

Oaths Act 1867

STATUTORY DECLARATION

QUEENSLAND
TO WIT

I, Cameron Russell Pearson of [REDACTED] Hamilton in the State of Queensland, Chief Executive Officer of Tennis Queensland, do solemnly and sincerely declare that:

- 1 I am in receipt of a notice from the Queensland Floods Commission of Inquiry signed by the Commissioner Justice C E Holmes dated the 22nd of August 2011 to provide all information in my possession and commentary and opinion which I am qualified to give appropriate to the topics raised in the notice.
- 2 I have been the Chief Executive Officer of Tennis Queensland (TQ) and the Tournament Director for the Brisbane International since 1st July 2010.
- 3 TQ identified a number of locations as a potential site for the State Tennis Centre (STC). Tennyson was one of these locations. It was the State Government who determined that the STC would be located at Tennyson and that decision was supported by TQ. TQ was aware that part of the site was below the Q100 flood line.
- 4 As I have only been the CEO of Tennis Queensland since 1st July 2010, I have made enquiries of the two previous Chief Executive Officers of TQ Mr Steve Ayles and Mr Tom Lerner, and the immediate past President of TQ Mr Ashley Cooper in an attempt to provide a full response to the enquiries raised.
- 5 I am advised by Mr Tom Lerner that a map showing flood levels was tabled at a meeting between Mirvac, Stadiums Queensland and TQ at some stage during the planning and construction period. He does not have a clear recollection of when this meeting was held, or the plan that was tabled. TQ does not have on its files a copy of that plan. Annexure B contains a flood map which may be the same map.
- 6 I am not aware of any information provided to TQ by the Mirvac Group, the State of Queensland or the Brisbane City Council or any consultant engaged by any of them regarding the flood risk.
- 7 As far as I am aware (and as far as I have been informed) no independent investigation was instigated by TQ prior to the construction of the STC. There is no reason why TQ would have undertaken such further investigation.
- 8 After the State of Queensland determined that the STC would be located at Tennyson, a process was undertaken whereby the development was to be put to tender and the successful tenderer would then develop the STC. The role of TQ in this was to provide advice in relation to tennis related matters, in particular, the requirements for conducting major tennis tournaments such as the Brisbane International and/or Davis Cup at the STC and requirements of year round community tennis related activities at the STC.
- 9 I am aware that the original Development Application contained conditions in relation to flooding and a copy of the condition relevant to the issue of flooding from the Development Approval is **annexed** hereto and marked "A".

- 10 TQ occupies the STC pursuant to leases granted by the Stadiums Queensland dated the 1st December 2008.
- 11 TQ is aware that the grass and clay courts were below the Q100 line, and whilst it would be undesirable for these courts to be affected by flood, these courts could be reinstated, and the cost of reinstatement of these courts due to the nature of them would be less than the reinstatement of other plexicushion courts.
- 12 TQ is aware that the plexicushion courts (the blue external courts) were built above the Q100 level. I am advised by Mr Ashley Cooper that the site of those courts was filled to bring the level of those courts above the Q100 line. This was considered to be important given that the cost of reinstating those courts, if they were damaged by floods, would have been higher than those clay and grass courts.
- 13 TQ is aware that the centre court was below the Q100 line, and is aware that precautions had been taken in the design to prevent water entering the court through the installation of flood gates.
- 14 In October 2009 a Flood Emergency Response Plan was created. This report was prepared to the requirements of TQ in conjunction with Stadiums Queensland, and it was based upon information provided and obtained through consultation during 2009. This report was prepared by Marsh Pty Ltd. This document included the plans of the STC showing RL levels and showing the Q100 and Q50 flood levels. This plan is **annexed** hereto and marked "B".
- 15 In addition to the Flood Emergency Response Plan there was also a Flood Management Policy adopted by TQ. I am not aware of the date of adoption of this policy. The policy is in many respects a synopsis of the Flood Emergency Response Plans. A copy of this document is **annexed** hereto and marked "C".
- 16 The Brisbane International Tournament has no separate Flood Management Plans or Policy. The Tournament as would be expected relies upon the Stadiums plans and policies in this regard.
- 17 The Brisbane International Tournament is not sanctioned by the ATP Tour and WTA Tour as an indoor event. It is sanctioned as an outdoor event notwithstanding that the venue has a roof.
- 18 Outdoor events are affected by weather. Due to the nature of the ATP Tour and WTA Tour and the commitments which players have to other events, it is not possible to simply postpone the completion of an event until the conditions are acceptable. It is understood that whilst it would be a rare event, there are some tournaments which are not completed. It is not a requirement of the ATP and WTA Tour that there is a plan in place which guarantees the completion of an event. Naturally it is understood that all parties will use their best endeavours to achieve the finalisation of the event.
- 19 Those parts of the centre which were inundated by flood waters are shown on the photograph taken on the 13th of January 2011 **annexed** hereto and marked "D" at almost the height of the flood. The Centre Court which is shown on the diagram was also inundated by water. The QTC car park, four clay courts, two grass courts, centre court, multi-purpose room, temporary storage rooms, facility maintenance office and workshop, player locker rooms, gymnasium and cleaners storeroom were inundated around four metres of water. Seven of the plexicushion courts were covered in whole or part by approximately 200 millimetres of water and nine

plexicushion courts were partially covered by water being those which still appear in blue on the photograph as well as the two under the sunshades.

- 20 I have prepared a summary of the property damage caused and this summary is **annexed** hereto marked "E".
- 21 In relation to access to the STC, King Arthur Terrace was closed at the Fairfield Road End and was cut at the bridge over Oxley Creek. Tennyson Memorial Drive was under water which meant that the STC was effectively cut off completely from road access for approximately 24-48 hours.
- 22 TQ is not aware of any structural damage done to any parts of the STC.
- 23 I was in communication with Stadiums Queensland. Stadiums Queensland indicated their proposed course of action pursuant to the Lease. TQ was given formal notice dated 20th January 2011, received on the 25th of January 2011, that pursuant to the lease Stadiums Queensland intended to repair parts of the premises, and that parts of the STC pursuant to the lease would remain closed for a period to undertake these remediation works. **Annexed** hereto and marked "F" is copies of the notifications received from Stadiums Queensland.
- 24 TQ received formal notification from Stadiums Queensland on the 7th February 2011 advising that TQ was able to resume or partially resume access to and use of the STC. **Annexed** hereto and marked with the letter "G" are copies of the notifications received from Stadiums Queensland.
- 25 The STC was closed from approximately 12 noon on the 11th of January 2011 and partially reopened at 8:00am on Monday the 7th of February 2011.
- 26 The remediation works have been undertaken by Stadiums Queensland. I do not have specifics as to exactly was undertaken in relation to the remediation which occurred to enable the centre to be partially reopened.
- 27 As part of the remediation, the floodgates have been reviewed with a view to addressing the issue of mitigation of future floods.
- 28 The Brisbane International Tournament is scheduled to commence on 1st January 2012 and all remediation work to the STC will have been completed by that time. The anticipated completion date of the works is end of November.
- 29 Currently the grass courts, clay courts and centre court are still out of use. The grass and clay courts are likely to be re-opened in late September early October. The areas of the STC which remain closed as at today are set out in the schedule **annexed** hereto and marked "H".
- 30 Once the remediation work is complete, I do not see any long-term impact on the site.
- 31 There was no risk to life in relation to the flooding of the STC.
- 32 TQ is grateful to the Landlord, Stadiums Queensland, for its efforts both in having the STC partially reopened and in relation to its work to remediate the balance of the facility.

- 33 TQ is grateful for the efforts of TQ staff over this period. TQ was pleased with the efficiency of the cleanup and the fact that the STC was available for community use by the 7th February 2011.
- 34 I have reviewed the terms of reference of the Commission and I have no further comments to make on any of the topics.
- 35 There are no other matters or topics relevant to the terms of reference of the Commission which I believe require comment from me.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

Taken and declared at *Brisbane*)
this *2nd* day of *September* 2011)
Before me: [redacted])
[redacted]) CAMERON RUSSELL PEARSON
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Solicitor