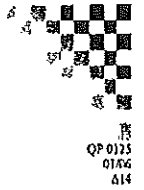




QUEENSLAND POLICE SERVICE
STATEMENT OF WITNESS



Occurrence #: _____

Statement no.: _____ Date: **30 March 2011**

Statement of

Name of witness: **KELLY, Mark Alan**

Date of birth: [REDACTED] Age: [REDACTED] Occupation: **Inspector of Police**

Police officer taking statement

Name: _____

Rank: _____ Reg. no.: _____

Region/Command/Division: _____ Station: _____

Statement:

Mark Alan Kelly states:-

I joined the Queensland Police Service as a Police Cadet on 29 January 1989. I was sworn in as a Constable of Police on 29 June 1990. I have non-commissioned officer experience in general duties, criminal investigations, prosecutions, education and training, crime management and as the officer in charge of stations and sections. I have served in the locations of Bundaberg, Beenleigh, Brisbane City, Gladstone and Toowoomba. In Toowoomba I have undertaken the roles of District Crime Manager, Officer in Charge of Toowoomba District Tactical Crime Squad and the Officer in Charge of Toowoomba Station.

I was promoted to the rank of Inspector, Projects Officer Southern Region on 11 June 2007. In late December 2008 I commenced the role of District Inspector for Toowoomba District. In Toowoomba District there are four Inspector positions and one Superintendent who is the District Officer. I am responsible for the Toowoomba Division work units of Toowoomba Station, Toowoomba Communications and the Toowoomba Watchhouse. I took over this role from Allan McCarthy, who is now a Superintendent with Operations Support Command.

[REDACTED]

(Witness's signature)

(Justice of the Peace (Qual.)/
Commissioner for Declarations's signature)

(Signature of police officer
preparing statement)

I have relieved as a District Officer for the districts of Roma, Warwick, Dalby and Toowoomba. This has included a cumulative period of six months in Roma, Warwick and Dalby and two and a half months in the Toowoomba District. I have relieved and have some experience as the District Disaster Coordinator for each of those districts during those periods. I have completed the Queensland Police Service Incident Command Course.

During 2010 I was absent from the Toowoomba District between 11 June 2010 and 22 October 2010 as I was relieving as the Acting Superintendent, Branch Manager for the Policing Advancement Branch at Queensland Police Headquarters in Brisbane. I recall that I commenced recreation leave on 13 December 2010 and I returned to work on 29 December 2010. During this period I was away from Toowoomba. I recall that I was on-call between 29 December 2010 and 8.00am on Tuesday 4 January 2011. During this period of on-call I did not receive any information of any flood relates issues for the Toowoomba District.

I recommenced my recreation leave and was at that stage not due to return to work at Toowoomba District until 27 January 2011. I recall Monday 10 January 2011. On this date I was at my home in Highfields with my child Louis. I recall the heavy rain which fell on that day and particularly the rain that fell after midday. I recall that afternoon speaking on the phone to my wife, Anne-Louise Kelly, who was working at Toowoomba Police District, that there had been a landslide at Mount Kynoch. My wife returned home later that night and by that time I had seen news articles on television regarding the flooding in Toowoomba and the Lockyer Valley.

On the morning of Tuesday 11 January 2011 I phoned Toowoomba District Officer and I subsequently returned to work from leave at 1.00pm on that date. I attended a briefing with Acting Superintendent Schafferius. During that briefing I was informed that evacuations were being completed for Forest Hill and Laidley and flooding was being experienced at Oakey. That evening I subsequently arranged for police to travel to Helidon to relieve members of the Special Emergency Response Team who had been working in Grantham. At that time I was advised that there was no access to the township of Grantham due to the flood waters. That evening I

provided assistance to Acting Inspector James McDonald with processing DDC requests and completing other briefing documents.

On the morning of Wednesday 12 January 2011 I was requested by Acting Inspector Tony Neumann to assist with the coordination of the search at Grantham. Acting Inspector Neumann had been appointed as the Forward Commander for the search at Grantham. I was aware at that time Inspector Joseph Whyte had been appointed as the Forward Commander for the search at Murphy's Creek. I recall driving into Grantham and was confronted by the scene of cars in trees, large amounts of vegetation and other debris piled around buildings and on roads, extensive damage to buildings and in some instances houses removed from the stumps and taken hundreds of metres. The level of devastation was not something that pictures or media coverage could represent.

That morning a search of Grantham commenced. This followed a briefing and conversations between Senior Sergeant Neumann, the senior search coordinator Sergeant Greg Kidd and me. Senior Constable Clinton Dowd, also a search coordinator, was further involved in the coordination and search tasks in the township of Grantham. A decision was made to first check residences for the missing persons, and that included checking the roof cavities of each of those dwellings. This decision related to the possibility of someone being trapped in a residence and also the number of reported missing persons from Grantham.

I can recall that there were at least six residences in Harris Street where people were reported missing from. It was established very early that debris in residences including large quantities of mud, vegetation, household items and items from rural properties was going to make the search of inside and outside of residences difficult. Teams were provided with search task sheets with instructions to note tasks where a residence could not be fully cleared due to the amount of debris. Each of those search teams had an appointed Team Leader and Sergeant Kidd subsequently broke the township of Grantham into thirty-seven areas so that a systematic search of the land and building could be completed.

I recall that the body of the person Bruce Marshall was recovered from 1420 Helidon Gatton Road on the first day of the search. That person was of a large build and the

officers removing the body had to cut a hole in the side of the house to facilitate the removal. During that day I was advised that the deceased person Pauline Magner, last seen at 84 Railway Street Grantham, had been located behind the Gatton Saw Mill. I was also later advised that the person Selwyn Scheffe, whose last known location was Murphy's Creek, was located in the Lockyer Creek near Lowood some 101 kilometres downstream from his last known location.

Later that day I spoke with Inspector Whyte regarding the search of Murphy's Creek. I also obtained further information regarding the last known location of those missing persons who there were grave fears held for. This included persons missing between Murphy's Creek and Grantham, including those missing persons from Postmans Ridge and Helidon. That evening I attended a briefing at Southern Region Headquarters Command and was advised that the Australian Defence Force could assist our search operations. I subsequently spoke with Acting Inspector James McDonald who was to prepare a written plan and provide an interim briefing to Major Nathan Ravenscroft.

On Thursday 13 January 2011 I formally assumed the responsibility of the Overall Commander for the search for the missing persons from Toowoomba Police District. I continued this role on the ground in Grantham until 11 February 2011 and I am still responsible for the ongoing search for the remaining three missing persons. As part of this role I attended briefings with Assistant Commissioner Gollschewski and provided briefings on the previous day's actions and the forthcoming actions and issues to be addressed. I am aware that minutes were taken for those meetings. Whilst doorknocks were finalised by the team led by Inspector Joseph Whyte in the Murphy's Creek and Postmans Ridge areas, the area of search was under my command. I provided direction to the Search Coordinators for the search area to be commanded from Grantham and for the search area to include by foot the area from Spring Bluff in the west to the commencement of the Brisbane River. This search area included over six hundred and sixty-three square kilometres and one hundred and thirty-one kilometres of creek line. All the searches were to be conducted laterally and to the outer extent of the debris line. As a result multiple search cells were formed including Spring Bluff to Grantham, the greater town area of Grantham and the area east of Grantham to the Brisbane River. Further to this search, additional searches were being completed for the sections of the Brisbane River and Moreton Bay by air and where possible boat.

On the morning of 13 January 2011 Major Nathan Ravenscroft and three platoons of soldiers arrived at Grantham. Following a briefing with the Search Coordinators we established an immediate plan for those personnel to assist with the search. The protocol that was established was that the search coordinators, in consultation with me, would determine the area and scope of search to be conducted in an area. Major Ravenscroft would then plan and deploy his resources for the search required of those identified areas. Similarly, Australian Defence Force helicopters were deployed to conduct box and line searches of the creek line based on the entire creek system and the width of debris. The Australian Defence Force on the ground contact for the aerial support was Major Adrian Parks. Senior Sergeant Anthony Neumann had continued the deployment of personnel at cordons around the township of Grantham for the safety of personnel and the community, along with the security of the town.

On 13 January 2011, Major Ravenscroft also deployed thermal imaging equipment to assist with the security of the township. Cordons were maintained but as water levels fell, some local roads became accessible. Over the coming days cordons were strengthened and I am aware of one person being arrested in the cordon who did not reside in Grantham, and another resident from Grantham who was charged with stealing. I was aware that the issue of alleged looting was of concern to the residents and members of the Australian Federal Police Operational Response Group subsequently stayed on site in Grantham to provide additional support and security. Each night whilst cordons were established around the township of Grantham, up to ten Queensland Police officers were performing cordon or inner security.

I recall a body was located in a field on the eastern side of Grantham on 13 January 2011. That body was the person Joshua Ross who was last believed to be at 8 Anzac Avenue, Grantham. On 13 January 2011 I also made the decision that more machinery would be required to clear around residences and to excavate piles of debris. Two civilian contract groups were engaged, including one that had already been working for the Queensland Police Service from the first day. Ultimately the Australian Defence Force also provided machinery, which included at the peak 40 plant machinery over the month long search.

The Australian Defence Force on the ground contacts for engineering was Major Kuffer and Captain Sullivan. An additional unit of Australian Defence Force sappers also assisted in the assessment and clearing of residences, however there were a number of houses that could not be fully cleared as they were too dangerous or had been removed from their stumps. The financial cost of civilian plant over the following weeks totalled in excess of one hundred and twenty-five thousand dollars. Based on that cost, I would estimate the equivalent monetary cost of the Australian Defence Force machinery would be hundreds of thousands, if not more. I also made a request for an additional three platoons of Australian Defence Force on 13 January 2011 to enable the search to be conducted in a timelier manner and particularly to be able to repeatedly search the one hundred and thirty-one kilometres of creek line. That request was approved almost immediately and additional personnel were brought in by the Australian Defence Force to assist.

The search continued on 14 January 2011 and another body was located on 14 January 2011 in a paddock on the eastern side of Grantham, in reasonable proximity to Joshua Ross. The second body was identified as Brenda Ross, who was also last known to be at 8 Anzac Avenue prior to the flood incident. The search continued in the township on 15 January 2011 and it involved the search, re-search and multiple searches of the areas in the township in Grantham. Repeat searches were required due to the changing environment. Those changes included the evidence of stronger smells and some drying out of the ground and debris. I recall that the search of some places was done five times and the attendance of Detectives and members of the Queensland Fire and Rescue Urban Search and Recovery Unit, who completed structural assessments of buildings. On 16 January 2011 every residence was again re-searched with the view to enabling residents to return to their residence. That morning I was advised that the body of an elderly female had been located at 1380 Gatton Helidon Road. I subsequently attended the address where I was shown the female person Reinskje Vanderweff.

Later that day I attended both the Helidon and Grantham evacuation centres where I provided a verbal briefing to the community on the progress and extent of the search. This briefing also included other police representatives including Sergeant Greg Kidd and Assistant Commissioner Gollschewski. At those meetings I presented the

search map for the township of Grantham and fully explained the complexity of the search.

Later that day I attended a location on Rocky Creek at Helidon Spa. This was a site where Australian Defence Force sappers and a civilian excavator were searching through debris which I would describe at least two thousand square metres in area and several metres deep. Additionally there were was a large amount of household and personal items including larger items such as fridges and gas bottles. I observed a large built male person had been located from underneath debris. I was informed that the person was located two to three metres under the debris. This male person was later identified as Bruce Warhurst and his last known location at the time of the flood waters was near his residence at Postmans Ridge.

On 17 January 2011 another search of the entire town of Grantham was completed. That morning I was advised of the location of a female person behind a residence in debris at 21 Harris Street. I subsequently attended the address where I was shown the female person, who was later identified as Sylvia Bailee. Bailee was last seen at the time of the flood waters near her residence at Postmans Ridge.

Prior to residents returning to Grantham on 18 January 2011, I had spoken with Lieutenant Colonel Fegan from the Australian Defence Force to enlist their support to assist with the clean up of residences and around residences to provide assistance to the community and to provide an additional level of final search. Lieutenant Colonel Fegan subsequently attended the Lockyer Valley Shire Council with me and spoke with members of the council, including the Lockyer Valley LDMU.

I recall that the residents of Grantham were allowed to return to their residences in the late afternoon of 18 January 2011. On that day and the days following I and Senior Sergeant Neumann attended each of the flood affected properties in Grantham to speak with the residents regarding the support that was being provided and any concerns that they had. On 19 January 2011 I spoke with Senior Sergeant Neumann and we subsequently assigned Senior Constable Steinhardt and Senior Constable Williams to follow up with the few residents that had concerns arising from the post flood events. On 20 January 2011 I took a directed rest day. On 21 January 2011 I returned to the search at Grantham.

On 22 January 2011 I was advised of the location of a deceased child in Murphy's Creek, adjacent to the school and public area in Murphy's Creek Township. I subsequently attended and was shown the deceased female child Katie Scheffe. I observed that the creek levels had dropped significantly and this information was used to continue to deploy Queensland Police Divers who had been conducting wade searches from Spring Bluff to the mouth of the Lockyer Creek.

On 23 January 2011 I was advised of the location of a deceased child near Lowood. I subsequently attended the location with Major Ravenscroft where we spoke with Australian Defence Force personnel. We subsequently walked through high grass to the bank of the creek where I observed the deceased child, later identified as Jessica Keep. I subsequently caused Senior Sergeant Neumann to advise the father of the child, Matthew Keep. The location of this child had resulted from the tasking of Australian Defence Force engineers following tasking from the activities of the Queensland Police Divers.

During the search a number of vehicles were located in the creek system. It was also identified that over eight hundred vehicles had been recovered by towing companies. A process was established to identify those vehicles and locate the owners and last known drivers of those vehicles. All those persons were accounted for. That process was coordinated by the Search Coordinator, Senior Constable Timothy Hutton.

The search continued and the search is best detailed from this date and prior by the running sheet which recorded the activities of the search and the tasking records of the Search Coordinators. I am able to produce a copy of the three search running sheets. An overview of the search is also presented in the powerpoint document titled '*Search of Rocky Creek, Murphy's Creek, Lockyer Creek and Brisbane River*'. I am able to produce this briefing document.

On 4 February 2011 I walked from the last known location of the still missing person James Perry. This location was the Warrego Highway, Helidon to the township of Grantham. I was astounded by the power of the flood water and in my opinion some sections of the water had been contained over hundreds of metres and it had been

tens of metres deep. In other areas the creek closer to Grantham the creek was not as wide. During that walk I identified hundreds of piles of debris and deposits of silt.

The following week Acting Chief Superintendent Andy Morrow and I personally spoke with the family members of the remaining missing persons, James Perry, Dawn Radke and Christopher Face. We advised the family members persons of what had been done during the search, the complexities of the search and the ongoing plan for the search.

In terms of the involvement of the Australian Defence Force I can only speak positively of their involvement and the level of technical and resources that they provided for the search. During the incident I had personal involvement with the commanders which include Lieutenant Colonel Fegan, Major Ravenscroft, Major Parks and Major Kuffer. As explained in my statement they were requested to assist with tasks and those tasks were completed by their teams to the highest level. This included them conducting their own planning. In terms of resources I believe there were at times in excess of two hundred soldiers plus support staff at the peak of the operations. The army personnel walked the entire one hundred and thirty-one kilometres of creek line on three occasions. The army helicopters flew the course and completed box searches two times and at the peak I noted at least seven aircraft that were assisting with searching or airlifting police divers and other personnel to search locations.

During the search I was provided with every asset and human resource that was required. As I previously stated at one point I requested an additional three platoons of soldiers, through my liaison with Major Ravenscroft and the Major Incident Room at Southern Region. That request was immediately approved. Repeat requests were made for State Emergency Service personnel and those human resources were well coordinated by Emergency Management Queensland, with SES personnel being deployed from various locations. The Australian Federal Police also provided resources not only for the search but also for the temporary police station based at Grantham. As I previously stated the member of the Operations Response Group from the Australian Federal Police also provided additional security and a response capability after hours by camping on site in Grantham.

From an internal perspective, hundreds of Queensland Police Service personnel were involved in the search. Those included personnel from other regions and commands in South East Queensland and a total of thirty-two search coordinators were involved during the four weeks of the search. In addition an overlay of advice was provided by Senior Sergeant Warren Francis, an experienced Search Coordinator, and the Queensland Police Service State Search Coordinator, Senior Sergeant Jim Whitehead.

In relation to communications, for the four weeks of the search I did not experience any difficulties with communications. The Queensland Police Service had two mobile facilities that assisted those communications. Effective communications between the Queensland Police Service and the Australian Defence Force were achieved by having a joint command post which allowed personal communication. Additionally the Major Incident Room and the daily briefings by the Officer in Charge of the Southern Region with the relevant commanders improved communications between the different commanders. Hourly situational reports were also completed to Southern Region Command during the height of the search.

I am content that the search for the missing persons has been done as best as humanly possible but I feel for those families of the three remaining missing persons. By 4 February 2011 I received advice from Senior Sergeant Warren Francis regarding the National Land Search Operations Manual which provides probability of detection (POD) tables. I was advised that the Lockyer Valley search had achieved a POD of ninety-nine percent and that the international standard for searches is eighty percent. I was also advised that not including the air searches, the foot searches achieved a POD of ninety-four percent. Notwithstanding this data, the search continued with a command post until 11 February 2011. Further, the search for the three missing persons continues and that search is being coordinated locally by Search Coordinator Sergeant Jeremy Sheldrick. I remain the responsible officer for the search.


Mark Alan Kelly

Inspector of Police

Justices Act Acknowledgement

Justices Act 1886

I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 30 March 2011 and contained in the pages numbered 1 to 10 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

..........Signature

Signed at Toowoomba this 30th day of March 2011.