

**QUEENSLAND FLOODS
COMMISSION OF INQUIRY**

AFFIDAVIT OF KENNETH JOHN SMITH

I, **KENNETH JOHN SMITH**, of c/- Trade Queensland, Queensland House, 392 Strand, London WC2R OLT, UNITED KINGDOM, Agent-General for Queensland and Queensland Trade and Investment Commissioner, Europe, solemnly and sincerely affirms and declares:

Requirement from Queensland Floods Commission of Inquiry

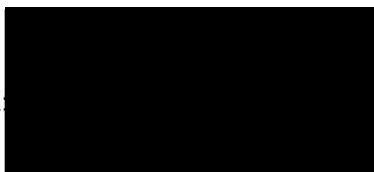
1. I have seen a copy of a letter dated 30 January 2012 from the Commissioner, Queensland Floods Commission of Inquiry ("the Commission") to me requiring a written statement under oath or affirmation, which is attachment **KJS-01** and which details the topics my statement should cover.
2. In order to assist the Commission with its inquiries, and particularly in order to answer the questions posed in the requirement addressed to me I have asked the Department of the Premier and Cabinet to obtain copies of relevant emails and other documents that I would have received whilst I was its Director-General. I base this statement on the copies of documents that the department has provided to me.

Role

3. I am the Agent-General for Queensland and Queensland Trade and Investment Commissioner, Europe. I am appointed to my position by the Governor in Council for a term from 5 July 2011 to 4 July 2016.
4. Prior to my appointment as Agent-General for Queensland and Queensland Trade and Investment Commissioner, Europe, I was the Director-General of the Queensland Government Department of the Premier and Cabinet. The Department of the Premier

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Signed



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Affidavit of Mr Kenneth John Smith

Per Paul Lack
CRS/PRE052/1856/LAP

Document No: 3557332

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CROWN SOLICITOR
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and Cabinet department provides support and advice for the Premier and the Cabinet and is the lead public sector agency responsible for coordinating the delivery of the government's priorities.

5. As the Director-General of the Department of the Premier and Cabinet, I was the Chair of the State Disaster Management Group (SDMG). In this capacity I dealt with numerous flood related issues during the December 2010 and January 2011 flood events. During the events the SDMG was provided with advice from a wide range of specialist advisers and, as the Chair of the SDMG, I oversaw the planning and response to this advice.
6. During the December 2010 and January 2011 period, 18 extraordinary meetings of the SDMG were held due to the flood events. The minutes of these meetings are attached as **KJS-02**.

Item 1: his understanding, in the period between 7 January 2011 to 12 January 2011, of which flood operations strategies, referred to in the 'Manual of Operational Procedures for Flood Mitigation at Wivenhoe Dam and Somerset Dam', were used in the operation of Wivenhoe Dam between 7 January 2011 and 12 January 2011 and the times at which each strategy was in use

7. As I have stated above, I received expert advice from many key parties over the period of 7 January 2011 to 12 January 2011. These parties included, but were not limited to, the SEQ Water Grid Manager, Seqwater, the Queensland Police Service, the full range of Queensland Government Departments and agencies, Local Councils, the Bureau of Meteorology, Commonwealth Government Departments including Emergency Management Australia the Australian Defence Force and power and telecommunications companies.
8. In order to assist the Commission I have requested that the Department of the Premier and Cabinet identify and collate the relevant advice regarding the dam operations that I received over the 7 January 2011 to 12 January 2011 period. The department has identified:

- a. emails with Ms Debbie Best, Acting Director-General of the Department of Environment and Resource Management at **KJS-03**;

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- b. emails with Mr Barry Dennien, Chief Executive Officer of the SEQ Water Grid Manager at **KJS-04**;
 - c. emails with Mr Daniel Spiller, Director, Operations, of the SEQ Water Grid Manager at **KJS-05**;
 - d. emails with Mr Colin Jensen, Chief Executive Officer of the Brisbane City Council at **KJS-06**; and
 - e. other miscellaneous relevant emails at **KJS-07**.
9. Additionally, I attach a meeting note identified as relevant at **KJS-08**. I recall that this teleconference was arranged by Mr. Barry Dennien, SEQ Water Grid Manager, in line with the communications protocol in place between state, local government and the Bureau of Meteorology to discuss the likely impact of the various release strategies from the Dam having regard to rainfall, any tidal impacts. Those invited to participate in the teleconference in line with the protocol were, Peter Borrows, the CEO of SEQ Water, Peter Baddiley and Jimmy Stewart of BOM, Colin Jensen, CEO of the Brisbane City Council and I believe Carl Wulff the CEO of the Ipswich City Council as well as the organiser, Barry Dennien. The Premier was invited to attend the teleconference but could not participate, see **KJS-09**.
10. I recall that the focus of the teleconference was the impact of forecast rainfall, tide and water releases on the Brisbane and Bremer Rivers. I recall that BOM participation from a weather forecast and hydrology perspective was quite extensive. The purpose of the meeting was to ensure that all the participants had a shared understanding of the implications of the combination of the proposed releases from SEQ Water, the rainfall above and below the dam wall, as well as any tidal impacts. The outcomes of the teleconference were further discussed at a State Disaster Coordination Committee that afternoon and evening and then to the SDMG convened early the next day (11 January). However the meeting at Kedron became more focussed on the disastrous flash flooding that had occurred in Toowoomba that afternoon. I do not have the minutes of the teleconference held on 10 January.
11. In receiving briefings on water releases from Wivenhoe Dam I relied upon the advice provided to me by various specialist parties. My focus and engagement with the information provided was on the actual and predicted downstream impacts of the

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Deponent

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combined rainfall and dam releases, as opposed to which flood operations strategy under the 'Manual of Operation Procedures for Flood Mitigation at Wivenhoe Dam and Somerset Dam' was employed at any given time.

Item 2: how, if at all, that understanding changed since 12 January 2011 and the reason for the change in understanding

Item 3: whether he is aware of any accounts of the choice and timing of the dam operations strategies employed to manage the flood event that differ from his understanding of the events and if he is, a description of those different accounts and the source of the accounts

Item 4: when he first became aware of the accounts, if any, referred to in paragraph 3 above

12. As I have stated above, I was dealing with the practical effects of water releases from Wivenhoe Dam and was not involved in technical matters such as release strategies. I relied upon those with the technical expertise to discharge their duties and I relied upon the advice of those experts. Accordingly, I had no need to have any understanding of which strategy was being used by the flood engineers in releasing water from the dam.

13. From my perusal of the Commission's interim report, I became aware that there were issues regarding the recording of the strategies by the flood operations engineers at certain times during the event. This is my earliest recollection of the contention regarding the recording of strategies.

14. More recently I have read some media reports which prompted me to consider that contention remains regarding the operation strategies despite the Commission's interim report. As soon as I became aware that some of the material I had received in January 2011 was relevant to these issues, I wrote to the Commission (at KJS-10) offering my assistance and availability.

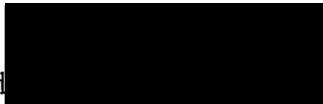
Item 5: all discussions, correspondence, meetings or briefings he participated in, in relation to the choice and timing of dam operations strategies used in the operation of Wivenhoe Dam between 7 January 2011 and 12 January 2011 and in respect of these identifying any that related to the different accounts, if any, referred to in paragraph 3

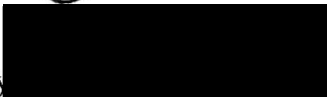
15. I had no involvement in the choice or timing of dam operations strategies used in the operation of Wivenhoe Dam during the 7 January 2011 and 12 January 2011 period. This is appropriate as I had no statutory responsibility in this area. The relevant discussions, correspondence, meetings and briefings that I participated in are reflected in the materials attached to this statement.

Item 6: any decision made, or action taken, by him in relation to the different accounts, if any, referred to paragraph 3 above.


16. The extent of the action taken by me in relation to the differing accounts was to write to the Commission offering my full assistance and availability once the Commission announced that it would hold further hearings.

Affirmed by Kenneth John Smith on 1 February 2012 at London, United Kingdom in the presence of

Signed 
Kenneth John Smith

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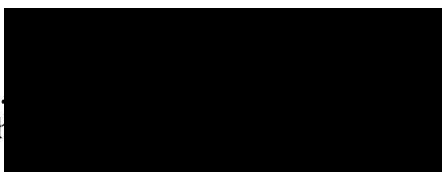
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QUEENSLAND FLOODS COMMISSION OF INQUIRY

**CERTIFICATE OF EXHIBITS TO THE
AFFIDAVIT OF KENNETH JOHN SMITH**

Bound and marked **KJS-01** to **KJS-10** are the exhibits to the affidavit of Kenneth John Smith affirmed on **1** February 2012 at London, United Kingdom in the presence of

Signed
Kenneth



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QUEENSLAND FLOODS COMMISSION OF INQUIRY

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KJS-10	Letter from Ken Smith to the Commission	29.01.12	470-471

Affirmed by Kenneth John Smith on 1 February 2012 at London, United Kingdom in the presence of

Signed .
Kenneth

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