

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

Progress Report

2021



**IGEM**  
Inspector-General  
for Emergency  
Management

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

**February 2022**

ISSN 2652-9025 - Online (pdf / word)

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If you would like to receive this publication in an alternative format telephone (03) 8684 7900 or email [igem@igem.vic.gov.au](mailto:igem@igem.vic.gov.au)

Inspector-General for Emergency Management

GPO Box 4356, Melbourne, Victoria 3001

Telephone: (03) 8684 7900

Email: [igem@igem.vic.gov.au](mailto:igem@igem.vic.gov.au)

This publication is available in PDF format on [igem.vic.gov.au](http://igem.vic.gov.au)

**Implementation of  
government  
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into the CFA Training  
College at Fiskville***

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# Preface

This is my fourth progress report on the Victorian Government's implementation of commitments made in response to the Parliament of Victoria's Inquiry into the Country Fire Authority (CFA) Training College at Fiskville.

Fiskville was the principal CFA firefighter training centre from 1972 to its 2015 closure and formed an iconic part of the state's firefighting history.

The 2016 inquiry concluded that poor occupational health and safety and environmental practices over the course of several decades – including the use of firefighting foams containing harmful per- and polyfluoroalkyl substances (PFAS) – had contaminated Fiskville and were likely to have harmed people's health.

As of August 2020, the government had implemented 27 of the 33 commitments it made in response to the inquiry.

In this report I provide an overview of work undertaken by departments and agencies since August 2020 to implement the final six commitments. I find that one important commitment has been completed, introducing fundamental changes to how pollution, waste and environmental contamination are regulated in Victoria.

I positively note the continuing work of CFA to ensure its training centres use safe water for firefighter training. CFA is also close to completing construction of a new flagship Central Highlands training centre.

I also positively note that rehabilitation of contamination at the Fiskville site has been completed, with ongoing environmental management plans now in place.

I will continue to monitor the five commitments that remain in progress, to provide assurance that the lessons identified by the inquiry are turned into sustainable improvements that benefit Victorians. This includes the proposed redress scheme which is a critical mechanism to help provide justice for people affected by Fiskville.

I commend the cooperation and support provided by CFA, the Department of Environment, Land, Water and Planning, and Emergency Management Victoria in the preparation of this report. The past year has placed significant operational pressures on these organisations, with the COVID-19 pandemic foremost among them, and I acknowledge their dedication and efforts in these challenging circumstances.

Tony Pearce

**Inspector-General for Emergency Management**

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## Acronyms

AV	Ambulance Victoria
CFA	Country Fire Authority
COVID-19	Coronavirus disease
DET	Department of Education and Training
DELWP	Department of Environment, Land, Water and Planning
DJCS	Department of Justice and Community Safety
DPC	Department of Premier and Cabinet
DTF	Department of Treasury and Finance
EMV	Emergency Management Victoria
EPA	Environment Protection Authority Victoria
ERS	Environment Reference Standard
ESF	Emergency Services Foundation
IGEM	Inspector-General for Emergency Management
MFB	Metropolitan Fire and Emergency Services Board
OHS	Occupational health and safety
PFAS	Per- and polyfluoroalkyl substances
PFC	Perfluorinated chemicals
PFOS	Perfluorooctane sulfonate
VEMTC	Victorian Emergency Management Training Centre
VICSES	Victoria State Emergency Service
WMS	Water management system

# Executive summary

Fiskville was the principal Country Fire Authority (CFA) training centre for more than three decades. Located between Ballarat and Melbourne, near the town of Ballan, it was in operation from 1972 until its closure in 2015 due to health and safety concerns – including the health risks posed by per- and polyfluoroalkyl substances (PFAS) in the water and foam used for firefighter training.

This is the fourth progress report by the Inspector-General for Emergency Management (IGEM) on the implementation of Victorian Government commitments in response to the 2016 *Inquiry into the CFA Training College at Fiskville* (the inquiry) conducted by the Victorian Parliament's Environment, Natural Resources and Regional Development Committee.

The inquiry made 31 recommendations covering occupational health and safety, environmental regulation, research and monitoring of PFAS health effects, and redress for people affected by Fiskville's contamination.

In December 2016 the Minister for Emergency Services requested that IGEM monitor and report on the work of lead departments and agencies in implementing the 33 commitments made by government in response to the inquiry's recommendations.

This report outlines the implementation progress of the six commitments that remained in progress as of August 2020. It covers activity for the period August 2020 to July 2021 and key developments since then.

IGEM finds that of the six commitments, one is now complete and the other five remain in progress – three of which are progressing satisfactorily. IGEM will continue to monitor implementation of the five commitments that remain in progress. These are led by CFA, Emergency Management Victoria (EMV), the Department of Environment, Land, Water and Planning (DELWP) and the Department of Justice and Community Safety (DJCS).<sup>1</sup>

**Table 1:** Government commitments in progress as of August 2020 and current implementation status

COMMITMENT	GOVERNMENT RESPONSE	REPORTING LEAD	IMPLEMENTATION STATUS
6	Support	CFA	In progress
16	Support in principle	DELWP	Complete
21	Support in principle	DELWP	In progress
27	Support in principle	EMV	In progress
28	Support	CFA	In progress
31	Support in principle	EMV (DJCS from August 2021)	In progress

Appendix A provides details of all 31 inquiry recommendations and 33 government commitments in response, including their current implementation status.

<sup>1</sup> In August 2021 responsibility for delivery and implementation of Commitment 31 was transferred from EMV to the Department of Justice and Community Safety (DJCS).

The past 12 months have continued to present lead departments and agencies with significant operational pressures, with the COVID-19 pandemic foremost among them. IGEM acknowledges the impact this has had on the implementation progress of some commitments and commends the efforts of CFA, DELWP and EMV given the challenges Victoria has faced.

### **Implementation highlights and IGEM findings on the government commitments in progress as of August 2020**

#### **Commitment 6 – CFA**

CFA has progressed the installation of new water management systems (WMS) including new water treatment processes designed to ensure the safety of firefighting training water at the seven CFA-operated Victorian Emergency Management Training Centres (VEMTCs).

The WMS at Penshurst and Wangaratta were completed in August 2020 and October 2020 respectively. The remaining VEMTCs have received either conditional approval or approval of their detailed design package for new WMS. Construction is due to be completed at all sites by April 2022. A range of related infrastructure works have also been completed across the VEMTCs.

IGEM finds that this commitment is progressing satisfactorily.

#### **Commitment 16 – DELWP**

The inquiry identified shortcomings in the environmental regulation of the site at Fiskville and its report noted conflicting views over whether Environment Protection Authority Victoria (EPA) had a legislative duty to prevent harm to the environment. The government committed to address this through initiatives in response to the 2015–16 Independent Inquiry into the Environment Protection Authority, which had identified critical gaps in EPA's regulatory toolkit and found that some instruments needed strengthening to more effectively prevent pollution.

The *Environment Protection Act 2017* (as amended by the *Environment Protection Amendment Act 2018*) and subordinate legislation, came into effect on 1 July 2021. Developed by DELWP and EPA following extensive public consultation, the new legislation transforms Victoria's environment protection regime from a focus on managing the consequences of pollution to a prevention-based approach.

The general environmental duty is the centrepiece of the new laws which requires all Victorians to take reasonable and practical steps to reduce the human and environmental health risks of their activities.

The new laws also introduce a modernised three-tier permissions framework based on the level of risk to human health and the environment. Permissions work alongside the general environmental duty to ensure that performance standards and conditions are met across a range of commercial and industrial activities. The modernised framework expands the cohort of activities requiring a permission to operate, bringing in activities previously managed under other forms of approval or exemption along with new waste and resource recovery activities.

IGEM finds that this commitment is now complete.

#### **Commitment 21 – DELWP**

Perfluorooctane sulfonate (PFOS) chemicals (a type of PFAS) were added to Appendix B of the Stockholm Convention on Persistent Organic Pollutants in 2009 due to increasing concern over their health and environmental impacts. Australia supported, but has yet to formally ratify, the amendment decision.

If ratification proceeds, Victoria has committed to working with the Australian Government and other states and territories to update the National Implementation Plan under the Convention and develop any Victorian legislative amendments required to bring this into effect.

IGEM finds that this commitment is progressing satisfactorily and notes that a statutory mechanism now exists to restrict PFOS use in Australia<sup>2</sup> – a necessary step to enable ratification to proceed.

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<sup>2</sup> The National Standard for the Environmental Management of Industrial Chemicals enacted by the Australian Parliament in March 2021 via the *Industrial Chemicals Environmental Management (Register) Act 2021*.

### **Commitment 27 – EMV**

The 2018–19 Victorian State Budget allocated funding of \$1.3 million (m) to mental health for emergency services personnel and volunteers over four years.

In order to avoid duplicating other work at the state and national levels, EMV no longer plans to progress an analysis of existing mental and physical health services as part of the Emergency Responder Health Program set up to implement this commitment. EMV continues to engage with the Emergency Services Foundation to support health and wellbeing initiatives for emergency responders.

IGEM notes funding issues in relation to this commitment. EMV has continued to engage with Victoria State Emergency Service (VICSES) on the second aspect of the program – the development of an app for emergency services employees and volunteers to access tailored health information – while these funding issues are resolved.

### **Commitment 28 – CFA**

The 2016–17 Victorian State Budget allocated CFA \$34.8m for a new Central Highlands training centre and upgrades to the existing Huntly training centre.

Civil, building and infrastructure works for the new training centre were completed in February 2021 with the project due for overall completion in December 2021. Completion of a specialist fire investigation unit at Huntly is due in October 2021.

IGEM finds that this commitment is progressing satisfactorily, noting that COVID-19 pandemic restrictions and related issues have impacted on progress across 2020 and 2021.

### **Commitment 31 – EMV**

The 2021–22 Victorian State Budget provides \$19.9m funding over two years to clean-up contaminated sites neighbouring the Fiskville site and begin development of a redress scheme for people affected by Fiskville.

In August 2021 responsibility for delivery and implementation of the redress scheme – the focus of this commitment – was transferred from EMV to DJCS. IGEM notes that the Victorian Government continues to be provided with advice on the redress scheme's development and its design parameters.

IGEM recognises the proposed redress scheme as an important mechanism to help provide justice for people affected by Fiskville and encourages the government to expedite its development and ensure its efficient implementation.

# 1 Introduction

The Inspector-General for Emergency Management (IGEM) was established in 2014 to provide assurance to the Victorian Government and the community regarding emergency management arrangements in Victoria and to foster their continuous improvement.

This is IGEM's fourth progress report on the government's implementation of its commitments in response to the 2016 *Inquiry into the CFA Training College at Fiskville* (the inquiry). The inquiry considered health and safety practices and environmental impacts at Fiskville dating back to the 1970s and made 31 wide-ranging recommendations to government.

IGEM is responsible for reporting to the Minister for Emergency Services (the minister) on the government's progress in implementing the commitments. This report provides a summary of activity for the period August 2020 to July 2021 and key developments since then, in relation to the six commitments that remained in progress as of August 2020.



Penshurst VEMTC (Source: CFA)

## 2 Background

### 2.1 The CFA training college at Fiskville

Fiskville was the principal Country Fire Authority (CFA) firefighter training centre from 1972 to 2015 and formed an iconic part of the state's firefighting history. Located 80 kilometres northwest of Melbourne, over its period of operation it provided thousands of Victorian firefighters with realistic training scenarios reflecting what they would encounter in actual emergencies.

Besides CFA staff and volunteers, it was used by the former Metropolitan Fire and Emergency Services Board (MFB), government departments and agencies, and private companies.

In 2011 media reports emerged in response to concerns raised by some CFA staff about Fiskville's occupational health and safety (OHS) practices and possible links between chemicals present in firefighting foams and training water used at the site and the development of cancers and other diseases.

In March 2015 the CFA Board announced Fiskville's closure due to its inability to guarantee safety at the site. Infrastructure including buildings and props associated with live fire training were demolished between August 2017 and April 2018.

Rehabilitation of contamination at the site was conducted between January 2019 and March 2021. Environmental management plans are now in place with regular site inspections by environmental consultants and the Environment Protection Authority Victoria (EPA) ongoing. CFA will also continue to conduct onsite and offsite water monitoring.

### 2.2 Inquiry into the CFA Training College at Fiskville

The Victorian Government referred an inquiry to the Environment, Natural Resources and Regional Development Committee of Parliament (the parliamentary committee) in December 2014. 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 played by CFA's executive management in relation to health and safety practices. It considered ways to mitigate ongoing harm and provide justice to victims and their families, and it assessed the feasibility of eventually decontaminating the site.

The inquiry report, tabled in Parliament in May 2016, delivered 125 findings and made 31 recommendations on matters including the contamination and remediation of Fiskville, CFA's organisational culture and approach to health and safety, the regulation of Fiskville by WorkSafe Victoria and EPA, and justice for people affected by Fiskville.

The inquiry concluded that poor safety practices – including the use of donated fuels, recirculated water and firefighting foams containing per- and polyfluoroalkyl substances (PFAS) – had contaminated Fiskville and were likely to have harmed people's health. PFAS – formerly known as perfluorinated chemicals or PFC – are a class of manufactured chemical used in the manufacture of products that resist heat, stains, grease and water. PFAS were added to firefighting foam in Victoria due to their effectiveness against liquid fuel fires.

PFAS persist in the environment for a long time and are now the subject of widespread health concerns, with advice provided to the public generally involving minimising exposure.

The inquiry concluded that CFA had failed to act on its knowledge of Fiskville's contamination or inform others, and that this exposed people who lived, worked and trained at Fiskville to unnecessary risk. The inquiry also identified shortcomings in the site's regulation by both WorkSafe and EPA, although it acknowledged that their roles were hampered by CFA's poor recordkeeping and unwillingness to report health and safety incidents.

## 2.3 Government response to the inquiry

The government response supported all the inquiry recommendations in full, in principle, or in part, and was tabled in Parliament in November 2016. The government implementation plan of May 2017 outlined 33 commitments in response to the recommendations, specified the lead department or agency responsible for implementing each commitment, and included the expected completion dates for some commitments.

Some commitments refer to activity completed or in progress at the time of the government response that addresses elements of the recommendation. In terms of planned activity, some of the commitments go beyond the scope of the related recommendation, while others are narrower in scope – for example, where the government supported the recommendation in part.

## 2.4 IGEM's monitoring role

IGEM has legislated objectives to provide assurance to government and the community in respect of emergency management arrangements in Victoria and to foster their continuous improvement. The Inspector-General is a Governor in Council appointment under the *Emergency Management Act 2013* (the Act).

In December 2016 the minister requested that IGEM:

- in accordance with its role under section 64(1)(ca) of the Act, monitor department and agency progress in implementing the government commitments
- develop an assurance framework for Fiskville (finalised in September 2017).

In August 2018 the minister requested that IGEM continue to monitor and report on implementation progress. In line with this request, IGEM continues to produce progress reports that provide assurance to government and the community that the lessons identified from the inquiry are being turned into sustainable improvements that make a difference for Victorians.

As previously noted, this is IGEM's fourth Fiskville progress report, and provides a summary of implementation progress for the six commitments that remained in progress as of August 2020.

- IGEM's first (2018) progress report, covering implementation progress to April 2018, found that 16 commitments had been completed and another two had been closed with no further activity planned.
- IGEM's second (2019) progress report, covering implementation progress from April 2018 to April 2019, reported the completion of a further six commitments.
- IGEM's third (2020) progress report, covering implementation progress from April 2019 to August 2020, reported the completion of a further three commitments.

IGEM's progress reports are available at [igem.vic.gov.au/reports-and-publications](http://igem.vic.gov.au/reports-and-publications)

## 3 Approach

### 3.1 Assurance approach

IGEM's assurance activities are guided by the *Assurance Framework for Emergency Management*, which defines assurance as 'a statement designed to increase the confidence of government, the sector and the community in the ability of the system to plan for, respond to and recover from emergencies'.

The Framework promotes a coordinated, less burdensome and more valuable approach to assurance activities across Victoria's emergency management sector through the application of four key assurance principles.

- **Continuous improvement** – assurance providers appreciating the complexity of emergency management in a rapidly changing context, valuing parts of the emergency management 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.

### 3.2 Stakeholder engagement

IGEM places a priority on stakeholder engagement and engaged with lead departments and agencies – CFA, the Department of Environment, Land, Water and Planning (DELWP) and EMV – across 2021 to provide guidance on the implementation monitoring process. IGEM provided these organisations with a draft version of this report for comment prior to its finalisation.

IGEM acknowledges the high level of cooperation and support received from CFA, DELWP and EMV particularly given the operational pressures on organisations due to COVID-19 pandemic response activities and other emergency events. This commitment to transparency and continuous improvement is commended.

### 3.3 Information collection and analysis

IGEM wrote to the heads of lead departments and agencies on 4 August 2021 formally requesting an update on implementation progress. IGEM received progress updates from all lead departments and agencies, along with supporting documentation such as policies, procedures, correspondence, reports, briefings and meeting records.

IGEM securely stores and manages all documents in accordance with its statutory obligations, including the *Privacy and Data Protection Act 2014* and the confidentiality requirements of section 72 of the *Emergency Management Act 2013*.

IGEM also referred to a wide range of publicly available information in preparing this report, including relevant reports, research papers and webpages.

Like all assurance providers, the level of assurance that IGEM can provide is limited by the availability or otherwise of relevant information. This can limit IGEM's ability to report on implementation progress with reference to supporting evidence. In such instances, IGEM reports the progress as 'advised' by agencies, which represents a lower level of assurance.

Following its analysis of the progress updates and other information, IGEM assigns an implementation status of **complete** or **in progress** to each commitment, along with a finding that provides further context to the status.



National Volunteer Week Photo Competition 2021 (Photographer: Wesley Monts/Source: CFA)

## 4 Implementation progress

This section provides progress summaries for the six government commitments that remained in progress as of August 2020.

### 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	In progress

The inquiry found that CFA's process of recycling firefighting training water contaminated by combustion by-products, unburnt flammable liquids and firefighting foam, caused health problems for trainers and trainees. It recommended that potable (drinkable) standards for training water be introduced and complied with at all training facilities.

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

In 2018 CFA secured the Enterprise Bargaining Implementation Committee's endorsement of its proposed water standards, ensuring consistency with requirements under the relevant enterprise agreements.

The key ongoing activity undertaken by CFA to address this commitment is the procurement of new water management systems (WMS) including new water treatment processes to improve training water at the following CFA-operated Victorian Emergency Management Training Centres (VEMTCs) – Bangholme, Huntly, Longerenong, Penshurst, Sunraysia, Wangaratta and West Sale.

IGEM's 2020 progress report noted that the installation of the first WMS at Penshurst VEMTC commenced in July 2019 and a certificate of practical completion was issued in August 2020, with testing and commissioning of the Wangaratta WMS underway.

A certificate of practical completion was issued for the Wangaratta WMS in October 2020. The remaining VEMTCs have received either conditional approval or approval of their detailed design package for new WMS. Construction is due to be completed at all sites by April 2022, subject to ongoing COVID-19 pandemic restrictions.

IGEM's 2020 progress report noted that CFA had engaged contractors for the design and installation of tanks at Bangholme, Huntly, Longerenong and Sunraysia. Completion of these tanks was achieved at Sunraysia in July 2020, Huntly in September 2020, Bangholme in May 2021, and Longerenong in August 2021.

IGEM's 2020 progress report also noted the commencement of various infrastructure upgrade works and the completion of works at Wangaratta.<sup>3</sup> Sunraysia completed these works in October 2020, and Huntly and Longerenong completed upgrades in February 2021. Bangholme completed upgrades in April 2021. West Sale is expected to have works completed in 2022.

Independent water testing is conducted regularly at all VEMTCs as part of CFA's Environmental Compliance Program. CFA publishes the water monitoring results on its website: [cfa.vic.gov.au/about-us/environmental-compliance-program/water-monitoring-results](https://cfa.vic.gov.au/about-us/environmental-compliance-program/water-monitoring-results)



Wangaratta VEMTC (Source: CFA)

### Finding

IGEM considers that this commitment is progressing satisfactorily.

<sup>3</sup> Penshurst completed these works in 2018.

## 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	Complete

The inquiry identified shortcomings in EPA’s regulation of the site at Fiskville and that this had allowed CFA to contaminate the site to such an extent as to force its closure and remediation.

The inquiry report noted conflicting views over whether EPA had a preventative duty under the *Environment Protection Act 1970* to prevent harm to the environment. The inquiry recommended that the government confirm that EPA had powers under this Act to take pre-emptive action to prevent pollution.

The government supported the recommendation in principle and committed to address it through initiatives in response to the 2015–16 Independent Inquiry into the Environment Protection Authority (the EPA Inquiry). This inquiry identified critical gaps in EPA’s regulatory toolkit and found that some instruments needed strengthening to more effectively prevent pollution.

The foundation of the Victorian Government’s response to the EPA Inquiry, the *Environment Protection Act 2017* (as amended by the *Environment Protection Amendment Act 2018*) and subordinate legislation, came into effect on 1 July 2021. The new laws – developed by DELWP and EPA and informed by extensive public consultation – transform Victoria’s environment protection regime from a focus on managing the consequences of pollution to a prevention-based approach.

**General environmental duty**

The centrepiece of the new laws is the general environmental duty which requires all Victorians to take reasonable and practical steps to reduce the human and environmental health risks of their activities. A range of guidance is available to aid compliance with the general environmental duty, including a self-assessment tool for small businesses, industry and sector-specific guidance, and hazard-based guidance.

### Modernised permissions framework

Permissions work alongside the general environmental duty, ensuring performance standards and conditions are met across a range of commercial and industrial activities. The new laws introduced a modernised three-tier permissions framework based on the level of risk to human health and the environment.

- **Licences** – for complex activities that need the highest level of regulatory control.
- **Permits** – for medium to high-risk activities with low complexity.
- **Registrations** – simple to obtain and suited to low to medium-risk activities.

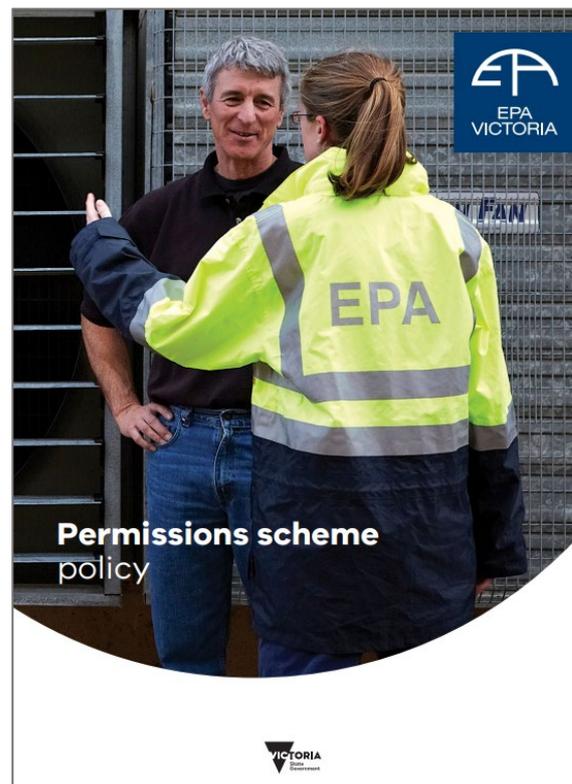
The Environment Protection Regulations 2021 and Environment Reference Standard (ERS)<sup>4</sup> that regulate the framework are available at [epa.vic.gov.au/about-epa/laws/new-laws/subordinate-legislation](https://epa.vic.gov.au/about-epa/laws/new-laws/subordinate-legislation)

The modernised framework expands the cohort of activities requiring a permission to operate, bringing in activities previously managed under other forms of approval or exemption and new activities centred on waste and resource recovery.

#### EPA's Permissions Scheme Policy

In June 2021 EPA released a Permissions Scheme Policy setting out how it will exercise its regulatory powers in relation to the new scheme. The policy is available at [epa.vic.gov.au/about-epa/publications/1799-2](https://epa.vic.gov.au/about-epa/publications/1799-2)

As part of its normal regulatory practice EPA continues to support the reformed framework and enable Victorian businesses, organisations, and communities to comply with their legal obligations.



### Finding

IGEM considers that this commitment has been implemented.

<sup>4</sup> The ERS helps inform decisions under the framework by describing desired environmental outcomes and providing contextual information about potential harms.

## 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	In progress

The Stockholm Convention on Persistent Organic Pollutants is a global treaty to protect human health and the environment from organic chemicals that remain intact in the environment for long periods. PFOS chemicals were added to Appendix B of the Convention via a 2009 amendment due to increasing concern over their health and environmental impacts. Australia supported but has yet to formally ratify the amendment decision.

The Victorian Government response to the inquiry supported ratification of the amendment decision in principle but noted that the Australian Government was responsible for leading this process. If ratification proceeds, the Victorian Government has committed to working with the Australian Government and other states and territories to update the National Implementation Plan under the Convention and develop any legislative amendments required in Victoria to bring this into effect.

Previous IGEM progress reports noted that a statutory mechanism was required to restrict PFOS use in Australia before ratification could proceed. This now exists in the form of the National Standard for the Environmental Management of Industrial Chemicals enacted by the Australian Parliament in March 2021 via the *Industrial Chemicals Environmental Management (Register) Act 2021*.

The Standard will classify industrial chemicals according to their environmental risk and assign risk management measures indicating how these risks should be addressed by chemical manufacturers, suppliers, users, and disposers (the regulated community). PFOS has yet to be scheduled<sup>5</sup> however DELWP advised that its use will likely be heavily restricted under the Standard.

DELWP advised that the Australian Government has set a provisional timeframe of December 2022 for jurisdictions to implement the Industrial Chemicals Environmental Management (Register) Act and that Victoria will give it statutory effect under provisions of the *Environment Protection Act 2017* and associated subordinate instruments.

### Finding

IGEM considers that this commitment is progressing satisfactorily.

<sup>5</sup> According to the Australian Government Department of Agriculture, Water and the Environment the scheduling of chemicals is set to begin in 2022. For more information see [environment.gov.au/protection/chemicals-management/national-standard](https://environment.gov.au/protection/chemicals-management/national-standard)

## 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	In progress

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

The government supported the recommendation in principle and committed to developing a voluntary program to improve emergency responder health and wellbeing outcomes.

In 2017, the minister endorsed two initial priorities for an Emergency Responder Health Program:

- an analysis of the existing mental and physical health services offered by CFA, MFB (now Fire Rescue Victoria) and VICSES
- the development and delivery of a web-based program for emergency responders to access tailored health information.

The 2018–19 Victorian State Budget allocated funding of \$1.3m to mental health for emergency services personnel and volunteers over four years.

### Analysis of existing mental and physical health services

IGEM's 2020 progress report noted EMV's initial consultation on existing mental and physical health services with relevant agencies via the Emergency Services Foundation (ESF) Learning Network, which brings together organisations and experts to help improve mental health and wellbeing across the sector. For more information refer to [esf.com.au/programs/learning-network](http://esf.com.au/programs/learning-network)

EMV has since advised that in order to avoid duplicating other work at the state and national levels, it no longer plans to progress work on an analysis of existing mental and physical health services.<sup>6</sup>

<sup>6</sup> In addition to Beyond Blue's ongoing Police and Emergency Services program ([beyondblue.org.au/about-us/about-our-work/workplace-mental-health/pes-program](http://beyondblue.org.au/about-us/about-our-work/workplace-mental-health/pes-program)), the Royal Commission into National Natural Disaster Arrangements Report ([naturaldisaster.royalcommission.gov.au](http://naturaldisaster.royalcommission.gov.au)) noted that an Australian Government-funded national action plan to improve mental health outcomes for emergency service workers is expected to be finalised by 30 June 2022. The national action plan also forms part of the Australian Government's response to the Senate Education and Employment References Committee's 2019 report *The people behind 000: mental health of our first responders* ([aph.gov.au/Parliamentary\\_Business/Committees/Senate/Education\\_and\\_Employment/Mentalhealth/Government\\_Response](http://aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/Mentalhealth/Government_Response))

EMV continues to engage with relevant agencies via the ESF to support health and wellbeing initiatives for emergency responders. For example, in June 2021 EMV provided ESF with a \$50,000 grant for a pilot program to assist emergency responder staff to transition into retirement. The program is being developed to address a gap in knowledge and service delivery identified in a 2018 report by Beyond Blue.<sup>7</sup>

CFA continues to offer free and confidential health checks to anyone who believes they may have been exposed by practices at Fiskville or other CFA-managed firefighter training centres, and offer access to a five-year health surveillance program for individuals if determined medically appropriate.<sup>8</sup>

In 2019 Victoria introduced presumptive rights to cancer compensation for career and volunteer firefighters. Under the compensation scheme, it will be presumed that firefighters claiming compensation for certain cancers contracted the cancer due to their firefighting service and are therefore entitled to compensation.<sup>9</sup>

#### **Web-based app for emergency responders to access tailored health information**

In May 2019 the then Minister for Police and Emergency Services approved EMV to work with Ambulance Victoria (AV) and VICSES to provide modified versions of the 'Let Me Know' health and wellbeing app to their staff and volunteers. The app was launched for MFB firefighters in 2018 and CFA firefighters in 2019.<sup>10</sup>

EMV advised that AV has now decided to pursue an in-house solution while VICSES and Life Saving Victoria have expressed interest in a web-based or mobile application similar to the Victoria Police health and wellbeing app Equipt.

The 2018–19 Victorian State Budget allocated funding for this initiative over four years to 2021–22. Despite this allocation, EMV advised that funding has not been received by the Department of Justice and Community Safety (DJCS) and that follow up with the Department of Treasury and Finance is in progress. EMV has continued to engage with VICSES on app development while the funding issue is resolved.

#### **Finding**

IGEM notes funding issues in relation to this commitment and will revisit in its next progress report.

<sup>7</sup> Beyond Blue's *Answering the call* national survey reports are available at [beyondblue.org.au/about-us/about-our-work/workplace-mental-health/pes-program](https://beyondblue.org.au/about-us/about-our-work/workplace-mental-health/pes-program)

<sup>8</sup> For more information refer to [cfa.vic.gov.au/about/health-and-wellbeing](https://cfa.vic.gov.au/about/health-and-wellbeing)

<sup>9</sup> For more information refer to [vic.gov.au/fire-services-reform#presumptive-rights-compensationscheme](https://vic.gov.au/fire-services-reform#presumptive-rights-compensationscheme)

<sup>10</sup> IGEM's 2019 progress report noted that EMV had identified through consultation with the fire agencies that a new app was not necessary for them as 'Let Me Know' already provided the relevant functions and access to tailored health information.

## 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.<sup>11</sup>

Lead agency	CFA
Status	In progress

The inquiry found that Fiskville's March 2015 closure had significantly affected Victoria's ability to train firefighters and other emergency services personnel, and meant that trainees from the state's west had to travel further to attend training. The inquiry recommended that the government purchase a site in the Ballan area for the construction of a new CFA-managed firefighter training centre.

The government supported the recommendation and allocated CFA \$34.8m in the 2016–17 Victorian State Budget for a new Central Highlands training centre and upgrades to the existing Huntly training centre.



Central Highlands off-road driver training track (Source: CFA)

<sup>11</sup> The activity referred to in this paragraph is reported under Recommendation 12.

### Central Highlands

Previous IGEM progress reports outlined the acquisition of a site for the new training centre and planning and procurement activities led by CFA.

IGEM's 2020 progress report noted that CFA had awarded the contract for buildings, civil works and site infrastructure in April 2019 and reported that a range of construction work had commenced.

Overall completion of the training centre is due by December 2021. CFA advised that supply chain shortages, delays to securing required permits and approvals, and the slower progress of onsite works due to COVID-19 pandemic restrictions have impacted progress across 2020–21.

Key activity for the 2020–21 period includes:

- completion of access road upgrade works, site access works and sewer works in October 2020
- completion of the off-road driver training track in December 2020
- completion of civil, building and infrastructure works in February 2021
- completion of the specialist props area in July 2021 including LP gas supply
- installation of a WMS, completed in July 2021
- completion of landscaping work at the training facility in July 2021.

CFA advised that staff inductions and training commenced in March 2021 and are being progressively completed as site handover is finalised. CFA further advised that commission of the training areas has commenced by training instructors in preparation for the delivery of volunteer training.



Central Highlands specialist props area (Source: CFA)

## Huntly

Previous IGEM progress reports noted the construction and testing of a specialist fire investigation unit and associated support buildings at CFA's existing Huntly training centre.

The new unit includes a thermal oxidiser that captures all smoke emitted during fire investigation burns, and reburns it to break down toxic smoke emissions – consequently only carbon dioxide is emitted into the atmosphere.

CFA advised that COVID-19 pandemic restrictions and stakeholder availability caused delays to additional testing, modifications and unit handover, which is now due for completion in October 2021.

### Finding

IGEM considers that 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 (DJCS from August 2021)
Status	In progress

The inquiry found that Fiskville's contamination had affected a wider group of people beyond those directly engaged in firefighter training and that all people harmed by unsafe training practices at Fiskville had the right to justice.

The inquiry defined Fiskville affected people as:

- 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.

The inquiry found that existing avenues of compensation were inadequate for most people affected by Fiskville and recommended that the government establish a dedicated redress scheme.

The government supported the recommendation in principle and committed to examining a range of issues associated with establishing a redress scheme, including eligibility, resourcing, and how any redress scheme would interact with other schemes and legal rights.

The 2021–22 Victorian State Budget provides \$19.9m funding over two years to clean-up contaminated sites neighbouring the Fiskville site and begin development of a redress scheme.

In August 2021 responsibility for delivery and implementation of the redress scheme was transferred from EMV to DJCS. EMV provided IGEM with confidential documentation demonstrating that the government continues to be provided with advice on the development of a redress scheme and its design parameters. Legislative provisions limit IGEM from disclosing confidential information it acquires in the course of performing its implementation monitoring function.

IGEM views the proposed redress scheme as an important mechanism to help provide justice for people affected by Fiskville. It is now approximately six years since the inquiry report was tabled in Parliament and IGEM encourages the government to expedite its development of the redress scheme and ensure its efficient implementation.

### **Finding**

IGEM notes progress on this commitment. IGEM considers that this commitment should be progressed as a priority.

## 5 Concluding remarks

IGEM has been monitoring the implementation progress of the inquiry's commitments for five years. In this time IGEM has observed the completion of important initiatives related to occupational health and safety and environmental compliance at CFA's training centres, and the regulation and management of contaminated land statewide.

The recent commencement of the *Environment Protection Act 2017* (as amended by the *Environment Protection Amendment Act 2018*) shifts the focus of Victoria's environment protection regime from managing the consequences of pollution to a prevention-based approach. This will help ensure that contamination issues like those at Fiskville do not reoccur. As the environmental management of the Fiskville site continues, IGEM will continue to report on the Victorian Government's development of a dedicated scheme to ensure redress is provided for people affected by Fiskville.

IGEM again commends the high level of cooperation and support provided by CFA, DELWP and EMV in the preparation of this report, particularly in light of the significant operational challenges the COVID-19 pandemic continues to pose.

IGEM will continue to monitor and report on the implementation progress of the five remaining commitments to provide assurance that sustainable improvements to Victoria's emergency management arrangements are being made.



Selection of new CFA helmets 2020 (Source: CFA)

## 6 Appendices

### Appendix A: Summary of implementation progress of all government commitments

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>1b Provide an assessment of the CFA’s compliance with the Model Litigant Guidelines when people seek access to documents.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> 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><b>1c Provide an assessment of the Victorian Government Solicitor’s Officer’s compliance with both the Secretary’s directive and the Model Litigant Guidelines.</b></p>		
<p><b>Government commitment:</b> No action required – commitment was to act in accordance with model litigant guidelines.</p>	EMV	Closed
<p><b>Finding:</b> IGEM considers this commitment is closed as no activity was planned.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p> <p><b>Government commitment:</b> 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 Committee to reflect relevant principles of the Model Litigant Guidelines. (Relevant to Recommendation 3).</p>	DPC	Complete
<p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>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.</b></p> <p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>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.</b></p> <p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>5 That the Victorian Government review appropriate sanctions for entities that do not keep records demonstrating compliance with regulatory requirements.</b></p> <p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>6 That the Victorian Government introduce potable water as standard for firefighting training water to be complied with at all firefighting training facilities.</b></p>		
<p><b>Government commitment:</b> 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	In progress
<p><b>Finding:</b> IGEM considers that this commitment is progressing satisfactorily.</p>		
<p><b>7 That EPA Victoria conduct regular environmental testing of firefighting training facilities across Victoria ensuring records are properly maintained for future use.</b></p>		
<p><b>Government commitment:</b> 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	Complete
<p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>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.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> 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><b>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.</b></p>		
<p><b>Government commitment:</b> Identification of the driver referred and if identified offering him support services and participation in the health surveillance program</p>	CFA	Closed
<p><b>Finding:</b> IGEM acknowledges CFA's advice on the activity undertaken on this commitment and that no further activity is planned.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>11 That the CFA review its occupational health and safety management structure.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>12 That the Emergency Management Victoria Inspectorate be given responsibility for overseeing compliance with occupational health and safety requirements at CFA training facilities.</b></p>		
<p><b>Government commitment:</b> 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	Complete
<p><b>Finding:</b> IGEM self-assesses that this commitment has been implemented.</p>		
<p><b>13 That the Victorian Government amend the <i>Occupational Health and Safety Act 2004</i> to require WorkSafe to include in its annual report under section 131(6):</b></p>		
<p><b>(a) The number of cases in which WorkSafe fails to meet the three-month time limit in section 131(2)</b>  <b>(b) In each such case, the time the investigation has taken and the reason why WorkSafe was unable to meet the deadline.</b></p>		
<p><b>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.</b></p>		
<p><b>Government commitment:</b> 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

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<b>Finding:</b> IGEM considers this commitment has been implemented.		
<b>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.</b>		
<b>Government commitment:</b> 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.	WorkSafe	Complete
<b>Finding:</b> IGEM considers this commitment has been implemented.		
<b>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.</b>		
<b>Government commitment:</b> Investigation of laws that require companies to provide internal studies that produce results of concern for public and worker health.	WorkSafe	Complete
<b>Finding:</b> IGEM considers this commitment has been implemented.		
<b>16 That the Victorian Government confirm that EPA Victoria currently has powers under its Act to take pre-emptive action to prevent pollution.</b>		
<b>Government commitment:</b> 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 facilitates 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.	DELWP	Complete
<b>Finding:</b> IGEM considers that this commitment has been implemented.		
<b>17 The Committee re-affirms its view that the Victorian Government ensure a resolution to the Lloyds' case forthwith.</b>		
<b>Government commitment:</b> No further action required. The matter has been settled on a confidential basis.	EMV	Complete
<b>Finding:</b> IGEM considers this commitment has been implemented.		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>18 That the Victorian Government investigate the development of a Maximum Residue Limit for PFOS and other PFCs.</b></p>		
<p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>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.</b></p>		
<p><b>Government commitment:</b> 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"> <li>• development of a comprehensive statewide database of potentially contaminated sites that pose a high risk to community because of their past use</li> <li>• 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.</li> </ul> <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	Complete
<p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>20 That Emergency Management Victoria urgently publish the remaining two parts of the operational standards required under section 48 of the <i>Emergency Management Act 2013</i>.</b></p>		
<p><b>Government commitment:</b> Publication of performance standards.</p>	EMV	Complete
<p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p> <p><b>Government commitment:</b> Seek assurance from the Commonwealth Government that it will complete the RIS process and take actions to ratify the 2009 amendment decision.</p> <p>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.</p> <p><b>Finding:</b> IGEM considers that this commitment is progressing satisfactorily.</p>	DELWP	In progress
<p><b>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.</b></p> <p><b>Government commitment:</b> 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.</p> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	DTF	Complete
<p><b>23 That the Victorian Government take a lead role in identifying safe levels of PFCs for water and soil in Australia.</b></p> <p><b>Government commitment:</b> Continue to provide input (to the Commonwealth Government) into the development of such standards, while appropriately implementing them through its legislative and policy framework.</p> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	EPA	Complete
<p><b>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.</b></p> <p><b>Government commitment:</b> The appropriate action needs to be clarified as the Response stated that monitoring more broadly is not warranted.</p> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	DHHS	Complete
<p><b>25 That the Victorian Government take the lead at the COAG Health Council in recommending a greater use of human biomonitoring across Australia.</b></p> <p><b>Government commitment:</b> Formally request that COAG Health Council considers establishing a national human biomonitoring program in Australia.</p> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	DHHS	Complete

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p> <p><b>Government commitment:</b> 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><b>Finding:</b> IGEM considers this commitment has been implemented.</p>		
<p><b>27 That the Victorian Government monitor PFC levels in all firefighters in Victoria accompanied by appropriate health advice and current research.</b></p> <p><b>Government commitment:</b> 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"> <li>enhanced or additional programs to test, monitor and provide First Responder health services (including those related to PFC levels)</li> <li>an online portal to enhance information and web-support for health and wellbeing.</li> </ul>	EMV	In progress
<p><b>Finding:</b> IGEM notes funding issues in relation to this commitment and will revisit in its next progress report.</p>		
<p><b>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).</b></p> <p><b>Government commitment:</b> 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	In progress
<p><b>Finding:</b> IGEM considers that this commitment is progressing satisfactorily.</p>		

RECOMMENDATION/COMMITMENT	REPORTING LEAD	STATUS
<p><b>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.</b></p> <p><b>Government commitment:</b> 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> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	CFA	Complete
<p><b>30 That the Victorian Government update the proclaimed disease schedule in light of changes in disease schedules that have been made in other jurisdictions.</b></p> <p><b>Government commitment:</b> 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> <p><b>Finding:</b> IGEM considers this commitment has been implemented.</p>	WorkSafe	Complete
<p><b>31 That the Victorian Government establish a dedicated redress scheme for Fiskville affected persons and ensure:</b></p> <p><b>(a) That a register of Fiskville affected persons is created</b></p> <p><b>(b) That the scheme is developed in consultation with Fiskville affected persons</b></p> <p><b>(c) That a timeline for implementation is developed</b></p> <p><b>(d) That there is a broad eligibility including people from neighbouring properties and other nearby sites</b></p> <p><b>(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</b></p> <p><b>(f) That a range of redress options exist, such as access to health services, a financial payment, and / or a meaningful apology</b></p> <p><b>(g) That there is robust administration of the scheme independent of the CFA</b></p> <p><b>(h) That the CFA’s required operational capacity is not affected by any redress scheme.</b></p> <p><b>Government commitment:</b> 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"> <li>• eligibility issues that face redress schemes</li> <li>• how any redress scheme would interact with other schemes and legal rights</li> <li>• the form, administration and duration of redress schemes adopted in other jurisdictions, including the types of redress that are offered and considered effective</li> <li>• resourcing.</li> </ul>	EMV (DJCS from August 2021)	In progress
<p><b>Finding:</b> IGEM notes progress on this commitment. IGEM considers that this commitment should be progressed as a priority.</p>		

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