

Preface

The floods of December 2010 and January 2011 strained the resources of a state more used to coping with drought than flood. Their consequences were shocking; no-one could have believed that people could be swept by a torrent from their homes and killed, as they were in Grantham; that nine motorists could be drowned in the attempt to negotiate floodwaters; that some towns could be completely isolated for weeks, or that every last citizen of others would have to be evacuated; that residents of cities like Ipswich and Brisbane could lose everything they owned in waters which wrecked thousands of homes.

On 17 January 2011, the Queensland Government established the Commission of Inquiry into the 2010/2011 flood events. The terms of reference are extensive: as Commissioner, I am to inquire (in summary) into the preparation and planning for the flooding by governments at all levels, emergency services and the community; the supply of essential services during the floods; the adequacy of forecasts and early warning systems, with particular reference to Toowoomba and the Lockyer Valley; compliance with, and the suitability of, dam operational procedures for safety and flood mitigation; land use planning to minimise flood damages; and the performance of insurers in meeting their claims responsibilities.

The Commissions of Inquiry order under which the Commission was established requires the provision of an interim report – this report – by 1 August 2011 on matters associated with flood preparedness, to enable early recommendations to be implemented before next summer's wet season. This report endeavours to make recommendations which can be put into effect in time to provide some safeguards should flooding recur this summer. It also deals, particularly where dam operations are concerned, with work which cannot be completed by summer, but the commencement of which is so important that it should not be delayed until the Commission's final report is provided.

This report does not deal with the questions of insurance and land use planning, because they are not matters which lend themselves to useful recommendations for the next wet season. They will instead be the subject of the Commission's next round of hearings, in September and October 2011. Those hearings will also return to and further explore some aspects of the terms of reference dealt with in this report.

The Commission was directed by the Commissions of Inquiry order to 'take into account the regional and geographic differences across affected communities' and to 'seek public submissions and hold public hearings in affected communities'. The Deputies and I have done our best to meet those obligations, holding meetings in towns from Grantham to Jericho and public hearings in centres from Rockhampton to St George. We will continue that pattern over the time left for our inquiries.

Six and a half months is not very long to set up a Commission, receive submissions, identify issues, assemble evidence, hold hearings and produce a report. That it has been possible is a credit to the Commission's energetic and dedicated staff. The report strives to be practical, rather than descriptive; we have not dwelt on the tragedies suffered, because the most helpful thing we can do is to make suggestions to guard against their repetition.

C.E. Holmes
Commissioner



Tara QFCI community meeting announcement, 23 March 2011 (photo courtesy Gerard Hinchliffe)

Introduction

Prolonged and intensive rainfall over large areas of Queensland, coupled with already saturated catchments, led to significant flooding in Queensland in December of 2010, stretching into January of this year.

Thirty-five people died in the floods; three remain missing. More than 78 per cent of the state (an area bigger than France and Germany combined) was declared a disaster zone, with over 2.5 million people affected.¹ Some 29 000 homes and businesses suffered some form of inundation.² The Queensland Reconstruction Authority has estimated that the cost of flooding events alone will be in excess of \$5 billion.³

The scale of the disaster led to the establishment, on 17 January 2011, of the Commission of Inquiry into the Queensland floods of 2010/2011.

The Commission of Inquiry

The Queensland Floods Commission of Inquiry is an independent inquiry, vested with wide-ranging powers by the *Commissions of Inquiry Act 1950*. The Honourable Justice Catherine Holmes was appointed as Commissioner to inquire into specific matters (the 'terms of reference') relating to the Queensland floods of 2010/2011. Mr James (Jim) O'Sullivan AC and Mr Phillip Cummins were appointed as Deputies to assist her. (Appendix 1 sets out the complete terms of reference.)

Two barristers, Mr Peter Callaghan SC and Ms Elizabeth Wilson, were appointed as Counsel assisting the Commission. Other staff of the Commission are drawn from fields of expertise relevant to the Commission's work, including the legal, policy, research and policing professions. Experts in certain fields have also been engaged to assist the Commission as required.

Report to government

The Commission is required to provide the Queensland Government with an interim report (this report) by 1 August 2011 on matters associated with flood preparedness before next summer's wet season.

The terms of reference originally required the Commission to provide a final report by 17 January 2012. The date for the final report has since been extended by the government to 24 February 2012 because of the Commission's extensive public hearing schedule and the volume of evidence that must be considered.

The terms of reference require the Premier to make the report public once it is provided to Government. The Commission will also make both reports available on the Commission's website.



Deputy Commissioner Jim O'Sullivan speaks at Rolleston QFCI community meeting, 28 March 2011 (photo courtesy Gerard Hinchliffe)

The Commission's work

From its inception, the Commission set out to make its work and information about its processes as accessible as possible to the general public. The Commission's website (www.floodcommission.qld.gov.au) provides information about the progress of the inquiry as well as email, postal and telephone contact details so that anyone, regardless of geographical location, can provide information or submissions to the Commission. The Commission's website provided live streaming of public hearings. Daily transcripts from the public hearings were made available on the website within 24 hours, so that the public could be kept informed of the Commission's progress.

Having taken the necessary steps to establish the Commission's staff and offices, the next priority for the Commissioner was to visit the communities worst affected by the flood events. In late January 2011 the Commissioner with the two Deputy Commissioners twice visited the townships of Grantham, Murphys Creek and Postman's Ridge to witness first hand the destruction wrought by the floods. They also visited Toowoomba. The impressions left by those visits were profound.

The Commission employed a number of methods to obtain as much information as possible and to identify relevant issues.

The Commission held two community consultation meetings in Grantham and Murphys Creek in the Lockyer Valley. No formal evidence was taken at these meetings; but it was a useful way for the Commission to hear directly from members of the Lockyer Valley community what they regarded as questions needing answers.

Deputy Commissioner O'Sullivan held community meetings in other communities in regional Queensland, providing information about how community members could participate in the inquiry process. Community meetings were held in:

- Jericho
- Alpha
- Chinchilla
- Condamine
- Surat
- Tara
- Rolleston
- Theodore
- Mundubbera
- Gayndah
- Gin Gin.

Before public hearings got under way, the Commissioner and the Deputy Commissioners visited the Wivenhoe and Somerset dams to inspect their operations.

Members of the public were invited to provide written submissions, by post or online through the Commission's website. More than 660 public submissions were received.

People and organisations (private and public sector) were required, through the use of Commission powers, to provide information and to produce material which was examined and analysed. Sworn statements were obtained from a range of people – members of the public, emergency personnel, employees of relevant corporations and government agencies, representatives of local and state government – as to their knowledge and personal experience of the events the subject of the terms of reference. Experts were asked to report and gave evidence in hearings to assist the Commission in its deliberations.

The Office of the Queensland Chief Scientist established an expert panel of academics and practitioners to provide assistance to the Commission on relevant science, engineering and technology issues. This group, known as the Science, Engineering and Technology Panel, has produced a short report which became publicly available on 14 July 2011.

Much of the evidence and information required by the Commission was taken in writing and, where possible, electronically. To add to that written material, public hearings were conducted around the state:

- **Brisbane** (19 days)
- **Toowoomba** (5 days)
- **Dalby** (1 day)
- **Goondiwindi** (1 day)
- **St George** (1 day)
- **Ipswich** (1 day)
- **Rockhampton** (1 day)
- **Emerald** (2 days)

The places for the regional hearings were chosen to enable the Commission to canvass local issues in regional Queensland and to ensure communities in those regions were involved in the inquiry process.

The hearings were held over a period of seven weeks. At the close of the hearings, the Commission had heard evidence from 167 witnesses.

The hearings inquired into the operation of dams, in particular the Wivenhoe and Somerset dams, as well as the adequacy of warnings, preparation, planning and response to the 2010/2011 floods. The hearings in Toowoomba focussed in particular on the adequacy of warnings and the preparation for and emergency response to flash flooding on 10 January 2011 in Toowoomba and the Lockyer Valley.

The hearings were open to the public and were conducted within a legal framework: witnesses were called, examined and cross-examined, exhibits were tendered, and transcripts were prepared. There was no requirement for those involved to have legal representation. Lifeline counsellors engaged by the Queensland Government supported witnesses before, during and after their appearance before the Commission.

The Commission received 35 applications seeking permission to appear as a party at public hearings. Parties whose interests were likely to be affected in an individual, direct and immediate way by the Commission's findings or recommendations were given leave to appear. This enabled their legal representatives to challenge any adverse evidence. Appendix 2 sets out the list of parties with leave to appear.

Those who unsuccessfully sought leave to appear on the basis of a more general interest in the matters the subject of inquiry were given other opportunities to put forward their views and information, by way of submission, formal statement to Commission staff or by being called to give evidence.

In the course of its work, the Commission has given effect to the principle of natural justice and has given notice to persons and entities whose conduct might be the subject of adverse findings in this report.

Flood related deaths

The flood related deaths that occurred during the 2010/2011 wet season are required to be investigated by the Coroner under the *Coroners Act 2003*. The Commissioner agreed with the Coroner that matters under section 45 of the *Coroners Act 2003* (inquiring into the event of death, the identity of the deceased, how, when and where they died and the immediate cause of death) remained within the Coroner's jurisdiction. Broader systemic questions of preparation for and response to the flood events fell within the Commission's terms of reference; where those issues were directly raised, the circumstances of the deaths would be examined by the Commission. The Coroner therefore continued to conduct investigations into the deaths, but provided all investigative material as it was finalised to the Commission.

A number of the Coroner's investigations had not been concluded at the time of publication of this report. It remains to be seen whether the circumstances of those matters will raise issues requiring investigation by the Commission. If so, they will be dealt with in the final report.

Scope of interim report

As required by the Commission's terms of reference, the main focus of the interim report is to make recommendations relating to flood preparedness so that they can be acted on before next summer's wet season.

This report does not attempt to catalogue every action undertaken in preparing, planning and responding to the 2010/2011 floods. The Commission has concentrated on the preparation and planning needed to ensure

an emergency response that will prevent the loss of life and property. The Commission has sought to identify recommendations that can realistically be implemented before the next wet season, but it has also made recommendations about work of such importance that it should be commenced, even if it cannot be completed, before the next wet season.

This report is as comprehensive as the strict time constraints allow, but some of the issues it raises may prove to require further comment or elaboration in the final report. That report will canvass longer term questions of improvement and reform and will address the remaining terms of reference: the performance of private insurers in meeting their claims responsibilities and aspects of land use planning.

Structure of report

The report's first chapter sets the scene by providing a chronological summary of the weather and flood events as they unfolded between late November 2010 and mid-January 2011. Many Queensland communities had been subjected to flooding earlier in 2010. Those flood events are outside the scope of the Commission's terms of reference and are not canvassed in any detail in this report.

Subsequent chapters address the operation of dams, in particular the Wivenhoe and Somerset dams, preparation and planning, forecasting and early warning systems and emergency response to the 2010/2011 floods. Because of the scale of the disasters in Toowoomba and the Lockyer Valley, and the number of people who lost their lives there, a separate chapter is devoted to the events in those areas.

The Commission's recommendations are set out in the chapter to which they relate, preceded by a discussion of the facts and supporting material relied on in making them. A complete list of recommendations is set out following the Commissioner's preface.

The recommendations have been framed with the underlying aim of preventing future loss of life, injury and damage to property. It remains, however, the case that resourcefulness in natural disasters is not just the province of government: it is the collective responsibility of all sections of society and, more fundamentally, of each individual within the community. It is incumbent on governments at all levels to develop policy and frameworks that establish the arrangements for disaster management, and on the individual, properly informed, to make preparations and decisions.

Something which has emerged strongly in the Commission's work is the bravery and determination of the state's emergency and disaster personnel – SES officers, firefighters, police, ambulance officers, and other emergency service workers – during the floods. Similarly, mention should be made of the volunteers, non-government organisations and businesses who assisted in some of the worst hit communities. More generally, the strength and resilience of flooded communities throughout Queensland is an encouraging starting point for building the capacity of Queenslanders to prepare for future natural disasters.

(Endnotes)

1 Queensland Government, *Operation Queensland: The State Community, Economic and Environmental Recovery and Reconstruction Plan*, 2011 [p3].

2 Queensland Government, *Operation Queensland: The State Community, Economic and Environmental Recovery and Reconstruction Plan*, 2011 [p4].

3 Queensland Government, *Operation Queensland: The State Community, Economic and Environmental Recovery and Reconstruction Plan*, 2011 [p4].
