

QUEENSLAND FLOODS  
COMMISSION OF INQUIRY

**STATEMENT OF JOHN NEVILLE BRADLEY**

I, **JOHN NEVILLE BRADLEY**, of c/- 400 George Street Brisbane in the State of Queensland, Director-General, Department of Environment and Resource Management, solemnly and sincerely affirm and declare:

**Requirement from Queensland Floods Commission of Inquiry**

1. I have seen a copy of a letter dated 25 March 2011 from the Commissioner, Queensland Floods Commission of Inquiry to me requiring a sworn statement which is attachment **JNB-01** and which details the topics my statement should cover. I have seen a copy of a letter dated 30 March 2011 from the Executive Director, Queensland Floods Commission of Inquiry to Crown Law which is attachment **JNB-02** and which clarifies the requirements of item 12 of the first letter. I have seen a copy of a second letter dated 30 March 2011 from the Executive Director, Queensland Floods Commission of Inquiry to Crown Law which is attachment **JNB-03** and which advises of an extension of time for providing my statement.

**Role**

2. I am the Director-General of the Queensland Government Department of Environment and Resource Management (DERM).
3. I have held the position of Director-General of DERM from 26 March 2009 being the day the department was established. I was initially appointed as acting Director-General and formally appointed on 31 July 2009. The department was formed by an amalgamation of the former Department of Natural Resources and Water and the former Environmental Protection Agency.
4. As Director-General, I have overall responsibility for DERM's initiatives, budget and staff. The department employs approximately 5600 people in 89 offices and administers approximately 65 pieces of legislation.
5. Before joining DERM, I was the Chief Executive Officer of the Queensland Water Commission (QWC). Prior to that, I was an Executive Director in the Queensland Government Office of the Coordinator General. Prior to working in the Coordinator General's office I was the Executive Director of Western Australia's Electricity Reform Implementation Unit. Prior to my work in Western Australia, I held senior roles in Queensland's Energy and Treasury portfolios.
6. I was on leave from 25 December 2011 to the afternoon of Tuesday 11 January 2011 (when I returned from leave early). Debbie Best, Deputy Director-General Water and Ecosystem Outcomes, DERM was acting Director-General during this period and I was in regular contact with her.

7. **Item 1: My knowledge in relation to seasonal forecasts received from the Bureau of Meteorology from 1 September 2010 to 31 March 2011 and any action taken by me in response**
8. General seasonal outlook and weather forecast information from the Commonwealth Bureau of Meteorology (BoM) is publicly available and most regularly accessed via the BoM website. The monitoring of the published information from the BoM was ongoing during this period by myself and senior staff of the Department.
9. On 12 October 2010, I received a briefing from Mr Jim Davidson of BoM at the State Disaster Management Group meeting. The briefing addressed:
  - (a) 2010 rainfall Australia-wide;
  - (b) the record rainfall across Australia during September;
  - (c) rainfall totals for the week of 14 October, and observations on the Southern Oscillation Index (SOI), including sea surface temperature anomalies for September 2010;
  - (d) the rainfall outlook for October to December 2010;
  - (e) the rainfall outlook for November 2010 to January 2011 (chance of exceeding the median rainfall);
  - (f) the outlook for tropical cyclones in the Australian forecast region for 2010 to 2011;
  - (g) historical data on Queensland tropical cyclones from 1959 to 2010; and
  - (h) the La Nina effect generally.
10. In general terms, BoM's briefing indicated confidence in an active cyclone season, above average rains and potential flooding.
11. The BOM briefing provided further impetus to a number of activities which were underway at the time involving DERM and myself, including for instance:
  - (a) Interagency discussion in relation to South East Queensland dam releases and public commentary on flooding risk;
  - (b) Discussions with the resources sector in relation to their preparation for the 2010/11 wet season; and
  - (c) Summer season preparation within DERM.
12. I met with relevant officers in relation to flood preparedness on Friday 15 October 2010. Staff involved included representatives of the SEQ Water Grid Manager and DERM's Office of Water Supply Regulator.
13. On 20 October 2010, I requested via email that staff of the Office of Water Supply Regulator and SEQ Water Grid manager work together to prepare the briefing note which Minister Robertson signed on 25 October 2010 to:
  - (a) the Chair of the SEQ Water Grid Manager requesting advice regarding the operating level of key South East Queensland Dams (This letter is referred to below as **JNB-10**); and
  - (b) to DERM requiring it to take steps to reinforce compliance obligations with other dam owners in relation to flood preparedness.

14. The weather outlook was discussed with the DERM Executive Management group (EMG). On 25 October 2010, I advised EMG that a number of reasonably likely weather events were coming for the 2010/2011 summer involving cyclones, storms and flooding and that the Premier had asked each agency to review its preparedness for those events. Relevant EMG members were tasked with:
- (a) preparing an updated DERM Disaster Management Plan;
  - (b) ensuring that appropriate senior staff were rostered or placed 'on call' over the 2010/2011 Christmas and New Year period and throughout the school holidays; and
  - (c) preparing an overview of preparedness for four identified 'Summer Issues' (mine discharges; parks; flows downstream of Wivenhoe; and dam safety generally). A copy of the relevant section of the minutes is attachment **JNB-04**.
15. DERM's preparedness for Summer Issues was reviewed at the DERM EMG meeting on 22 November 2010. A copy of the relevant section of the minutes is attachment **JNB-05**. A copy of the EMG Summer Issues Brief was attached and marked **DERM-07** in the Queensland Government's submission of 11 March 2011 to the Commission of Inquiry.
16. In addition to the discussion of these matters at the Executive Management Group, I received ongoing updates in relation to key preparatory activities by DERM. I convened a Situation Report meeting on Thursday 23 December 2010 to review each aspect of readiness by DERM and related agencies. The meeting was attended by staff responsible for Environmental and Natural Resource Regulation, Regional Service Delivery including mine readiness, the Office of the Water Supply Regulator and the SEQ Water Grid Manager. In this meeting those staff provided an update on current status and risks, incident management readiness and resource availability.
17. I also received regular weather forecast reports following the establishment of the State Disaster Management Group on 24 December 2010. These weather forecasts were included in the format of the State Disaster Coordination Centre Situation Reports, which were generally provided on a daily basis or more frequently as required.
18. As a participant in the State Disaster Management Group, I received briefings on weather forecasts from the Bureau of Meteorology. These reports were provided in an integrated manner with the update on hydrology from the BoM and the update on SEQ Water Grid operations including dam releases from the SEQ Water Grid Manager.
19. In late January, at my request, DERM's Acting Director of the Queensland Climate Change Centre of Excellence liaised closely with BoM in relation to the outlook for South East Queensland. Specific attention was given at that time to the potential for the region to be impacted by Ex-Tropical Cyclone Anthony and this was the subject of email advice on 27 January 2011<sup>1</sup>.

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<sup>1</sup> Email included in log of communications in response to Items 12 and 13 (JNB-29)

20. I also participated in a personal briefing from Mr Jim Davidson of BoM along with the Honourable Stephen Robertson MP, the Minister for Natural Resources Mines and Energy and Minister for Trade and Peter Borrows, the Chief Executive of Seqwater on 11 February 2011. This briefing informed consideration of the Seqwater recommendation to reduce the operating level of Wivenhoe Dam to 75% of its Full Supply Level. I acknowledged this BOM information in a letter to Seqwater dated 11 February 2011 (see attachment **JNB-18**) in which I agreed to facilitate the implementation of Seqwater's recommendation.

**Item 2: My role in relation to the Full Supply Level of Wivenhoe and Somerset Dams ('the dams')**

21. As the Director-General of DERM, I am the chief executive under the *Water Supply (Safety and Reliability) Act 2008* ('Water Supply Act') and the *Water Act 2000* ('Water Act').

22. Section 371 of the Water Supply Act provides that I, as the chief executive, may approve by gazette notice a flood mitigation manual prepared and submitted for approval by the owner of a dam.

23. Section 372(1) of the Water Supply Act provides that I, as the chief executive, "may require the owner of a dam, by notice, to amend the flood mitigation manual for the dam". Section 372(3) of the Water Supply Act provides that "If the owner complies with the requirement, the chief executive must, by gazette notice, approve the manual as amended."

24. The flood mitigation manuals for Wivenhoe Dam and Somerset Dam and for North Pine Dam define the 'Full Supply Level' for those dams. There is one manual for the operation of both Wivenhoe and Somerset Dams in which Full Supply Level for Wivenhoe Dam is described as 67 metres and Fully Supply Level for Somerset Dam is described as 99 metres. The manual for the operation of North Pine Dam describes Full Supply Level as 39.6 metres.

25. I have delegated my powers in relation to flood mitigation manuals in sections 371 to 373 of the Water Supply Act to senior officers of DERM within the Office of the Water Supply Regulator. The current instrument of delegation is the *Water Supply (Chief Executive) Delegation (No. 1) 2010* and is attachment **JNB-06**.

26. The current flood mitigation manual for Wivenhoe and Somerset Dams titled the *Manual of Operational Procedures for Flood Mitigation and Wivenhoe Dam and Somerset Dam* was approved by gazette on 22 January 2010 by the Director, Dam Safety, Office of the Water Supply Regulator as my authorised delegate under the then *Water Supply (Chief Executive) Delegation (No. 1) 2009* which is attachment **JNB-07**.

27. The current flood mitigation manual for North Pine Dam titled the *Manual of Operational Operation Procedures for Flood Mitigation for North Pine Dam* was approved by gazette on 17 December 2010 by the Director, Dam Safety, Office of the Water Supply Regulator as my authorised delegate under the current *Water Supply (Chief Executive) Delegation (No. 1) 2010*.

28. The 'Full Supply Level' and 'Full Supply Volume' of Wivenhoe Dam are described as 67 metres and 1 165 200 megalitres respectively in Attachment 5, Table 1 of the Moreton Resource Operations Plan (Moreton ROP) dated December 2009.
29. The 'Full Supply Level' and 'Full Supply Volume' of Somerset Dam are described as 99 metres and 379 850 megalitres respectively in Attachment 5, Table 3 of the Moreton ROP dated December 2009.
30. The 'Full Supply Level' and 'Full Supply Volume' of North Pine Dam are described as 39.6 metres and 215 000 megalitres respectively in Attachment 5, Table 3 of the Moreton ROP dated December 2009.
31. Section 95 of the Water Act provides that the chief executive "may prepare a resource operations plan [ROP] to implement a water resource plan [WRP] for any water in the plan area" after preparing a "draft resource operations plan".
32. A draft Moreton ROP was prepared by the previous Director-General or delegate of the then Department of Natural Resource and Water and released on or about 13 January 2009.
33. Debbie Best, Deputy-Director-General DERM, my delegate under the *Water Act (No. 1) Delegation 2009* (attachment **JNB-08**), prepared the final Moreton ROP under section 103(2) of the Water Act. The Moreton ROP was approved by the Governor-in-Council on 4 December 2009 and gazetted on 7 December 2009.
34. On or about 22 October 2010, I approved the contents of a briefing note to (including draft correspondence from) the Honourable Stephen Robertson MP, then Minister for Natural Resources, Mines and Energy and Minister for Trade.
35. That brief was approved by the Minister on 25 October 2010 and is attachment **JNB-09**. On approval of that briefing note, I am aware that the Minister sent a letter dated 25 October 2010 to the Chair, SEQ Water Grid Manager noting, among other things, current water security issues and seeking "urgent advice about whether this water security provides an opportunity to reduce the volume of water stored in key dams as a means of reducing the severity, frequency and duration of flooding in downstream areas". A copy of this letter is attached and marked **JNB-10**.
36. I understood, as a result of the above briefing note and letter, the Minister had initiated a review of the storage levels in south east Queensland dams including Wivenhoe Dam, North Pine Dam and Leslie Harrison Dam by the SEQ Water Grid Manager and associated statutory water entities including the South East Queensland Bulk Water Authority *trading as* Seqwater ("Seqwater"). Seqwater is the owner and operator of 23 referable dams in Queensland including Wivenhoe Dam, Somerset Dam, North Pine Dam and the Leslie Harrison Dam.
37. By letter dated 24 December 2010, the Chair of the SEQ Water Grid Manager provided a reply to the Minister's letter of 25 October 2010. A copy of that reply

is attached and marked **JNB-11**. I first saw the actual letter around 15 January 2011 when I was emailed a copy.

38. In summary, my understanding of that reply is that the urgent review undertaken by the SEQ Water Grid Manager and associated water entities resulted in:
- (a) the Minister being advised that releasing water to below Full Supply Level may provide some benefits in terms of reduced community and operational impacts during minor inflow events;
  - (b) the Minister being advised that a pre-emptive release of the scale of at least 250,000 ML was not recommended based on information then currently available. The potential water security impacts were considered to be more significant than the negligible benefits;
  - (c) the Minister being advised that the SEQ Water Grid Manager had no objection to minor releases from Wivenhoe and Somerset Dams to 95% of Full Supply Level and from North Pine Dam to 97% of Full Supply Level; and
  - (d) SEQ Water Grid Manager and Queensland Water Commission determined that those minor releases would have no impact on water security.
39. Prior to receipt of SEQ Water Grid Manager's final response to the Minister, I had a telephone conversation in early December with Dan Spiller, Director of Operations of the SEQ Water Grid Manager where I sought to establish the SEQ Water Grid Manager's progress in replying to the Minister's request. In that conversation Mr Spiller indicated that Seqwater's current analysis indicated that pre-emptive releases were unlikely to be a recommended strategy. Mr Spiller informed me that the SEQ Water Grid Manager had been waiting for further input from Seqwater which was required before the SEQ Water Grid Manager's advice could be formalised. However, he emphasised that the outstanding information was being sought urgently.
40. If the Full Supply Level for any of the dams was to be changed on a permanent basis this would need to be done under both the Water Act and the Water Supply Act. The Water Supply Act details the process by which the flood mitigation manuals could be varied to change the Full Supply Level. The Water Act details the process by which the Moreton ROP could be varied to change the Full Supply Level. Also clause 2.8 of the flood mitigation manuals would allow a Senior Flood Operations Engineer to change the Full Supply Level on a temporary emergency basis during a declared flood event after consultation (or reasonable attempts at consultation) with the Chairperson of Seqwater and myself (or my delegate(s) if I could not be located) as the Chief Executive of DERM.

**Item 3: My role in relation dam operations at Wivenhoe, Somerset and North Pine Dams**

41. I do not have any role in the day to day operations at Wivenhoe, Somerset and North Pine Dams.
42. As described above, I have a power under the Water Supply Act to approve the flood mitigation manuals prepared and submitted by Seqwater for the above dams. I have delegated those powers to senior officers in the Office of the Water Supply Regulator within DERM.

43. As chief executive, my delegates and I also have a role under clause 2.8 “Reasonable Discretion” of the flood mitigation manual for Wivenhoe and Somerset Dams to “authorise any departures from the Manual” by the Senior Flood Operations Engineer who has discretion under that clause “to depart from the procedures set out in this Manual to meet the flood mitigation objectives ... if in the opinion of the Senior Flood Operations Engineer, it is necessary”.
44. An identical “reasonable discretion” is provided in clause 2.8 of the flood operations for North Pine Dam.
45. I understand that clause 2.8 has not been exercised in the past.
46. I understand that clause 2.8 was exercised on 18 January 2011 when Seqwater sought an approval from DERM to depart from the procedures to allow the temporary drawing down of the Wivenhoe reservoir to 95% of the Full Supply Level storage capacity. This variation was necessary to enable a constant flow for the Lowood Water Treatment Plant off-take in order to stabilise emergency pumps and to allow a slower reduction in the flow volume in the Brisbane River to minimise bank slumping. The approval was given verbally by my delegate, Mr Robert (Bob) Reilly, and confirmed by email which is attachment **DERM-12** to the Queensland Government’s submission of 11 March 2011 to the Commission of Inquiry.

**Item 4: When, how and why the Full Supply Level which existed for the dams at the time of the January 2011 flood event was determined**

47. My answers to the above items also apply to this item.
48. It is my understanding that there have not been any changes to the Full Supply Levels since the Wivenhoe, Somerset and North Pine Dams were first constructed.
49. I am aware that a review of the Full Supply Level of Wivenhoe and Somerset Dams was undertaken in a report dated March 2007 and prepared for the Queensland Water Commission and the Department of Natural Resources and Water by the then constituted SEQWater. A copy of that report was attached and marked **DERM-16** in the Queensland Government’s submission of 11 March 2011 to the Commission of Inquiry. That report recommended leaving the Full Supply Level of Somerset unchanged but giving consideration to increasing the Full Supply Level of Wivenhoe Dam by 2 metres. This increase would be effected by simply changing the definition of Fully Supply Level in the flood mitigation manuals and the Moreton ROP from 67 metres to 69 metres rather than by doing any works to the dam. This would increase the water supply capacity of the dam while consequently reducing the flood mitigation capacity of the dam. This recommendation was not implemented at that stage and the Full Supply Level of Wivenhoe Dam was not changed. Some emails from Debbie Best to me in mid-February 2011 are attachment **JNB-11A** regarding the postponement of consideration of this matter as part of a QWC Project Reference Group until the Commission of Inquiry had considered the matter.

50. I understand that Mr Peter Allen, Director, Dam Safety, Office of the Water Supply Regulator of DERM (and my authorised delegate for the purposes of flood mitigation manuals under the Water Supply Act) will provide a statement on these issues in greater detail. I also expect that officers from Seqwater – as the owner and operator of the dams – will be in a position to answer this topic in detail.

**Items 5-11:**

**My account of all discussions, correspondence, meetings or briefings I participated in from 1 September 2010 to 30 March 2011 regarding possible alteration of the Full Supply Level of the Dams.**

**All notes made of all discussions or meetings regarding changes to the level of the Dams between 1 September 2010 and 30 March 2011.**

**Any decision by me regarding the level of the Dams.**

**Any written record regarding any decision made by me regarding the level of the Dams.**

**How (in terms of regulatory or legislative changes, directives to operators etc), and why the amount of water in the dams decreased in February 2011.**

**Details, including verbatim accounts where possible, of all discussions, correspondence, meetings or briefings regarding decreasing the dams' levels in January and February 2011.**

**Details, including verbatim accounts where possible, of all discussions, correspondence, meetings or briefings regarding releasing water from the dams to decrease their level in December 2010 or January 2011 (but without altering the Full Supply Level).**

51. During the period concerned, I am aware of consideration being given by Government or operational entities to altering the operating level of Wivenhoe, Somerset or North Pine Dams in four primary contexts:
- (a) The Minister's request to the SEQ Water Grid Manager for advice on 25 October 2010. This was primarily addressed under Item 2.
  - (b) The decision on 18 January 2011 to undertake the temporary draw down of the Wivenhoe reservoir to 95% of the Full Supply Level in order to enable a constant flow for the Lowood Water Treatment Plant off-take in order to stabilise emergency pumps. This has been discussed under Item 3.
  - (c) Seqwater's preliminary Review titled *January 2011 Flood Event* prepared on or about 16 January 2011, which included initial estimates of the potential mitigation effect if dam levels had been lower prior to the Flood Event. This preliminary Review was a separate piece of advice to the formal *January 2011 Flood Event Report on the Operation of Somerset Dam and Wivenhoe Dam* dated 2 March 2011, which is required under the Flood Operations Manual and which I have previously forwarded to the Commission. This will be primarily addressed under this section.
  - (d) The implementation of a reduction of the Wivenhoe Storage to 75% of the Full Supply Level, which saw releases commence on 20 February 2011. This will be primarily addressed under this section.

52. The *January 2011 Flood Event* preliminary review by Seqwater is attachment **JNB-12**. That report provided an assessment of the relative benefit of drawdown below full supply level prior to the January 2011 Flood Event. It also provided,



for scenarios based on the January 2011 Event, Seqwater's estimation of the Peak Height and Peak Capacity which would have been reached during the event if the Dam had been drawn down to specified scenarios.

53. Minister Robertson wrote to Seqwater on 20 January 2011 (**JNB-13A**). The letter noted that the Premier had announced the formation of a Commission of Inquiry and it would produce an Interim Report before the next wet season. Nevertheless, the Minister requested Seqwater to:
- (a) complete its Report required under the Flood Mitigation Manual as a matter of priority and urgency;
  - (b) prepare a contingency protocol to respond to forecasts of significant inflows if they occurred during the interim; and
  - (c) address improvements to the Dam Release protocol.

54. I met with Seqwater on a number of occasions to discuss their assessment of these issues including:

- (a) *On Tuesday 25 January 2011, with DERM staff and QWC representatives.*

My recollection is that at this meeting Seqwater explained the likely timing of its response to the Minister in relation to the requested advice. Seqwater indicated that it was preparing to undertake urgent modelling analysis regarding options to reduce the Wivenhoe Dam operating level. The meeting also discussed the contribution by the SEQ Water Grid Manager and QWC to analyse the water security consequences of any potential reduction in the dam operating level.

- (b) *On Tuesday 1 February 2011 via teleconference, with DERM staff and QWC representatives*

My recollection is that at this very brief meeting Seqwater provided an update on the likely timing of its modelling analysis.

- (c) *Friday 4 February 2011, with DERM staff and QWC representatives*

My recollection is that at this meeting Seqwater provided an overview of its approach to the analysis and preliminary results. It indicated that it expected to finish its assessment by the following Tuesday. There was a detailed discussion about Seqwater's proposed approach that the alteration to the operating level would be authorised under the provisions of the ROP, rather than the Flood mitigation manual. The Contingency Protocol was also discussed at this meeting.

- (d) *Tuesday, 8 February 2011, via teleconference with DERM staff;*

My recollection is that this meeting primarily discussed the potential regulatory process under an interim program in accordance with the ROP.

- (e) *Tuesday, 8 February 2011, with Minister Robertson and his staff;*

My recollection is that at this meeting Seqwater spoke to the Minister about its preliminary modelling (as provided to the Department under the letter of 7 February 2011 referred to below). It was indicated that a significant reduction in the operating level (of 25% or more) would provide substantial flood mitigation benefit, if it could be sustained for a temporary period without unacceptable water security risk.

(f) *Wednesday 9 February 2011 with DERM staff;*

At this meeting Seqwater gave an indication of the likely sequence required to give effect to its recommendation to reduce the operating level, if that recommendation were to be made by the Board and accepted. It discussed issues related to the amendment to the ROP, the approval of an Interim Program and associated issues.

55. I also provided updates on the likely timing of the receipt of Seqwater's assessment of these matters to Minister Robertson and staff verbally including on:

- Tuesday 25 January 2011;
- Thursday 10 February 2011; and
- Friday 11 February 2011.

56. Prior to making its final recommendation in its correspondence to me of 10 February 2011, Seqwater provided the following correspondence:

- (a) letter dated 27 January 2011 (**JNB-13**) responding to the letter from the Minister dated 20 January 2011 (**JNB-13A**) and confirming the outcome of the meeting of 25 January 2011 referred to above. In this letter, Seqwater stated that it would seek to undertake further modelling to provide an indicative assessment of the benefits or otherwise of undertaking a pre-release strategy to pre-emptively reduce the Full Supply Level (FSL) of Wivenhoe Dam.
- (b) letter dated 4 February 2011 (**JNB-14**) with further update;
- (c) draft contingency protocol, by letter dated 7 February 2011 to me (**JNB-15**); and
- (d) correspondence dated 7 February 2011 to me enclosing a summary of Seqwater's scenario analysis titled "*Impact of Reducing the Full Supply Level of Wivenhoe Dam on Flood Discharges*" (**JNB-16**).

57. On 10 February 2011 Seqwater wrote to me (a copy of this letter is attachment **JNB-17**) advising that Seqwater recommended that Wivenhoe Dam's storage level be temporarily reduced to 75% of Full Supply Level in order to temporarily increase its flood mitigation capacity. Seqwater premised this recommendation on the following factors:

- (a) Advice from SEQ Water Grid Manager ("Grid Manager") to Seqwater that the Grid Manager had no objection from a water security perspective to Wivenhoe Dam being drawn down to 75% of Full Supply Level and that such a draw down, if temporary, would be unlikely to impact the Grid Manager's obligations;
- (b) Modelling by Seqwater of various potential flood events which confirmed that a reduction in Wivenhoe Dam's storage level to 75% of Full Supply Level would provide appreciable flood mitigation measures; and

(c) The extreme nature of the January 2011 event.

58. On Friday 11 February 2011, I met with Minister Robertson, Peter Borrows of Seqwater and Jim Davidson of the Bureau of Meteorology. The primary purpose of this meeting was the briefing by BoM. A copy of the briefing is attachment **JNB-16A**.
59. I responded to Seqwater's letter by way of letter dated 11 February 2011 (a copy of this letter is attachment **JNB-18**).
60. Minister Robertson and Seqwater's Peter Borrows announced the recommendation of Seqwater to reduce the operating level to 75% on Sunday 13 February 2011 at a media conference.
61. Queensland Bulk Water Authority *trading as* Seqwater ("Seqwater") is the holder of the Resource Operation Licences (ROLs) for the Central Brisbane River and Stanley River Water Supply Schemes (covering Wivenhoe and Somerset dams). The severe flooding experienced in the Brisbane River system in January 2011 and the ongoing *La Nina* weather patterns resulted in Seqwater, the holder of the ROLs, seeking to and submitting a revised Interim Program for the operation of Wivenhoe Dam.
62. The Moreton Resource Operations Plan 2009 (Moreton ROP) was amended to allow the holder of a ROL with an Interim Program, approved under section 13 of the Moreton ROP, to submit a revised Interim Program for the chief executive's consideration. The amendment to the Moreton ROP was approved at a special Governor-in-Council meeting and subsequently gazetted on Monday 14 February 2011 (a copy of the gazette notice is attachment **JNB-19**).
63. The amendment to the Moreton ROP inserted a new section 6A as follows:  
“(6A) Despite anything in subsections 2, 3 or 4, a resource operations licence holder with an approved interim program may submit to the chief executive a revised program for consideration under subsection 7.”
64. I received on or about 14 February 2011, a copy of a letter of that date from Karen Waldman the Chief Executive Officer of Queensland Water Commission to Peter Borrows, the Chief Executive Officer of Seqwater enclosing a draft report titled Impacts on SEQ Water Strategy of Various Operating Scenarios for Wivenhoe Dam (a copy of the letter and draft report is attachment **JNB-20**). I am shown as a 'cc' at the foot of the letter.
65. On 17 February 2011 Seqwater submitted a Revised Interim Program (a copy of the Revised Interim Program together with the letter submitting it is attachment **JNB-21**) for the operation of Wivenhoe Dam.
66. The Revised Interim Program included the following relevant wording:  
“Seqwater will, between 20 February and 31 March 2011 (“2011 Summer Season”) and subject to the operational constraints specified below, make the following releases from infrastructure –

(a) the volume necessary to initially reduce Wivenhoe Dam to the Interim Supply Security Level; and

(b) volumes necessary to reduce back to the Interim Supply Security Level, where inflows occur during the 2011 Summer Season that take the Wivenhoe Dam level to between the Interim Supply Security Level and the Full Supply Level.

The releases specified in (a) and (b) will only be made where releases can be undertaken at a rate such that Burtons Bridge remains trafficable.

If, after releases specified in (a) or (b) have commenced, a flood event is declared, the dam will be operated in accordance with the Manual of Operational Procedures for Flood Mitigation at Wivenhoe Dam and Somerset Dam. Once the flood event has ended and the dam level is brought back to the Full Supply Level, the releases specified in (a) and (b) will be recommenced.

For the purpose of the above, "Interim Supply Security Level" means 64.0 m AHD."

67. The operations in accordance with the relevant part of the Revised Interim Program involved Seqwater releasing waters from Wivenhoe Dam (additional to usual requirements for downstream demand or minimum flows) on a temporary basis (from the period commencing 20 February 2011 until 31 March 2011) to achieve a storage level of 75% of the Full Supply Level. Furthermore, as necessary during the term of the Relevant Part of the Revised Interim Program, when a storage level of 75% of the Full Supply Level is achieved and there are any subsequent in-flows into the storages of the Dams which then increase the storage level above 75% of the Full Supply Level Seqwater was to recommence the release of waters to regain a storage level of 75% of Full Supply Level and to maintain that storage level of 75% of the Full Supply Level until the end of the Relevant Part of the Revised Interim Program. If there was a Flood Event Seqwater was to follow procedures in the Flood Mitigation Manual.

68. I, as Chief Executive under the Water Act, approved the Revised Interim Program pursuant to section 13 of the Moreton Resource Operations Plan 2009 (as amended) on 17 February 2011. A copy of the briefing note showing the approval is attachment **JNB-22** and my letter to Seqwater approving the Revised Interim Plan is attachment **JNB-23**.

69. The State also agreed to provide two indemnities to Seqwater:

(a) an indemnity for Seqwater's operations under the Relevant Part of the Revised Interim Program to provide a similar protection to section 374 of the *Water Supply (Safety and Reliability) Act 2008*; and

(b) an indemnity for Seqwater's operations under the Relevant Part of the Revised Interim Program to provide a similar protection to Seqwater's current insurance policies.

These indemnities were provided by way of Deeds of Indemnity between the parties. The Treasurer's in-principle agreement to the provision of the indemnities was obtained and I signed the Deeds on behalf of the State on 17 February 2011.

70. The Revised Interim Plan does not alter the Full Supply Level for Wivenhoe Dam. It merely permits Seqwater to hold water to a storage level of 75% of Full Supply Level and to maintain that storage level at 75% of the Full Supply Level until 31

March 2011. Seqwater commenced releases from Wivenhoe Dam on 20 February 2011.

71. On 30 March 2011, Seqwater confirmed in writing that it would not propose any extension of the Interim Supply Security Level of 75% of FSL (see attachment **JNB-24**).
72. On 31 March 2011, Seqwater wrote to me advising that it had not been able to complete detailed modelling work to better quantify the assessed benefits of operating Wivenhoe Dam at a different FSL. Seqwater indicated that while it had intended to complete this task by 31 March, it had been delayed due to the need to finalise an agreed approach with Brisbane City Council and other urgent priorities relating to its preparation for the Commission of Inquiry (see attachment **JNB-25**).
73. In relation to Items 10 and 11, in addition to the matters outlined above, I received and participated in other communications related to dam releases, for instance in the form of :
  - (a) Technical Situation Reports on Dam Releases, such as those related to a proposed release of 30,000 ML commencing on 13 December 2011 (as per TSR W1) and 17 December 2011 (TSR W5);
  - (b) Emails from the SEQ Water Grid Manager in relation to these events and associated material such as draft press releases, advertising and fact sheets from SEQ Water Grid Manager;
  - (c) Various meetings related to dam releases including for instance:
    - Meeting with Office of Water Supply Regulator and SEQ Water Grid Manager on the Dam Release Protocol and other aspects of flood preparedness on 15 October 2010;
    - Meeting with DERM and SEQ Water Grid Manager regarding Summer Issues Preparedness Situation Report on 23 December 2010;
    - Meetings of the State Disaster Management Group which received updates on dam releases; and
  - (d) Email communication with the Brisbane City Council in relation to its post-event assessment of flooding including requests for assistance from DERM.
74. A log of correspondence, emails, meetings or briefings regarding the above matters in this section is attachment **JNB-26**. Where documents or meetings are the subject of privilege this has been noted. Where documents relating to items in the log have been previously provided this has been noted. Where documents have not been previously provided they are attached where possible.

**Item 12: An account of all briefings within my knowledge, verbatim where possible, prepared by the Department of Environment and Resource Management for any Minister or disaster management authority or personnel.**

**Item 12 Clarification: An account of all briefings within my knowledge, verbatim where written briefings are not available, prepared by the Department of Environment and Resource Management for me or any Minister or disaster management authority or personnel between 1 October 2010 and 31 March 2011**

regarding water supply in South East Queensland, flooding in South East Queensland or the operation of Wivenhoe, Somerset or North Pine Dams.

**Item 13: An account of all briefings I received, verbatim where possible, from any State Government department between 1 to 19 January 2011 regarding flooding or dam operations.**

75. On 27 January 2011 I received a briefing from Departmental staff on a research paper which had been requested during my absence in early January from the Acting Director General by Minister Robertson. The document was entitled "*Rapid Assessment of Flood Mitigation Benefits of Dams*" and a copy is attachment **JNB-27**.

76. In addition to the briefings referred to earlier in this statement, there were also briefings prepared assessing flooding impacts from the perspective of other sections of DERM, such as the State Valuation Service, which provided advice to the Ministerial office on 25 February 2011.

77. Minister Robertson also received briefings on some relevant matters as part of a regularly scheduled briefing with the Director General including:

- (a) An update on the status of gauging stations on Friday 7 January 2011 (undertaken by the Acting Director General and staff in my absence) following regional flood events;
- (b) Briefings on (1) flood line mapping and (2) Flooding Impacts on Valuations on Friday 28 January 2011;
- (c) A briefing on 11 February 2011 on the Impacts on Land from Flooding; the preparation of the Environment Recovery 'roadmap' and the establishment of the Queensland Floods Commission of Inquiry.

A copy of the agendas for these briefings is attachment **JNB-28**

78. A log of briefings regarding the matters in this section is attachment **JNB-29**. Where documents or meetings are the subject of privilege this has been noted (documents relating to cabinet are provided as attachment **JNB-30**). Where documents relating to items in the log have been previously provided this has been noted. Where documents have not been previously provided they are attached where possible. By implication all the documents in attachment **JNB-26** also belong in this category however they have not been duplicated in attachment **JNB-29**.

79. Attachment **JNB-30** contains some documents identified in attachment **JNB-29** as being subject to cabinet privilege which I have decided to release to the Commission. I have not released any cabinet documents in the strict sense (that is, a cabinet submission, matters to note, cabinet briefing note etc) or any documents which might not be cabinet documents in the strict sense but which 'belong' to another government department.

**Item 14: An account of all communications I had, verbatim where possible, or any briefings received from the Flood Operations Centre between 1 and 19 January 2011.**

80. I did not receive any communications or briefings directly from the Flood Operations Centre between 1 January 2011 and 19 January 2011. In accordance with the draft Dam Release Protocol I received all my briefings regarding Flood Operations Centre operations from the SEQ Water Grid Manager.

81. I received, by email, technical situation reports (TSRs) from Dan Spiller, Director, Dam Operations, SEQ Water Grid Manager. These reports are in Appendix F of the Seqwater January 2011 Flood Event Report on the Operation of Somerset Dam and Wivenhoe Dam dated 2 March 2011. The emails by which I received the TSRs are included in attachment **JNB-29**.

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

Signed .....  
John Neville Bradley

Taken and declared before me, at Brisbane this 4th day of April 2011

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