

**SUBMISSIONS FOR STATE OF QUEENSLAND
11 MARCH 2011**

**Department of Justice and Attorney-General
(JAG)**

Ministers

To 20 February 2011

The Honourable Cameron Dick MP

Attorney-General and Minister for Industrial Relations

From 21 February 2011

The Honourable Paul Lucas MP

Deputy Premier and Attorney-General, Minister for Local Government and Special
Minister of State

Director-General

Mr Philip Reed

A. Key Functions and Role of Department

JAG delivers a wide range of service that underpin a fair, safe and just Queensland.

The JAG is the government agency responsible for administering justice in Queensland through:

- The administration of the court and tribunal system; and
- The Attorney-General's role as the state's first law officer.

JAG delivers a diverse range of services to urban, rural and remote communities throughout the State. These include the following justice services:

- Courts and tribunal services;
- Coronial services;
- Prosecutions services;
- Dispute resolution services;
- Penalties enforcement services;
- Justices of the Peace services;
- Guardianship services;
- Victims of crime assistance services; and
- Life event registration services.

JAG also provides services through the Office of Fair and Safe Work Queensland to further improve productivity and fairness at work, electrical safety in the community, and workplace health and safety.

JAG also provides legal and advocacy services to government.

B. Departmental Structure and Operation

JAG's organisational structure is attached and marked '**JAG-01**'. Relevant and appropriate delegations are issued by the Director-General within the framework of this organisational structure.

The decision making process in the case of emergency or disaster will depend upon the relevant situation. Each business unit/location within JAG has a Business Continuity Plan (BCP) which will indicate local responses; JAG holds 220 such plans. Some units such as Queensland Courts also have emergency evacuation plans.

JAG's statutory bodies including Legal Aid Queensland, the Crime and Misconduct Commission, Workcover Queensland, the Public Trustee and the Queensland Industrial Relations Commission have not been included in this submission.

C. Specific Responsibilities under the Disaster Management Act 2003 and Other Relevant Legislation

The State Disaster Management Plan, made under section 51 of the *Disaster Management Act 2003* (the DM Act), lists the following responsibility for JAG:

'Provide high level legal advice to the Government.'

The Director-General is a member of the SDMG.

JAG does not have a policy or plan relevant to disaster management and is now addressing this need at a departmental level.

D. Preparedness for Flooding Events Generally

There is no departmental plan specifically for flooding events. Most business areas of the department have Business Continuity Plans (BCPs) that detail measures to be taken in the event that there is an interruption to business.

As part of their particular functions, business areas have implemented various additional measures in accordance with their areas of responsibility. For example:

Office of Fair and Safe Work Queensland

- The Electrical Safety Office published information in November 2010 for residents, business owners and the electrical industry on electrical safety actions before, during and after floods;
- Workplace Health and Safety Queensland has prepared an information kit for natural disasters with 24 links to specific information sites relating to relevant safety information which is available for dissemination before, during or after a natural disaster; and
- Public Sector Industrial and Employee Relations coordinated the amendment to the Special Leave Directive in November 2009 to increase the number of Queensland

Public Sector employees who have access to paid leave to attend emergencies. In December 2010 the Critical Incident Directive was amended to increase the eligibility of public sector employees under the Directive and extended the time frame within which eligibility would apply.

Courts

Queensland Courts (including State Reporting Bureau, Courts Information Services Branch, Office of the State Coroner, Courts Innovation Program and Land Court) have Emergency Evacuation Plans as well as BCPs in place in the event of disruptions to business.

Office of Adult Guardian

The Office of the Adult Guardian's BCP provides that during closures of the Brisbane office all incoming telephone calls are diverted to the Townsville office. The regional Townsville staff has access to electronic client files, to continue to provide the core business.

Office of the State Coroner (OSC)

The OSC has a BCP in place. Essentially this involves providing essential services only (autopsy and release orders). Coroners are able to give oral autopsy orders to police/pathologists. Coroners are in direct contact with these agencies for these purposes.

E. Preparation and Response to 2010/2011 Flood Events

JAG's Board of Management (BoM) consists of executive officers and supports the Director-General in the discharge of his responsibilities. The BoM oversees JAG's governance and associated committee structures. During the 2010/2011 flood events, BoM did not meet formally. However, the Director-General and senior executive officers met regularly in January 2011 and daily between 10 January 2011 and 14 January 2011 to discuss the impacts of the flood events.

The decision making process and steps taken in response to the 2010/2011 flood events were made by the responsible managers or directors of individual business areas in consultation, where necessary, with available executive officers in their business areas. Where local responses were required, decisions were made quickly by the senior officer at the location. Where particular issues required consideration – for example the continuation of critical services – decisions were referred to Executive Management.

Business areas implemented the following measures:

Courts

Supreme and District, Land Court, Planning and Environment Court

- In December 2010, the Supreme and District Courts Leadership Group conducted a refresher of BCPs, including the creation of 'Go Kits' that are stored off-site which allow SDC staff to provide registry services to the public from any location;
- The Brisbane Supreme and District Courts closed temporarily for the period 12-14 January 2011. An 'off-site' Registrar was available for urgent applications;
- The Chief Justice, Senior Judge Administrator, Chief Judge and Judge Administrator were updated as events progressed. Given the timing of the flood events, most judges were on summer vacation leave. However, updates were provided to other judges, including the President of the Court of Appeal, as and when required;
- No sittings of the District Court were held in South West Queensland from 3-14 January 2011 apart from the Ipswich District Court, which was abandoned from 10-14 January 2011;
- The Land Court was closed between 12-14 January 2011. However, phone calls were diverted to the Registrar's mobile to allow business contacts to proceed as normal; and
- Planning and Environment Court matters were adjourned to a date to be fixed, unless the parties agreed on another order to dispose of the matter.

Magistrates Courts

- The Magistrates Courts Branch including Training Support Unit, Justice Services Support, OSC, Courts Innovation and Regional Office SEQ maintained core daily operations from the Brisbane Magistrates Court Building. Some other staff operated from regional courthouses during the flood week;
- During the flood events, the Executive Director Magistrates Courts Branch liaised with Chief Magistrate Judge Brendan Butler daily at Brisbane Magistrates Courts Building and also with the Office of the Director of Public Prosecutions, the office of the Commonwealth Director of Public Prosecutions, the Legal Aid Office and with the Courier Mail to effect the publication of notices regarding changes to court sittings;
- The Brisbane Magistrates Court maintained core services with limited staff during the Brisbane flood event. The Brisbane Arrest Court at Roma Street continued to operate daily except for Thursday 13 January 2011 when cases were transferred to the Brisbane Magistrates Court Building;
- On 12 January 2011 Magistrates Court sittings were affected at Richlands, Beaudesert, Toowoomba, Toogoolawah and Pine Rivers. Magistrates Court sittings were affected at Ipswich on 12 and 13 January 2011. Where these courthouses were closed or Magistrates were unable to access them, cases were dealt with by the Magistrate by telephone or otherwise adjourned by the Registrar at the respective courthouse;
- Other courthouses operated as follows:
 - Gatton: courthouse remained open throughout;
 - Toowoomba: no court held 10 January 2011 otherwise court held every other day. Registry services affected 10, 11, 12 January 2011;
 - Oakey: office closed 10 January 2011, and afternoon of 12 January 2011;
 - Pittsworth: office open throughout no services affected;
 - Dalby: had 3 major floods in 10 days. Registry closed 12 January 2011 otherwise open. Court matters adjourned by Magistrate 10, 11, 12 January 2011;
 - Chinchilla: major flooding but courthouse office open throughout. On 12 January 2011 court matters adjourned by phone;

- Taroom: office open throughout;
- Warwick: office open throughout;
- Stanthorpe: office open throughout;
- Goondiwindi: office open throughout; and
- St George: office open throughout, however court for 17, 18, 19 January 2011 used video link for court sittings; and
- The Childrens Court (Magistrates) Brisbane was open every day except for Thursday 13 January 2011, and those matters were adjourned by phone on Wednesday 12 January 2011.

Queensland Civil and Administrative Tribunal (QCAT)

- QCAT, located at 259 Queen Street, Brisbane, closed its offices at midday on 11 January 2011 to ensure the safety of the public, staff and members attending hearings;
- By close of business on 11 January 2011, QCAT's 1300 number was directing urgent queries to QCAT's Principal Registrar. All incoming email queries and faxes were monitored remotely by QCAT staff;
- Staff were advised to contact the QCAT co-ordinator for updates;
- QCAT remained closed on 12 and 13 January 2011, reopening on the morning of 14 January 2011;
- Over this closure, the Deputy President and an adjudicator were available to hear any urgent matters. All urgent matters over this period were addressed;
- Hearings which were scheduled for the closure period were re-scheduled and all affected parties were notified;
- QCAT's hearings at Southport, Coolangatta, Sandgate and Holland Park carried on as scheduled that week; and
- On Friday 14 January 2011 available staff from the QCAT Management Team were called to attend an Emergency Strategy Meeting to discuss service delivery impacts and identify staff affected by flooding. The current BCP was discussed and key areas for improvement were identified.

Registry of Births, Deaths and Marriages

- The Registry closed from 12 to 14 January 2011. The Registry was physically unaffected by the flooding and records were secure;
- The BCP operated well, with staff and key stakeholders being kept informed of arrangements and processes for addressing urgent and unavoidable matters. General client contact was redirected from the phones to the internet/email and a skeleton staff remotely monitored specific inboxes relevant to their business areas; and
- Free replacement birth, death, marriage or change-of-name certificates have been made available for victims of the floods and Cyclone Yasi. The fee-waiver arrangement for replacement certificates will be in place initially until the end of March 2011, with the possibility of extension depending on future weather events.

OSC

- From midday on Tuesday 11 January 2011 until close of business 12 January 2011, the Brisbane office of the OSC was not staffed. No coroners were present in the Brisbane office from Tuesday 11 January 2011 until Friday 14 January 2011. The answering machine was switched on when OSC was vacated on 11 January 2011 and the message advised of alternative telephone contacts for the Director, OSC and the State Coroner and Deputy State Coroner for urgent matters;
- In order to address the general coronial workload, on 12 January 2011 a skeleton staff (3 officers including the Director) attended the Brisbane office to process applications for release of bodies. The Director then attended the mortuary at Queensland Health Forensic and Scientific Services (QHFSS) for the rest of the day as it was unaffected by flooding. Queensland Health provided an office, some administrative support and an email address for the Director at QHFSS;
- Release orders were processed and orders for autopsy made by the Director following consultation with the State Coroner or Deputy State Coroner;
- The State Coroner had remote access and the Deputy State Coroner was contactable by phone. Another OSC officer was able to work remotely and so was able to check the generic email account for urgent messages;

- On Friday 14 January 2011 most staff were able to attend for work as usual in the Brisbane office;
- Deaths in the Lockyer Valley and other regions of flooding were reportable deaths under the *Coroners Act 2003* and are subject to coronial investigation. The State Coroner visited the Lockyer Valley. During the period police were keeping the State Coroner informed about the recovery of bodies in the region. As bodies were not recovered all at once, the workload in supporting him to make orders regarding autopsies and subsequent release was not significant; and
- In respect of deaths in the Lockyer Valley, the OSC liaised with the Department of Communities to provide up to date contact details for next of kin to enable contact to be made with those families for the purposes of advising the families about funeral costs being paid for by the Queensland and Commonwealth governments.

Office of the Commissioner for Body Corporate and Community Management (BCCM)

The BCCM provides a dispute resolution service for persons involved in community title schemes, and encourages conciliation and the resolution of disputes through adjudication. During the flood event the following measures were taken:

- From 11 to 13 January 2011 the BCCM Office operated in accordance with its BCP and business operations resumed on 14 January 2011;
- Information was published on the internet from 14 January 2011 for community titles schemes about flood clean-up and repair issues and the BCMM Office has dealt with a number of inquiries relating to community title schemes affected by flooding; and
- The BCCM Office has processed a number of applications for adjudicator's orders authorising emergency expenditure from various body corporate administrative/sinking funds to repair flood damage to body corporate common property affected by flood damage.

Office of the Adult Guardian (OAG)

The OAG makes guardianship decisions for adults with impaired capacity when appointed to do so by the QCAT. It also investigates allegations of abuse, neglect or exploitation of adults with impaired capacity. During the flood events the following measures were taken:

- Staff commenced telephoning clients who live in flood-affected areas of Queensland on 4 January 2011 to provide assistance;
- The Brisbane office of the OAG was evacuated at approximately 12 noon on Tuesday 11 January 2011 and remained closed until Friday 14 January 2011;
- The OAG has a regional office located in Townsville that is networked to the same database and computer systems as the Brisbane office. During the closure of the Brisbane office, all telephones were diverted to the Townsville office. Regional staff were able to access electronic client files, and to continue to provide core business services and to prioritise client issues;
- Security staff advised visitors attending the Brisbane office premises to contact the Townsville office;
- Executive staff and regional managers were available to all staff via Blackberry (phone and email) and senior management staff have remote access tokens;
- Client visits (guardianship and investigations) were suspended and recommenced when it was safe to do so; and
- Community Visitors (CV) whose role it is to visit adults with impaired capacity were advised to minimise travel in flood-affected areas and to prioritise their safety. It was only in exceptional circumstances that urgent or emergency visits were required by CVs. If the need for an urgent visit arose, the CV (or Townsville Office) contacted their OAG coordinator for direction. CVP coordinators continued to contact visitable sites in flood-affected areas to check on residents.

Office of Fair and Safe Work Queensland

During the flood events the following measures were taken:

Electrical Safety Office

- The Minister for Industrial Relations issued two media releases in January 2011 outlining electrical safety measures for those likely to be affected;

- Electrical Safety Office representatives communicated extensively with the electricity distribution entities and the electrical contractor and union groups;
- Electrical Safety Inspectors provided general electrical safety advice - with coordinated site visits to flood-affected areas to provide relevant advice and information. Electrical safety messages and storm safety brochures were delivered to disaster emergency centres for tradespeople and community members;
- Key electrical safety advice was provided, including local media involvement in promoting the safe use of generators, keeping clear of fallen or low powerlines, repair, replacement or disconnection of flood-damaged electrical equipment, electrical testing of flood-affected installations, keeping clear of solar photo-voltaic systems, and exercising care around conductive building material; and
- Electrical Safety Office and Workplace Health and Safety Queensland have made more than 1500 visits to sites in the flood zone.

Workplace Health and Safety Queensland (WHSQ)

- WHSQ established a temporary dedicated 1800 phone number for advice and information which operated from 7 am to 7 pm seven days a week;
- A flood recovery response team was established to provide advice and information to businesses in flood affected areas which included inspectors dedicated to the flood recovery response;
- Contact was made with Emergency Services Queensland and all Disaster Coordinators to provide advice in relation to health and safety issues likely to be encountered;
- Advice, particularly in relation to cleaning up asbestos-containing materials, electrical safety, health and hygiene related to contact with mud and contaminated water, and slips, trips and falls, was provided both through one-on-one contacts and during general information sessions to volunteers, SES personnel, businesses and residents. An educative and assistance approach, rather than an enforcement approach, was adopted;
- Information kits and educative materials were provided to specific businesses such as hire facilities, hardware stores, police stations, community recovery centres and local councils;

- Waterproof tags outlining the proper use of high pressure blasters and avoidance of asbestos were supplied to hire companies and house cleaners across Queensland;
- WHSQ extended operations of its information centre and the inspectorate in accordance with Approval granted to apply the Declaration of Critical Incident Directive Determination; and
- Fees for replacement of occupational and business licenses and certificates if damaged or lost during the flood were waived.

Public Sector Industrial and Employee Relations (PSIER)

- PSIER facilitated a series of meetings between Human Resources/Industrial Relations Directors across government to encourage a consistent approach to work and leave (including special leave) arrangements for Queensland public sector staff who:
 - were directly or indirectly impacted by the flood events;
 - had not attended work during the flood events; and/or
 - were participating in volunteering and other clean up/recovery activity during and after the flood events.

State Penalties Enforcement Registry (SPER)

- Due to flooding of its business premises, on 12 January 2011 SPER relocated to temporary premises at Brisbane Magistrates Court, State Law Building and the Registry of Births, Deaths and Marriages. SPER staff were deployed to a number of JAG and other government agencies between 14 to 27 January 2011; and
- A “deferral of enforcement action and payment plans” process relevant to debtors who resided in affected areas was implemented. This deferral action is in place until 31 March 2011 (with a possibility of extension).

Communications Branch

- JAG developed a number of community service announcements (CSA). The CSAs provided safety information for during and after the flood events. The CSAs were broadcast by ABC radio to residents in the flood zone. Topics included:

- Safe use of water effected electrical equipment and appliances;
- Safe use of generators;
- Reconnecting electricity;
- Clean up safety;
- Precautions for asbestos-containing materials;
- Fees waived for replacement birth, death and marriage certificates; and
- Electrical safety and solar panels;
- Audio podcasts were developed and made available on the website for media organisations to download and use during bulletins. This information is still available at <http://www.justice.qld.gov.au/corporate/floods/flood-safety-audio-messages>. The audio messages covered topics including:
 - Safe handling of asbestos;
 - Asbestos in houses;
 - Asbestos in buildings;
 - Cleaning asbestos;
 - Removal of asbestos;
 - Risks associated with asbestos;
 - Safe handling of hazardous chemicals;
 - Safe use of generators;
 - Solar panels; and
 - Don't DIY your electrical work;
- The department established a dedicated flood webpage. This included key safety messages for preparation, clean up and recovery efforts;
- Between 5 January 2011 and 18 February 2011 the department issued 17 media releases relating to floods and cyclones. The releases provided safety advice and information about justice services. Releases included:
 - 5 January 2011: Electrical, asbestos danger warnings for flood clean up;
 - 6 January 2011: Certificate fees waived for flood victims;
 - 10 January 2011: Free legal information for Queensland flood victims;
 - 12 January 2011: Queensland's floods, solar panels and electrical safety;
 - 12 January 2011: Take extreme care with electricity during flood disaster;
 - 15 January 2011: Don't mess with asbestos in flood clean-up;
 - 20 January 2011: Flood safety messages audio available;

- 21 January 2011: Free legal services on offer to flood victims;
- 22 January 2011: Special workplace safety hotline to help with flood clean-up;
- 3 February 2011: Be wary around asbestos in cyclone clean-up;
- 3 February 2011: Take extreme care with electricity in cyclone aftermath;
- 7 February 2011: Cyclone safety messages audio available;
- 8 February 2011: Electrical generators can pose threat in cyclone clean-up;
- 10 February 2011: Fee waiver extended to Cyclone Yasi victims;
- 10 February 2011: Asbestos experts deployed to cyclone clean-up;
- 11 February 2011: Free legal help extended to Queensland cyclone victims;
- and
- 18 February 2011: Working with asbestos: roof cleaning.

Flood and Cyclone Legal Help

JAG has collaborated with key legal groups to develop *Flood and Cyclone Legal Help*.

The service is a free legal and information service to people affected by floods and cyclones. It has been developed to ensure that affected people can obtain independent legal advice and information on issues that affect them such as insurance claims, tenancy, employment, credit, and debt, fencing and family law. The key partners of the project are:-

- The Department of Justice and Attorney General;
- Legal Aid Queensland;
- The Queensland Law Society;
- The Bar Association of Queensland;
- The Queensland Association of Independent Legal Services;
- The Queensland Public Interest Law Clearing House (QPILCH); and
- The Aboriginal and Torres Strait Islander Legal Service.

F. Preparedness for Next Wet Season

Generally, the department's operations do not involve activities warranting planning for next wet season. The following specific activities have been identified:-

Office of Fair and Safe Work Queensland

Electrical Safety Office

The Electrical Safety Office will continue to review the outcomes of post flood recovery activities impacting electrical safety. Appropriate responses, information and advisory materials will be developed.

Workplace Health and Safety Queensland

- Although winding down, Workplace Health and Safety Queensland inspectors are continuing to support businesses and local councils in flood recovery. Once all flood-related activities have been completed, data on the activities undertaken by inspectors in response to both the flood events and Cyclone Yasi in north Queensland will be analysed and feedback from inspectors sought to inform future responses to natural disasters; and
- The information kit prepared for natural disasters will remain on the JAG website for use in future events.

Courts

The Magistrates Courts Branch and Regional Manager SEQ are reviewing BCPs in response to the flood events.

A review of the Supreme and District Courts' response to the flood events has resulted in the following measures being implemented:

- A senior officer has been given additional duties to specifically consider improvements to the BCPs of all branches of the Supreme and District Courts; and
- Specific areas of focus include:-
 - Articulating a clear command structure, with roles and responsibilities identified;

- The collation at a single point of private contact details for all staff, judicial officers, key areas within the department and external stakeholders;
- The consideration of communication methods to all staff in the event of a critical incident or event, including bulk sms, ghost websites or social media;
- Devising a communication strategy for critical events; and
- The completion of activation and recovery checklists for all critical event contingencies.

Queensland Civil Administrative Tribunal (QCAT)

A review of QCAT's response to the flood events has resulted in the following measures being implemented:

- Responsibility for QCAT's 1300 number messaging was transferred to QCAT from Telstra;
- QCAT's Senior Management team have been given remote access;
- A QCAT coordinator has been appointed to assist with information collection and distribution in the event of a natural disaster;
- A comprehensive staffing contact list has been formulated, utilising various communication channels to update staff on the emerging issues;
- A dedicated QCAT mobile phone has been obtained for use in emergency situations, with the number being posted on the QCAT website and given out on the QCAT 1300 number message;
- South East Queensland Magistrates Courts and WH&S Queensland Offices have been identified as possible emergency work locations if staff are unable to access the Brisbane City; and
- Guidelines for Remote Conferencing to be reviewed and documented to enable remote hearings to be facilitated.

Communications Branch

A communication strategy is to be developed prior the next wet season to reinforce disaster preparedness and safety messaging.

OSC

Remote access is being arranged for OSC staff to ensure that the coronial database and emails can be accessed.

G. Indication of Relevant Documents Held by Department

JAG holds 220 BCPs covering all of the business areas and business locations for the department. These will be subject to review and adjustment following the recent flood and cyclone events. JAG made 17 media releases which have been referred to above.

JAG has developed a Natural Disaster Information Kit for circulation to the public. It is available electronically at: <http://www.deir.qld.gov.au/workplace/subjects/floods/index.htm> and is available in hard copy upon request.

Index of documents attached to
JAG

Exhibit	Description
JAG-01	Organisational Structure for the Department of Justice and Attorney- General

SOQ 11 March Submissions

'JAG-01'

