

# Grantham Floods Commission of Inquiry

## COMMISSIONS OF INQUIRY ORDER (NO. 3) 2015

### COMMENTARY ON THE SCOPE OF THE TERMS OF REFERENCE

#### Introduction

This document has been prepared by counsel assisting the Grantham Floods Commission of Inquiry (the Commission) to assist interested persons to understand counsel's view as to the scope of the Terms of Reference and to inform any submission as to the scope of the Terms of Reference.

Nothing in this document alters or limits the Terms of Reference.

**(a) The flooding of the Lockyer Creek between Helidon and Grantham on 10 January 2011, with specific reference to any natural or man-made features of the landscape which could have altered or contributed to the flooding**

This Term of Reference requires the Commissioner to inquire as to the specifics of the flooding that occurred on 10 January 2011 between Helidon and Grantham (including such matters as the timing and extent of the flooding) and what was the effect of natural or man-made features (such as the quarry or the railway line) on that flooding.

Understanding the nature of the flooding on 10 January 2011, and how it affected the residents between Helidon and Grantham, may also require some consideration of how that flooding differed from previous experiences and expectations of flooding in that part of the Lockyer Valley.

**(b) Whether the existence or breach of the Grantham quarry caused or contributed to the flooding of Grantham**

**(c) Whether the existence or breach of the Grantham quarry had a material impact on the damage caused by the flooding at Grantham**

Of particular concern to many members of the community in and around Grantham is the extent to which the quarry, or an embankment around the quarry pit (and its collapse during the course of flooding on 10 January 2011), caused or contributed to the way in which Grantham was flooded on 10 January 2011. Terms of Reference (b) and (c) direct specific attention to that community concern.

Terms of Reference (b) and (c) require consideration of whether the particular way in which Grantham flooded on 10 January 2011 was, to any extent, a consequence of the presence of the quarry, the presence of an embankment around the quarry pit, or the breach of that embankment. If the quarry, or the embankment around the quarry pit, or the breach of that embankment, was a contributing factor, then the further matter to be considered is whether one or all of those things had a material impact on the damage caused by the flooding of Grantham on 10 January 2011.

**(d) Whether the breach of the Grantham quarry had implications for evacuation of Grantham**

This Term of Reference requires consideration of whether the breach of the embankment around the Grantham quarry on 10 January 2011 had an effect on the ability of the residents of Grantham to evacuate, or be evacuated. This Term of Reference requires consideration of matters such as whether the breach altered the effect of the flooding on road access to Grantham, or the speed or direction from which Grantham was flooded, or the time of the onset of the flooding of Grantham, or the time of the onset of some stage of the flooding of Grantham. It does not include consideration of the adequacy of warning systems and processes at that time.

**(e) How these matters were first investigated and how eyewitness accounts were dealt with, particularly by State Government Agencies and Emergency Services**

This Term of Reference requires consideration of the initial investigation of the matters set out in Terms of Reference (a) to (d) and how eyewitness accounts of the flooding of the Lockyer Creek between Helidon and Grantham on 10 January 2011 were dealt with.

This Term of Reference would include, for example, considering what witness statements were initially taken in the investigation of what occurred on 10 January 2011, what was done with those witness statements, what photographs or videos of the flooding were collected and how those photographs or videos were handled. This Term of Reference does not include “a review or investigation of the way in which the Queensland Floods Commission of Inquiry was conducted”. Nor does this Term of Reference include a general consideration of the conduct by State Government Agencies and Emergency Services in relation to the flooding or its aftermath unless that conduct forms part of the initial investigation of the matters set out in Terms of Reference (a) to (d) or dealings with eyewitness accounts in relation to those matters.