



FINANCE AND ADMINISTRATION COMMITTEE

Members present:

Mr W.E. Wendt MP (Chair)
Ms R.M. Bates MP
Hon. D Boyle MP
Mr M.J. Crandon MP

Staff present:

Ms D. Jeffrey (Research Director)
Ms J. Mathers (Principal Research Officer)

INQUIRY INTO THE DISASTER READINESS AMENDMENT BILL 2011

TRANSCRIPT OF PROCEEDINGS

FRIDAY, 14 OCTOBER 2011

Brisbane

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Committee met at 9.01 am

CASTLEY, Ms Christine, Executive Director, Floods Commission of Inquiry Delivery Unit, Department of the Premier and Cabinet

NUTTALL, Ms Cecelia, Director, Floods Commission of Inquiry Delivery Unit, Department of the Premier and Cabinet

HINRICHSEN, Mr Lyall, Acting Executive Director, Strategic Water initiatives, Department of Environment and Resource Management

LANGFORD, Mr Andrew, Acting Director, Service Delivery and Policy, Department of Transport and Main Roads

MAHON, Mr Gary, Assistant Director-General, Strategic Policy Division, Department of Community Safety

PAPAGEORGIU, Mr Michael, Executive Director, Planning Policy, Department of Local Government and Planning

WALSH, Mr Dennis, Executive Director, Road System, Operations, Department of Transport and Main Roads

CHAIR: Good morning, ladies and gentlemen. I declare this public briefing of the Finance and Administration Committee inquiry into the Disaster Readiness Amendment Bill 2011 now open. My name is Wayne Wendt. I am the chair of the committee and the member for Ipswich West. The other members of the committee are Ms Ros Bates, the member for Mudgeeraba; the Hon. Desley Boyle MP, the member for Cairns; and Mr Michael Crandon MP, the member for Coomera. We have our research team of Jo, Deb and Lyn. Mr Ray Stevens, the deputy chair and the member for Mermaid Beach, and Ms Peta-Kaye Croft MP, the member for Broadwater, are unfortunately unable to attend today's briefing due to prior engagements. As you would appreciate, it was done in quite a hurry and we appreciate you being here.

The purpose of this meeting is to receive a briefing about the Disaster Readiness Amendment Bill 2011. The bill was referred to the committee on 11 October. The committee is interested in the practical implications of the policies being put into effect in the bill. The bill's main policy objective is to implement the recommendations of the Queensland Floods Commission of Inquiry interim report and improve the state's disaster preparedness ahead of the next wet season.

This briefing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I do remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a copy of the instructions for witnesses, so we will take those as read. Is that correct?

Ms Castley: Correct.

CHAIR: Hansard will record the proceedings and you will be provided with a transcript. I remind all those attending the briefing today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard I remind members of the public that under the standing orders the public may be admitted to or excluded from the briefing at the discretion of the committee. Can I also request that all mobile phones be turned off or switched to silent mode? No calls whatsoever are to be taken inside the committee meeting.

I remind committee members that officers are here to provide factual or technical information. They are not here to give opinions about the merits or otherwise of the policy behind the bill or alternative approaches. Any questions about the government policy that the bill seeks to implement should be directed to the responsible minister—that is, the Premier in this case—or left to debate on the floor of the House.

What I will do is ask representatives from the departments, if they so desire, and particularly Christine, to make a brief opening statement.

Ms Castley: I thank the committee for the opportunity to brief you on the bill. I am Christine Castley, Executive Director, Floods Commission of Inquiry Delivery Unit. I have next to me Cecelia Nuttall, who is a director within that unit. If I could briefly explain the role of the unit: it is a dedicated unit that has been established within the Department of the Premier and Cabinet to oversee implementation of the Floods Commission of Inquiry interim report recommendations. One of our key functions was to coordinate development of the Disaster Readiness Amendment Bill, which is the bill that the committee is looking at today. As the committee knows, it is an omnibus bill, covering several different acts which are administered by several departments. So this is why we have a number of officers from other departments attending today's briefing.

What I propose to do is to give the committee a quick general overview of what is in the bill. If after I finish that overview the committee wishes to be walked through what is in the bill in more detail, we could get the relevant departmental officers to walk you through that detail. So we will make that offer to the committee and I will seek your direction at that point as to whether you wish to do so or not.

In your letter to the director-general of the department, the committee indicated an interest in the consultation undertaken in relation to the bill. I would like to talk to that issue in a bit more detail. But what I will do first is speak briefly about what the bill does—

CHAIR: Certainly, in relation to that first aspect, we will discuss that during questioning.

Ms Castley: Sure—and also the reasons the bill needs to be progressed urgently. I am happy to pause at any point as well to take questions during my overview.

CHAIR: Thanks, Christine. I see there are a number of other people here from different departments. Do we need to have any opening statements made by them at this stage?

Ms Castley: No. We are happy just for me to give the opening statement. So I will give you a quick overview. Just to give you a sense of what is in the bill, the bill makes a number of amendments to the Disaster Management Act to expand the membership of the State Disaster Management Group. That group currently is primarily made up of state government representatives. We are expanding it to include external members, such as the Australian Defence Force, the Australian Red Cross, Surf Life Saving Queensland and the Bureau of Meteorology—all of which play key roles. Also, there are a number of amendments to fix up how our disaster management groups operate, requiring they consult with essential service providers and publish their local disaster management plans on websites. There are also provisions in the bill about streamlining the process for extending disaster declarations, allowing the Premier and the minister to do that rather than having to go through Governor in Council.

The amendments to the Sustainable Planning Act are really about clarifying the emergency exemption provisions for exemptions from development approvals to make it clear that those exemptions apply to community infrastructure, and not just buildings, where you need to act quickly to fix things in disaster circumstances. There are some amendments to the Transport Infrastructure Act and the Transport Operations (Road Use Management) Act which are basically about improving and streamlining the provisions about the enforcement of road restrictions for flooded roads.

The amendments to the Water Act are really about the process by which the minister makes decisions about temporarily reducing the full supply level of the dam. That was an issue that was dealt with at some length in the commission of inquiry's report, and these amendments are really about implementing an improved process as to who is the decision maker. Also, the amendments to the Water Supply (Safety and Reliability) Act are about allowing the chief executive of the department to put requirements on owners of referable dams to provide warnings to residents living downstream of the dams where, as a result of flooding, there are going to be outflows that will impact on them.

As you indicated, Mr Chair, the reason for the bill is to implement the state's legislative response to the commission of inquiry report. That is the short answer. To give you a sense of timing, the Floods Commission of Inquiry delivered its report on 1 August. The government released its response to the report, fully accepting all of those recommendations including that it would implement legislative changes, on 23 August—and this is where we are today. So that is part of the explanation for the timing.

To assist the committee as well, I would like to point out that the explanatory notes set out which of the clauses relate to which recommendations in the bill. So that may assist you in your consideration of the bill. We also identify several amendments which were additional to what was recommended by the commission of inquiry, and these are some of the amendments to the Disaster Management Act, the transport related amendments and the Sustainable Planning Act amendments. The reason those amendments were included was that, as we were going through the process of making amendments, we asked all departments to identify any issues that they thought needed to be quickly addressed in legislation in preparation for the coming wet season in terms of improving operational efficiency. So those particularly were the amendments to the Sustainable Planning Act about building approvals and transport.

I am conscious of time. If you wanted me to, I could give you an explanation of the urgency around the bill and why some of the provisions in a practical sense need to be in place as soon as possible.

Ms BOYLE: That is important, yes.

CHAIR: Yes, please.

Ms Castley: So some of the specific reasons for the urgency attaching to the bill are, as I said, the amendments to the Disaster Management Act which expand the membership, and it would be highly desirable for that membership to be settled as soon as possible because the wet season is not terribly far away. It officially starts on 1 December. But, as members would be aware, storms have already started to happen. So that is one of the critical timing issues in terms of having the membership formalised as soon as possible.

Ms BOYLE: Could you pause there? You said you would be happy to pause.

Ms Castley: Yes.

Ms BOYLE: While you are on the Disaster Management Act, what that means is that those changes, because they do not come from the inquiry and its recommendations, have not really been consulted on widely. They have not been in the public arena. That does not mean to say that I will not be supporting them, but the fact that these are new—

Ms Castley: That part in terms of the membership of the State Disaster Management Group did come from the Floods Commission of Inquiry recommendations. They recommended the Australian Defence Force and the Red Cross be included. Then the Surf Life Saving Queensland and the Bureau of Meteorology were additions that the government decided on. So it is half and half. But the expanded membership was recommended by the Floods Commission of Inquiry. I should also add, in terms of consultation, that the Department of Community Safety has consulted with all of those affected people about their participation in the State Disaster Management Group.

The amendments to the Water Act, as I indicated—and this was dealt with at some length by the commission of inquiry—are about who makes the decision and who considers the process for reducing the full supply level of the dam. The commission of inquiry made some recommendations about setting in place a clear process as to who is the decision maker and how that process gets initiated. Obviously, the process has happened. The minister has already made her first announcement about the decision about the full supply level of the dam. But obviously if we can have the legislation to support that process and for that next stage, which will probably happen in November—the next review—that would greatly assist the process.

Ms BOYLE: Could you pause for clarification in relation to the next review will probably happen in November? Under the new arrangements, will the responsible minister have the ability to call a review within days if they wanted to? Let us say the skies open tonight and the rain does not stop for two days. Are there provisions there for rapid response, if needed?

Ms Castley: That is exactly right. One of the key things in the amendments would be that the minister has the ability to set a time frame by which the water entities such as Seqwater—the major dam operators—have to come back to her with their advice. So certainly a decision about reducing the full supply level has flow-on impacts. It is not a decision that is taken lightly. It is about accelerating the advice process and stipulating a time frame, which they are legislatively bound to comply with.

Ms BOYLE: So if the minister was very disturbed two days from now by constant rain, how much time could they take to give her that advice?

Ms Castley: She could say, 'Come back to me in 24 hours.' It is whatever time she thinks is reasonable. Obviously, the quality of advice—

Ms BOYLE: Will be influenced by how fast.

Ms Castley:—will be influenced by that, yes. The other issue that I wanted to flag in terms of urgency was the Water Supply (Safety and Reliability) Act amendments, which are about requiring dam owners to put in place notification requirements for residents living downstream of the dams. Obviously, that is going to have implementation implications for those dam owners because they have to contact the people within their local area. They have to consult with the local disaster management group and they have to work out what the notification process will be. Will it be SMS, email, a phone call—what works best? So that is obviously going to take time. That work is happening at the moment but, if the legislative amendments are in place, they will have certainty about what they are going to be required to do in terms of compliance. So the department has started work already with agencies flagging that these amendments are in train. But, again, there is a timing issue there in terms of ensuring that people have as much notice as possible about what they are required to do.

Again, in relation to the amendments to the Transport Infrastructure Act, obviously, there are some clear public safety issues around those. So it is highly desirable that those amendments be in place prior to the wet season. They deal with some powers for transport officers as well as some really practical issues such as road signage, reducing the requirements about the size of what is on the signs and those sorts of things so that those signs can be put up more quickly. So there are some practical issues there in terms of practical improvements that the amendments put in place.

Ms BOYLE: Those also, however, do not come from recommendations.

Ms Castley: They are additional. Correct.

Ms BOYLE: So they have not been widely canvassed publicly. Are they controversial at any level? Are there likely to be some concerned citizens?

Ms Castley: I do not think so, but I should flag that, in terms of those transport amendments, the department of transport has consulted with the Local Government Association, the Queensland Trucking Association and the RACQ. So there has been that consultation that has occurred in terms of developing those legislative changes.

Ms BOYLE: Is the department here?

Ms Castley: Yes, the department is here.

Ms BOYLE: So they could speak to that a little later maybe.

Ms Castley: Yes, they could. That is pretty much what I was going to say in terms of the general overview of the bill. If the committee wanted, I could give you a quick summary of what sort of consultation departments have done or I am happy to leave that for the departments to do as we go along.

CHAIR: We might go through that as we go along.

Mr CRANDON: Unless I missed it, you did not mention the South-East Queensland Water (Restructuring) Act 2007.

Ms Castley: I apologise for that. I suppose in a sense, in my mind, that was a minor amendment. It is clarifying the functions of those water entities in that process to do with the decision about reducing the full-supply level. In a sense, the amendments to the Water Act clarify the process whereby the minister can request information from the dam operators and the water entities; those amendments make it clear that it is part of a function of those entities to give the minister the advice.

Ms BATES: Christine, welcome. I would like to clarify a few issues with your amendments to the Water Supply (Safety and Reliability) Act, particularly in relation to the recommendations by the commission. Like every other Queensland, I sat there absolutely shocked to see what was happening in the Lockyer Valley. Many people have talked about the lack of a warning system for the amount of water that came off the Toowoomba plateau and why didn't anybody think that that volume of water was actually going to go somewhere and cause some concerns. Could you or your department provide a brief explanation of the new processes for warning residents living immediately downstream of dams? I am also thinking about the recommendations from the royal commission in Victoria with Black Saturday, with things like ongoing sirens. The residents up in Marysville, for instance, were concerned that they were not alerted to a difference. Normally the sirens call a Rural Fire Brigade to come to the fire station and they felt that the alarms should have kept going so that people in Marysville actually realised that something was different and it was dangerous. Has there been any sort of recommendation like that following what happened in the Lockyer valley?

Ms Castley: I might invite Mr Lyall Hinrichsen from the department to answer that question.

CHAIR: I suppose the only thing I would say on that is that the water from the Lockyer was not responsible for the water that is actually in Wivenhoe. It is a different area.

Ms BATES: I know, but in general about the flood commission inquiry.

Mr Hinrichsen: The provisions that the member refers to, the amendment of the Water Supply (Safety and Reliability) Act, specifically relate to conditions that the chief executive is able to impose on the operators of referable dams. In Queensland there are just over 100 referable dams, most of which are owned by state government entities or local government. There are a smaller number that are owned by mining companies and individual landholders. The amendment simply provides a head of power for the chief executive to explicitly place a condition on the licences for those referable dams to ensure that there are appropriate notification arrangements in place for downstream landholders. That will be given effect through amendments to the emergency action plan guidelines that relate to the referable dams in question. In some cases those notifications will be very formal and sophisticated arrangements such as would apply to a large state owned dam. They could require automated SMS alerts and the like. It does not replace the current arrangements that apply through notification to the local disaster management group.

CHAIR: Before you move off the issue of the guidelines, can we get a copy of those guidelines?

Ms Castley: Yes.

Mr Hinrichsen: We can table that.

CHAIR: I did not want you to lose your train of thought, but I had it in my mind. Thank you.

Mr Hinrichsen: On that point, a new draft of the guidelines has been produced and circulated to dam owners and representatives of dam owners as part of the consultation process to receive feedback before those guidelines are actually put into effect. The major storages, most of which as I said are operated by local governments and government owned corporations, are going to ensure that they have notification arrangements in place for the coming wet season on a voluntary basis. Otherwise, the guidelines we will seek to apply, from the following wet season, to the owners of all dams. They will need to then have their emergency action plans in place to reflect the requirements of the guidelines.

CHAIR: These are a draft; when do we expect them—

Ms Castley: The department currently has them out for consultation with dam holders.

Ms BATES: Are there any costs associated to owners of private dams to comply with these changes?

Mr Hinrichsen: There will indeed be costs. Some of those costs might be significant, particularly in the case of automated notification requirements for large dams.

CHAIR: These are private dams.

Mr Hinrichsen: Sorry, for the private dams—

Ms Castley: I should clarify, with privately owned dams it ranges from mining companies to farmers, so there is a spectrum.

CHAIR: As the member asked, these actually relate to those dams as well?

Mr Hinrichsen: They do. It will be very much a horses-for-courses approach. Where there are a small number of affected landholders and residents involved, then it might be as simple as having reflected in the emergency action plan that there will be someone representing the landholder in attendance at the dam who would be then phoning or otherwise notifying downstream landholders directly, particularly in those cases where from the time the dam overtops, say, or there is a failure of the dam wall—in those situations—where it might be only a matter of, say, less than an hour between when that occurs and when the water actually affects the downstream properties. It is simply requiring what is otherwise good practice to be formally recognised in the conditions. In that case, it certainly would not be a significant cost. It will not be one size fits all. The requirements that relate to those small privately owned dams will be tailored for the circumstances and will be quite different to the more sophisticated arrangements that would apply to the major public dams, for example.

Ms BATES: You are really relying on the fact that in cases with farmers, et cetera, they are going to be around to telephone anybody. Is there a backup if the farmer is on holidays, for instance?

Mr Hinrichsen: That type of arrangement would need to be specified in the emergency action plan that the dam owner prepares and then submits. It would need to cover those types of circumstances to make sure that there is always a mechanism to be able to give effect to the requirement to the emergency action plan.

Ms BATES: If there was substantial requirements for change, particularly with mining companies, are they funding that or is there assistance from the state government? How does that work?

Mr Hinrichsen: It would be expected that the owner of the dam would fund those responses.

Ms BATES: What sort of response have you had back from owners of those private dams?

Mr Hinrichsen: The responses have been generally positive, understanding that this is important when someone does own a large dam that it is part of good practice to have those arrangements in place. The feedback that we got from the likes of the Queensland Farmers Federation was that it wanted to see the arrangements reflected in the guidelines where it could be a horses-for-courses approach rather than one size fits all.

Ms BATES: Following on from that, the Queensland Farmers Federation, as you said, have expressed some concerns at the potential costs and impacts on members and wanted to raise those concerns through this committee. Can you also elaborate a little more about what other concerns they had? Obviously we will be speaking to them, but it would be nice to know what you have already dealt with.

Mr Hinrichsen: The primary issue that they have raised certainly has been the cost of compliance. There are approximately eight dams in that category of privately owned farm dams used for irrigation purposes, so it is a relatively small number.

CHAIR: These are not the ones owned by the mines; these are ones owned by farmers.

Mr Hinrichsen: Owned by farmers, private landholders.

CHAIR: That is the Queensland Farmers Federation.

Mr Hinrichsen: Indeed.

Ms BATES: Do they feel that that is an impost on them as private owners of smaller dams to comply with all this regulation? Has that been a concern that has been raised too?

Mr Hinrichsen: They already comply with the broader regulation. They are already required to have an emergency action plan. This adds a new dimension to that which specifically requires them to have arrangements in place to be able to inform downstream landholders who would be affected as a result of either overtopping of the storage or from any other incident. That is in addition to the current arrangements that relate to advising the local disaster management group.

CHAIR: When it says they have raised concerns, are they opposed to these?

Mr Hinrichsen: They have not indicated that they are opposed. They are just concerned to ensure that the arrangements in place reflect the circumstances of a small, say, rural area with a small number of landholders as opposed to a large dam that might have several thousand properties affected downstream. They did not want their members to be caught up in something that was overdone for the circumstances.

Ms BOYLE: Can I ask a question that reflects my ignorance. Through having lived in cities all my life, I do not understand about privately owned dams in rural areas and how that configures. For most of those eight that you are talking about that are privately owned dams, what kinds of numbers of downstream properties are there that they might have to notify? Is it five or 50 or 200?

Mr Hinrichsen: It does vary, whether it is a dam that is in western Queensland, say, or whether it is a dam that is on the outskirts of urban areas. In those circumstances that is reflected in the existing conditions associated with the potential community at risk, to do with that dam.

Ms BOYLE: So each of those eight farmers would already know how many properties potentially would be affected because that would be already reflected in their emergency management plan.

Mr Hinrichsen: That is all part of the assessment that is undertaken in the licensing of those referable dams.

CHAIR: In regard to the number of dams we are talking about, and obviously you have all this information, can the committee get a report on the number of dams that we are talking about and a breakdown? You have the eight farm dams—

Ms Castley: I think there are 106 dams. There is a list of who owns them and we can provide the committee with that list.

CHAIR: And where they are?

Mr Hinrichsen: Where they are, certainly.

CHAIR: I think it would be interesting for us to look at that.

Mr CRANDON: That means the farm dams are around seven or eight per cent of the total.

Mr Hinrichsen: Indeed.

CHAIR: In numbers, not necessarily quantity.

Mr CRANDON: That is right. Just coming back now to the farm dams, I suppose we are spending a little bit of time on this because we are going to be talking to the Farmers Federation. In relation to the farm dams, they could perhaps potentially have emergency plans in place. They need to ring 25 farms downstream or 25 landowners downstream. We have some sort of a cataclysmic occurrence and there are no phones. Where to from there? Is there a backup to the plan that they put in place that perhaps emergency services would be ringing in?

Mr Hinrichsen: Those are the types of issues that need to be included in the emergency action plan. From that perspective, it is not a stand-alone document. The owner of the dam would need to be liaising with the local disaster management group in advance to make sure that, in those circumstances, there were clear communication arrangements put in place and that, for that matter, the local disaster management group was aware of the existence of that dam and its operations and potential area affected so that through their channels they could make sure that there was appropriate surveillance, if necessary. They may have access to helicopters and other remote access that a farmer does not have. So it is a matter of making sure that those processes are in place in advance, rather than waiting until the day of the event and then saying, 'How do we handle this situation' when there is no phone coverage or there is no road access.

Mr CRANDON: Ultimately, is it the responsibility of the farmer with all of these things or is there a joint responsibility and it is a two-way street?

Mr Hinrichsen: It is a two-way street, but the responsibility to prepare the emergency action plan for the dam is the responsibility of the owner of that dam. But in that, there are requirements that they are liaising and working with the local disaster management group in making sure that there are overall appropriate arrangements in place to deal with those circumstances.

CHAIR: Michael is quite right in that with the event we have just gone through in January in my electorate, which is west and is directly below the dam wall, phones were out very quickly. People had to rely on things like the social media. Facebook was used, Twitter was used, SMSing was done. The member for Mudgeeraba mentioned the issue of manual sirens. That is something we are looking at in those communities now, about the possibility of something like that.

Ms BATES: We are also relying on humans. As I said, not everything is going to be there. Not everybody owns a mobile phone. I know you would assume, if they are one of the responsible dam owners, that they would have that, but even mobile receptions went down in certain places, particularly in major disasters where the lines were being clogged by concerned relatives and families. Apart from telephoning your neighbours downstream, have you also considered, as Mr Chair said, sirens to alert people that this is different, this is not the normal thing?

Mr Hinrichsen: If that was an appropriate mechanism for a particular dam, that type of arrangement would be part of the emergency action plan. It depends obviously on how many residents are involved, how far they are away, where those sirens would have to be located and whether it is practical to operate those. But that might be, in circumstances, a quite appropriate way of alerting people.

Ms BOYLE: As important as this is, this is not in the bill. The bill does not go to that kind of detail of emergency response. You are setting up the system, but not specifying the mechanisms, as it were?

Mr Hinrichsen: Indeed.

Ms Castley: The important thing is the link in with the local disaster management planning process. It might be useful for the committee to know that all the local disaster management groups have gone through a review process and taken into account the circumstances locally, including use of sirens and

what the backup systems are. So that will be a critically important link in the emergency action plan for the individual dam owner to hook into in terms of ensuring it does not all rest on that one person, that it fits within the planning for the broader local area.

I was going to flag in that instance that the government does intend to release a readiness update in mid-November about those broader issues that sit outside the bill which relate to the other recommendations. This partly answers the member for Mudgeeraba's question about use of sirens and those sorts of instances in the Lockyer which are not so much about a dam overflow but flooding, which is broader than the issues dealt with in this bill.

Ms BOYLE: Could we talk about the Sustainable Planning Act for a moment. I am keen to understand how much we are doing here. The question in the back of my mind at the moment is are we doing enough. So I have heard, the master planning process that has taken place for Grantham has fast-tracked a whole lot of Sustainable Planning Act processes that have been mind-blowingly slow. Are we getting towards doing anything about that kind of planning for management after events—or is this just to do with some emergency responses outlined?

Ms Castley: I might ask the representative from the Department of Local Government and Planning to just come up in case you want to pursue this. What these amendments deal with is those sorts of immediate emergency or disaster response situations where you need to go in and do quick fix-up sort of work to fix either buildings or community infrastructure. It is just making clear that you get your exemptions from your development approvals to act immediately, not just for buildings but for jetties, for roads, for pipelines and whatever else. I might just ask the Department for Local Government and Planning representative to introduce himself and speak to the question.

Mr Papageorgiou: Good morning. My name is Michael Papageorgiou. I am the executive director of planning policy and, yes, I can confirm that this is clarifying the emergency provisions in SPA—just making sure that community infrastructure is clearly one of the categories that can benefit from the exemptions in this clause of SPA. It does not go on to do the other sorts of improvements we are talking about. They will be dealt with in other instruments and measures.

Ms BOYLE: It sounds like people are being very cautious. It does not come out of the inquiry. It is not a big recommendation. We as a government surely went ahead through various departments and fixed up roads and bridges and piers and so on rather than ringing up the Department of Local Government and Planning and saying, 'Have I got your permission?' There has been no trouble to your knowledge, Michael, about all of this, but you are just making sure it is clear that legally there is no problem?

Mr Papageorgiou: There has been no trouble. The issue arose in discussions with infrastructure agencies, in particular Transport and Main Roads, and they did ask for advice as to whether it was covered by the exemption provision—things like reconnecting communities, making sure that roads are trafficable, looking at bridges and emergency provisions in terms of making them passable. While it was arguable that the existing provisions might apply, this measure is making sure that it is abundantly clear that the whole range of community infrastructure is eligible for the exemption provisions.

Ms BOYLE: Thank you. While you are sitting there, if I might ask whether you can give me any kind of clue as to how we are going to use the lessons from the more rapid master planning process in future circumstances? Are we looking at any kind of transfer of those lessons?

Mr Papageorgiou: We will certainly be looking at a number of the initiatives that are underway, certainly any further outcomes of the commission of inquiry, the work of the QRA and, indeed, there has been work that has been continuing with the recent temporary SPP that relates to flooding issues. So there is a series of work and we will be looking to implement that progressively over the next 12 months.

Ms BATES: I had a follow-up question on the Sustainable Planning Act 2009. You say that roads and bridges that are damaged because of emergency can be quickly repaired. It is probably a question for DERM as well. I am just thinking of my area in Springbrook where two suspension bridges and the whole road are heritage listed. In the event of a fire, for instance, how does that process work so that you can quickly get access back up to that area of the mountain if you needed to?

Mr Papageorgiou: There are provisions as well that relate in particular to heritage listed places. It is the same exception that is extended to make it clear that even if it is heritage listed this exemption applies. But as you will see from the way the clauses are written there are some specialist provisions that make sure that soon after the repair is made an application for a development approval is made for the heritage development and that is assessed. That could be potentially refused and therefore the emergency construction or activity might have to be made good or replaced. So it is just a precautionary provision that says that, if there is an emergency there, you might have to do something to address it.

Ms BATES: Of a temporary nature

Mr Papageorgiou: But then you have to make sure that it is consistent with the objectives of the heritage listing of the place.

Ms BATES: Thank you.

Mr CRANDON: On the Sustainable Planning Act—just following on from this—I note that it talks about community infrastructure.

Mr Papageorgiou: Yes.

Mr CRANDON: Of course, we all know what that means and around Brisbane we have a pretty clear idea that we could get to most of it, but when we go out west where a lot of the problems were there would be a lot of private property. Are there any provisions to allow access without permission from the landowner to make repairs and so forth, for example, to a dam? Where does the access or the liability lie in relation to access to private property?

Mr Papageorgiou: This provision relates to community infrastructure as defined under SPA regulation. Community infrastructure is generally in public ownership but not always. There can be privately operated and run community infrastructure. If it is under one of those definitions—and there are quite a lot of them in the regulation—then the exemption would apply. A private road within an internal property I do not think would qualify under any of the definitions of community infrastructure.

Mr CRANDON: Following on from that, if you had your public road system wiped out and there is no point in repairing it because it is six feet under water, but you had some damage to private roads that perhaps could get you to where you wanted to be but had some damage, there are no provisions, no capacity to make repairs under this provision to those roads in order to provide access around areas, that type of thing?

Mr Papageorgiou: I would not be able to answer whether you could go beyond community infrastructure. In terms of this particular change, I do not think that would be covered, but it might be possible under other provisions.

Ms BOYLE: When the committee is ready, I would like to talk about the transport operations part of things.

CHAIR: Certainly. What is your question?

Ms BOYLE: As I read the amendments to the Transport Operations (Road Use Management) Act, that will allow officers to restrict who can access certain areas, but to even go further than that, to ask for drivers' licences and the lot. You are going to be dealing in emergency circumstances with people with very high emotions, some of them frightened, some of them angry, some of them hell-bent on saving somebody they love—all kinds of people. So I would really like to understand who is going to do this, how is this going to work and what change are we making.

Ms Castley: I might invite the Department of Transport and Main Roads representative to come up and talk about those practical issues. I should probably make clear, and you probably know this, that these are existing provisions and we are improving on the existing provisions about how you enforce road use restrictions during flooded circumstances. These are about some increased powers for transport officers in addition to police officers who exercise those powers so they get the additional support and issues about signage and also some exemptions about who can go through. The Police Commissioner and the chief executive can grant an exemption to a person to go through at a particular time and that process can happen very quickly—a text message, a phone call. So it is not a hugely paperwork-ridden process. If I could introduce Andrew Langford from the service delivery and policy area in the Department of Transport.

Mr Langford: Good morning all. Transport inspectors need these powers in emergency situations as police officers get widely stretched while they have road enforcements and it is important for QPS to have those powers. They have to attend a whole range of other tasks. These amendments will allow the inspectors to be able to assist police officers in enforcing the road closures and road restrictions and assisting with public safety and asset protection, which is a big part of it. They do this by giving powers to stop all types of vehicles, including cars, to enforce the restrictions. Currently, inspectors can stop trucks and other heavy vehicles to enforce these provisions.

It is very important that these amendments also allow the inspectors to take a proactive role before people enter into the flood situation. It does not only consider their safety but those who have to go in and rescue them if that is necessary. Drivers therefore can be warned before they go in. The transport inspectors take note of high emotion and try to work with people and educate them before they go into this type of situation and speak about the dangers of entering floodwaters and what it may do to the road asset.

Ms BOYLE: We have this problem up north more to do with flooding post cyclones and because the Bruce Highway is not flood proof—but that is another story. Let us imagine there is a vehicle hell-bent on getting through. The driver says, 'We are a four-wheel drive. We can manage the water. She'll be right, mate'. How far can the inspector go? He can warn, he can ask for drivers' licences, he can nicely handle the communications but, in the end, if Mr Smith is hell-bent on driving his four-wheel drive into the floodwaters and he is going to get flooded and require probably some rescue. That is his own lookout. The inspectors cannot physically restrain people, I imagine.

Mr Langford: They are not police officers. They do not have the power to restrain people. They can issue a provisional improvement notice, a fine, but they cannot physically detain the person.

Ms BOYLE: These inspectors are people who have experience and training. They are not just people who you say to, 'Today we're a bit short of people. You can be an inspector'. It is not, of course, as trivial as that, please reassure me.

Mr Langford: Part of my responsibility, when we induct people into becoming transport inspectors, is to make sure that they have extensive training. That is not just one or two days; that is months of training and then they are partnered with more experience officers.

Mr CRANDON: Just following on from that training, you intimated earlier taking into the account the high anxiety, as I would put it, in circumstances like that. Would that training that you are talking about take into account some training in the area of being able to recognise and manage conflict?

Mr Langford: Managing conflict; that is exactly right. Emotional communication using emotional intelligence to deal with people in those high stressed situations, yes. It does.

Mr CRANDON: That is not just a one- or two-day course; that is a significant part of the course?

Mr Langford: That is correct.

CHAIR: Thank you, Andrew. Member for Mudgeeraba for Christine?

Ms BATES: My question is to do with the State Disaster Management Group and the relationships with local councils. I hark back to Springbrook, because one day it will burn. The state government plan differs from the local government plan in that there is confusion about evacuation points, for instance. If one goes to the Gold Coast City Council website it says that if there is a problem in Springbrook you evacuate to the local hall. But the state government says that that is the evacuation point for the emergency services. It is their base camp. It is not for the locals. If you are a local up in Springbrook and you went on the website you would think to evacuate to the hall which is not where the state government wants you to evacuate to. Have you had other examples? That is an example in my area of confusion for locals in emergency situations?

Ms Castley: I invite Mr Gary Mahon from the Department of Community Safety to come up and speak to that question. I will say that, as part of the whole implementation process in responding to the Floods Commission of Inquiry recommendations, one of the recommendations from that report was that there be a review of all local disaster management plans to ensure consistency with the Disaster Management Act and, hence, the state disaster planning act. As part of that process, Emergency Management Queensland is also going through a quality assurance check. All of the district disaster coordinators, who are Queensland Police Service officers, are working closely with their local disaster management group through that review process. So it is an actual active review process that is happening in relation to each of those local planning processes. I should say, too, that if any other members have particular concerns about particular areas I would be keen in my role as the head of the implementation unit to hear about those issues because those are the sorts of things that we are looking at in terms of ensuring that any inconsistencies or potential problem areas are addressed before—

Ms BATES: Certainly in relation to my local rural fire brigade I know exactly where they are going to evacuate residents, which is in a paddock where there is nothing around them, whereas the hall would not fit everybody in anyway and they would be in the way of the emergency services. They are the sorts of discrepancies that I have in my electorate. I would be more than happy to provide more information.

CHAIR: I would certainly agree with you. If that is the case, I would not expect that to be continuing. That needs to be addressed. Gary, do you have any thoughts on those issues?

Mr Mahon: Just adding to Christine's comments, clause 4 of this Disaster Readiness Amendment Bill actually sets out the requirement for the district disaster management groups to review the local disaster management plans. That is to give consistency to what I might call the escalation and de-escalation right through the raft. Under section 16 of the current act the chief executive is required to review the plans at all levels—SDMG, DDMG and LDMG—but there was a gap in that the DDMG was not required to review the plans of the LDMG. So that puts that final piece of the puzzle together so that you have review up and back. That should overcome the type of problem that you have outlined. In the case of specific examples like that, we are more than happy to take those on board and we would inquire into that inconsistency. Structurally, this amendment should overcome those types of inconsistencies.

Ms BOYLE: How is that going to fit with the new requirement—not through this, but through elsewhere—for local governments to all improve their flood plans? The Cairns one, for example, is changing dramatically from what it was before. That is likely to change, therefore, evacuation centres and various other matters, too, that would bear on our management. That will feed in somehow to this up-and-down hierarchy of disaster management plans. Somehow that information will be linked in.

Mr Mahon: That is right. At each of those levels they are required to have a plan. This set of amendments will require them to publish that plan so that it is reviewable by every member of the public who wishes to access that information. It is also reviewed at a state level, at a district level and at the local level. So EMQ's role within this space as a delegation of the chief executive ensures compliance with the requirements of the act. So you have a fair bit of autonomy at the local level with the LDMG to develop their plan with all of the participants that they need at that local level, and DCS ensures that that plan is compliant with the requirements of the act.

Ms BOYLE: But that does not quite answer my question. There you go and let us say for a particular area at all those levels they are done.

Mr Mahon: Yes.

Ms BOYLE: So everybody goes and has a bit of lunch and a bit of a relax but, meantime, one of the councils in that area happens through planning—not through community services, EMGs or disaster management groups—to have changed their broader flood plan and the information in that needs to connect. I am asking: what is the mechanism for reviewing that very fine, agreed, coordinated, integrated set of disaster management plans?

Mr Mahon: You would normally expect the LDMG to be aware of that change to perhaps flood plan management or perhaps the hydrology study or some such piece of work that might have been undertaken. The chair of the LDMG will be the CEO of the local government. So you would have normally expected—

Ms BOYLE: Of course. Sorry, I am forgetting that.

Mr Mahon:—that they would understand any new work that might have come into play and need to be taken into account in their local plan.

Ms BOYLE: I have one more issue that really comes back for Christine, I think. It is a bit of an overview. So they are pretty much all the bits, as you have pointed out, in implementing recommendations from the flood inquiry. In a general sense, can you give me a sense of how many recommendations they made? I have forgotten. Are we just doing five out of 550? What else is in train? Could you give us a broader picture of all those recommendations? Not all of them would require legislative change, I imagine. Have you got that sort of overview of where this fits in?

Ms Castley: There were 175 recommendations that were made by the commission of inquiry. Of those, about 104—and I will say that that is a slightly rubbery figure because there is a blurring of responsibilities between local government, state government and Commonwealth—have been attributed to state government. We have been working with local government and the Commonwealth government on their other recommendations to keep track of what they are doing.

The vast bulk of those recommendations relates to preparations for this wet season, but there are some which have longer term-implications. For example, there was an issue about looking at the raising of Wivenhoe Dam, which obviously is a longer piece of work in terms of time. I will flag that the government is monitoring all of those recommendations. We are doing regular reports to cabinet and the plan is to in early November release a report publicly about where we are at in terms of implementation of those recommendations. Then sitting under that is a whole raft of works which Emergency Management Queensland and the Queensland Police Service are engaged in coming from the local disaster management plans, which are the core of the whole readiness process—that review process that is going along. I can say that pretty much everyone is working to a 1 November readiness date, which gives us about a month before the official start of the wet season to check, refine and keep building on our readiness preparations. Have I answered your question? It was quite—

Ms BOYLE: Thank you for the broader picture. Roughly, though, how many recommendations are we bearing on in this particular bill?

Ms Castley: I have not done the exact count. There would be less than half, I think.

Ms BOYLE: But it is a substantial number nonetheless. But we will hear more of that broader picture probably in November?

Ms Castley: That is correct, yes.

CHAIR: While I have the opportunity I have two particular questions. One is to do with the make-up of the LDMGs and the like. I noticed during the flood situation—I was involved in many of them, as you can appreciate, in my area and I am glad to see the Defence Force, the Red Cross and I noticed also the lifesavers' involvement. I am not quite sure how they will help up my way, but certainly I think that was a great opportunity to extend and review the make-up because I was quite critical of the make-up myself. If I had not been at some of those meetings, some of the stuff would not have got done because I was able to make contact with certain people. I think that has been a good opportunity. Can you tell me if there is a requirement that they actually do take part, or is it a horses for courses exercise?

Mr Mahon: It is a combination of both. At the SDMG level they will now join the State Disaster Management Group as official members once appointed by Governor in Council. The one I would add there is the Bureau of Meteorology. So there are four additions. Last year when we did the disaster management review we added the LGAQ at that time. That now gives a fairly good cross-section of additional membership to strengthen the decision making and capability of the SDMG. At the district and local level it depends on the needs for your particular area and the capability of those services within those areas.

CHAIR: It is no good having the lifesavers in my area.

Mr Mahon: No. We are in the throes of entering into a memorandum of understanding with Surf Life Saving about bringing their capability to the disaster management equation. For example, flood boat and boat handlers are very handy to be able to deploy into many parts of the state because they have that experience and expertise. Being accompanied by locals for local knowledge and the like, they can bring quite a bit of—it is not necessarily about the red and yellow caps and the beach experience; they are very transportable skills and really strengthen our capability for state-wide resources. At a local level, they may be able to participate. It might be that your council is fairly close to a surf club or whatever and they might

have the capacity to be able to contribute at a direct level to your LDMG. In other places they might stay in communication with you from time to time and send somebody out to talk about their capability and what resources they can bring to bear but would not normally participate in your LDMG activity. It is horses for courses, if that is the right expression, as to where they have the capacity and where it is relevant to your particular area. In any case, we want to raise awareness of LDMGs and DDMGs that those capabilities and capacities are there.

CHAIR: I think it is a great initiative to add those extra skills. Is it restricted to those four groups? Have we allowed ourselves the ability to include somebody else if we need to? For instance, is Telstra or telecommunications on there?

Ms Castley: Not on the State Disaster Management Group, which is what the amendments deal with. I think they could be on the local disaster management group if need be.

Mr Mahon: They often are called to the SDMG meetings to contribute their particular perspective. In this case, we are talking about the actual formal membership of the SDMG. Depending on the circumstances—and Cyclone Yasi is a particularly good example where the utilities spent quite a bit of time in the SDMG room because of the significant impacts in that space, particularly power. They were a part of the SDMG considerations during that time.

CHAIR: The last question I have—and I will leave it to the others then—is about supply levels in the dams. I am intimately aware of what goes on at Wivenhoe. I have been through the walls, inside, outside—you name it. I think it is at about 82 per cent at the moment. I was under particular media attention at the end of last year in November and December because we were releasing water continually during that period and we closed off a number of access roads around my area. In fact, they were all in my area. I know that, based on potential rain forecasts, the mark goes down to 75. Is there a time frame, which is something I have been trying to find out? I would not like to see it go from 82 per cent to 75 per cent over 24 hours because it would leave everybody stranded. Are there issues so that we can actually do that over a period—go from the 82, as it is currently, down to 75 per cent?

Ms Castley: I might ask one of the DERM people if they know what is going on. In terms of the forecasts that we have from the Bureau of Meteorology, which is one of the key factors in terms of what we might expect, the Bureau of Meteorology will be releasing its next forecast at the end of October. So 31 October is probably a date to watch out for. That will probably be the point in time at which the minister will kick off that process about reviewing supply levels of dams and what might happen in terms of releases, levels and flows.

CHAIR: That is my question. How long does it give us in here to get it from whatever it is to 75 per cent? Does anybody know that?

Ms Castley: I will ask Lyall Hinrichsen.

CHAIR: Lyall is here. He looks like he is keen to go.

Mr Hinrichsen: Thank you for the question. Under the proposed arrangements, it is if the minister were to gazette a notice requiring a reduced full-supply level, for example. Following from that, there is a requirement for the operator of the dam to submit to the chief executive for approval a program for bringing the water level down. So that then needs a signer from the chief executive to make sure there are appropriate arrangements in place before that outcome is triggered such as ensuring that there is appropriate notification for downstream councils and landholders if there is going to be disruption to bridges and road access, for example. In terms of the time frame, it would very much depend on the circumstances.

CHAIR: Okay.

Mr Hinrichsen: If it were a longer term climatic forecast—for example, after Christmas our bureau was suggesting a high probability of significant monsoonal activity—then that would suggest that there is a longer period to be able to draw that down. As I think the member referred to earlier, if it were an emergency situation and there were a need to lower the dam within a matter of days then the response would be commensurate with that. Much more urgent arrangements and higher release rates still need approval from the chief executive before they can be put into effect. The arrangements for making that release would be commensurate with the circumstances that actually apply.

CHAIR: I am pretty comfortable with that. Even though Wivenhoe is at about 82 per cent, I know that Somerset is still at 100 per cent. So everything that falls at Somerset is going to flow into Wivenhoe. The figure for dam levels involves not only Wivenhoe but also North Pine and Somerset. We talk about 75 per cent, can we just have Wivenhoe at 75 per cent but leave the other two at 100 per cent, is that right? Are they individual?

Mr Hinrichsen: It applies to the three dams individually—to Wivenhoe, to Somerset and to North Pine. It is the three dams that have flood mitigation manuals in place.

CHAIR: Good, I am relatively happy with that.

Mr CRANDON: In relation to the Transport Infrastructure Act 1994, we talked about penalty provisions and so forth. I got some feedback about this and I am down the coast where we did not get any of this. I was certainly getting the emails and criticisms about individuals being slapped with fines, the argument being that they were endangering themselves or others. The counterargument being that they know about that microarea, that local area. They had the expertise. The people coming in and slapping the Brisbane

finances on them were from Brisbane or somewhere else and did not really have a clue about what was going on. I see that there are some proposed penalty provisions. What are we looking at—doubling the fines, quadrupling the fines? Are we going to get more emails next time because the micromanagement system did not work?

Ms Castley: I might invite a department of transport representative to come up.

CHAIR: I might just comment on that. We had a number of deaths in and around my area. They were local people who knew those microareas. They got themselves into situations they should not have been in.

Mr CRANDON: We still need to ask the question. I am not condoning what they were doing. That was the feedback I received. I am asking the question in relation to that.

Mr Walsh: With regard to the penalty provisions, there is no proposed change to the current penalty provisions. The current penalty infringement notice for section 46 is \$600. For disobeying a no entry sign it is \$140. Depending on the signage in place will determine what penalty applies.

CHAIR: I do not think we have anything else at this point. The time allocated for this public briefing has now expired. If members require any further information we will certainly contact you. Thank you for your attendance today. The committee appreciates your assistance at such short notice. I declare this briefing closed. It is the wish of the committee that the evidence given here before it be authorised for publication pursuant to section 50(2)(a) of the Parliament of Queensland Act. Thank you very much for being here today.

Committee adjourned at 10.03 am