

<i>Name of Witness</i>	Michael Stewart COX
<i>Date of Birth</i>	██████████
<i>Address and contact details</i>	C/- 71 Wharf street, Maryborough
<i>Occupation</i>	Business Owner and Chef
<i>Officer taking statement</i>	Detective Sergeant Paul Browne
<i>Date taken</i>	28/09/2011

I, Michael Stewart COX state;

1. I am a █████ year man and currently reside with my partner █████ in the Maryborough area. I have lived in the Maryborough area for about three and a half years.
2. █████ and I co-own and operate the "Muddy Waters" Café which is a part of the Maryborough Marina and situated at 71 Wharf street. We have been running this business since October 2009 and the main part of our business is on ground level. This is also the level of the Wharf.
3. The Marina building is an old timber building but has been renovated to separate the different businesses which now occupy the inside. Our Café is separated from the neighbouring business by a better block and timber wall. On the inside of our business we have a mezzanine level which we use as a storage and office area. Our landlords are █████ who also occupy parts of the building to operate their own businesses.
4. I have no personal experience in disaster management or evacuation and have never been a community volunteer or had any involvement with the S.E.S. I have no idea who my local disaster co-ordinator is.

Witness Signature █████ signature of █████
Page Number 1 of 9

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5. Between Christmas 2010 and the start of January 2011 our business premises were flooded on two separate occasions. The first occasion was 26th December 2010. On that occasion the water came up to knee height in the building, however we were able to put most things up high and after cleaning up we were able to get back up and running by 2nd January 2011.
6. The second flood was on Friday 7th January 2011, and on that occasion we were not so lucky. On that occasion the water came up much higher and eventually peaked at about 4.5 metres above floor level. This was above the height of our upstairs mezzanine floor and completely inundated all of the Café and downstairs restaurant and kitchen area. During that flood the water stayed up for seven days and we could not get into the premises for an entire week.
7. On 7th January 2011 our building and business went underwater without warning. We did not receive any advice, warning or assistance from any government agency or body and were left to evacuate by ourselves and try to remove as much of our property as we possibly could before everything was underwater.
8. On the Friday night of the flood we were open for business and trading as we had bookings, had only been re-opened for a few days and were trying to recoup some of the expenses and losses we had suffered from the flood on 26th December. That day we were watching the levels of the river and remember that earlier in the afternoon we had been without power for around three hours. Myself, the landlords and other tenants of the building were trying to be as proactive as we could and kept looking at the Bureau of Meteorology for updates. At that time and based on what information was available we thought we were going to be alright.

9. As the evening went on we noticed that the river was coming up but we were still talking with [REDACTED] (who had a lot of knowledge about the River) and [REDACTED] and the other business owners and still didn't think we were going to flood. Then all of a sudden the water height rose dramatically and came up between one and one and a half metres in an hour.
10. Because of the rapid rise at 8.15pm we had to start evacuating the Café and began moving whatever equipment we could (things like the Coffee Machine and other smaller appliances) up onto the mezzanine level. Other than ourselves and other tenants there was no co-ordination of the evacuation from our building by any authority.
11. At that time we were expecting a flood similar to December and thought we would be OK by using the upper level. By chance that day I had my trailer on the car and we were also able to get the fridges out and took them away to higher ground. By the time we had to leave the Café at around 10.15pm, there was about 1 metre of water throughout the bottom level.
12. We returned first thing in the morning but by then we could not drive down to the car-park or get anywhere near the building and had to approach the upper level of the building (which was already partially underwater) by dinghy. Myself and another tenant were able to cut a whole through the wall of the building and get access into the upstairs mezzanine level. Through that hole in the wall we were able to evacuate some more of the items that we had stored in that area and saved whatever we could by dinghy. By 5pm that day the top mezzanine level was also underwater.

Witness Signature

Page Number 3 of 9

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13. Again we received no assistance from anyone in authority and there was no co-ordination of the evacuation in our area of town. We did receive assistance from members of the local community and other businesses on higher ground provided us with space where we could store whatever equipment we were able to evacuate.
14. At about 7.30 or 8am on the Saturday morning we tried contacting the Council about road closures in our area so that we could get easy access to continue what evacuation was possible. They put us onto Police who then referred us back to the Council and eventually said it was out of their hands and they couldn't help.
15. This event was the first flood evacuation I had experienced and in my opinion there was nothing done by the authorities in preparation for what happened. Although we received no warning on this occasion we had believed that in a flood situation we would have around 30 hours notice to prepare for and evacuate our business. This was based on conversations with our Landlord and from looking at where the water usually comes from which is up towards Kenilworth.
16. That ended up giving us a false sense of security as when the flood came in January 2011, we did not have anywhere near that amount of time. I believe the January flood was mostly from local water and that 30 hour estimate did not include any knowledge of what local water would do or how saturated that area was at the time.
17. I am not aware of any measures that were put in place to protect life or property in our area and on the Saturday morning while we were trying to evacuate whatever we could, there was nothing and nobody available to assist us in anyway. Despite that we saw between 40 and 50 Council employees setting up barriers near Woolworth's and then standing around. At that point the water had not gotten anywhere near that and I don't think it ever reached that point. Some of those staff could have certainly helped us, even if it was only with road closures as we were also being frustrated by

Witness Signature

Page Number 4 of 9

Signature of officer

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rubber neckers and the media who were blocking what little road access we had left and making it more difficult to get things out and take them to higher ground.

18. In my opinion there was a lack of information being provided to the community in relation to what was happening, evacuation and road closures.

19. After a week, when the water finally went down the businesses at the Marina again received no assistance from any authority (Council or Police), other than the Fire Brigade who came through and hosed out the building to get rid of the mud. In the broader the community it appeared to me that the response was not fast enough and took too long. There were no resources made available to us and I am not aware of any resources being made available in other flood affected areas.

20. On top of that while we were still dealing with the flood waters the S.E.S. were ferrying up and down the river in their boats and creating a wake. This caused problems for other boat owners on the marina and possibly created further damage to the businesses which were still partly underwater.

21. Our landlord had access to a 'Bobcat' and they were able to get in and clear the road themselves, allowing us access once the water receded. We also received help from other businesses like 'Bunnings' who sent down some tradies and also provided replacement louvres and boards to help protect our premises from looting. Although it was sometime before we needed them, communication, electricity, gas and water were available to be reconnected when we were ready.

Witness Signature

Page Number 5 of 9

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22. Because of the flood we lost almost everything bar the coffee machine, fridge and a few smaller appliances. Everything else including furniture (tables, chairs), fixtures (oven, dishwasher, stove), foodstuffs, equipment (plates, glasses, crockery, cooking utensils, cutlery) and smaller appliances including the microwave were either gone or completely ruined and needed to be replaced. [REDACTED]

23. After the flood we had a visit from Warren TRUSS who was quite good and told us the area had been declared as a National Disaster. We were not directly contacted by any recovery or Government personnel but were told by another tenant who was quite proactive at co-ordinating those things. Eventually we received payments from the Premiers Disaster Relief fund but that took about two months and was a lot of paperwork.

24. We attended a lot of meetings but it got to the point where I felt like we were wasting too much time at meetings and stopped going. We did not receive any regular updates regarding the status of the clean-up or recovery effort in Maryborough.

25. Since the floods I have become aware of the Bureau of Meteorology reference and warnings in regards to describing Maryborough as experiencing a 'Minor' flood at a height of 5 metres. Warning that there will be a minor flood at a height of 5 metres is completely useless to us and far too late as our properties begin to flood at a height of 4 metres.

26. The Landlords had previously updated the building and prepared it for flood by installing louvers that could be removed and building the partition walls out of better block. As a result of the flood, ourselves and the landlords have made further improvements to the building so that in event of a future flood we can better evacuate and recover. That included raising the height of electricity and light switches and ensuring most of our equipment is on wheels so that we can quickly pack-up and move it to higher ground should the need arise. We are also in the process of introducing our own flood evacuation plan so that in the event we are not on the premises ourselves, staff are aware of and know what to do.
27. It has cost around \$90'000 to rebuild the businesses in the Marina and in our case we shared the costs half and half with the landlord for things such as plumbing, gas and electricity. The Landlords have also been quite lenient with the rent and have focussed more on getting the tenants businesses back up and running as opposed to their own.
28. I believe that some of the problems with the preparation, response and recovery can be associated with the Council Amalgamation as it seems as though Maryborough has been forgotten about and is not being included.
29. About a month and a half after the flood the Mayor Kick KRUGER turned up one day and while we were rebuilding demanded we pay \$800 to Council and submit plans for what we were doing. We were not doing any development and I asked "where are the old plans?" His response to me was "they got lost".
30. Following the January flood we were unable to trade for a period of 3 months.

RECOMMENDATIONS:

31. The Council needs to be more proactive and listen to those who have experience in flood areas.

32. In the event of a future flood we would like to receive some assistance from Council with both labour and trucks to help get our equipment out and evacuate the building. On this occasion there was nothing and as business owners we would be happy to contribute to the cost, if it meant we were able to save our equipment.

33. If there is a disaster co-ordinator in place, it should that persons role to go around and speak with or see business owners or residents in flood prone areas, make themselves known to those affected people and discuss the issues with them.

34. I am concerned that any recommendations made by the Commission of inquiry may not be enforced and would like to see that the Council have a flood plan in place for future events.

Witness Signature
Page Number 8 of 9

Signature of official

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35. I believe there are a number of factors contributing to the flooding and damage that flooding causes in Maryborough and ask that the Commission consider the issues I have raised when making any future recommendations.

[Redacted Signature]

Michael Stewart COX.

28th September 2011

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 28th September 2011 and contained in the pages numbered 1 to 9 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 atMaryborough.....this.....28th.....day of.....September.....2011....

Witness Signature
Page Number 9 of 9

Signature of

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