

<i>Name of Witness</i>	James Thomas BARNS
<i>Date of Birth</i>	
<i>Address and contact details</i>	
<i>Occupation</i>	Business Owner
<i>Officer taking statement</i>	Stephen James PLATZ
<i>Date taken</i>	07/03/2011

James Thomas Barns states:

1. I am a [REDACTED] male presently residing at [REDACTED] Cabarlah. I am a property developer and the owner of the Murphy's Creek Hotel located at 1 Thursa Street, Murphy's Creek. The manager of the hotel is Sue Haughey who resides in a caravan at the back of the pub.
2. I remember Monday the 10th day of January 2011 at about 2.00pm I was in Toowoomba when I received a phone call from Sue Haughey's daughter. Sue's daughter relayed information from Sue that Murphy's creek had a major flood and that water got into the hotel. I was assured that the water in the hotel wasn't too bad and that they had managed to push the water out. I was unable to get to the hotel on this day due to the flooding in Toowoomba.
3. On Tuesday the 11th day of January 2001 at about 6.00am I left from home to drive to Murphy's Creek. I was expecting the roads to be damaged so I took my four wheel drive. I went via Murphy's Creek road as all other access roads had been damaged and were closed. I arrived at Murphy's creek by about 6.30am.

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Signature of [REDACTED]

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4. Upon arrival in the town I noticed that there was a lot of debris lying around as a result of flood. I didn't take too much notice as I was busy concentrating on driving due to the difficult road conditions. The pub had suffered some water damage to the carpets and tarps had been placed on the floor. The mains power had been cut but Adrian MANN, one of the locals, had brought his generator in and connected it to some of our major appliances, such as the cold rooms. We also had no running water as the electric pumps could not operate. We connected a hose from the water tanks into the building and used buckets to flush the toilets. Our kitchen is gas operated so we still had hot water. All the telephone landlines were cut at this time and mobile phone coverage is virtually non-existent at all times.
5. I spoke to Sue who told me that evacuated people had stayed the night at the hotel but had left in the morning. Alistair, Murray and some of his mates were using their trail bikes to check on residents to ensure that they were safe and accounted for.
6. I then assisted Sue in getting the hotel in some sort of working order during this day. I later went home that evening but returned each day during the week to assist in the recovery of the hotel and to provide services to the people affected by the floods.
7. During the first week after the flood the hotel became a 'un-official' disaster recovery centre for Murphy's creek. We were the focal point of the town during this period. The majority of donations to Murphy's creek came to the pub, which included food and other basic living products. As the pub is the only facility able to deliver meals and other services, we cooked and provided all meals to the community and anyone else involved in the recovery effort. During the subsequent weeks after the flood my staff would have provided over 2000 meals

to people in the town. The food cooked was donated goods however we provided the labour involved in the preparation of this food free of charge.

Responses pertaining to terms of reference

Warning

8. I did not receive any warning in relation to the severe flooding which affected Murphy's creek. I do not think that there was any way that you could predict such a rainfall event that occurred on the 10th of January 2011. The weather patterns in this area are very specific, for example, Yarraman which is only a short drive away, could receive a significant amount of rainfall and we would receive nothing here. Overall I think the forecasts are pretty good but there is no way they can be specific enough for each locality. Even if they had predicted the particular rainfall event above Murphy's creek I don't think there was anyway you could alert someone due to the rapid nature of the flood.

Preparation

9. There was no preparation at Murphy's Creek for the severe flooding. Firstly, I think that the flood affected properties across the Lockyer valley should not have been built in areas vulnerable to flooding. I am a property developer and I know that the local council has approved developments on flood plains. I think that all the floor levels should be revised and raised above the current flood levels.

Response

10. For the first few days I did not see a significant response from the emergency services. The local rural fire service was unable to assist in the response as their

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building and equipment was demolished by flood. Their depot, which is located on the river bank, is in a poor position and should be built well away from this area.

11. The police did provide a full time presence once they were able to get in but I had some issues with regards to the way things were handled. Firstly, I do not think that the police utilised the locals as much as they should have in finding missing residents. People like Alistair Mann and his friends know the country very well and can access properties with their trail bikes. They should have been utilised by the police to find victims or visiting properties that were cut off by the floods. We also have a lot of locals with key skills, like operating bulldozers and other machinery, which could have assisted in the response and recovery, but were not used. The second issue related to the threat to prosecute people assisting in the search effort. I was aware that the police threatened to prosecute Alistair Mann and his friends for riding un-registered trail bikes briefly on the roads whilst they were out trying to find missing people. I think that this should not be an issue at a time of natural disaster and minor breaches like this should be waived.
12. The final issue, pertaining to the police response, was when they failed to assist members of public at a time of need. Two young children belonging to a local family were separated from their parents due to the floods. Their mother was stuck in Toowoomba hospital and their father was cut off to the area. The police refused to take them to Toowoomba to re-unite them with their parents. This did not create a positive image of the police amongst the community.

Recovery and Insurance

13. During the first week of recovery, as stated, the pub was used as an emergency centre. At this time I supplied all meals and covered all costs associated with this.

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I did not receive any government assistance and have not received any reimbursement for these costs outlaid. After the first week we received a significant amount of donated food and other goods. The community assistance, in this regard, was very good. All generators and other equipment used to keep the pub operating as an emergency centre were provided by the public.

14. My greatest concern during these floods was that of public liability insurance for the hotel whilst it was being used as an emergency centre. My insurance provider for the hotel, Total Risk, became aware that the hotel was being operated as an emergency centre and because of this they would not cover us for public liability insurance. At the time we had multitudes of people, including kids, sleeping at the premises and machinery operating in the car park. I was concerned that if someone was hurt we could be liable for damages as a result. I asked the many visiting politicians and other authorities about this issue but nobody could assist me in this regard. I was not provided any official document that my hotel would be covered under any emergency legislation.

15. I later received information about an Insurance company that would provide the necessary cover. Within two days of this inquiry I had representatives from Apex insurance conduct an assessment and provide me with the necessary cover for this situation. During the period that I did not have insurance cover I was very concerned. I believe that if private businesses are being used as community emergency centres that there should be some blanket cover for them in times of natural disaster.

J.BARNS

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 ...7...3.10.11 and contained in the pages numbered 1 to 1.7.6 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 at Edinburgh this 24 day of March 2011

Witness Signature.
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