

# Appendices

## Appendix 1: Terms of Reference

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**[No. 12**

*Commissions of Inquiry Act 1950*

## COMMISSIONS OF INQUIRY ORDER (No.1) 2011

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#### 1. Short Title

This Order in Council may be cited as *Commissions of Inquiry Order (No.1) 2011*.

#### 2. Appointment of Commission

UNDER the provisions of the *Commissions of Inquiry Act 1950*, Her Excellency the Governor, acting by and with the advice of the Executive Council, hereby appoints the Honourable Justice Catherine Holmes to make full and careful inquiry in an open and independent manner with respect to the following matters:-

- a) the preparation and planning by federal, state and local governments; emergency services and the community for the 2010/2011 floods in Queensland,
- b) the performance of private insurers in meeting their claims responsibilities,
- c) all aspects of the response to the 2010/2011 flood events, particularly measures taken to inform the community and measures to protect life and private and public property, including:
  - immediate management, response and recovery;
  - resourcing, overall coordination and deployment of personnel and equipment;
  - adequacy of equipment and communications systems; and
  - the adequacy of the community's response.

- d) the measures to manage the supply of essential services such as power, water and communications during the 2010/2011 flood events,
- e) adequacy of forecasts and early warning systems particularly as they related to the flooding events in Toowoomba, and the Lockyer and Brisbane Valleys,
- f) implementation of the systems operation plans for dams across the state and in particular the Wivenhoe and Somerset release strategy and an assessment of compliance with, and the suitability of the operational procedures relating to flood mitigation and dam safety,
- g) all aspects of land use planning through local and regional planning systems to minimise infrastructure and property impacts from floods,
- h) in undertaking its inquiries, the Commission is required to:
  - take into account the regional and geographic differences across affected communities; and
  - seek public submissions and hold public hearings in affected communities.

### 3. Commission to report

AND directs that the Commissioner make full and faithful report concerning the aforesaid subject matter of inquiry, and make recommendations which she considers appropriate, feasible and cost effective to improve:

- the preparation and planning for future flood threats and risks, in particular the prevention of the loss of life;
- the emergency response in natural disaster events; and
- any legislative changes needed to better protect life and property in natural disaster events.

and transmit an interim report to the Honourable the Premier and Minister for the Arts by 1 August 2011, on matters associated with flood preparedness to enable early recommendations to be implemented before next summer's wet season, and a final report by 17 January 2012.

### 4. Report to be made public

AND further directs that the Reports transmitted to the Honourable the Premier and Minister for the Arts be made public upon their transmission to the Honourable the Premier and the Minister for the Arts.

### 5. Deputies to the Commission

Under Section 27 of the *Commissions of Inquiry Act 1950*, Her Excellency the Governor, acting by and with the advice of the Executive Council approves the appointment of Mr James O'Sullivan AC and Mr Phillip Cummins as Deputies to the abovementioned Commission.

**6. Application of Act**

The provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry except for section 19C – Authority to use listening devices.

**7. Conduct of Inquiry**

The Commissioner may hold public and private hearings in such manner and in such locations as may be necessary and convenient. The Commissioner may:

- a) hold hearings constituted by the Commissioner, whether sitting alone or with one or both of her Deputies; or
- b) authorise her Deputies or either of them to hold hearings or exercise powers pursuant to Section 28 of the *Commissions of Inquiry Act 1950*.

**ENDNOTES**

1. Made by the Governor in Council on 17 January 2011.
2. Published in an Extraordinary Gazette 17 January 2011.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of the Premier and Cabinet.

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## COMMISSIONS OF INQUIRY AMENDMENT ORDER (No.1) 2011

### TABLE OF PROVISIONS

1. Short Title .....	1
2. Amended Order .....	1
3. Amendment of Order .....	1

#### 1. Short Title

This Order in Council may be cited as *Commissions of Inquiry Amendment Order (No. 1) 2011*.

#### 2. Amended Order

The *Commissions of Inquiry Order (No. 1) 2011* is amended as set out in this order.

#### 3. Amendment of Order

At Clause 3, '17 January 2012'—

*omit, insert—*

'24 February 2012'.

### ENDNOTES

1. Made by the Governor in Council on 26 May 2011.
2. Published in an Extraordinary Gazette on 26 May 2011.
3. Not required to be laid before the Legislative Assembly.
4. The administering agency is the Department of the Premier and Cabinet.

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**COMMISSIONS OF INQUIRY AMENDMENT ORDER (No.1) 2012**

**TABLE OF PROVISIONS**

1. Short Title .....	1
2. Amended Order.....	1
3. Amendment of Order.....	1

**1. Short Title**

This Order in Council may be cited as *Commissions of Inquiry Amendment Order (No.1) 2012*.

**2. Amended Order**

The *Commissions of Inquiry Order (No. 1) 2011* is amended as set out in this order.

**3. Amendment of Order**

- (a) At Clause 3, '24 February 2012'—  
*omit, insert—*  
'16 March 2012'.
- (b) At Clause 3, 'Premier and Minister for the Arts'—  
*omit, insert—*  
'Premier and Minister for Reconstruction'.
- (c) At Clause 4, 'Premier and Minister for the Arts'—  
*omit, insert—*  
'Premier and Minister for Reconstruction'.

**ENDNOTES**

- 1. Made by the Governor in Council on 25 January 2012.
- 2. Published in an Extraordinary Gazette on 25 January 2012.
- 3. Not required to be laid before the Legislative Assembly.
- 4. The administering agency is the Department of the Premier and Cabinet.

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