

TRANSCRIPT

ENVIRONMENT, NATURAL RESOURCES AND REGIONAL DEVELOPMENT COMMITTEE

Inquiry into the CFA training college at Fiskville

Melbourne — 14 December 2015

Members

Ms Bronwyn Halfpenny — Chair

Mr Tim McCurdy — Deputy Chair

Mr Simon Ramsay

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Witnesses

Mr Len Foster, former chairman and executive chairman, and

Mr Trevor Roche, former chief officer, Country Fire Authority.

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

The CHAIR — Welcome, and thank you to Mr Trevor Roche and Mr Len Foster for coming today to present to the inquiry into the Fiskville training college. In accordance with the guides that have been 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 witnesses to return at a later date if further evidence is required. All evidence given today is being recorded. You will be provided with a proof of the transcript to check it for accuracy prior to it being made public.

We have a number of questions for you, but I will quickly give you both an introduction before we go to questions. Thank you, Mr Foster, for coming today. I understand you were the executive chairman of the CFA board from 1991 to 2001 and non-executive chairperson from 2001 to 2007. Prior to this role you were director-general of the Victorian Department of Conservation, Forests and Lands and secretary of the State Electricity Commission of Victoria.

Mr FOSTER — I was chairman from 1991 to 1997, executive chairman from 1997 to 2001 and then chairman from 2001 until 2007.

The CHAIR — We will have that corrected on the transcript. Mr Roche, I understand you were the chief fire officer of the CFA between 1995 and 2002.

Mr ROCHE — 2001.

The CHAIR — 2001. Thank you. Perhaps if we start with you, Mr Foster. We asked a similar question of Mr Greenwood. Could you give us a bit of an explanation or an account of the structure of the CFA at the time you were the chairperson — how it ran, who was responsible for what area and in particular who was responsible for the activities at the training facility at Fiskville?

Mr FOSTER — Yes. I arrived at CFA in 1991. My predecessor was a chairman called Kevin Shea and prior to that Ray Greenwood, who you would have spoken to today. When I arrived there was a representative board and the chair. The people reporting to the board were the chief officer, and at that time it was Brian Potter; then there was a deputy chairman, Neil Marshall, who in effect was a full-time paid employee and deputy chair and took on the responsibilities, in my memory, of human resources, I think.

The CHAIR — We understand it was a while ago.

Mr FOSTER — It is 25 years ago. There was a secretary, but it was more than a secretary to the board; it was a secretary that was responsible for a great deal of administration. There was a finance director, and I believe that that was the reporting structure at the upper level. The activities of that day were that the chief officer was basically in charge of operations and ran what they called zones — is that correct, Trevor?

Mr ROCHE — That is correct.

Mr FOSTER — Zones and regions. Basically all personnel who were reporting to the board reported to the chief officer. Really the corporate services activities were a headquarters-based thing. That was 91 probably to about 92. Brian Potter resigned after 10 months or so, and the next chief officer was Harry Rothsay. After that there was undertaken a very significant administrative review, and in 94 it started to take effect. The human resource manager was appointed. We created the position of director of risk management, which was the first time — I think that was about 94 — with John Nicholson, who was I think a deputy chief officer that went into that role.

The other major thing that happened was that there was a review and a layer of management in the zones called ‘assistant chief officers’ was removed and areas were created — I think 10 areas. Those 10 areas had a number of regions reporting to them. We moved into what at the time was called functional management. For service delivery in the field there used to be in the 90s a group of regional offices and an admin staff. The board determined that we would have an area manager looking over one or two and in some cases three regions compared to the number of people involved and there would be specialist functions created, which included of course operations, which was the key activity of the CFA and fortunately had really very committed, good quality people. We then had a training position created, and we had a community safety group, from memory,

and there was one other, which I am struggling to think of. Those people reported to a regional officer or what we called a 'head of the region'. The regions reported to an area manager, and then the area manager reported into town — into the city. Each of those functions was based on functional responsibilities. Trevor, under his statutory requirement, had the policy implementation and so on of the operations. Training, through time, became the responsibility of the director of human resources and so on.

The CHAIR — The training at Fiskville, would that be under the human resources or was that staff development as opposed to firefighting?

Mr FOSTER — Sorry, Bronwyn, but that is a very, very key point and it goes to the issue that we are sitting here about. Prior to 94 the CFA was really managed through semiautonomous regions. We are talking 25 years ago. They were administered centrally only in overview and so on. Fiskville was an interesting one. I have to say to you, Bronwyn, I had to source a lot of documents to do this, but Fiskville remained the responsibility of the chief officer, unlike the regions, until about 1996. Then after that, because it essentially is a training establishment, the human resources department, through the training division, took responsibility for training delivery. And in 1998, probably because of the issues that were emerging around the 1996 period, the board determined that there would be a full-time manager based in charge of the entirety of Fiskville, other than the policy direction and so on — the functional management activity. That is a lot of words, but does that —

The CHAIR — No, that sets the scene and we appreciate it, and thank you if you have had to access documents and spend some time putting that together for us. We really appreciate that you have done that.

As the chairperson at that time, did you see that as a better way of operating? What did you see as the key reason? I know there was a review and therefore things had to change, but in your mind and those of your peers, I suppose, was that seen as a good move, and what was the key purpose for doing it?

Mr FOSTER — What a lot of people do not really understand, Bronwyn, is that the CFA then and today is a huge organisation with a lot of people, and in the 90s about 65 000 volunteers, and it is really quite an interesting culture, particularly to introduce change. So the change from a classic, historic operations area to more of a specific skills-based operation would have really created quite some anguish amongst the volunteer ranks, who essentially are operation-responding people.

The CHAIR — Yes.

Mr FOSTER — In many discussions with the board — because of the nature and composition of the board, this was discussed at length, because of concerns and so on over the operational aspect — I think we jointly agreed that the corporate governance reporting and just knowing what was going on was a good thing to do.

The CHAIR — Thank you. Mr Roche, a similar question, but in terms of your position at the time, the chief fire officer. At the time you were there what were your responsibilities and areas that you were there to manage? I know we have heard a little bit, but perhaps you could expand a little.

Mr ROCHE — Thank you. I guess, again, it is a little bit complex because it did change very early in my tenure as chief officer. Originally, when I was appointed to that role, as Mr Foster says, I had responsibility for virtually all of the organisation below my level and the area managers reported to me, along with a number of other departments and personnel. I think at the time when I first started I had 21 direct reports, including the training area. That only prevailed for a short period of time. When the restructure that Mr Foster talked about came into place and the area structure was reinforced, then those area managers and all of their subordinates no longer reported to me but reported to the chief executive officer, I think, at the time, who was the same as the chairman — but for all intents and purposes, the CEO. My role then became one of primarily standards and policy in relation to operational service delivery and also, if you like, the command and control of our organisation when we went into battle when we went to fight fires on a strategic scale.

The CHAIR — In the same role but in the different capacities, did you report directly to the board in both the old way and the new way or was there a different system of reporting as well for yourself, for your position?

Mr ROCHE — No, I would characterise it that I reported to the CEO, the state chairman, although initially when I was first appointed I attended board meetings and so therefore I had a direct relationship and I suppose a

quasi-reporting relationship with the board in that sense, but following the restructure I no longer sat in on board meetings, and I reported my activities through the chairman, or CEO.

The CHAIR — So you would have originally been working under the system that Mr Greenwood was? Were you here for Mr Greenwood's evidence?

Mr ROCHE — Sorry? I am a bit hard of hearing.

The CHAIR — Sorry. Were you present for Ray Greenwood's evidence just before lunch?

Mr ROCHE — No.

The CHAIR — He came in and explained that he was the part-time chairperson at the time and with the chief fire officer he would discuss and inform things, but that really the chief fire officer would do their own thing and they would be responsible for the operational work, including Fiskville.

Mr ROCHE — Yes.

The CHAIR — That is how you started your role?

Mr ROCHE — That is how I started, yes.

The CHAIR — And then there was the change, where it then became a position where other people were also involved and the responsibility was shared in a greater way, or spread out a bit more? Is that what you would say?

Mr ROCHE — Yes, that is correct.

The CHAIR — In your time at the CFA did you believe that the record keeping of the organisation was done well — that all the board meeting documents were always there and any documents that were required were always available and filed away so they could be used at another time?

Mr ROCHE — In general terms I would say yes. I never had any point when it was necessary for me to research past information or history. I never found any problem with the record keeping. There was a records department for a while — in fact there always had been for many, many years, from the inception of the CFA. Those people provided the advice that I required, so I never found the history wanting for the information I needed.

The CHAIR — As I asked Mr Foster, was there anybody who found difficulties with the changes based on the review of the CFA and the changes that occurred? What did you think of the changes? Did you think that they were a step in the right direction, or did they make things more difficult for the chief fire officer, for example?

Mr ROCHE — I think initially — and I am pretty sure Mr Foster will support me — I had some difficulties with the new structure. I had been brought up in the organisation. I served as a career officer for 33 years, and I had been brought up in a structure that was semimilitarised. At the time, particularly when the restructure brought in a number of civilian people who assumed direct responsibility for direction to operational people under them, I had some difficulty with that. I think over time I adjusted to that reasonably so, but I felt at the time, I probably still feel, that some of the direction which we took was absolutely necessary, particularly in terms of the administration and management of some of the support areas of the organisation. I was never comfortable with being distant from the operations of the organisation.

The CHAIR — Just a final question, Mr Foster, about the way that the organisation was. I think you mentioned that the change was required because of what was going on in the late 90s, or between 94 going on to 98. Was there a concern, for example, about what had been happening at the Fiskville training centre regarding chemical contamination and allegations about hazardous materials being donated and buried and so on?

Mr FOSTER — There was virtually no knowledge which I found, and I am sure Trevor will share this view. When I arrived at the CFA in 1991 as a new person, I went through the normal procedures, as you would expect, being briefed by the board, other board members, many of whom had been there for quite some time. I

was briefed by the senior executives — the chief officer, the finance director and so on and so on. There was never any mention to my recollection of Fiskville at all.

Mr McCURDY — Thanks, gentlemen. Mr Roche, in 1996 you would have been deputy chief officer for the last four or five years and then became chief officer. In your first 12 months there was a report prepared called ‘CFA Training College and Safety Environmental Audit’. That was addressed to you as the chief officer. Do you recall getting that report?

Mr ROCHE — Vaguely, yes. I assume that is the report that was prepared by Mr Clancy, is it?

Mr McCURDY — I think so, yes.

Mr ROCHE — I vaguely recall Mr Clancy delivering that report to me, yes.

Mr McCURDY — Okay. Then there were some recommendations made in this report.

Mr ROCHE — That is correct.

Mr McCURDY — And some of those recommendations were around some of the priority areas: safety line water quality, plant safety, type 3 pumper and PAD personnel protective clothing. Do you recall what action was taken out of those recommendations?

Mr ROCHE — As I recall it, I briefed the executive management team and subsequently was asked to and went on to brief the board. If my memory serves me correctly, all of the recommendations in that report I recommended the board adopt, and as far as I recall, I believe they did. What happened after that I do not recall.

Mr McCURDY — Right. Okay. Let me just go down to June 1996, minutes of a board meeting. Some aspects of occupational health and safety at the training wing of Fiskville and field training grounds were discussed in detail, with the chief officer outlining the actions being taken to address the issues. You indicated that it was too early to put a figure on the cost of rectifying the problems, but you indicated that it would be significant. Do you recall what those problems might have been?

Mr ROCHE — No, I do not.

Mr McCURDY — Okay. So you would not know any follow-up action that would have been taken?

Mr ROCHE — I beg your pardon?

Mr McCURDY — You would not be aware of any follow-up action that was taken?

Mr ROCHE — No.

Mr RICHARDSON — Mr Foster, in relation to minutes of a board meeting held on 19 July 1999 — and I will give you better context for you to be able to identify it; just bear with me while I read some of this out. Those minutes noted the need to ensure that staff have access to comprehensive OH&S policies, procedures and training information and stress its paramount nature. The authority was concerned that the chief officer’s standing orders and standard operating procedures did not appear to meet this need. There was a question as to whether this was an appropriate reference point for such information and where they fitted in with other documentation that might cover CFA’s legislative requirements and corporate obligations. It then notes that the chairman undertook to make further inquiries. Do you recall what those further inquiries might have been or the context of that meeting?

Mr FOSTER — Did you say board minutes of 1999?

Mr RICHARDSON — Yes, July 1999. They talk mostly about the chief officer’s standing orders and operating procedures in the context of OH&S policy and procedures and whether they sat within its current legislative framework. Do you recall what those inquiries might have been?

Mr FOSTER — No, I cannot.

Mr RICHARDSON — And any changes around that time or some of those concerns? Do you recall the context of that time frame?

Mr FOSTER — I cannot recall the specific example that you are giving, but I do know that in 1998 the CFA board had two vacancies as a result of the Insurance Council of Australia not appointing the two people that they would normally nominate. That was a fire services levy issue. I recall meeting the minister and asking him if I could, on behalf of the board, appoint two people. They were all men on the board, and I wanted to have two women. That was supported by the board and we were able to appoint a woman who was from Rothschild's bank — a very well-qualified finance person. I am finally getting to your question, I apologise.

Mr RICHARDSON — No, not at all.

Mr FOSTER — The second person was a very, very important appointment because we appointed a woman who ran her own business in occupational health and safety and WorkCover. She came on in 98 following Linton, which was a devastating period for this survey, and we upgraded a committee of the board called the people strategy committee and really started to press the whole aspect of the implementation of occupational health and safety and so on. So whilst I cannot remember the minute that you are referring to, I would have thought, and my personal view is, that the standing orders from my observation were good but I do not know what they were actually talking about. That would have been the review process going on, with increased governance of those particular aspects. Does that answer your question?

Mr RICHARDSON — It does, and it flows on. I think you might have covered the next point of my question, but it then goes on in April 2000 that the minutes of the board meeting held in April 2000 noted:

The chairman advised that a specialist company would be engaged to assist CFA in developing a strategic overview and a senior OH&S practitioner ...

Is that the individual that you are referring to?

Mr FOSTER — No. The one I was referring to was one of my board colleagues. I cannot recall the company.

Mr RICHARDSON — Okay. Do you know who the person might have been or who the CFA was looking to engage at that time?

Mr FOSTER — No.

Mr RICHARDSON — Okay. Just broadly, as a broad question of OH&S, we were advised under evidence from WorkSafe that they had, between 1991 and 2011, visited Fiskville on 117 occasions and there were some notices issued. We are still waiting advice from WorkSafe on what the nature of those notices were. Was it discussed at the board level some of those visits or some of those attendances by WorkSafe? Do you recall any of those instances?

Mr FOSTER — If we go back to the 90s, I have no recollection of those particular issues coming to the board. It goes to the point that I raised with the Chair: that these areas were autonomous. They had a high level of autonomous activity and I suspect, nothing more than suspect, that those matters would have been handled by the Fiskville personnel.

Mr McCURDY — Mr Roche, in October and November board meetings in 1997, you expressed some concern to the board about class A firefighting foam. Can you tell us what your concerns were at that time?

Mr ROCHE — No, I cannot. I know there had been some questions raised about the suitability of the A-class foam that we were using and from memory I think we had had a report from Mr Robert Golec which had indicated that there perhaps was not a level of concern with A-class foam, that I think the industrial body had originally arranged in the first place. That is my limited recollection of that given that the foam was being used quite universally around the world.

Mr McCURDY — So the UFU had also had some concerns about class A foam. Do you recall whether WorkCover was involved at all?

Mr ROCHE — No, I do not.

Mr McCURDY — In terms of protective clothing, was that appropriate through those times in your eyes?

Mr ROCHE — I beg your pardon?

Mr McCURDY — Protective clothing in and around that 1997/98 period?

Mr ROCHE — For whom?

Mr McCURDY — For those being trained and for the facilitators — the trainers — as well.

Mr ROCHE — As far as I was aware, yes.

Mr McCURDY — Okay.

Mr ROCHE — Again, I want to support what Mr Foster is saying. To some extent the specialists and experts in the delivery of training and the associated infrastructure, including the protective clothing that was required, was determined by the people who pretty much would be using it and who were delivering the training. There were no, as I recall at the time, standards for wildfire protective clothing. And that is what, from memory, we would have required they wear because, on the basis of the people who were actually using the product in the field in firefighting, that was their standard dress.

Mr McCURDY — I just find it odd that you had some concerns but you just cannot remember what those concerns were.

Mr ROCHE — No, I do not.

Mr McCURDY — Okay.

Mr RAMSAY — Perhaps I will pose a couple of questions to Mr Foster in relation to correspondence with the EPA going back to February 1997. This is on the basis that some previous concerns were raised by the United Firefighters Union in relation to attentional occupational health and safety issues around the use of A-class foam. In fact you wrote to the EPA asking for some guidance about what sort of operating guidelines might be implemented by the CFA to address the concerns the UFU was raising. We all have copies of those letters between the EPA and yourself. And also, scanning the minutes of the board meeting where it has identified that the UFU has raised concerns in that respect, I have to say, Mr Foster, it has been difficult for us to locate quite a lot of the minutes of that sort of period between 1997 and 2001, 3, 4 and 5. I am not suggesting it is all your fault; I am just saying that the committee has been somewhat hampered by the fact that we have not been able to get full disclosure of the minutes so we can understand a pattern of behaviour by the board in response to certain issues that arose. So I guess given the correspondence between the EPA and yourself, was there in fact — —

The CHAIR — Simon, for the transcript, would you mind identifying the correspondence? I know there is 14 March. Do you have this correspondence?

Mr FOSTER — No, I do not.

Mr RAMSAY — So 14 March — actually it was earlier than that. You wrote a letter to Mr Brian Robinson on 17 February 1997, and you identified some concerns around the use of A-class foam. I do not want to go into the detail, but the purpose of the letter is to ask you to provide the CFA with:

advice on the steps to be taken to: obtain endorsement from the EPA and from other national and state-level bodies for the use of fire retardants and foams. Develop guidelines for the use of fire retardants and foams by fire and emergency services ...

A response came back on 14 March to yourself saying that it 'would be happy to provide input to the development of guidelines for the use of fire retardants and foams by fire and emergency services'. I assume we are only talking about A-class foam at that particular point in time. My question was: given the correspondence, do you recall when the EPA provided them to the CFA, if in fact they were provided, and did the CFA change their use of fire retardants and foam in order to comply with the guidelines? So, firstly, were there guidelines? If there were, did the CFA comply with them?

Mr FOSTER — I think I had better read the letter, if I may.

The CHAIR — We will give you a minute to do that, certainly.

Mr RAMSAY — So can I just — —

The CHAIR — Maybe just let him read the letter.

Mr RAMSAY — It is not going to be overly instructive, though. I think I just generalised what the letter said.

Mr FOSTER — I think I should read it.

The CHAIR — While we are waiting, I might just ask Mr Roche: both of you have talked about Fiskville personnel running things. Who are they? Not as in the people's names, but what are the positions? When you refer to 'Fiskville personnel', who are we talking about? What positions do they hold? Is it the manager of the training facility or was it a particular board member? How do you describe that group of people?

Mr ROCHE — The relationship between me and those people or — —

The CHAIR — No, who were they? Were they the people who just ran Fiskville, who lived there, worked there?

Mr ROCHE — There was an officer in charge of the establishment. My relationship was primarily with him. If my memory serves me, at that time he had the responsibility in totality for the operation at Fiskville, including the administrative staff, the residential staff, cooking people et cetera. All reported to that one person.

The CHAIR — Did they provide a report to someone as to what was going on there, or — —

Mr ROCHE — If you could qualify what you mean by 'what was going on there'?

The CHAIR — I understand that it was a sort of random and autonomous sort of a way, but was there a requirement each quarter, for example, to provide a financial statement or to report on activities or number of training sessions dealt with? Whatever. Anything. I am not sure.

Mr ROCHE — From memory, there was a process. I cannot recall what it was, and again I want to emphasise that I only had control of Fiskville for a very short period of time. In fact I do not think it would have even spanned a financial year.

The CHAIR — Okay.

Mr ROCHE — In terms of the financial management and the general day-to-day operation, that was left to the officer in charge, and of course financially he would have had a relationship directly with whoever was the manager of finance was at the time. I cannot remember what exactly the title was — that again changed over a number of years. The relationship financially, once the budget was determined, the expenditure that occurred within that agreed budget framework was a matter between the officer in charge and the financial people. My primary concern was for the products that came out of Fiskville in terms of the people who were trained and the appropriate standards to which they were trained.

The CHAIR — And they were trained well?

Mr ROCHE — They were trained very well, in my view.

The CHAIR — Yes, that is what we have heard. That is good.

Mr ROCHE — Very well. The people who ran the facility and taught at the facility, bearing in mind that when it first started there were only three people at that facility and it grew over the years, in my view they had a very high professional standard and took pride in their work and particularly pride in the products that they produced out there. It sounds like a sausage machine, but generally that was the way that I looked at it. We had agreed to over a number of years, again through an evolutionary process, what skills recruit firefighters in terms of paid staff wanted to come out with and what other training was conducted at Fiskville primarily with volunteers was subject matter related, so they went there to learn specific skills, not the totality of their role. I was more than satisfied with the work that was done there. They were a great bunch of people.

The CHAIR — Thank you. Sorry, Simon.

Mr RAMSAY — Mr Foster, you have had an opportunity to read the letters, and I think I indicated that they would not be overly instructive, but — —

Mr FOSTER — No, no. I have read the letter. This was prepared by Dr Leon Collett, who undertook some of these science-based issues, and it is a letter that obviously is seeking advice from the EPA, which I would have thought was a pretty sensible thing to do. But I am not quite sure what happened after this time. Trevor's comment about foams becoming an issue, I think that was probably right. That letter is probably kicking the issue off. Other than that, Simon, I just do not know.

Mr RAMSAY — The question was about potentially any guidelines the EPA may have recommended to the CFA. I think from your answer you cannot recollect if there were in fact guidelines provided to the EPA or in fact any action was taken if there were guidelines. I guess the gist of my question was really, and there was another report — 1992, a *Dangerous Goods Inspection Approval* was tabled from a number of board meetings. My questions would be the same. One, do you recall these reports, and I appreciate it is a long time ago? And do these reports indicate the board's involvement in overseeing the storage of dangerous goods and chemicals?

Back in the 1970s when there was a known use of industrial waste and inflammatory liquids coming from all sources, what sort of inventory? Who was responsible for noting the chemicals? How were they to be used? Did they meet the occupational health and safety? The guidelines around class A foam through to possible water contamination with the use of PFOS. Are you satisfied? The question might be to both of you. Were there guidelines in place? Were you getting the appropriate information from the regulatory authorities about good practice? Did the CFA within itself meet its own occupational health and safety guidelines? If all those things were met over all that period of time, do you have a view about whether in fact the facility should be closed on the basis that there was some PFOS contamination found on site?

Mr FOSTER — I have absolutely no idea about PFOS, but I think — —

Mr RAMSAY — Or water contamination.

Mr FOSTER — If you are talking about the 70s and 80s —

Mr RAMSAY — 90s.

Mr FOSTER — and the early 90s, then my personal view is that it was quite wrong the things that went on, and I am not convinced that in that period of time the procedures were necessarily in place, certainly not to report on. Going back to that period of time, Simon, that is a view that I have. It is a personal view, and I cannot support it one way or the other with facts.

Mr RAMSAY — My point is that the chair and board have responsibility of the governance of the organisation. The board is only as good as the information it receives or the information it seeks to receive. If the EPA is not providing guidelines, advice about appropriate use of certain toxins, if WorkCover is not providing advice in relation to occupational health and safety standards to protect those training at the facility, and the operational arm of the CFA was not then instructed in relation to concerns that were raised by its members, who have been professional firefighters or others using the facility, then do you believe there has been a breakdown in the overall governance of the CFA in relation to its responsibility to the safety of those who were training at the facility?

Mr FOSTER — I think you have probably just answered the question that the Chair asked me: why we undertook a very considerable and extensive organisational change process. I think in the early periods — the 70s and 80s — of which I have no knowledge but I could see it and the board particularly, and you would understand the volunteer components of the board at that time were very aware men who were conscious of what was happening throughout the CFA. The reporting up to the board, who are really the ultimate, as you say, responsible organisation, in my view was not appropriate for that board to be making informed decisions, particularly in the early 90s and certainly from what I have been told in the 80s. But with the change, with a very considered board decision to improve the governance and also the reporting on a whole range of activities, it was improving.

I take Mr Roche's point that for a person to have 21 reports and trying to be across a whole range of issues in a very difficult emergency service-focused organisation makes the whole job very, very difficult. This letter gives me some confidence that people were asking questions about things like foam, because there would not have been too many people, if any, on the board that would have had any expertise in that particular area.

Mr RAMSAY — My last question to Trevor then is that PFOS, which is a derivative of a class B foam, is consequently responsible for the closure of Fiskville, as I understand it. Would you venture an opinion whether you believe, given all we know about past habits of Fiskville, if there was a need to close the site totally on the basis of the framework in relation to dealing with PFOS, this sort of regulatory framework and the CFA's own guidelines in relation to the use of that particular foam?

Mr ROCHE — No. I think that was a decision taken by the board at the time, and I can understand why, under significant pressure of a range of perhaps practices that had occurred at Fiskville in the past which by today's standards — and I emphasise that — may have been inappropriate. Nevertheless, I was extremely disappointed that Fiskville was closed. There was no other facility like it in Australia. It led the way in firefighter training in Australia. I am not disputing that safety should not have been the no. 1 priority, but the practices and procedures that were in Fiskville at the time were, as far as I was aware, best practice at the time. There may have been errors of judgement made in the past that when measured against today's standards do not pull up, and I have no difficulty with that.

However, the issues that are arising now and the cries for, if you like, individuals to be personally held accountable for what occurred at Fiskville, including the use of foams that contained PFOS, really does little to assuage the angst that particularly volunteers feel about the future direction in which they are training — and their training is essential for them to meet the chief officer's obligations in relation to occupational health and safety. Since that facility has closed, there has been no specialist training facility available in Victoria for volunteers to train at. Whilst Craigieburn exists, it is no substitute for Fiskville. Volunteers cannot access Craigieburn, and in fact there have been virtually, I am led to believe, no volunteer firefighters trained at Craigieburn since it opened. My understanding is too that the cost of training at Craigieburn is somewhere around three or four times what it cost at Fiskville.

So in answer to your question, yes, Fiskville is closed. There is a lot of angst about the illnesses that perhaps some people might attribute to what occurred at Fiskville — and I am not in a position to assess that one way or the other, but I understand there is expert advice that indicates that the PFOS at Fiskville is not a problem as it stands today.

There is a lot of noise being made about compensation for people who worked at Fiskville and the people who adjoined the facility, and I understand in government that has some sympathy. But let us be clear that there is some conflict there too because on one hand we have got government expressions of sympathy about compensation for people who worked at Fiskville and yet on the other hand volunteers are being discriminated and disaffected by the presumptive cancer legislation that government is considering. I cannot rationalise those two in my own mind. On one hand we are saying that Fiskville was a problem and some people may well have been affected and ought to be considered for compensation; on the other hand we are not going to give the same conditions to volunteers as we are to career firefighters in terms of compensation for what is presumed to be presumptive cancer legislation.

I think that is disappointing. It has implications for our training in the future. Where are we going to train? Where are we going to conduct our specialist training in the future? Because there is no other facility. The field training grounds that exist around Victoria are small training grounds that were designed to cater for the local people in basic skills for firefighting. It was a great initiative that at the time the board took on. There is no replacement, and there will not be a replacement for a number of years. We have spent millions of dollars at Fiskville over the years in developing what is a world-class training facility and only recently hundreds of thousands of dollars in relation to new accommodation and new facilities.

Mr RAMSAY — Just on that point, because I did not want to provide you with a response that was starting to sound like an advertorial for Fiskville, why spend millions of dollars on accommodation yet not put in a closed-circuit water reticulation plant, knowing the risks of contamination of water? I do not know if it was your time, Len, but certainly issues around contamination of water were an issue in the early 2000s. It seemed to me a good investment to perhaps invest in, but that decision — —

Mr FOSTER — I cannot comment about that because it is outside the period in which I was employed by the — —

Mr RAMSAY — So for all those reasons, do you think this inquiry is a bit of a whitewash, that the government was going to make the decision to close Fiskville regardless of any of the evidence suggesting there was significant contamination?

Mr ROCHE — I would never accuse the government of making a whitewash of anything. However, I think the basis upon which the decisions were made to close Fiskville, when they were made at the time they were made were flawed, and we will wear the consequences of that in the future. I mean, people raise the issue about concern for occupational health and safety, but all of our people, if we cannot train them, that is a huge occupational health and safety issue, and yet we have shut down this facility that offered the best training possible for all of our people — whether they be paid or volunteers — with no substitute, and with no substitute on the horizon.

Ms WARD — You are aware that Craig Lapsley testified that — I am over here!

Mr ROCHE — Sorry! The room echoes. I thought it was a ghost up the back or something.

Ms WARD — You are aware that Craig Lapsley has testified that Fiskville should have been closed down in 2013 because of his concerns over the site.

Mr ROCHE — I did not catch that, I am sorry.

Ms WARD — Craig Lapsley has testified that he was concerned about Fiskville and in 2013 recommended that the site be closed. He made that recommendation to government.

Mr FOSTER — I am not aware of what Mr Lapsley said — as I said, way past my tenure. Again I would seek on what basis Mr Lapsley formed that conclusion.

Ms WARD — I think based on the information that he had at hand regarding the pollution and practices at Fiskville. I do not think that he thinks that it is a modern facility.

Mr ROCHE — I think again an ill-conceived decision, ill-conceived advice in the absence of a proper analysis and what the future held.

Ms WARD — You can talk to Craig Lapsley about what advice he has received. I also think you might want to have a bit more discussion around presumptive legislation as well. There is not discussion around excluding volunteers; it is at which point the volunteers would qualify for presumptive legislation. That is where the discussion is at. I have taken on board your comments regarding today's standards and how people managed things 20, 30 or 40 years ago, but there does appear to have been a systematic breach of existing laws over decades, such as the CFA's lack of a permit to dispose of hazardous waste in the 1980s, which they were required to have. Do you think there needed to be better governance at Fiskville in terms of keeping up with legislation as it changed over the years?

Mr ROCHE — If you are suggesting to me that practices at Fiskville did not meet expected standards or legislation, I certainly was not aware of that, but if that is the case, obviously I cannot offer an excuse as to why that occurred. In my view and in my opinion and in my experience in all of the practices which from time to time the CFA took, we were more than conscious of the need to meet standards. In fact in many cases in other fields of emergency management the CFA was required to monitor standards — and I speak particularly about building regulations — as a referral authority in relation to some of the bushfire safety issues. I guess what I am trying to demonstrate is that the CFA was acutely aware of the need to meet legislative requirements across the board. If in some cases that did not occur, I can only say that I was not aware of it. Had I been, I would have corrected it.

Ms WARD — I am glad to hear that. We have a letter from the EPA to David Clancy at the CFA training college at Fiskville that is dated 1996 which we will hand over to you. Do you want to have quick read through it?

Mr ROCHE — Yes, definitely.

Ms WARD — Can I just draw your attention to the third paragraph where it is written:

The aim for the CFA is to minimise environmental impact of any contamination, especially off-site impacts.

Mr ROCHE — Yes.

Ms WARD — Are you aware of what steps, if any, the CFA took to ensure that there would be no off-site impacts of the activities at Fiskville?

Mr ROCHE — No, I am not.

Ms WARD — It was never on your radar? You do not recall it being discussed?

Mr ROCHE — No. I think the issues were on the radar. As the place developed and as — —

Ms WARD — When you say ‘the issues’, what do you mean? Can you elaborate for me?

Mr ROCHE — The need to treat effluent and firefighting run-off was, I guess, a constant not concern but need to keep an eye on it and ensure that we managed that. What steps were taken? I cannot think. I would suggest that around this time was the time that I relinquished, I think from memory, the responsibility for training. Mr Foster may correct me there, but I think it was around about the time that Mr Nam assumed responsibility for the training portfolio.

Ms WARD — So it was Lex de Man who took over from you in that role?

Mr ROCHE — No, Mr Keith Nam.

Ms WARD — Thank you. We have seen throughout, starting in 1996, including this report from the EPA, that there seems to be a number of reports that the CFA commissioned for Fiskville in terms of trying to understand environmental concerns, water quality and so on. You have got reports by Coffey Partners International, Wynsafe Occupational Health Services and government regulatory bodies, such as the EPA and the Victorian Managed Insurance Authority. They deal with topics such as groundwater monitoring, remediation of contaminated soil, sediment and surface water testing and assessments of firefighter water. Do you recall any conversations around these reports at all in your time?

Mr ROCHE — No, I do not.

Ms WARD — There must have been some reports that were done before you changed over in early 1996. None of those came to you?

Mr ROCHE — No. I can recall Mr Clancy’s original report. I could not tell you what was in it.

Ms WARD — It is attached there with you, I think. The report raises some quite serious concerns around the drum burial pits, the landfill, the sewage handling systems and the training areas. It talks about training in the area having now ceased due to concern about the contamination of surrounding soils, water and sediments. That is on the third page.

Mr ROCHE — Where are you reading from?

Ms WARD — On the third page, the third paragraph down. Do you know in what area the training ceased or what they are referring to there and what was the concern about the contamination?

Mr ROCHE — I can remember that the original flammable liquid PADs that were installed at Fiskville were a concrete arrangement on a hard stand area that was gravel.

Ms WARD — This is where the current PAD is now, or is it a different place?

Mr ROCHE — You are really testing me.

Ms WARD — Sorry. I can imagine. It is hard for us to get an — —

Mr ROCHE — I do not think so.

Ms WARD — So you think it was in a different spot?

Mr ROCHE — Yes.

Ms WARD — And then the PAD got moved?

Mr ROCHE — There were a number of significant projects that changed the face of Fiskville over a number of years, and I am talking about going back to when the site was first opened. After a while it became evident that the firefighting activity around those flammable liquids PADs was causing liquid to spill over the PAD and into the gravel and therefore potentially soaking into the ground. That activity was ceased when the implications of that were understood, and from then on I cannot remember what alternative arrangements were made.

Ms WARD — That is fair enough. Do either of you know much about the relationship between the CFA and the EPA, and ongoing conversations around how to best manage water and off-flow and so on on the site at Fiskville?

Mr FOSTER — I do not, but I might be able to help my colleague and only because I have now seen the board minutes and it is coming back. I share Mr Ramsay's view, I have not been able to get access to the minutes either, which I thought was somewhat disconcerting.

Ms WARD — So you have not been able to access minutes for meetings in which you participated?

Mr FOSTER — Some.

Ms WARD — That must be frustrating.

Mr FOSTER — There is a more positive story to tell here. About this period, an ageing chief officer is right insofar as the Clancy report was written. I have a clear recollection that it was at the request of the chief officer who had concerns.

Ms WARD — Can you remind me who the chief officer was at the time?

Mr FOSTER — Trevor. And it was a very, very important decision that he made because the knowledge of what was going on up there did not come up to the degree that it should have to the board through the system. I recall Trevor — Mr Roche —

Ms WARD — It is okay. We can use first names. Please do.

Mr FOSTER — briefing the executive management team on the issue, at which we were somewhat shocked.

Ms WARD — You were shocked to learn of the extent?

Mr FOSTER — Of the issues that were emerging as a result of this. Trevor indicated the Clancy report, and as a result of that two weeks later I took it to the board, and I think you have read the minutes, Simon, or someone has, it might have been Tim. We had a long discussion and a long meeting on it because particularly the volunteer representatives on the board were very concerned because of their lack of knowledge and they perhaps should have known. There were several reports which did not come to the board because they were that thick. But what happened as a result of those very detailed professional reports was that they activated the management of Fiskville and the various corporate management to implement the recommendations on a whole range of things — water treatment, PAD, soils and so on — and I recall that it was with quite some relief that those reports had been done. People at the appropriate level became aware of it and implementation of the recommendations was full and complete so that Fiskville was able to return to its former operating purpose. But also part of that was the endorsement of the EPA.

I cannot, like Trevor, sit here and talk about personal relationships with officers at EPA. That was not our role. But I know that the EPA were heavily involved in the implementation of those reports. To the credit of a whole range of CFA people at Fiskville — when I read one of these documents I saw the names of David Clancy and

Mark Gunning, two highly respected CFA officers — the issue was made known to the decision-makers and appropriate positive decisions were made.

Ms WARD — Why do you think it took so many reports to get to that point? In 1996 there were six reports alone, going into having soil evaluations and water testing and so on. Why do you think so many reports were necessary?

Mr FOSTER — Lack of knowledge.

Ms WARD — In terms of?

Mr FOSTER — Upward reporting.

Ms WARD — I will need to get you to elaborate on that a little bit more.

Mr FOSTER — Things that were happening on the ground were not coming up to the decision-makers.

Ms WARD — These are repeated requests from the board for reports?

Mr FOSTER — No, no. Information on what was happening there was being dealt with at what I call that semi-autonomous activity. This issue led to the fixing of the problem, for which I will be eternally grateful to the people who were involved in it.

Ms WARD — I can understand that. But I am really sorry, I am still not quite clear why six reports were needed in one year to filter up. You are not requesting them, but at the ground level report after report is being commissioned to understand the pollution.

Mr FOSTER — Because it went to the board in 1996, at a briefing from the chief officer. Great anguish was discussed at the board and action was taken to pay for and implement all of those recommendations from very, very good professional — —

Ms WARD — So there are a couple of studies being done. It goes to the board and you say, ‘Hang on, we really need to get a firm grasp of this’, and then more reports are undertaken.

Mr FOSTER — There was the original report to the chief officer — —

The CHAIR — Which was from a CFA person, which would be Mr Clancy.

Mr FOSTER — David Clancy, which is with the letter that you referred to to the chief officer. That was taken to the board, and from that point on knowledge prevailed and implementation of all of those reports was completed by 1998. It was a very considerable amount of work. To underscore that, the board determined that it would be an independent senior manager appointed to administer Fiskville in the future, and I think from that point on we had taken a very, very positive stance on Fiskville.

Ms WARD — One last question. Mr Roche, you said earlier on in our hearing today that you thought that the CFA had good record keeping, which I think you have backed up, Len, as well. Why do you think it was so hard to find out information about the muck truck and what was stored on the barrel? The EPA has not been able to uncover information about this. WorkSafe has not been able to uncover information about this. We certainly have not, and nor could the Joy report. What you think went wrong or why do you think we do not have the records that let us know exactly where materials were sourced from, what the materials were and exactly where they were all buried?

Mr ROCHE — I think, as Mr Foster has outlined, there was a deficiency in our — as Mr Foster said — upward management in that Fiskville tended to be semi-autonomous. It was senior officers running it, and there was not necessarily the oversight that should have been in place by people at the corporate level. Issues that arose were primarily dealt with in-house, at that level. Corporately and from my perspective as chief officer issues were not necessarily brought to our attention.

You made mention about a number of reports. Yes, there were a number of reports as I recall, because we needed advice from different people on different issues. As you see and hear, Mr Clancy raised a number of separate issues. You could not get the one set of experts in to deal with all of the issues. The sewerage, for

instance — I recall that quite clearly — needed specialists to come and look at how we dealt with that sewerage problem.

Ms WARD — How did you remediate that? I understand it was going underneath Lake Fiskville; is that right?

Mr ROCHE — I beg your pardon.

Ms WARD — How did you fix that? I understand it was going underneath Lake Fiskville. Do you remember how that got resolved?

Mr ROCHE — I do not know. All I recall is that there was a problem and that the appropriate appropriations, if you like, were made to ensure that it was repaired. What the actual issue was, where it was going and the steps that were taken to overcome it again at the time I think either were not my responsibility or, if they were, my response was, 'Fix it with the appropriate expert advice'. What the follow-up was I do not know, because I was not responsible at that stage.

Fiskville went through a stage when a number of these issues were identified of a massive redevelopment. The PAD area — I do not know, but I assume you have been there — as it exists today all of that area to the left of where your drive up to the top was in part initiated for two reasons: because of the need to expand our horizons in terms of the training that we offered — the reality was that training — but also to overcome some of these other problems.

Ms WARD — To both of you: do you think that at a management level enough support and training was offered to those people who were administering and managing Fiskville? Were they given the appropriate training and management skills that they needed to ensure that a safe and operable facility was operating?

Mr ROCHE — In hindsight — and hindsight is a great thing —

Ms WARD — It is.

Mr ROCHE — probably not. We had again within the organisation a pure operational focus. Some of the areas that perhaps would have benefited from additional support by non-operational people were not in place. As I mentioned, Fiskville was run by an assistant chief officer. In more recent years it has been run by an officer of lesser rank but with significant administrative, financial and management support as a facilities manager. We did not have that in the early days. As I said, hindsight is a great thing but I think that we perhaps could have been found wanting in that regard.

Mr FOSTER — The first specialist manager employed by the CFA was in 1994. That is probably your answer. Following this period, in 1998 a revolution occurred in the CFA. The board determined five-year rolling plans for the implementation of occupational health and safety. Workplace OH&S committees were established in a huge number of work centres, bearing in mind that the CFA had nearly 1400 work centres. There was a long catch-up phase. I mentioned the establishment of the people strategy committee with that new board member; that tended to provide the security for the board to be able to make informed decisions.

We had a huge tragedy which Mr Roche and I had to deal with and which had huge emotional impact on both of us: the death of five firefighters at Linton. That removed the resistance that thousands and thousands of members of the CFA had to becoming modern.

I am not surprised when I hear Trevor talk about the attitude of people at Fiskville in the 80s and early 90s, about attitudes to those things, because it was not part of the corporate culture. By this stage, the 1990s and so on, it became part of the changing culture of the CFA, and certainly by 2000 — following Linton — it was monitored, reinforced and more than encouraged. I just want to say to the committee, that one thing has made the CFA an infinitely better place and safer place than it was back in the early 90s and so on.

The CHAIR — Thank you. That would have been a nice place to finish, but I think there are few follow-up questions.

Mr RAMSAY — I get back to the PFOS, because I think we have got a pretty good understanding of the past, even though there are some gaps missing, which we have both referred to — and you survived two

Premiers through your chairmanship; I am sure you will survive a third. In relation to PFOS, it was used back in the 90s — is that how far back it goes, or the 80s? — yet there is only now a realisation that in fact this is quite a significant toxic chemical that was used as part of the fire retardant.

From your experience, how do you think the CFA should respond on particularly Fiskville, given that it seems to be in the firing line in relation to its PFOS contamination in relation to what we know about at this stage? Would you venture a view about how or if it is possible to find areas of non-contamination within the facility, which as Trevor said is an important facility for training volunteer firefighters in real-life circumstances? Do you see an opportunity to remediate and I guess remove the more toxic areas like the fire PAD and retain the facility as still a training ground, whether it be in a physical sense or an academic sense?

Mr FOSTER — I cannot comment on the foam and PODFOS — what is it?

Mr ROCHE — PFOS.

Mr FOSTER — PFOS. I have no expertise in that at all. I left the CFA 10 years ago — it is a long time — but I have great sympathy for those in the CFA today, from my experience in the CFA of trying to deliver appropriate professional training to people without appropriate facilities. That is what drove the board's decision to expand the number of regional training grounds and so on. It would be inappropriate timing for me to make a comment, because I really am not across the issues that exist in Fiskville today or recently. It would be inappropriate, other than having an emotional attachment to it, which is not a good reason to make a decision.

Mr ROCHE — Could I just add to that, Mr Ramsay, that it is 200 or 300 hundred acres, I think, Fiskville?

Mr RAMSAY — Three hundred acres.

Mr ROCHE — It is not a small establishment, and I am sure — and I am not an expert either; Bourke Street is close here, and I would be able to take some action down there if I am wrong —

The CHAIR — You will not have to.

Mr ROCHE — that if you cannot find somewhere, significant areas of Fiskville, that are not contaminated, I'll go he. As I would understand it, the site has to be remediated anyway. If the contamination is as such as it is portrayed to be — and, again, I cannot comment on the veracity of that — then it has to be remediated. And that will cost — I am not reliably informed, but people have indicated to me — a number of millions of dollars to remediate it. Once it is remediated, what do you do with it? Here is a world-class — with some additional work — training centre for the future. We have already spent the money there. If you spend more money remediating it, logic tells me that once that is done there is no substantial reason — apart from perhaps, as Mr Foster says, the emotional issues that are associated with it — why that training ground cannot be used again. It just defies logic.

Mr RICHARDSON — I just reference a point that a witness today, Mr Raymond Greenwood, referenced in his evidence — and this is to you, Mr Foster — the standard practice at the time of letters being sent out under the signature of the chairman of the board, without the chairman's knowledge or briefing. Is that a practice that was still occurring under your time as chairman?

Mr FOSTER — No.

Mr RICHARDSON — So you were familiar with all correspondence that was going out under your name?

Mr FOSTER — I cannot remember them all, but if somebody were to, you are saying, forge a signature —

Mr RICHARDSON — No, not forge; someone sent a letter on behalf of someone but that person was not aware of the contents.

Mr FOSTER — Reading some of these letters, I wish that were correct; but no, I cannot imagine that happening for me.

Mr RICHARDSON — Part of that evidence tendered also talked about the responsibility of ensuring health and safety standards at Fiskville being the domain of the chief officer. Just to clarify, did that evolve to a board function during your time? What was the nature of the arrangement in ensuring health and safety? Or where did the responsibility finish?

Mr FOSTER — Clearly during Ray Greenwood's time, if he said that, I believe that that is actually correct. From my time, 91 until about 96, the same situation occurred. In 97 we had a man — his name has been mentioned twice; Keith Nam — join the CFA.

The CHAIR — Sorry, Mr Foster. Is that N-A-M?

Mr FOSTER — N-A-M. He joined the CFA in 1997 and was placed in charge of training delivery. In 1998 a specialist manager by the name of Roger Kershaw, who was a colonel in the army — a military emergency service-related person who ran Puckapunyal in his army life — was appointed to improve the administrative arrangements in Fiskville, and, as I understand from reading documents, he was responsible for the implementation of all those reports that you raised.

There was a transition, and it goes back to that issue that I mentioned of functional management. The chief officer was absolutely right that in 1996 the operational decision-making and policy and strategy remained at Fiskville, and the uniformed staff still reported to him but the functional responsibility had transferred to another group of people.

Mr RICHARDSON — So in acknowledging the Occupational Health and Safety Act, its obligation under sections 21 and 22 — that is, health and safety of the employers to employees, 'safe and without risks to health', and then section 22, 'so far as is reasonably practicable' 'monitor health of employees' — whose responsibility in the CFA, because obviously the authority is responsible, was it to implement and accord to those sections of the act?

Mr FOSTER — From 1994 the director of human resources, who reported to the board.

Mr RICHARDSON — Finally, Mr Roche, just going to your point about the nature of Fiskville now, what is your knowledge of some of the contaminants and some of the supposed risks to the environment that are currently present on site?

Mr ROCHE — I do not know.

Mr RICHARDSON — Are you familiar with PFOS and its — —

Mr ROCHE — Yes.

Mr RICHARDSON — So you are familiar with some of its presence and its issues in the environment, in particular on site at Fiskville?

Mr ROCHE — I am not aware of the full extent. All I know is that there is alleged to be some contamination of some areas, including I understand some of the waterways, but expert advice would, I guess, establish whether that can be remediated. I assume it can.

Mr RICHARDSON — I take you to the point of it remaining functional and the nature of the remediation. So you are not familiar with the extent of the contamination on the site —

Mr ROCHE — No.

Mr RICHARDSON — and what risk it may pose, as well as other lingering chemicals? We have been led to believe that PFOS can be an indication of other contaminants and other contaminants on the site. So you are not familiar with any extent of any other chemicals?

Mr ROCHE — No, I am not.

Mr RICHARDSON — Okay.

The CHAIR — Just one other question — I guess we just feel obliged. Mr Alan Bennett's health was very badly affected by exposure to chemicals at Fiskville. For a long time he was having correspondence toing and froing between the CFA and himself to get information, and there was the matter about whether he could be redeployed and the termination of his employment. Was the board at any time made aware of the circumstances of Mr Bennett, particularly when there are these six reports, all this flurry of activity, once the board found out about the unsafe practices that were being conducted? Was there any information provided about Mr Alan Bennett?

Mr FOSTER — Mr Joy asked me that question, and my response, and you have access to what I said, was that I had not heard of Mr Bennett when I was asked that question in 2011.

The CHAIR — Mr Roche, had you heard anything about what happened to Mr Bennett at Fiskville?

Mr ROCHE — Sorry?

The CHAIR — Alan Bennett has given evidence to this inquiry that he was exposed to chemicals and his doctor believed the chemical exposure was the cause for a number of health problems that he had. He was terminated by the CFA at only 44 years of age because of how his health was affected. Had you heard of any of that case or what had happened with Mr Bennett?

Mr ROCHE — I am aware, and was aware for a considerable time, that Mr Bennett was ill. In addition I was also aware that he had been injured during the Vietnam War, but as far as the extent of his injuries that he alleges were as a result of Fiskville, I have — —

The CHAIR — I think it was his doctor who made the original allegation.

Mr ROCHE — I beg your pardon?

The CHAIR — His doctor made the allegation.

Ms WARD — Based on the information he had received from the CFA regarding the chemicals that he had been exposed to.

Mr ROCHE — I am not aware of the extent of those, and I was not aware, certainly in my time, that any doctor had attributed anybody's illnesses to their activities at Fiskville. Whilst I was not permanently appointed to Fiskville, I certainly took volunteers there over a number of years and participated in practical training there using flammable liquids and a whole range of other things, but I am not aware of Mr Bennett's specifics.

Mr RAMSAY — I am unclear about how the chair of the board would not know that a firefighter took the CFA to court through a statement of claims through the Bendigo court in relation to potential risks associated with a workplace and a settlement was made, according to the *Herald Sun*, of reasonable costs. And you are saying, Len, that you were not aware of that?

Mr FOSTER — I think you are talking about pre-90.

Mr RAMSAY — 91.

Mr FOSTER — I had no involvement in it at all.

Mr RAMSAY — Sorry, I thought I had that right.

The CHAIR — No, I think you were right. I think it was in the first half of the 1990s.

Mr RAMSAY — It was 92.

Mr FOSTER — I have no knowledge at all, Simon.

Mr RAMSAY — Okay, but there was a settlement made. Who would sign off on a settlement?

Mr FOSTER — A settlement like that I expect should have gone to the board. I have no recollection of it, and I have not seen any minute to the fact that it did, which goes back to the issue of the early 1990s, which I have been talking about.

The CHAIR — Thank you both for your time.

Witnesses withdrew.