteerism. As the operations manager on site, I reported directly to the executive director, who in turn either approved what I needed to be approved or would seek further approval up the chain of command. Martin Bona was the facilities manager at the time that I was there. As I stated earlier, we had various managers at Fiskville operations reporting to myself, including the PAD supervisor and operational staff.

The CHAIR — Okay, so can I just clear up. You were in charge of the operational arm of Fiskville as opposed to the staff and facilities.

Mr JUSTIN — When we talk about staff and facilities, the facilities manager would look after catering. He would look after the domestic side of the facility, so the housekeeping, the cleaning, the contracting, the maintenance, that side of the house. The facilities manager looked after that realm.

The CHAIR — The other thing we were not quite clear on, Lex de Man, he was your boss or — —

Mr JUSTIN — He was my immediate supervisor, yes.

The CHAIR — So the decisions and the issues arising at Fiskville that you dealt with on a day-to-day basis in the operational sense, you were then reporting directly to Mr Lex de Man.

Mr JUSTIN — That is correct. I was authorised to do what was within my delegated authority. So that included the running of the day-to-day needs of the facility; overseeing the implementation of the training curriculum; identifying areas of improvement, such as delivery of infrastructure needs; the liaising with CFA headquarters to seek approval for expenditure of anything that was over my delegated authority of \$20 000, which you spoke of — anything more than that obviously needed approval from CFA headquarters; and obviously my role was developing working relationships with the community.

The CHAIR — If you wanted something done at the Fiskville site, your first point of call was to Lex de Man and he would make the decision as to whether or not that could happen, apart from some of the sort of day-to-day issues?

Mr JUSTIN — That is correct. So anything above my delegated authority would be sent to my line manager, who was the executive director, yes.

The CHAIR — Above your delegated authority, could you give an example of something there?

Mr JUSTIN — Okay, such as the \$20 000 financial delegation. For instance, if there were any works that needed to be undertaken that were greater than that amount, it would need to seek approval from the executive director.

The CHAIR — Issues around water quality?

Mr JUSTIN — Prior, I guess, to the water quality being questioned, I never liaised with issues like that with the executive director. It was more if it was — I am just trying to think. I mean, the hiring of staff was another thing. I could not advertise for staff unless it was approved by the executive director. So there were numerous policies and processes in place that ensured that we followed the chain of command and sought guidance or permission in some aspects from our line managers.

The CHAIR — Health and safety, was that the responsibility of you at Fiskville, or again was that something that —

Mr JUSTIN — No. Well, health and safety was everyone's responsibility at Fiskville. In the reporting lines, yes. So if there was an occupational health and safety issue that needed remedying that was, I guess, outside my parameters that I could do, yes, I would seek obviously information from the executive director but also information from occupational health and safety staff at CFA headquarters. From a reporting relationship, I would report OHS issues as they arose, but occupational health and safety was everyone's responsibility on site.

The CHAIR — I understand that it is everyone's responsibility, but management is ultimately responsible for providing the safe and healthy work environment. Who would be responsible for ensuring that there was provided a healthy and safe work environment?

Mr JUSTIN — I think CFA management. There was a working OHS committee at Fiskville that met regularly. Of all the items that I could recall, I am not sure if any were progressed up the chain of command or not, to tell you the truth. So I could not recall. That committee took ownership of any, I guess, workplace health and safety issues that arose at Fiskville.

The CHAIR — And you were a member of that committee?

Mr JUSTIN — Yes, I was part of that committee, yes.

The CHAIR — The most senior person on the committee?

Mr JUSTIN — By rank I was the most senior person on the committee, yes.

Ms WARD — I wanted to talk about the water quality, which is obviously something that is of particular interest to all of us. We have had Gary Mynes, a career firefighter with the CFA since 2000, provide a submission to the inquiry, and in it he said:

On numerous occasions during my time as a general instructor I sought further information and clarification on the water quality from operations manager Justin Justin. He repeatedly assured me that the water was safe.

Can you talk through these assurances and how you were able to provide assurances around the water?

Mr JUSTIN — First of all, I know Gary Mynes was an instructor there when I commenced in August. I also know he left probably only three or four weeks after I started; I would not know the exact date. So in that time period up until the water quality was questioned, I never provided Gary Mynes — or anyone else, for that matter — any assurances on the water itself. For people seeking water quality assurance, that was handled by the PAD supervisor and the PAD staff. We had a workplace health and safety representative from that working

group, and those results and the process were all open to all staff members to obtain that information freely at any time. So, I mean, I cannot recall Gary ever coming to me directly, asking me directly about the water quality and the assurances that it was safe.

Ms WARD — Can you talk me through how water was managed at Fiskville during your time there?

Mr JUSTIN — Yes, I can, if you just give me a moment. I will refer to some notes, if I can, Ms Ward.

Ms WARD — Please.

Mr JUSTIN — Obviously this is part of my presentation. Obviously one of the most contentious issues from my tenure as the operations manager was the use of the recycled water. In my view, the Fiskville staff took all responsible steps within their authority to ensure that the water was safe for use within the guidelines prepared by external experts. From my perspective, the only additional steps that could have been taken to improve the quality of water on site was the removal of contaminated sludge from dam 1 and a better water purifier for the water that was collected off the PAD area. As I will explain, the cost of removing this contaminated sludge was beyond, obviously, the scope of my budget, and the funds were never approved from CFA headquarters when I highlighted it.

Ms WARD — How much was the cost of removing the sludge?

Mr JUSTIN — I believe the quote was around 600 000. It is in one of my attachments to my submission. Despite my best efforts, I was unable to get authority from CFA management to remediate the sludge in the dams. If you have a look, Ms Ward, at slide — —

Ms WARD — Call me Vicki.

The CHAIR — I think we are all happy for you to call us by our first names.

Mr JUSTIN — Okay.

Ms WARD — Sorry, which slide?

Mr JUSTIN — Slide number 3, the aerial photo. That gives you an appreciation of the water set-up. I believe the committee has been to Fiskville. I am not sure.

Ms WARD — Yes.

Mr JUSTIN — You have. When we look at the recycled water, the amount of water used during the training exercises at Fiskville was considerable. To meet this demand, Fiskville was serviced by multiple dams together with the town's mains water. The facility used both recycled water and mains water for training exercises.

Ms WARD — Sorry, can I just interrupt for a moment?

Mr JUSTIN — Certainly.

Ms WARD — The photo that we are looking at, of the PAD and the pit, when was that photo taken? We are looking at the map? Sorry, I am on the wrong page. Sorry, this is the one from 2010?

Mr JUSTIN — That one there.

Ms WARD — Yes. Sorry, please go ahead. I am on the right page now.

Mr JUSTIN — You are right?

Ms WARD — Yes.

Mr JUSTIN — The facility used both recycled water and mains water for training exercises, and that practice happened during my time as both a recruit and an instructor and part of my time as the officer in charge of the facility. The cycle of water was simple: water would be used on the PAD area, as you can see on the map, and it would go through a triple interceptor to remove any contaminants, then the drain, and then drain into

dam 1, which was a settling pond. The water would then flow through a pipe that was filled with crushed rock or scoria into dam 2 — although I was unaware of the existence of the pipe at the time that I was in charge of the facility.

If you have a look at the slide now, the next page it will be.

Ms WARD — This is the photo of the PAD and the pit.

Mr JUSTIN — Yes, the PAD and the pit.

Ms WARD — Do you know when this photo was taken?

Mr JUSTIN — I believe that would have been taken in 2011, because there have been some changes there since. The water being used during the training exercise was drawn directly from the pit. Everyone knows where that is on the — —

Ms WARD — Can you remind us of where it is?

Mr JUSTIN — If you look at the bottom of the page, there is an elevated fuel tank and it is just to the left. You can see that graded area. There is a grate.

Ms WARD — Yes.

Mr JUSTIN — That whole concrete area where that grate is, where the grate ceases and then the concrete commences, that is the water storage pit.

Ms WARD — How many litres did that — —

Mr JUSTIN — I think about 240 000 litres. The water being used during training exercises was drawn directly from the pit next to the PAD. Before a training session commenced, the pit was filled with mains water, and if the mains water was insufficient during the day, dam water from dam 2 would be used. The water in dam 2 was mostly collected from natural run-off as well as from a substantial roof space on the Fiskville buildings. The pit often ran dry during the day because of the number of drills that were happening each day. Mains water was slow to refill due to the size of the town's mains pipe, so recycled water from dam 2 was a necessary secondary supply to supplement the supply drawn from the mains water. Simply using mains water was impractical but we could do it. The inflow of water to the pit from the mains was too slow to replace the water that was being used and that made high training loads very difficult to organise.

If you go to the next slide, the Cardno Lane Piper slide on page 5. This diagram was a slide prepared by Cardno Lane Piper, water specialists that were engaged to install some above-ground water tanks. The diagram shows the pipe that connects dam 1 and dam 2. That pipe was filled with scoria, which provided a rudimentary filtering of the water. From January 2012 onwards water in dam 2 was tested monthly. Before that it was tested quarterly. If the results were outside the water quality guidelines, then the PAD supervisor would contact the water chemist and obtain advice on how to remediate any water.

This approach was consistent with the advice from all external experts, being ALS, Wynsafe and HAZCON. As far as I was aware, the water being used in training was always within CFA guidelines.

Ms WARD — Thank you. You talk about topping up the pit water, which started off being mains water and then throughout the day — how much water would you use during the day, during one practice session?

Mr JUSTIN — It is hard to estimate.

Ms WARD — How many times do you think you would have to refill the pit from the dam?

Mr JUSTIN — We would not fill the pit directly from the dam. It was a constant flow of mains water into that pit.

Ms WARD — Okay. So they would both be running in concurrently.

Mr JUSTIN — No. Normally the pit would be serviced directly by the town's mains, so depending on how many appliances were there on the day, how many people we had training, it just varies. There could be an assessment running with four trucks that use very little water and we would not use any dam water at all, as opposed to maybe a drill that we had several different pockets of training occurring, which could have had seven trucks operating at 1000 litres each minute for 7 minutes. It is important to understand that the training varied from day to day.

Ms WARD — There be some days, though, when dam 2 was being used quite a bit to top up?

Mr JUSTIN — Yes, there would be. Yes, that is correct.

Ms WARD — And when did the usage of water from dam 2 cease?

Mr JUSTIN — If you have a look at the next slide, which is dam 1 — just give me a minute, Vicki, and I can explain it for you. This is obviously a photo of dam 1, which you have all seen. I pushed for remediation of dam 1 early in my role when I was there.

Ms WARD — This is the sludge you referred to earlier?

Mr JUSTIN — The desludging, that is correct. Martin Bona and I had identified dam 1 as needing remediation for two reasons. As far as I was aware, it had never been cleaned out. It had a layer of sludge and sometimes bubbled and foamed up, which you can see in that photo at the rear where the shadow is not on. My thoughts were to clean it out now to give the facility a longer term run-off water facility. That was one. The second point was if we could use the water in dam 1, then this would add substantially to the water availability for training and may also improve the quality of water in dam 2.

I made a number of efforts to have dam 1 remediated. There was a large injection of funding coming into the facility via Project 2016, and my thoughts were the funding would provide the ability to undertake that scope of works. I also emailed my boss, the executive director, in February 2012 saying my biggest concern was that the dam remediation works had not been undertaken.

Martin Bona and I commissioned a report to help us appeal to CFA headquarters. The power to address the water quality was out of my hands, so appealing to my superiors was the best that I could do.

Ms WARD — I just want to read out a comment made by Clare Amies, the chief executive officer of WorkSafe Victoria, when she spoke to the committee on 20 November. I will just read it out to you if that is okay. She said:

I am saying that the day the article broke in the paper —

and this is the *Herald Sun* article on 11 December —

we did send people on site and at that time they collected a number of reports but also confirmed that they were not using the dam water, because at that time it was the dam water that was seen to be contaminated, and that we were satisfied that they had moved to mains water.

There seems to be a six or seven-month gap in WorkSafe's understanding of when mains water was being used and when mains water was being completely used? Can you comment on that for me?

Mr JUSTIN — Not really, Vicki. I can take that on notice. But in saying that, you mentioned the EPA?

Ms WARD — No, WorkSafe.

Mr JUSTIN — That is correct; WorkSafe were there. Without reading that and seeing the context in which it was written — —

Ms WARD — Sure. One of the things we are trying to do is to unravel this narrative around the Fiskville site and what happened and how things have happened. We seem to have some misunderstandings amongst various groups as to when things did happen. It appears from her transcript that she thought that exclusively mains water was being used in November 2011, but I understand that this did not happen until the end of July — that mains water was exclusively used at the end of July 2012.

Mr JUSTIN — If I can just refer to my notes. I have not got the exact dates, Vicki, but in saying that, like I mentioned before, mains water was used predominantly to fill the water services pit but was topped up with the use of dam 2 water at the time. Like I said, that had been my experience as a volunteer, as a recruit, as a recruit instructor and then again as the officer in charge.

Ms WARD — So you are not able to explain how WorkSafe could have the wrong impression?

Mr JUSTIN — No.

Ms WARD — We have also received evidence about the water quality in the dams from an MFB firefighter. The evidence is as follows:

In February 2012 ALS provided a report stating: 'Sludge in dam 1 is considered category A industrial waste'. It also stated: 'Water in dam 2 is outside the re-use guidelines'. The test results in appendix 1 of that report showed that arsenic, copper, lead, mercury, nickel, zinc, benzene, toluene and xylene —

we have come across a number of new terms in the course of this committee —

were above the safe exposure limits in dam 1.

On 22 February you sent an email marked urgent to Lex de Man and Mick Bourke regarding that very ALS report, which said:

We should act quickly to remedy the situation to ensure we have steps in place ensuring water quality for firefighting is of no concern. SRS be engaged to quote on the removal of sludge from dam 1 and remediation with these works to be scheduled as a matter of urgency. I have not released this report to the other parties and will only do so once I have your approval to do same.

Can you explain to us why you needed approval to release the report?

Mr JUSTIN — No. I did not write that email.

Ms WARD — Sorry?

Mr JUSTIN — I did not write that email.

Ms WARD — Okay. All right. I will move on. Can you expand to us? You mentioned, in the evidence you have just given, your campaigning to try to get the sludge from dam 1 removed. Can you talk us through that?

Mr JUSTIN — The process that I undertook?

Ms WARD — You mentioned that you requested it and that you did not have funding for it.

Mr JUSTIN — That is correct.

Ms WARD — Can you talk us through the process of how often you asked for it, the scope of it and what the responses were from the CFA?

Mr JUSTIN — Yes. Once again, if you could give me a minute to refer to my notes.

Ms WARD — Yes, of course.

Mr JUSTIN — When I commenced at Fiskville in 2011 there was funding that had been allocated — \$6.4 million in funding had been allocated to the site for works to be undertaken to support the training of 342 new career firefighters. As part of that funding I believed that the remediation of dam 1 was a necessity. I had no idea what was in dam 1 but knew that in the 30 years or 40 years that the CFA had the facility it had never been cleaned out.

As I stated earlier in my comments, I believe that the remediation of dam 1 could only ensure that there was a greater longevity for the facility and help provide a greater water source for the future. So that was one priority; that was one of the priorities that both Martin Bona and I had decided on and we put that forward in I think it was December 2012. From there that went to a working group or steering committee, because once again the cost of remediating that was well outside my delegated authority. So the steering committee would then look at

the options we put forward in how to best spend that 6.4 million and make a recommendation on that. Unfortunately that was removed from the scope of works early in the piece — —

Ms WARD — So the focus seemed to be more on facilities and getting more people onto the site rather than responding to remediation or cleaning up of the site?

Mr JUSTIN — I am not sure what their intentions or thought processes were, but that was definitely a focus. In saying that, some facilities that we believed necessary as well were removed from the scope of works also, so I am not 100 per cent sure what their thinking was.

Ms WARD — In more evidence received to the committee, around the middle of 2012, when the first new water storage tank had been built, the UFU was under the impression that Fiskville was only using mains water. However, prior to the second new tank being built — and I think this is around October that the second tank is built — mains water is still being mixed with water from the pit. Do you know why the UFU had received incorrect advice about the water around this time?

Mr JUSTIN — No, I do not. With some further explanation, Vicki, it was my understanding that it was only being used — water in tanks — it is just that one of those tanks was the water storage pit, and hence the confusion I think when two MFB people came out to the facility.

Ms WARD — Can you run that by me again?

Mr JUSTIN — There was the first tank.

Ms WARD — Which is different to the pit.

Mr JUSTIN — Yes.

Ms WARD — So we have got the pit, then we have got a new tank.

Mr JUSTIN — If you just have a look at the Cardno Lane slide again — that is slide 5 — you will see dam 2.

Ms WARD — Yes.

Mr JUSTIN — To the bottom right of that, you have got the tank.

Ms WARD — Yes.

Mr JUSTIN — That was the first tank that was installed. One of the ways to ensure that potable water would be used was to have that tank first and foremost and then only using the water storage pit but only using that with town mains water. Maybe that was a point of conjecture that may have been conveyed to the UFU or the MFB or whoever it was.

Ms WARD — Did you have conversations with the MFB or the UFU around the type of water that was being used and how it was being used throughout 2012?

Mr JUSTIN — No, I did not. That was taken pretty much out of my hands after I received an email from Peter Rau two days later. Peter Rau then would liaise — —

Ms WARD — Sorry, two days later from when?

Mr JUSTIN — Peter Rau sent myself an email requesting information.

Ms WARD — Which period is this? Sorry, this is in 2012. Do you remember when?

Mr JUSTIN — Yes, it is in 2012, probably early 2012.

Ms WARD — So around February?

Mr JUSTIN — Yes.

Ms WARD — Around the time of the ALS report or after?

Mr JUSTIN — I could not say off the top of my head, but it was from there that Peter dealt directly with the executive director from that point on.

Ms WARD — Okay. Once the two tanks were installed was there then sufficient water on the site to carry out activities, including intense activities, on the PAD?

Mr JUSTIN — No, not really.

Ms WARD — So there was still an issue with water supply, even though the two tanks had been installed.

Mr JUSTIN — Yes, that is correct. There were just limitations on the amount of training you could do.

Ms WARD — Thank you.

The CHAIR — Just to follow up on a couple of Vicki's questions and what I was asking you earlier, in terms of WorkSafe, who would be the liaison person or the person responsible in meeting with or discussing any issues with WorkSafe around Fiskville?

Mr JUSTIN — If you just wait one moment, Bronwyn. I can answer that; it might be a bit longwinded, Bronwyn, but if you give me a minute. If you refer to slide 9 of my presentation, I had only been the officer in charge at Fiskville for under four months when the *Herald Sun* report was released. At this time I was trying to manage a number of matters that needed addressing at Fiskville, which I have not had the chance to outline. I was surprised by the report and concerned for those affected. I had no firsthand knowledge of the bad practices raised in the article. It remains my view that the claims Fiskville caused cancer — it is a long bow to draw just due to the fact of our career and a typical firefighter's time at Fiskville was such a small part of their career where a firefighter would be exposed to many dangerous situations and chemicals as firefighting is fundamentally a dangerous job. CFA management responded very quickly, and WorkSafe, as you said, was on site the day after the report.

The CHAIR — Sorry, the day after the *Herald Sun* report?

Mr JUSTIN — That is correct.

The CHAIR — Had they ever been there while you were there? Prior to this had anyone from WorkSafe visited Fiskville?

Mr JUSTIN — Prior to that day, that report?

The CHAIR — Yes.

Mr JUSTIN — Yes, they had. I think they had had a longstanding relationship with the facility. I recall them — —

The CHAIR — Sort of more who was the one that was the person in charge of dealing with WorkSafe and providing any information they might require and that sort of stuff?

Mr JUSTIN — I can only talk on this instance when they were there. The executive director liaised directly with WorkSafe on those.

The CHAIR — But you were not in charge of dealing with — they had not visited before this while you were in charge? They had not been there?

Mr JUSTIN — They had visited once. There was an incident where a Metropolitan Fire Brigade firefighter fell down a flight of stairs and WorkSafe then were notified. They came on site. They dealt with the PAD coordinator of the day, a report was filled in and no action was necessary at that point.

The CHAIR — When you talk about recycled water, was that the CFA standard, I guess, and what do you mean by 'recycled water'? Because we have some correspondence between the EPA and Mr James Stitz in which the CFA seems to imply that their recycled water is class A recycled water, which is defined by the EPA

with certain standards; and the EPA writes back to Mr Stitz — as I understand, reading it — saying, ‘No, it is not class A recycled water; it is harvested stormwater’. When you talk about recycled water, is your understanding that it was in accordance with the EPA guidelines?

Mr JUSTIN — No. When I talk about recycled water, I am talking about the water that was once used on the PAD and would be recycled through to be used again from dam 2.

The CHAIR — And that was CFA standard, but do you know what their standard was?

Mr JUSTIN — There was a document of CFA standard water at training grounds, but that was handled by the PAD supervisor at the time. I know there was a document. I know the parameters were related to class A water to the extent of my knowledge.

The CHAIR — The standards were the class A water as far as you understand.

Mr JUSTIN — That is correct.

The CHAIR — Okay. And who got the information when they did the tests for the water? I do not think it went directly to you, did it? It went somewhere else.

Mr JUSTIN — No, the PAD supervisor.

The CHAIR — Received that, and then what would they do with it?

Mr JUSTIN — They would look at the results, and if they were outside the parameters, they would normally call the water chemist and ask for advice on how that water could be treated and then follow the actions provided to them in that expert independent advice.

The CHAIR — And the samples would be looked at and compared to the CFA standards, which were considered class A recycled water according to the CFA?

Mr JUSTIN — That is correct.

The CHAIR — Okay, thank you. Sorry.

Mr JUSTIN — No worries.

Mr RICHARDSON — Justin, thanks for coming in today.

Mr JUSTIN — No worries.

Mr RICHARDSON — Just going to some questions about the occupational health and safety standards, and just noting the ALS report and some of those chemicals that were referenced in dam 1 and acknowledging some of those obligations under the OHS act, section 21, employers to their employees, and then health conditions under section 22, monitoring health conditions of employees. I just want to go through a couple of blocks of questions and start off by saying: do you think that some of the practices of OHS were lacking from a strategic level, given you were banging on the door to request \$600 000 worth of remediation yet we saw on site significant investment, including structures — or accommodation, effectively — that was put in place when such a small investment could have worked towards remediating that dam? Could you comment on that?

Mr JUSTIN — It is a big question, Tim. I guess all I can do in response to your question is outline what I did as the officer in charge, and as the officer in charge I flagged it early in I think November. It was prior to the article on slide 9 there being released. I had flagged it early. It was well outside my delegation authority to approve such a clean-up. In my statement — in my original statement and I believe my supplementary statement — I outlined that I had presented that information to even the project manager for Project 2016 to say that this was an issue, but unfortunately, yes, it fell on deaf ears around, ‘It’s not within the scope of the project’. I remember one of my responses was, ‘Without the use of water, you probably don’t have a project’. For me, I presented it time and time again, but unfortunately I think that highlights maybe a bit of a disconnect between, like you said, what was happening on the ground and then the strategic intent — not so much from an OHS perspective but probably the facility as a whole.

Mr RICHARDSON — That takes me to my package of questions, if you bear with me, Justin. Just on OHS at Fiskville and particularly a letter from the UFU, and acknowledging the efforts that you made in November 2011 to try to put that on the agenda, on 26 June 2012 the UFU wrote a letter to you signed by Mr Peter Marshall. This is quoted in the information:

The UFU respectfully writes to you to inform you of the following section of the Occupational Health & Safety Act 2004 regarding prohibitions on discrimination by an employer against a health and safety representative. We write in the context so that you are fully informed of the legal protections that apply in relation to —

these officers. Do you recall receiving this letter?

Mr JUSTIN — Yes, I do, vaguely.

Mr RICHARDSON — Do you know the nature of the alleged discrimination or what they were referring to at that time?

Mr JUSTIN — No, not off the top of my head. No.

Mr RICHARDSON — Did the CFA to your knowledge respond to that letter or that correspondence?

Mr JUSTIN — No, I do not think they did. I remember it did cause me some alarm. Personally I found the letter a bit intimidating as well, but I raised that with my superiors I think via an email. But I do not think it went anywhere else, Tim.

Mr RICHARDSON — Following on from that, on the same day Byron Kershaw, the OHS representative, is said to have emailed you with 12 requests for information, mostly regarding water quality and expectation that the information would be provided the following day. Do you recall this email?

Mr JUSTIN — Yes, I do.

Mr RICHARDSON — What were the outcomes from that email?

Mr JUSTIN — The outcome, I think Byron was provided a lot of that information. I am not sure off the top of my head. Without looking at the email per se I cannot recall what he requested and what he was given. I know my initial response would have been to forward that to both the executive director and the manager of occupational health and safety at CFA headquarters. I know a response was compiled and then Byron was given access, I think, to some documents. But without looking at the email directly, Tim, I am happy to look at that, take it on notice and get back to you.

Mr RICHARDSON — Yes, we might see if you can take that on notice. I might get the committee secretariat to have a look further at that. Just going to a couple of specific issues, what was your understanding of the MFB's decision to stop training at Fiskville in 2012?

Mr JUSTIN — It was obviously around the water quality. That was my understanding. I believe a grievance had been lodged that the training would not take place there and to my knowledge, being an in-house process — I mean, I was not exposed to it and to me they were a paying customer, basically, so I just got notification that their people would not train there and they would find somewhere else. That was the extent of my — to my understanding it was around the water.

Mr RICHARDSON — Following on from that and in the context of my opening comments, the MFB has made a number of claims in their submission to the committee and I would like to take you to some of those claims. On 6 December 2011, following the *Herald Sun* article, the MFB wrote to you requesting information about the safety of Fiskville and they received a reply saying information would be provided within 48 hours. However, they stated in their evidence that that information was not provided. Do you have any comments surrounding that statement?

Mr JUSTIN — Not really, Tim, apart from 6 December was a busy day. There were numerous requests from numerous people, numerous organisations, obviously our own internal organisation. I mean, for me, on that day, if you would just give me — I had only been the officer in charge of Fiskville for under four months when the *Herald Sun* report was released, and at the time I was trying to manage a number of other matters. CFA management responded quickly, obviously with WorkSafe, on the day and then to follow up that with

inquiries I guess. In January 2012 there were two independent hygienists reports that were commissioned, which I know you know. One was by Blake Dawson, who commissioned HAZCON, and the other was by Wynsafe. Both reports were organised from CFA headquarters, and my involvement was simply to show them around the site, basically. Both reports addressed water quality in the dams, and neither report said to stop using the dam water. I therefore did not consider ceasing the use of recycled water at the time.

Jeff Green, the OHS manager for CFA, prepared an action plan and I believe that action plan was provided to WorkSafe. A number of measures were put in place such as fixing of storage of chemicals and labelling equipment, and water testing was increased from quarterly to monthly. Then I have pretty much just got a little bit on the remediation of the dams. I suppose from the date of the 6th there were numerous requests for information. I know there were a lot of people frantically looking for different reports that were claimed to be released or had been received and, as such, I think they were the high priority to tell you the truth.

Mr RICHARDSON — Just finally, summing up that, I will get your thoughts on a couple of things. On 20 December 2011 the MFB wrote to you requesting a copy of the WorkSafe report. On 21 December, the next day, Lex de Man replied saying that the request would be passed on to James Fox for action. However, the report was not provided. Do you have any comments surrounding that at all, or any —

Mr JUSTIN — No. As I said when we referred to the chain of command, a lot of that in that time, especially from 6 December, was taken out of my hands, similar to the presentation of workplace hygienists. My role was to show them around. A lot of it from 6 December was handled at a higher level.

Mr RICHARDSON — The following year, just finally, Justin, on 20 April 2012 the MFB emailed you requesting information on the use of class A water. They did not receive a reply until the following month, on 15 May. Can you explain why this information was not provided until a month after the request?

Mr JUSTIN — Is that referring to the email from Peter Rau, do you know, Tim?

Mr RICHARDSON — It might be, yes. It has only got a date listed here, but we can find that out and get the specifics on it.

Mr JUSTIN — Okay. I can only comment on the email, because I did receive an email from Peter Rau, so should your question relate to the email from Peter Rau, I forwarded that email immediately onto my line manager — supervisor. From there his comments were that we would discuss it in the morning, because we were off to a conference. In the morning when we spoke he said he would take it up and deal with it. Obviously there was some sensitivity around, I guess, all information. So he took that task on. It was then two days later that Peter Rau emailed me directly saying that he would deal directly with the executive director from that point on.

Mr RICHARDSON — Just finally on that, there seems to be a bit of a consistent flow here where you were taking direct correspondence, trying to get that advice from executive officers and there is a lack of information there. Do you see that as being a bit systemic from that time when you first raised concerns in November through 2012 where it was almost against the wall, really, that you were not getting much response back. Is that something that you found from that executive level?

Mr JUSTIN — In some cases, yes. Obviously the remediation of the dams is a big one. No matter how far we stretched or pushed, it did fall on deaf ears. Personally I think the executive directors at that level should have been corresponding.

Mr RICHARDSON — Yes.

Mr JUSTIN — I can only assume, but I would think that Peter Rau would know, obviously, the chain of command. In some aspects my hands were tied in what I could and could not release because we follow the chain of command. We do it daily and we do that because if we do not, 9 times out of 10 on a fire ground someone gets hurt. I guess it is bred in our nature. But yes, there were some frustrations ongoing for that reason, Tim.

Mr TILLEY — Good morning, and thank you for coming all the way from the last frontier.

Mr JUSTIN — No worries.

Mr TILLEY — We will try to get you back to the warm as soon as we possibly can. We want to try to put some context around what you have been saying this morning. Would it be fair to say that I detect some frustration from you — both from reading your submission and from some of the things you have been saying with the organisation as a whole with what you were trying to achieve as a manager?

Mr JUSTIN — In some contexts, Bill, yes, there was. Can you just give me a second to look at my notes.

Mr TILLEY — Absolutely, please.

Mr JUSTIN — Sorry, I cannot find it in the presentation. But I mean there was some frustration, especially personally around, I guess, support mechanisms and the support that was offered initially and probably never followed through. It was hard to get information and support at times, for sure.

Mr TILLEY — Just going on from your previous statement around being within a structured organisation and a chain of command and those sorts of things, but as a training institution principally and with the Country Fire Authority and some of the silo mentality, Fiskville is one entity within the CFA with some budget constraints and those types of things and what you were trying to achieve during your tenure as the officer in charge of the training centre at Fiskville. In simple terms, it would be fairly normal, the frustrations you were experiencing as the manager on the ground at the training centre trying to achieve certain things that you set the standard for to achieve best practice for the training centre at Fiskville.

Mr JUSTIN — Yes, I think there was some frustration in what we were trying to achieve on site at the coalface and the perceived lack of understanding that that might have had at headquarters.

Mr TILLEY — So part of that, as the year rolls around there would have been an expectation on you as the executive to prepare and submit business cases along the way. Did you submit a number of business cases, particularly to achieve capital expenditure?

Mr JUSTIN — Yes, I did, whether it was capital expenditure that I saw the facility needed or for extra staff. An example was that we had four PAD operators who had been on limited tenure contracts for anywhere between two years to four and a half to five years. To me to give some surety to those people, obviously the workload was there and that was prior to Project 2016 commencing. We were about to go into probably the busiest time CFA had seen at the facility, but you would put that up, put that up and it kept getting rejected. To my knowledge, I still do not think those people even today have full-time employment, but it needs to be noted, I guess, the highlighting of the fact that from an instructional staff point of view I think we had 12 instructors positions. When I started I think only five were filled, and we had a throughput of around 5000 in my first year, and I think it might have peaked at 7000 in my last year. When you have got that with 12 instructors and 10 PAD staff, I know we look at the VEMTC Craigieburn at the moment that has opened — they put through 1600 or 1800 people with 40 or 50 instructors. That gives you some good context on the amount of product that was being produced from a facility that really, or definitely to my knowledge — I was not in the loop — had not had any strategic direction moving forward.

Mr TILLEY — All right. So putting aside that you had a desire and a drive to clear the sludge and remediation particularly for dam 1, putting that issue aside, you earlier mentioned that the PAD operator was responsible for the certification, receiving the data in relation to the water used on the PAD site?

Mr JUSTIN — That is correct.

Mr TILLEY — So at any time were you directly concerned to, say, check fire or stop practice because of any of those results from the water quality used on the PAD site?

Mr JUSTIN — The short answer is no, Bill. If you can just give me a second, because in my presentation that I was hoping to give I definitely highlight some things that I was not so much tasked to do but my role in some of the issues that I saw when I started. Some of those issues were we had just come off the back of a vermin plague down the front; like I said, just recently we had 12 instructor positions, only 4 were filled at the time; my staff were sitting in a portable building that was 20 years old and was dilapidated and needed repair; we had accommodation down the front that could not suffice for use for the projected workload moving forward; and then business continuity was lost some days because of lack of internal structure and governance. For me when I started they were probably five of the biggest things that I saw needed addressing. I had inherited

a facility that had had no injection of funding for quite some time, and that was obvious from the building. Like I said, I had only been the officer in charge for probably four months when that story broke. The water was never an issue to me; it was more about trying to get the place up to a certain standard to deliver the workload that was required moving forward.

Mr TILLEY — I would like to get back particularly about the water quality, and completely understanding the other issues in relation to the facility itself and those other external factors, but when it came to the testing and the level of quality, specifically did you have a particular understanding of the decision to raise the acceptable levels of the E. coli from 10 organisms per 100 millilitres to the standard of 150 organisms per 100 millilitres back in 2009? I know this is prior to your taking up as officer in charge, but were you aware at all about raising that level at any stage?

Mr JUSTIN — No, I was not.

Mr TILLEY — Okay. So the acceptable standard, as far as you were aware — and not putting words in your mouth — was 150 organisms per 100 millilitres?

Mr JUSTIN — That is correct.

Mr TILLEY — So any of the certification, the data that came back, that was the rate that you were working with as the officer in charge?

Mr JUSTIN — Yes, that is correct.

Mr TILLEY — All right. Just changing over to mains water, I am detecting — once again not putting words in your mouth or anything like that — you had to manage a whole range of things through your own staff, through CFA volunteers and career firefighters, both the MFB and the UFU. Can you give me some context around those types of pressures, managing all those separate — —

Mr JUSTIN — Okay. I am not sure what the question is, sorry.

Mr TILLEY — When this was coming to a head — I will be fairly blunt — with the change and the conversations and everything that is coming out and in the media, did the UFU effectively bully the CFA off its own training facility?

Mr JUSTIN — In relation to the closure of Fiskville? Is that what you are — —

Mr TILLEY — Yes.

Mr JUSTIN — I cannot comment on what is written in the papers.

Mr TILLEY — Well, you were on the site. I mean, you were dealing with the pressures.

Mr JUSTIN — Yes, I was. I guess when we look at the role of past and present executive management at Fiskville, I am very proud of the Fiskville facility. I believe it was closed prematurely. However, I am just as concerned about some of the things that have been reported — the existence of PFOS in the water supply — as everyone else. The discovery of PFOS arose after I left Fiskville, so I have no firsthand knowledge. That is a concern to me, because not only did I work there and those people were in my care but I moved there with my family. I moved there with my wife and three children.

Did the UFU bully the CFA out of their own facility? I am not sure. I think it was closed prematurely. The business side of my personality states that the facility probably should have closed. I think I echoed that in my resignation letter, where I stated I did not hold too much hope for the operational viability of the facility from what had occurred. I think it was more around reputation and branding rather than anything else at that time. But obviously the sentimental part of me, clearly it was an iconic institution within the CFA. Despite everything, I believe the facility was well run. I was proud of the work my team did on site. As you all know, the community of Fiskville is close, and the facility's closure is a loss to the local community and the CFA community. The facility needed improvement of course, but ultimately I was sad to see it close.

If I can, just on that, Bill, I guess when we talk about that and the work that was done, I cannot thank the Fiskville team enough for their efforts throughout my time as the officer in charge of that facility. I believe the mental strain and anguish that they have endured over the past two years would no doubt have had a major impact on both their lives and, in some cases, their health. To their credit I believe they have at all times conducted themselves in the highest professional manner, ensuring that the show went on and the training continued. I think that was testament to the Fiskville community spirit, that no matter what was confronted the job always got done. They are fantastic people who deserve to be recognised for the important work that they do and they did and the circumstances in which they achieved so much, especially in the past four years.

Mr TILLEY — On closing, before the next pollie, going back there was evidence given by Mr Cory Woodyatt — —

Mr JUSTIN — Cory Woodyatt.

Mr TILLEY — Yes. This is going on from your earlier contribution where you made mention that you had not had any conversations with the UFU or the MFB. If I can be more direct to the point, did you have any conversations specifically that were formal or did you have any conversations that were informal?

Mr JUSTIN — I read Cory Woodyatt's presentation/testimony, and I have spoken to Cory Woodyatt. I spoke to him on that day. The exact words of our conversation I do not know. In some of that I know I did say if he needed anything or any help, like I have said to numerous people along their journey, because my journey was I was not someone who was there for one week or two weeks every year, as some of the people who have presented here have been. I was there day in, day out for four years. I have made my knowledge on this subject open to anyone and everyone if they were concerned or wanted to talk about it. In saying that, obviously the things I have discussed with my legal team are my business, but anything that was common knowledge I was more than happy to share.

Mr TILLEY — Specifically Mr Woodyatt makes mention that you have some documents. In your submission you make reference to documents — those types of things. Is that conversation accurate in this context?

Mr JUSTIN — I think it is probably accurate to a point, where obviously I am quite understanding of the commercial-in-confidence agreement that CFA had. It was my personal belief that was one of the reasons initially why maybe water results were not given to the MFB upon their request. I am definitely well assured of what I could and could not do and what documents I could and could not provide to anyone. But for me, that offer of help to Cory, and the offer of help to anyone that I have given, was more around the firsthand knowledge I had as someone who was there day in, day out for four years, and not someone who had just been there a week or two at a time over an extended period.

Mr TILLEY — Any part of that conversation where it refers to documents, you have provided this committee with all those documents that the committee has asked for that you included in your submission? All those documents have been included today for the committee to have a look at?

Mr JUSTIN — Yes, that is correct. Any documents I had that related to what was going on and whatever light I could shed on what did transpire, I have provided, for sure.

Mr TILLEY — So you have got nothing else?

Mr JUSTIN — No, nothing else.

The CHAIR — Justin or Mr Justin — do you mind if we call you by your first name as well?

Mr JUSTIN — Or last name, Bronwyn, that is fine.

The CHAIR — Justin, just a quick follow-up. There have been a number of allegations about *Pseudomonas aeruginosa* — I have pronounced that hopefully halfway right. Are you aware of those allegations, and do you know how this organism got into the dams?

Mr JUSTIN — It is my understanding, on *pseudomonas*, that it is a natural pathogen that is found in most watercourses — that is my understanding. If it is in all watercourses, I would expect it to be there.

The CHAIR — We just thought we needed to ask you because it has been an allegation that has been made, but that is fine.

Mr JUSTIN — I know there have obviously been allegations made that it was introduced. Those allegations were made about the time before I was there as the officer in charge of the facility — never in my time as the officer in charge.

The CHAIR — Do you think information was withheld? I know in one of your answers to Bill, do you think that information was withheld in some cases from higher up in CFA to you and other people at Fiskville around things like water — anything really — health and safety?

Mr JUSTIN — It is hard to comment on I would think, Bronwyn, because you do not know what you do not know I guess. To me the facility was always safe. The water was within the parameters.

The CHAIR — Because you were told those things.

Mr JUSTIN — Yes. That is why I had no problem in sharing the water test results or the plan once it was made public or available or brought to my knowledge. I honestly did not believe we had anything to hide — still do not. Whether anything was kept from me, I would not know because I have not seen it. There are obviously past reports that I had not seen that had come up through the article — and I still have not seen them — so, yes, I am sure there is historical documentation. In my time there, I could not tell you. There are probably numerous documents that related to the facility, whether they were strategic ones or external ones, that maybe I have, maybe I have not. You do not know what you do not know.

The CHAIR — A housekeeping matter before we go to Simon. All of us have referred to your submission, which of course was submitted confidentially, and this hearing, while it is closed, the transcript will be public. Are you okay that while we do not necessarily disclose your confidential submission, the things that we have spoken about in reference to it today will still be part of the transcript?

Mr JUSTIN — Sorry? Do I understand that they will be part of the transcript — is that your question?

The CHAIR — Is that okay with you, because we have talked about your submission and you have talked about your submission, but that is a confidential submission. While that would still remain confidential, we have referred to it in this hearing. Are you okay with those references remaining on the transcript?

Mr JUSTIN — Yes, I am.

The CHAIR — Fine. I wanted to make sure that you were comfortable with that, thanks.

Mr RAMSAY — Welcome, Justin. Mr Tilley actually strayed into some of the questioning I was going to ask you in relation to Mr Cory Woodyatt, and going through some of the transcript it might be an opportunity for you to have right of reply, if you like, in relation to a couple of quotes I am going to give you in relation to his testimony to this inquiry. It is really around the culture of the organisation and, I guess, your behavioural response to certain concerns raised.

The committee heard that people who raised concerns with the CFA experienced repercussions. For example, on 15 June this year Mr Cory Woodyatt told the committee that he believed you damaged his career as punishment for speaking to the media about contamination at Fiskville, and he said, and I quote:

I had one of the instructors say to me, 'I'm not sure what you've done to JJ, but his attitude towards you is pretty poor and he doesn't want you to have any involvement in anything'.

I will do the three quotes because I think you will get a bit of a gist of the commentary. On 19 December, at a recruit graduation ceremony — in fact I think I might have been there myself — Mr Woodyatt quotes that you said:

Mate, when it comes time for the inquiry, if there's anything that you or the union need, can you give me a call and come and see me because I've kept copies of absolutely everything'.

And when the committee asked Mr Woodyatt further about what he said, he went on to say:

I just asked him a few questions about why he was moving on —

which is a bit of a different flavour to the original conversation —

why the choice to move on — and he just said that during his time there he had not had the support he believed he needed at Fiskville from upper management

And he named particular people at that time, and he is referring to you. Mr Woodyatt went on to say he recalled a time when a concern was raised about water quality, and:

The concern was raised with JJ in relation to the stench of the water, and when a particular member who was part of the assessment process, a senior station officer in the Geelong region, raised some concerns with JJ, it ended up in a stand-up argument on the parade ground and a refusal to use the water.

Coupling the three of them together, there seems to be some reluctance to admit there were issues around water quality, and Mr Woodyatt seems to have some personal indifference to yourself in relation to your view around water quality and its use and the safety for firefighters as against his testimony to the inquiry, so I perhaps ask you to respond to his quotes.

Mr JUSTIN — Okay. Looking at the first one in relation to his career, I think that was the first one you mentioned?

Mr RAMSAY — It was about your attitude — —

Mr JUSTIN — Towards Cory, yes. I can tell you Cory Woodyatt is an outstanding fireman. He has outstanding leadership qualities and he is probably responsible for the development of no less than a hundred senior officers and station officers within the CFA. I could not commend him enough on how good he is at his job and how he leads people through a promotional system, and I guess the guidance and mentoring he does. If the CFA had four or five more Cory Woodyatts in relation to how he develops younger people, they would definitely be better off.

At no time was I concerned with Cory speaking to the paper around his involvement with the UFU. I know sometimes he acts as a BCOM member, so I am not sure how I could stifle his career. I have no real impact, and really his career has flourished. I think he is a fine young officer, and I was more visible in a presence sense around different programs that were run at Fiskville, one of which Cory was a member of, so I know for a fact that after that article was released on 6 December or 11 and Cory was in the paper at a later date, he returned to the facility some 70 or 80 times to undertake work there, so at no point was I ever intending or thought that I would try and stifle Cory Woodyatt's career. I appreciated that he had a story to tell, he told it, and I respect him for that. So in that aspect of his career, I admire the work he does. He is a fine young officer and I have known him for a long time. So that is the first part.

The second part around the conversation I had on the day with Cory, we had not spoken for some time, and obviously my management of the facility — like I said, I was probably more present prior to the article being released and my focus had to change quickly so some of the priorities I was working on did not allow me the time to interact with staff on the PAD as much as I did. I think the conversation I had with Cory, I think I covered that in answering Bill's questions, Simon, so if you are happy with that or you want me to repeat the answer again, I am not sure.

As for the third one, in relation to the water issue, I am not sure. The only time I have ever been abrupt or had not so much a heated conversation but definitely a raised level of concern was on a day where I had instructed my staff to actually use water off site because the United Firefighters Union had released a bulletin not to use the water at Fiskville. We had numerous training going on on site, and in an endeavour to make sure that that training continued there were things around people, so it was promotional assessments, and I know it was promotional assessments because I can only recall two of the people who were there at the time, and I instructed the staff to fill all their fire trucks off a downpipe or a hydrant which was on the Geelong–Ballan road. When I got onto the PAD to ensure that that was occurring, the officer in charge of that program had failed to do so. He had filled up off a ground ball hydrant on the PAD area, and I asked him, in no uncertain terms, 'What part of filling up outside the facility don't you understand?'

There were witnesses present. Whether Cory was one of them, I am not sure, but I must admit I did raise my voice and expressed my concern in no uncertain terms at his failure to follow that directive because it was around ensuring that people were not put in a compromising situation who were UFU members but also

receiving directions from myself and to undertake training and get it done. The happy medium was for the day to get water from a different source and go to town's mains water. So we knew anything outside the property would be town's mains water, but unfortunately they filled up at another water point which was later shown to be a direct ground ball hydrant from the town's main, but the gentleman had clearly gone outside the directive I had given him, and — —

Ms WARD — Who was the person concerned?

Mr JUSTIN — It was an operations officer who was in charge of the program at the time.

Ms WARD — Who was that?

Mr JUSTIN — David McBain was his name. Whether Cory Woodyatt was there on the day, that is the only time and instance in my tenure at Fiskville as the officer in charge that I have had any confrontation or heated exchange with anyone.

Mr RAMSAY — I note that Mr Woodyatt was actually representing Peter Marshall, secretary to the UFU, at that graduation ceremony where he made those allegations.

Mr JUSTIN — Having seen you attend with me on a number of those different occasions, we have 300 guests and we have firefighters from all over the state, so if he is there representing Peter, I do not know that. I am pretty much given a running sheet of who is attending, and I think out of the four years I was there I thanked Peter for coming every time and I only saw him there a couple of times. He could have been there in that capacity, or he could have been there just watching; I am not sure.

Mr RAMSAY — Without prolonging, the question was really about the culture of the CFA at the time when there were concerns raised about water quality and how the CFA reacted and you as officer in charge reacted to comments about the smell of the water and whether it was of a quality that provided a safe environment for firefighters regardless of who is representing who.

Mr JUSTIN — As I stated earlier in answering some of the questions, from 11 December when that article was raised I had had WorkSafe on site, I had had three independent hygienists on site who were all exposed and talked through the water process and what transpired and what occurred in the water process. At no time did anyone mention the water. At no time did they say, 'Stop using the water'. As such and still to this day, like I said, I talked them through exactly the process that we used, exactly how I spoke about it today. Was there a culture of saying the water was not of an accurate quality? I do not think it was. From a local level as a manager I had shown Worksafe what we did, I had shown three independent hygienists what we did and what we were doing, and at no time did any of those people raise any concerns in relation to that.

Was the water smelly? Some days — and once again I know you have seen some of those demonstrations that the recruits put on afterwards — there is the burning of petrochemicals, and when you get out on the PAD the facility itself smells like you have just been into a house that caught fire last night and you are there the next day. There is always a burnt smell in the air, whether it is flammable liquids or a structure. The smell, whether it was of the water or just the smell of the air, I am not too sure, but to my knowledge there was never a culture of covering up the water quality or anything else. Like I said, the results were always open to anyone who asked for them. They were in the PAD supervisor's office. He never brought them to my attention, saying, 'Look, we've got a real issue here'. With the assurances from three independent hygienists and WorkSafe, I am not sure what more expert advice I could gain.

Mr McCURDY — Justin, the committee has heard that you and Lex de Man met with Neville Callow in his front paddock. Do you recall meeting with Neville?

Mr JUSTIN — Yes, I do.

Mr McCURDY — Do you recall what was discussed at that meeting?

Mr JUSTIN — I think it was around the proximity of his property to the Fiskville facility, when training occurred and how that could sometimes affect him and his property. The wind direction, depending on which way the wind went, some of the smoke given off would blow across his property.

Mr McCURDY — He feels he was fobbed off a bit by the CFA. What is your understanding of the relationship between the CFA and the neighbours?

Mr JUSTIN — I know the local relationship, especially between the Lloyds and the Fiskville facility, was always pretty strong. Obviously Matthew Lloyd's sister worked at the facility and works for CFA. His mother-in-law worked there as well, which I only found out after I left, which was interesting. As you know, he agisted some of the land.

With Neville it was probably a different story. He was obviously aggrieved by some of the processes and practices that took place at Fiskville and how they affected him. Prior to my arrival there was the push to purchase his property. I know that was pushed fairly hard by the previous incumbent and some of the staff. They definitely pushed me on that when I first started. I was told early — when I say 'early', in the first couple of weeks — that the CFA would not be purchasing the property. I did not have any involvement in that process at all.

From a local perspective, I dealt with Neville on several occasions — and when I say 'several', it might have been three or four — but every time Neville rang me I did my utmost to ensure that I would go out and address any concerns he had. It was through our conversations that I implemented an email release every Friday as to the activities that would transpire the following week, because I know he was building his house and some days he would have people there, so that was just a reassurance for him so he would know the days we were actually burning. At that meeting I think Lex said, 'If you have any problems, call me direct'. Lex gave him his number. I know a couple of times he spoke to me in relation to, 'Look, the smoke's blowing across my property', and I went out, ceased training and got the guys on the PAD to do something else until such time as Neville had left.

Mr McCURDY — What about the Lloyds, Matt and Beccara, was there a similar relationship between the CFA and them?

Mr JUSTIN — I am not too sure. I only met Matt once in my tenure there. He was very close to the facilities manager. With the agistment of the land and his livestock on it, it was more a facilities thing than anything else, so the relationship with Matt and Beccara was more with Martin and Matt, because a lot of the stuff that came out of the Lloyds' presentation here, I had never heard of any of that stuff happening, which I felt embarrassed about because his mother-in-law was working for me at the front and his sister was working, and here were things going on literally 500 metres from my desk and I knew nothing about it. I felt rather embarrassed. I had been in the Ballan community and whether people knew or not I am not sure, but I mean some of the goings-on that occurred there, I had no real idea of at all. But the relationship with CFA and the Lloyds next door was more around the facilities manager and, like I said, they were quite close. I only met Matt once when he came into the office and that was it, really.

The CHAIR — We have just a couple of other quick questions just based on some of the comments you have made, and then we will let you go. Sorry we are running a bit over time.

Mr JUSTIN — No worries.

Ms WARD — Following up from the email I mentioned earlier, the email that you said you had not sent?

Mr JUSTIN — Yes.

Ms WARD — I understand that you had not sent it but I think in your role at Fiskville you may have seen it, so I will just give you a copy of it — or are you familiar with the email that I was talking about?

Mr JUSTIN — Okay. Yes, I think I know the email you are talking about.

Ms WARD — Again, a similar question, I guess. You did not issue the email, but it was —

Mr JUSTIN — No.

Ms WARD — but you saw the email. How did you —

Mr JUSTIN — Yes. It was sent to myself and Lex, and I think I even forwarded it on to Lex again.

Ms WARD — Sorry, who sent it to you?

Mr JUSTIN — The facilities manager sent it to me and then sent it to Lex and me and then I think I sent it on to Lex again and that —

Ms WARD — So you forwarded it on?

Mr JUSTIN — and that was the same, and without — well, I cannot comment, but I know — I am just not sure whether it is the same email that Lex then forwarded to the CEO that same day.

Ms WARD — Okay.

Mr JUSTIN — Which forms part of my submission, so it is in there.

Ms WARD — Again, I just want to draw your attention to the sentence at the end, which is:

I have not released this report to other parties and will only do so once I have your approval to do same

Why do you think he was waiting on approval, and was approval ever given do you know?

Mr JUSTIN — I am not sure, to tell you the truth, Vicki. You would have to ask the facilities manager that. I know there were a number of documents that were at the time — when was it? February — I think there were a number of documents at the time that were commercial in confidence that were being photocopied and emailed and printed in the paper, and so whether — I mean, I really cannot comment on it. You would have to ask the author.

Ms WARD — Yes, sure. No, I understand. But it is also interesting that it is another cog, if you like, of the challenges that you had in terms of being listened to in terms of raising concerns, especially around the sludge in dam 1, not being listened to and not having actions occur. There seems to have been a lot of energy around this Project 2016, which we have heard a little bit about today. Do you think that there was an overshadowing of your concerns because of this energy and this zeal to get some of Project 2016 recognised, once the parameters were set, and that there seemed to be a very strong push by the then government to accommodate these extra 300-odd recruits that they wanted to bring in?

Mr JUSTIN — I am not sure. I mean, I was not part of the inner sanctum of the steering committee of Project 2016. I guess what should be noted is the fact — I mean, in the four years I was there as the officer in charge of Fiskville, we put through more recruit firefighters in that time than at any other time in the facility's history. And we did that, at a local level, anyway, with a limited budget, with minimal staff and — —

Ms WARD — But you then had this \$6.4 million, or part of \$6.4 million, to help increase recruits, yet none of that money seems to be able to be allocated towards one of your concerns that you consistently talk to them about, which is remediating dam 1 and cleaning things up a bit.

Mr JUSTIN — No. In explaining that, Vicki, that \$6.4 million was only allocated by the previous previous government relating to infrastructure and had to be surrounding the development of 342 new positions that would eventually go through Fiskville or through a training college of some aspect. So that funding was never — it was not to hire — well, to my knowledge the scope of that 6.4 million was purely for infrastructure needs or those needs relating to the direct training of those staff. The project in total I think was over \$240 million. But once again, with a budget of \$20 000, if I could have split up a \$640 000 invoice into 20 000 lots, maybe I could have done it, but unfortunately that is not the case. I mean, I am not sure if there was a push. We were working as hard as we could. Like I said, in the last year I was there we put through just over 100 people, which was the first time ever, at a facility that I know you have all seen and you have seen some of the infrastructure, the new infrastructure — the housing down the front, which now probably resembles an old display village, I am assuming. But, yes, the infrastructure that we had at the time was minimal, so there was a push to get a lot done with very little and I think that is — —

Ms WARD — Was there a change in focus at all from government to government, in terms of how this money was to be used?

Mr JUSTIN — I could not comment on that, because if there was or there was not, that was never a discussion I would have been involved in. That would have happened at whether at CEO level, secretariat level, so — —

Ms WARD — Sure. Just quickly, can you talk about communication between the CFA and the then government post this article in December 2011, what conversations or what communications you are aware of between the CFA and the government as to how the issues were handled at Fiskville?

Mr JUSTIN — No, I honestly could not comment, Vicki, because I was not exposed to any of those conversations. I mean, I was more focused about on the ground and what was happening. The health and safety and wellbeing of the people was probably my priority. I mean, any discussions that were had at a government level were well above — —

Ms WARD — Did anyone from the government come and visit the Fiskville site?

Mr JUSTIN — On graduation days we would have numerous members of Parliament and shadow members attending, so did members attend? Yes, they did. Did they attend in a capacity to go through the site — —

Ms WARD — In terms of the concerns raised by the *Herald Sun* and ongoing issues that flowed on from that, was there anyone from the government staff or a member of Parliament who came to Fiskville to have a look or investigate or talk through any of the challenges that you were facing?

Mr JUSTIN — Vicki, I honestly could not say, and the reason the hygienists are so prominent in my mind is because I had to escort them on my birthday during the shutdown period, and it was almost a novelty when someone came. Martin or Justin were the tour guides; we had our own little buggy and we put everyone in it. It would be in the hundreds the people we had shown that facility and explained the same tour to. In some aspects we were tour guides, whether it was Cardno Lane, whether it was WorkSafe, whether it was the hygienists or whether it was a member of Parliament. When all that kicked off some four years ago, it is a — I honestly could not say. There were numerous people escorted around, and whether any of them were members of Parliament — I know I probably should know because it probably would have been a bit more of a different tour I guess. I am not sure.

I definitely know some people came there prior. I remember showing members of the previous government prior to the report. Since it broke, I honestly could not say.

Mr TILLEY — For the accuracy of the record, I want to say it was just after the 2010 election that I was the Parliamentary Secretary for Police and Emergency Services. I had an extensive tour of the facility. I was well briefed. You may or may not remember whether I was there.

Mr JUSTIN — No, actually —

Mr TILLEY — Also at graduation parades where I represented the minister. But I can say that with the classy political questions that are now being asked, more work was done in Fiskville between 2010 and 2014 than the previous decade. Would that be fair?

Mr JUSTIN — I cannot comment on the previous decade because I was only there in 2011, Bill, but I know in my last year there, which was 2014, that we put through more firefighters in that one year than the CFA ever had in its history. I only know that in the four-year period, I think — because we have those photos that most of you have seen, and, Bill, I know you have seen them — I am in more of those photos than any other ops manager and I was only there for four years, if that gives you any indication. I know that in 2014 it was the most people we had ever put through in any single year, once again at the coalface at times I believe with limited resources.

Ms WARD — Just quickly on your own experience, we have heard evidence that not enough professional support was given to management at Fiskville. Would you agree with that?

Mr JUSTIN — Sorry, Vicki.

Ms WARD — Not enough professional development and support was given to management at Fiskville — we have heard testimony around that. Would you agree with that, that you could have had more support and that

you should have had more support from higher levels of the CFA in terms of how things worked at Fiskville and your own professional development?

Mr JUSTIN — I can only comment on my own professional development, and really the support I has been given in my professional development was extremely good. They supported studies, whether that be locally or overseas trips for study. At no time was I not supported in my, I guess, self-development and that was something I passed on to all my staff when I had developed two or three people. I know they ring me weekly, thanking me for the investment that we put into them and their studies. From a local perspective at a local level, I think it was fine, and definitely, I guess, the support I had for my career from different managers across the span of my career was quite good I felt.

Mr RICHARDSON — Just finally, Justin, sorry to extrapolate this out anymore, but I am just getting back to the ALS report and some of those chemicals mentioned above safe levels. There has been a lot of discussion about the impacts of PFOS. We have heard numerous bits of evidence to this committee; it has taken this committee abroad. But getting back to these referenced chemicals that we know exposure to can create certain illnesses, I am keen to get your view on whether you believe the CFA executed its duties under the OHS act, section 21 and section 22. Knowing that some of those carcinogenic chemicals were above safe levels, knowing that you had expressed a number of concerns to your managers, do you believe CFA executed its duties under the OHS act?

Mr JUSTIN — I guess from my own perspective, Tim — are they the chemicals you are saying were in that ALS report —

Mr RICHARDSON — That is right. They reference it — —

Mr JUSTIN — The chemicals present in the sludge at the bottom of dam 1?

Mr RICHARDSON — Yes, that is right. Some of them are arsenic, copper, lead, mercury, nickel, zinc, benzene, to name a few, and knowing that you had banged on the door with concerns about dam 1 — and if there is not an approval of funding, there is not too much more you can do — and in linking that. We have had a significant focus on PFOS but putting that aside — we have had Dr Roger Drew in as well about safe levels, but we know these above safe levels are of great concern. Going back to that point, do you think that the CFA executed its duties under the OHS act with reference to those issues?

Mr JUSTIN — For me, I am not a legal person. Without the legislation in front of me it is probably hard to comment. From a local level all I could do was produce that evidence to support — it was an evidence-based decision-making process — to seek the funding that was obviously well outside my delegated authority.

Mr RICHARDSON — If the presence of those chemicals remain, knowing their effect, knowing that the OHS act stipulates a duty of care to provide a safe workplace, if those are not responded to, do you think then that enough had been done to ensure the safety, given you had raised those concerns with your superiors?

Mr JUSTIN — I guess it is about the exposure to those chemicals that you mentioned. They were in dam 1; water from dam 1 was not used. I honestly could not comment. I could say, ‘Yes, they were’ or, ‘No, they weren’t’. It was just about how much of a risk did that pose. For me I did not see it posing a risk at the time; it was more about remediating the dam for the longevity of the facility.

Were they derelict in their duties? I could not say, Tim. I am not a legal person. You asked me to compare the legislation to what they did, and having not read it thoroughly and knowing it off the top of my head, similar to yourself, it is probably hard to say. That is not to say I was not disappointed when they did not do it, for sure, because for me it was about continuous improvement, and had they done it and had it been undertaken, obviously the facility — who knows where we would be? But unfortunately they did not. I honestly could not say, Tim.

Mr RICHARDSON — Thank you. Thanks Justin.

The CHAIR — Thank you for coming in and talking today. Do you want a few minutes to make any other comments?

Mr JUSTIN — Yes, I have two or three, Bronwyn. They are only quick ones. The first one was in relation to one of the allegations that was made against me in relation to the use of foam at the facility. If the committee would just bear with me for one moment while I find what I would like to say.

I would like to comment on the evidence that Mr Tony Martin gave to the committee. I understand that Mr Martin told the committee that I had instructed him at some point in time to use Tridol foam rather than the MFB's preferred Solberg foam. I am unsure why Mr Martin told the committee that I prevented the use of Solberg foam because Solberg foam was used at Fiskville by the MFB when I was the officer in charge of the facility. In fact I have provided the committee with an email from Euan Ferguson that I received in August 2011, which was on the Monday of my second week after commencing there. That was directing Fiskville staff to allow the MFB to use Solberg foam. I never went against that directive, and to the best of my recollection I have never had a conversation with Tony Martin about the use of Solberg foam.

In the first week that I commenced at Fiskville MFB were not on site and were not training. Any conversation I would have had prior to being the officer in charge would have had no impact on who could or could not use whatever they wanted at Fiskville because I was not the boss there. So I would just like to make that clear to the committee that the conversation around foam I had never had with Mr Martin and had no reason to have it, because seven days after I started the then chief officer dictated that the MFB could use their own foam. That was one.

Lastly, as I do finish up and I thank the committee for the opportunity to be here and help, and I hope some of the information I have given has helped.

The CHAIR — It has, thank you.

Mr JUSTIN — But I look at the committee before me and I see a number of things. What is interesting is that I look at people similar to myself — a father of four children, a mother of two children, a parent of one child. Throughout this whole process there have been mentions of me, whether it be in the local media or through different bulletins or media outlets, and through all this stuff that you have heard — and whether you continue to hear more — the understanding of a parent and as a father that any father, or any parent for that matter, would knowingly or willingly expose their child, or their wife or partner, to what was potentially a life-threatening situation, any parent would know that that would not be the case, whether it was for a promotion, I am sure whether it was for election to Parliament. The relationship and bond that a parent has with their child can never be questioned.

Whatever you have heard previous to today, whatever you hear after today, one thing I hope that you take with you from my testimony is that I moved to that facility with my wife and three daughters, one who was just six weeks old at the time and bottle-fed from the day she was born with water from Fiskville. Any parent who would knowingly and willingly expose their child to something that has been alleged here for promotion I think is just ridiculous and clearly shows — to me anyway — some of the outdated thought processes of some people. I wanted to leave the committee with that, knowing that that was the case. Thank you for your time. Obviously I hope I have been of some help.

The CHAIR — Thank you very much for coming.

Witness withdrew.