

**Statement of Toni Lake and attachments  
dated 1 February 2012**

**IN THE MATTER OF  
THE QUEENSLAND FLOODS COMMISSION OF INQUIRY 2011**

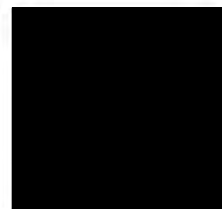
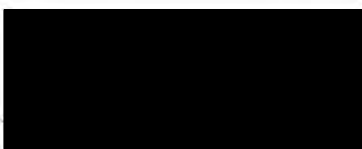
**A COMMISSION OF INQUIRY UNDER THE  
COMMISSIONS OF INQUIRY ACT 1950**

**AND PURSUANT TO THE  
COMMISSIONS OF INQUIRY ORDER (No. 1) 2011**

**STATEMENT OF TONI ELIZABETH LAKE**

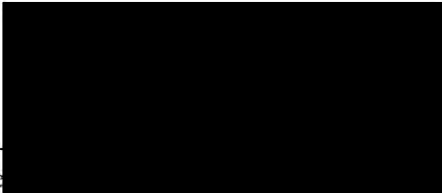
On the 1<sup>st</sup> day of February 2012, I **Toni Elizabeth Lake**, c/-240 Margaret Street, Brisbane, state on oath:

1. I am Corporate Counsel and Board Secretary of the Queensland Bulk Water Supply Authority (*Seqwater*).
2. This statement is provided to the Queensland Floods Commission of Inquiry pursuant to a "Requirement to Provide Statement" issued by the Commission dated 30 January 2012 (the *Requirement*). The matters set out in the paragraphs below represent my best recollection of the matters set out in the Requirement, after reviewing my records.
3. I was not directly involved in the process undertaken by Seqwater to collect, process, review and disclose information in response to the "Requirement to Provide Statement" issued by the Commission dated 1 March 2011. My best recollection is that, upon receipt of the Requirement dated 1 March 2011, I attended an initial meeting with Cynthia Crane, Manager, Information, Communications & Technology Services at Seqwater and David Collyer, Principal Co-ordinator ICT Project Office.
4. I recall that during this initial meeting I provided a copy of the Requirement dated 1 March 2011 to Ms Crane and I asked Ms Crane to take responsibility for the process to respond to the Requirement dated 1 March 2011. Although I cannot now recall the details of my brief to Ms Crane and Mr Collyer, I can recall that I asked Ms Crane and Mr Collyer to find every possible source of information relevant to the Requirement dated 1 March 2011, including electronic and hard copy potential sources of information.



5. I impressed upon Ms Crane and Mr Collyer that it would be a huge exercise and I left it to Ms Crane and Mr Collyer to work out the best way to respond to the Requirement dated 1 March 2011, in consultation with Seqwater's solicitors.
6. I also recall that I corresponded with the Water Grid Manager's officer on 3 and 4 March 2011 to obtain access for Ms Crane to the Water Grid Manager's OCA database records that were relevant to the Requirement dated 1 March 2011. Exhibited to this statement and marked "TL-1" is a bundle of email correspondence relating to that access request.
7. I also recall that I indicated to Ms Crane that Seqwater's solicitors had sought clarification of the Requirement dated 1 March 2011 from the Commission and that when I received the clarification to the Requirement dated 1 March 2011 on 8 March 2011 I provided the clarification details to Ms Crane.
8. Exhibited to this statement and marked "TL-2" is a bundle of email correspondence between me and Ms Crane.
9. Ms Crane and Mr Collyer, who was the project manager assisting Ms Crane to coordinate Seqwater's response to the Requirement dated 1 March 2011, are no longer employed by Seqwater. These two people possess detailed knowledge of the matters set out in the Requirement.
10. Given my limited involvement in the process, and the fact that Ms Crane and Mr Collyer are no longer employed by Seqwater, I cannot provide any further information in response to the Requirement.

**SWORN** by **Toni Elizabeth Lake** on 1 February 2012 at Brisbane in the presence of:

De 

Solicitor 

"TL-1"

---

**From:** Elaina Smouha [REDACTED]  
**Sent:** Thursday, 3 March 2011 3:10 PM  
**To:** Toni Lake  
**Subject:** RE: URGENT - OCA data access required to meeting Commisison of Inquiry Request to produce Information

Toni

I have spoken with our OCA Administrator regarding your request and have been informed that those who are authorised users of OCA already have access to the OCA logs. The following are the Seqwater staff that are authorised users of OCA:

Peter	Borrows
Jim	Pruss
Alex	Fisher
Peter	Finlayson
Stan	Stevenson
Brett	Myatt
Rob	Drury
Donna	Gregory
Mike	Foster
	Roberts (first point of
David	contact)
Jeff	Lyddon
Tara	King
Paul	Bird
Arran	Canning

David Roberts will probably be the best person to talk to regarding the use and access within OCA.

Any emails generated by Seqwater staff which may appear in the OCA log should correspond to that person's sent items or any logs that Seqwater is required to maintain under its own emergency response plan.

Could you further clarify your request regarding OCA?

Further, I assume that given that the Commission's notice was addressed to Seqwater, the scope is relating to documents/records that were generated or received by Seqwater.

Regards

Elaina

**Elaina Smouha**  
Director, Governance and Regulatory Compliance

1/02/2012

**SEQ Water Grid Manager**

Phone [REDACTED]

Email: [REDACTED]

Visit: Level 15, 53 Albert Street Brisbane

Post: PO Box 16205, City East QLD 4002

ABN: 14783 317 630

**From:** Toni Lake [REDACTED]

**Sent:** Thursday, 3 March 2011 11:14 AM

**To:** Elaina Smouha

**Subject:** URGENT - OCA data access required to meeting Commisison of Inquiry Request to produce Information

**Importance:** High

Elaina – I confirm that late on 1 March 2011 we received a formal Request for Production of Data (Notice) from the Commission of Inquiry. Deadline for compliance with this Notice is **11 March 2011**.

We have identified the logs in OCA as a source of information directly relevant to the Notice and need your urgent confirmation that we will be provided will access to all OCA logs asap to enable data extraction and delivery to the Commission of Inquiry. The Notice relevantly requires delivery of the following information, documents and records:

- records for Wivenhoe Somerset and North Pine Dams for 2010 and 2011
- any record of communications with any council, council officer, DERM, flood operations centre and QPS for 2010/11 wet season.

Given the breadth of the above we are requesting access to all OCA logs to obtain information to comply with the notice. Obviously the period of required data will be from OCA commencement on 6 December to current time.

Given the importance of the request and the need to place all information before the Commission by next Friday we need to confirm we have this access today. Cynthia Crane will send you a more detailed listing of what we need but in interim I need your confirmation that we will have the requested OCA access from today.

Toni Lake

Corporate Counsel and Board Secretary

Queensland Bulk Water Supply Authority *trading as Seqwater*



PH [REDACTED]

TE [REDACTED]

Level 3, 240 Margaret St, Brisbane City QLD 4000

PO Box 16146, City East QLD 4002

Website | [www.seqwater.com.au](http://www.seqwater.com.au)

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---

**From:** Elaina Smouha [REDACTED]  
**Sent:** Friday, 4 March 2011 2:35 PM  
**To:** Toni Lake  
**Subject:** RE: URGENT - OCA data access required to meeting Commission of Inquiry Request to produce Information

Toni

I refer to our discussion this morning regarding the Commission of Inquiry's notice to Seqwater to produce records/documents (a notice which we haven't seen, although note that you have provided some description of the broad scope of the request).

OCA Information is defined as "all information made available to or provided by a Party as a consequence of the implementation and use of the OCA Incident Manager". Certain Seqwater officers have access to OCA information that is consistent with this definition. We note that the obligation on Seqwater under the Commissions of Inquiry Act is to produce records/documents that is within Seqwater's "custody or control".

As you are aware, the OCA Information Protocol was developed and executed by the Grid Participants' CEOs to alleviate concerns over the use of OCA information, given the increased transparency.

In our discussions, you confirmed that Seqwater is seeking full and unrestricted access to OCA for the purpose of complying with the Commission of Inquiry Notice to produce. This request would cover information within OCA that either concerns or was provided by another Grid Participant and to which Seqwater would not otherwise have access, or be entitled to access (in other words, documents which are neither within Seqwater's custody nor control).

Under the OCA Information Protocol, ownership of such information remains with the relevant Grid Participant and the information in OCA provided by another Grid Participant is not necessarily ours to disclose outside of what is able to be viewed by Seqwater and the other Grid Participants and outside of the permitted purpose.

You will appreciate that while we are willing to assist Seqwater in meeting its obligation to comply with the Commission of Inquiry's Notice, we must also balance this against the OCA Information Protocol, which was the basis on which Grid Participants agreed to share information via OCA. If the Commission of Inquiry believes that OCA may contain further information relevant to its investigations, we would be more than willing to discuss this with and assist the Commission.

For OCA Information that is available to Seqwater staff and which Seqwater wishes to produce to the Commission of Inquiry, we note that Seqwater will need to satisfy itself that such disclosure fits within the confidentiality exceptions of section 11.3 of the Market Rules and that the disclosure is for a permitted purpose under clause 5.3 of the OCA Information Protocol – particularly for OCA information that concerns or was produced by another Grid Participant.

Our OCA Administrators have met with David Roberts and walked him through the information that is available to Seqwater via OCA (which includes information generated by the other Grid Participants), where to access it and how to export. The walk through looked to address Cynthia's list of information

below and the notice request as further articulated by David. I understand that David was satisfied with the level of access that was demonstrated for the purposes of the request – subject to his further review of the OCA system. We were also able to reach a common understanding of what OCA does capture and what would be accessible via Seqwater's officers' email accounts.

Our OCA Administrators have offered to make themselves available to answer any further queries from David regarding access to OCA Information, and our duty manager is an OCA Administrator who is contactable by your IT staff over the weekend to assist.

Regards

Elaina

**Elaina Smouha**

Director, Governance and Regulatory Compliance

**SEQ Water Grid Manager**

Phone: [REDACTED]

Email: [REDACTED]

Visit: Level 15, 53 Albert Street Brisbane

Post: PO Box 16205, City East QLD 4002

ABN: 14783 317 630

---

**From:** Toni Lake [REDACTED]

**Sent:** Friday, 4 March 2011 9:25 AM

**To:** Cynthia Crane; Elaina Smouha

**Subject:** RE: URGENT - OCA data access required to meeting Commission of Inquiry Request to produce Information

Elaina – given our time pressures and the legislative requirements for compliance with a Commission of Inquiry Notice to produce, I have asked Cynthia to talk to your technical people directly now so as to pull out what data you have no problem with us getting for provision to the Commission and for Cynthia to provide some more technical context to our request below.

I confirm I need you to email me separately identifying what we cannot have access to (ie confirm that is on your raised basis that the confidentiality provisions in the OCA set up prevent us having that access). I will then get separate advice on that response in the context of our Commission notice and come back to you. Not trying to put undue pressure on you but as discussed the notice is not limited to data we produce or receive and is an absolute production requirement.

Toni

---

**From:** Cynthia Crane

**Sent:** Thursday, 3 March 2011 3:47 PM

**To:** Elaina Smouha

**Cc:** Toni Lake

**Subject:** RE: URGENT - OCA data access required to meeting Commission of Inquiry Request to produce Information

Hi Elaina

Please find listed below our requirements. Before you review, I have consulted with David Roberts and Jeff Lyddon this morning to inform this request. They do have access, but only to data they can maintain. To meet the requirements of the Request for Information, it is important to represent the full life of an event or process that has occurred.

Our requirements for data from OCA include:

- All logs supporting directions/tasks assigned, responses and decisions relating to each incident.



- Typically log information should show date/time, who logged, who directed to, details of directions/tasks assigned, responses and decisions and any attachments as a minimum.
- My understanding is that where an incident has many linked incidents as in the January event, it will be necessary to be able to distinguish the relationship in the reporting so that information pertaining to dam releases cannot be confused with Grid WTP, Non WTP and Water Quality events.
- All data is required from date that the system was first used which I understand is 6 Dec, 2010 to present time.

Should you require further clarification of this request, do not hesitate to contact me.

Thank you for your co-operation.

Regards,

Cynthia Crane

Manager, Information Communication and Technology Services.  
Queensland Bulk Water Supply Authority *trading as Seqwater*



Ph [REDACTED]  
Level 3, 240 Margaret St, Brisbane City QLD 4000 Australia  
PO Box 16146, City East QLD 4002  
Website | [www.seqwater.com.au](http://www.seqwater.com.au)

**From:** Toni Lake  
**Sent:** Thursday, 3 March 2011 3:20 PM  
**To:** Elaina Smouha; Cynthia Crane  
**Subject:** RE: URGENT - OCA data access required to meeting Commisison of Inquiry Request to produce Information  
**Importance:** High

Cynthia – please clarify exactly what we need direct to Elaina asap  
Elaina – the notice is not restricted in any respect to documents generated/received by Seqwater. Hence the need for us to be given the widest possible access to OCA records to be able to meet the Commission requirement within the 8 days left to produce what is a large volume of documents. I really need to know whether we will have that access by close of business today please.  
Toni

**From:** Elaina Smouha [REDACTED]  
**Sent:** Thursday, 3 March 2011 3:10 PM  
**To:** Toni Lake  
**Subject:** RE: URGENT - OCA data access required to meeting Commisison of Inquiry Request to produce Information

Toni

I have spoken with our OCA Administrator regarding your request and have been informed that those who are authorised users of OCA already have access to the OCA logs. The following are the Seqwater staff that are

authorised users of OCA:

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Jim	Pruss
Alex	Fisher
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Stan	Stevenson
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Rob	Drury
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Mike	Foster
David	Roberts (first point of contact)
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Tara	King
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David Roberts will probably be the best person to talk to regarding the use and access within OCA.

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Regards

Elaina

**Elaina Smouha**

Director, Governance and Regulatory Compliance

**SEQ Water Grid Manager**

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**From:** Toni Lake [REDACTED]

**Sent:** Thursday, 3 March 2011 11:14 AM

**To:** Elaina Smouha

**Subject:** URGENT - OCA data access required to meeting Commisison of Inquiry Request to produce Information

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## documents and records:

- records for Wivenhoe Somerset and North Pine Dams for 2010 and 2011
- any record of communications with any council, council officer, DERM, flood operations centre and QPS for 2010/11 wet season.

Given the breadth of the above we are requesting access to all OCA logs to obtain information to comply with the notice. Obviously the period of required data will be from OCA commencement on 6 December to current time.

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Toni Lake

Corporate Counsel and Board Secretary  
Queensland Bulk Water Supply Authority *trading as Seqwater*



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"TL-2"

**Toni Lake**

---

**From:** Cynthia Crane  
**Sent:** Friday, 4 March 2011 7:54 PM  
**To:** Toni Lake  
**Subject:** RE: query for weekend please

Hi Toni – will aim to. If it was sent via the flood centre - will check in with Rob on it first as it may be in UQ emails.  
Cheers, C

---

**From:** Toni Lake  
**Sent:** Friday, 4 March 2011 7:53 PM  
**To:** Cynthia Crane  
**Subject:** query for weekend please

Cynthia – the flood operations staff send their situation reports out during an event to a "distribution list". Can someone get to me over the weekend details of who is on that distribution list. Many thanks  
Toni



## Toni Lake

---

**From:** Cynthia Crane  
**Sent:** Saturday, 5 March 2011 10:17 AM  
**To:** Toni Lake  
**Subject:** Information request from Commission  
**Importance:** High

Toni

Have we received an amended request from the commission as yet. Can you let me know. Ta.

Regards,

Cynthia Crane  
Manager, Information Communication and Technology Services.  
Queensland Bulk Water Supply Authority *trading as* Seqwater



Ph [REDACTED]  
Level 3, 240 Margaret St, Brisbane City QLD 4000 Australia  
PO Box 16146, City East QLD 4002  
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## Toni Lake

---

**From:** Cynthia Crane  
**Sent:** Tuesday, 8 March 2011 6:33 AM  
**To:** Toni Lake  
**Subject:** Allen's

Morning Toni

When you get a chance – could you ring me on my mobile. I will be out of the office until mid morning.

The team have lots of data ready for an initial review by Allen's – could we arrange a rep form Allen's to start the review process so we can then start pushing into final repository.

Cheers, C

## **Toni Lake**

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**From:** Cynthia Crane  
**Sent:** Tuesday, 8 March 2011 8:45 AM  
**To:** Donna Pettiford; David Nolan; David Collyer; Bill Medill; Michael Strydom  
**Cc:** Cheryll Young; Toni Lake  
**Subject:** Allen's reps

Morning all

I have just spoken to Michael Ilott from Allen's. He is just in the process of briefing two of his staff on what they need to do. I have asked that the two staff meet with all of you to work through what needs to be reviewed particularly for internal sources as a first pass before we finalise all extracts.

Cheryll will bring them around when they arrive.

Cheers, Cynthia

## Toni Lake

---

**From:** Cynthia Crane  
**Sent:** Wednesday, 9 March 2011 9:08 AM  
**To:** Toni Lake  
**Subject:** Clarification from Commission

Hi Toni

You mentioned that the Commission has clarified the request – have you got a copy as yet you can send through Toni.

Regards,

Cynthia Crane  
Manager, Information Communication and Technology Services.  
Queensland Bulk Water Supply Authority *trading as* Seqwater



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## Toni Lake

---

**From:** Cynthia Crane  
**Sent:** Wednesday, 9 March 2011 10:28 AM  
**To:** Toni Lake  
**Subject:** RE: Data production requirement to Commission

Hi Toni – sorry for troubling you. Allen's staff have since given us a copy to work with. Cheers, C

---

**From:** Toni Lake  
**Sent:** Wednesday, 9 March 2011 10:27 AM  
**To:** Cynthia Crane  
**Cc:** Brooke Foxover; Bill Andrew; Alex Fisher; Helen Moore; Donna Gregory  
**Subject:** Data production requirement to Commission  
**Importance:** High

Cynthia – to enable your exercise to continue, I confirm that the Commission provided late yesterday a formal clarification for its document production notice.

Item 1 - catchment info: rainfall, records catchment conditions (vegetation conditions, saturation) storage levels and other data relevant to forecasting. Much of this should be in the flood room records. This is for 2010/11

Item 2- Wivenhoe Somerset and North Pine records: this is now limited to water levels, stored volumes, inflows, operational interventions (gates/valves) and outflows. This is for 2010/11. Again much of this should be in the flood room records

Item 3- any communication in relation to warnings: BOM warnings, warnings from any government entities commercial entity or private person regarding weather forecasts and flood events in 2010 and 2011 (eg rainfall forecasts, water flow observations). This specifically does NOT include warnings/communications unrelated to weather forecasts or flood events. Some of this is in the flood room but will also be in other places

Item 4 - records of Seqwater responses to warnings/info: confined to warnings and related info regarding weather forecasts and flood events in 2010 and 2011. Same comment as above

Items 5 6 7 and 8 NO CHANGE – however most of this is flood room data. For 7, we have already provided documentation on the SunWater SLA for flood services

Item 9- record of communications with QPS: confined to communications with Queensland Police Service in relation to weather forecasts, rainfall, dam releases, flood levels and disaster management between 1 September 2010 and 8 March 2011

Item 10 - record of communications with any council: confined to communications with councils in relation to weather forecasts, rainfall, dam releases, flood levels and disaster management between 1 September 2010 and 8 March 2011

Item 11 – record of communications with DERM: confined to communications with DERM in relation to weather forecasts, rainfall, flood modelling, operational procedures for dams, dam releases, flood levels, disaster management and ROPs in 2010 and 2011

**Toni Lake**  
Corporate Counsel and Board Secretary  
Queensland Bulk Water Supply Authority *trading as Seqwater*





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---

**From:** Cynthia Crane  
**Sent:** Sunday, 6 March 2011 8:29 AM  
**To:** Toni Lake  
**Subject:** Fw: FOC Situation Report at 09:30 on Thursday 20 January 2011

Toni. Fyi. Let me know if you need more clarification from Rob. When we pull foc email. We will check for all emails. Cheers C

---

**From:** Rob Drury  
**Sent:** Sunday, March 06, 2011 07:34 AM  
**To:** Cynthia Crane  
**Subject:** FW: FOC Situation Report at 09:30 on Thursday 20 January 2011

You are correct, the Situation reports from the FOC come from their computer. However they should all be included in the report to the Commission already. Below is a late one however the list of names sent to may have changed over time as people were added or dropped off. However the report should have them all and who received them.

Rob

---

**From:** Duty Engineer [REDACTED]  
**Sent:** Thursday, 20 January 2011 9:24 AM  
**To:** 'Arminda Roberts (private)'; David Roberts; flood.qld [REDACTED] Mike Foster; Paul Bird; 'Paul Bird (Private)'; Peter Allen; Rob Drury; 'Rob D (Private)'; Rohan Thorogood; seqwater.comms [REDACTED] tararuffles [REDACTED] Tony Jacobs (private); Ken.Price [REDACTED] kim.hang [REDACTED] Al Navaruk; Bill Stephens; David Pokarier; John West; Louw Van Blerk; Mark Tan; Neville Ablitt; John.Ruffini [REDACTED] John Tibaldi; Rob.ayre [REDACTED] Terry Malone; Brett Schultz; Glenn Patterson; Malcolm Lane; Murray Dunstan; Rob Gorian; Agg Dagan; Doug Grigg; Graham Keegan; Graham Francis; Jayam Tennakoon; Matthew O'Reilly  
**Cc:** Andy Bickerton; Deb Chandler; Mailbox; Tony Trace; Chris Lavin; Craig Logan; Don Carroll; Evan Caswell; 'Flood Information Centre'; James Charalambous; Ken Morris; Robert McGlinn; Santana Pennisi  
**Subject:** FOC Situation Report at 09:30 on Thursday 20 January 2011

#### Rainfall

Severe thunderstorms again delivered rainfall over Wivenhoe, Somerset and North Pine dam catchments overnight. Catchment average rainfalls of 55 mm occurred in the Pine River, with isolated falls of 93 mm recorded at Mt Glorious.

The forecast rainfall indicates that falls of between 25 to 50mm are expected in the next 24 hours.

#### North Pine

North Pine Dam commenced gate operations at 01:00 on Thursday 20 January 2011 due to the runoff generated from the overnight storm. Currently five gates are open, releasing 150 m3/s. The lake level was 39.52m AHD at 09:00 and falling slowly.

Youngs Crossing remains closed.

### Somerset Dam

All regulators were closed at 20:00 Tuesday 18 January 2011. The dam level was 99.07 m AHD at 06:30 on Thursday and rising slowly. Further regulator releases may take place over the next few days to maintain the dam at Full Supply Level (FSL).

### Wivenhoe Dam

All gates were closed at Wivenhoe at 12:00 on Wednesday 19 January 2011. The current lake level is just below FSL and rising slowly due to the overnight storm inflows.

Operational releases will be made for through the centre gate to account for ongoing small inflows and to assist town water supply requirements. It is intended to drain down to 95%, approximately 66.5 m AHD.

### Strategy

A summary of the bridge status along the Brisbane River between Wivenhoe Dam and Moggill is as follows, with the exact timing of water coming clear of bridges depending on the fresh in the Lockyer Creek (peak flow~200-250 m3/s) and any further rainfalls.

- Water is clear of Fernvale Bridge, Mt Crosby Weir Bridge, Kholo Bridge and Burtons Bridge
- Water from the fresh in the Lockyer Creek is likely to keep Savages Crossing and Colleges Crossing inundated for at least the next 24 hours.
- It is not yet certain when water will be clear of Twin Bridges as this will depend on base flow draining requirements and a decision will be made on this later Friday.

The Flood Operations Centre is re-mobilised for the North Pine Dam operations, but control of the Somerset and Wivenhoe dams has reverted to normal Seqwater operations. However, the FOC will continue to monitor rainfalls and water levels throughout the Brisbane and Pine River catchments.

Regards

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