

Name of Witness	Kylie Vivienne KILROY
Date of Birth	[REDACTED]
Address and contact details	[REDACTED] St. George Email [REDACTED]
Occupation	Business Owner
Officer taking statement	Detective Senior Sergeant Mark Reid
Date taken	5 April 2011

Kylie KILROY states:

- I am a married woman, [REDACTED] years of age and I reside at [REDACTED] St George. I currently manage a property of 34 acres where I run sheep and a couple of cattle. Our primary business is a construction company which is situated at our property as well. The property is located on the Balonne River, with our home and yards being within a few hundred metres of the river itself.
- I have owned the property for the last 6 years and we originally purchased the property in 2005. I am aware that the previous owner had had the property since 1991 and had placed the house in its current position on advice from Ian Hill, who is the owner of the property beside ours. Ian was born on the property next door and is about [REDACTED] years of age.
- On 5 April 2011 I provided a submission to *The Flood Commission Inquiry*, requesting that an investigation be conducted into the flooding in the St George District during January, 2011.

I am now able to produce a copy of the submission dated 5 April 2011.

TENDERED AND MARKED EXHIBIT NO.....

Exhibit Number:

QFCI

Date:

266
04/05/11
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Witness Signature [REDACTED]
Page Number 1 of 8

Signature of officer

400 George Street Brisbane
GPO Box 1738 Brisbane
Queensland 4001 Australia
Telephone 1300 309 634
Facsimile +61 7 3405 9750
www.floodcommission.qld.gov.au
ABN 65 959 415 158

4. Whilst I have owned the property we have had significant flooding, but it has never entered our home until this year. The house that I am currently living in is on the highest point of land that I own. My property was the original Sale Yards for the St George District where a cattle plunge dip was also situated. This part of the property had never been under water before, but has recently been inundated 3 times in the last year.

5. In 1990 we received a significant flood in the Balonne River where the height of the flood was measured at the gauging station in St. George. All measurements that I will use in this statement have been received from the gauging station at St. George. The peak of the flood in 1990 was 12.24 metres, which did not cause any inundation to my home or yards. The river level rose onto our property and covered about 5 acres, a fraction of the total property.

6. In 1996 we received another significant flood in the Balonne River where the peak of the flood was recorded as 10.98 metres. This flood did not cover any of our property.

7. Levee banks were built as a result of this flood in 1996 at the adjoining property called Kia Ora. This property is situated on the opposite side of the Balonne River from our property. They were constructed by G and R GRAHAM the previous owners of the property. The levee banks are 7 metres high and approximately 10 kilometres long running from St. George down past our property. Our property is 6 kilometres from St. George. The levees are used as a damming system for the irrigation of cotton on that property. I have attached two photographs depicting the Balonne River with my home and property in the right hand corner, and the Kia Ora Property stretching down the left hand side of the photograph. The levee banks can clearly be seen running parallel to the river. This levee bank seals off Munya Lakes Flood Plains which limits the area that the water can travel across. The limiting of the surface area causes the water to increase in depth. The second aerial photograph shows the inundation of my

Witness Signature

Page Number 2 of 8



Signature of officer

A handwritten mark, possibly a signature or initials, located below the page number.

property on 8 March 2010. The Balonne Shire hasn't had regulations on levee banks on floodplains for over 20 years.

8. The Balonne River had not had a major peak until March 2010. I had decided to ring Sunwater daily to obtain information about the river heights so that I could gauge whether any action was required by me at the farm in the management of stock and machinery.
9. On Monday 1 March 2010 the prediction for the Balonne River at St. George was 10.98 metres. At this point we had no concern about inundation. Later in the week the prediction for the river was 12.24 metres which I had originally gauged as a safe water mark for me at home. This height allowed us a safe buffer in comparison to previous floods. When I contacted Sunwater on Friday 5 March 2010 the prediction for the river was 14.00 metres. This was concerning as I thought that we would get approximately a metre of water through the house totally inundating us. When the water had started to reach the 11.6 metre mark, our property had started to flood. I was losing height in comparison to the 1990 height of 12.24 metres. At 11.6 metres the flood water had surpassed the previous 12.24 metre height of 1990. At 12.02 metres the property was totally inundated except for the house. I knew at this stage that we were in trouble.
10. On Saturday 6 March 2010 we decided to investigate what was happening with the river heights. We went to the levee bank at Kia Ora across from our property and saw that the wall had been breached in at least one place that we could see. The water was pouring through into the flood plain at a high rate.
11. The final peak of the Balonne River was on Sunday 7 March 2010 at a height of 13.39 metres. This peak in March 2010 was 12mm from inundating my home. By that I mean that the water had risen to within 12mm of reaching the floor boards of my home.
12. The next time the Balonne River peaked was on 9 January 2011. The height of the river was recorded as 13.20 metres, 19 centimetres lower than the March 2010

Witness Signature

Page Number 3 of 8



Signature of officer

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flood. This flood resulted in the total inundation of my home. The water height had increased by 30 centimetres flooding my home with 7 centimetres of water which covered the floor. As I mentioned earlier, my home is the highest point on our property causing some areas of the property to go under water by 2 metres.

13. This is because the unregulated levee bank blocking the floodplain on the opposite side of the river to my property breached later than it did in March 2010. The levee breached at 3.00am on 8 January 2011, but by this point the water was through the entire house. After the wall had been breached it took about 6 hours before the water went below the height of the floor boards. I have a photograph showing the height of the water dated 8 January 2011. This supports the that the levee banks are diverting water during peak flood conditions. There has never been modeling, or testing done regarding the diversion of water during peak floods.
14. We were evacuated for 13 days in early January 2011 as a result of total isolation due to flood waters. The power had been cut off for safety reasons as well.
15. We came home for the second peak on around 23 January 2011 which reached a height of 12.47 metres. This resulted in the water coming within 1 foot of the floor boards at home. The levee wall at Kia Ora had not been repaired due to the weather conditions. We sat it out at home with water under the house, with wet and mouldy floors wet from 9 January 2011 till the water fully receded on 29 January 2011. The river height at this point was 11.14 metres at 9.00am. This meant that water had totally gone from my block.
16. The second peak of reached 12.47 metres. We are 6 kilokmetres downstream from the gauging station and we measured 13 metres. This is caused by a bottle neck that is just downstream from our property. We are under water, while the natural floodplain known as Munya Lakes sits dry, surrounded by a 7m high levee bank.
17. I think that the peak increase can also be attributed to the construction of yet another levee bank around 3-6 January 2011. The Channel Irrigation was under

Witness Signature

Page Number 4 of 8

Signature of officer

threat of flooding this year, which resulted in a meeting of the Local Disaster Management Group on 3 January 2011 consisting of the St. George Council, Sunwater and the Emergency Services. As an interested party I would have expected to at least be consulted on the process, but I was not advised of the meeting. I have since spoken with the Emergency Management Coordinator, Robert BUNDY for the South West Region and he said that the correct process would have been consultation involving all parties concerned, and he appeared quite surprised that we hadn't been consulted.

18. As a result of the meeting the cotton irrigators were allowed to build a levee 1.2 metres high on the Castlereagh Highway to protect their crops of cotton, at the same time, causing my property to suffer greater flooding. The levee bank is 1.2 metres high and 2 kilometres long and borders the other side of my property. At present the levee banks on both adjoining properties are higher than my home. DERM are very aware of the problem as a result of constant notification by me. The person that I have been dealing with is Jim WELLER.

19. The peak of the 2011 flood reached a height of 13.20 metres, 19cm below the supposed 130yr flood that we had in March 2010.

20. On 5 January 2011 a second meeting was held between the Disaster Management Group, Irrigators and experts from the Cubby Station Cotton Farm to discuss the removal of part of the Kia Ora levee by explosives. Workers could not get machinery into the area due to flooding, and I think that they panicked because the water would have backed up into town flooding a large number of town residents. Last March 2010 a flood map was completed showing the extent of the inundation of St George if the river reached 14 metres. The map showed 80% of the town flooded. I do not have a copy of this map, and I am not sure who it was commissioned by.

21. I rang the Bureau of Meteorology (BOM) last year in April or May 2010 and asked them why there predictions were so far out in the predicted peak heights. I brought to their attention that there were a number of levee banks downstream

from St. George, which they were not aware of. BOM have received a lot criticism over the matter, but they could not give correct readings if they are not aware of construction parallel to the river.

Issues

22. This issue needs to be looked at. We have lost so much, financially, socially and emotionally. For example, a 20yr old Jacaranda tree is now dead from being under water for a month. I cannot replace this, or the livestock that have died. My entire life is now on hold until the levee banks are regulated. This is putting lives at risk.

23. My home was here first. I have to raise my home to avoid further flooding, but we are in no position to do this, financially. My property is worthless while ever it is at risk of flooding from water diverted by levee banks.

24. More levee banks have been built since the March 2010 flood, changing yet again the flood mapping that was carried out. I have brought this to the attention of Federal, State and local Government. For the last 10 months I have written letters, attended Murray Darling Basin Authority (MDBA) meetings, Community Cabinet Meeting in Roma where I spoke to Stephen Robertson, Desley Boyle and Tim Mulherrin. Howard Hobbs (State Member for Maranoa) and Bruce Scott (Federal member for Maranoa) are aware of this problem but refuse to act.

25. The Goondiwindi Shire Council has regulated the construction and destruction of levee banks within their District since approximately 1983. All construction is fully managed. The BOM estimated the river peak height for Goondiwindi to within 20 centimetres of the actual river height of the flood in January 2011.

26. I brought this information along with the need to regulate levee bank construction to a meeting with Balonne Council in 25 June 25th 2010, and was told it would go to Community Consultation over an 18mth period. I wrote to them again in November 2010, and the reply was they had no idea what Consultations I was talking about.

Witness Signature

Page Number 6 of 8



Signature of officer

27. I made application for assistance to the Premiers Disaster Relief Fund on 15 February 2011 due to the inundation of our home and sheds. On 23 March 2011 I was advised that we had been rejected as they had been advised by the Disaster Management Groups Engineer John CARLTON, that our home had not been inundated. I was then required to reapply and fill out a statutory declaration stating my case. This was for the \$2000.00 for home inundation.
28. Over the period of the floods in 2010 and 2011 I took a number of photographs and also had a number of photographs given to me.

I can now produce a series of photographs depicting the floods in 2010 and 2011. These photos depict water heights, our home and yards in inundation and the levee banks associated with Kia Ora and Castereagh Highway.

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29. After a conversation with Detective Senior Sergeant REID on 6 April 2011 I faxed him a copy of 13 pieces of correspondence totaling 20 pages relating to my dealings with members of local and state government on the issue of levee bank construction on the Balonne River at St George. This correspondence has been gathered between 20 August 2010 and 4 January 2011.

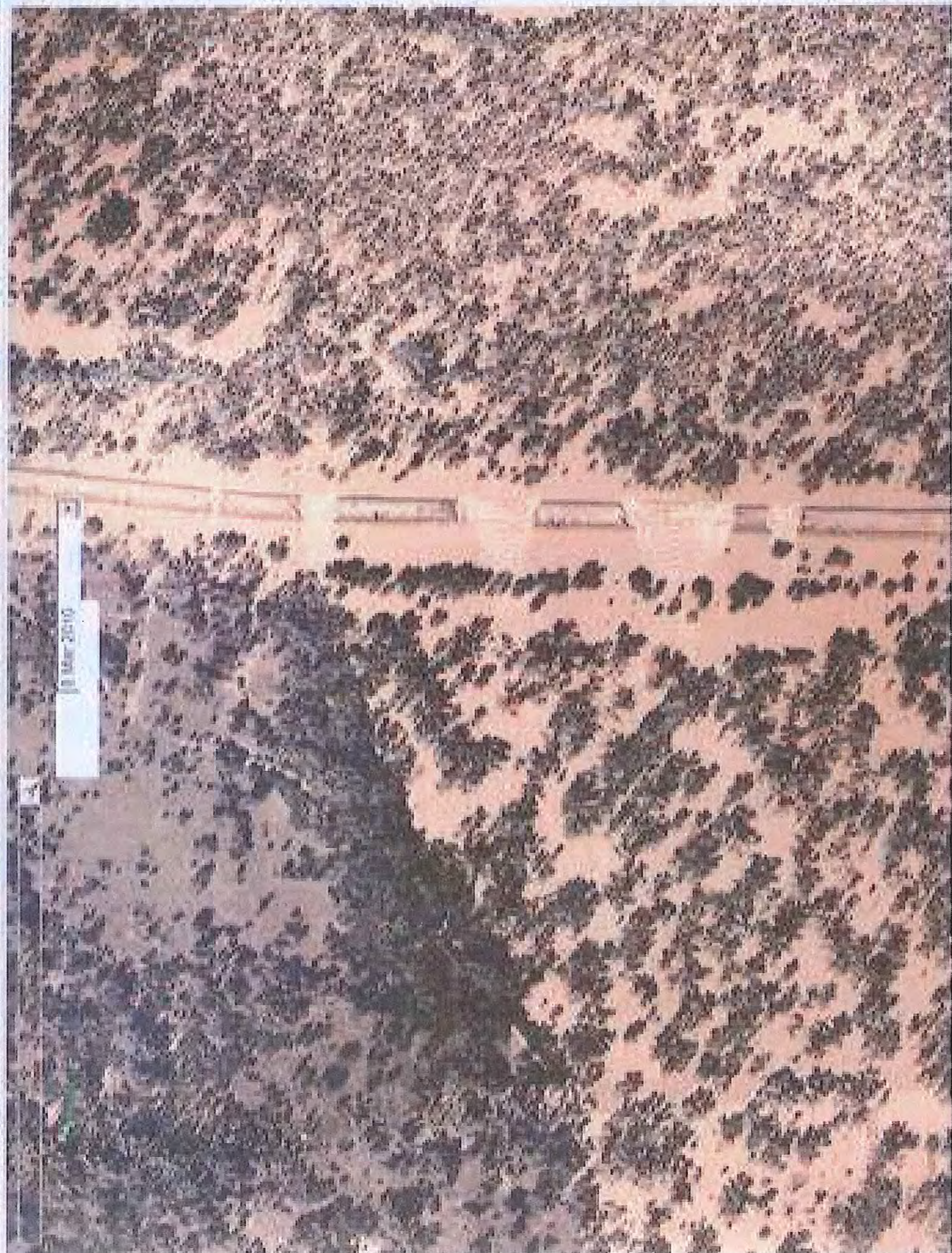
I am now able to produce copies of the correspondence relating to my dealings with local and state government between 20 August 2010 and 4 January 2011

TENDERED AND MARKED EXHIBIT NO.....

Kylie KILROY

Witness Signature  Signature of officer
Page Number 8 of 8 *P*





8 March 2010



11 December 2010

K10 Ora. Level



March 2010



6th March 2010



6th March 2010

march 2010

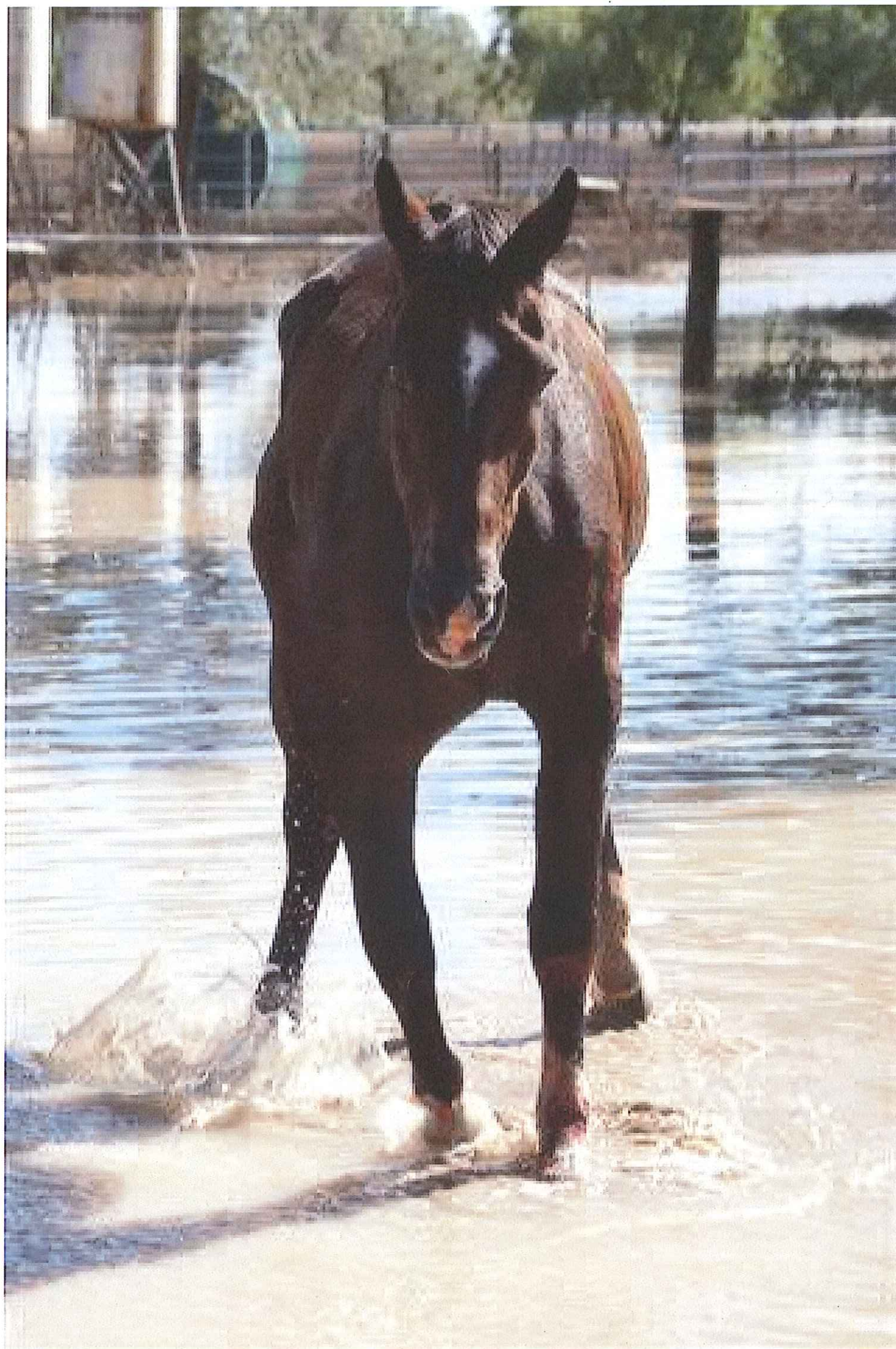


6th March 2010

March 2010



6th March 2010

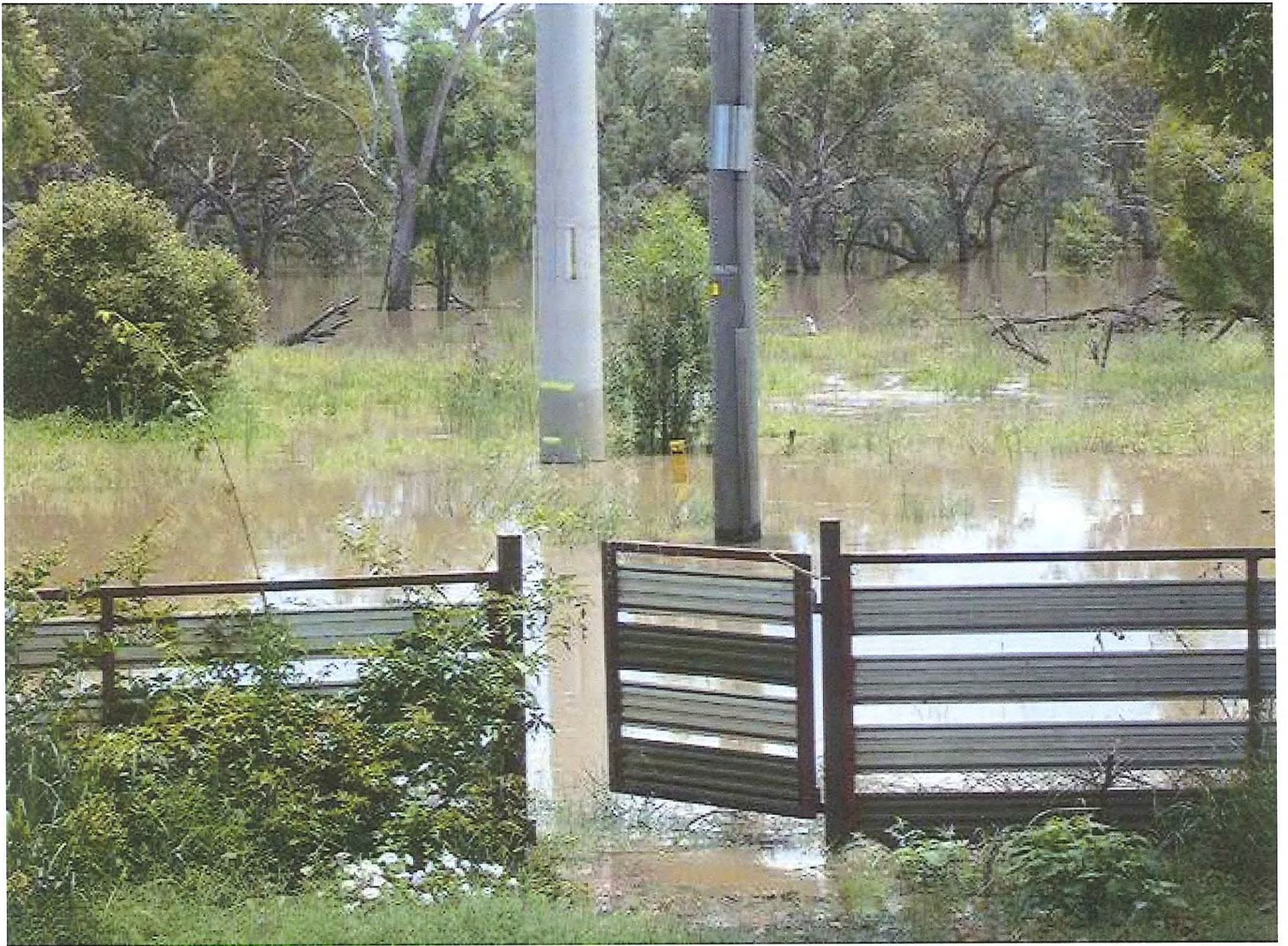


12 March 2010

12 March 2010



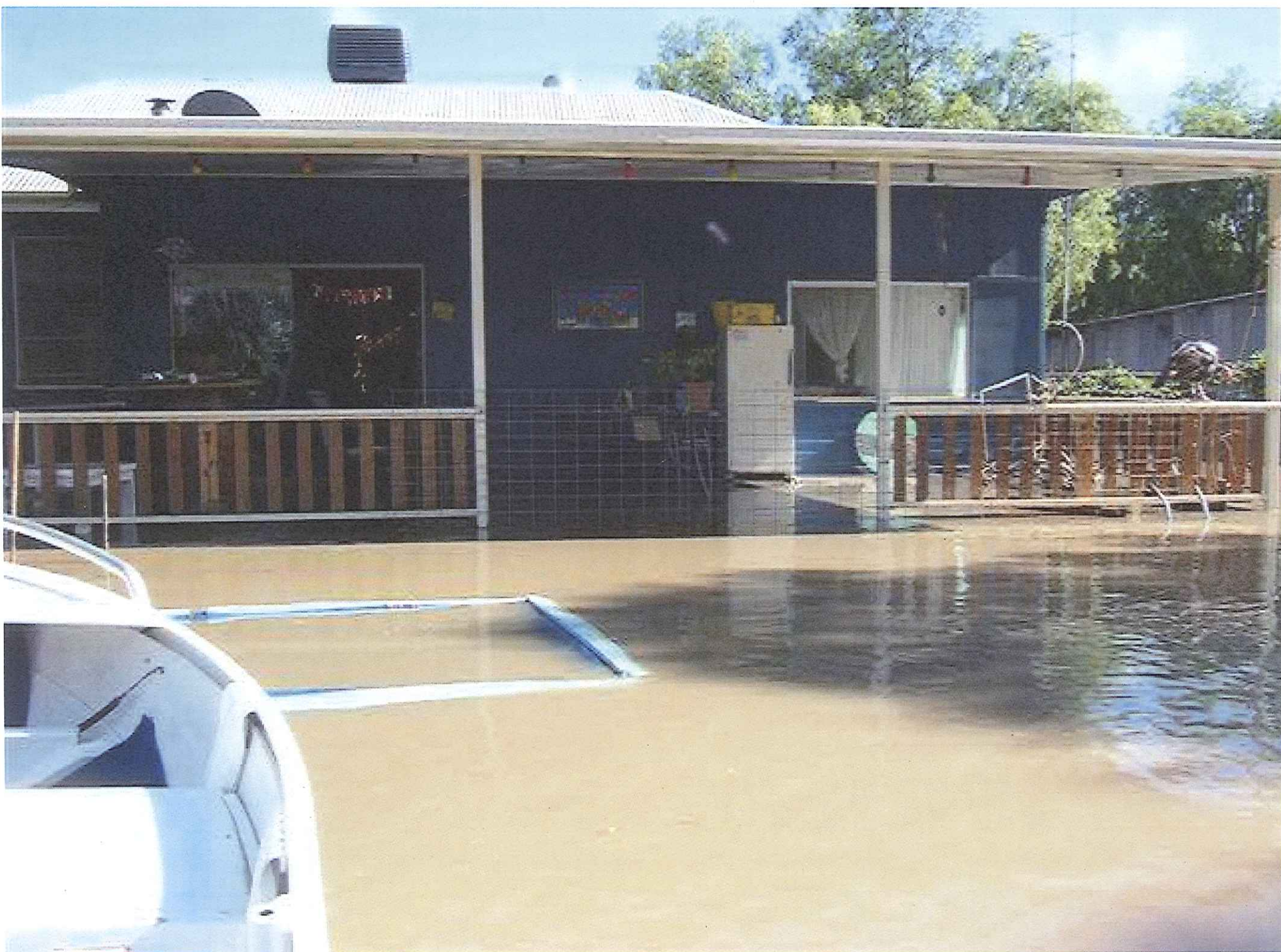
3rd January 2011



Jan. 2011 13:29 m



10:30am 8 January 2011



Feb. 2011



January 2011



January 2011



January 2011



Feb. 2011





To Detective Mark Reid
Covernote for letters from Kylie Kilroy St George. 19 pages.



Office of the Chief Executive

TRIM Ref: D11/83

Ms Kylie Kilroy
P O Box 582
ST GEORGE QLD 4487

Dear Ms Kilroy

Thank you for your email on the impacts of flooding caused by Infrastructure construction. It would appear the issues raised by you, relate to an existing situation and to issues which are the responsibility of your local and state governments, as they relate to land use and are outside the role of the Murray-Darling Basin Authority.

In releasing the Guide to the proposed Basin Plan, the Authority has advised that it is inappropriate for any environmental water holder or any river operator to operate our river systems or apply environmental water in such a way that it causes third party impacts, in particular flooding. In addition, we have advised that the Authority accepts that intended environmental benefits may have to be compromised until these potential third party impacts are addressed.

I would encourage you to raise your concerns with the Queensland Department of Environment and Resource Management.

I trust that this information is of assistance.

Yours sincerely



Rob Freeman
Chief Executive

4/01/2011



Office of the Premier

For reply please quote: *ERP/JC – TF/10/8825 – DOC/10/53828*

18 MAY 2010

Ms Kylie Kilroy
PO Box 582
ST GEORGE QLD 4487

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Facsimile +61 7 3221 3631
Email ThePremier@premier.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Ms Kilroy

Thank you for your letter received on 9 April 2010 concerning the damage caused by the recent floods and the impact of certain nearby levees and dams on flood levels at your property. I have been requested to reply to you on the Premier's behalf.

The March floods were for some parts of Queensland at or above historic records. The damage that resulted was significant and the Queensland Government, together with the Federal and local governments, and community organisations, moved quickly to respond to this crisis by establishing emergency measures and support.

As you may already be aware, officers from the Department of Environment and Resource Management are currently investigating dam failures in the Balonne River catchment, including those you have described. These investigations will examine failures in the context of dam safety as required under the *Water Supply (Safety and Reliability) Act 2008*.

The State Government's other relevant powers under the *Water Act 2000* relate to structures that 'take' water, such as dams and off-stream storages, rather than 'interfere' with water, such as levee banks. This is because the primary role of this aspect of the legislation is to ensure that the water resource is managed sustainably. To this end there has been a moratorium on new works that take overland flow 'floodwater' in this catchment since 1 February 2005 while the water resource planning has been undertaken. I note also that the dams you have identified were existing works under the relevant provisions of this moratorium and, therefore, not subject to assessment prior to construction.

In regards to your claim that certain levees and farm dams have caused significantly increased flood levels at your property, I understand that this would be a very difficult, if not impossible, link to establish primarily because floods are complex and dynamic events. This point is given further emphasis by the record levels of these floods.



Queensland
Government

The State Government has provided special assistance including a range of grants for which you may be eligible. QRAA administers a range of grants including one to assist small businesses pay for costs arising out of direct damage caused by the March 2010 flood event.

Further information is available by contacting QRAA on freecall 1800 623 946 or by visiting the QRAA website at www.qraa.qld.gov.au/index.php.

Yours sincerely



Nick Williams
Senior Policy Advisor

Kylie Kilroy,
P.O.Box 582
615 Commissioners Point Road
St. George, QLD 4487
Ph: 07 46255 665

**MASSIVE FLOODING OF NEIGHBOURING PROPERTY CAUSED BY WATER
DIVERSION OF LEVEE BANKS AND RING TANKS ON A FLOODPLAIN.**

To The Premier of Queensland,
Anna Bligh

I recently suffered massive damage to property and death to livestock, as well as emotional trauma and physical displacement, due to the property known as Munya Lakes and Kiaora. This property has 3 almost consecutively joined ring tanks measuring in heights of 4m, 5m, and 7m. Situated along the Balonne River. Beside and behind these ring tanks are kms of joined levee banks. These are all on a floodplain.

These earth walls are effectively blocking the natural flow of water out across this plain. This is of course the lower side of the river. I live on the other side of this river, on high sandy ground. I have lost dry ground that was available to me in the 1990 flood which peaked at a height of 12.24m.

On the 5th of March at 9am the river height was 11.6m I was already losing the ground that I should have had for another 60cm. By 3pm the river height was 12.02m I had no dry ground at all. On the highest part of my block, we had 1m of water, the lower parts had up to 2m of water over it.

This house was here prior to these ring tanks and levee banks being constructed. Not once has anyone done an hydraulic assessment based on water diversion and the effects of flooding to neighbors.

I am still not certain of the height that the water would have reached here, because 2 ring tanks breached. One of them was on the river, and by it breaching it actually allowed the water to escape down river, where it had been bottlenecked. I may have had up to a metre more of water here. This ring tank breaching also saved my other neighbour from inundation, and the channel irrigation farms from being washed away.

I find there is no State Legislation for this, and no Local Law. I have no protection. I am now only safe at a flood height of 10m, not 12.24m. It seems I have lost 2m in ground height.

We run a construction business from here, and employ 2 men full time. We have carried on through the drought, supporting the town and community. My husbands family have been in St George for over 150 years.

I am now placed in a situation of great expense, in fixing what machines can be saved, and replacing what cannot. I also have to look to raising my house by 2m or more. Then I must consider if it is worthwhile running the business from here, or relocating.

All this would not be put on me if the ring tanks and levee banks had have been placed according to this diversion of water Law that has been missing since 1989.

What I am up against is the fact that this Law was ever left out, and that lives were put at risk just because this Law missing allowed Cubbie Station and Munya Lakes and all the other floodplain harvester to be so greedy and block floodplains that should never have been blocked. Cubbie would not be built the way it is, if water diversion causing flooding to neighbors was ever taken into consideration.

I have tried many ways to get someone to address this problem. I even tried Workplace Health and Safety, but they refuse to see that someones workplace has put my life, and that of my family, at risk.

I am now facing legal battles to claim damages, and try to rectify this problem, and get these levee banks and ring tanks moved accordingly. This should not be left up to an individual who is already facing large costs associated with cleaning and repairing what is left.

The livestock that survived have suffered immense trauma. All their personalities have changed.

The residents of this Shire, including myself, have always thought that a Government would not allow lives to be put at risk, and thought that this had all been addressed. Now we are all faced with the knowledge that we may all drown in the next flood, especially if they continue to build levee banks and ring tanks on floodplains, willy nilly as they have done in the past. Who do you suggest I go to about getting these hydraulic assessments test for water diversion. How do I get my dry ground back, remembering, this house was here first. Who is going to fix this problem? Or do all the residents of the Balonne Shire have to relocate to the highest red ridge? Who is going to pay for this relocation to suitable dry ground? Or do we all just sit back and wait and see what the next big flood brings, and takes away?

Ms Bligh, we are only a few, compared to larger communities, but we are the backbone, we are the ones who don't leave town in a drought. Please don't make us be the ones who have to leave because of a flood. I will not feel safe here knowing what I know now.

I believe the new Laws for local council are to be cut back. Where is this levee bank Law going to fit in then?

For us to relocate to a similar setting the same distance from town will cost us over a million dollars. I don't want to relocate, and I can't afford to.

Please put yourself in my situation for one day. It is a terrible thing to know that Mother Nature did not cause this damage, but a greedy cotton farmer did.

Mr John McKenna, head of Dam Safe Qld, is aware of my situation. Please discuss this with him. He will assure you that this flooding does occur because of water diversion.

Kylie Kilroy



Minister for Climate Change, Energy Efficiency and Water

C10/7409

Ms Kylie Kilroy
PO Box 582
St. George QLD 4487

Dear Ms Kilroy

Thank you for your email of 22 March 2010 to the Minister for Climate Change, Energy Efficiency and Water, Senator the Hon Penny Wong outlining your concerns regarding water diversion. The Minister has passed your email to me for reply.

The National Water Initiative (NWI) recognises that a number of land use activities have the potential to intercept significant volumes of water now and in the future. Areas of concern include unmanaged growth in farm dams and bores and the interception of overland flows.

Under the NWI, states and territories have committed to incorporating interception activities, including farm dams, into statutory water planning processes by 2011. Although each jurisdiction can develop tailored water interception provisions to local and regional circumstances, they must conform to the NWI principles.

Governments have agreed to assess the significance of such activities on catchments and aquifers, and to apply appropriate planning, management and regulatory measures where necessary to ensure that water resources are accounted for and managed in a sustainable way. For further information on the NWI, see the following website: <http://www.nwc.gov.au/www/html/117-national-water-initiative.asp>

In late 2009, the Australian Government and Queensland Government launched five projects under the Healthy Headwaters Program. SunWater has undertaken one of the projects, which will deliver to the St George area infrastructure programs to provide modernisation upgrades, work on improving efficiencies on managing water releases, and ensure long-term viability for irrigation communities.

An overview of state responsibilities for rural and regional water planning and management can be found here: <http://www.nwc.gov.au/www/html/1519-rural-and-regional-water-planning-and-management.asp>. For further information on water diversion in your area and the Condamine-Balonne region see: <http://www.csiro.au/org/Condamine-BalonneOverviewMDBSY.html>.

Yours sincerely


Bruce Male
A/g Assistant Secretary
Water Resources Branch

14 April 2010

[REDACTED]

From: "Mckenna John" [REDACTED]
To: [REDACTED]
Sent: Monday, 22 March 2010 1:16 PM
Subject: Floodplain Issues

Good Afternoon Kylie,

I refer to our telephone discussions last week and this morning about recent flooding experienced on your property just downstream of St George. I would confirm that provisions to regulate levee banks under the *Water Resources Act 1989* (now repealed) did not carry forward to the *Water Act 2000*. Accordingly, the department does not have jurisdiction to regulate levee banks along the Balonne River. Likewise, Balonne Shire Council has not invoked powers under the *Local Government Act 1993* to regulate levee banks on the Balonne River floodplain.

As I explained, the referable dam provisions of the *Water Supply (Safety and Reliability) Act 2008* relate to any dam that has two or more people at risk if that dam was to fail. The people at risk would be those within the failure impact zone. The dam safety legislation does include persons who may be at risk due to the diversion/deflection of floodplain flows caused by development work.

The Dam Safety unit will be investigating a number of dam failures that have been reported in the St George/Dirranbandi area in recent weeks and will be undertaking a review of dams in the Balonne River catchment (downstream of Condamine River/Dogwood Creek and excluding the Maranoa River) with a view to identifying dams that may have population at risk. However, this review is not scheduled to commence until later this year.

In response to your request for the postal addresses of the Premier of Queensland, our Minister and your local Member, the following details are provided:

The Premier of Queensland
PO Box 15186
City East Qld 4002

Mr S Robertson MP
Minister for Natural Resources
PO Box 15216
City East Qld 4002

Mr H Hobbs MP
PO Box 503
St George QLD 4487

In relation to your advice this morning that earth moving machinery is reportedly being brought in to repair a breached ring dam near Munya Lake, this dam was the subject of an inspection by Dam Safety personnel in April 2004 when it was determined that it is unlikely to have population at risk. As such, the dam owner was not required to have the dam failure impact assessed.

Please contact me if I can be of further assistance.

Regards
John

John McKenna
Manager, Dam Safety (Farm Dams)
Office of the Water Supply Regulator
Telephone: [REDACTED]
Email: [REDACTED]
<http://www.derm.qld.gov.au/>
Department of Environment and Resource Management
Lvl 3, Mineral House, 41 George Street, Brisbane Q 4000
GPO Box 2454, Brisbane Q 4001

22/03/2010

Kylie Kilroy
615 Commissioners Point Road
St. George 4487
P.O. Box 582
[REDACTED]

To the Balonne Shire Council
CEO Mayor and Councillors

I would like to bring to your attention the position I was placed in, in the recent flood.

In 1990 at a peak of 12.24m I had dry above ground acreage.

On the 5th of March 2010, at 9am the river was 11.6m, I was already losing that dry ground.

I had to evacuate at 2:15pm.

The river reached a height of 12.02m at 3pm. When I left at 2:15pm there wasn't much above water ground left.

The only changes in the direct vicinity in 20 years are the building of storage tanks and levy banks at Munya Lake, stopping the natural flooding flow of the river as it breaks its banks on the floodplain.

If you look at a satellite image of Munya Lake you will see a network of dams and levy banks and cultivation, stopping or diverting the water from its natural path.

I am situated downstream in a horse shoe lagoon on a river bend.

That diverted water came back on me and I lost ground I should have had.

I now discover there is no State Legislation regarding water diversion caused by levy banks on floodplains.

Council has no By-law regarding levy banks on floodplains, or diversion of water by such placement of levy banks on floodplains.

Because Dam Safe may deem me to be outside there flood zone, when they do the report on the 2 dams that burst. They do not consider any diverted water, and will class me as outside there zone as I was already flooded. No Legislation, No By-law, No responsibility. Even though a 2000mg dam can damage up to 20km downstream when it bursts, I'm about a km away.

Another issue that has risen is the Fodder Drop declaration of too much green grass. Every inch of belly high buffel on my place was under water.

Whoever declared that, should have considered individual situations. Warren Mobbs in Bollon needed fodder for 40 head. I hope he got it.

I was told to share a chopper with him. I'm 6km east of St George he's at Bollon!

I was also told by Steve Mizen that the reason I had lost my dry ground was because of the long grass! If grass can block water like that, imagine what a dam of levy bank can do.

I think Mr Mizen should get off the grass, subject at least.

Also, all the incorrect information on the expected peak of 1990 left me in a situation where by the time I was told the expected peak, I could not move any machinery, stock or livestock.

Now I find that my property has to be evacuated if we are to expect a 10m peak or more. How many more metres, acres, will I lose over the coming years, because of any additional earthworks on Munya Lake.

Is Council able to give me an estimate? Because each acre/ metre in height, I lose, is devaluating my land.

The 1990 Flood should be used as the model for any hydraulic assessments, pre levy banks etc. If you base it on this flood, 2010, the information will be incorrect based on the fact you/State Government do not consider flooding/diversion of water on floodplains caused by levy banks.

I believe you will find significant changes will have to be made to Munya Lakes, in order to let the floodplains flow as they should in flooding. Once you start you will need to look at every floodplain in the Shire

We have lost hundreds of thousands of dollars in machinery, tools, livestock and stock. Not to count the emotional side of evacuation and displacement.

We still do not have road access to town. That may have something to do with where Council placed the water pipe they ran to the Race Course, which has caused that section between the dump and Johnstone Road to become a channel.

Perhaps Council would do well to employ someone who knows about water diversion? Even just for the roads, if not for the levy banks on floodplains.

This matter has been brought up State wide with no satisfaction.

I have now contacted Federal Government over this lack of legislation or By-law in the Balonne Shire, normally this is a state issue, but because they are looking into Cubbie Station, they are listening. I thought Council should also be made aware.

Also if Council could see fit to give the CEO a day off please, he tells me he hasn't had a day off in 3 weeks. It's making him quite irritable.

Yours etc

Kylie Kilroy.

Council called on to investigate water diversion issue

St George woman Kylie Kilroy has called on Balonne Shire Council to implement laws regulating where levee banks can be built because she believes incorrect placement was responsible for the flooding of her property in March.

Kylie and her husband Laurence live on Commissioner's Point Road, and while their house escaped inundation, thousands of dollars in farming equipment was damaged.

"In studies that have been done in Queensland by Dam Safety for the Department of Environment and Resource Management, it has been proven that ring tanks and levee banks incorrectly placed on either side of a river on a floodplain can have a bottleneck effect which can cause water to bank up, affecting up to 20km away," Kylie said.

"It is now up to the people of the Balonne Shire if they feel at risk of such earthworks to request them changed or at least have a town meeting to mediate a mutual agreement."

According to Kylie it appeared insurance companies were aware of the water diversion issue with people downstream of Jack Taylor Weir having trouble accessing policy payouts.

A St George DERM staff member told her that water velocity, not water diversion caused a metre extra of water than the St George township to inundate her property.

"Hard surfaces such as ring tanks and levees placed incorrectly along a river create velocity and depth during a peak flood," Kylie said.

She said Bureau of Meteorology figures show the Balonne River height at Jack Taylor Weir in 1990 as 12.24m and there was dry ground on her property and in 1998 at 10.98m, the same situation. However in 2010, at 11.6m almost all the ground was covered and 12.02m,

water covered the property completely as evidenced on the satellite imagery website, www.nearmap.com

"There are no Balonne Shire Council regulations regarding water diversion and the resulting effect during a peak flood, no checks to see if you are going to send water onto your neighbour."

"Under the 2000 Water Act Balonne Shire was given power by the State Government to regulate levee banks but didn't."

Senator Bill Heffernan had been keen to assist Kylie but later he had been advised it was a state matter. Shadow Minister for Regional Development, Infrastructure and Water, Barnaby Joyce told her the same.

The Murray Darling Basin Authority was only concerned about water diversion in association with extraction.

"Howard Hobbs said he was trying to locate laws in the state library but it appears he's gotten lost looking," Kylie said.

"One of his staff members has a position with Smart Rivers."

"Balonne Shire Council employees tell me it is a DERM matter."

"I was told on two separate occasions by the Balonne Shire CEO and Cr Rohyn Fuhrmeister that Council had tried to bring in the laws but irrigators weighed in at the meeting and it was voted against. Council have also told me that implementing the laws would be too expensive and they feel there is no need because no further levees will be built."

"Locating council minutes before 2008 is difficult and they have been removed from the (Balonne Shire Council) website. The omission of river heights at certain key points during past flood events have made it difficult to compare floods."

Goondiwindi Regional Council has 19 pages of laws relating to building levee banks on flood plains and requires the farmer to engage in hydrologic modelling for

correct infrastructure placement.

"If farmers did not realise water diversion existed their farming practices are questionable and if they did, shame on them."

Kylie has been in correspondence with Michael Anderson who owns a property, "Currawilling" that backs onto Cubbie Station at Dirranbandi. Michael said a great deal of damage had been caused with losses to sheep on agistment and fencing infrastructure.

In correspondence to Kylie he said that the "bundling levees around many of these cotton plantations down the Balonne River system must be discussed as they in fact cause great damage, not only in extracting water but in terms of flood mitigation as well".

"Maybe we should put our heads together and look at a class action against the Queensland Departments of planning, water, land and climate change and the cotton plantation owners to recoup the costs to us."

Michael has recently been appointed on the Northern Rivers Indigenous Nations Group on the Murray Darling Basin Authority.

Leith Boully whose property "Kelson" neighbours Cubbie, is a former chair of the Murray Darling Basin Community Advisory Committee and had a joint venture with Cubbie Station. Her previous lobbying was not over flooding but better sharing of overland flow.

Kylie said it was clear that levees and ring tanks built on floodplains did impact on the land around it during flood events.

In Hansard records of a 2006 Senate Review - Rural and Regional Affairs and Transport References Committee into Water Policy Initiatives, Cubbie director John Grabbe said the volume of the water that Cubbie takes off its flood plain is equivalent to the volume that would be

naturally consumed within its levee area.

"That is, where we have constructed our scheme was a total flood plain. We have leveed certain areas off so that now, when the water erupts from the stream and flows across the flood plain, it is excluded from running across some areas, because that is where our irrigation and storages exist. The amount of water we divert is the water that would have naturally been lost in that area if the levees were not there."

In the same Senate hearings then Balonne Shire Mayor Cr Robert Buchan said people can be affected when water is taken.

"But, basically, if you have a problem with that

then maybe those people should be compensated by taking them out of the loop."

"From the perspective of the interest of the nation, just as is the case when a number of houses are in line where one of the tunnels will go somewhere in Brisbane or Sydney, you lose your house, you are given a bit of money and told to go somewhere else. For the benefit of the nation, we should look at it as a nation."

Kylie wondered what compensation would be forthcoming to her and others affected by flood waters from St George farming enterprises.

"It has been said once before that people should use science and not emotions. The same should be done here."

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*Warrego Electorate Office
PO Box 503
ST GEORGE QLD 4487
Telephone (07) 46254 301
Within Electorate 1800 625 430
Facsimile (07) 46254 303*

*Howard Hobbs MP
Member for Warrego
Shadow Minister for
Local Government and
ATSI Partnerships*

**Mr Laurence Kilroy
Kilroy Constructions
615 Commissioner's Point Road
ST GEORGE QLD 4487**

15 September 2010

Dear Mr Kilroy

I refer to your correspondence dated 27th May 2010 requesting assistance in seeking a grant for funding to do a hydraulic study of the Balonne River based on effects of water diversion during peak flood conditions.

I made representations on your behalf to the Minister for Natural Resources, Mines and Energy Hon Stephen Robertson MP and a copy of his response is enclosed for you information.

I trust this is of interest to you and suggest that you contact Mr Mark Bartlem Senior Project Officer at the St George Office of the Department of Natural Resources on [REDACTED] [REDACTED] for further information in relation to this matter or Mr Tim Watts Policy Advisor to the Minister Ph [REDACTED]

Please do not hesitate to contact my office if I can be of any further assistance.

Yours faithfully

A handwritten signature in black ink, appearing to read "Howard Hobbs".

**Howard Hobbs MP
Member for Warrego
Shadow Minister for Local Government and ATSI Partnerships**

ENC

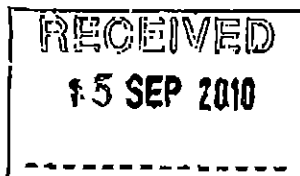
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WA.....

NO. 5486 P. 1



Hon Stephen Robertson MP
Member for Stretton



Queensland
Government

Ref MO/10/2984
CTS 11969/10

Minister for Natural Resources,
Mines and Energy and
Minister for Trade

07 SEP 2010

Mr Howard Hobbs MP
Member for Warrego
PO Box 503
ST GEORGE QLD 4487

Dear Mr Hobbs

Thank you for your letter dated 22 June 2010 on behalf of Mr Laurence Kilroy of St George regarding the legitimacy of ring tanks and levee banks on properties known as *Kia Ora* and *Kurray*.

The ring tanks and levees on *Kia Ora* and *Kurray* are built in an area where it was not necessary to obtain any approval via a development assessment process. The Balonne Shire Council has not implemented an assessment and approvals regime for development on floodplain country in the shire.

The Department of Environment and Resource Management advises that it does not have specific information on any hydraulic assessments done in relation to the abovementioned works. However, the department has undertaken more general studies and investigations across the Lower Balonne floodplain to develop floodplain management guidelines. This work was carried out primarily in the 1990s and information in relation to this is available for viewing at the department's St George office. Senior Project Officer, Mr Mark Bartlem of the St George office is the appropriate key departmental officer that your constituent may wish to contact. Mr Bartlem can be contacted on telephone [REDACTED]

I am advised the Balonne Shire Council is about to begin a community and shire planning scheme planning process. Officers of both the Department of Environment and Resource Management and the Department of Infrastructure and Planning are scheduled to attend a meeting with the council on 6 October 2010 to discuss how floodplain issues could be considered in developing the new plan.

As Mr Kilroy points out in his letter to you, the Goondiwindi Regional Council's work provides an example of where and how a floodplain development and management regime can be delivered by local government. The Macintyre and Weir River floodplains have had a regulatory process in place for nearly 30 years.

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Facsimile +61 7 3225 1828
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Hon Desley Boyle MP
Member for Cairns

10/36232
LA/10/2508

20 SEP 2010

Mr Laurence Kilroy
615 Commissioners Point Road
ST GEORGE QLD 4487



**Queensland
Government**

Minister for Local Government and
Aboriginal and Torres Strait Islander
Partnerships

Dear Mr Kilroy

The Honourable Tim Mulherin MP, Minister for Primary Industries, Fisheries and Rural and Regional Queensland has referred to me the issues you raised at the recent Community Cabinet meeting in Roma on 25 July 2010 on the impact to your property from levee banks on an adjacent property and methods for compensation.

Thank you for taking the time to meet with Mr Michael Kinnane, Associate Director-General, Office of Local Government at the Community Cabinet meeting to discuss these issues.

I understand that these matters have been previously discussed with you. However, I have referred your concerns to the Department of Infrastructure and Planning (DIP), Southern Region and the Department of Environment and Resource Management (DERM), South West Region, for appropriate follow-up and action.

With regard to the regulation of levee banks, the Council has informed DIP that operational works associated with levee banks, when developed for such purposes, are currently not considered assessable development under the Balonne Shire planning scheme and, as such, not able to be regulated. A review of the planning scheme would be required to bring such works into the scope of regulation, were the specifics of the developments able to meet the criteria for assessable development under the *Sustainable Planning Act 2009*.

DIP and DERM will be meeting with the Council in October 2010 to discuss options available in relation to such a review, but Council has already indicated that they are intending to either develop a new planning scheme, or undertake major amendments to the existing scheme, and that this work is scheduled to commence in the first half of 2011.

A new planning scheme, or an amendment to the existing planning scheme, must include a period of mandatory community consultation and a request for submissions. Therefore, together with Council's Community Plan scheduled for completion by 1 December 2011, the community consultation processes associated with these projects will provide you and other members of the community with the opportunity to identify issues that concern you, including the regulation of levee banks, to be included as matters of consideration.

Level 18 Mineral House
41 George Street Brisbane 4000
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3227 8819
Facsimile +61 7 3221 9964
Email lgatslp@minlsteral.qld.gov.au
ABN 65 959 415 158

The Council has indicated to DIP that it intends to consider matters relating to development within the floodplain within the scope of its planning scheme review.

In relation to your queries concerning available compensation, I am not able to provide any further information on this matter, although I understand that DERM has formally advised you of the avenues for compensation.

In this regard, if you believe your issue has not been dealt with satisfactorily, the Queensland Ombudsman's Office (QOO) is an independent complaints investigation agency, with the role to ensure public agencies (State Government departments and bodies, and local Councils) act fairly and make the right decisions for Queenslanders.

The QOO can be contacted on telephone 1800 088 908 (toll free landlines only).

Once again, thank you for participating in the Community Cabinet process.

Should you require any further information in relation to these matters, please contact Ms Fiona Bowden, Regional Director, Southern Regional Office, Department of Infrastructure and Planning on [REDACTED]

Yours sincerely



Desley Boyle MP
Minister for Local Government and
Aboriginal and Torres Strait Islander Partnerships
Member for Cairns

8th November 2010

The CEO,
Scott Norman,

Dear Scott,

Are you able to tell me when the Community Consultations will begin to take place, as the longer time goes on the more levee banks are being built in the close vicinity to our property, which in future flood events, will have the potential to change the current man-made flood mapping you have of the previous flood event. This of course will change our water height situation.

Regarding the conversation I had with you about our home not being approved, it was. So it seems we cannot be removed from the system for the good of the Nation. Regarding the change in previous historic river heights, I would like in writing the reasons for the changes, and by who's advice this was undertaken.

We have built a pad to park machinery on in future, at our expense once again, and are still faced with raising the house. Considering all the other expense we have been through, because of someone not taking into consideration the effects of diverting massive amounts of water, some assistance with this should be forth coming.

Thanking You
Kylie Kilroy

P.O Box 582
St George 4487

All communications are
to be addressed to the
Chief Executive Officer



When telephoning or calling
please ask for:

MR SL NORMAN
Our Ref: SLN:KME 66.7 (397462)

10th November, 2010.

Mrs Kylie Kilroy
PO Box 582
ST GEORGE 4487

Dear Mrs Kilroy

I refer to your letter received 10th November, 2010.

I am confused as to which Public Consultation Sessions you are referring to so can't answer your question in regard to that topic.

Our conversation about your home being approved was a friendly suggestion that you prepare yourself to answer that question – nothing more. I understand Council's Building Department were of assistance in this matter. The tone of your letter leads me to believe that you are not of the opinion that I was not trying to be helpful; I can assure you that was not the case.

You need to talk to DERM in regard gauging stations and river bed dalums as that has never been a Council responsibility.

Yours faithfully



Scott Norman
CHIEF EXECUTIVE OFFICER



Senator the Hon
Bill Heffernan
LIBERAL SENATOR FOR NSW



Mrs Kylie Kilroy
615 Commissioners Point Road
ST GEORGE QLD 4487

27 MAY 2010

Dear Mrs Kilroy

I am writing to acknowledge and thank you for your letter and email dated 14 April and 22 March 2010 respectively regarding the recent flooding in St George, in particular the impact of the levy banks and damage caused to your home.

As discussed on the phone, I understand your concerns and I agree the personal impact must have been devastating for your family but as I understand the situation, this is a matter for the Queensland State government and the local council.

I contacted the office of Hon Bruce Scott MP, Federal Member for Maranoa and he advises he has not received any correspondence from you about this issue. For your information, Mr Scott has made representations to the Minister for Financial Services, Hon Chris Bowen MP regarding the lack of emergency assistance for small businesses and the self-employed who have been affected by this flood.

We also contacted the St George office of Howard Hobbs MP, the State Member for Warrego and they suggested that you should contact his office so that he can investigate the matter by making representations to the Queensland Minister for Natural Resources, Hon Stephen Robertson MP.

Although you must be going through a tough time, I hope you receive adequate compensation for flood loss and damage. I've photocopied your photos and returned the originals to you. As a farmer, I must say the long term effect for our farmers and regional communities will be wonderful, however in the meantime, I do hope you receive a satisfactory response and assistance from the Queensland government.

Yours sincerely



BILL HEFFERNAN

Enclosure

CC: Hon Bruce Scott MP, Federal Member for Maranoa
Howard Hobbs, MP, State Member for Warrego



Hon Stephen Robertson MP
Member for Stretton



**Queensland
Government**

Ref CTS 13415/10

**Minister for Natural Resources,
Mines and Energy and
Minister for Trade**

Mr Laurence and Mrs Kylie Kilroy
PO Box 582
ST GEORGE QLD 4487

19 AUG 2010

Dear Mr and Mrs Kilroy

I refer to our recent meeting at the Roma and Mitchell Community Cabinet concerning the impact of the 2010 flood and your concern that damage to your property was exacerbated by floodplain structures and levee banks.

I appreciate the opportunity these Community Cabinets provide to meet people like yourself and discuss issues of importance. I trust our discussions proved to be as informative for you as they were to me.

I have asked officers of the Department of Environment and Resource Management to contact the Department of Infrastructure and Planning, so the two departments, in conjunction, can take the issue up with the Balonne Shire Council.

Should you have any further enquiries, please do not hesitate to contact Mr Jim Weller, Manager, Water Services, South West Region of the department on telephone [REDACTED]

Yours sincerely

STEPHEN ROBERTSON MP

Level 17
61 Mary Street Brisbane Qld 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3225 1828
Email nrmet@ministerial.qld.gov.au



Hon Tim Mulherin MP
Member for Mackay



**Queensland
Government**

Reference: 08800/10

**Minister for Primary Industries,
Fisheries and Rural and Regional
Queensland**

20 AUG 2010

Mr Laurence and Ms Kylie Kilroy
PO Box 582
St George Qld 4487

Laurence & Kylie
Dear ~~Mr and Ms~~ Kilroy

Thank you for your deputation at the Roma Mitchell Community Cabinet meeting on 25 July 2010 concerning the impact on your property of the levee bank constructed on the adjacent property following the 1996 floods and your request for compensation mechanisms.

I will be preparing letters on your behalf to the Ministers responsible for Local Government; Environment and Resource Management; and Infrastructure and Planning.

I have reviewed the photographs you provided with your submission and I am genuinely sorry to see the loss and destruction that occurred on your property. I congratulate you both on your resilience and capacity to rebuild following this flood event. I will pass this material on to the three Ministers I will be writing to on your behalf.

If you require any further information regarding this matter, please do not hesitate to contact Ms Jan Paff of the Department of Employment, Economic Development and Innovation on telephone [REDACTED]

Yours sincerely

TIM MULHERIN, MP
**Minister for Primary Industries, Fisheries
and Rural and Regional Queensland**
Member for Mackay

Level 8
Primary Industries Building
80 Ann Street Brisbane
GPO Box 46 Brisbane
Queensland 4001 Australia
Telephone +61 7 3239 3000
Facsimile +61 7 3229 8541
Email dpl@ministerial.qld.gov.au
ABN 65 959 415 158

To Detective Mark Reid
Covernote for letters from Kylie Kilroy St George. ⁹~~5~~ pages.

* * * COMMUNICATION RESULT REPORT (31. MAR. 2011 9:27) * * *

FAX HEADER 1: WARREGOSTG
FAX HEADER 2:ANSMITTED/STORED : 31. MAR. 2011 9:26
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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) NO ANSWER
E-3) MAIL BOX OVER

E-4) BUSY NO FACSIMILE CONNECTION

TO: Premier's Disaster Appeal

Fax: 132 115


FROM: Kylie Kilroy - St George

Fax: 

31. 3. 11

No of pages:- 8


Re: Requesting Review of Application
for Emergency Assistance
from the Premier's Disaster Relief Appeal.



TO: Premier's Disaster Appeal

Fax: 132 115

From: Kylie Kilroy - St George

Fax: 

31.3.11

No of pages:- 8

Re: Requesting Review of Application
for Emergency Assistance
from the Premier's Disaster Relief Appeal.



Oaths Act 1867
Statutory Declaration

QUEENSLAND
TO WIT

I, Lionel John Gregg (insert full name),
of [redacted]
Sf George (Insert current residential
address),

In the State of Queensland do solemnly and sincerely declare that:

1 I understand that the expression "principal place of residence" means my home where I lived, and where my belongings and possessions were located.

2 From April 2010 (insert date) to Jan 2011 (insert date), my "principal place of residence" was [redacted] (insert address).

3 I attach the following documents to support this assertion (please list and attach documents that support your assertion that the address above was your principal place of residence at the time of the flooding in Queensland during December 2010 and January 2011, or as a result of Tropical Cyclone Yasi):

4 As a result of the widespread flooding in Queensland during December 2010 and January 2011, or as a result of Tropical Cyclone Yasi, my principal place of residence flooded internally above the level of the floor in the living areas or sustained cyclone damage to the living areas making it uninhabitable. My principal place of residence sustained the following damage:

Everything went under.

5 The following are my dependants who lived at my principal place of residence at the time of the widespread flooding in Queensland during December 2010 and January 2011 or at the time of Tropical Cyclone Yasi:

I understand that:

- any overpayment from the Premier's Disaster Relief Appeal will have to be returned;
• a false declaration in this application may lead to prosecution; and
• personal information I have recently provided to apply for flood assistance from the Queensland Department of Communities, Centrelink and/or other Commonwealth Government agencies may be used for the purposes of assessing this application.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act 1867.

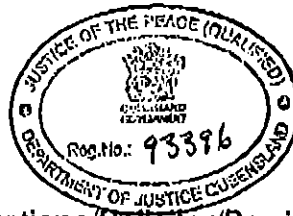
[Redacted signature area]

(declarant's signature)

Taken and declared before me at ST GEORGE (insert name of town or city and suburb where affidavit signed) this 31ST (insert date) day of MARCH (insert month) 20 11 (insert year), before me.

[Redacted signature area]

J.P. Qual.



(signature)

Justice of the Peace/Commissioner for Declarations/Solicitor/Barrister

Name of witness: STELLA MARIE BAYTER

132115 FAX.

Oaths Act 1867

Statutory Declaration

QUEENSLAND TO WIT

I, Kylie Vivienne Kilroy/Johnstone (insert full name),
of [redacted]
St George, (insert current residential
address),

In the State of Queensland do solemnly and sincerely declare that:

1 I understand that the expression "principal place of residence" means my home where I lived, and where my belongings and possessions were located.

2 From Dec 2010 (insert date) to Jan 2011 (insert date), my "principal place of residence" was [redacted]
[redacted] St George, (insert address).

3 I attach the following documents to support this assertion (please list and attach documents that support your assertion that the address above was your principal place of residence at the time of the flooding in Queensland during December 2010 and January 2011, or as a result of Tropical Cyclone Yasi):

4 As a result of the widespread flooding in Queensland during December 2010 and January 2011, or as a result of Tropical Cyclone Yasi, my principal place of residence flooded internally above the level of the floor in the living areas or sustained cyclone damage to the living areas making it uninhabitable. My principal place of residence sustained the following damage:

All floor coverings damaged, some furniture, laundry, aircon's.
Builder to do work replacing lower walls & under house needs work (Boards).

5 The following are my dependants who lived at my principal place of residence at the time of the widespread flooding in Queensland during December 2010 and January 2011 or at the time of Tropical Cyclone Yasi:

Laurence John Kilvey - husband
Ned William Kilvey - son

I understand that:

- any overpayment from the Premier's Disaster Relief Appeal will have to be returned;
- a false declaration in this application may lead to prosecution; and
- personal information I have recently provided to apply for flood assistance from the Queensland Department of Communities, Centrelink and/or other Commonwealth Government agencies may be used for the purposes of assessing this application.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

[Redacted signature area]

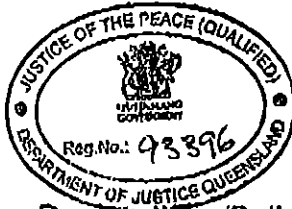
(declarant's signature)

Taken and declared before me at ST GEORGE (insert name of town or city and suburb where affidavit signed) this 31st (insert date) day of MARCH (insert month) 20 11 (insert year), before me.

[Redacted signature area]

(signature)

Justice of the Peace/Commissioner for Declarations/Solicitor/Barrister



Name of witness: STELLA MARIE BAXTER

Statutory Declaration – Queensland

Oaths Act 1867

Statutory Declaration.

QUEENSLAND }
TO WIT }

I, *Kylie Kivoy*

of

[REDACTED] in the State of Queensland,

do solemnly and sincerely declare

that,

*Lionel John Gregg has
resided at [REDACTED]
[REDACTED] since April 2010.*

And I make this solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions of the
Oaths Act 1867

Taken and Declared before me, at *ST GEORGE*
this *31ST* day of *MARCH* 20*11*

[REDACTED]
J.P. Qual.

A Justice of the Peace/Commissioner for Declarations

