

Implementation of government commitments in response to the *Inquiry into the CFA Training College at Fiskville*

Progress Report

2019



IGEM
Inspector-General
for Emergency
Management

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Preface

This is the Inspector-General for Emergency Management's (IGEM) second progress report on the Victorian Government's implementation of commitments made in response to the Parliament of Victoria's Inquiry into the CFA Training College at Fiskville (the inquiry), covering activity since April 2018.

The inquiry concluded that poor safety practices contaminated the Fiskville site and were likely to have harmed people's health. The inquiry made 31 recommendations for improvement which the government subsequently supported – either in full, in part or in principle – and responded with 33 commitments to address them.

Since the government commitments were finalised in May 2017, 22 of the commitments have been completed. Work to address the commitments that remain ongoing is well-progressed.

The current reporting period saw the passage of landmark legislative reforms to strengthen environmental regulation, in the form of the *Environment Protection Amendment Act 2018*, and the adoption of improved standards and guidance to manage the types of chemicals present at Fiskville. The Department of Environment, Land, Water and Planning and the Environment Protection Authority Victoria continue to develop regulations to support the legislation once it comes into effect on 1 July 2020, along with tools to assist in the management of potentially contaminated land.

IGEM also acknowledges CFA's continued efforts to improve its occupational health and safety management systems and the safety of its training centres. CFA continues to progress significant infrastructure projects to improve the safety and capacity of its training centres, and environmental clean-up continues across potentially contaminated sites.

Other key activity still in progress includes the development of a health program for emergency responders and the exploration of options for a redress scheme for people affected by Fiskville.

I am grateful to all the departments and agencies that contributed to this report. IGEM will continue to monitor implementation of the remaining commitments, and I look forward to reporting next year on further progress made to address the inquiry's recommendations.

Tony Pearce

Inspector-General for Emergency Management

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Acronyms

AHPPC	Australian Health Protection Principal Committee
AV	Ambulance Victoria
CFA	Country Fire Authority
DELWP	Department of Environment, Land, Water and Planning
DHHS	Department of Health and Human Services
DJPR	Department of Jobs, Precincts and Regions
DOEE	Australian Government Department of the Environment and Energy
DTF	Department of Treasury and Finance
EMV	Emergency Management Victoria
EPA	Environment Protection Authority Victoria
HSE	Health Safety and Environment
IARC	International Agency for Research on Cancer
IGEM	Inspector-General for Emergency Management
ISSMA	In-situ soil management area
MFB	Metropolitan Fire and Emergency Services Board
MOU	Memorandum of Understanding
OHS	Occupational Health and Safety
PAD	Practical Area / Drill
PFAS	Per and polyfluorinated alkyl substances
PFC	Perfluorinated chemicals
PFOA	Perfluorooctanoic acid
PFOS	Perfluorooctane sulfonate
RAAF	Royal Australian Air Force
RIS	Regulation Impact Statement
SOE	Statement of Expectation
VEMTC	Victorian Emergency Management Training Centre
VICSES	Victoria State Emergency Service
WMS	Water management system

Executive summary

In December 2014 the Victorian Government referred an inquiry to the Environment, Natural Resources and Regional Development Committee of Parliament, due to ongoing concerns about the safety of the Country Fire Authority (CFA) training facility at Fiskville.

The Inquiry into the CFA Training College at Fiskville (the inquiry) concluded that poor safety practices contaminated the Fiskville site and were likely to have harmed people's health. The inquiry made 31 recommendations and drew particular attention to the health risks posed by chemicals in the water and foam used in firefighter training. The inquiry also focused on CFA's management of occupational health and safety (OHS) risks across the organisation, delays in acting on information about contamination of the site, and the role played by regulators in managing the risks to public health.

During the inquiry in March 2015, the CFA Board announced its decision to close Fiskville due to its inability to guarantee the safety of the site.

The government response to the inquiry was tabled in Parliament on 24 November 2016 and provided support or support in principle to the inquiry recommendations. The response led to a series of government commitments, which were included in an implementation plan endorsed by government on 1 May 2017.

In December 2016 the then Minister for Emergency Services requested that the Inspector-General for Emergency Management (IGEM) monitor and report on the work of departments and agencies in implementing the government commitments, in accordance with section 64(1)(ca) of the *Emergency Management Act 2013*.

IGEM provided its first progress report on Fiskville to the then minister in August 2018. The report covered the period May 2017 to April 2018 and found that 16 of the 33 commitments had been completed and another two closed with no further action planned.

This is IGEM's second progress report on Fiskville. It outlines implementation progress of the 15 government commitments assessed as ongoing in its 2018 progress report, for the period April 2018 to April 2019 and key developments since then. Table 1 on page 9 provides a summary of implementation progress for these 15 commitments.

IGEM found that six of the commitments have been completed and that nine are ongoing. IGEM considers that all of the ongoing commitments are progressing satisfactorily.

An overall assessment of timeliness of the progress in response to the inquiry is not possible, as few commitments had identified target timeframes in the implementation plan.

As scientific understanding of the issues raised by the inquiry continues to evolve, and as awareness of the risks posed by the type of chemicals found at Fiskville continues to increase, IGEM recognises the significant efforts of the departments and agencies involved in progressing the response to the inquiry's recommendations.

Highlights of the achievements for the period covered by this report include:

- legislative reforms to improve the ability of regulators to hold polluters to account and improve the management of risks to human health and the environment from pollution and waste
- continued progress towards completion of significant new infrastructure to replace Fiskville and meet firefighter training demand
- capacity, capability and infrastructure needs assessment processes to strengthen CFA's workplace safety in relation to firefighter training
- imminent completion of WorkSafe's compliance monitoring program of CFA training centres, with CFA addressing the OHS issues identified and achieving compliance with all notices issued by WorkSafe
- development and public launch of a database to assist with the identification and management of potentially contaminated land
- development and adoption of improved standards and guidance for monitoring the threats posed by the type of chemicals found at Fiskville.

Many of the commitments that remain to be implemented are long-term and complex in nature. They include:

- installation of new water management systems across CFA training centres
- environmental clean-up activities across CFA training centres, including remediation of the Fiskville site
- revision of regulations for the management of activities that pose risks to human health and the environment
- testing of a new risk-based approach to the assessment of potentially contaminated sites
- development of a health program for emergency responders
- completion of the new CFA Central Highlands training centre.

The remaining commitments are led by CFA, the Department of Environment, Land, Water and Planning (DELWP), Emergency Management Victoria (EMV), Environment Protection Authority Victoria (EPA) and IGEM¹.

IGEM will continue to monitor the implementation of the commitments assessed as ongoing in this report.

Refer to Appendix A for a full list of the inquiry's recommendations and a summary of implementation progress for all government commitments in response.

¹ Led by IGEM in close consultation with WorkSafe.

Table 1: Summary of implementation progress of government commitments reported as ongoing in IGEM's 2018 progress report

COMMITMENT	GOVERNMENT RESPONSE	REPORTING LEAD	STATUS
5	Support in principle	DELWP	Complete
6	Support	CFA	Ongoing
7	Support in principle	EPA	Ongoing
8	Support	CFA	Complete
10	Support in principle	CFA	Complete
12	Support	IGEM	Ongoing
14	Support in principle	WorkSafe	Complete
16	Support in principle	DELWP	Ongoing
19	Support	DELWP	Ongoing
21	Support in principle	DELWP	Ongoing
22	Support in principle	DTF	Complete
23	Support in principle	EPA	Complete
27	Support in principle	EMV	Ongoing
28	Support	CFA	Ongoing
31	Support in principle	EMV	Ongoing

1 Introduction

The Inspector-General for Emergency Management (IGEM) was established in 2014. Its primary role is providing assurance to the Victorian Government and the community regarding emergency management arrangements in Victoria and fostering their continuous improvement.

This is IGEM's second progress report on the government's implementation of its commitments in response to the Inquiry into the CFA Training College at Fiskville (the inquiry). It covers the period April 2018 to April 2019 and key developments since this period.

The Country Fire Authority (CFA) operated the Fiskville training facility from 1972 to 2015. In this period, CFA, the Metropolitan Fire and Emergency Services Board (MFB), government agencies and private companies used Fiskville as a training facility. Fiskville provided training to thousands of firefighters and formed an iconic part of CFA and firefighting history in Victoria.

Concerns about the safety of Fiskville, first reported by the media in 2011, led the government to refer an inquiry to the Environment, Natural Resources and Regional Development Committee of Parliament in December 2014.

In May 2016 the parliamentary committee tabled its final report in the Victorian Parliament.² The report made 125 findings and 31 recommendations.

The government's response to the inquiry, tabled in Parliament on 24 November 2016, signalled its support for the recommendations.³

The government implementation plan of May 2017 outlined 33 commitments intended to address the inquiry's recommendations. The implementation plan included the lead department or agency for each commitment and the expected completion date for some commitments.

The then Minister for Emergency Services (the minister) requested that IGEM monitor department and agency progress in implementing the government commitments, in line with its role under section 64(1)(ca) of the *Emergency Management Act 2013* (the EM Act).

IGEM developed the Fiskville assurance framework outlining how it would monitor and report on the first 12 months of departments' and agencies' work implementing the government commitments. This was provided to the minister in August 2017 and finalised in September 2017.

IGEM provided its first progress report to the minister in July 2018, covering implementation progress to April 2018. The report found that 16 of the commitments had been completed and that two had been closed as no further activity was planned.

In August 2018 the minister requested that IGEM continue to monitor and report on progress of the remaining ongoing 15 commitments under section 64(1)(ca) of the EM Act.

² Available at www.parliament.vic.gov.au/enrrdc/article/2526.

³ Available at www.parliament.vic.gov.au/enrrdc/article/3215.

2 Background

2.1 The CFA training facility at Fiskville

Fiskville is located between Ballarat and Melbourne near the town of Ballan. It was CFA's principal training facility from 1972 to 2015, providing training to thousands of Victorian firefighters. Designed to deliver a coordinated, statewide approach to training CFA staff and volunteers, it was also used by the MFB, government departments and agencies, and private companies.

Fiskville was unique in Victoria. It provided realistic training scenarios reflecting what firefighters encounter in actual emergencies. As such, training involved flammable liquid and gas training props, combustible fuels, recirculated water and firefighting foams.

In response to health concerns raised by some CFA staff members, in late 2011 the media published a series of articles concerning Fiskville's Occupational Health and Safety (OHS) practices and possible links to the development of cancers and other diseases. These issues would become a major focus of the inquiry.

In March 2015 the CFA Board announced its decision to close Fiskville due to its inability to guarantee the safety of the site.⁴

2.2 Inquiry into the CFA Training College at Fiskville

The inquiry investigated the history of pollution, contamination and unsafe activities at Fiskville, including the health impacts on employees, residents and visitors; and the role of past and present executive management at Fiskville.

The inquiry also assessed the feasibility of decontamination and rectification of the training site and considered ways to mitigate ongoing harm and provide justice to victims and their families.

In May 2016 the parliamentary committee tabled the inquiry report in Parliament.⁵ The report delivered 125 findings and made 31 recommendations across themes including:

- the contamination and remediation of Fiskville
- CFA organisational culture and approach to health and safety, including the role of past and present CFA executive management
- the regulation of Fiskville by WorkSafe and other regulatory agencies
- the consequences to human health and justice for Fiskville's victims.

⁴ Refer to www.parliament.vic.gov.au/enrrdc/article/2526.

⁵ Available at www.parliament.vic.gov.au/enrrdc/article/2526.

The inquiry concluded that poor safety practices – including the use of donated fuels, recirculated water and firefighting foams containing perfluorinated chemicals – had contaminated Fiskville and were likely to have harmed people’s health. Refer to section 2.3 for more information on perfluorinated chemicals.

The inquiry also found that the transport and storage of hazardous materials were frequently undertaken in ways likely to have contravened legislative requirements and industry standards.

The inquiry concluded that CFA did not respond as it should have to contamination at Fiskville.

Individuals across CFA knew about contamination but failed to act or inform others within the organisation, and that the corporate knowledge that should have prevented exposure to contamination was either not passed on or was lost. This lack of action and information exposed the people who lived and worked at Fiskville to unnecessary risk.

The inquiry also identified shortcomings in the regulation of the site by both WorkSafe and the Environment Protection Authority Victoria (EPA), although it acknowledged that their roles were made more difficult by the CFA's poor recordkeeping and unwillingness to self-report safety-related incidents.

2.3 Concerns over per and polyfluorinated alkyl substances (PFAS)

Per and polyfluorinated alkyl substances (PFAS) – formerly known as perfluorinated chemicals (PFCs) – are a class of manufactured chemicals used since the 1950s to make products that resist heat, stains, grease and water. PFAS easily enter the environment in soil, streams, rivers and lakes, and last for a long time.

There are now widespread health concerns relating to the use of PFAS.

The chemicals of most concern in this class are perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). In 2017 the International Agency for Research on Cancer (IARC) classified PFOA as a possible carcinogen. PFOS is yet to be classified.

Prior to 2015, PFAS were added to firefighting foam in Victoria due to their effectiveness in fighting liquid fuel fires. These chemicals are no longer added to firefighting foam because of the health concerns and the persistence of PFAS in the environment, however there may be stockpiles of firefighting foams containing PFAS still in use in Australia.

Although concerns exist about the potential link between PFAS and adverse health effects, studies are inconclusive. The Australian Health Protection Principal Committee (AHPPC) position is that there is no consistent evidence that PFAS causes any specific illnesses, including cancer.

People are most typically exposed to PFAS through the consumption of contaminated food and drinking water. As there is no treatment for exposure to PFAS, advice provided to the public generally involves minimising exposure.

Victoria has recently introduced presumptive rights to cancer compensation for career and volunteer firefighters. Under the compensation scheme, a firefighter claiming compensation for certain cancers will not have to prove that firefighting is the cause of their cancer. Instead it will be presumed that they contracted cancer because of their firefighting service and that they therefore have an entitlement to compensation.⁶

⁶ For more information refer to <https://www.vic.gov.au/fire-services-reform#presumptive-rights-compensation-scheme>.

Concerns beyond Fiskville

Human exposure to PFAS and the remediation of affected sites has become the focus of national attention.

Currently, more than 90 sites across Australia are being investigated for contamination, including more than 15 in Victoria.

In Victoria, the presence of PFAS on and around the Royal Australian Air Force (RAAF) Base East Sale in Victoria has been a focus of concern. In August 2018 the Department of Defence completed a detailed environmental investigation and is now focusing efforts to manage PFAS contamination at the site.⁷

In December 2018 the Parliament of Australia's Joint Standing Committee of Foreign Affairs, Defence and Trade released a report on PFAS contamination in and around defence bases, making a number of recommendations to improve the Australian Government's response to PFAS contamination.⁸

The Department of Defence is undertaking a national program to review, investigate and implement a comprehensive approach to manage the impacts of PFAS on and near bases around Australia.⁹

Airservices Australia is also conducting a National PFAS Management Program at major airports where it has provided aviation fire and rescue services using firefighting foam that contained PFAS. Its program has identified PFAS contamination at several airports across Australia.¹⁰

Concern over human exposure to PFAS has been expressed globally. The New Zealand Defence Force has been testing defence bases and surrounding properties for PFAS to determine the levels of contamination and exposure from firefighting foams.¹¹ Amid national concern over the health consequences of PFAS exposure through drinking water, the United States Environmental Protection Authority has developed a national plan to manage the risks posed by PFAS, which includes developing toxicity values and a proposal to monitor drinking water nationally.¹²

2.4 Government response to the inquiry

The government response to the inquiry was tabled in Parliament on 24 November 2016.¹³ The government supported all the inquiry recommendations in full, in principle, or in part.

The government implementation of May 2017 outlines the 33 government commitments made against the inquiry recommendations, the agency responsible for implementing each commitment, and completion or expected completion dates for some commitments.

Some commitments refer to activity already undertaken or ongoing at the time of the government response to address those elements of the recommendation supported by the government.

⁷ Refer to www.defence.gov.au/Environment/PFAS/EastSale/.

⁸ Available at www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/InquiryintoPFAS/Report_1.

⁹ Refer to www.defence.gov.au/Environment/PFAS/.

¹⁰ Refer to www.airservicesaustralia.com/environment/national-pfas-management-program/.

¹¹ Refer to www.mfe.govt.nz/land/pfas-and-poly-fluoroalkyl-substances/latest-updates.

¹² Available at www.epa.gov/pfas/epas-pfas-action-plan.

¹³ Available at www.parliament.vic.gov.au/enrrdc/article/3215.

2.5 Role of Inspector-General for Emergency Management

The IGEM is a Governor in Council appointment under the EM Act. IGEM's role in relation to the inquiry is in line with its legislated objectives to:

- provide assurance to government and the community in respect of emergency management arrangements in Victoria
- foster continuous improvement of emergency management in Victoria.

On 6 December 2016 the minister requested that IGEM:

- develop an assurance framework for Fiskville, including a monitoring regime to provide oversight of the operations of Victorian Emergency Management Training Centres (VEMTCs) in line with the government commitments in relation to Recommendations 12 and 28 of the inquiry report
- monitor and report on the work of departments and agencies in implementing the government commitments in relation to the inquiry report, under section 64(1)(ca) of the EM Act.

In August 2018 the minister requested that IGEM, under section 64(1)(ca) of the EM Act, continue to monitor and report on progress of the 15 commitments assessed as ongoing in IGEM's 2018 progress report.

Implementation monitoring

Section 64(1)(ca) of the EM Act establishes that one of IGEM's functions is to, at the request of the minister, monitor and report on the implementation of recommendations arising from inquiries that relate to its functions.

Through monitoring the implementation of recommendations, actions and commitments, IGEM offers assurance to government and the community that lessons from emergencies will be turned into sustainable improvements that make a difference for Victorian communities.

In accordance with the minister's request, IGEM is monitoring implementation of the government commitments in response to the inquiry.

At times, the commitments go beyond the scope of the recommendations. At other times, where the government supported the recommendation in principle or in part, the scope of the commitment is narrower than the scope of the recommendation. In some instances, where the government considered that existing programs and initiatives already addressed issues raised by the recommendation, the commitment does not propose any new or further activity beyond that in place at the time of the inquiry.

The implementation plan assigned IGEM responsibility to implement the commitment under Recommendation 12. IGEM self-assessed its own progress on implementing this recommendation, applying the same evidence-based methodology used for all other recommendations and using peer review mechanisms to strengthen the level of assurance provided.

3 Approach

3.1 Assurance approach

IGEM and the emergency management sector's assurance activities are guided by the Assurance Framework for Emergency Management.

The framework seeks to drive a more coordinated, less burdensome and more valuable approach to assurance in the sector through its assurance principles:

- **Continuous improvement** – assurance providers appreciating the complexity of emergency management in a rapidly changing context. It means valuing parts of the emergency management system (the system) that continue to work well and seeing where incremental or immediate improvement, or innovation, is necessary.
- **Collaboration and coordination** – assurance providers working together and organising assurance activities to increase efficiency and effectiveness.
- **Reducing burden** – assurance providers respecting and minimising the amount of time and resources which stakeholders need to devote to an assurance activity.
- **Adding value** – assurance providers maximising the potential benefits of assurance activities, such as being proactive, risk-based and reporting the results of assurance activities that is timely and can be easily understood by decision makers.

Limitations in assurance

Like all assurance providers, the level of assurance that IGEM can provide is limited by the quality and quantity of available information, and by the scope of the monitoring.

To provide assurance on implementation progress, IGEM assesses updates provided by agencies and collects and assesses evidence to substantiate the updates. At times, a lack of available evidence may limit IGEM's capacity to report on implementation progress. If unable to view supporting evidence, IGEM will report the progress as 'advised' by agencies. This represents a lower level of assurance.

3.2 Stakeholder engagement

IGEM places a high priority on stakeholder engagement. IGEM began engagement with departments and agencies in late 2018 in preparation for this report, inviting feedback and providing guidance on the implementation monitoring process.

Across 2019, IGEM continued to meet with stakeholders to understand progress and discuss challenges. At times, IGEM was invited to attend and observe events and forums related to progress on implementation of commitments.

Departments and agencies with responsibility for implementing the remaining government commitments are:

- CFA
- Department of Environment, Land, Water and Planning (DELWP)
- Department of Treasury and Finance (DTF)
- Emergency Management Victoria (EMV)
- EPA
- IGEM
- WorkSafe Victoria.

IGEM consulted with all lead agencies prior to the finalisation of this report and acknowledges the assistance of all individuals and departments and agencies that contributed to it.

3.3 Information collection

On 22 March 2019 IGEM wrote to the heads of lead departments and agencies, formally requesting an update on their progress towards implementing the commitments.

IGEM received progress updates from all lead departments and agencies, including supporting documentation such as policies, procedures, correspondence, reports, briefings and meeting records. All documents were stored securely and managed in accordance with IGEM's statutory obligations, including the *Privacy and Data Protection Act 2014*, the confidentiality requirements of section 72 of the EM Act, and other government records management legislation and policies.

Where possible, to corroborate the supporting documentation and to minimise burden on stakeholders, IGEM also collected publicly available information, such as reports, research papers and websites.

3.4 Analysis and reporting

Following analysis of progress updates and other information, IGEM assigned an implementation status of complete, ongoing or closed to each commitment. Table 2 describes each status.

Table 2: Implementation status

STATUS	DESCRIPTION
Complete	Commitment has been completed satisfactorily.
Ongoing	Implementation of this commitment is still in progress.
Closed	Commitment has not been fully implemented and no further action is planned.

This report provides IGEM's assessment of the implementation progress of government commitments assessed as ongoing in its 2018 progress report. It covers activity for the period April 2018 to April 2019, as well as key developments since this period.

4 Implementation progress

This section provides progress updates on the implementation of the government commitments made in response to the inquiry recommendations.

Recommendation 5

That the Victorian Government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.

Government commitment:

In the context of Fiskville and environmental compliance more broadly, the Government Response to the Independent Inquiry into the Environment Protection Authority (EPA) (released on 17 January 2017) supported a number of recommendations made by the EPA Inquiry to improve the regulator's ability to hold polluters to account, including a commitment to expand the range, and increase the severity of, sanctions. Currently, EPA approvals and licences contain conditions requiring the recipient to maintain records. Failure to comply is a breach of the licence or approval and may result in a sanction under the Environment Protection Act 1970 (EP Act). Similarly, some regulations also have requirements to maintain records and have specific sanctions associated with a failure to comply with them. Penalties for record keeping offences are being considered as part of the review of the Occupational Health and Safety Regulations 2007.

Lead agency	DELWP
Status	Complete

The inquiry made a range of findings relating to weaknesses in recordkeeping and the impact on the safety of operations, governance and effective regulatory oversight. The inquiry found that poor recordkeeping by CFA meant that regulatory agencies had not been able to hold it to account for contamination at Fiskville.

The inquiry report outlined CFA's poor documentation and dissemination of incidents and complaints, which led to a loss of corporate knowledge and the unnecessary exposure of people to toxic substances. The inquiry report also noted that the lack of records on the fuels donated for use in training made it difficult for health professionals to determine the impacts of contamination on people.

The inquiry recommended that the government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.

The government supported Recommendation 5 in principle. Its response recognised the importance of government entities maintaining adequate records and complying with regulatory requirements.

The government commitment sets out two key mechanisms to address the recommendation:

- The review of penalties in the Occupational Health and Safety Regulations 2007.
- Legislative reforms arising from the 2015–16 Independent Inquiry into the Environment Protection Authority (the EPA inquiry).¹⁴

With respect to the first mechanism, IGEM's 2018 progress report outlined the increased penalties for recordkeeping offences in the Occupational Health and Safety Regulations 2017, which replaced the 2007 regulations.

Legislative reforms to sanctions

Currently, the *Environment Protection Act 1970* and subsidiary legislation sets out obligations for people and organisations to keep records to demonstrate compliance with environmental regulatory requirements.

The new *Environment Protection Amendment Act 2018*, given royal assent in August 2018, reforms the legislative framework for the protection of human health and the environment from pollution and waste. The government intends the new legislation to take effect on 1 July 2020.

The new legislation contains expanded and strengthened penalties and sanctions across a range of activities. It increases criminal penalties for environmental offences compared with the *Environmental Protection Act 1970*. Pollution offences currently attract a maximum penalty of 2400 penalty units¹⁵ (as of April 2019 \$386,856) for an individual or corporation, and a maximum penalty of 10,000 penalty units (as of April 2019 \$1.6 million) for a corporation causing aggravated pollution.

Under the new legislation:

- the core offence of breaching the general environmental duty attracts a penalty of up to 2000 penalty units (as of April 2019 \$322,000) for an individual and 10,000 penalty units (\$1.6 million) for a corporation
- intentional or reckless breaches of the general environmental duty that result in material harm attract a penalty of up to 4000 penalty units (\$644,000) and/or five years imprisonment for an individual and up to 20,000 penalty units (\$3.2 million) for a corporation.

The new legislation also introduces a civil penalty scheme alongside criminal penalties to allow EPA to take more timely and proportionate enforcement action for moderate breaches of the law.

Maintenance of records will continue to be required under the new legislation for various activities. For example, EPA-issued permissions (refer to Recommendation 16), which regulate the management of environmental risks arising from a range of industrial and commercial activities, can contain conditions that require the recipient to maintain records. These conditions may require the permission holder to provide monitoring data, information or performance reports to EPA, local council or the public.

The new legislation strengthens penalties for breaches of permission conditions. The current legislation provides for a penalty of a maximum 2400 penalty units (and 1200 penalty units for each additional day) for contravening conditions. Depending on the type of permission and severity of offence, the new legislation provides for penalties of between 120 and 2000 penalty units for an individual and 600 and 10,000 penalty units for a corporation.

The new legislation continues to allow EPA to suspend or revoke permissions in certain circumstances, including when it believes on reasonable grounds that the holder of the permission has contravened the legislation or subsidiary regulations.

¹⁴ For more information refer to <http://www.epa-inquiry.vic.gov.au/>.

¹⁵ Refer to Appendix B for definition of penalty units.

The new legislation also provides for the making of regulations on recordkeeping requirements, including the setting of penalties for any contravention of regulations. DELWP advised that subordinate instruments are currently under development, guided by standard regulatory development, impact assessment and consultation processes. DELWP intends these subordinate instruments to support the new legislation by detailing information provision and recordkeeping obligations as appropriate.

Finding

IGEM considers this commitment has been implemented.

Recommendation 6

That the Victorian Government introduce potable water as standard for firefighting training water to be complied with at all firefighting training facilities.

Government commitment:

Implementation of any necessary additional treatment processes required to improve training water at all training centres to ensure it is of a standard that is safe for training use and consistent with requirements under any relevant enterprise agreements.

Lead agency	CFA
Status	Ongoing

The inquiry found that CFA's process of recycling firefighting training water – contaminated by the products of combustion, unburnt flammable liquids and foam breakdown – caused health problems for trainers and trainees.

The inquiry recommended that potable (drinkable) water standards for training water be introduced and complied with at all firefighting training facilities, noting that drinking water guidelines are frequently used in the absence of agreed standards for training water.

The government supported the introduction of water standards that ensure the safety of firefighters and committed to implementing any treatment processes required by training facilities to meet these standards.

To ensure the water standards chosen were consistent with requirements under relevant enterprise agreements, CFA engaged with the Enterprise Bargaining Implementation Committee, which endorsed CFA's proposed potable water quality values in January 2018.¹⁶

¹⁶ The water quality values adhere to Australian drinking water guidelines. Where these are not available, they adhere to either the United States Environmental Protection Agency drinking water standards or established MFB training water values.

The key ongoing activity undertaken by CFA to address this commitment is the procurement of a new water management system (WMS)¹⁷ including new water treatment processes to improve training water at the following CFA operated VEMTCs¹⁸:

- Bangholme
- Huntly
- Longerenong
- Peshurst
- Sunraysia
- Wangaratta South
- West Sale.

CFA has awarded a contract for the design, construction, operation and maintenance of a WMS at each CFA operated VEMTC. The contractor will be responsible for water quality monitoring, including fortnightly water quality testing to ensure compliance with specified water quality values.

CFA advised that installation is scheduled to commence at the first VEMTC (Peshurst) in July 2019. Installation across all CFA operated VEMTCs is scheduled to conclude in August 2020. CFA has developed an interim water management process to monitor the levels of PFAS in training water until the WMS and water monitoring regime are in place.

Finding

IGEM considers this commitment is progressing satisfactorily.

Recommendation 7

That EPA Victoria conduct regular environmental testing of firefighting training facilities across Victoria ensuring records are properly maintained for future use.

Government commitment:

The environmental duty holder (usually the occupier of the land) is responsible for testing its facilities against relevant standards and for maintaining the required records. EPA is responsible for enforcing these standards. EPA has issued clean-up notices to CFA for all seven of its Regional Training Centres, including Fiskville, and continues to provide public updates on the progress of this work. Under the terms of the clean-up notices for the CFA training centres, CFA is required to undertake environmental testing of the facilities, site upgrades, clean-up where necessary and, in particular cases, EPA has appointed environmental auditors to verify this work. Recommendations of the Independent Inquiry into the EPA to strengthen EPA's ability to require preventative action are discussed further under Recommendation 16 of this report.

Lead agency	EPA
Status	Ongoing

¹⁷ Refer to Appendix B for definition of water management system.

¹⁸ CFA operates seven of the eight VEMTCs. The other VEMTC, operated by MFB, is located at Craigieburn.

The parliamentary committee heard evidence of multiple incidents of water and soil contamination at the Fiskville site between 1972 and its closure in 2015, and of confusion among regulatory agencies over who was responsible for ensuring the safety of training water. The inquiry report noted the lack of a systematic approach to keeping records and managing environmental and safety issues.

The government supported in principle the inquiry's recommendation that EPA conduct regular environmental testing of firefighting training facilities across Victoria, ensuring records are properly maintained for future use. However, its commitment noted that EPA is responsible for enforcing environmental standards – CFA as the environmental duty holder¹⁹ is responsible for testing its facilities against relevant standards and maintaining appropriate records.²⁰

Accordingly, IGEM's monitoring has focused on the clean-up, audit and enforcement activities undertaken by EPA as the lead agency for implementing the commitment. These include:

- the issuing of remedial notices and directions, such as clean-up and pollution abatement notices²¹
- environmental audits, used to protect the community and confirm that potentially contaminated land is suitable for its intended use. The environmental audits relevant to this commitment fall under sections 53X and 53V of the *Environment Protection Act 1970*.²²

IGEM's monitoring also covers related activity undertaken by CFA including:

- the environmental testing of training centres
- the implementation of EPA-issued clean-up notices and pollution abatement notices, including through site remediation activities.

IGEM's 2018 progress report included a summary of testing and enforcement undertaken by CFA and EPA from the commencement of the inquiry to April 2018 as follows.

- EPA had established a comprehensive enforcement regime. It had issued clean-up notices and was regularly monitoring CFA's progress against them, taking enforcement action when necessary. EPA also provided public updates on the progress of testing and clean-up work on its website and telephone hotline (1300 372 842).
- CFA had continued to undertake environmental testing of its training centres against relevant standards determined through the regulatory framework. It had regularly provided its testing results to EPA and shared the results of its water testing on its website.

CFA has provided EPA with its proposed timeline for tendering and on-site civil works across Fiskville and the six CFA training centres referred to in this commitment.

Once CFA completes remedial works at each site, EPA plans to conduct site inspections to ensure the works have been satisfactorily completed. Clean-up notices that have been complied with will be revoked, and EPA will issue new clean-up notices to reflect the circumstances at each site.

IGEM has monitored the implementation of this commitment since May 2017 and considers that EPA has demonstrated how it continues to address the commitment through its regulatory actions and activities regarding contaminated sites.

Due to the importance of the environmental testing and compliance regime, the level of public interest and concern in relation to PFAS, and the risks that remain of notifiable events occurring, IGEM will continue to monitor the commitment until it produces its next report in 2020. This will provide assurance that risks are being reported and mitigated through the regime, and it is anticipated will conclude IGEM's monitoring of this commitment.

The following provides a summary of CFA and EPA remediation, testing and enforcement activity since April 2018. EPA provided IGEM with evidence of CFA environmental testing and quarterly reporting across Fiskville and the six CFA training centres for this period.

¹⁹ Refer to Appendix B for definition of environmental duty holder.

²⁰ The *Environment Protection Act 1970* outlines the statutory tools that EPA can use to enforce environmental standards.

²¹ Refer to Appendix B for definitions of clean-up notice and pollution abatement notice.

²² Refer to Appendix B for definitions of 53V audit and 53X audit.

Fiskville

IGEM's 2018 progress report outlined that, as required under clean-up notices issued in January 2014, CFA had provided EPA with an environmental site assessment, clean-up plan and remedial feasibility study, and had subsequently provided EPA with additional information on the proposed remedial approach. The purpose of the proposed remediation is to provide effective clean-up of contamination to ensure unacceptable risks to human health and the environment are prevented both on and off-site.

Across 2018–19, EPA continued to review and discuss CFA's proposals for the remediation of the Fiskville site with CFA, its consultants and the EPA appointed independent environmental auditor. CFA submitted its final proposal for on-site environmental remediation to EPA in February 2019.

On-site clean-up

EPA has continued to regulate CFA's on-site clean-up and remediation activities by issuing clean-up notices to CFA. EPA issued CFA with an on-site clean-up notice in May 2019.

The construction of an in-situ soil management area (ISSMA) is the largest component of the Fiskville remediation works. The ISSMA is designed to contain and immobilise, as far as practicable, PFAS contaminated soils on the site. Plans for the ISSMA were reviewed by an EPA appointed environmental auditor who found that they complied with EPA's best practice environmental management guidelines.

Other key elements of CFA's on-site remediation work include:

- decommissioning activities
- water treatment, water management, waste water management, and earthworks to be undertaken
- plans for oversight throughout the process.

CFA has commenced on-site remediation works, including construction of an on-site waste water treatment plant.

EPA advised that CFA expects to comply with EPA notice requirements for completion of the remediation works by 30 June 2020. On completion of the work, the EPA appointed environmental auditor will complete a section 53X environmental audit as a formal sign-off of the works. This environmental audit will also determine any ongoing future management requirements.

Off-site clean-up

To address risks associated with off-site contamination from fire training activities, EPA issued a clean-up notice to CFA in February 2019. The notice requires CFA to complete a section 53V environmental audit scope, due in June 2019. The audit will determine if any off-site management or clean-up is required, and ultimately provide impacted landowners with confidence about the status of their land and how they can use it.

Ongoing monitoring

CFA continues to provide quarterly updates to EPA on its progress under the clean-up notices. EPA advised that any proposed design variations to the agreed plans for the ISSMA will be notified to the EPA through the environmental auditor. Any such notification will include the environmental auditor's assessment of the risk posed by the proposed variations. At the time of reporting, EPA had planned a site inspection of Fiskville's waste water treatment plant due to be commissioned in May 2019.

Penshurst

IGEM's 2018 progress report outlined actions CFA had taken in response to a clean-up notice issued by EPA in September 2015. This included a short-term audit and initial clean-up plan, as well as a long-term audit and second clean-up plan. In April 2018 EPA issued two draft clean-up notices and a pollution abatement notice, to ensure implementation of the long-term audit recommendations. These three notices were finalised in May 2018, following CFA feedback.

The first clean-up notice required CFA to implement recommendations from the long-term audit. The second clean-up notice required CFA to provide a report evaluating measures to address PFAS-impacted groundwater discharging from the premises and options for the clean-up and/or ongoing management of PFAS impacted groundwater off-site. The pollution abatement notice required CFA to complete work to reduce the risk of discharge of PFAS contaminated stormwater from the site.

In line with the requirements of the first clean-up notice, CFA provided EPA with a March 2019 report on its response to the long-term audit. EPA reviewed the report and determined that CFA had taken appropriate actions to address the long-term audit recommendations.

In March 2019 CFA also sought EPA's revocation of the pollution abatement notice, on the basis that the required works for compliance had been completed as part of actions implemented in response to the long-term audit recommendations.

Monthly reports provided to EPA by CFA across 2018–19 demonstrate that CFA has completed a range of infrastructure upgrades to manage PFAS impacts on and off-site. EPA inspected these works in February 2019 to observe progress.

In line with the requirements of the second clean-up notice, in September 2018 CFA completed a remediation feasibility study on PFAS impacted groundwater at Penshurst. EPA advised it is determining the appropriate regulatory requirements to respond to groundwater contamination identified on and off-site.

CFA has also purchased several adjacent properties impacted by PFAS from Penshurst. EPA advised it is determining the appropriate regulatory requirements for these properties.

Ongoing monitoring

At the time of reporting EPA is in the process of revoking all three notices on the basis that CFA has complied with the requirements of each notice. EPA intends issuing future notices to regulate outstanding issues for the site, informed by ongoing discussions with CFA.

Bangholme, Huntly, Longerenong, Wangaratta South and West Sale

IGEM's 2018 progress report outlined that, while EPA had not required environmental audits to be completed for Bangholme, Huntly, Longerenong, Wangaratta South and West Sale, it had issued the current clean-up notices for these sites in August 2016 requiring specific activities and plans to be completed. IGEM reported that the required plans had been completed and were being implemented.

EPA has advised that all EPA clean-up notices remain in place for these sites across 2018–19. CFA quarterly reports provided to EPA since April 2018 show that CFA continues to implement the following plans:

- a fire water training plan for Bangholme, Huntly, Longerenong, Wangaratta South and West Sale
- an environmental management plan for Bangholme, Huntly, Longerenong, Wangaratta South and West Sale
- a groundwater quality monitoring plan for Bangholme, Wangaratta South and West Sale
- a soil management plan for West Sale.

The quarterly reports also demonstrate that CFA continue to comply with the conditions of the notices, including providing:

- updates on civil infrastructure works
- results of water monitoring results
- revisions to Fire Training Water Management Plans.

Under conditions of the notices, CFA is also required to notify EPA if it identifies that contaminated surface water or groundwater from any premises is impacting or likely to impact off-site receptors.

In December 2018 CFA notified EPA that, following a large rain event at Huntly, stormwater from two on-site dams discharged off-site. EPA inspected the site and CFA sampled water from inundated areas. The PFAS concentrations were comparable to those previously reported, indicating that a level of risk remained. CFA continues to retain all fire training water on-site, and in early 2019 completed additional stormwater diversion and drainage works as interim measures until permanent upgrade works are completed.

CFA is in the process of installing a WMS at each training centre (refer to Recommendation 6). Until the WMS is complete, CFA continue to report on, and EPA continue to monitor the management of training water.²³ CFA also continues to provide training water testing results on its website.²⁴

Next Steps

EPA will continue to monitor and assess compliance with all clean-up notices. Once remediation works (including the infrastructure upgrades) are completed, EPA will conduct a site inspection and review works against the notices for each site.

EPA continues to provide public updates on the progress of this work on its website.²⁵

Finding

IGEM considers this commitment is progressing satisfactorily.

Recommendation 8

That the Victorian Government audit all CFA training facilities to assess their capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.

Government commitment:

The government will ask the CFA, assisted by advice and support from WorkSafe, to include an assessment of its capacities, capabilities and infrastructure needs in its audit of its OHS management systems (discussed in the response to Recommendation 10) to ensure a safe workplace that meets firefighter training demand.

Lead agency	CFA
Status	Complete

The inquiry, in highlighting the importance of realistic yet safe training for CFA staff and volunteers, found that best practice firefighter training could be achieved in a controlled and safe training environment. It recommended that the government audit all CFA training facilities to assess their capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.

The government response supported the recommendation and stated that CFA would be asked to include an assessment of its capacities, capabilities and infrastructure needs in its OHS management systems audit (refer to Recommendation 10).

CFA advised that as the audit concluded in January 2017, prior to the finalisation of the implementation plan and government commitment in May 2017, its scope did not include an assessment of capacities, capabilities and infrastructure needs.

²³ EPA advised IGEM that fire training at Wangaratta has been suspended during construction works.

²⁴ Refer to www.cfa.vic.gov.au/about/water-monitoring-results.

²⁵ Refer to www.epa.vic.gov.au/our-work/current-issues/water-quality/cfa-regional-training-centres.

IGEM considers that CFA has undertaken other initiatives since the inquiry to ensure that its training facilities are a safe workplace that meets firefighter training demand. Initiatives outlined in IGEM's 2018 progress report included:

- assessments commissioned from structural engineers on the condition of built infrastructure at training centres
- the development of a Training Centre Management Manual to strengthen CFA staff capability to ensure training centres are operating in line with safety legislation, regulation, policies and procedures.

CFA has undertaken further relevant activity over the course of 2018–19, including:

- an infrastructure needs assessment process for existing training centres
- a needs assessment for the new Central Highlands training centre (refer to Recommendation 28).

CFA's activity has been informed by advice from WorkSafe on aspects of infrastructure and capacity at training centres, provided as part of WorkSafe's broader compliance monitoring program (refer to Recommendation 12).

CFA also continues to set appropriate course requirements to ensure training is delivered in a safe environment.

Infrastructure needs assessment for existing training centres

CFA initiated an infrastructure needs assessment process for its existing training centres in November 2018. CFA notified all training centres in December 2018 and provided each centre with a list of its current infrastructure and assets.

CFA subsequently visited each campus and interviewed staff to review the infrastructure and assets list to ensure it reflected the current situation, and to identify ongoing and future infrastructure needs.

CFA is currently analysing the interviews and has advised that it will compile a summary report on the identified infrastructure needs with OHS relevance to ensuring a safe workplace that meets firefighter training demand. CFA expects to complete the report by August 2019 and will provide a copy to IGEM. CFA intends that the needs assessment will inform future infrastructure planning across all its training centres.

Assessment of needs for Central Highlands training centre

In February 2018 CFA developed a plan of the training courses that it anticipated delivering at its new Central Highlands training centre and expected trainee numbers. The plan detailed related resource requirements in terms of instructors, staff and vehicles, including the maximum number of personnel – trainees, instructors and staff – to be present on site at any one time.

In February 2018 CFA also issued a draft version of the project scope for development by an internal working party. CFA advised that the working party included brigade representatives, training centre staff, instructors, and the Manager Learning and Development.

The most recent version of the project scope (February 2019) incorporates revisions based on working party input, identified training needs, and changes to CFA policies and procedures. It incorporates several elements with relevance to providing a safe training environment, including:

- separated dirty zones, intended to prevent contaminant transfer into classroom, eating areas and other clean zones
- facilities for managing dirty personal protective clothing
- a wellness room with first aid and treatment equipment
- paved roads, carparks and footpaths designed to safely manage people and traffic movements
- training props provided by a specialist contractor.

CFA is currently undertaking consultation on the project scope.

Setting appropriate course requirements

CFA advised that its District Training Coordinators use information from the annual reviews carried out in accordance with section 29 of the *Country Fire Authority Act 1958*²⁶ to plan the courses to be delivered at training centres across the state over the following 12-month period and meet firefighter training demand.

CFA advised that instructor-to-participant ratios are determined for each scheduled course to ensure that training outcomes can be achieved in a safe manner. CFA has provided IGEM a document that records, for each training course currently delivered:

- maximum class size
- the assessor ratio – the required ratio of instructors to trainees
- prerequisites required of trainees
- the class of instructor qualified to deliver the course.

CFA advised that Learning and Development managers are responsible for ensuring that enough instructors are allocated in accordance with the requirements for each course. CFA further advised that PAD (Practical Area / Drill) supervisors at training centres are responsible for allocating enough PAD operators to support each course.

Finding

IGEM notes that while the commitment was not implemented as planned, it considers alternative action has been implemented that addresses the recommendation and commitment.

Recommendation 10

That the Victorian Government conduct an audit of CFA occupational health policies—both those by the CFA Board and those recommended by external reviews—to determine if they have been implemented effectively throughout the organisation.

Government commitment:

Cross-reference to the response to Recommendation 8. CFA is already taking action to improve its health and safety culture and practice, such as undertaking a complete review of its management system to meet the certification requirements of AS4801 and ISO14001. The newly appointed CFA Board is overseeing the audits to ensure compliance with its obligations under the WorkSafe statutory scheme to satisfy itself about the effectiveness of its safety systems and to determine what systems and processes may be most appropriate in each circumstance.

Lead agency	CFA
Status	Complete

The inquiry drew attention to several instances where CFA did not effectively implement its own OHS policies. It recommended that the policies be audited to determine whether they had been effectively implemented throughout CFA.

The government response supported the recommendation in principle.

²⁶ Refer to Appendix B for definition of section 29 reviews.

In October 2016 CFA commissioned a consultant to examine its OHS management system and determine whether it addressed key health and safety risks. The audit:

- assessed CFA against the certification requirements of two key international standards – AS4801 and ISO45001²⁷
- assessed the system against relevant legislative requirements
- considered the system's effectiveness.

Its scope included:

- systems and processes for recording and addressing health and safety hazards, incidents and near misses
- health and safety monitoring, reporting and governance processes
- health and safety induction and training activities, including for career and volunteer firefighters.

Oversight of audit to ensure compliance with WorkSafe statutory scheme

The audit was overseen by the CFA Board and by the CFA Health, Safety and Environment (HSE) Committee, which includes three members of the CFA Board among its membership.

The audit report was provided to CFA management and the CFA Audit and Risk Management Committee in January 2017. It found that CFA had designed a new OHS management system intended to enhance compliance with legislative requirements – including Victoria's *Occupational Health and Safety Act 2004* – and provide a framework suitable for AS4801 and ISO45001 certification.

The audit report identified some areas where the system was not yet fully effective. It found that CFA OHS leaders demonstrated good awareness of the areas requiring improvement and had developed strategic plans to address them. CFA leadership also exhibited genuine care for the wellbeing of its employees and volunteers, with processes and tools available to monitor and support members' psychological health.

CFA has since made significant progress on issues raised in the audit and has developed 25 new health safety and environment business rules for implementation across CFA, many replacing existing CFA OHS policies.

IGEM's 2018 progress report noted that the CFA Board and the CFA HSE Committee had consistently informed itself of the progress of the audit and subsequent management actions through reporting processes and governance arrangements. The chairperson of the CFA Board wrote to IGEM in May 2019 to provide continued assurance of CFA's governance arrangements in relation to its oversight of the audit.

Board assessment of effectiveness of safety systems

IGEM's 2018 progress report noted that evidence provided by the CFA to date did not demonstrate how the CFA Board had used the audit to satisfy itself about the effectiveness of its safety systems.

In April 2019 the former CFA Chief Executive Officer wrote to IGEM to confirm that the CFA Board has now utilised the audit to satisfy itself about the effectiveness of its safety systems, in accordance with the commitment. The correspondence reported the CFA Board's assessment that some aspects of CFA's safety systems still needed further improvement. These included:

- issues around the way incidents are notified, communicated and corrective actions managed
- key OHS systems not integrated or used consistently
- some policies and procedures do not clearly articulate key process requirements
- CFA's culture does not support complete and accurate incident reporting.

²⁷ *Occupational health and safety management systems – Specification with guidance for use (AS4801)* prepared by the Joint Standards Australia/Standards New Zealand Committee and *Occupational health and safety management systems – Requirements with guidance for use (ISO45001)* released by the International Organization for Standardization.

The correspondence also outlined that the CFA Board has reviewed and endorsed an HSE Workplan, which includes initiatives designed to ensure that appropriate improvements to OHS systems and processes are made.

Finding

IGEM considers this commitment has been implemented.

Recommendation 12

That the Emergency Management Victoria Inspectorate be given responsibility for overseeing compliance with occupational health and safety requirements at CFA training facilities.

Government commitment:

The Minister for Emergency Services has asked IGEM to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. IGEM will conduct this complementary monitoring role in close consultation with WorkSafe and in accordance with IGEM's legislative assurance functions.

Lead agency	IGEM
Status	Ongoing

The following self-assessment of IGEM's progress applies the evidence-based methodology outlined in section 2.5.

The inquiry considered that CFA had failed to comply with OHS legislation at Fiskville and did not allocate sufficient priority and resources to OHS management. The inquiry also found that WorkSafe inspectors failed to address many of the OHS issues raised during the inquiry.

The inquiry recommended that external oversight should occur to ensure compliance with OHS requirements at CFA operated VEMTCs.

The government supported this recommendation and determined it appropriate that IGEM, given its existing assurance functions, provide system-level monitoring in consultation with WorkSafe.

To address this commitment, IGEM committed to the development of the Fiskville assurance framework including the development of a monitoring regime to provide oversight of WorkSafe's compliance monitoring program for VEMTCs.

Monitoring regime of the safety of VEMTC operations

WorkSafe is Victoria's health and safety regulator. IGEM does not have specific legislative powers to set, inspect or enforce compliance with safety requirements at VEMTCs, therefore it developed a regime to provide oversight of WorkSafe's compliance monitoring program for VEMTCs in accordance with IGEM's legislative objectives.

IGEM's provision of oversight is limited by the fact that it does not possess OHS subject matter expertise and that its oversight is reliant on the advice and information provided by WorkSafe.

WorkSafe's program

The *Occupational Health and Safety Act 2004* establishes general duties relating to health and safety in workplaces, including that an employer must, so far as is reasonably practicable, provide and maintain a safe working environment for employees free from risks to health. Employees and other persons also have duties relating to health and safety in workplaces.

WorkSafe's program was designed to ensure VEMTC compliance with their duties under OHS legislation. The program involved:

- site inspections of eight VEMTCs, involving two inspectors and an occupational hygienist
- hazard assessments, including of PFOS and PFOA, OHS systems, dangerous goods and hazardous substances, manual handling, asbestos, plant, and falls from height
- the issuing of improvement notices or prohibition notices where required²⁸
- the issuing of recommendations for identified OHS improvements
- follow-up visits and communication to assess compliance and progress
- regular reporting between CFA, WorkSafe and IGEM.

IGEM considers that WorkSafe's program has been designed and implemented beyond its business-as-usual practice as the state's workplace health and safety regulator.

IGEM's oversight arrangements

IGEM conducted oversight of WorkSafe's program in consultation with WorkSafe. This involved:

- meeting with WorkSafe at least quarterly to discuss the outcomes of the compliance monitoring program, identify areas for improvement, and better understand WorkSafe policy, procedure and practices
- analysing progress reports provided by WorkSafe
- analysing entry reports, improvement notices and a prohibition notice provided by WorkSafe to ensure notices and recommendations made in entry reports are followed up in subsequent inspections
- querying WorkSafe on its procedures and systems
- background research to better understand WorkSafe's role, the history of VEMTCs and prior issues
- sighting documents and systems referred to in WorkSafe's formal response to IGEM's queries.

Outcomes of the monitoring regime

As at April 2019, WorkSafe has conducted 30 inspections across the eight VEMTCs as part of the compliance monitoring program. Key outcomes of the program include:

- WorkSafe inspections of VEMTCs generated eight improvement notices and one prohibition notice. CFA has complied with each of the notices.
- WorkSafe reported it is not aware of major problems regarding CFA's OHS management system.
- WorkSafe reported it did not identify any major systemic issues regarding the hazards assessed under the program.
- WorkSafe reported relatively few noncompliance issues identified at VEMTCs compared to programs focused on other sets of workplaces.

WorkSafe's recommendations to CFA

In addition to compliance assessments, WorkSafe made 11 recommendations to CFA on OHS issues common to several VEMTCs. In response, CFA developed an action plan in February 2018 and provided it to WorkSafe and IGEM. WorkSafe monitored CFA's implementation of the action plan through bimonthly meetings.

²⁸ Refer to Appendix B for definitions of improvement notice and prohibition notice.

WorkSafe reported to IGEM that CFA has addressed each of the recommendations and that the final action in response to the recommendations – the rollout of light weight breathing apparatus across the state – is due for completion in 2020.

WorkSafe inspectors also made a number of recommendations specific to certain VEMTCs. It was agreed between IGEM and WorkSafe that inspectors would follow up on these site-specific recommendations. All the site-specific recommendations were followed up by inspectors.

Limitations of WorkSafe's program

As at April 2019, IGEM and WorkSafe have identified the following limitations of WorkSafe's program.

- The initial inspections (from June 2017 to March 2018) were not conducted during live training, although WorkSafe's program had planned for this. WorkSafe advised that this was due to the scheduling of live training on weekends and the infrequency of training. Following discussions between IGEM and WorkSafe under the oversight arrangements, WorkSafe has now inspected five of the eight VEMTCs during live training as part of the follow-up inspections and seeks to schedule the remaining follow-up inspections during live training in mid-2019. WorkSafe's program was originally scheduled to conclude in mid-2018 but has been extended to enable this to occur.
- WorkSafe's program takes place in the context of limited conclusive evidence on the health effects of PFAS exposure. In line with DHHS advice that human exposure to PFAS should be minimised while the potential health effects continue to be researched²⁹, WorkSafe advises that it takes a precautionary approach. WorkSafe expects that employers and persons with management or control monitor the exposure levels of persons to PFAS and reduce exposure to PFAS as far as is reasonably practicable. Consideration should be given to any latent sources of PFAS that persons may be exposed to, for example through contact with contaminated soil or equipment. If a duty holder is unable to provide evidence that they have met these requirements, and WorkSafe has established a risk is present, WorkSafe may take compliance and enforcement action.³⁰
- WorkSafe's approach of identifying specific contraventions or imminent risks should not be interpreted as providing an endorsement of the OHS management system of a VEMTC. WorkSafe's program operates within the context of relevant employers, employees and other persons holding duties relating to health and safety at VEMTCs. However, CFA commissioned an OHS management system audit from an experienced consulting firm to provide this overall assurance, and this audit was completed in January 2017 (refer to Recommendation 10).

Return to business-as-usual practice

WorkSafe advised IGEM that once its program ends, inspections of VEMTCs across the state will return to WorkSafe's business-as-usual practice – inspections will be triggered by complaints, information that necessary controls have been removed, or mandated employer notification of an incident.

Following WorkSafe's final follow-up inspections and conclusion of its program, planned for mid-2019, IGEM will provide a report on the results of WorkSafe's program and the outcomes from IGEM's oversight role to the Minister for Police and Emergency Services. This will conclude its oversight of safety operations at VEMTCs.

The government commitment for Recommendation 28 anticipates that WorkSafe will have a role in OHS compliance for the new Central Highlands VEMTC. WorkSafe advised IGEM that once the new Central Highlands VEMTC is built and operational it will be covered as part of WorkSafe's business-as-usual practice.

Finding

IGEM self-assesses that this commitment is progressing satisfactorily.

²⁹ For more information refer to <https://www2.health.vic.gov.au/public-health/environmental-health/per-and-poly-fluoroalkyl-substances-pfas>.

³⁰ There are currently no SafeWork Australia workplace exposure standards for PFAS. SafeWork Australia is reviewing the workplace exposure standards to ensure they are based on the highest quality evidence and PFOA is among the hazardous chemicals proposed for addition to the standards. The review is due to conclude in March 2020. For more information refer to <https://engage.swa.gov.au/workplace-exposure-standards-review>.

Recommendation 14

That whenever feasible, WorkSafe should reduce its reliance on reports by consultants engaged by employers it is investigating and should utilise its statutory powers to conduct its own tests where relevant.

Government commitment:

Where feasible, WorkSafe should minimise its reliance on reports by consultants engaged by employers it is investigating and should use its statutory powers to conduct its own tests where relevant.

Lead agency	WorkSafe
Status	Complete

The inquiry heard that, despite identifying issues that could lead to CFA's prosecution under the Occupational Health and Safety Act, WorkSafe considered itself unable to prosecute CFA due to deficiencies in the reliability and admissibility of evidence, specifically regarding testing undertaken by consultants engaged by CFA.

The inquiry therefore recommended that WorkSafe seek to minimise its reliance upon evidence procured by employers it is investigating. The government response supported this recommendation in principle.

The OHS Act, Occupational Health and Safety Regulations 2017 and Compliance Codes set out the obligations of employers and workers to ensure that safety is maintained at work. WorkSafe ensures compliance with these obligations by conducting both inspections and investigations.

- **Inspections** involve a WorkSafe inspector entering an employer's premises to assess compliance with health and safety laws. If an inspector finds serious health and safety breaches at a workplace, these may be referred for further investigation and the employer may be prosecuted.
- **Investigations** are conducted to determine whether to prosecute or not (or take alternative enforcement action) against an alleged offender.

Although the government commitment refers to 'investigating', WorkSafe considers that the commitment is best addressed through its inspection function. WorkSafe advised that investigations may still choose to consider employers' and consultants' reports as part of the wide range of evidence collected following an inspection.

To address this commitment, WorkSafe has implemented changes to operational procedures relating to inspections to, where feasible, minimise inspectors' reliance on reports by consultants engaged by employers. WorkSafe has updated its 'Attending a workplace' and 'Establishing a contravention' guidance documents to include new guidelines for circumstances where inspectors are provided with reports commissioned by an employer.

The updated guidance sets out that, where an inspector has queries or questions regarding a report's accuracy or validity, they should seek advice from the relevant WorkSafe specialist unit to independently assess any information in the report.

For example, an inspector may seek advice from a specialist unit when:

- a report contains technical information that the inspector does not understand
- the inspector would like to confirm the expert qualifications of the consultant or consultants who prepared the report.

Assessment by the specialist unit may involve further testing to ensure that results in the report are accurate.

The procedures apply to employers' reports in general, including:

- engineering reports in construction
- human resources reports in psycho-social risk matters
- scientific reports in dangerous goods matters.

WorkSafe has ensured that inspectors are aware of the operational procedure changes. A July 2018 'Team talk' document includes prompts for team discussions on the changes and examples of when an inspector may seek the advice of a specialist unit.

WorkSafe has provided IGEM with an example of where it has applied the amended operational procedures and commissioned an independent expert review of a report prepared by consultants engaged by an employer.

Finding

IGEM considers this commitment has been implemented.

Recommendation 16

That the Victorian Government confirm that EPA Victoria currently has powers under its Act to take pre-emptive action to prevent pollution.

Government commitment:

The report of the EPA Inquiry (published in March 2016) identified critical gaps in EPA's regulatory toolkit and found that some instruments will need strengthening to more effectively prevent pollution.

The EPA Inquiry recommended introduction of a general preventative duty to minimise harm to human health and the environment—the government supported this recommendation. The inquiry also recommended expanding the cohort of activities requiring a works approval or licence (key tools in the preventive approach to environment protection) from EPA—the government supported this recommendation in principle.

Any expansion to the cohort of licensed facilities would need to consider whether works approvals and licenses are the most appropriate tools within the wider range of tools being developed as part of the government response to the inquiry.

Lead agency	DELWP
Status	Ongoing

The inquiry found that EPA failed to carry out its statutory role at Fiskville and allowed CFA to contaminate the site to such an extent that it had to be closed and is now the subject of a complex and very expensive remediation. The inquiry report noted conflicting views over whether EPA has a duty under the *Environment Protection Act 1970* to prevent harm to the environment. It recommended that the government confirm that EPA currently has powers under the Environment Protection Act to take pre-emptive action to prevent pollution.

The government supported the recommendation in principle and committed to address the recommendation through its activity in response to the EPA inquiry.

Currently, the Environment Protection Act and subsidiary legislation sets out the obligations that duty holders have regarding the impact of their activities on the environment. The EPA inquiry identified that EPA required strengthened and expanded regulatory instruments to more effectively prevent pollution.

The government has introduced new environmental protection legislation to support implementation of its response to the EPA inquiry. The *Environment Protection Amendment Act 2018* provides the foundation for a transformation of Victoria's environment protection laws to focus on preventing waste and pollution impacts rather than managing those impacts after they have occurred. The new legislation was given royal assent in September 2018 and is to take effect from 1 July 2020. It introduces:

- a general environmental duty to prevent harm to human health and the environment from pollution and waste
- a modernised permissions framework to replace the existing works approvals and licences framework.³¹

General environmental duty

The cornerstone of the new legislation is the general environmental duty, requiring people to take reasonably practicable steps to minimise risks of harm to human health and the environment from pollution and waste. Breaches of the general environmental duty can lead to criminal or civil penalties. EPA will provide education, support and guidance to organisations and individuals to help them comply with the general environmental duty.

Modernised permissions framework

The *Environment Protection Amendment Act 2018* modernises the existing works approvals and licences framework to facilitate a more flexible and adaptive approach to the management of environmental risk. It introduces a new three-tiered permissions framework allowing proportionate controls to be applied based on the nature of the risks involved, providing EPA with more appropriate tools to manage activities with lower but still significant risks to human health and the environment.

- **Licences** apply customised conditions to manage complex activities that need the highest level of regulatory control to manage their significant risks to human health and the environment.³²
- **Permits** employ largely standardised assessment processes and are suited to medium to high risk activities with low complexity.
- **Registrations** are automatically granted and are suited to activities that pose significant risks but where simple controls exist that can be standardised across a sector.

DELWP and EPA are developing regulations to provide for implementation of the modernised permissions framework and set the classes of activity that will be covered by each tier of the framework once the new legislation comes into effect. This includes a proposed expansion to the classes of activities covered, in accordance with the government commitment.

The inclusion of potential new activities into the permissions framework will be tested through a public Regulation Impact Statement (RIS)³³ consultation process. DELWP anticipates that the RIS will be released in late July 2019.

Finding

IGEM considers this commitment is progressing satisfactorily.

³¹ Refer to Appendix B for definitions of EPA works approval and EPA licence.

³² There are three types of licence: operating licences to construct and operate certain plant or equipment; development licences to develop and modify specified high-risk processes or systems; and pilot project licences for research, development and demonstration activities. In a change from the current legislation, licences will no longer be granted indefinitely and will be subject to regular review every five years or so.

³³ Refer to Appendix B for definition of Regulation Impact Statement.

Recommendation 19

That the Victorian Government establish a framework to ensure that the management of a contaminated site such as Fiskville has the necessary leadership to ensure that the polluter and regulators are responsive, meeting legislative requirements and timelines, and taking the required steps to consult with affected individuals, assess the contamination and implement a timely remediation plan.

Government commitment:

The environmental auditing process set up through the EP Act provides an independent framework for assessing site contamination and developing contamination management plans. EPA administers this system, which includes appointing environmental auditors and reviewing audits undertaken. In addition, a Ministerial Direction concerning 'Potentially Contaminated Land' requires planning authorities (including local government) to be satisfied that the environmental conditions of land for potential sensitive use is suitable for that use when preparing planning scheme amendments.

Further, the EPA Inquiry made recommendations to improve the management of legacy contamination risks, including:

- development of a comprehensive statewide database of potentially contaminated sites that pose a high risk to community because of their past use
- strengthening the integration of planning and environmental regulation of legacy contamination to position the EPA and planning decision-makers to identify and consistently screen potentially contaminated sites according to risk.

These recommendations were both supported by the government response to the EPA Inquiry. As noted in the government's response to Recommendation 16, the EPA Inquiry also recommended a stronger (environmental) preventative regulatory tool kit. If supported by government, this could expand the application of EPA regulation to sites that are not presently covered.

Lead agency	DELWP
Status	Ongoing

The inquiry identified a range of shortcomings in the assessment and management of contamination at Fiskville, both on the part of CFA as the duty holder and EPA as the regulator. The inquiry concluded that CFA failed to prevent and manage contamination and found that EPA failed to carry out its statutory role as regulator.

The government supported the recommendation in principle and committed to address the recommendation through its activity in response to the EPA inquiry.

The government commitment proposed two initiatives to improve the assessment and management of potentially contaminated sites:

- the development of a comprehensive statewide database of potentially contaminated sites
- the development and testing of a new risk-based approach to the assessment of potentially contaminated sites.

Database of potentially contaminated sites

DELWP and EPA launched the Victoria Unearthed website in March 2019.³⁴ Victoria Unearthed brings together a range of existing publicly-available information about potential land and groundwater contamination, as well as information about contamination management and clean-up activities.

³⁴ Refer to www.environment.vic.gov.au/sustainability/victoria-unearthed.

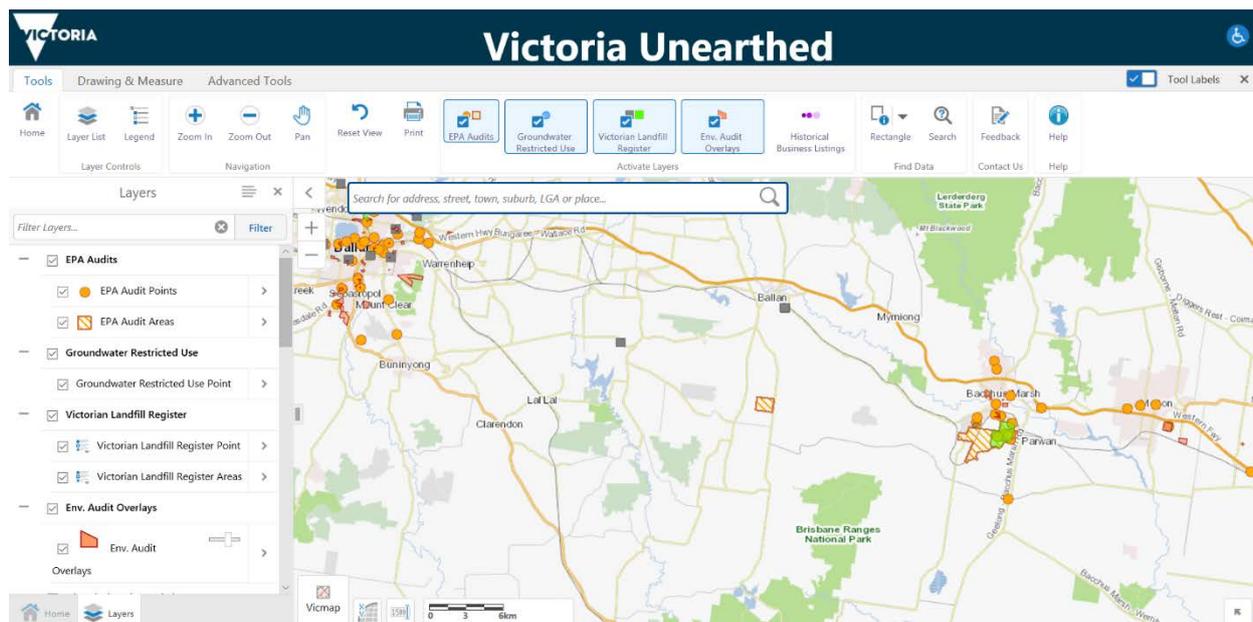
The content of Victoria Unearthed is provided for information purposes, to help Victorians make their own further enquiries about land and groundwater. Relevant duty holders remain responsible for determining any risks of harm to human health or the environment from potential land and groundwater contamination.

The components of Victoria Unearthed include an interactive map and toolbar (refer Figure 1), along with guidance on how to search, interpret and export the data.

Victoria Unearthed includes information from the following datasets.

- **Environmental Audit Overlays (EAO)** – local government can apply an EAO to a site under the Victoria Planning Provisions³⁵ to signal that it is potentially contaminated and requires an environmental audit before any works can commence.
- **EPA Environmental Audits related to land and groundwater contamination** – environmental audits most commonly take place when land proposed for a new use is potentially contaminated, or if it is already covered by an EAO. Audits are generally requested by local councils, landowners or planning authorities, and are undertaken by EPA-appointed environmental auditors, who assess the suitability of a site for the proposed use and provide a certificate or statement of audit. Audit reports may outline if contamination exists, provide an assessment of the risk of harm from an activity or process, and list actions to manage or clean up the site. Victoria Unearthed users can download audit reports (including the Fiskville environmental audit report) via the website.
- **Groundwater Quality Restricted Use Zones** – areas where, following site investigations under its environmental audit program, EPA has formally recognised that groundwater is polluted because of previous industrial or other activities.
- **The Victorian Landfill Register** – records information on current and former landfills including location, type of waste received and potential environmental and health risks.
- **Historical Business Listings** – The Sands and McDougall trades and business street directories list registered businesses in Victoria from 1860 to 1974. Victoria Unearthed currently includes historical land use data from the recently-digitised 1896, 1925 and 1974 directories to assist users in determining the potential contamination of sites by past industrial activity. More directories will be added to the database in future updates.

Figure 1: Victoria Unearthed



Source: DELWP

³⁵ Refer to planningschemes.dpcd.vic.gov.au/schemes/vpps.

DELWP is working on including the Priority Sites Register³⁶ in Victoria Unearthed. The Priority Sites Register, updated monthly, contains information about sites that are subject to current EPA-issued clean-up or pollution abatement notices.

DELWP advised that it plans to include the Priority Sites Register dataset in the next public version of Victoria Unearthed later in 2019. The project team has undertaken work to check the accuracy of the dataset and prepare guidance materials for users.

The addition of the dataset means that all CFA operated VEMTCs with current clean-up or pollution abatement notices will be searchable on Victoria Unearthed – as of May 2019, the following CFA operated VEMTCs have current notices – Bangholme, Wangaratta, Longerenong, Peshurst, Huntly and West Sale.³⁷

DELWP and EPA have secured funding through to 2020–21 to further develop Victoria Unearthed and datasets will continue to be added to the site in the future, informed by user feedback.

Risk-based approach to assessment of potentially contaminated sites

The *Environment Protection Amendment Act 2018*, intended to take effect from 1 July 2020, introduces a more risk-based and proportionate approach to the management of potentially contaminated land.

The new legislation introduces two duties for any person in management or control of land:

- **Duty to manage contaminated land**, obliging such persons to minimise risks of harm to human health and the environment from contaminated land so far as reasonably practicable
- **Duty to notify of contaminated land**, obliging such persons to notify EPA if land has been contaminated by ‘notifiable contamination’. DELWP advised that thresholds will be defined in regulations to be released for consultation in July 2019.

These two duties complement the new general environmental duty (refer to Recommendation 16) by applying in circumstances where an activity may not currently be undertaken at a site.

The environmental audit framework has also been reformed to replace the current 53V and 53X environmental audits. The new framework has two components:

- **Preliminary risk screen (PRS) assessment** – a rapid, low-cost assessment of the likelihood of contamination, based on desktop analysis, site inspection and sampling. This will determine if an environmental audit is required, and if so, recommend a scope for the audit.
- **Scoped environmental audits** – a more comprehensive assessment of the nature and extent of the risk of harm to human health or the environment from contaminated land, waste, pollution or any activity.

DELWP and EPA are currently running an 18-month pilot of the PRS with selected environmental auditors, local councils and government partners. This will support the PRS, once in effect, to provide a consistent, accurate and streamlined approach to screening risks from site contamination.³⁸ The pilot is undergoing staged independent evaluation and will conclude in October 2019.

Finding

IGEM considers this commitment is progressing satisfactorily.

³⁶ Refer to www.epa.vic.gov.au/your-environment/land-and-groundwater/priority-sites-register.

³⁷ Sunraysia VEMTC is not subject to a current notice.

³⁸ Refer to www.premier.vic.gov.au/new-screening-process-for-contaminated-land/.

Recommendation 21

That the Victorian Government lead Government action to support the expeditious ratifying of changes made to Appendix B of the Stockholm Convention on Persistent Organic Pollutants.

Government commitment:

Seek assurance from the Commonwealth Government that it will complete the RIS process and take actions to ratify the 2009 amendment decision.

If and when the amendment decision is ratified, it will work with the Commonwealth, other states and territories to update the National Implementation Plan under the Convention and to develop any legislative amendments that may be required in Victoria to bring this into effect.

Lead agency	DELWP
Status	Ongoing

The Stockholm Convention on Persistent Organic Pollutants (the Stockholm Convention) is a global treaty to protect human health and the environment from organic chemicals that remain intact in the environment for long periods.³⁹

PFOS chemicals were added to the Stockholm Convention in 2009 due to increasing concern over their negative health and environmental impacts. Australia is a party to the Stockholm Convention but has not ratified this amendment.

The government response supported ratification of the amendment in principle but noted that the Australian Government is responsible for leading the ratification of international treaties.

The Australian Government Department of the Environment and Energy (DOEE) led a RIS consultation process to inform a decision on the ratification of changes made to Annex B of the Stockholm Convention regarding PFOS chemicals. The RIS proposed options for a national phase out of the PFOS chemicals added to Annex B. DOEE released the consultation RIS document in October 2017 and the consultation period closed in February 2018.

DELWP advised that the Australian Government has now assessed submissions on the consultation RIS, and that to enable ratification to proceed, a statutory mechanism to restrict the use of PFOS is required, in the form of a proposed National Standard for the Environmental Management of Industrial Chemicals (the standard). A draft of the standard was publicly released in November 2016. DELWP and EPA have worked closely with the Australian Government in the standard's development.

The proposed standard would provide a framework for managing the risks that industrial chemicals may pose to the environment. Industrial chemicals would be categorised according to their risk and assigned management measures indicating how these risks should be addressed by chemical manufacturers, suppliers, users and disposers. DELWP advised that PFOS, if scheduled under the standard, could have its use restricted through the standard to reflect Stockholm Convention obligations.

DELWP advised that the standard would need to be given statutory effect through national legislation. States and territories would be responsible for compliance and enforcement of its obligations. In Victoria this would occur using heads of power in the *Environment Protection Amendment Act 2018*.

³⁹ Refer to Appendix B for a definition of the Stockholm Convention on Persistent Organic Pollutants.

If ratification proceeds, DELWP has committed to supporting the implementation of the standard and working with the Australian Government and other states and territories to update the National Implementation Plan.

Finding

IGEM considers this commitment is progressing satisfactorily.

Recommendation 22

That the Victorian Government implement a strategy for ensuring that all relevant regulatory agencies are kept up to date on the latest scientific evidence relating to the risks associated with exposure to hazardous materials and chemicals.

Government commitment:

Continue to support this good practice by highlighting the need for collaboration and information sharing through its regulatory improvement programs, including through Statements of Expectations that ministers provide to regulators within their portfolios.

Lead agency	DTF
Status	Complete

The inquiry observed that scientific evidence on the human health effects of PFAS was rapidly evolving, therefore it was crucial that Victorian regulators kept themselves informed of the latest evidence in the field to avoid making decisions based on outdated information.

The government response acknowledged that all relevant regulators must keep up to date with the latest scientific evidence on risks associated with exposure to hazardous chemicals and materials. It noted that current regulatory practice already required regulators to work together and share relevant information through regulatory improvement programs including:

- the community of practice facilitated by the independent Commissioner for Better Regulation
- the Statements of Expectations that ministers provide to regulators within their portfolios
- policies developed by the Department of Treasury and Finance's Better Regulation Unit to improve the performance of regulators.

Regulators community of practice

The Commissioner for Better Regulation is responsible for convening a community of practice to facilitate information sharing between participating regulators and improve regulatory practice. DTF advised that all Victorian regulators are invited to attend and that regulators leading government commitments in response to the inquiry, such as EPA and WorkSafe, are regular attendees.

Community of practice events are held several times a year. DTF presented at the March 2018 event on the need for regulators to share information on scientific evidence. DTF noted that it remained the obligation of individual regulators to evaluate scientific evidence in the context of their specific regulatory environment before determining whether it should be shared.

Statements of Expectations

Ministers provide Statements of Expectations (SOEs) to regulators within their portfolios to set out the government's priorities and objectives for each regulator and to improve regulatory governance and performance.

The current *Statement of Expectations Framework for Regulators*, endorsed by the government in July 2017, sets out mandatory, recommended and suggested elements of good regulatory practice for inclusion in SOEs.⁴⁰

The framework includes 'cooperation amongst regulators' as a suggested element of good regulatory practice and provides minimum standards and characteristics of best practice for regulators when applying this suggested element (refer to Table 3).

These standards can be referenced in SOEs and in regulators' responses. For example, the previous Minister for Finance's SOE for WorkSafe for 2018–19 states the expectation that WorkSafe continues to work collaboratively with other regulators nationally, and WorkSafe's SOE response outlines a number of initiatives the authority is implementing to strengthen relationships among regulators and improve workplace safety.

Table 3: Good regulatory practice standards for cooperation among regulators

ELEMENTS OF GOOD REGULATORY PRACTICE	MINIMUM STANDARDS	CHARACTERISTICS OF BEST PRACTICE
<p>Cooperation among regulators Sharing information and developing a common understanding of the regulatory context promotes regulatory coherence, capability development and a cooperative compliance culture. Over time, cooperation amongst regulators can strengthen the legitimacy of regulation and improve regulatory outcomes.</p>	<ul style="list-style-type: none"> Regulators come together to identify good practice and share lessons. Regulator has considered and explored ways to facilitate data sharing. Regulator performance is benchmarked. 	<ul style="list-style-type: none"> The regulator engages and coordinates on a regular basis with other regulators whose regulated parties overlap with their own. Regulatory practices are streamlined between regulators (for example, information is only required to be provided to government once and that data is shared between regulators).

Source: DTF

DTF guidance for regulators via the community of practice has communicated that an overarching objective of the framework is to support information sharing between regulators. IGEM observed DTF's presentation at the March 2019 event, where DTF noted a positive of the framework was its articulation of best practice including the sharing of information between regulators.

Overall, IGEM considers that DTF through its regulatory improvement programs has highlighted the importance of collaboration and information sharing between regulators. IGEM does however note a limitation of DTF's regulatory improvement programs, in that 'Cooperation among regulators' is included as only a suggested element of regulatory good practice in the framework, rather than as a mandatory or recommended element.

IGEM notes that DTF's regulatory improvement programs are intended to support regulators' own arrangements for working together and sharing information:

- WorkSafe had advised IGEM that it works collaboratively with EPA to share information in relation to PFAS as it becomes available. The 2017 Memorandum of Understanding (MOU) between WorkSafe and EPA⁴¹ includes as a shared objective for the regulators: 'To agree parameters and processes for the efficient sharing of information between the parties wherever possible'. The MOU also records the parties' agreement and undertaking to share information which may be useful in identifying areas of common concern or risk (subject to certain privacy, confidentiality and public interest restrictions).

⁴⁰ Available at www.dtf.vic.gov.au/reducing-regulatory-burden/statement-expectations-regulators.

⁴¹ Available at www.worksafe.vic.gov.au/resources/memorandum-understanding-worksafe-victoria-and-environment-protection-authority.

- EPA collaborates with other regulators via an Interagency Working Group on Emerging Contaminants in Biota to better understand the risks of exposure to PFAS. The working group oversees a program to understand the extent of emerging contaminants, including PFAS, in waterfowl and recreationally caught fish in Victoria – this includes analysis of PFAS sampling in biota (fish and ducks) and the ambient environment (water, soils and sediment). Participating regulators include Parks Victoria, the Game Management Authority and the Victorian Fisheries Authority.⁴² EPA shares updates and results from the studies via its website.⁴³
- EPA is also undertaking work with Agriculture Victoria to assess and better understand the distribution and elimination of PFOS in livestock. EPA advised that it is also working with Agriculture Victoria on the adequacy of the risk assessment models in use with respect to agriculture.

Since this commitment was made, IGEM has observed DTF's continued emphasis on the importance of regulators working together and sharing information, along with evidence of information sharing and collaboration between relevant regulatory agencies. IGEM therefore considers that the commitment has been addressed.

IGEM also notes that the *Environment Protection Amendment Act 2018* promotes information sharing where appropriate, including through section 452(d), which provides that EPA may collect or use information from, or disclose information to, another government agency if necessary for research, and if in the public interest.

Finding

IGEM considers this commitment has been implemented.

Recommendation 23

That the Victorian Government take a lead role in identifying safe levels of PFCs for water and soil in Australia.

Government commitment:

Continue to provide input (to the Commonwealth Government) into the development of such standards, while appropriately implementing them through its legislative and policy framework.

Lead agency	EPA
Status	Complete

The inquiry found that standards for safe levels of PFAS in water, soil, food and human blood had not been established in Australia, reflecting a lack of scientific evidence as to what levels of PFAS pose a threat to human health. The absence of standards made it hard for regulators to monitor threats effectively.

The government supported Recommendation 23 in principle but noted that the Australian Government was responsible for determining nationally consistent standards. The government committed to continue to provide input into the development of these standards and implement them through its legislative and policy framework.

⁴² Other working group members include the Department of Jobs, Precincts and Regions (DJPR), the Department of Health and Human Services (DHHS) and the Arthur Rylah Institute for Environmental Research.

⁴³ Refer to www.epa.vic.gov.au/about-us/news-centre/news-and-updates.

The Victorian Minister for Energy, Environment and Climate Change endorsed the first PFAS National Environment Management Plan (NEMP) in February 2018, alongside other Australian environment ministers.⁴⁴ IGEM's 2018 progress report noted EPA's significant role in the development of the NEMP through the Heads of EPAs Australia and New Zealand (HEPA).

The NEMP is a key tool for identifying safe levels of PFAS for soil and water in Australia. The NEMP guides environmental regulators in their regulation of PFAS contaminated sites, PFAS contaminated materials, and products containing PFAS where applicable. The NEMP includes the following values:

- health-based guidance values for use in site investigations
- soil criteria for investigation: human health-based guidance values
- soil criteria for investigation: ecological guideline values.⁴⁵

EPA has now appropriately implemented the NEMP within its existing legislative and policy framework to regulate PFAS contamination – an August 2018 *Interim Position Statement on PFAS* records that EPA has adopted the NEMP for Victoria.

EPA has provided IGEM with copies of pollution abatement notices issued under the *Environment Protection Act 1970* – these notices demonstrate EPA's assessment of soil, groundwater and freshwater PFAS monitoring results against values in the NEMP when determining whether a duty holder has caused pollution to occur.

Meanwhile, EPA has continued to provide input into the ongoing development of the NEMP, in line with HEPA's intention that it be an evolving document. HEPA has clarified and expanded the guidance in the NEMP and released a draft NEMP 2.0 for public consultation between March and May 2019. EPA hosted a public information session in Melbourne on the draft NEMP 2.0 and has made the document available on its website.⁴⁶

New material in the draft NEMP 2.0 includes:

- updates to the soil criteria for PFAS to ensure they are appropriate for Australian conditions
- new guidance on the reuse of soil
- initial guidance on the management of PFAS in wastewater
- new on-site storage and containment guidance for PFAS-containing products and materials.

EPA's website states that HEPA will undertake a comprehensive review of the NEMP in 2023.

Finding

IGEM considers this commitment has been implemented.

⁴⁴ The NEMP is available at www.epa.vic.gov.au/PFAS_NMP.

⁴⁵ Health-based guidance values and human health-based guidance values are the same as health reference values. Refer to Appendix B for a definition of health reference values.

⁴⁶ Refer to www.epa.vic.gov.au/your-environment/land-and-groundwater/pfas-in-victoria/pfas-nemp-2-0.

Recommendation 27

That the Victorian Government monitor PFC levels in all firefighters in Victoria accompanied by appropriate health advice and current research.

Government commitment:

The First Responder Health Program will be an opt-in/voluntary program to complement existing mental and physical health and wellbeing programs and champion preventative and early intervention strategies. It is proposed to include:

- enhanced or additional programs to test, monitor and provide First Responder health services, (including those related to PFC levels)
- an online portal to enhance information and web-support for health and wellbeing.

Lead agency	EMV
Status	Ongoing

The inquiry recommended that the government monitor PFAS levels in all firefighters in Victoria accompanied by appropriate health advice and research.

The government supported the recommendation in principle and committed to developing a voluntary program to improve health and wellbeing outcomes for first responders.

The government commitment proposed that the program include:

- enhanced or additional programs to test, monitor and provide first responder health services, including those related to PFAS levels
- an online portal to enhance information and support for health and wellbeing.

Development of a first responder health program also forms part of the government response to two independent reviews – the 2015 Victorian Fire Services Review and the 2016 Review of the Hazelwood Long Term Health Study.⁴⁷

In 2017 the then Minister for Emergency Services endorsed two initial priorities for an Emergency Responder Health Program:

- the completion of a feasibility study to identify gaps in the existing mental and physical health services offered by CFA, MFB and Victoria State Emergency Service (VICSES)
- the development and delivery of a web-based program for emergency responders to access tailored health information.

EMV has secured funding for the program through to 2021–22.

Web-based program for emergency responders to access tailored health information

EMV has identified through consultation with responder agencies that a new web-based program to access tailored health information is not necessary as an existing health and wellbeing app, 'Let Me Know', already provides the relevant functions for emergency responders to access tailored health information. Developed by the Let Me Know Foundation, the app was launched for MFB firefighters in 2018 and for CFA firefighters in 2019⁴⁸. It allows users to track their mental health and wellbeing, provides tools to assist them in managing their mental health and wellbeing and directs them to support channels where necessary.

⁴⁷ The reviews and government responses are available via engage.vic.gov.au/fire-services-review and www2.health.vic.gov.au/emergencies/hazelwood/health-study.

⁴⁸ Refer to www.letmeknow.org.au/. The Let Me Know app performs similar functions to the Equipt app available to VicPol members.

In May 2019 the Minister for Police and Emergency Services approved EMV working with the Let Me Know Foundation, Ambulance Victoria (AV) and VICSES to provide modified versions of the app to AV and VICSES employees and volunteers. Rollout of the modified versions is planned for September 2019.

Feasibility study to identify gaps in existing mental and physical health services

Since the initial priorities were endorsed, the analysis has expanded to include mental and physical health services offered by AV and Victoria Police within its scope. EMV advised that its analysis will be informed by WorkSafe advice on what a best practice service offering for emergency responders looks like, and that it will consider the adequacy of PFAS monitoring services.

EMV plans to submit the results of its analysis and make recommendations to government for consideration in September 2019.

Finding

IGEM considers this commitment is progressing satisfactorily.

Recommendation 28

That the Victorian Government as a matter of urgency purchase a new site in the Ballan area for construction of a new firefighting training centre, managed by the CFA, with occupational health and safety compliance managed by the Emergency Management Victoria Inspectorate (in accordance with Recommendation 12 in Chapter 5).

Government commitment:

The CFA received \$34.8 million in the 2016–17 State Budget to acquire land and develop a new Central Highlands Training Campus and upgrade the existing Huntly Campus for specialist fire investigation training. The works are scheduled to be completed over three years.

CFA has conducted an extensive process to identify and secure a suitable site for the new Central Highlands Campus. It will begin detailed planning for the campus once suitable land has been acquired.

The Minister for Emergency Services has also asked IGEM to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. IGEM will work closely with WorkSafe to ensure the roles of each are complementary.

Lead agency	CFA
Status	Ongoing

This commitment refers to the development and implementation of an assurance framework by IGEM, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. This activity is reported under Recommendation 12.

The inquiry found that Fiskville's closure in March 2015 significantly impacted Victoria's capacity to train firefighters and other emergency services personnel and meant that trainees in Western Victoria had to travel further to access training.

The government supported Recommendation 28 and allocated CFA \$34.8 million in the 2016–17 State Budget for a new Central Highlands training centre and to upgrade the existing Huntly training centre for specialist fire investigation training.

CFA established the Central Highlands – New Training Facilities Program to deliver the two initiatives. CFA report monthly to a steering committee on the program. The steering committee provides project governance, oversight and leadership.

Central Highlands

IGEM's 2018 progress report outlined that CFA had acquired land for the new training centre and developed a project scoping brief and master site plan. IGEM reported that CFA expected the new training centre to be complete by 2020. CFA advised that completion is now expected by December 2021, due to the need to consult on changes to the project scope.

CFA awarded the contract for civil works, buildings and site infrastructure in early April 2019 with construction commencing at the end of that month.

Huntly

IGEM's 2018 progress report outlined that CFA had begun procurement for the upgrade of the Huntly training centre, including construction of a fire investigation unit and associated support buildings.



Thermal oxidiser and water tanks at Huntly fire investigation unit (Source: CFA)

The Huntly upgrade includes several environmental improvements:

- The fire investigation unit includes a thermal oxidiser, which will capture all smoke emitted and reburn it to break down toxic smoke emissions – consequently only carbon dioxide will be emitted into the environment. At Fiskville, the smoke from fire investigation burns went directly into the atmosphere.
- Water from the fire investigation unit will be collected and pumped into tanks for disposal off site. At Fiskville, water used in the fire investigation area went to on-site storage basins.

CFA completed construction of the fire investigation unit in November 2018, and associated support buildings in April 2019, apart from the remediation of minor defects identified through post-construction inspections.

CFA intends to confirm the operational performance of the thermal oxidiser through testing planned for late May 2019. CFA expects to receive the test results in late June 2019.

Finding

IGEM considers this commitment is progressing satisfactorily.

Recommendation 31

That the Victorian Government establish a dedicated redress scheme for Fiskville affected persons and ensure:

- (a) That a register of Fiskville affected persons is created
- (b) That the scheme is developed in consultation with Fiskville affected persons
- (c) That a time line for implementation is developed
- (d) That there is broad eligibility including people from neighbouring properties and other nearby sites
- (e) That there is a low evidentiary requirement so that it is not onerous for people to access, reflecting the fact that supporting records may be difficult for some people to produce
- (f) That a range of redress options exist, such as access to health services, a financial payment, and / or a meaningful apology
- (g) That there is robust administration of the scheme independent of the CFA
- (h) That the CFA's required operational capacity is not affected by any redress scheme.

Government commitment:

Examination of the many complex issues associated with a redress scheme, including appropriate funding arrangements. The issues examined will include:

- eligibility issues that face redress schemes
- how any redress scheme would interact with other schemes and legal rights
- the form, administration and duration of redress schemes (adopted in other jurisdictions, including
- the types of redress that are offered and considered effective)
- resourcing.

Lead agency	EMV
Status	Ongoing

The inquiry made several findings in relation to justice for Fiskville's victims, including that:

- people harmed by unsafe training practices at Fiskville have the right to justice
- Fiskville contamination affects a wider group of people beyond those engaged in firefighter training
- justice means something different to each of Fiskville's victims, but in most cases means more than monetary compensation
- existing avenues of compensation are inadequate for most people affected by Fiskville.⁴⁹

⁴⁹ Refer to Appendix B for a definition of Fiskville affected persons.

The inquiry considered that a dedicated redress scheme for people affected by Fiskville was justified and recommended that the government establish a scheme.

The government response supported the recommendation in principle, and committed to examining the many complex issues associated with a redress scheme, including:

- eligibility issues that face redress schemes
- how any redress scheme would interact with other schemes and legal rights
- the form, administration and duration of redress schemes adopted in other jurisdictions, including the types of redress that are offered and considered effective
- resourcing.

IGEM has reviewed confidential internal documentation provided by EMV and considers that it is well advanced in its examination of the issues associated with a redress scheme. EMV is continuing to provide advice to the government on these issues.

Finding

IGEM considers this commitment is progressing satisfactorily.



Design concept for the Victorian Emergency Services Memorial – Treasury Gardens, Melbourne (Image: rush\wright associates)

5 Concluding remarks

IGEM commends the continued progress that departments and agencies have made in implementing the government commitments in response to the inquiry.

IGEM considers that six commitments have been completed in the period covered by this report, May 2018 to April 2019. This is in addition to the 16 commitments that IGEM reported as completed in its 2018 progress report. Overall, significant progress has been made in addressing the important issues of environmental regulation, public health and workplace safety raised by the inquiry. IGEM considers that nine commitments remain ongoing.

During the period covered by this report, key achievements include the introduction of a new legislative framework for the protection of human health and the environment from pollution and waste. DELWP and EPA also developed and launched the Victoria Unearthed website to assist Victorians in identifying potentially contaminated land.

IGEM notes the continued contribution that government departments and agencies have made to the development of national standards for monitoring PFAS and regulating its uses.

IGEM recognises CFA's efforts since the inquiry towards ensuring its training centres provide a safe workplace for firefighter training. CFA has also commenced construction of a new Central Highlands training centre to meet firefighter training demand.

Work continues to progress on remediation of the Fiskville site and environmental clean-up and improvement activities across CFA training centres. The development of new tools and regulations to strengthen environmental regulation and the management of potentially contaminated sites is also ongoing, as are commitments that relate to the emergency responder health program and redress for Fiskville affected persons.

IGEM will continue to monitor the implementation of the nine commitments assessed as ongoing in this report.

6 Appendices

Appendix A: Summary of implementation progress of government commitments

Table 4: Status of all government commitments in response to the Inquiry into the CFA Training College at Fiskville

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p>1a Provide an update on Departmental and agency compliance with the directive from the Secretary of the Department of Premier and Cabinet (as set out in the Government’s response to the Interim Report) to provide individuals with access to records and documents relating to their involvement at Fiskville.</p>		
<p>Government commitment: As part of the interim response, on 15 October 2015, the Secretary of DPC wrote to the secretaries of other departments to ensure that any person requesting documents relating to their involvement at Fiskville was provided with access to those documents as soon as possible. On 27 July 2016, the Secretary DPC wrote a further letter to department heads requesting an update on ‘the number of information requests received by departments and their relevant portfolio agencies, relating to individuals’ experiences at Fiskville; and the status of those requests’. All departments responded.</p>	DPC	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>1b Provide an assessment of the CFA’s compliance with the Model Litigant Guidelines when people seek access to documents.</p>		
<p>Government commitment: The government will ask Crown Counsel to assess CFA’s compliance with those Guidelines in relation to its provisions of documents relating to Fiskville sought by the Committee. The Government will advise the Committee of the results of the assessment.</p>	EMV	Complete
<p>Finding: IGEM considers this recommendation has been implemented. IGEM notes that the commitment was not implemented as alternative action was taken to address the recommendation.</p>		
<p>1c Provide an assessment of the Victorian Government Solicitor’s Officer’s compliance with both the Secretary’s directive and the Model Litigant Guidelines.</p>		
<p>Government commitment: No action required—commitment was to act in accordance with model litigant guidelines.</p>	EMV	Closed
<p>Finding: IGEM considers this commitment is closed as no activity was planned.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p>2 That the Victorian Government amend the Model Litigant Guidelines on the State of Victoria’s Obligation to Act as a Model Litigant so that the Guidelines extend to the conduct of Departments, agencies and their legal representatives’ dealings with Parliamentary Committees, particularly when conducting a document discovery process.</p>		
<p>Government commitment: Support in part noting Recommendation 3 is a more appropriate avenue to address this recommendation. The government is currently revising and updating its Guidelines for Appearing Before State Parliamentary Committees to reflect relevant principles of the Model Litigant Guidelines. (Relevant to Recommendation 3).</p>	DPC	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>3 That the Department of Premier and Cabinet amend the Guidelines for Appearing Before State Parliamentary Committees so that they contain some standards for conduct when a Parliamentary Committee requests information and documents. The standards should reflect relevant principles contained in the Model Litigant Guidelines.</p>		
<p>Government commitment: The government is currently revising and updating its Guidelines for Appearing Before State Parliamentary Committees to reflect relevant principles of the Model Litigant Guidelines.</p>	DPC	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>4 That the Victorian Government offer all students and teachers who attended Fiskville State School the opportunity to participate in a health study on the effects of contamination at Fiskville.</p>		
<p>Government commitment: Investigation of the best way to contact past students and staff to ensure they have the opportunity to participate in any relevant health program.</p>	DET	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>5 That the Victorian Government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.</p>		
<p>Government commitment: In the context of Fiskville and environmental compliance more broadly, the Government Response to the Independent Inquiry into the Environment Protection Authority (EPA) (released on 17 January 2017) supported a number of recommendations made by the EPA Inquiry to improve the regulator’s ability to hold polluters to account, including a commitment to expand the range, and increase the severity of, sanctions. Currently, EPA approvals and licences contain conditions requiring the recipient to maintain records. Failure to comply is a breach of the licence or approval and may result in a sanction under the <i>Environment Protection Act 1970</i> (EP Act). Similarly, some regulations also have requirements to maintain records and have specific sanctions associated with a failure to comply with them. Penalties for record keeping offences are also being considered as part of the review of the Occupational Health and Safety Regulations 2007.</p>	DELWP	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>6 That the Victorian Government introduce potable water as standard for firefighting training water to be complied with at all firefighting training facilities.</p>		
<p>Government commitment: Implementation of any necessary additional treatment processes required to improve training water at all training centres to ensure it is of a standard that is safe for training use and consistent with requirements under any relevant enterprise agreements.</p>	CFA	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p>7 That EPA Victoria conduct regular environmental testing of firefighting training facilities across Victoria ensuring records are properly maintained for future use.</p>		
<p>Government commitment: The environmental duty holder (usually the occupier of the land) is responsible for testing its facilities against relevant standards and for maintaining the required records. EPA is responsible for enforcing these standards. EPA has issued clean-up notices to CFA for all seven of its Regional Training Centres, including Fiskville, and continues to provide public updates on the progress of this work. Under the terms of the clean-up notices for the CFA training centres, CFA is required to undertake environmental testing of the facilities, site upgrades, clean-up where necessary and, in particular cases, EPA has appointed environmental auditors to verify this work. Recommendations of the Independent Inquiry into the EPA to strengthen EPA's ability to require preventative action are discussed further under Recommendation 16 of this report.</p>	EPA	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		
<p>8 That the Victorian Government audit all CFA training facilities to assess their capacities, capabilities and infrastructure needs to ensure a safe workplace that meets firefighter training demand.</p>		
<p>Government commitment: The government will ask the CFA, assisted by advice and support from WorkSafe, to include an assessment of its capacities, capabilities and infrastructure needs in its audit of its OHS management systems (discussed in the response to Recommendation 10) to ensure a safe workplace that meets firefighter training demand.</p>	CFA	Complete
<p>Finding: IGEM notes that while the commitment was not implemented as planned, it considers alternative action has been implemented that addresses the recommendation and commitment.</p>		
<p>9 That the CFA contact the driver who was exposed to chemicals in the early 2002 drums incident, ascertain his current state of health and offer him the opportunity to participate in its health surveillance program.</p>		
<p>Government commitment: Identification of the driver referred and if identified offering him support services and participation in the health surveillance program.</p>	CFA	Closed
<p>Finding: IGEM acknowledges CFA's advice on the activity undertaken on this commitment and that no further activity is planned.</p>		
<p>10 That the Victorian Government conduct an audit of CFA occupational health policies— both those by the CFA Board and those recommended by external reviews—to determine if they have been implemented effectively throughout the organisation.</p>		
<p>Government commitment: Cross-reference to the response to Recommendation 8. CFA is already taking action to improve its health and safety culture and practice, such as undertaking a complete review of its management system to meet the certification requirements of AS4801 and ISO14001. The newly appointed CFA Board is overseeing the audits to ensure compliance with its obligations under the WorkSafe statutory scheme to satisfy itself as to the effectiveness of its safety systems as well as determine what systems and processes may be most appropriate in each circumstance.</p>	CFA	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p>11 That the CFA review its occupational health and safety management structure.</p>		
<p>Government commitment: CFA has developed an enhanced Health, Safety and Environment Work Plan over the last 12 months to meet its legacy, current and emerging health, safety and environment risk requirements. The development of this plan was supported by a structural review, which has seen the addition of 10 health, safety, environment and wellbeing staff, including assurance and environment specialists and the appointment of an executive manager to oversee the Health Safety and Wellbeing team.</p>	CFA	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>12 That the Emergency Management Victoria Inspectorate be given responsibility for overseeing compliance with occupational health and safety requirements at CFA training facilities.</p>		
<p>Government commitment: The Minister for Emergency Services has asked IGEM to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. IGEM will conduct this complementary monitoring role in close consultation with WorkSafe and in accordance with IGEM's legislative assurance functions.</p>	IGEM	Ongoing
<p>Finding: IGEM self-assesses that this commitment is progressing satisfactorily.</p>		
<p>13 That the Victorian Government amend the Occupational Health and Safety Act 2004 to require WorkSafe to include in its annual report under section 131(6): (a) The number of cases in which WorkSafe fails to meet the three month time limit in section 131(2) (b) In each such case, the time the investigation has taken and the reason why WorkSafe was unable to meet the deadline. In addition, WorkSafe should be required to report to the responsible Minister in each case it fails to meet the deadline imposed by section 131(2). A copy of the report should be provided to the applicant.</p>		
<p>Government commitment: WorkSafe to undertake further assessment to establish whether the provisions contained in the OHS Act and, in particular, the mandated time period under section 131(2), is practical and in line with the purposes of the Act and the achievement of good safety outcomes.</p>	WorkSafe	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>14 That whenever feasible, WorkSafe should reduce its reliance on reports by consultants engaged by employers it is investigating and should utilise its statutory powers to conduct its own tests where relevant.</p>		
<p>Government commitment: Where feasible, WorkSafe should minimise its reliance on reports by consultants engaged by employers it is investigating and should use its statutory powers to conduct its own tests where relevant.</p>	WorkSafe	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
<p>15 That the Victorian Government examine laws in the United States of America and elsewhere requiring companies to provide regulatory agencies with any internal studies that produce results of concern for public health, with a view to amending Victorian law to impose similar reporting requirements.</p>		
<p>Government commitment: Investigation of laws that require companies to provide internal studies that produce results of concern for public and worker health.</p>	WorkSafe	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
16 That the Victorian Government confirm that EPA Victoria currently has powers under its Act to take pre-emptive action to prevent pollution.		
<p>Government commitment: The report of the EPA Inquiry (published in March 2016) identified critical gaps in the EPA's regulatory toolkit and found that some instruments will need strengthening to more effectively prevent pollution. The EPA Inquiry recommended introduction of a general preventative duty to minimise harm to human health and the environment—the government supported this recommendation. The inquiry also recommended expanding the cohort of activities requiring a works approval or licence (key tools in the preventive approach to environment protection) from EPA—the government supported this recommendation in principle. Any expansion to the cohort of licensed facilities would need to consider whether works approvals and licenses are the most appropriate tools within the wider range of tools being developed as part of the government response to the inquiry.</p>	DELWP	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		
17 The Committee re-affirms its view that the Victorian Government ensure a resolution to the Lloyds' case forthwith.		
<p>Government commitment: No further action required. The matter has been settled on a confidential basis.</p>	EMV	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
18 That the Victorian Government investigate the development of a Maximum Residue Limit for PFOS and other PFCs.		
<p>Government commitment: The Victorian Government, through DHHS, contributed to the national workshop to review overseas standards and draft Australian human health toxicity reference values for PFOS and PFOA.</p>	DHHS	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
19 That the Victorian Government establish a framework to ensure that the management of a contaminated site such as Fiskville has the necessary leadership to ensure that the polluter and regulators are responsive, meeting legislative requirements and timelines, and taking the required steps to consult with affected individuals, assess the contamination and implement a timely remediation plan.		
<p>Government commitment: The environmental auditing process set up through the EP Act provides an independent framework for assessing site contamination and developing contamination management plans. EPA administers this system, which includes appointing environmental auditors and reviewing audits undertaken. In addition, a Ministerial Direction concerning 'Potentially Contaminated Land' requires planning authorities (including local government) to be satisfied that the environmental conditions of land for potential sensitive use is suitable for that use when preparing planning scheme amendments. Further, the EPA Inquiry made recommendations to improve the management of legacy contamination risks, including:</p> <ul style="list-style-type: none"> • development of a comprehensive statewide database of potentially contaminated sites that pose a high risk to community because of their past use • strengthening the integration of planning and environmental regulation of legacy contamination to position the EPA and planning decision-makers to identify and consistently screen potentially contaminated sites according to risk. <p>These recommendations were both supported by the government response to the EPA Inquiry. As noted in the government response to Recommendation 16, the EPA Inquiry also recommended a stronger (environmental) preventative regulatory tool kit. If supported by government, this could expand the application of EPA regulation to sites that are not presently covered.</p>	DELWP	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
20 That Emergency Management Victoria urgently publish the remaining two parts of the operational standards required under section 48 of the Emergency Management Act 2013.		
Government commitment: Publication of performance standards.	EMV	Complete
Finding: IGEM considers this commitment has been implemented.		
21 That the Victorian Government lead Government action to support the expeditious ratifying of changes made to Appendix B of the Stockholm Convention on Persistent Organic Pollutants.		
Government commitment: Seek assurance from the Commonwealth Government that it will complete the RIS process and take actions to ratify the 2009 amendment decision. If and when the amendment decision is ratified, work with the Commonwealth, other states and territories to update the National Implementation Plan under the Convention and to develop any legislative amendments that may be required in Victoria to bring this into effect.	DELWP	Ongoing
Finding: IGEM considers this commitment is progressing satisfactorily.		
22 That the Victorian Government implement a strategy for ensuring that all relevant regulatory agencies are kept up to date on the latest scientific evidence relating to the risks associated with exposure to hazardous materials and chemicals.		
Government commitment: Continue to support this good practice by highlighting the need for collaboration and information sharing through its regulatory improvement programs, including through Statements of Expectations that Ministers provide to regulators within their portfolios.	DTF	Complete
Finding: IGEM considers this commitment has been implemented.		
23 That the Victorian Government take a lead role in identifying safe levels of PFCs for water and soil in Australia.		
Government commitment: Continue to provide input (to the Commonwealth Government) into the development of such standards, while appropriately implementing them through its legislative and policy framework.	EPA	Complete
Finding: IGEM considers this commitment has been implemented.		
24 That the Victorian Government investigate the use of biomonitoring to assist with research into the health effects of exposure to PFCs. The PFC testing that has already been done at Fiskville could inform a new biomonitoring program.		
Government commitment: The appropriate action needs to be clarified as the Response stated that monitoring more broadly is not warranted.	DHHS	Complete
Finding: IGEM considers this commitment has been implemented.		
25 That the Victorian Government take the lead at the COAG Health Council in recommending a greater use of human biomonitoring across Australia.		
Government commitment: Formally request that COAG Health Council considers establishing a national human biomonitoring program in Australia.	DHHS	Complete
Finding: IGEM considers this commitment has been implemented.		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
26 That the Victorian Government invite the German Environment Agency to brief Victorian health and environment regulators about the latest evidence regarding PFCs and human health.		
<p>Government commitment: EPA Victoria is currently working with other environmental regulators, through the HEPA and the Cooperative Research Centre for Contamination Assessment and Remediation of the Environment, to develop and convene a summit and conference of invited international experts in the field of PFCs and PFC contamination, including representatives from the German Environment Agency. The summit is proposed for March 2017.</p>	EPA	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
27 That the Victorian Government monitor PFC levels in all firefighters in Victoria accompanied by appropriate health advice and current research.		
<p>Government commitment: The First Responder Health Program will be an opt-in/voluntary program to complement existing mental and physical health and wellbeing programs and champion preventative and early intervention strategies. It is proposed to include:</p> <ul style="list-style-type: none"> enhanced or additional programs to test, monitor and provide First Responder health services, (including those related to PFC levels) an online portal to enhance information and web-support for health and wellbeing. 	EMV	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		
28 That the Victorian Government as a matter of urgency purchase a new site in the Ballan area for construction of a new firefighting training centre, managed by the CFA, with occupational health and safety compliance managed by the Emergency Management Victoria Inspectorate (in accordance with Recommendation 12 in Chapter 5).		
<p>Government commitment: The CFA received \$34.8 million in the 2016–17 State Budget to acquire land and develop a new Central Highlands Training Campus and upgrade the existing Huntly Campus for specialist fire investigation training. The works are scheduled to be completed over three years. CFA has conducted an extensive process to identify and secure a suitable site for the new Central Highlands Campus. CFA will begin detailed planning for the new Central Highlands Campus once suitable land has been acquired. The Minister for Emergency Services has also asked IGEM to develop and implement an assurance framework, including a monitoring regime that considers the safety of the operations of Victoria's emergency management training facilities. IGEM will work closely with WorkSafe to ensure the roles of each are complementary.</p>	CFA	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		
29 That, in recognition of the closure of the Fiskville site and the need for a new 'spiritual home' for the CFA, the Victorian Government in consultation with CFA members fund the relocation of the firefighters' Memorial Wall at a suitable and easily accessible location.		
<p>Government commitment: CFA will continue to engage with families and brigades over the next six months with the aim of having the Annual CFA Memorial Service for Firefighters in May 2017 held at the new site. Construction is planned to commence in 2017.</p>	CFA	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		
30 That the Victorian Government update the proclaimed disease schedule in light of changes in disease schedules that have been made in other jurisdictions.		
<p>Government commitment: WorkSafe is close to finalising its advice to government about whether the current Victorian proclaimed disease schedule to the <i>Workplace Injury Rehabilitation and Compensation Act 2013</i> (WIRC Act) needs updating.</p>	WorkSafe	Complete
<p>Finding: IGEM considers this commitment has been implemented.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p>31 That the Victorian Government establish a dedicated redress scheme for Fiskville affected persons and ensure:</p> <ul style="list-style-type: none"> (a) That a register of Fiskville affected persons is created (b) That the scheme is developed in consultation with Fiskville affected persons (c) That a timeline for implementation is developed (d) That there is broad eligibility including people from neighbouring properties and other nearby sites (e) That there is a low evidentiary requirement so that it is not onerous for people to access, reflecting the fact that supporting records may be difficult for some people to produce (f) That a range of redress options exist, such as access to health services, a financial payment, and / or a meaningful apology (g) That there is robust administration of the scheme independent of the CFA (h) That the CFA's required operational capacity is not affected by any redress scheme. 		
<p>Government commitment: Examination of the many complex issues associated with a redress scheme, including appropriate funding arrangements. The issues examined will include:</p> <ul style="list-style-type: none"> • eligibility issues that face redress schemes • how any redress scheme would interact with other schemes and legal rights • the form, administration and duration of redress schemes (adopted in other jurisdictions, including the types of redress that are offered and considered effective) • resourcing. 	EMV	Ongoing
<p>Finding: IGEM considers this commitment is progressing satisfactorily.</p>		

Appendix B: Glossary

TERM	DEFINITION
53V audit	<p>A 53V ('risk of harm') audit is most commonly used by EPA to understand the risk to the environment posed by an industrial activity or to validate that clean-up of contaminated land or groundwater has occurred.</p> <p>The 53V audit assesses the risk of any possible harm to a site caused by an industrial process or activity, waste substance or noise. This includes audits associated with the construction and operation of landfills.</p> <p>A 53V audit can be used to demonstrate compliance with an EPA licence or to assess the remaining contamination on a site to support the scope of a clean-up plan.</p> <p>A 53V audit can be required by a planning authority (local government) when there is a planning permit application relating to a site located in a landfill buffer zone.</p>
53X audit	<p>A 53X ('condition of the environment') audit is most frequently used by the planning system and verifies that potentially contaminated land can be used for a specific use (industrial, commercial or residential). From a 53X audit comes either a certificate or statement of environmental audit.</p> <p>Generally, a 53X audit is required when land proposed for a new use is potentially contaminated or already covered by an environmental audit overlay (EAO) within a planning scheme. An example of this might be the construction of residential buildings on former industrial land. The audit may be required by local government to satisfy a planning permit or undertaken voluntarily to satisfy commercial due-diligence requirements.</p> <p>The auditor undertakes an assessment of the condition of the land, gathering information about the site, including its history of use, sampling and analysis of the soil (and sometimes groundwater, surface water and air).</p>
Clean-up notice	<p>Clean-up notices are issued by EPA under section 31A of the <i>Environment Protection Act 1970</i>. Each clean up notice is based on EPA inspection of the site and a targeted environmental site assessment containing test results prepared by an environmental consultancy. They require the recipient to undertake works or activities as detailed in the notice and include timelines for further assessment, management, and reporting of any contamination.</p>
Environmental duty holder	<p>A person responsible for complying with a requirement (usually the occupier of the land). All duty holders are accountable to the regulator and the public to prevent and minimise environmental harm.</p>
EPA licence	<p>EPA licences contain standard conditions that aim to control the operation of premises (as defined by the Environment Protection (Scheduled Premises) Regulations 2017) so that there is no adverse effect on the environment. These conditions address areas such as waste acceptance and treatment, air and water discharges, noise and odour. The <i>Environment Protection Act 1970</i> specifies penalties for breaches of licence conditions and for operating a site without a licence.</p>
EPA works approval	<p>Issued by EPA under the <i>Environment Protection Act 1970</i>, works approvals are required for industrial and waste management activities that have the potential for significant environmental impact. A works approval permits plant and equipment to be installed, the operation of which will result in one or more of:</p> <ul style="list-style-type: none"> • the discharge of waste to the environment • an increase in, or alteration to, an existing discharge • a change in the way waste is treated or stored.

TERM	DEFINITION
Fiskville affected persons	<p>The inquiry defined Fiskville affected persons as:</p> <ul style="list-style-type: none"> • firefighters who provided training to others and engaged in training • employees of private companies who provided training to others and engaged in training • employees of other government agencies who provided training to others and engaged in training • families of firefighters who lived at Fiskville • landowners and others who lived in the vicinity of Fiskville • people who attended Fiskville State School.
Health reference values (HRVs)	<p>HRVs come in many forms and are intended to cover a range of exposure scenarios. In the context of the considerations by enHealth of PFAS, the most common HRVs are Tolerable Daily Intakes (TDIs) and Acceptable Daily Intakes (ADIs). ADIs and TDIs are established to represent the maximum intake of a substance, whether naturally occurring or synthetic, that can be ingested by the population every day of their entire lifetime without appreciable risk.</p>
Improvement notice	<p>A written direction from WorkSafe requiring resolution of an issue within a specified time period. A WorkSafe inspector may issue an improvement notice if a provision of the <i>Occupational Health and Safety Act 2004</i> or the Occupational Health and Safety Regulations 2017 is being or has been contravened. The person who receives the notice is responsible for achieving compliance with legislation or dealing with the immediate risk.</p>
Penalty units	<p>Penalty units are used in Victoria's Acts and Regulations to define the amount payable for fines for many offences. <i>The Monetary Units Act 2004</i> sets out how penalty units are set and calculated. The value of a penalty unit is indexed each financial year to rise in line with inflation. Any change to the value of a penalty unit happens on 1 July each year. One penalty unit is \$165.22 from 1 July 2019 to 30 June 2020.</p>
Pollution abatement notice	<p>Pollution abatement notices are issued by EPA under section 31A of the <i>Environment Protection Act 1970</i>. They aim to prevent the further occurrence of pollution or potential environmental risk through the installation of risk controls and changes to on-site processes and practices.</p>
Prohibition notice	<p>A WorkSafe inspector may issue a prohibition notice if an activity is occurring at a workplace that involves or will involve an immediate risk to the health or safety of a person, or an activity may occur at a workplace that, if it occurs, will involve an immediate risk to the health or safety of a person.</p>
Regulation Impact Statement (RIS)	<p>An analytical tool that guides policy development and assists decision-making, prepared by the department, agency or statutory authority responsible for a regulatory proposal likely to impact business or the community. RISs:</p> <ul style="list-style-type: none"> • outline the issue giving rise to a need for regulation • assess the costs and benefits of each possible regulatory option • recommend the most feasible option.
SafeWork Australia	<p>SafeWork Australia is an Australian Government statutory body established in 2008 to develop national policy relating to workplace health and safety and workers' compensation.</p>
Section 29 reviews	<p>CFA brigades undertake an annual review process completed in accordance with section 29 of the <i>Country Fire Authority Act 1958</i>, to provide a better understanding of the strengths of each brigade and where they need additional support.</p>

TERM	DEFINITION
Stockholm Convention on Persistent Organic Pollutants	An international environmental treaty, signed in 2001 and effective from May 2004, that aims to eliminate or restrict the production and use of persistent organic pollutants. In accordance with article 25(4) of the Convention, the Australian Government has declared that any amendment to Annex A, B or C shall enter into force only upon the deposit of Australia's instrument of ratification.
Water management system (WMS)	<p>Comprises the design, construction, commissioning, operation and maintenance of the:</p> <ul style="list-style-type: none"> • extraction of untreated water from the untreated water storage • transfer line from the untreated water storage to the water treatment plant • water treatment plant • transfer line from the water treatment plant to the treated water storage • treated water storage. <p>Associated elements include any electrical, hydraulic, structural and mechanical systems and connections and all monitoring systems, alarms, dosing units, buffer tanks, pumps or pipeline grates, sieves and meshing required to support the management, operations and maintenance of the water management system and the interface and interconnection between the separate elements of the water management system.</p>

Source: Australian Government Department of Health, Australian Government Department of Prime Minister and Cabinet, CFA, EPA, SafeWork Australia, Stockholm Convention.

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