

Transcript of Proceedings

Issued subject to correction upon revision.

THE HONOURABLE JUSTICE C HOLMES, Commissioner

MR JAMES O'SULLIVAN AC, Deputy Commissioner

MR P CALLAGHAN SC, Counsel Assisting
MS E WILSON SC, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS OF INQUIRY ACT 1950
COMMISSIONS OF INQUIRY ORDER (No. 1) 2011
QUEENSLAND FLOODS COMMISSION OF INQUIRY

BRISBANE

..DATE 10/02/2012

..DAY 67

THE COMMISSION RESUMED AT 8.59 A.M.

NEVILLE GEORGE ABLITT, CONTINUING:

COMMISSIONER: Yes, Mr Dunning?

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MR DUNNING: I was going to continue, if that was convenient.

COMMISSIONER: Oh, I'm sorry. I have got my mind on something else, a couple of housekeeping matters I was just going to raise at the beginning. One is you should be letting us now know who you want for cross-examination. I think something went out last night. For example, we've got Mr Babister, whose role has been to do some extra modelling. I don't know if anybody wants to ask him about that, or whether he needs to be called at all. So you might sort out whether you do or you don't.

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The other thing is the closing addresses. Now, Counsel Assisting has raised with me that there has been a suggestion of addresses in writing. I don't really have any strong views about this as long as it is done expeditiously, so I am open to suggestion on how you want to do it, which could be entirely orally, a mixture of writing and orally, or entirely in writing.

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I did go back and look at what happened at the Bundaberg Hospital Inquiry, and what happened there was that the submissions I think were done in writing and were not published until the report was published, with Mr Davies taking out any bits where he actually hadn't made findings. That seems to me a fairly reasonable course, I must say, but, as I say, I'm happy to hear from the parties what you say is the best way to go and to make a decision after that.

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So does anybody want to talk to me about that now or do you want to think about it and we will come back to it at lunchtime? What do you want to do?

MR BURNS: For us I can say that we're confident we can say all that we will need to say in writing, and we can do it by the timelines indicated previously.

And I don't know whether it is terribly helpful but I endorse, with respect, the approach taken by the former Justice Davies in that case. It would be inappropriate, given the seriousness of the allegations, to have a public ventilation through counsel's arguments. That's our position.

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COMMISSIONER: Well, that has been pretty much the position of the Inquiry, to give draft findings but not publish them because if you're never going to make them it is not really appropriate that they be ventilated all over the place.

MR BURNS: No.

COMMISSIONER: So I can see the sense in that. Mr Ambrose, do you have a view?

MR AMBROSE: Madam Commissioner, time constraints would argue in favour of written submissions. They will be precise, they will be concise, and hopefully they won't vary, so they won't be discursive.

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COMMISSIONER: It is a pretty tight set of issues, so they shouldn't be huge, I wouldn't think.

MR AMBROSE: Precisely. Precisely. The other thing is it has got the advantage of preserving the interests of persons against whom allegations might be made and findings not made, and that is a real advantage to people in those circumstances. We can do it within the timelines, it will not extend the time, and in all the circumstances our submission would be that would be preferable.

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COMMISSIONER: Mr O'Donnell, do you have a view?

MR O'DONNELL: We also favour written submissions. So far the history has been everything damning of the flood engineers gets in the press, everything in their defence isn't mentioned in the press. We think the same will result if there are oral submissions.

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COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Madam Commissioner, I endorse those statements. They accurately reflect my view.

COMMISSIONER: Okay.

MR MacSPORRAN: Commissioner, we endorse that approach as well, that the submissions be wholly in writing for the reasons you have articulated. The only thing we'd add is that it would be very helpful if we had some prior warning of the submissions of Counsel Assisting.

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COMMISSIONER: What I had in mind was he provide his morning one day and you have to, say, midday the next day to respond, something like that.

MR MacSPORRAN: Yes, at least some notice before we sign off on ours.

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COMMISSIONER: Certainly you've got to have them before your final submissions come in.

MR MacSPORRAN: Yes. Thank you.

COMMISSIONER: Mr Murdoch, you might have a contrary view?

MR MURDOCH: Commissioner, no dissent from my clients to that

approach.

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COMMISSIONER: Okay. Mr Rangiah?

MR RANGIAH: I don't have any submissions to make on the issue.

COMMISSIONER: Mr Dunning?

MR DUNNING: We support the approach that's been articulated by the majority.

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COMMISSIONER: Mr Callaghan, do you want to go out an a limb here?

MR CALLAGHAN: No, there is consensus, and there will be no difficulty with our submissions being provided in advance of any requirement for any other party to respond.

COMMISSIONER: All right. Thanks for that. Mr Dunning, you can go ahead.

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MR DUNNING: Thank you. Mr Ablitt, when we broke yesterday, we had been talking a bit about the layout of the flood room-----?-- I can't hear you, I am sorry.

Sorry, when we broke yesterday you had explained to us a little of the physical attributes of the room in which you operate. I would now like to move to another topic, and that is can you tell us, please, your experience in the Flood Operations Centre? Sorry, am I speaking too loudly for you now?-- No, no, that's good. My major role, as I said in my statement, is to monitor the gauges that provide data into the model. There are two software programs that run in the Flood Operations Centre. One is called FLOOD-Col and one is called FLOOD-Ops. My role is to work with FLOOD-Col and make sure that the data has integrity. If gauges aren't working, they are removed from the system so as not feeding data into the system. That data is then used by the flood engineer in FLOOD-Col and it produces modelling about what river heights might occur with incoming rain - well, rainfall that's falling on the ground, and that's how we work. So my role is to operate within FLOOD-Col and make sure the data from the stream gauges and rain gauges is operating. Secondary to that is answering the phone, sending faxes, doing whatever the flood engineer wants to do. My role is to support the flood engineer. That is my sole responsibility in that job. So I give him the right data for his model, I - if he wants a cup of tea I'll make a cup of tea. You know, it is whatever he needs to make himself comfortable, remembering that it is a very stressful situation at times in that room.

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Certainly. And I am going to come to what you've just mentioned, but to start off with can you just tell me, please, what your experience is; that is, how long you've been there in this particular job?-- I believe it was 1996. I could be out by a year, but the contract was awarded to the organisation I worked for at the time to operate the - operate

and manage the three gated dams around Brisbane. I came on board about two months after that contract was awarded and I've been - except for a gap of a year between 2008 and 2009, I've been doing it off and on, yes.

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So as and when the Flood Operations Centre is activated, you've been engaged in this particular role for approximately 15 years?-- Well, remembering that I have a real job - it is a standby job. It is one of those ones where there is no-one physically full-time. It is - when the event starts, they call people from normal operations.

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I appreciate that. Obviously, then, you know something of the operation of the dam and the impact of releases downstream, agreed?-- Yes.

Right. And so you tell me if you don't agree with any of this. You would agree with me that lower level releases - let's say, you know, in the hundreds of CUMECS - are most immediately felt immediately downstream of the dam, agreed?-- Yes.

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And their most immediate consequences are the progressive inundation of downstream river crossing, bridges?-- In conjunction with the outflow from the Lockyer and the Bremer.

Yes?-- They are always taken into consideration.

All right. And so that when we look at those downstream communities, in effect the Somerset Regional Council areas are going to be the most immediately affected by dam releases because they're immediately downstream agreed?-- Yes.

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And the biggest practical consequence is obviously inundation along and up the riverbank and the closure of bridges, agreed?-- Yes.

Okay. The next local authority that is impacted by the dam is the Ipswich City Council, agreed?-- Yes.

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And it's impacted by releases in two ways: the loss of crossings or bridges, as is the case in Somerset, agreed?-- Yes. I am just trying to think which bridges are actually in Ipswich, but yes. I am just trying to think. Colleges, I think, is on the border.

Yes?-- Yes.

But it is also exposed to the consequences of urban flooding in the event of a larger event?-- I don't understand the question, sorry.

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Well, Ipswich City Council is also exposed to the risk of urban inundation in the event of a large event causing large releases from Wivenhoe, agreed?-- No, I don't agree with that, because Ipswich is on the Bremer.

All right. And the third downstream council is the Brisbane

City Council, agreed?-- Yes.

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And the consequences, as you understand, for it are not in relation to loss of crossings, but, firstly, disruption to the use of its river. So the cessation of its ferry services, agree?-- Yes, but there are bridges that are affected by Brisbane. Colleges Crossing is on the border of Brisbane, and the Mt Crosby Weir Bridge is in the City of Brisbane.

Yes?-- They are two major traffic avenues that are used by the public - by the general public.

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All right. So if you could just - I will come to that-----?-- Yes.

-----but if you can just try and follow my questions for me, it will speed it up?-- Yes, yes.

That when we talk about releases from Wivenhoe, the consequences in Brisbane are first felt by things like the cessation of ferry services, agreed?-- That's up to Emergency Services. I have nothing to do with the ferry services, I am sorry.

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All right. So what you're telling me is you don't understand what the consequences of releases are for Brisbane? If that's your answer just say so and I will move on to something else?-- Well, I mean, depending on the flows, but I don't know at which point in time the Moggill ferry or the Brisbane council ferries cease operation because of flows. I can't answer that question.

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Do you appreciate that they are the first consequences of elevated releases from Wivenhoe?-- In Brisbane you are talking about?

Yes?-- Yes, I would suggest - I would suggest the Moggill ferry is the first.

All right. And then after the cessation of ferry services, inundation of areas immediately adjacent to the Brisbane River within Brisbane?-- Yes, that would be a consequence of releasing, yes.

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And then follow - and that starts to bring problems like the flooding of parked cars, and things like that. Do you appreciate that?-- Again, in conjunction with outflows from the Lockyer and the Bremer.

Of course. Then obviously in a very serious case like the one we had at the beginning of last year, urban inundation; that is, flooding of houses and businesses?-- Yes.

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All right. Now, at the - you were asked some questions yesterday about a meeting you were a participant - or a meeting that you recorded at 3.30?-- Yes.

Between the flood engineers, and then some communications that

were had by one of the flood engineers with the Brisbane City
- with the councils-----?-- Yes.

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-----shortly after. Do you remember that?-- Yes.

Now, by that stage you'd been on shift for about nine and a
half hours, correct?-- Yes, it would appear so. Eight and a
half, I think, but yes.

You started at 7, didn't you?-- 7.

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Yes, eight and a half at the time of the-----?-- Meeting.

-----meeting. About nine and a half by the time the last of
those calls are logged?-- Yes.

All right, thank you. Now, you knew on that Sunday when you
arrived on shift that you had an escalating situation?-- It
was beginning to escalate, yes. The serious escalation was
later, but yes.

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I was going to say. So you realised it was escalating in the
morning -----?-- Yes.

-----but by afternoon it was apparent that a very serious
situation was-----?-- Very late afternoon.

Yep, all right. Thank you. Now, you mentioned to me a little
earlier in your evidence that it can be very busy in the Flood
Operations Centre, correct?-- Yes, yes.

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So are we safe to assume that by the afternoon on the Sunday -
and let's say by the time of that 3.30 telephone hookup
between the three present flood engineers and the one by
telephone, that the Flood Operations Centre was by that stage
a busy, almost frenetic place?-- It was getting that
direction, yes. I'd say it ramped up after that meeting.
Like, I wasn't being given instructions at that point because
the duty engineers were busy. So my recollection is that I
was busying myself checking the gauges.

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All right. Thank you. You were busily engaged in your
primary activity in relation to the gauges?-- Yes.

Yes. And the flood engineers themselves were-----?-- In a
huddle.

Were calculating what the consequences of that data were,
discussing it amongst themselves?-- That's right.

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All right. And after that 3.30 meeting, a decision is made to
contact the downstream councils and inform them of the
consequences of what was occurring, agree?-- Potential
consequences, yes.

Potential consequences, yes. And also what the outlook was
over the next couple of days?-- Well, based on the rainfall
forecast.

Yes, based on the rainfall forecast. Now, your Honour - Commissioner, may Mr Ablitt please see exhibit 23, in particular starting at the entries at 3.30 on the Sunday, thank you. Now, you will recollect the sequence is that you have a - you record or at least partially record that entry at 3.30 regarding the conference of the flood engineers. I'm not going to take you to the detail-----?-- Yep.

-----of what was - of who was the author of which particular parts in it, but you will agree with me that what then follows is communication with all three downstream authorities, agreed?-- Yes. 10

All right. And, now, as I understand your evidence, you say you could only hear one end of the call?-- Of course, yes.

So Mr - you could only hear Mr Malone speaking?-- Yes.

Okay. So what you hear first of all is Mr Malone contact the Somerset Regional Council?-- Yes. 20

And we see that at about 4.15?-- Yes.

And, unsurprisingly, they were the local authority going to be most immediately affected by what was about to happen, agreed?-- Yes.

Yes? And what you record there is that the notes you take as Mr Malone is taking, or after he's had the call, him saying to you, "This is who I spoke to"-----?-- It is a combination of both. I would start to make the note that I know who he is calling, so I make a note that he has called that. And then if that subsequent person isn't available, you know, obviously it is message left, or whatever. It gets stopped at that point. When he gets off the phone, he will then give me a very brief summary of the conversation which I type in. 30

All right. Now, he must tell you in advance then who he's going to be calling for you to be able to start the note?-- I would say in most cases but I can't say that absolutely. 40

I understand that. But typically he would-----?-- Yes, yeah.

He would say, "Look, I'm about to call Somerset Regional Council, let them know"-----?-- Yes.

-----you get your note started. Afterwards you would say, "Well, look, what got said?", or he'd say to you-----?-- He would volunteer that information. 50

Okay, thank you. So you're, in making your entries, not reliant upon what you're overhearing so much as what you're directly told by the flood engineer?-- I would use some discretion if he'd left something out, or I would correct him if I thought he hadn't given me the right information.

Sure, but you would raise that with him, wouldn't you?-- Of

course.

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Because you would be in no position to determine whether he had left something out or had got something wrong because you only heard one half of the conversation?-- Yes, but if he said something that I thought was important and he didn't tell me that in the summary-----

You would raise that with him?-- Yes.

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Okay. Then the next thing Mr Malone does is call the Ipswich City Council?-- Yes.

And communicate the same information to them?-- Yes.

And we are agreed they are the next most affected council by releases from the dam?-- Yes.

Okay, thank you. And then it seems some attempts are made to call Brisbane City Council and a minute or so later there is a call back into the FOC?-- Yep, that's right.

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You will agree with me what you record at 4.27 realistically can only be what Mr Malone tells you afterwards, can't it?-- I think if you read the statement, it is a cut and paste of the whole three exercises, except for the one to Brisbane City, where there was additional information conveyed because, as you said, the situation was different, or the effect to Brisbane was different to the other two.

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That's right?-- Yes.

But there is an additional feature, isn't there; where in the first two calls you hear Mr Malone call out and ask for the particular officer. In the case of Mr Morris' call, he's calling back in. So that you won't hear that on the phone, all you will hear is Mr Malone pick up the phone and have his conversation. So you've really got to be reliant upon him to tell you what went on, aren't you, because-----?-- It is the same - the same - the information is the same. It doesn't matter if he rings in or rings out.

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No, but you won't know who it is until he tells you afterwards?-- Unless I answer the phone.

Unless you answer the phone-----?-- Which is quite possible. In fact, I would almost guarantee that's what did happen.

All right?-- Because that's my job.

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Thank you. And however the conversation came to occur, at the end of it, what Mr Malone told you you've recorded in the 4.27 entry?-- I think I just said to you that it looks to me like a cut and paste for the 4.15, the 4.20, and the 4.27. It looks like a cut and paste except for the additional information.

Sure?-- Because the conversation may not have been

word-for-word exact but the content was-----

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In effect, you're wanting to broadcast to all three-----?--
Yes.

-----that bridge closures-----?-- Yes.

-----were on their way?-- Yes.

And there was some additional information to be passed to
Brisbane?-- Yes.

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All right. Even though you talk of cut and paste, you only
cut and paste that part that was accurate to the
conversation?-- Of course.

All right. So what you've recorded at 4.27 is a record of
what Mr Malone told you of his discussion, or the essence of
it?-- Yes.

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Okay. And you've already told me that it is your practice
that if in recounting to you what he discussed he had omitted
something you heard that was of importance, you would have
brought that to his attention, agreed?-- If I was listening
to the conversation, yes.

Yes, all right. Now, if I can then take you to that 4.27
entry, we've talked about those which are common to all
councils, but if I can take you to the last sentence. "Flow
in the lower Brisbane potentially might reach 3,000 CUMECS by
next Wednesday or Thursday"?-- That's right.

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And to give you some perspective as well, if you go down to
5.25, which is about an hour later-----?-- Yes.

-----there is a call from Mr Carroll of the council to
Mr Malone again?-- Yes.

And, again, those sorts of numbers are being discussed - not
exactly the same but-----?-- Yes.

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-----that sort of flow is being discussed. Now, you
appreciate, don't you, that at those sorts of flows in the
lower Brisbane, you are talking of serious disruption to river
life and you are approaching the situation of urban
inundation?-- I think you're giving me too much credit. The
- I am aware that the bridges go out at 1,900 CUMECS. I don't
- I usually talk in heights because that's my job.

Yes?-- I know the engineers work in CUMECS. 1,900 CUMECS
takes the bridges out. So major disruption to traffic, yes.
I wouldn't have a clue about ferries. It would never enter my
head. The inundation, I understand but don't know that about
4,000 to four and a half thousand is what you would consider
major inundation. I thought 3,000 was sufficient to just
raise the river.

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Ultimately, I am going to suggest to you, Mr Ablitt, that your

recollections set out in paragraph 10 of your statement - you know the one I'm talking about?-- Right, yes.

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What I'm going to ultimately suggest to you is you are mistaken in what you recollect there and I want to raise a few things with you?-- Yes, yes.

That I think tend to suggest that you are mistaken about it?-- Right.

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As you have already told me, there is only one bridge in the Brisbane area that's prone to closure by inundation?-- Yes.

And that's Mt Crosby Weir?-- No, Mt Crosby, but it was long gone I think by that stage.

All right. Well, then, it is not relevant to our-----?-- Probably, yes, yes.

So there is only one bridge, and you will agree with me it is in about the most sparsely populated area of Brisbane?-- I disagree with you.

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All right. And I want you to assume this, because it seems you don't know it, that in Brisbane at about 1,000 cubic metres per second the ferry services are interrupted, and about 1,500 or 1,600 cubic metres per second we start inundating low-lying bikeways, parks and even parked cars in low-lying streets are in peril?-- Mmm.

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And that from then upwards you start to get road closures, businesses not being able to operate, and the like, and then we start to see inundation of businesses and homes generally from about three and a half thousand CUMecs upwards?-- Right.

I appreciate you don't know that, but if you can take it from me that that's the sense of it. Can you understand that it would be highly unlikely that if Mr Morris has received a call to tell him that some bridges outside Brisbane have closed, or will close, and one right on the fringe and in a lightly-populated area will close, but that, in fact, in a couple of days' time there is going to be so much water running through the river that he'll have parks and bikeways inundated, parked cars being flooded, suburbs being isolated, that he is highly unlikely to have been remotely concerned about the closure of bridges? Can you see rationally that it is very unlikely that he would be concerned about that?-- I see where you're coming from, but I can only recall the conversation as I heard it.

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I will come to that. But the logic of what I've just put to you, you can't dispute, agree?-- I'm not saying I agree with you.

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All right. Well, at the moment all I'm asking you to do is tell me one or the other. Agree or disagree?-- With your statement?

Yes?-- I understand the statements you're making but I don't know what Mr Morris' role - Mr Morris, is that the right gentleman? I don't-----

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Well, you seem to think you took his call and knew who he was?-- He comes from Brisbane City Council, but I don't know whether he is a bus driver, or engineer or - I assume he is an engineer but I don't know what his role is.

Did many bus drivers call into the Flood Operations Centre-----?-- We had a caretaker for a cafe ring in, yes, and a quarry operator.

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Now, you will agree with me that nowhere in the log do you record anything like that conversation?-- Which conversation?

The one that's recorded in paragraph 10 of your statement?-- It is recorded - sorry, oh - sorry, yes, okay. As I said, I recall-----

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Just attend to my question, thanks?-- Sorry.

Nowhere in the log is that recorded?-- That-----

COMMISSIONER: Is what exactly not recorded, Mr Dunning?

MR DUNNING: Certainly, Commissioner. Nowhere in there do you record that there was a telephone call at precisely 4.27 from a Brisbane flood engineer whereby the council made strong representations-----?-- No, no, I didn't record that at the time, no.

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You didn't record it at all?-- I didn't record it at all.

No, thank you?-- Yep.

At 4.27 or any other time?-- No.

No. It is by this stage a busy time in the Flood Operations Centre?-- Yes.

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You will agree with me it is completely improbable that you would remember to the precise minute when this occurred?-- I agree with you, yes.

Okay, thank you. Yet your statement seems to record that. It seems to record you remember precisely 4.27?-- Only because it was in the log.

I was about to say do you think what's happened is you've read the log, and reading it you've been left with that impression?-- No, I have a recollection that the man from Brisbane City Council made representations to Terry Malone, and the only entry in the log at that time from Brisbane City Council was at 4.27. So I put two and two and I got four.

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So it is your reconstruction of events?-- Yes.

Okay?-- That's what was asked of me in my summons.

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Thank you. Now, for it not to have appeared in the log really requires all of these things to have failed, doesn't it: the first is it requires Mr Malone not to have recounted it to you and asked you to put it in the log, agree?-- No. My - in the summons I was asked to give any - I can't - I haven't got the exact words but it asked me to give anything that might have been relevant to the Inquiry about the events that happened. That was at the time because it was in the conversation, it wasn't relevant to facts about things that are happening, it wasn't a directive, it wasn't a raising of the water, it wasn't anything that was a fact at the time. It wasn't put in the log, it was just in general conversations. All those conversations are very short summaries. As you can see from the distance, they are five minute phone calls, and the writing that I have put in of 30 seconds of that five minute phone call, you know, there might have been pleasantries engaged and other things in the phone call but they are not put in the log.

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What you do put in the log are the most salient features of the conversation?-- Yes.

And things that matter from an operational perspective?-- From an operational perspective.

So if you have-----?-- Representation is not operational.

Well, can I suggest to you that - I just want you to listen carefully to my question. It will speed it up?-- Yes.

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Your evidence is that you put in there the things that Mr Malone tells you about the conversation?-- Yes.

Yet it doesn't appear in the log, agree?-- No, I have lost you, sorry.

Well, your evidence is that you recorded in here-----?-- Yes.

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-----those matters that Mr Malone reported to you?-- Yes.

Okay. And you can only hear Mr Malone's end of this call, agreed?-- Yes.

So the only source of information about this could be Mr Malone?-- Yes.

Because you couldn't hear Mr Morris-----?-- No.

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-----making these alleged representations?-- Absolutely. Absolutely.

So Mr Malone must have told you on your case, agreed?-- No, you can - you can - it is my interpretation of his side of the conversation. I mean, if he's saying - if he said - and I don't know what he said at the time because it is too far in the past - but if he said "we can't hold the bridges open", I

wouldn't have considered that an operational point.

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All right. Well, can I just suggest these things to you - and I just want you to tell me whether you agree or disagree. On your account of it the only source of the information could have been Mr Malone?-- Yes.

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If Mr Malone told you your job was to actually write it down and you did; agree?-- Sorry, he didn't tell me to - that's my job, that is my job. 1

And if he told you about it-----?-- Yes.

-----and you didn't write it down, then you weren't doing what you were apparently supposed to be doing?-- Yes, okay. I'm - I am losing you, but, anyway. 10

There's an additional reason why we would expect to see it reported in the log because you say that just on top of all of the other events happening on that day-----?-- Yes.

-----this one sticks in your mind, yet you don't record it in the log?-- I'm still drawing the difference between operational and - I mean like - if - I could tell you lots of things that happened - I can recall lots of things happened and conversations and that that aren't in the log because they were fairly dramatic on the day, but they weren't operational. 20

All right. And, finally, can I suggest to you, however it's come to pass, whether, in fact, what you recollect is a discussion perhaps with somebody from another council or just because of the volume of work on the day, you're mistaken and there never was a conversation between Mr Malone and Mr Morris or, indeed, anybody in the - any of the flood engineers and anyone from Brisbane City Council to the effect that you have set out in paragraph 10?-- I disagree. 30

You at least admit the prospect that you might be mistaken surely?-- No, because Ipswich City Council were very difficult to get in touch with and so I - that's another point that sticks in my mind, so it's totally separate to the Brisbane City Council. The Brisbane City Council bridges are more critical than the other bridges because of the high traffic that they take.

All right. And all of this ultimately, though, is a product of your recreation of the events after you been back to the log?-- I didn't refer to the log to put that - to do that information, only the timing. 40

Yes, thanks for you attention to my questions. Thanks, Commissioner.

COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: No questions, thank you. 50

COMMISSIONER: Ms Wilson?

MS WILSON: I have no further questions. May Mr Ablitt be excused?

COMMISSIONER: Thanks, Mr Ablitt, you are excused.

WITNESS EXCUSED

MR CALLAGHAN: I call Mark Babister.

COMMISSIONER: Do I infer from someone did want him for cross-examination?

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MR CALLAGHAN: We did have a notice from Seqwater that - at least, there may have been others, but I think a couple of parties have responded to the practice direction they're required for at least some cross-examination.

MARK KENNETH BABISTER, ON AFFIRMATION, EXAMINED:

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MR CALLAGHAN: Could you tell the Commission your full name and occupation, please?-- My full name is Mark Kenneth Babister and I'm a flood hydrologist.

Mr Babister, you have produced now, I think, a total of eight reports for this Commission. We have first Exhibit 407 and next in point of time, I think, is a report which has not been tendered called, "Review of Hydraulic Modelling Dated July 2011."; is that correct?-- Yes.

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Yes, I will tender that.

COMMISSIONER: Exhibit 1,133.

ADMITTED AND MARKED "EXHIBIT 1,133"

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MR CALLAGHAN: We then have a series of reports which are contained in Exhibit 883. A further report of 18 November 2011 entitled, "Response to Submissions Relating to WMA Water Report Review of Hydraulic Modelling."; is that correct?-- Yes.

I tender that.

COMMISSIONER: Exhibit 1,124.

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ADMITTED AND MARKED "EXHIBIT 1,124"

MR CALLAGHAN: And a further report of the same date,

18 November 2011, which is an addendum to that report. I tender that.

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COMMISSIONER: 1,125.

ADMITTED AND MARKED "EXHIBIT 1,125"

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MR CALLAGHAN: And then there's a report of 28 November 2011 entitled, "Response to Seqwater Submission and Following." I tender that.

COMMISSIONER: 1,126.

ADMITTED AND MARKED "EXHIBIT 1,126"

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MR CALLAGHAN: And you have produced a new report dated 3 February 2012; is that correct?-- Yes.

Yes, I tender that.

COMMISSIONER: 1,127.

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ADMITTED AND MARKED "EXHIBIT 1,127"

MR CALLAGHAN: Now, Mr Babister, in your first report, Exhibit 407, page 48, paragraph 167, you indicate that you were asked by the Commission whether the releases from Wivenhoe and Somerset Dams were made in accordance with the Flood Manual and you indicated that you relied on the peer reviews obtained by Seqwater for that purpose?-- Yes. I relied on three peer reviews. There is now, I understand, five. Those three are mentioned in the report.

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Yes. Thank you. If I can take you, then, to your new report, dated 3 February 2012, which expands upon the scenario in the report of July 2011 and models two new scenarios; is that correct?-- Yes.

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One of those involves increasing releases to 4,000 CUMECS at 8 a.m. on the 8th of January 2011?-- Yes.

And the other involves increasing releases to cause the flow at Moggill to be 4,000 CUMECS from 8 a.m. on the 8th of January?-- Yes.

Now, you were instructed to perform modelling to determine the

impact of implementing those strategies?-- Those two strategies, yes.

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All right. In short compass, both of those release strategies show some decrease in flood heights downstream; is that right? That's paragraph 17?-- Yes, they show some benefits.

However, it is your view that neither of these scenarios is realistic in that there were no grounds for such large releases at that time of the event; is that correct?-- That's correct. It relies on releasing water from the dam before you - and raising flood levels quite substantially, long before you knew that you were in for a serious flood, and if we didn't have the rest of the rainfall that occurred we would actually made flooding significantly worse, worse than would have occurred probably without the dam at all.

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So, in case any other suggestion might be made about the significance of this modelling, it adds to the existing modelling?-- Yes.

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Rather than being evidence of something which anyone could say or which you say at least ought to have occurred, you might look at this evidence as being some sort of outer limit of the difference which might have been made had the dam been operated in a different manner?-- That's correct.

And you have expressed your opinion about the practicalities of those?-- Yes, I've very strongly expressed my opinion that neither were practical.

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Yes?-- And were highly risky.

Thank you. I have no further questions at this stage.

COMMISSIONER: Mr Dunning?

MR DUNNING: No, Commissioner.

COMMISSIONER: Mr Rangiah?

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MR RANGIAH: Mr Babister, in your recent report you haven't modelled downstream effects of higher releases than the releases that were, in fact, made from Wivenhoe Dam on the afternoon of the 9th of January; that's correct, isn't it?-- Sorry, could you take me through that again?

Sorry. You haven't modelled what would have been the downstream effects if there had been higher releases made on the afternoon of the 9th of January, have you?-- Yes, some of those options have got higher releases than what actually occurred in the afternoon of the 9th.

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Yes, but I'm suggesting that you haven't specifically attempted to model the situation, the downstream situation, if the higher releases had started on the afternoon-----?-- No,

no, and that's-----

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-----on the 9th of January?-- And that's probably the more practical or realistic options if you were going to have higher releases, is to start some time after midday or somewhere between midday and 1600 hours. That's when it would be realistic on the 9th to increase flows above what was released.

And you haven't attempted to model the cumulative downstream effects of the - of combinations of scenarios? By that, for example, I mean what would have been the cumulative downstream effects of higher releases on either Saturday, the 8th of January or the 9th of January combined with earlier transition into W4 based on predicted rainfall?-- No, no, there is an infinite range of possibilities we could have modelled. We tried to model a series of different style options that give insight into the behaviour, and also we didn't see any point fine-tuning things absolutely, because the models do have some uncertainty in them, which is expressed in the early report. So, there is a bit of uncertainty about all of these impacts and they shouldn't be seen as, you know, absolute differences.

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All right. But you have concluded that if different release strategies had been employed then the peak flood levels at key locations could have been lower?-- Yes, there certainly was some - you know, if a different strategy or different manual was in place there would be possibilities of lower flood levels, and even under current manual there was a possibility of very slightly lower flood levels.

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And so, for example, you have included if there had been a transition to the W4 strategy at 4 p.m. on the 10th of January instead of 8 a.m. on the 11th of January, then you would have expected a lower peak level at Moggill of about .7 metres?-- Yes, in some of the options, but we ran a series of different transition to W4 options, and some of the options that we initially expected to produce a benefit actually had a disbenefit. Just transitioning early didn't necessarily produce a good outcome, it could produce a bad outcome, it depended on how quickly you opened the gates into W4 and how the releases interacted with the other flows. So, you had the ability to do worse or better.

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Yes. Depending on which particular strategy was chosen and you have set those-----?-- Yes.

-----possibilities out fully in your reports. I understand that. But you haven't attempted to examine how many fewer houses would have been flooded if, for example, the peak flood level was .7 metres lower at Moggill?-- No, we haven't, and that would be the sensible way to analyse the benefits of different strategies, it is not really look at the change in level, to really look at the impact on houses, because that's where most of the damage has come from, and to understand whether any of those - there was any significant step changes in the damages.

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Yes, certainly. So, ultimately the point of examining difference in peak flood levels at particular places is that it gives an indication then or there needs to be a further step done to translate that into practical damage?-- Yes.

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Thank you. I have nothing further.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No questions, thank you.

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COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: Nothing, thank you, Commissioner.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: No questions.

COMMISSIONER: Mr Burns?

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MR BURNS: No questions.

COMMISSIONER: Mr Ambrose?

MR AMBROSE: In each of these two new possible scenarios, can I suggest to you that each one ignores the practical need to give timely warning to the citizens that, for example, bridges might be taken out so they can get out of the way?-- That's definitely - that's definitely the case. It's - a really big issue in the early parts of a flood is evacuation and people sorting out their affairs or picking up their kids from school and these ones really paid no attention to that.

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Okay. Secondly, each of these two new possible scenarios ignores that to make the releases such as you model would, in fact, be in breach of the manual in that such outflows would be greater than the inflows?-- I'm not quite sure whether they would be in breach of the manual. They'd certainly-----

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Have a look at page 22 of the Manual of Operational Procedures, and at the bottom of the page, the last paragraph under the heading, "Flood Operation Strategies." That last paragraph says, "When determining outflows within all strategies peak outflow should generally not exceed peak inflow."?-- That would certainly - well, that only says "generally", but I agree with you, you would be significantly exceeding peak inflow with those strategies, and I'd also argue that it really contravened above that in the second bullet point on that page, page 22, section 8.4, "Provide optimal protection for urban areas." It certainly wouldn't be doing that because you would be ramping it up to the limit where there was significant urban damage and we know there are plenty of urban houses and stuff below that limit anyway and if you had some rain downstream that just occurred, which is often the case in a big flood event, then you would have very

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quickly go over that limit, so it would not be a responsible way to operate the dam, but whether it's technically outside the manual, I think, is slightly more subtle.

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Well, if an operator has to determine outflows within all the strategies and if an engineer has to generally try to keep outflows less than inflows, then such a strategy would be in breach, would it not?

COMMISSIONER: Mr Ambrose, that can't be right, can it? If it says you shouldn't generally do it, it obviously allows the possibility that sometimes you can.

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MR AMBROSE: Can you imagine any circumstance where it could be done and-----?-- I think-----

-----be consistent with protecting urban areas from inundation?-- No. I can't.

Thank you.

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COMMISSIONER: I think that was his earlier point actually, but, anyway.

Yes, Mr O'Donnell?

MR O'DONNELL: Thank you. I have got some questions about both your July report and your February report. If you go to the February this year report. Look on page 4, please?-- If I could just have a copy of the February report? I thought I brought it in but I haven't.

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COMMISSIONER: Can we get Mr Babister a copy?-- My colleague has one.

It seems he has one. I think he's got it?-- Sorry, I have got the wrong report. I do have the report, sorry.

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MR O'DONNELL: I was focussing on paragraph 6?-- Yes.

Which concentrates attention on what was happening on Saturday, the 8th at 8 a.m.. Now, your opinion is that when the lake crosses 68.5 the manual mandates that there be a transition to higher strategy?-- Yes, you must move out of Strategy 1 into Strategy 2 or Strategy W1, 2 or 3.

Yes, by order of the manual. You're nodding. That means yes?-- Yes, sorry.

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And you say there that Strategy W2 was bypassed at that time?-- Yes.

And you say it was bypassed because the dam releases already exceeded the estimated natural peaks at Lowood and Moggill?-- That's correct.

Even taking into account the forecast rainfall?-- Yes.

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You refer to page - you refer to table 2 to your report. We see the relevant entries at page 16. We look for the entries for Saturday, the 8th at 8 a.m.. See the dam level is then 68.51? Two columns to the right we see the dam outflow as 939 CUMECS, and then if we go over to the right-hand side of the page do we see the estimated peak flows excluding Wivenhoe releases at both Lowood and Moggill-----?-- Yes.

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-----with or without rainfall?-- Yes, and it's exceeded all of those.

And a comparison shows that the releases were then in excess of the actual estimated peaks at Lowood and Moggill?-- Yes.

Therefore, the releases at the time from Wivenhoe were already above the maximum permissible release from releases at that time available under W2?-- W2, yes.

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So, in your opinion, W2 is, therefore, not an option?-- That's right.

At the time the lake level hit 68.5?-- Yes.

So, the nub of it is, then, in the circumstances applying at that time, the manual mandated that the dam be operated under W3?-- That's correct.

The task for the flood engineer is then to use W3 in managing the dam?-- Yes, but the W3 strategy didn't really provide huge amount of guidance on what to be doing in that zone.

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Yes. Can I also ask you, if you go back to page 4, paragraph 9, the opening sentence, "W2 and W3 have very similar goals." Would you mind elaborating on that, please?-- Okay. They have obviously different goals but one is trying to limit the flow to 3,500 and one is trying to limit the flow to 4,000, so that's the core part of those goals. W2 places more emphasis on the rural areas than W3, but they're not that dissimilar. That's why we have said that they have got similar goals.

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Is there another aspect as well which is that W2 focuses attention on the naturally occurring flows at Lowood and Moggill; that is, the underlying theme of W2 is it's contemplating a situation where the major flooding or rainfall is occurring downstream of the dam producing higher flows at Lowood and Moggill and it intends that Wivenhoe be managed in such a way that the releases from Wivenhoe can come under the naturally occurring peaks at Lowood and Moggill?-- That's the other difference between the two strategies, it's quite a strange difference, because there's many floods where that's highly unlikely to occur and it would be bypassed, but that's the other difference.

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That's right. But if you are the operator of Wivenhoe and you see that the major rainfall is occurring downstream of the

dam, it allows you to structure releases from Wivenhoe so that they are timed to come after the naturally occurring peaks at Lowood and Moggill and the term has been used piggyback-----?-- Yes, that's-----

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-----on those naturally occurring peaks?-- Exactly. That's a pretty standard flood - gate - dam operation strategy as well.

Yes. Whereas W3 is looking more at a situation where the major rainfall is into the Wivenhoe catchment itself?-- That's one of the causes that could put you in W3 but it could also just be the magnitude of the event.

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The situation occurring on Saturday and the Sunday, that 8th and 9th, was not a W2 style of event, was it?-- No. That's - well-----

I will explain what I mean by that. It's not a sort of an event where the major rainfall is happening downstream of the dam leading to quite large naturally occurring peaks at Lowood and Moggill?-- At that stage, from midday on the 8th, it wasn't a particularly big flood event, there was rainfall downstream but some upstream. The inflows to the dam were relatively constant, the discharges were relatively constant, there's a bit of moment, but they weren't changing that much. It wasn't really a condition that was particularly like what you would expect in W2 or W3, it was much lower, the discharges were quite low.

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But the discharges from the dam, even at 8 a.m., were well above the naturally occurring peaks?-- Well above the natural peak but a very long way from the sort of target flows in W2 and W3, and-----

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That may be so, but it's not a W2 style of flood event-----?-- No.

-----if I can put it that way. You agree with that?-- Yes.

That's what I was getting at. Thank you. Then you considered your G1 and G2. If you go over to the table, please, on page 8. If you look at table 1 you are looking there at reductions in peak heights in the river at various points-----?-- That's correct.

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-----that would have occurred if the dam had been managed as per G1 and G2, and if we just look at the Brisbane gauge as an example, under G2 you would predict the height would reach 4.3?-- Yes.

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And under G1 you would predict the height would have reached four metres at the City gauge?-- Yes.

Four metres or 4.3, either way, you have a major flood in Brisbane, don't you?-- You'd have a major flood with any of those outcomes, but there certainly would be a significant number of properties that would have escaped inundation.

If we look at the manual for a moment at page 51, appendix B, it has, "Key Reference Gauges." See in the right-hand column under the heading, "Major Flood.", it sets out gauge heights or river heights at various points along the river, which the manual says represent major flood. Just looking at the Brisbane City gauge as an example, it says 3.5-----?-- 3.5.

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-----for a major flood, so either under G1 or G2 you are way above that, aren't you?-- Yes.

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And you have said that on your view it would not have been a responsible decision of the flood engineers on that Saturday and Sunday to have increased releases as per G1 or G2?-- That's right, they would have been taking a massive gamble if that sort of strategy was taken on, that they could have made flooding into that sort of major category instead of being around 2,000 CUMECS.

In your opinion, the releases they did decide to make were responsible?-- They were responsible. You could possibly argue for some slight changes, slightly higher changes, very small changes in some of their decisions, but they were in accordance with the manual and responsible.

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I notice you said in your report - this is still sticking with your February report - paragraph 28, that you consider scenario D to be a more plausible alternative strategy. If we just go back to your July report and look at the scenario D for a moment, please? I think you will find it set out at page 38. Now, if we look in figure 24, do we see scenario D is represented - sorry, the difference between scenario D and what releases were made is represented by the comparison between the green line and the - would you call it an orange line, orange or ochre?-- Yes.

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So, looking at the green line, it departs from the actual releases on Sunday, the 9th at about what time, about midday would you say?-- Yes.

Or maybe in the afternoon, and it contemplates that the releases from the dam are substantially increased from that point, up to about 3,000 CUMECS, then the rate of release is slowed somewhat, until it rejoins the actual release pattern on the 11th?-- Yes.

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Is that right?-- That's correct.

So, it's contemplating really during the W3 phase from about the Sunday afternoon increased releases?-- Yes. There's a time in the afternoon on the 9th where this information suggests that the flood is going to be substantially bigger, there's rainfall-----

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Yes?-- -----there's flows into the dam, and you could have - there is some argument you could have increased flows, but you would have had to be working on a very speculative basis on the forecast rain.

Yes?-- And, once again, even though I said that's more plausible than the G1 or G2 strategy, it still is a quite adventurous risk-taking approach.

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Would you explain why you say that?-- You are - have to fully invest in things like the forecast rain and what the eventual outcomes will be.

When you say "fully invest", do you mind explaining it in layman's terms?-- Fully invest, you have to be very confident that the forecast rain is going to turn - is actually going to occur.

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Yes?-- And you have to - you have to - the advice you're getting from the Bureau of Meteorology and the things you are seeing on the radar, you have to be quite confident that will actually turn into sort of rainfall in the catchment.

You'd also have to have reasonable anticipation that the second peak inflow was going to come?-- Well, you certainly wouldn't have achieved anywhere near the sort of outcome if the second peak didn't flow.

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No?-- You would have been looking not so smart.

But you have analysed the weather information available to the engineers on that Sunday, the 9th and to Monday, the 10th, haven't you?-- Yes.

The weather forecast just didn't predict that second severe inflow that occurred, did it?-- I have to recall, but, no, it didn't.

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Wouldn't it be fair to say that it wouldn't have been a justifiable course on the weather information available to the flood engineers on Sunday, the 9th?-- To ramp flow up that high wouldn't have been justifiable.

To have increased the flows as per the green line we see-----?-- My view in terms of how much it was realistic to increase the flows in that zone is probably only by the order of a thousand CUMECS, and this has got a much higher increase.

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My learned friend Mr Rangiah asked you a question. He suggested to you that you had not modelled increasing the releases from the dam on the afternoon of Sunday the 9th and I understood you to agree with him, but could I draw your attention to option D and suggest that is the very thing option D does model?-- You are correct. Yes. We were - I answered that question, we were contemplating another version of C where we started the releases around 2 or 4 o'clock on the afternoon of the 9th. We never ran that and reported on that and I wouldn't have increased the flows this much 'cause I don't think they could be justified.

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Yes. You say in short in your report that option D was only justifiable with hindsight?-- Yes.

The other option you considered in this report, if we look at it briefly, on the preceding page is option C. And we see option C from figure 23, don't we?-- Yes.

Would you mind just briefly explaining what's occurring in option C?-- What's happening with option C is we've pushed to the limit on what - if you were fully confident in the forecasts and the rainfall behaviour, how much you could discharge in our - in my opinion, if you were taking a very aggressive approach to the flood yet trying not to make sure something happened if the rain sort of didn't pan out - didn't make things worse. So we started slightly increasing flows from around midday on the 8th, but only very slight increases in flows. And by the time we get to midday on the 9th we're discharging in the order of 400 CUMECS more than the dam operators discharged, but that's a slight ramping up of the flows, but once-----

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So the dam is releasing about 1800 CUMECS?-- Yes.

Right?-- Just under 1800.

Yes. Please proceed?-- And then between midday and 4 o'clock on the 9th, 4 o'clock in the afternoon, there's a lot of additional information event that the event is going to get significantly worse. So flows over that period - the increase in flows changes from about 4,000 to 6,000 and ultimately over the evening of the 9th and the morning of the 10th flows increased by the order of a thousand CUMECS over what was released in the actual event and then they creep back down and follow a similar strategy to what was taken by the operators because they were looking at flows and the other tributaries and trying to avoid some of the peaks.

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Yes. Now, is that what the flood engineer should have done?-- I don't believe so. If detailed studies on the robustness of the forecast rain had been carried out and there was reason to be confident, they could have enacted some of this, but even this strategy is the very limited of what would be plausible. I think there is some argument they probably could have released slightly higher flows after 4 o'clock in the afternoon on the 9th, but that's the only area where I believe and the other thing that with all of these different

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strategies we know from the strategies in an earlier report which are called A1, we ran five of them, that sometimes very slight subtle differences can have adverse affects if you interfere with the timing in a way produces detrimental effects. So it's not just a matter of increasing flows, it's a matter of increasing flows at the right time and the other thing the flood engineers did that gave them a very good outcome is they actually used nearly all of the storage below where the fuse plugs cut in. So any strategy that didn't make use of the similar amount of storage to the flood engineers, unless it released large amounts of early flow, which is not viable, was not going to generally have such a good outcome. That's why we were of the view that they did particularly well because they used all that storage near the peak of the second inflow.

By "particularly well", are you saying that with the information available to them at the time and operating under the strategies of the manual, the management of Wivenhoe was utilised to its maximum ability to protect against urban-----?-- I wouldn't say maximum, but very close to it. There's certainly quite reasonable variations within the manual that wouldn't have produced such a good outcome.

All right. Or very close to the maximum?-- Quite close, yes.

The maximum ability of Wivenhoe to protect Brisbane against urban inundation?-- Under the constraints of the manual.

Yes. Would you say, to put it in layman's term, judging by the results the flood engineers have achieved in managing Wivenhoe they did a good job?-- I believe they did.

Would you also say that it needs to be recognised that the capacity of Wivenhoe to protect urban areas against inundation by flooding has physical limitations and that there are some rainfall events which will substantially exceed its physical limitations?-- Yes, all - flooding is like that everywhere. Any mitigation dam or levee will perform well in some events that either overtop or exceed the parameters or have characteristics that are such that you're unable to mitigate them. That's why in flooding we always look at the residual risk. We don't count on works to completely remove flood risk. The public often fall for that trap. Mitigation dams will only mitigate generally up to a point and then you really need to look at dam security.

Is it fair to say that the January event was such an event where the extent of the rainfall was such that it was beyond the physical capacity of Wivenhoe dam to protect Brisbane and other urban areas from urban inundation?-- Yes. I don't see any practical way you could have operated the dam on the knowledge available to actually keep flows below, say, 4,000. There's just no way. The runoff from other catchments was so large that flooding of Brisbane was going to occur.

The flooding of Brisbane was inevitable?-- Yes.

Even utilising Wivenhoe to its maximum-----?-- Yes.

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-----flood protecting ability.

COMMISSIONER: Sorry, is that last bit qualified by within the constraints of the manual or just at large?-- Even if more detailed studies had been done and we had a different operation strategy I doubt you could.

Yes.

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MR O'DONNELL: There's one last topic I wanted to raise with you, Mr Babister. In your July report, would you mind turning to paragraph 93, thanks. You make a couple of points in 93, if I could just pick the eyes out of them. When you look at the relative contributions to the volume of the flood event, A, from Wivenhoe, B, from Lockyer Creek and other tributaries and from the Bremer?-- Are we on paragraph 3, did you say?

Ninety-three. Page 40?-- Yes.

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As I say, you make a couple of points. One is you look at the contributions by the volume to the eventual river flows in Brisbane and urban inundation. Then you also refer to peak flows or the contribution of peak flows from Wivenhoe and from non Wivenhoe Dam sources?-- Yes.

Is it fair to say that the most direct bearing upon the river height or peak river height achieved during the flood event comes from the peak flows rather than the volumes?-- Yeah. Peak flows are more important than the volumes, but in terms of - with flooding in this catchment it's a quite complex combination of the timing of the different tributaries, the timing of their peaks, how those peaks interact with each other and because Wivenhoe is a mitigation dam that absorbs volumes or releases it later, then volume becomes more important than on a normal catchment because the dam - so that's what makes the operation of this dam quite complex. Interaction of the peaks from the tributaries and the peak on the Wivenhoe plus the fact that the Wivenhoe changes the volume that's released and the timing of that volume.

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When you say "the peaks from the tributaries" you mean the peak flows from-----?-- The tributaries and their relative timing. If you got all of the peaks to line up that would be a disastrous outcome. You'd have a much larger flood event. If you do something like similar to what the dam engineers partially achieved, when it was one of their objectives, was to try and miss some of the peaks and get a lower outcome and Wivenhoe turns this catchment into also a volume problem. So it's quite complex, but I guess peaks are the most - the first thing you would like at.

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The peak flows?-- Yes.

You keep saying "peaks". Peak flows?-- Peak flows, yes.

Yes. And you are saying the peak flow from Wivenhoe was

roughly equal to the non Wivenhoe-----?-- That's right. 1

-----peak flow contributions. Thank you, Commissioner.

COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: I have no re-examination. Your Honour, may Mr Babister be excused?

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WITNESS EXCUSED

MR STARK: Your Honour, can I address the inquiry?

COMMISSIONER: No, Mr Stark, you may not.

MR CALLAGHAN: I call Peter Allen. 20

COMMISSIONER: Mr Stark, I should say to you if you want to write to the inquiry, put any written submission to the inquiry, you can, but it's necessary to maintain the order here with the parties before me addressing and asking questions. So you're welcome to put anything you want to in writing, but I can't have the inquiry interrupted by people speaking from the public gallery or it will just get out of control.

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MR STARK: I raise it now so that Mr Babister can respond to some very significant evidence that is contrary to his. It comes from international special hydrologist.

COMMISSIONER: Well, put it in writing. Thank you.

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PETER HUGH ALLEN, SWORN AND EXAMINED:

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MR CALLAGHAN: Could you tell the Commission your full name and occupation, please?-- Peter Hugh Allen. Director of dam safety in the Department of Environment and Resource Management.

Mr Allen, you've authored I think now four statements for the Commission. There's a statement of 4 April which is Exhibit 397. A statement of 12 September which-----?-- I think there's about seven.

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-----I tender.

COMMISSIONER: Exhibit 1,128.

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ADMITTED AND MARKED "EXHIBIT 1,128"

MR CALLAGHAN: There's a statement of 3 February which I think is Exhibit 1099. And a statement of 7 February which is Exhibit 1100. And if you haven't sworn them already you'd agree that the contents of all of those statements are true and correct to the best of your knowledge?-- At the time I signed them, yes.

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Can I ask you some questions about the manual. The manual procedures for Wivenhoe and Somerset Dams. Is it the case that you approved that manual under the Water Supply (Safety and Reliability) Act?-- I presume you are talking about revision 7, yes.

Yes. Well, that was in 2009?-- Yes, that was revision 7.

Revision 7. Were you involved in the revision or in the - were you involved in the revision process at all other than to approve it?-- The reality is I would have - there would have been some toing-and-froing to come to an agreement as to what would be probably acceptable. There was certainly aspects that I wasn't going to approve and rather than keep going round and round forever there has to be some interaction.

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Well, would it be fair to say that you, of all people, have an extremely thorough knowledge of the manual?-- I would say I have a fairly good knowledge of the manual. I haven't used it in action for quite a few years.

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Well, when did you use it in action?-- Well, I never used that revision in action. I was flood engineer in 1999.

All right. The reality of your position is that others such as your Director-General depend upon your knowledge or expertise in the manual hence the delegation of the task to

you-----?-- Yes.

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-----to approve it. Do you agree with that?-- Yes.

And it's also you who must review actions taken during flood events by those who operate the dams; is that correct?-- If necessary. There is no legal requirement for me to do so.

No, but a report is submitted for your consideration?-- Yes.

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That's pursuant to the manual?-- That's right.

As you say, it's not a legal requirement as such. That's a "yes"?-- Yes.

I'm just getting a nod. I need to record it, that's all?-- Sorry.

Well, can I tap into your expertise on the manual and a couple of questions of interpretation, it's Exhibit 21. And as we all know by now I think in section 8.4 there are five objectives which must be considered in order and as expressed it says, "Within any strategy consideration is always given to these objectives in this order when making decisions on dam releases." Is that correct?-- Yes, that's correct.

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But then within each strategy, as we know, there is a single primary consideration?-- Yes.

Is that correct? How do we reconcile those propositions that they're always to be considered in this order but within each strategy there is a primary consideration?-- It becomes a matter of what do you know about the event that is coming and are you forced to go to the prime objective for the strategy or can you take account of the lower level requirements without any infringement of the high level requirement.

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Do we reconcile it by acknowledging that if it's not expected that there's any risk to the higher order strategies when - higher order objectives-----?-- Hmm.

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-----when the strategy is being implemented then the stated primary consideration is to be the primary consideration?-- Yes. You - yeah, no, I'll just leave it at that. If, for instance, you're in W4 I mean obviously the prime consideration is ensuring the structural safety.

Well, that's easy because it's the standard?-- I know, but it's just illustrating the point. If you know, for instance, that you are going to top out, you know, just above the trigger level there is some latitude as to whether you have to let - you know, open all the gates and things like that to accommodate. You can achieve the objective by accommodating the lower level objective.

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All right. Do you agree that as written the manual requires the adoption of a single strategy at any one time?-- The way the manual is written, yes, that's right.

And primarily the determination of the strategy is made by reference to the lake level?-- Yes.

Once the strategy is chosen within that strategy, as we understand, there is a significant discretion as regards release rates?-- That's right.

But those rates do have to be decided after regard is had to a particular primary consideration?-- That's right.

10

It's also the case that the concept of urban inundation is not defined anywhere in the manual; is that right?-- No, that would be true.

You'd agree that it's potentially a very wide concept that could involve many different kinds of inundation of many different kinds of areas?-- Theoretically, yes.

Do you agree that as written the manual requires the conscious adoption of a strategy by a flood operation engineer during the operation of the dam or dams during a flood event?-- I don't know whether you are looking at, say, adopting a particular strategy. What happens is the level goes above the trigger level and the people operating it - I know when I was flood engineer it was a case of you knew those intrinsically and you just - you knew what discharges applied to those - that strategy. Whether you have to label it or not is a different issue.

20

Well, it's not so much a question of labelling, it's conscious engagement of the mind or between the mind of the operator and the requirements of the manual?-- Yes. But, I mean, that is drilled into them. They live and breathe it.

30

It may well - you may well say that about the men you know?-- Well, sorry, I'm referring to my own experience there.

All right. But lets say that flood engineer is appointed without previous knowledge of the manual or of the dams, there is a requirement as written, is there not, for conscious engagement between the mind of that engineer and the requirements of the manual?-- They would have - if you had a new engineer through there I'm sure they would have to think back to those sorts of issues.

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Yes. And surely the manual must be written to apply to everybody new or old?-- Totally, yes.

Did you use - was the manual that was in force when you were flood engineer yourself structured similarly? Did it have-----?-- Very similar, yes.

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Very similar. And so were any of the flood engineers who operated the dam in January 2011 around when you were involved in-----?-- Yes.

-----1999?-- Mr Ruffini was my fellow senior flood operator

engineer when I was operating the dam.

1

Was it your understanding back then with Mr Ruffini that strategies had to be chosen during an event?-- During the February 1999 event which was the first event we had to operate, we'd been the flood engineers for four years and that just came to us. I mean, we didn't consciously say we are now in this strategy or not. We just knew that once the level got up to there this is what we had to deal with. Mr Ayre was a flood engineer back in about 1995, '96 and then he left the organisation.

10

Right. And was the concept of recording a strategy during an event ever something which was raised back then?-- No, not as far as I remember. I mean what we were looking at in the February 1999 event the magnitude event was such that we were really looking at minimising the inundation of Mount Crosby Weir Bridge, that was the prime consideration.

So in terms of the manual as it currently reads you were in still in W1?-- We would have been W3.

20

W3?-- Equivalent of. I can't remember what it was called back then.

Okay. Moving forward then to January 2011. You had a significant amount of contact with the Flood Operation Centre during the event; is that correct?-- No, not really because I didn't want to interfere with their operations. I certainly got most of the technical situation reports. After about the - when it was about the 8th or the 9th I started getting the Flood Operation Centre Reports.

30

Well, on the basis of those or any other contact that you had did you form an understanding as to the strategies and you understand when I'm using the term "strategies" I'm talking about W1, 2, 3 or 4. I'm not talking about anything else that might be described as a strategy?-- Hmm.

Did you have an understanding of the strategies being used during the event?-- Just instinctively. I didn't ask them about it. There was nothing in the technical Situation Reports that I can remember about it. I was more interested in what the discharges were and what the head waters were. I didn't know what was going on in the Lockyer or Bremer. You know, if I had of got too involved it would have just interfered with their operations.

40

No, I'm not asking about your involvement. I'm asking about your understanding?-- I didn't explicitly sort of say, oh, they're in W1 or in W2 or W3. It just didn't - it wasn't important to me at the time. What was really important and remembering that at that time there was a hell of a lot going on in the State which I was also having to monitor, I was really looking for W4 because I knew that's when the serious damage would start. I wasn't all that interested just to what particular thing was going on at Wivenhoe as long as I knew when it was going to get up to W4.

50

There's no confusion or there was no confusion in your mind, I take it, as to what the strategies meant as we discussed earlier. You have-----?-- I've got a fixed understanding, but I just wasn't terribly interested as to whether they were in particular strategies or not at the time.

No?-- There was too much else going on in the State.

As you said, I think you started to receive the Situation Reports I think on Saturday the 8th; is that right?-- It may have been then. Yeah, I remember there's a Flood Operation Centre e-mail which I got which said, "You've now been included on the list". I don't - I must have it somewhere.

10

All right. Well, can we take a look at Exhibit 1047 which is the Situation Report of 5.53 p.m. on January 8th. Now, you're listed as to someone to whom that e-mail was sent. Do you recall receiving that?-- I would have been operating - yeah, it would have been a weekend. I might have received it on my e-mail on my BlackBerry. If I'm down there I would have received it.

20

Yes, you would have read it at the time, I take it?-- I would have read bits and pieces of it remembering I was looking at my BlackBerry. So you're a bit restricted as to what you can see at any one time. So you are really looking for the head waters and discharge.

If we scroll down past the heading "forecast scenario", and your attention may have been drawn to this at recent times. You can see at the fourth line of the first paragraph under that heading there's a reference to W2?-- Yes.

30

Do you recall seeing that at the time?-- Not necessarily, no, I don't. But, you know, they would have been somewhere around there. As I said, I was operating on my BlackBerry and it's a real pain to go through it and read it word by word. You've got to remember that I didn't have an operational role in the whole thing.

40

No, I understand that?-- So as long as, yeah, the inflows and discharges weren't huge I knew the dam could handle it so I wasn't too worried.

You say you didn't have an operational role, but you did have contact with the centre, did you not? Do you recall discussing the manual with Mr Ayre on the Sunday evening, Sunday the 9th?-- Yes. That was the time - I know I got rung up at about 9 o'clock one night when they were operating close to the EL74. Is that the time you're talking about?

50

No, Sunday is significantly earlier than EL74?-- I don't remember it in particular. If it's down - I would expect to see it in the logs of the Flood Centre, but I don't remember it, no.

Well, there's an entry at 7.15 p.m. for Sunday the 9th?--

Mmm-hmm.

1

Which suggests that you were called and advised that the centre was looking at much larger flows and would have to ramp up releases. Does that jog your memory?-- Vaguely, but I don't remember the details of it.

Mr Ayre has also made reference - this is transcript 2012 to a discussion that he had with you about the manual on the Sunday evening, that's the 9th. You don't recall that?-- No, I honestly don't. May well have happened, I don't know.

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All right. There is another entry for 9 p.m. on the 10th. That might be the one you were talking about before?-- Yeah, I just remember getting rung up to say that they were - they were nearing 74 and could they hold off going into-----

Yeah?-- -----W4. But that's the only - that was the most important one from my perspective, and they indicated then that rainfalls had, you know, fallen off and they hadn't heard about the - or hadn't forecast the second big peak at that stage.

10

Did you visit the Flood Operations Centre at or around this time?-- I remember going - we were - what was it, the 12th - we were locked out of Mineral House. Mineral House shut down and I just dropped in to say hello and see how they were going.

Is that the first time-----?-- Yeah.

20

-----during the event that you visited? Well, did you form opinions at around about that time, or did you have opinions at around about that time about the appropriateness of the strategies which had been used or about compliance with the manual generally?-- When - when I went up there, that was the 12th, that was - they were coming down from their big discharge, and, frankly, that was the issue that was most important to me than whatever led up to it. I knew I'd get all the data eventually. Sorry, I wasn't terribly interested in the lead-up to it at that time; I was more interested in the - in the peak discharges and things like that rather than the lead-up to it.

30

All right?-- I knew I would get it eventually.

Yeah, but did you form opinions at this time, is my question?-- No, I was more interested in the big releases, how the dam had performed and things like that.

Well, even about the releases, did you form opinions as to whether the release strategies were appropriate?-- I was more interested in how the dam performed. I heard there was some vibration through the spillway and things like that. That was my concern, yeah, for those big releases. I knew they had to go into W4 because they got well and truly over 74, and I knew they had problems dealing with the big inflows. That was the concern. It wasn't what led up to it.

40

Did you have opinions as to - or your own impressions as to what had happened in the lead-up to that large discharge at W4? Did you have your own impression as to the strategies which had been adopted?-- I'd been rung, as I said, about 9 o'clock that night - when was it, the 9th or the 10th, or whenever it was - and they talked about, you know, did they have to go there, and then I understood the second big rainfall event came on. So that was my priority at the time. And once you got up to 74 and those big rainfalls, there was not much they could do about it.

50

Okay. I'm interested in your state of mind as at, say, 12 January. Did you have in your own mind any impression as to the strategies which had been adopted pursuant to the manual?-- No.

None at all?-- No. I wasn't required to do that. I knew I would have to look at it at some stage, but, as I said, frankly, I was more interested in the urgency of what was going on at the moment.

10

So you had not turned your own mind to any of the W strategies which might have been-----?-- No.

-----employed?-- No. I - the only bit I had on the morning of the 12th was when Brian Cooper put out his draft report and I offered some comments on that because, you know, there just had - the words that he had in the initial draft report were just wrong, so I tried to, you know, put some proper context to that.

20

All right. And what was your basis for putting the context to it?-- Well, you have to - have you got the draft report there and I'll tell you.

We might take a look at that in a moment, but I'm just asking you if you were making comments at this stage, what was the basis for your opinions?-- It would have been the technical situation reports.

30

Information received from-----?-- Information received, yeah.

You hadn't made your own assessment?-- No, no.

So it was information received from reports?-- What I could get on the internet.

From anything you'd been told by the engineers in any discussions that you'd had with-----?-- Well, as I said, the only one I can remember was that one on that night.

40

So you can't recall any discussions, say, at 7.15 p.m. on the Sunday?-- No, I - that's the one you were talking about before.

Yeah?-- I can't remember the details of that, no.

Or 8.10 a.m. on Tuesday the 11th?-- No. You know, I mean there was just so much going on. I can't remember it.

50

No, all right?-- Yeah.

The other, I would suggest to you, 4.41 p.m. on Tuesday the 11th?-- Yeah, no, I don't remember those.

You would accept if - well, you don't dispute that calls may have been-----?-- Well, they may have been, but I just don't remember. I mean, if they are in the log I would have to say

they were made but I don't remember them.

1

So they could have been - information discussed in those conversations could have informed your assessment as to the strategies engaged as it existed on the 12th?-- Well, it may well have. You know, I just don't remember.

Okay. Well, let's look at Exhibit 1,100. It is - I don't know if you've got the statements. It is attachment PHA53 to the statement of 7 February?-- Yeah, I don't have that one.

10

We will get it up on the screen. If we scroll down to an email sent by you on Wednesday the 12th at 10.57 a.m. to Brian Cooper Consulting. Can you just give us the background to this one?-- If you go further down the page you will see that I was provided a copy of Brian Cooper's report at 10.22, I think-----

Uh-huh?-- -----where he had provided me with a copy of his initial report. Now, he'd asked for some further technical situation reports, so about 15 minutes after that I'd sent them to him, and said I'd have a read of his report. So - I mean, in the circumstances of the day, we were getting thrown out within, you know, an hour or two, and I very quickly, you know, had a quick look, picked out one or two points, and sent them back for him to - you know, I had assumed that, you know, by me putting those sorts of things down he'd look at it a bit further. But I wasn't writing his report.

20

Fair enough. If we go back to the email of 10.57 a.m.?-- Yep.

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"Just a couple of comments after a very quick read of your report." Second page, "Strategy W1 applies until the reservoir exceeds 68.5 and then it moves into W2 or W3. For the last day or so before yesterday's big rise, it would have been in W2." Clearly, that was your understanding as at 10.57 a.m. on the 12th, is that right?-- Yeah, it must have been but, as I said, I don't know where I got that from, whether it was from situation reports or stuff provided by Seqwater, I don't know.

40

All right. It wasn't, I think you'd agree, the result of your own assessment of what they must have been in because you told me a moment ago you hadn't turned your own mind-----?-- Yeah, that's right.

-----to that. So that is on the basis - what you were telling Mr Cooper was on the basis of something you had received, be it in a report or that you were told?-- Yeah, it must have been.

50

Must have been?-- I didn't have access to the data.

Okay. But you can't now recall what that was?-- No. There was just too much going on that day.

Okay. Were you - if we move forward a few days, you were

aware of the need for a brief to be created for the Minister for emergency Cabinet meeting on the 17th of January?-- Yes. 1

And that's your Minister, of course, is that right?-- That was Minister Robertson. From the dam safety perspective I reported to another Minister.

But you are employed by-----?-- I am employed by DERM but because DERM has multiple Ministers----- 10

I understand?-- Yeah.

In any case, you knew it was for a Minister, and-----?-- Well, depends which brief you're talking about because I didn't have anything to do with the preparation of the brief. I - I responded to part of the Seqwater brief but that was attached to it.

Let's trace it through. First of all, Saturday the 15th of January, 2 p.m., if we look at exhibit 23, there was a phone hook-up at that time and you're recorded as being part of it. It was to discuss a report for the Minister by close of business Sunday, is that right?-- Yes. 20

Does that jog your memory as to the background of all this?-- I believe that was the Seqwater component that we were talking about.

What do you mean by the Seqwater component?-- Well, in that Bremer River, as I understand it, there was a document entitled "Seqwater January 2011 Event Report" attached to that, and that's what we would have been talking about. 30

Where were you during this phone hook-up, do you recall?-- Oh, I don't know. What day was it?

It was Saturday the 15th at 2 p.m.?-- I would have been at home. We were locked out of our building for a fair bit of that time. Were we back at work then? I don't know. 40

Well-----?-- I don't know where I was, put it that way.

It was-----?-- We probably would have been back at work by then, actually.

It was the content-----?-- If it was a Saturday I would have been at home.

It was the content of the discussion I was more interested in?-- Yeah, all right. 50

And, in particular, as to what your role in the preparation of any report was going to be?-- What - yeah. What I commented on for that Seqwater report was the regulatory context.

Yes?-- I was asked to comment on compliance with the manual and I declined that because in the draft version - I will have to find the page-----

Sorry, are you looking at a draft version of the report that you received?-- A draft version of the report that was submitted to me by Seqwater at the time.

Just so that we make sure you're looking at the same thing that everyone else is looking at?-- The section on compliance with the manual didn't make it through to the final version.

Can we just pause?-- Yes.

10

Can I show you Exhibit 1,069?-- Mmm.

This is an email at 4.28 p.m. Sunday the 16th?-- Uh-huh.

Now, there may have been drafts and correspondence and discussion between Saturday the 15th and to - and this period?-- Mmm.

Is that what you were talking about a moment ago, some of those-----?-- The document that I would have been talking - or that I had some input into was the January 2011 Flood Event Version 1 Draft for Distribution. That's as I understand it. I mean, I probably would have read the ministerial brief but I don't believe I had any input into it. I might be proved wrong but I don't remember anything.

20

No. Well, let's - this is the one that was sent to you at 4.28?-- Yeah, on the Sunday afternoon.

30

Yeah. We might open that up. The January 2011 Flood Event Version 1?-- Mmm.

Draft for Distribution. Okay, now, do you recall seeing this document?-- Yeah, that's the document that I would have had input into.

Yes. And your input, as you've told us, I think, was possibly referable to the regulatory side of things?-- The regulatory content, or whatever the section is called.

40

But, nevertheless, you would have read the entire document?-- Well, again, I would have received that on my BlackBerry. So whether I was just - I think I might have emailed it to myself at home, but, as I say, I might have read the whole thing but I would have been concentrating on the bits that had been apparently allocated to me.

Well-----?-- I would have just read it, though I wouldn't have commented on. I don't believe, anyway.

50

Just excuse me for a moment. Was this document one that you made changes to?-- I suspect if it was nearing the final version, it would have been one I would have made changes to a previous version to form something like the current document that's in front of me.

But the changes would have been to that part which you

wrote?-- Yeah.

1

Or to other parts as well?-- No, no, would have been to do with - I think essentially with - hang on, I've got my version of it. There were a couple of comments on the end of section 2.3.

Sorry, what are you reading from at the moment?-- I've - it is just a draft version that I've come across out of our records.

10

I see?-- I am happy to give you a copy of it.

That's a hard copy you've got there?-- That's a hard copy, yeah.

That's a hard copy of the document we were just looking at on the screen?-- I have a hard copy of the document you were looking on the screen, and that's the final version of that document. It had been changed a lot since the initial draft I got.

20

All right. Madam Commissioner, would it be convenient for us to just take the morning adjournment so that we can examine what Mr Allen's got with him?

COMMISSIONER: All right. It is a bit early but we will come back at about five past.

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THE COMMISSION ADJOURNED AT 10.47 A.M.

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THE COMMISSION RESUMED AT 11.05 A.M.

PETER HUGH ALLEN, CONTINUING:

MR CALLAGHAN: Mr Allen, I think we've worked out which documents we were talking about. Can I take you back to 1,069. That's the only one I really want to ask you about. It is not one of the hard copies that you have, as I understand it?-- Yeah, okay.

10

So you will have to make do with the one on the screen. And this is the document which was emailed to you at 4.28 p.m. on the 16th of January?-- Uh-huh.

And I think you've explained to us that you read it on your BlackBerry, is that right?-- That's all I had, yeah.

20

If we can scroll down to section 4.2, "event decision-making". Have you been taken to this table in recent times?-- No, I am afraid I haven't. I wouldn't have had any input, I don't believe, into that section. I only report - provided - I might have read it at the time but I wouldn't have had any input into it.

That's all my question is, whether you read it at the time - and I would suggest that in the natural order of things you would have read the whole of this document including this part of it?-- Yeah. I probably didn't read it that night but I would have the next day when I got into town, so read it on the screen.

30

Read it on the screen, all right. And it would have registered with you at least that in this part of the document there was a record of sorts, at least, as to the strategies which had been adopted at Wivenhoe Dam. If we can scroll down to the 3.30 p.m. entry on the Sunday. Do you see that box 15:30, 9/1/2011, it is recorded that the operational strategy had progressed to W2 in the last line there?-- Okay, yeah.

40

And the next entry there is a reference to W3?-- Yep.

And the one after that, a reference to W3 and W4?-- Yep.

And I am suggesting to you that even if you didn't commit that detail to memory, you would at least have been aware of the fact that there was in this document a record of the strategies which had been engaged?-- Yes, that seems to be the case.

50

All right. Can we go back a day and think about the 15th again, and the proposition that there was another document being prepared by Mr Malone. Do you recall that?-- That - was that the document entitled the Seqwater report or-----

No?-- Which was that?

This is a document which is actually, I think, entitled Manual Summary?-- You might have to show it to me.

I will show it to you. I am just asking you for the moment whether you recall that on the 15th there was a document being prepared by Mr Malone?-- If - if I can see the document I might have some memory of it, but I - just by you saying that doesn't trigger anything.

10

Okay. Before we see the document itself, I will refer you to an entry in exhibit 23, the flood event log, for Saturday 15th of January at 1.10 p.m. which records that you phoned about the Wivenhoe Flood Manual Summary, Terry Malone told you that the summary is with the other duty engineers for checking. Does that jog your memory about the existence of a document being prepared by Mr Malone?-- Not especially but it may have been. I mean, I didn't - my outcome at this time - I mean, the Commission hadn't been announced, so-----

20

On the 15th?-- -----I was probably of the opinion that I would have had to have reviewed this ultimately. So I knew I would get it all eventually.

You were, as at the 15th of January, it was on your mind that the Commission had been announced, was it?-- No, I think that was after that.

30

Right. So I am only asking you now about Saturday the 15th of January and-----?-- Yeah, but to put it into context, I would have been looking to see that that sort of information was available more than anything.

You would have been looking at that time to see that that sort of information would have been available?-- Yes.

Okay. And why was that?-- Because I thought I would have had to have reviewed it, reviewed the performance of the dam operations.

40

And part of that being the implementation of the strategies?-- Well, that would have been - that would have formed part of my review.

Okay. Is your evidence then - well, no, you just give me an answer. Saturday the 15th of January, at any stage were you aware of the fact or do you recall being aware of the fact that Mr Malone was preparing a document with relevant information concerning the application of the manual?-- I am not surprised by it but I don't remember it at this stage. I mean, it was over 12 months ago.

50

All right. Well, we'll show you the document, which is Exhibit 1,050, and we'll open that up. Seeing that now, does that jog your memory?-- I vaguely remember seeing something like it, yes.

And do you recall when you saw something like it?-- Oh, I wouldn't have a clue.

At or around this time, though?-- Well, may have been. If it was sent to me I would have had a look at it, but, I mean, as I say, it was over 12 months. I can't say when I received it or not, unless there is some documentary evidence of it.

Well, the entry suggests, you would agree with me, the entry which records that you phoned about it-----?-- Yeah, well, I must have had some interest in it.

10

Yeah?-- For the life of me I can't remember what it was.

Okay. And you said, I think, you recall seeing something like it?-- Mmm.

But you can't recall exactly when that might have been?-- No, that's right.

20

But are we at least talking about some time in the first part of last year, the first couple of months?-- I assume so, yeah.

And if we can go back to that document, thank you? You would have at least been aware, as I say, even if you hadn't committed the detail to memory, you would at least have been aware as to the nature of what was recorded in this document; that is to say-----?-- The types of things maybe.

30

Yes. And can we just scroll down and take a look? You can see there the reference to the strategies, W1, 2, 3 and 4?-- Yes.

You would have been aware that this record existed as an attempt, at least, to record the implementation of those strategies during the flood event. You agree with that?-- Yeah, looks like it, yeah.

40

Okay. All right. Were there any other documents - thanks for that - were there any other documents brought into existence at or around this time of which you were aware which recorded or purported to record the manner in which strategies were adopted during the flood event?-- The only document I can remember was the Cooper document.

50

The Cooper document. All right. Well, we will come back to that. You don't recall any other record of strategies that may have prepared at or around this time?-- Not specifically, no.

1

All right. Can I show you Exhibit 1,076? This is an e-mail sent to you on the 17th of January at 1.03 p.m.?-- Okay.

The entry reads, "Additional information that may be useful."?-- Mmm-hmm.

10

Do you have a recollection of receiving this e-mail?-- Not specifically. There was lots of things going on at the time, but-----

Yes?-- -----it's obviously been sent to me.

All right. Its subject is, "Lake level comparison and directive summary." These are matters which would have been of some at least general interest to you?-- Yep, yep.

20

Is it reasonable to infer that upon receipt of this - well, A, that you received it, and B, that you would have opened the attachments to at least see what they were?-- I daresay. What are the DRF extensions? I don't know whether I could have accessed them. I could certainly access the Excel spreadsheets.

That's all I'm interested in?-- Yeah.

30

And if we could open up the document entitled, "Strategy Summary Log."? Does that refresh your memory in terms of seeing a document like this?-- Oh, I remember seeing things like that, yes.

Yes. And the bright yellow lines in particular, if we scroll down, we can see there are a couple of those?-- Yep.

Does that refresh your memory?-- I remember seeing documents of that sort.

40

Well, with yellow lines on them like that?-- Yeah, vaguely, yeah.

And with strategy detail as regards strategy entered-----?-- Yep.

-----in the places recorded. Now, if we go over to the far right of the document then to the, "Category.", column?-- Yep.

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And perhaps scroll up and down, just to give you a sense of the fact that-----?-- What's there, mmm.

You see?-- Mmm, okay.

There are many references referable to the W strategies?-- Yes.

Do you agree with that?-- Yes.

Do you recall seeing something like this at or around this time?-- I must have, yeah.

All right. So, you were certainly aware of the contents of the report to the Minister?-- Yes, it was - the brief - oh, the - you know, those documents that you showed me in the e-mail before-----

10

Yep?-- -----I-----

Yes, I am just recapping?-- Yep.

You saw something like the Malone - the document which was apparently prepared by Mr Malone?-- Mmm.

And you received something like or recall seeing something like this document with the bright yellow lines on it; is that right?-- Yeah. That could well be the case.

20

This is all at or around the time these documents were being circulated which is 15, 16, 17 January?-- Yep, must have.

Okay. Do you know anything else about that document that we're looking at now, where it came from or for what reason it was brought into existence?-- No, I don't, I'm afraid. I must have been provided a copy of it, but I don't remember whether I asked for it or what.

30

The e-mail suggested it was some additional information. Are you able to say additional to what?-- No, I'm afraid I can't at this stage. As I say, it was over 12 months ago and I don't remember all the details of it.

It was suggested that the information may be useful. Do you have any sense as to the use that might have been made of this information?-- Maybe when I was - you know, trying to - you know, maybe if I took it forward and tried to understand the event.

40

All right. Did you - as I say, there are three separate sources of information that you had in your possession or at least had access to-----?-- Mmm.

-----at around this time. Did you collate those in one place or a file open in which-----?-- I would have put them all in an area in our computer system.

50

You have seen the so-called March report, the report on the operation of Somerset Dam and Wivenhoe Dam, which is Exhibit 24? This is the report which was prepared in compliance with the requirement of the manual?-- Yes.

When did you first see that?-- The day it was provided to DERM. When was that, the 2nd of March?

March?-- 1st of 2nd of March.

1

March last year?-- Mmm.

You were aware that Mr Tibaldi was largely responsible for preparing-----?-- Yes.

-----some parts at least of that report?-- Yep.

Did you visit the Flood Operations Centre whilst he was preparing the report?-- I may have. I know I went up there on the odd occasion, not very often, but - it would have been in association with other people probably. It's probably recorded in the log.

10

Did you discuss the report that Mr Tibaldi was preparing with him?-- I remember him ringing me at some stage asking what should go in it and I just said everything. I was approaching it from the point of view that if you're going to look at these reports, you have really got to understand them to determine whether things could be done better.

20

Yes. Were there any particular aspects of the report that you discussed with him?-- Not particularly. I mean, the end result from our discussions, I suppose, was what was produced. I mean, having looked at - I know the report that we did in '99 and the ones - the earlier ones, I mean, this report is just enormous compared to them, it's got heaps of detail, which is what anyone would want to see if they were reviewing the event, whether they're reviewing the hydrologic modelling or the gate operations.

30

Yes. You'd want everything and you'd want it to be as accurate as possible?-- Oh, totally, yeah.

Yes. Specifically, did you have any discussions with Mr Tibaldi about the adoption of W2 during the flood event?-- Not that I remember. I mean, to me W2/W3 are virtually the same, so I knew that they'd gone through that area before they got to W4 so - I mean, the specifics of it were not very relevant to me at the time.

40

When you say you knew they'd gone through that area-----?-- Well, they had to to get to W4.

All right. Did you know anything about the route they took to get there?-- No. It wasn't terribly of interest to me. I mean, I would have ultimately got the report and had a look at it. The bit I was interested in, as I have said, was when we got to W4, because that's - that's when it gets really serious.

50

Nevertheless, I'm asking you now whether you say that there was no conversation with Mr Tibaldi about W2?-- I can't guarantee there was no, I just don't remember the detail of it. All I know is that the end result, you know, which contains most - you know, a lot of information.

On what basis, if any, would you have been having a discussion with Mr Tibaldi - I will start that again. Could there have been any basis for you having a discussion with Mr Tibaldi about whether or not the dam had been operated in W2 during the flood event?-- No, it wasn't important to me. I don't believe I would have.

1

All right. In your discussions with Mr Tibaldi, did you have an understanding as to his methodology for the creation of the report; that is to say, that he was looking back at data and working out when it was that specific strategies were engaged by reference to that data?-- I would have expected him to do that. I mean, it's - the manual requires a report, so, again, I know that they didn't have time to do it during the event, everything was just going on, there just wasn't sufficient time, so they would have had to have got together after the event and all put their bit into the - you know, input into the report, because no one flood engineer was there the whole time.

10

When you say they didn't have time to do it during the event, what do you mean?-- They were doing all the modelling, they were trying to make decisions in terms of gate operations, all those sort of things. You can't write a report under those circumstances.

20

No. What about the recording of strategies, though, you don't say, do you, that they wouldn't have time to do that on, say, Saturday, the 8th?-- I know they - they rang me on the Monday night, or wherever it was, the 9th or the 10th, to say they were going into W4. That's the only memory that I have of where they were, where they were operating.

30

Well, can I just pick you up on what I was asking you a moment ago about the manner in which the report was written and that it was a case of Mr Tibaldi going back and looking at data and working out which strategies were engaged by reference to the data? You said you wouldn't expect them to do it any other way, or something like that?-- Well, I mean, certainly if they changed their procedure, you know, office or the Flood Operations procedures, so, you know, they could probably do it more explicitly, but, you know, unless they'd done that, they would have had to go back and look and seen what was the headwater, what was the discharge coming out of the Lockyer and Bremer and what - what - you know, strategy they were in effectively to do that. They would have had to have done that.

40

If the strategies were engaged at the time in the course of operating the dam, though-----?-- I would expect it to be recorded in the log somewhere.

50

Yes. And so the move - let's at least agree that the move out of W1 is not - the decision to move out of W1 is not particularly complicated, it's-----?-- No. Once you get above 68.5 you're in W2 or 3.

That's right. So, the decision has to be made at that point,

doesn't it, whether you're in W2 or W3?-- It becomes a case of saying what's the controlling criteria.

1

No. Just answer the question?-- And that - yeah, that would dictate whether you're in W2 or W3.

And that decision has to be made at the time, does it not?-- Well, they would have had to have assessed what the other discharges were and then they would have arrived at their decision. I didn't take part in that.

10

And that assessment has to be made at the time?-- It would have to be made at the time.

Yes. So, if it was made at the time, why would there be a need to go back and work out whether you were in W2 or W3 at some time after the event?-- I don't know. I wasn't operating.

Well, you'd-----?-- They would had - they would have had to decide it and I would have expected to see some recording of that somewhere.

20

There should be no need to go back and record it after the event, should there?-- Well, yeah, I - I mean, I'm not in charge of the flood centre so - I don't specify a - in the conditions anywhere that they have got to record exactly what procedure they're at.

No?-- That may well be wise, but whether it's done or not, I can't tell them to do that.

30

But if it's not done and if that fact is something which is worked out after the event, that of itself is a cause for concern about the accuracy of the report, is it not?-- Why? It's self-evident from what the discharges were and the headwaters were.

And so there's no-----?-- The reality between W2 and W3 is that the only real difference in the strategy is the peak discharge. So, until you get to that peak discharge there is no difference in the procedures. In fact, I would suggest or recommend combining the two procedures.

40

And you'd agree no scope for any confusion because-----?-- Well, I mean, whether you're in W2 or W3 there's no difference, so.

But no scope for any confusion as to which one you're in, it's quite clear from-----?-- Well, there's obviously confusion between whether you're in W2 or W3, but the effect is - you know, there's just no effect.

50

COMMISSIONER: Well, then, how can you work out after the event which somebody was in?-- That's probably the issue. I mean - but effectively you don't need to take much notice of whether you're in W2 or W3, except for the peak discharge. That's when it becomes a difference between the two

procedures. So, from that effect, there's no difference in it, so it doesn't matter whether you're in W2 or W3. There may well be some confusion, you might look at it say, "I must have been in W2.", but you can look at the same data and say, "I must have been in W3." So, from that perspective there may be some confusion.

1

MR CALLAGHAN: Is there any difference in the primary consideration as between W2 and W3?-- What you are trying to do between W2 and W3 is determine as to what extent you can - or what the appropriate maximum discharge should be and once you get into W3, the maximum is 4,000 cubic metres per second at Moggill. When you're in W, what you're trying to do is say what is the maximum coming out of the Lockyer and Bremer, do I need to aggravate that maximum as part of the process, or can I store enough in the dams so that I don't have to aggravate that flooding downstream.

10

As written, does the manual provide any difference between the primary consideration for W2 as compared with the primary consideration-----?-- Essentially, no. That's why I think they should be combined.

20

For W3, and your answer is no. So, is it the case that you understood precisely the manner in which Mr Tibaldi was going about writing the report; that is to say, looking at the data and working out which strategy must have been engaged?-- I wouldn't have explicitly known that he was going back through it and working out what strategy was to be engaged. What I was interested in was that - you know, would the document be produced by - you know, the required time. It's up to the - up to them what they put in it.

30

So-----?-- With-----

To come back to my question about your knowledge as to the methodology being adopted in writing the report, do you say you did or did not know the manner in which Mr Tibaldi was going about his task?-- I knew that they were going back and looking at the records they had and trying to put - assemble the document from that.

40

And trying to attribute strategies by reference to-----?-- No, I couldn't - I couldn't say that. I don't believe I was ever told that by Mr Tibaldi.

And-----?-- Going into W4, it's obvious but-----

No. All right. You'd agree that as it reads the March report purports to be an account of what actually happened, an account of strategies which were engaged and the times at which they were adopted?-- That seems to be the case.

50

Yes. Reports which had been written in the past, have you been made aware of the practice of, in effect, writing the report from - retrospectively on the basis of data?-- Yes.

You have no issue with the report being prepared in that

fashion?-- No, not really, because the data is there on record.

1

It doesn't necessarily - I will start that again. By requiring a conscious engagement of strategy, the manual requires the engineer on duty to adopt a particular state of mind, that is to say a particular primary consideration; would you agree with that?-- Yes.

And whilst doing a report retrospectively might well give you some clear guidance as to what the primary consideration ought to have been, it will not necessarily, without more, give you insight into what the engineers' primary consideration, in fact, was; would you agree with that?-- That's inevitably the case. Unless they write it down somewhere-----

10

Yes?-- -----you can't say.

That's inevitably the case. All right. You would have read those parts of the March report - I will start that again. I appreciate you have not at this stage read the entirety of the report; is that right?-- No, I have read the bulk of it, but I wouldn't have read every page.

20

All right. You would have read at an early stage the executive summary and parts 2, which is the Flood Event Summary, and part 9?-- Which was part 9?

10, rather, Flood Management Strategy and Manual Compliance?-- Yeah, I would have looked at that, yeah.

30

And you would have at an early stage - I mean soon after seeing the report in March - have been aware of the record that suggested that W2 was bypassed and W3 was adopted for use at 8 a.m. on the 8th?-- Yes. I mean, that's apparent, but that's no real issue, because you don't always go to W2 and then W3.

No, I am just wondering how you reconciled it with your state of mind earlier on, though, that you'd expressed to Mr Cooper which was that W2 had indeed been engaged for, I think you said to him, a day or so?-- Yell, I mean, those documents were - yeah, I was reading that in March - I mean, I wasn't going to go back to stuff that happened - you know, on the 9th or 10th or 11th or 12th or whatever service. I mean, I wasn't required to make a decision on that, I was just providing input into - to Brian Cooper from that perspective. He was the one making the decision on - he could accept my comment or not.

40

I am not really concerned about Mr Cooper's reaction to it for the moment, I am concerned about your state of mind and your clear understanding as expressed in that e-mail that the dam had been operated in W2 for a day or so?-- As I said, I don't know-----

50

MR O'DONNELL: Sorry, that's not an accurate record - an accurate enunciation of the e-mail. The expression was "would

have been in W2", not "had been".

1

COMMISSIONER: Yes.

MR O'DONNELL: It is an important distinction.

MR CALLAGHAN: I stand corrected.

COMMISSIONER: Mr Callaghan?

10

MR CALLAGHAN: That was the way you expressed it, that it would have been in W2 for a day or so?-- That would have been - as I said, I mean, that e-mail would have been on the basis of what I knew at the time.

And-----?-- I knew a lot more in March.

But you have agreed with me that that e-mail - that your state of mind was formed by information which you had received from those who were-----?-- Yes.

20

-----operating the dam?-- Mmm. Well, from - not directly from those operating the dam, from second-hand paths perhaps.

Well, from Seqwater or from Situation Reports or from what you'd been told in phone calls?

MR O'DONNELL: Well, I mean, again, that's not an accurate statement of the witness's earlier answer. He said from TSRs or information he might have gleaned from other sources, he did not say from the flood engineers.

30

COMMISSIONER: Well, what other sources, I suppose, is the question?-- I mean, all I had available to me was some - there were some duty engineer reports and there were some - most of them, the technical Situation Reports.

MR CALLAGHAN: All right.

COMMISSIONER: Could I ask you, if you were going to tell Mr Cooper this, and he's supposed to be reviewing what they're doing, why do you shoot your mouth off about what strategy they would have been in without actually asking somebody who knew?-- It would have been based purely on the information I had available at the time.

40

Which is Technical Situation Reports and then ultimately Situation Reports?-- Mmm.

And you would have found in there somewhere that said they were in W2?-- I must have.

50

MR CALLAGHAN: There were also some phone calls?-- With Mr Cooper?

No, in terms of informing your-----?-- Yeah, well, yeah, there must have been, yeah, but-----

Phone calls with-----?-- -----I don't remember the details of those, it was over 12 month ago.

1

COMMISSIONER: The other thing about it is, Mr Allen, in one of those drafts of the Ministerial briefing note there's the section Compliance With the Manual. Do you recall that?-- In the briefing note?

Exhibit 1,068?-- Is that the Ministerial briefing note?

10

It may be the Event Summary. I will just get it up. No, it is the briefing note. There's the section, "Compliance with the Manual."?-- Yes. That was - as I understand it, that was the version created by Seqwater, wasn't it? It may not have been but - oh, sorry, that's - that's the one that I have provided some comments on.

Yes?-- Mmm, yeah, and I mean-----

You can't provide comment but you recommend the conclusions of Brian Cooper be cited?-- Yeah.

20

The conclusions of Brian Cooper include this theory of they having been in W2 which he got from you?-- He may well have, but that was the only assessment at the time that I had access to that talked about compliance with the manual.

Yes, but so far as the strategies were concerned, the notion that they would have been in W2 was not his assessment but yours, because you had told him that?-- Well, that may well be the case, your Honour, but the issue was more about - I mean, that wasn't the only conclusion that he had in his report. I mean, a lot of his conclusions were based on, you know, data and information that he'd got off the Technical Situation Reports.

30

It didn't give you pause at all, though, knowing that this briefing note was going off to the Minister and you were advocating reliance on Mr Cooper's report, that you had come up with this theory of what they would have been in which you had never checked - well, you seem to have no recall of checking-----?-- Mmm.

40

-----with anyone who would have actually been in control of the strategies?-- As I have said, I - I must have got the W2 off somewhere, but I don't remember now as to particularly where.

All right. Thank you.

50

MR CALLAGHAN: Well, you had that impression as to - wherever it came from, you had that impression?-- I had that impression at the time.

You also had, I think we have agreed, knowledge of at least three different documents in which different accounts of strategies were described?-- In terms of the Technical Situation Reports?

No, I'm talking about the Ministerial-----?-- Oh, right, yeah, yeah, I had knowledge of that, yes.

Mr Malone's report, and the strategy Summary Document?-- Yep.

Were you not aware when you saw the March report that you had all of these other sources of information which recorded something very different from that which was recorded in the March report?-- I didn't. I didn't crosscheck them. I knew that if I was making an assessment of them I would ultimately have to do that.

10

Well, you do have to make that assessment, do you not?-- Ultimately, yes. Well, Not according to the legislation but, you know, inevitably I would have to do that.

Well, tell us perhaps now what will you do about reconciling those discrepancies?-- I will have to go through them in detail. I mean, we will have to get a number of people together to discuss those - if they are - you know, variations we will have to resolve them, but - I mean, the other issue, though, is what's the effect of that?

20

No, just-----?-- No, I am just trying to put such a decision into context.

Yeah, well, it will be examined in context, don't worry. Will you tell anyone about the discrepancies between the March report and the other records of which you are aware?-- If I have to do a report on it, yes.

30

Well, will it form part of your report in any event?-- Well, now it's been raised with me I will do it.

And who would you inform?-- To tell you the truth, it's never been done before so we will have to find out, but I daresay it will have to go to the Director-General.

But your evidence is, is it, that when you read the March report it did not occur to you that you had previously had impressions which were inconsistent with the March report or that you were in possession of information which was inconsistent?-- No.

40

-----with the March report?-- No.

Did not occur to you?-- No.

I think you have said that you expect your review of the March report to be finalised by June 2012; is that right?-- That's what I have been trying to target and it's providing I have enough time to do it.

50

And it must follow that if there are any dam safety implications in the report they won't be discovered until after this wet season is over; is that correct?-- That is the case.

1

Have you drawn that to anyone's attention? Anyone in your department?-- Not specifically in writing, no. But certainly I believe the previous to Director-General wrote to the Commission saying it wouldn't be done until after the interim report and since that time I've been busy trying to provide statements and everything to the Commission. So I haven't had the time to do it.

10

Well, are you saying it was the requirements of this Commission which have prevented you from completing the task of examining the March report?-- Largely, yes.

Largely?-- I've got a fair bit to do.

Yes. I'll come to that in a moment. I just want to explore the demands of the Commission, the demands that the Commissioner has placed on your time. Between giving evidence on the 16th and 17th of May and the first requirement issued to you after the interim report which was on the 23rd of August of last year, there were three clear months then in which there was no demand from the Commission upon your time; is that right?-- No, because the Commission had imposed a deadline to have the manuals done by the - it was the 1st of October for a start.

20

That only happened after the 1st of August, though?-- Yes, but before that I was doing - I did a lot of modelling and things like that from my own perspective to try and understand the event.

30

I see. What about between September and November?-- There's my involvement in things like the Wivenhoe, Somerset Dam optimisation study. There was the review or the - well, there's been a number of studies that have been going on which I have to provide input into.

40

Have you drawn to the attention of anyone in your department the demands upon your time which have prevented you from-----?-- I believe they're aware. I've certainly spoken to my general manager about it.

Who is that?-- Mr Reilly.

There is no chance, is there, that you've been reluctant to review the report because you know that there will be a suggestion that the process by which it was adopted is really not appropriate?-- No, I don't believe so. I mean, I'm quite happy to do the report, the review.

50

I think the suggestion that was made by Mr Ayre that previous reports have been prepared in accordance with this practice of going back and sort of doing it after the event?-- Mmm-hmm.

And that you have been acquiescent to that practice. Do you agree with that?-- Yes.

1

Have you had any cause to reconsider the appropriateness of that practice?-- There have been a number of things that have occurred and I note that in the interim report from the Commission they recommended recording of phone calls. I think that will be a marvellous thing to be able to put everything, yeah, get everything correct.

10

Do you feel you're in a position to truly independently review that report?-- Largely, but I don't think that I will be the only one doing it. I mean, I will have to involve others because it's a massive task.

But you are the one-----?-- I'll be the one responsible.

I mean, you knew what was happening during the event at least to some extent. You had some contact with the engineers-----?-- Yes.

20

-----during the event. You've received those accounts immediately after the event which are inconsistent with the final report?-- Apparently so, yes.

Does that compromise you at all in your ability to independently assess the final report?-- I don't believe so from the point of view that you need to know what's expected to be able to make that review and it's an informed review. I mean, I'm quite happy having someone independently review it after I've made that assessment if that's the need.

30

Do you regard any of the four flood operations engineers as friends?-- I have known them for an exceedingly long time. I've worked with them and I thoroughly respect them. I would class them just about, you know, all as friends or acquaintances.

And does that impact upon your ability to independently review the report?-- No. If you look at some of the stuff I've provided back to engineers - you know, I normally review dam safety reviews and things like that. I certainly have no qualms about writing back and saying, "What about this, this and this?", you know, or "You seemed to have got this wrong." What I'm looking for is is the assessment accurate, you know, in the way it's set up. Has it been done properly. It doesn't worry me who's written it.

40

All right. I might just tidy up the evidence about your involvement with Mr Cooper?-- Mmm-hmm.

50

In your statement of 3 February 2012, paragraph 7. You say there that you had a meeting with Mr Cooper about strategies under the manual; is that right?-- I wrote that back on the 3rd of February and that was my understanding at the time. That was my memory at the time. I've since found that some of the stuff in there I've been proved wrong and I'm quite happy to accept those were wrong.

Well, do you want to-----?-- So apparently, you know, I must have talked - spoken to Mr Cooper. I understand there was a phone hookup on the - was it the 10th or the 11th. It was all done in about 24 hours. So, you know, I did - I would have spoken to him. I think I spoke to him twice that day.

You record in your statement, I think, that you showed him the Flood Operations Centre; is that right?-- Yeah, apparently I got that wrong.

10

That's paragraph 7?-- I believe Mr Cooper - I mean he was down in Sydney I've been told so.

How did you get that wrong?-- I don't know. I mean, I know - I do remember going up there on the - on the 12th. I must have shown someone else and got my dates and things mixed up, but I have taken a number of people, you know, gone through the manuals with a number of people over the last 12 months.

20

How many people did you take to the Flood Operation Centre?-- It would have been only a few but, you know, I don't remember the dates I go up there. I don't recall that sort of information.

You did say - you recorded in an e-mail PHA 57 to the statement of 3 February. I might show you that?-- Yep.

Down the bottom of that page, I think. You recommended that whoever was engaged keep well clear of the Flood Operation Centre because they could interfere with the work there?-- Yes.

30

Who were you taking to the Flood Operation Centre who would not interfere with their work?-- It's a matter of whether you go there just to have a look or whether you go there to really sort of trying to investigate as to what is going on. I suggest there's two different aspects. One is just a superficial look and one is really going there and having a decent look at their computer systems and records.

40

Well, who were you taking there to have a superficial look?-- They would have been people - from memory now it would have been post event so, yeah. I don't remember who I've taken up, but I know I've been up there several times.

All right. Well, I can take you through the e-mails if you like, but you seem to have some familiarity with the exchange or exchanges with Mr Cooper?-- Mmm-hmm.

50

And do you accept that it would appear that he's adopted your proposition that for the last-----?-- Apparently so from this morning.

Just let me finish. That part of your e-mail where you said "for the last day or so before yesterday's big rise it would have been a W2"?-- It must have adopted that.

Attachment PHA 63 to the statement of 7 February. We've already looked at that. You were aware, were you not, that Mr Cooper had a short timeframe in which to prepare his assessment?-- Yes, I understood that.

1

Did you not see a danger that your account of what happened might have affected his assessment?-- When you put this in context the draft report that he had provided me was just very different to what my understanding was because, for instance, he said, I think he said W1 in the draft report had gone right through till 74. I mean that was just wrong.

10

Hmm?-- So, I mean, that would have been, you know, why I would have provided something like that.

Of course, saying they would have been in W2 for the last day or so was just wrong too, wasn't it?-- Apparently, yes.

All right. That's all I have for the moment. Thank you.

20

COMMISSIONER: Mr Rangiah?

MR RANGIAH: I have no questions.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: Mr Allen, during the examination by Mr Callaghan, counsel assisting, you offered at one stage to show the parts of the first draft provided by Brian Cooper which you believe were inaccurate. Is that a fair recall of your offer?-- Yes, I think so. They would have been bits I've commented on.

30

I wonder if we can have the first draft up. It's various places. It's part of PHA 63. And you've got your own hard copy there, Mr Allen, have you?-- Yes.

Have you marked up on your hard copy the parts that you saw as inaccurate?-- Yes.

40

Well, just, firstly, indicate the parts that-----?-- Well, it's on page 2. It says - the paragraph that says, "Until the last hour or so Wivenhoe has been below 74 and accordingly would be operating under strategy W1."

Yes?-- That's the first obvious mistake. Now, whether I - I don't believe I comment on the second one, but the next paragraph it says, "Over the last couple of days the storage level in Wivenhoe Dam has increased above 74. The storage level in Somerset Dam is at 103.3 and rising. This situation would demand strategy W3." So those two statements were obviously in error.

50

Yes. Was that the full extent of the errors that you-----?-- Well, remembering that I only had 15 minutes to comment on something. They were the obvious ones that I picked up.

And so that there's no doubt, your communication of your identified areas in his draft, was that confined to an e-mail?-- Yes, there was - there was just so much going on that morning. I mean, I received the document less than an hour before.

Did you have a telephone discussion with Mr Cooper in relation to the matters in his draft which you-----?-- Not that I remember but, you see, I mean I was given - I had about 15 minutes to put the missing technical situation reports together and I just said in - when I provided that I said I'll have a read of the report and get back to him. I did that and I've sent those comments by e-mail.

10

Well, later that day Mr Cooper's final report was received, wasn't it?-- Not by me. It may have been sent to me, but we were locked out of the building then and I don't even know - don't even remember whether the e-mail system was working. They just shut the building down.

20

Well, I take it, though that-----?-- I received it subsequently, yes.

Received it and read it subsequently?-- I would have had a read of it subsequently.

And can you assist in relation to an approximate date in which you read it?-- Not really. It was Mr Cooper's report. It wasn't mine to comment on at that time. I wasn't the client. It was the Water Grid manager as I understand it.

30

COMMISSIONER: Why was it you who was e-mailing him to correct it?-- I was asked by the Water Grid manager to liaise with Mr Cooper.

All right. Is that a regular sort of occurrence? You both-----?-- No, not really. I mean, this - the - I gather Mr Dennien realised that he couldn't provide the support needed by Mr Cooper and he asked me to do it.

40

Right. Thank you?-- But normally I wouldn't have been involved in that sort of thing.

MR MURDOCH: Mr Allen, I take it that given that you were locked out of the building, et cetera, there may have been a few days elapsed before you were in a position to read Mr Cooper's final report?-- Yes.

But I take it you did read it?-- I would have read it, yes.

50

And do we take it that when you did read it that you were content with its contents?-- Well, I wasn't going to comment because it wasn't my report.

No, but-----?-- Yeah, no, I mean, I must have been generally okay with it, yeah. I mean, there might have been errors in it, but I certainly didn't get back to Mr Cooper to point out

the errors in his final report. It was his report.

1

What I'd like you to explain is, given that you had corrected him in relation to some errors which you identified in his first draft, were you content that he had done what you wanted him to do in remedying those defects?-- I gather there was still one error in the final report, wasn't there?

Well, are we talking there about the reference to EL74?-- Yes, I believe so. But I didn't have to - I wasn't asked to provide a comment on it and I wouldn't have gone back to him on that.

10

Look, for that matter-----

COMMISSIONER: You were abdicating its use in the ministerial briefing note?-- Yes, that would have been after - well, the use in the ministerial briefing note, you know, might have been around the time I was doing it, but his general conclusions were accurate. They were the best conclusions available at the time.

20

MR MURDOCH: Can you just explain how you said you weren't asked to comment about his final report, but you did comment about the draft?-- Yes.

What was the difference between the draft and the final report?-- Oh, the final report had a whole lot more data attached to it and things like that. Have you got a copy of the final report?

30

Well-----?-- There must be a copy somewhere. I've got one somewhere.

That was later the same day, the 12th?-- Yes, but I didn't get it that day.

No, well-----?-- No, yeah, that's the one provided - I understand there was an e-mail at 13.31 in which that was provided.

40

Look, to sum up then, apart from the reference to EL74 which was an erroneous figure, we've established that when you did read the final report from Mr Cooper that you were content that it was accurate?-- It said most of the right sort of things, the way I believed it at the time.

And do you recollect that where his draft had referred to strategy W3 the final report did not refer to strategy W3 being in operation?-- I wasn't conscious of it until, you know, if that's case. I mean, I haven't been explicitly through it and compared the two documents.

50

All right. As you are minded today, do you have an opinion as to whether during the January 2011 flood event whether W2 was ever in place?-- I - I haven't made that judgment. As I understand it - you know, the difference between W2 and W3 is what the Lockyer and Bremer were doing. So I assume they've

taken those into account and the report reflects that.

1

All right?-- I haven't been through the data to absolutely check every little bit. I will do that ultimately.

Do I take it from what you've said that you don't have an opinion now as to whether W2-----?-- No.

-----was ever in operation?-- No.

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And when this inquiry resumed you'd been aware that there was a measure of controversy related to the strategies that were in place?-- Yes, I believe so. But that didn't worry me because, I mean, the issue for me was have they given the right discharges at the right time. As to whether it's W2 or W3, as I said before, I mean, they're interchangeable virtually. So, you know, if they don't produce difference in discharges what's the worry about.

COMMISSIONER: What if there's a controversy about whether they're in W1 or W3?-- W2 or W3, you mean?

20

No, I mean W1 or W3?-- W1 and W3, they're very different strategies. So W1 applies when you are trying to protect the bridges and W3 is when you're trying to protect urban damage.

So if there was some suggestion that they were in actually W1 after 8 a.m. on the 8th of January-----?-- If they went over 65 or 68.5 they were in W3 or W2.

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MR MURDOCH: Just to clarify matters. You've just said again that as far as you're concern there's little difference between W2 and W3?-- Yes.

Why was it then that you bothered to take up with Mr Cooper the need to alter his reference to W3 to include a reference to W2?-- In what part of it was that?

Well, in his draft it made no mention of W2-----?-- Oh, right. Okay.

40

-----but he had referred to W3?-- Yeah. Because the - in his draft he - he was talking about W1 all the way through to 74. And that was, you know, outright incorrect. I mean, it had to - once it got above 68.5 it was in two or three.

Just on another matter, in the light of what you've said can you see any utility in the retention of a W2 strategy in the manual?-- No, I'd be looking to - in the Wivenhoe, Somerset Dam optimisation study I'll be looking to see them combined.

50

And how long have you had that opinion?-- Relatively recently. We've - in the Wivenhoe Dam, Somerset Dam optimisation studies that have been going on at the moment they're seeking input into the potential options. Now, that's been going on for about the last two weeks.

When Mr Callaghan asked you whether there was a definition of

urban inundation you said that the manual didn't include such a definition?-- No. 1

So far as the reference to disruption to rural life in the valleys of the Brisbane and Stanley Rivers, that does appear to be defined, doesn't it, because of the explicit-----?-- Yes.

-----references to particular bridges?-- Yes. 10

And so far as those elements of that definition are concerned, they're really references to the current state of particular items of infrastructure, aren't they?-- Yes.

And if that infrastructure were to change necessarily the criteria-----?-- Yeah, you would need changes to the discharge criteria in the manual, yes. That's happened before because I know in the 99 event we were looking at 250 cubic metres a second for Burton's Bridge and now it's up to 430 so the manual's been changed. 20

And that's because the bridge has been-----?-- Yes, yes.

Thank you.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Thank you. Mr Allen, my name is Sullivan. I appear for Mr Tibaldi?-- Yes. 30

You were asked some questions or taken to an aspect of the Flood Report which had referred to W2 having been bypassed. Do you recall that?-- Yeah, I remember it being mentioned.

And am I correct in recalling that one of your answers was you don't always go to W2?-- That's right. 40

And was that the view that you held last year?-- It's the view I've held since 1995.

Now, you recall at some stage during the flood writing process before the final version of the Flood Report came out you spoke to Mr Tibaldi?-- Yes, I believe I did.

But I'm correct in saying that you don't recall now exactly-----?-- I don't recall the details. I remember, you know, things like just asking him to put everything in and as I said that's why the report was so big. 50

I understand that. I just want to now just see whether I can jog your memory. Do you recall during one of those conversations that Mr Tibaldi raised as an issue that there'd been a transition directly from W1 to W 3?-- Not specifically, no.

And that do you recall as a topic he raised with you a concern that he thought that there was something in the manual in the flow chart which had indicated that there may have been a need to go to W2?-- I know we discussed the flow charts and I know John - or Mr Tibaldi, sorry, put it into the flow charts in revision eight. So we might have been discussing some of those sort of things then, but I don't specifically remember, you know, back in January of 2011-----

1

But you accept that-----?-- -----or March.

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That's possible?-- It's certainly possible.

But-----?-- It might have been why it was changed in the next version of the manual.

And that also that he was concerned that the fact that there had been a transition from one to three and not to two as indicated by the flow chart might have been a non-compliance. Did he raise that with you?-- I don't remember, but it certainly doesn't worry me that W2 was avoided if that's the case.

20

And that wouldn't have worried you at the time?-- No.

Because as you said you don't go directly from-----?-- You don't necessarily go to W2. You may, but you don't necessarily.

And can I suggest to you that you - that a conversation on that topic occurred and that you replied with words to, "Just give us the facts John."?-- Yeah, that would have been my approach.

30

"This is what you will be judged on."?-- Yes.

Words to that effect?-- Words to that effect. I don't know whether I would have said "this is what you'll be judged on", but it tends not to be something I'd say. But I would have asked him to put, you know, everything in.

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Thank you. Thank you, Commissioner.

MR BURNS: No questions.

MR AMBROSE: No questions.

COMMISSIONER: Yes, Mr O'Donnell?

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MR O'DONNELL: Just one thing. About the Cooper report, was the e-mail you sent saying that in the last day or so Wivenhoe would have been managed under W2. Were you clearly distinguishing in your own mind at that time between W2 and W3?-- Not necessarily. I don't believe I would have. I mean, it depends where I got the W2 from and for the life of

me I can't remember now where I got it from so.

1

Well, you told the Commissioner it might have been from the
TSRs you were receiving?-- That could well be true.

And you didn't - I think you didn't mention any other specific
sort of information you could recall?-- No, I got the - I
would have been getting Flood Operation Centre logs at the
time. It might have been a reference in there. I don't know.

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All right. I think if you look at the TSRs and the situation reports - sorry, when you say Flood Operations Centre logs do you mean-----?-- They were the ones from the duty engineers.

We call them situation reports?-- Yeah, I think it was - there is the technical situation reports and the Flood Operations Centre situation reports, or something like that. I can't remember what exactly they call them, but there is a different title.

10

Yes. Well-----?-- They were the one directly from the duty engineer.

I think if you look at those, you won't find any statement saying what is the current operating strategy?-- Yeah, I have looked through some of them, and I haven't found a reference to it, but I haven't been through them all, you know, explicitly looking for it.

20

Could it be that what happened was this: at the time you wrote the email to Mr Cooper, things were a bit rushed and you drew an inference, perhaps, from the situation reports or the TSRs, based upon the information in them regarding lake level-----?-- That would have been what occurred, yes.

-----releases and inflows?-- Because I didn't have access to any particular data at the time. You know, actual data-----

Yeah?-- -----as to what else was going on.

30

So in other words it is not that you read somewhere W2 in a situation report or a TSR; it is, rather, that you looked at the information in them regarding lake level, inflows, releases, and you drew an inference?-- You know, as I said, I don't remember where I got the W2 from.

But it could have been-----?-- If could have been, yeah.

-----you drew an inference from that sort of information?-- Yeah.

40

To think, well, they must be operating under W2 or W3?-- I must have come to that conclusion somehow. I don't know. I don't remember. I mean, if you had have asked me in April last year, or, you know, when I first appeared, I might have had some idea but I don't remember now.

Thank you, Commissioner.

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COMMISSIONER: I was going - Mr MacSporran hasn't-----

MR CALLAGHAN: I had suggested to Mr MacSporran-----

MR MacSPORRAN: I think Mr Callaghan has some questions first.

MR CALLAGHAN: -----that there are a couple of questions which it is appropriate I should ask before he asks Mr Allen

anything further.

1

Mr Allen, I just wanted to make a few things - make a few things clear. You were aware, of course, that the March report was going to be relied upon as a record of what actually happened during the flood event?-- Yeah, most certainly. I mean, that's what you would have to rely on.

10

Are you aware that the suggestion will be made that the net effect of the March report is misleading. For example - I mean, you look askance, but, for example, to the extent it records that W2 was bypassed and W3 was definitively adopted at 8 a.m. on the 8th of January?-- I am aware that there is some controversy over that, yes.

All right. And the suggestion will be made that it reads the way it does and is misleading because of the method adopted in writing it?-- Apparently so.

20

Right. And the suggestion will be made that you were clearly aware of the method which was being adopted for the writing of the report?-- Yes, yeah.

Just on that point, can I just ask you about the exchange you just had concerning the conversation with Mr Tibaldi about the bypassing of W2? Do you have a recollection of that conversation or not?-- I remember discussing those sorts of things but I don't remember a particular time or whatever of that conversation. It may have been well and truly after the event, I don't know.

30

Do you recall saying something like, "This is what you will be judged on", or not?-- As I said, it is not the sort of words I would have said. I mean, it is just not words I tend to use. But I would have said, "Just include everything." I mean, the name of the game is to document everything so it can be used in the future. There are too many flood events that are around that we just don't have sufficient documentation on.

40

All right. It will be suggested that to the extent that you were aware of the method adopted for the writing of the report, and given that you were in possession of information which was inconsistent with that in the report, that you, too, must have been aware that the report was misleading?-- No, I wasn't. I mean, the suggestion might be there but I - I certainly haven't gone back and cross-checked everything.

50

All right. I think that's all for the moment, thank you.

COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: Thank you, Commissioner. Mr Allen, just one matter. You said you were a flood engineer back in 1999 when you managed that event through the dam?-- Yes.

And Mr Ruffini was one of the other flood engineers?-- He was my fellow senior flood operations engineer at the time.

What about the other gentlemen mentioned for this event, Mr Tibaldi and Mr Malone, were they-----?-- No, they weren't involved at all at that stage. 10

Mr Ayre?-- Mr Ayre was one of my - he did a lot of work for me in the early 90s when we were reviewing all the hydrology and hydraulic models, but he left to go to consultants before the '99 event.

Now, that event in 1999 was managed under a different version of the manual?-- Yes. 20

You have had a look at that manual in preparation for giving evidence, have you?-- I have had a look at the manuals over the last, you know, year, I suppose, and, I mean, I had to put it altogether for my - one of my first statements, yeah.

All right. Now, the manual that you would have used or would have been in operation at the time you managed the '99 event, did it have no W designation?-- That's right, yes.

But the same numbers?-- Yes, it had the simple number, yes. 30

So you had strategies from 0 through to 4, did you?-- That's right.

And included in that were W - sorry, 1, 1A to E inclusive?-- Yes.

Then 2, 3, 4?-- Yes.

So the designations - or the categories were the same without the W number in front?-- That's right. 40

Or W letter, I should say, in front. Now, when you came to report the event, that is the '99 flood event-----?-- Yes.

-----you reported that in late '99, is that so?-- Yes.

Did you refer in there to which strategy by a designated number you had been in at any given time during the event?-- I don't believe so. 50

You have had a look at the report recently?-- Yes. I can't find any record of it.

Can I show you this document, please? I apologise for not having copies, Commissioner, but it is only a small point and perhaps I will just tender it. It was provided with material as per requests on the 8th.

COMMISSIONER: What is it, Mr MacSporran?

MR MacSPORRAN: It is the 1999 flood event report furnished in September 1999.

COMMISSIONER: 1,129.

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ADMITTED AND MARKED "EXHIBIT 1,129"

MR MacSPORRAN: Just very quickly if you would, Mr Allen, just flick through it and verify if you would, for us, that there are no indications in there which particular strategy you were in at any given point in operating or managing that event?-- No, that event was a very different event and there would have been no reason to do it.

20

But is it also reflective of the fact that then, as now perhaps, flood engineers don't talk in terms of the strategies when they are discussing operating or managing things?-- No, no. They - I know when I was a flood engineer we were just talking about the headwater levels and the - what was going on, you know, in the Lockyer and Bremer and what discharges there were.

But when you manage an event and when you discuss, as you say, the headwaters, what's going on in the Lockyer and the Bremer, the lake level, the flow rates, the discharge rates, you are turning your mind, aren't you, to, in effect, which category or strategy you are operating in?-- You certainly are. I mean, you relate back to it but all your training just - you talk about discharges and things like that. So you become totally familiar with it during the event.

30

In managing an event such as the one you were involved in in '99, you don't routinely tick a box to indicate which strategy you're operating in?-- No, well, I certainly didn't in '99 because I remember I was - in the lead-up to the event, it started out at a level of about 75 per cent full in Wivenhoe, about 64, which is what it is now, and it went - it was going up - in the first 24 hours I was on duty - I was there the whole time - and John Ruffini, I sent him off to have a sleep at one stage, and I know I got back - when I got back I'd found that John had already opened the gates and was already in procedure 3. So we didn't - I have no recollection of going into W - sorry, W1 from today's perspective - at all. We just went clean through it without - because all the Lockyer - sorry, the Lockyer - flows had already flooded all the bridges so we just went straight to W3.

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Yes, but when you say going straight to W3, you didn't sit around and talk about going to W3?-- No.

You simply managed the dam by, in John Ruffini's case,

increasing the releases?-- Yeah.

1

Which meant he was in W3?-- Yeah. I mean, I was asleep at the time, but we wouldn't have - you know, we would have just said, you know, "We're here. We will just go straight to this discharge."

And in the case of whether you are in W1 - in the current situation, W1 or W3 under the current manual, that's largely - well, entirely determined by lake height?-- Lake level, yes. Once you are above 68.5, you are in W2 or W3.

10

And then it is a question of managing the flows, the discharge rates within that strategy?-- That's right.

Bearing in mind the main objective, but keeping also in mind the lower objectives of the bridges?-- That's right, yes.

Thank you.

20

COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: Do you still have that - I think it is Exhibit 1,129, which is the report on the '99 event?-- Yes.

Do I understand that your evidence is that there is nothing in this report concerning what were then called procedures, the equivalent of today's strategies?-- I believe so. If you can find one, tell me and I'll explain.

30

What about page 24?-- That's the - is that the figure or-----

That's a table?-- Oh, yeah, yeah.

You might tell us what that table is. It looks like an event summary of some kind, is that right?-- Yes, it would be an event summary.

40

Let's look at the first entry-----?-- That would have been communications and things like that with - yeah, there is a mention of procedure 2 there.

This is the record of communications with interested people, is it?-- Yeah, yeah. That's what it looks like.

Well, there is a reference to procedure 1E in the very first entry on that table, is that right?-- Looks like it, yes.

50

Go down a few entries, a couple of entries to procedure 2?-- Okay, yeah.

Yeah. So it was recorded?-- Apparently, yes.

And is there, in fact, a reference or something you can point

to to suggest that there was a procedure 3?-- There might well be. I can't put my hand on it at the moment. The version I've got of the document I can't search for that.

1

All right. Thank you. Nothing further.

COMMISSIONER: Do you want Mr Allen excused?

MR CALLAGHAN: Perhaps he could be stood down.

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COMMISSIONER: Mr Allen, you are stood down until these hearings are completed.

WITNESS STOOD DOWN

COMMISSIONER: Just before we reach the next witness, there are two things. I know you are not keen on working after 5, but I am afraid that will have to happen this evening because Mr Smith is to be called at 5. He is in London and we can't call him any earlier because it would be an indecent hour there.

20

The other thing is this: an incident's been brought to my attention concerning some conduct in relation to Mr Babister when he was leaving the Court - or leaving the Court building, I think. I don't have full information on it, but I would point out to members of the public that it is a contempt of this Commission to wilfully threaten or insult a witness to it and it is punishable accordingly.

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That's all I have to say about it for the present.

MR CALLAGHAN: I call Peter Clark Borrowes.

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PETER CLARK BORROWS, SWORN AND EXAMINED:

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MR CALLAGHAN: Would you tell the Commission your full name and occupation, please?-- Peter Clark Borrows. I am the CEO of Seqwater.

For the record, you've previously given two statements to the Commission. They are exhibits 393 and 415, is that correct?-- Correct. I'm not sure of the numbers but-----

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1 April and 7 April of last year, does that-----?-- Yes.

-----sound right? Mr Borrows, your responsibility is to manage Seqwater's affairs under the South-east Queensland Water Restructuring Act, is that correct?-- That's correct.

And to manage Seqwater under that Act, other relevant legislation and the board's policies, is that correct?-- That's correct.

20

And that includes Seqwater's flood mitigation role under the Water Supply Safety and Reliability Act?-- Correct.

You're also concerned, of course, with the whole concept of the sustainability of your organisation?-- I am.

And, of course, an important part of that is risk management?-- Correct.

30

One of the biggest risks that Seqwater could possibly face would be dam failure?-- That's correct.

Of course, one of the possible causes of dam failure might be flood?-- Correct.

You had some contact with the flood engineers directly during the events of January last year, is that correct?-- Yes, I did.

40

You received copies of technical situation reports from Mr Drury throughout the event?-- Yes. I'm not sure that I had every one of them but I would have got certainly most of them.

At times, or at least for part of the event you received situation reports directly, is that correct?-- Towards the end of the event, yes.

50

You also had significant phone contact with the flood engineers themselves, particularly on the 11th of January. Do you recall that?-- Yes, I do.

Perhaps up to 11 phone calls on that day alone?-- I am not sure of the number but I did have a number of calls.

As you have explained it previously in your statement of

1 April you were ringing to clarify information and seek a better understanding of what they were doing?-- That's correct.

1

Tell me this: was there any system governing what you were doing, any protocol which informed decisions as to when it was appropriate for the CEO to contact the Flood Operations Centre?-- No.

Was there any system in place which might have dictated when information ought to be provided by you during a flood event to the board?-- The only document that deals with that was the incident and emergency response procedure that Seqwater has, and that was - that was very general and it was along the lines of that I need to be talking to the board when we get into a critical event. There is a - I am not sure if you are aware of it but there is a - there is a critical - I have just forgotten what the term is, but there is some critical incident management arrangements in there, and, you know, there is a link between me and the board in that circumstance.

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20

Is-----?-- But it is not prescriptive.

Is the term actually critical event?-- It is a level 4 and level 5. I have just forgotten what the term is in the document.

Yeah. There is a five level scale, is that right, from insignificant to catastrophe?-- Yes. And it is actually described in that manual that we create a response group within the business at 4 and 5. That's led by the - by an EGM or myself.

30

We might get into evidence the document that we're actually talking about. There is a bundle that you - a bundle of documents that you presented to the Commission in response to a requirement, is that right?-- Yes. I am not - there was a bundle put in, yeah.

I beg your pardon?-- Yes, there was a bundle put in.

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And the document that you're talking about was part of that bundle? It might be number 3?-- Number 3, it is, yeah.

Yeah. I will tender that bundle of documents.

COMMISSIONER: Exhibit 1,130.

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ADMITTED AND MARKED "EXHIBIT 1,130"

MR CALLAGHAN: And I would suggest to you that asset failure is listed in terms of both - or each of moderate, major and catastrophe levels, but all of the entries there appear to relate to actual failures as opposed to a risk of failure,

such as that which might be posed by a large flood. Would you agree with that?-- I would have to check that. I - yeah.

1

You are not aware of the terms of the Incident and Emergency Response Plan?-- I am generally but I am not - I would need to refer to that.

Are you aware whether there is any mention of flood in that plan at all?-- Not specifically.

10

No. I was asking you about the system which might - any system which might be in place for provision of information to you and to the board during flood events?-- Okay. To me?

Yes?-- The information - in terms of information that comes to me through a procedure, is that the question or more generally?

Let's do that first, yes. What is the system in place for provision of information to you during a flood event?-- I - I'm notified through I think three things. One is through this, the Incident and Emergency Response Meeting.

20

Can we take it one at a time and can you tell us which part of that plan dictates what information goes to you during a flood event at what time?-- It is not prescriptive in terms of what and when. It is - there is a comment that I will be advised, and it is in these tables at the back.

Just identify to me which part you are talking about?-- Yeah. So I'm - for example, I'm on page - it says 52 of 3. That's obviously incorrect. It is a landscape table.

30

All right?-- It actually starts on page 51. In terms of notification, internal communication roles. See "the incident management team notifies internal key stakeholders as required, eg CEO and board", and that basically flows through. So it is a generic comment. How that works in practice is the incident response arrangement on our system and when an incident's raised I get copied in on it.

40

The incident response arrangement is-----?-- I think it is - I am not sure what system it is on at work but it is a Qpole system. I am not sure exactly what the computer system is but it is raised by the Incident Management Group and when it is raised I'm copied in on it, as a matter of course.

Is that the system which was in place in January last year?-- Yes. Whether or not I was getting them all, I am not sure, because we had some issues with our systems.

50

Okay. That kicks off the need for you to be made aware that there is a situation, is that right?-- Correct.

What about - what happens then? What are the procedures in place which dictate what information you should get and when you should get it?-- It is not - there is nothing prescriptive about what and when.

What about then - turning to information to the board, what system is in place for the provision of information by you, or those working in and around you, to the board during a flood event?-- Same process. This is the only - this is the only document where there is a specific reference to information to the board in terms of our processes, but there are-----

Can you-----?-- Sorry.

10

I was going to ask you if you could steer me to the part of the document which refers to the board?-- Same place. On those-----

Oh, yes, "eg CEO and board"?-- And board, yeah. So it is that reference in - and that's the only reference in terms of communications. As I said before, it is not prescriptive. The other information process to the board is practice, so not a procedural system. So when there are incidents on like this, basically what happens with the board is either board meetings, special board meetings, or special briefings of the board, or just pure phone calls or emails. But that's not prescribed in any system or process.

20

All right?-- And that's what happened in this last event.

So it was just sort of done in response to the event as it unfolded, is that-----?-- As it developed, yes. And as it developed, it developed in a - I guess the focus of that discussion was initially flooding, subsequently maintaining water supply. So that continued for quite a while.

30

Okay. What was your understanding as at January of last year about the strategies which were employed at Wivenhoe Dam during a flood event, by which I am referring to the strategies prescribed in the manual W1, 2, 3 and 4? What was your understanding of those?-- I had a general understanding.

On what basis?-- I basically knew what the strategies were, but I have never been involved in utilising them.

40

You familiarised yourself with the manual?-- Yes, familiarised is probably the description.

Well, you knew it was there. Had you read it?-- Yes, I had read it.

All right. Had you discussed the concept of these strategies with Mr Drury at any stage?-- The W strategies?

50

Yes?-- No.

What about during the event as it unfolded; were you discussing those with Mr Drury?-- No, I wasn't discussing those strategies under the manual at all through that event.

You did not use those terms at all during the event?-- No, my focus was on releases and release volumes, as opposed to

strategies under the manual.

1

Did you ever give advice to any other agency or anyone about the strategy that the dam was in?-- No.

Okay?-- Can I qualify that? In that taped conversation that's been tendered in evidence recently, there was a - there was a reference to moving to - I have just forgotten what I said, but moving to protecting the dam, and that would increase flows quickly. So that's the closest I ever went to mentioning a strategy.

10

What about being present during conversations when those strategies were being discussed?-- I don't recall that, other than some of the general comments that were made by some people at that meeting from the grid.

Which meeting are we talking about?-- I am talking about the meeting of 12 or 12.30 on the Monday, which was the 10th, I think, 10th of January.

20

All right. Can we take a look at Mr Spiller's statement, pages 207, 208 of annexure B, of Mr Spiller's statement of 1 February 2012? It will be coming up on the screen?-- Will I put this aside, or what?

Just leave that there for a moment, or if it is inconveniencing you, we can take them away. It is a record of a teleconference at 8.30 on the 10th. That's not the conversation you were talking about a moment ago, is that right?-- No, that is correct.

30

Okay. Can we just scroll down a little? You see scenarios W2. Does that refresh your memory as to any reference to strategies during the course of the January event?-- No. I certainly didn't have any discussions about scenarios, about strategies in that context and scenarios.

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Neither you nor Mr Drury would have suggested that the dam was being operated in Strategy W2?-- I don't - I certainly don't recall anyone raising it at that meeting either and I certainly didn't.

1

And to your memory Mr Drury did not?-- Not at the meeting, no.

Okay. You had spoken, it would seem, with the Flood Operations Centre at 7.15 p.m. the previous evening. Do you have any recollection of that conversation?-- I do, only inasmuch as I have reviewed the Flood Logs, you know, recently again.

10

So, you recall the fact of the conversation?-- Oh, yes. That - I think that was the first time that actually - the Flood Centre called me for that one.

Yes?-- I believe that was the first time I'd had conversation with them direct through that process.

20

All right?-- And the reason for it was that the advice was coming that, you know, we're likely to have releases that potentially were damaging.

And you don't recall any discussion of strategies in that conversation?-- No, definitely not. I specifically recall there wasn't, it was just a general comment about we're moving into areas where we could have damaging flows.

30

You have agreed with me about the nature of the risk that flood might pose to your organisation. It would follow from that, you'd agree, that it is important to learn as much as possible after each flood event?-- After each flood event?

Yes?-- Yes.

We're familiar with the concept of the Flood Event Report and we will turn to that in a moment, but is there any other method of gathering learning following a flood event apart from the Flood Event Report?-- Well, I think the process that's been put in place with respect to major reviews following that is part of that so - and I'm talking-----

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What process are you talking about?-- I'm talking about the process whereby we've set up that - what, the terminology WSDOS and the North Pine study that's been set up through - with other participants in this - in the industry to carry out a number of reviews.

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Prior to the establishment of those processes, was there any other method of gathering learning from a flood event other than from the Flood Event Report?-- I can't recall that we have.

Anything in the nature of more informal debriefs or discussions as between staff, no formalised process of that sort of thing?-- We have had - we have had discussions at

board in terms of, you know, what happened in the event, if that's the question, and the consequences of event. So, for example, the board received a presentation at one of its meeting soon - soon afterwards, probably still in February, about the consequences of the event in terms of what had happened to our assets, and that was sort of the first cut of that, if that's what you mean. 1

It's not really. I mean, it is relevant, responsive to my question, but I was more interested in, I suppose, the gathering of learning from those on the ground during a flood event. Was there any system in place by which their experiences or anything they have learned during the event was going to be captured?-- There wasn't, other than some of the more hygiene factors that we needed to move on straight away, so, for example, things like where the Flood Centre was going to be and accommodation and all those sorts of things, but in terms of the actual learnings in terms - as an information process into improvements to the manual or improvements to operations or whatever, this was the process we were running, and the process being the flood report and then subsequently WSDOS and whatever. 10 20

Is there any system in place which governs the creation of the Flood Event Report after a flood event at Wivenhoe and Somerset?-- Are you talking historically or now or when?

Well, let's start - let's do it all. Historically has there been any system in place which governed the creation of the Flood Event Report?-- Historically the Seqwater and its predecessors, as you are, aware had a contract, an SLA contract, with Sunwater and a requirement under that contract was for the flood report to be generated as one of the services that were provided under that contract and, again, historically in terms of practice that was done and by the people that were involved in the flood. That report was prepared and to my knowledge was directed to the Dam Safety Regulator. 30

That might deal with the-----?-- Historical. 40

Well, yes, and also the fact of the need for a report, but what about the creation of the report itself? How that was to be done, was there any-----?-- Again, the contract was with Sunwater to produce that report. We don't have - Seqwater and its predecessors didn't have any - any procedures within its business to do that.

All right. And to your knowledge, did Sunwater have any procedures which governed the preparation of the report?-- I'm not - I don't know. 50

No?-- I basically didn't have any interaction with that contract.

Okay?-- That wasn't my unit.

Well, that was historically. What's the story now?-- The

next big event would be this 2011 event and the - there was a process that we follow - the short answer is that we didn't have a procedure or a process written prior to preparing that report. The longer answer is that we put a process in place to do that report and that process was discussed in very high - in very high levels at the board immediately after the event at the - we had a meeting on the 20th of January.

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Mmm-hmm?-- And what was put in place at that meeting was taking one of our general managers - executive general managers off-line to lead a process where we had both internal and external support. His role was to build a governance structure around a process to develop that report and to - you know, make sure that that report was delivered in the timeframe that we had. As you know, it was a pretty short timeframe. Also-----

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And-----?-- Also as part of that discussion with the board we had discussions on resourcing that, and the additional resources that were brought in to the business to assist with that - efficacy of that process was the internal - the external peer review type people, and I'd actually had discussions with the chairman about - well, he raised it with me - the - we need to get external review in so that we have got them in place when we start to do these reviews so that we actually have a checking process on what we're doing internally.

20

Well, we will come to the peer reviews in a moment?--
Mmm-hmm.

30

I am more interested in the process of the report itself?--
Yes.

You said there was some taking - the proposal was to take the executive general manager off-line. Is that Mr Pruss?-- It is.

So, he was taken off-line; is that right?-- Yes.

40

And what were his responsibilities to be in the preparation of the report?-- Well, the first general one was the preparation - the overall governance of the preparation of the report to make sure that we had, you know, done a rigorous analysis of what we were putting in, because - and the difference for this one, with obviously the consequences of what happened as a result of the flood, but the reports previously had been directed directly to the Dam Safety Regulator, and whereas this report, there was obviously going to be a lot of public discussion around the report, there was going to be - the Commission of Inquiry had been announced by then and there was going to be a lot of scrutiny of it, so that - that report had - took on a different form and function to what the previous ones had taken on.

50

So, the governance structure that you're talking about, what was that? What do you mean by that? What happened?-- I don't know the details. My role in this and the discussion we

had as a board was that we would - we would put resources into the project that we needed to do and it would be run by Mr Pruss.

1

Well, on those resources, what were they? I mean, you have told us about peer review, but I am talking about the preparation of the report itself?-- Well - yes, sorry.

No, just tell me what resources were put into the preparation of the report?-- Well, Jim led a working group with internal participants and external participants that was going to be involved in developing the governance. However he best wanted to use that resource, so we had people from different external agencies and some people from our own organisation working in that working group, as opposed to the people that were doing the details of the report writing, being the flood engineers doing the technical part of it.

10

Okay. So, this governance structure, did it produce some sort of a blueprint, some sort of a plan by which the report was going to be prepared?-- I am not aware of it but you would need to talk to Jim, to Mr Pruss.

20

I see?-- I know that he'd done it, but I am not sure what - I have not seen a document.

You are aware that the responsibility for the creation of the report, pursuant to the manual, changed as between revision 6 and revision 7? Were you aware of that?-- The - sorry, could you-----

30

The responsibility for the creation of the report changed as between revision 6 and revision 7 of the manual. Did you know that?-- No, I didn't.

It was previously the responsibility of the senior Flood Operations engineers in revision 6, which is Exhibit 34. In Exhibit 21 the responsibility to create the report lies more broadly, that is to say with Seqwater?-- I was aware the revision 7, is it - the revisions - I was aware revision 7 was the responsibility of Seqwater, I wasn't specifically aware that it was previously someone else.

40

It would follow that you'd have no knowledge as to why that change was made?-- Yes.

It would seem that a large part and an important part of the report was left to Mr Tibaldi to create. Are you aware of that?-- Only generally. Again, I didn't have any direct role in that till it actually came to the board. My role in this process was making sure that we had the resources on to put the governance over the top of it and then I wasn't involved in it other than general discussions with Mr Pruss and they were along the lines of process and, you know, progress until-----

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Were you - I'm sorry?-- Sorry, until I received the draft.

Were you interested in the process by which it was created?--
I was interested in the process as far - I was interested in
making sure that Jim had the process under control.

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I see?-- That was the point of taking someone that senior
off-line to do that.

Right. So, in terms of the decision, the larger decisions as
to who was going to do what and how it was all going to be
brought together, you, in effect, delegated that to
Mr Pruss?-- I did.

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Is that a convenient time, Madam Commissioner?

COMMISSIONER: Yes.

MR CALLAGHAN: I am actually changing topic.

COMMISSIONER: 2.30.

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THE COMMISSION ADJOURNED AT 12.57 P.M. TILL 2.30 P.M.

THE COMMISSION RESUMED AT 2.30 P.M.

PETER CLARK BORROWS, CONTINUING:

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COMMISSIONER: Yes, Mr Callaghan?

MR CALLAGHAN: Mr Borrows, can I just go back to that
teleconference at 8.30 a.m. on the 10th of January? Do you
recall I asked you about that earlier?-- Mmm, I do.

And there's the minute of the meeting and it's got, "In
Attendance.", and a list of names and then, "Seqwater.", and a
list of names. Where were you during this teleconference?--
I don't actually recall. I don't think we were altogether but
I just can't recall.

40

I see. Do you recall at least whether you were in the same
room as Mr Dennien and the others or-----?-- No, I phoned in.

You phoned in?-- Yes.

50

Were you aware of minutes being taken-----?-- No.

-----of the meeting?-- No.

Can I take you now to another e-mail, and I'm back now on the
topic of the creation of the Flood Event Report and its
review. Can I take you to an e-mail sent by you at 9.05 on
the 18th of January and we might have to scroll down to see

the full - I want the entry from Mr Hennessy sent at 9.02 p.m., if we can get that? Next one, I think. There we go. This is an e-mail from Mr Hennessy who's chair of the board; is that correct?-- That is correct.

1

And he suggests in this e-mail that the technical people prepare the technical based report and then, "Ensure the above version is factual." This was a suggestion for the manner in which the report should be created; is that right?-- Yeah, and the process around it, yes.

10

Yes. And the reference to Rowland there is to what?-- Well, we use Rowland - we have had Rowland on as advisors from time to time on the business before. The specifics about their role was in the actual work bearing the flood report you'd need to talk to Jim about the specifics. The only - the only part of that that I'm aware of is to do with the - we had some discussions with - about the executive summary on the - on the flood report, and that was - that discussion happened very late in the piece, in fact, after we saw - we being myself and the board - saw the draft that was, you know, there or almost there to be submitted, and the discussion that weekend with the board by e-mail was largely around did the company have a role in doing anything on the executive summary, and there was suggestions to and fro as to whether they did or whether they didn't - the company did - and-----

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Sorry, can you just explain that to me, whether the company had a role in the executive summary; is that-----?-- The executive summary had been written by the - by the flood engineers preparing the report.

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Yes?-- The question that the board was considering was should the board ask that the executive summary be written - in another way, to actually convey some messages, you know, that we'd want to get when it became a public document.

Right?-- And the discussion happened over the weekend amongst the board about the - what sort of things they might want to message, et cetera. The end result of all that discussion was that it wasn't changed, the objective summary wasn't changed, but to - in sort of making those considerations, Rowland had done some suggestions that we could look at on the executive summary.

40

I see?-- But, as I said, it was abandoned when it was decided that the report needed to stay as a technical report by the technical people.

I see?-- Rowlands have also been involved with us through this - through the process I think - well, pretty much - what day's that? The 17th. So, soon after the Commission was set up to give us some advice both with media questions and also had some input into some of the submissions we made to the Commission.

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It's clearly R-O-W-L-A-N-D, misspelt there; is that right?-- Yes.

All right. So, in terms of how this suggestion might have been processed, if I can put it that way, that would be a question for Mr Pruss?-- Yes.

Are you aware now that the report as issued omitted certain information?-- Omitted?

For example, a Situation Report of 5.53 p.m. on the 8th of January?-- Yeah, I don't - I don't know specifics, but I know there's been some questions asked about that.

10

Well, you say you don't know specifics. Have you not informed yourself as to the precise nature of the material which was missing from the report?-- I'm aware that it was - it was a report around the 8th or 9th of January.

What about the version of the report which was sent to the peer reviewers, are you aware of the fact that at least, I think, two of those were missing the - or missing other information, specifically the entry in the Flood Event Log referable to 3.30 p.m. on the 9th of January?-- I don't know what at the - I have not heard any of that, nor have I informed myself of it. I don't-----

20

Have you been following these proceedings in recent days?-- No - oh, well, I haven't been listening or anything and I have only just been having a general - snippets of summaries of what's come in the mail, that's it - in the summaries of the press that's coming in our e-mail.

30

Is that how you have informed yourself as to what's been going on, from the summaries in the press?-- I've basically kept out of doing any of the detail about what's been coming on because it's my understanding that I wasn't - since I was becoming a witness I didn't have - I shouldn't listen to any, so I haven't.

I see. All right.

40

COMMISSIONER: You know not everything you read in the press is always accurate?-- I have noted that.

MR CALLAGHAN: Did you have yourself discussions with Mr Tibaldi during the period in which he was producing the report?-- I would have had discussions with him because we were doing some work on answers to media and those sort of things, but no discussion about the report itself, if that was your question.

50

The first question was just whether you had discussions with him?-- Sorry, yes.

And I was leading to a question as to whether you were aware of the methodology by which he was preparing the report; that is to say, he was assessing data and working out which strategies should be referred to in the report by reference to that data. Were you aware of that?-- No.

Are you aware that that proposition at least is a controversial one in these proceedings?-- Yes.

And do you accept that the report, which is required to be prepared by the - required by the manual to be prepared, is a report which must contain details of the procedures actually used during the flood event?-- I have got a general knowledge of that only.

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Well-----?-- So I - if you asked me what's got to be in that report in terms of content, I wouldn't be able to answer you. I have got a general knowledge of what's got to go in that report.

What's your expectation of what should be in there, in terms of-----?-- An accurate reflection of what happened through the event.

Yes. That's the only reasonable expectation that could exist in relation to that report, isn't it?-- Correct.

20

Yes. And you are aware now the method which is - has, in fact, been adopted for the purposes of preparing the report?-- I am only aware of the discussions about it. Again I don't have any of the detail, I have consciously kept away from it, because of my understanding of what I could do and what I couldn't do as a witness.

All right. Can I take you to some other accounts apart from the Flood Event Reports, some other accounts of the events of January? I start by reference to a document which was being prepared by Mr Malone - which was prepared by Mr Malone. Do you recall requesting for your own purposes a summary of strategy selection or manual requirements or something like that? Do you recall requesting such a document from the Flood Operations Centre?-- In what context? No, I don't specifically, no.

30

All right. I take you to Exhibit 23, entry 11.30 a.m., 15 January. 11.30 a.m., "Rob Drury rang to request a summary of the operations manual for Wivenhoe. Terry to provide after checking with all duty engineers.", and then 12.20 - sorry, there's an associated e-mail, I think, which suggests that - that's Exhibit 1,050 - which suggests that this request was made on your behalf, "Peter Borrows asks for a two page summary of the manual. Any comments prior to Rob Drury passing it on?" Do you see that?-- Yeah. I can't recall that. When was it, the 15th?

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The 15th of January, 1.02 p.m.?-- I can't recall. On the 15th of January, that's the day we were - had the request to prepare the Cabinet submission, I think, or the briefing.

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True. This is a separate document, though?-- Yeah, yeah, sure, because I was out in the field all morning, so I just don't recall that, the context of it.

Well, can we see the attachment opened up there? Do you recall now seeing that document?-- No, I don't recall seeing it.

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Can I just get this clear? Is your evidence that you did request such a document, did not request such a document, or have no memory either way?-- I don't recall, number 3.

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You're not saying that you did not?-- I don't recall it at all.

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All right. Well, I take you to Exhibit 1,051. A document entitled "Strategy Summary Log". Have you seen this document even if only in recent times. If we could open up the excel spreadsheet. Someone must have drawn your attention to this document in recent times, surely. It's a document with yellow lines running horizontally across it on occasion and a considerable amount of detail over on the right-hand side of the document in the category column, considerable amount of-----?-- No, I don't recall ever having seen that.

10

Even recently?-- No.

All right. Well, let's turn then to the report for the Minister. You received many drafts of the report to the Minister, did you not?-- I received a lot, yeah, yep.

Somewhere possibly between 10 to 15 or in that sort of range, would you agree?-- Not of the whole document. It was bits and pieces kept coming through.

20

And you were aware of the importance of this document?-- Yes, I was, yeah.

And you were aware that the document addressed the issue as to when strategies were implemented?-- Yeah, I've read that, but I have to say that I paid not a lot of attention to it. Can I just put into context how we normally do those sort of documents or not?

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You can?-- When we get a request to do a ministerial briefing or whatever, we have a processing place whereby the - our communications people coordinate the request. They send it to the people that are closest to, you know, the area where the facts have got to be established, prepare that, have that removed by the GM and then it comes to me at the end of the process. This process here this time didn't go anything like that process so-----

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No, go on?-- So I was basically more involved in the process than I would normally be in any of these sort of processes.

Yeah. Well, obviously, this was like nothing before?-- Well, it was like nothing before. It was requested with very little time to get it done and, you know, we basically didn't have people available.

Did you have any concerns about the quality or accuracy of the document?-- I didn't put any checks into the process. That's what I was really trying to illustrate earlier.

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Did you have any concerns as to the quality or accuracy of the document?-- No, I took the - I took it on the face value on the basis of where it was being prepared.

Did you alert the Minister or anyone else to any concerns that

you might have had about the accuracy or quality of the document?-- No, I didn't.

1

And you must have read the document in its entirety yourself?-- I read the Seqwater contribution to it in entirety, yes. There was some other attachments that went onto the document which I saw after the full document was - was circulated after it had been sent to wherever.

And you read that part of the report which summarised when strategies were implemented at the dams?-- I did.

10

That document, as at that date anyway, formed your understanding as to what had occurred during the event?-- Yes.

When did you first realise that there were discrepancies between that account and the version in the March report?-- When the article appeared in the newspaper just a couple of weeks ago.

20

When the March report came out did anyone at all suggest to you that the earlier account should be looked at for comparison?-- No.

No-one - none of the flood engineers, none of your staff drew your attention to the fact that you even had an earlier account?-- No.

And your first awareness of it was, you tell us, when the newspaper reports-----?-- That's when it was, yes.

30

Recently?-- I think it was the 24th of January.

Okay. Now, when you told us before that resources were going to be allocated to the preparation of the report I think you said internal and external?-- Correct.

Apart from the peer review process what external resources?-- There was representatives from our legal representatives and representatives from Rowlands.

40

Is the process of obtaining peer reviews something which is established within Seqwater? Is there a formal process, in other words?-- Yeah. I understand the question.

Okay?-- I don't know. I'm not close enough to that. My - the way that I would be dealing with it is if you have got to get something done you get a peer review done. What processes behind that will be done somewhere else in the organisation.

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Well, let's just examine what you just said. If you are going to get something done you get a peer review done, presumably you mean if you are going to get a technical report of any kind?-- If you wanted to have something peer review, so if you wanted to have some document or proposal or a couple of works project or whatever, peer reviewed, then I'd be saying to the person, if I requested it, go and get a peer review or

they would do it as a matter of course depending on what the issues were.

1

Okay. So there's no formal process in place, it's just a matter of habit or practice; is that-----?-- That's correct, yes. An example would be in the - in the - if we go back to review the manual, the revision 7 review of the manual.

Yes?-- There was a peer review or an expert review panel put in place for that consisting of which was agreed to by the - by the executive within Seqwater and that consisted of people from different organisations that are involved in that process and independent as required as determined by the people doing it.

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So-----?-- So general.

Okay. Can I show you this e-mail which is from you to a number of people. It's the 18th of January at 9.05 a.m. It's in the trail of those e-mails I was showing you previously. And it is, in fact, the same one at 9.02 p.m. Mr Hennessy in that same series of dot points that I was drawing your attention to before, suggests the engagement of "one or two external respected engineers, hydrologists to peer review our work". Do you see that there?-- I do.

20

Was the process already under way as far as you were concerned of ensuring that peer review would take place or did it follow on from this suggestion?-- I don't know that it was done in any other place, but I know that I acted on that. I had some discussions with the chairman around about that time. I'm not sure if it was just before or after that and I knew he was - we were talking - we were both talking about external review and - but as a result specifically of that I made some approaches to a peer reviewer to get them on because I guess we knew that a lot of people would be tied up fairly quickly given that this Commission had been announced.

30

We don't have to get caught up in the way he's expressed himself in that sentence, but was there any concern - prior to him expressing that - himself in that way, was there any resistance to the proposition that there should be a peer review?-- No, absolutely not. The style of that question and dealing with the chairman is so that you don't get caught up in your own group thing. So it wasn't a question of there are problems. It was a question don't start kidding yourselves that you've done something. Let's get somebody to check it out.

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Yes, I tender that.

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COMMISSIONER: That will be Exhibit 1,131.

ADMITTED AND MARKED "EXHIBIT 1,131"

MR CALLAGHAN: A day or two after that e-mail is it the case that you approached Professor Apelt?-- Yes, I did.

You met with him on the 20th of January; is that correct?-- It would have been about then. I just have to see the documents as to when I met with him, but it was very close to that date.

And was this - was the involvement with him principally him and Mr Pruss' responsibility?-- Subsequently, but the approach was made following this e-mail and discussion with the chairman and I'd spoke to the chairman about the sort of - both skill base that I was aware of that Professor Apelt had, plus his experience in the Brisbane Valley catchment. So I suggested that he would have been a good person to have on to do that peer review. 10

And just the peer review, nothing else?-- Well, I'd actually scoped - well, there was a bit of work on the scoping of that, the engagement. 20

Can you just explain that to us?-- It was suggestion - I'd ask then Mr Drury to give some considerations to a scope of an engagement. He sent something through, I had a look at it, made some changes to it as a basis for discussing with the Professor the sort of stuff that we'd want him to be looking at on our behalf.

Well, moving forward, do you recall seeing Professor Apelt's e-mail to Mr Tibaldi, it's Exhibit 1,039, in which - Professor Apelt indicated the outcome of the review?-- No, I don't recall that. I actually didn't have anything - any conversation with Professor Apelt again after we - there was toing and froing in terms of getting him engaged and the commercial arrangements around that with his engagement through - through UniQuest. 30

That wasn't what I was asking you. I was asking you whether you recall seeing that e-mail?-- No. Actually, I did get caught up with the discussion about him getting paid or something. 40

Yes?-- So I'm just not sure how that came in.

All right. I might show you, just to refresh your memory, perhaps. Another e-mail of 20 February 2011, at 8.09 a.m. Does that jog your memory now?-- It does, yes.

You did see that. Yes?-- I guess the reason why - well, the reason for my first response was that - my focus on the discussion with Professor Apelt was to get his commercial stuff sorted out. I didn't actually have any discussions with him about the review itself. 50

And is that what you're referring to with the reference to "Helen" there?-- Yes. She's the person that was dealing with the contract.

Did you - I tender that.

COMMISSIONER: Exhibit 1,132.

ADMITTED AND MARKED "EXHIBIT 1,132"

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MR CALLAGHAN: Did you though at some stage request any - request Mr Apelt to make any - I'll start that again. Did you express to anyone a desire that Professor Apelt provide the same sort of endorsement for the recommendations and a clear statement that the one instance of discretion that he was reporting on was within the purview of the manual?-- I don't - I don't recall that.

All right. Can you have a look at Exhibit 1,041. And particularly the e-mail from Mr Pruss to Mr Tibaldi beginning "I was talking to the boss this morning." Could you be the "boss" referred to?-- No doubt I am, but I don't recall discussing it.

20

You don't recall any request along those lines?-- I don't recall it at all, but Jim wouldn't have put that in if he hadn't of had some discussion with him.

Okay. You might have answered this before, I think you did, but you're still unaware as to the suggestion that there were serious deficiencies in the materials with which at least two peer reviewers were provided; is that right?-- Sorry, I just didn't get what you were after-----

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There's a suggestion that the materials provided to at least two of the peer reviewers were seriously deficient in important respects. You're still unaware of the details; is that right?-- Yes, yes.

40

The timeframe within which the peer reviewers had to complete their task was something which must have been known to you, though?-- Again, generally. Not in detail. The timeframe in which we all had to do the whole lot I was aware of.

And you were aware of the size of the report?-- Yes.

Did that cause you any concern, that a report of that magnitude was required to be reviewed in such a short space of time?-- I think what gave concern was the extent that we had to prepare the report and have a peer review. So, you know, it follows on the answer is, yes, the constraint is we had to get what we had to get done within the timeframe. You are - well, you may not be aware, we didn't have any opportunity to extend. We didn't make - we did make - we had questions about that.

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But I suppose the other thing is that you were aware that the

report is required to be reviewed by the dam safety regulator, Mr Allen?-- Mmm-hmm.

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You're aware that hadn't occurred yet?-- Well, the last I heard he hadn't.

Well, have you been monitoring that?-- Only by responses to letters. I was aware it hadn't been done, but I hadn't done it actively, it was just passively. In other words, I'd ask people from time to time have we got anything back yet.

10

And were you not concerned, even as this current wet season approached that the report had not been thoroughly reviewed by him?-- The approach of this wet season we were still - we were operating under the new manual. So effectively it would have been good to have been done, but we had a new manual to work with. My take on that is we've got what we got to get us through the next wet season.

All right. That's all I have for the moment.

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COMMISSIONER: Mr Murdoch?

MR MURDOCH: No questions.

MR MacSPORRAN: Nothing, thank you, Commissioner.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Nothing, thank you.

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MR BURNS: No questions.

COMMISSIONER: Mr Ambrose?

MR AMBROSE: No questions.

COMMISSIONER: Mr O'Donnell?

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MR O'DONNELL: Just one thing. Sorry, two things. Regarding the operating strategies for managing Wivenhoe that are in the manual W1, W4, you said you had a general understanding of them but you had never used them. It was only a general familiarity. You're asked whether you ever discussed them with Mr Drury and as I took down your answer you said you hadn't. Your focus was on releases and release volumes?-- That is correct.

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Can you explain why that was your focus?-- The information that I needed was what was the outcome of what they were doing in the dam as it affected people downstream and as it - as it would affect people that I was going to communicate to to be able to tell them what happened downstream. My focus was, therefore, on what was happening with the release volumes and what were the implication of those release volumes on people's property and where was that release volume predictions likely

to be going.

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Thank you. You also spoke about a telephone conference you phoned in for on Monday the 10th at about 8.30. What's the best recollection of the substance of that conversation?-- It was that and the subsequent meetings were really generated out of that phone call that the counsel assisting referred to from the night before to say we were moving into damaging phase and the question was around were we going to be having flows of three and a half thousand or 4,000 at the model gauge and it was in the context that also there'd be other calls to the Flood Centre that night from people - from Brisbane questioning whether the damaging flows were three and a half thousand, 4,000. So all that discussion was generated from my perspective on, you know, what was happening with respect to the downstream releases and were we were going to get in the damaging phase or not.

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Counsel assisting took you to someone's diary note, not yours, but someone else's which mentioned W2 and W3?-- Hmm.

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Can you recall during that discussion was there - was the subject of that discussion one of the operating strategies which the flood engineers are currently using in managing Wivenhoe?-- No, I'm not aware of those discussions. It was a flow.

The flows and the impacts?-- Yes.

Thank you. Thank you, Commissioner.

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COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: Mr Borrows might be excused.

COMMISSIONER: Thank you, Mr Borrows, you're excused.

WITNESS EXCUSED

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MR DUNNING: Before the next witness is called can I raise one matter. Mr Ablitt gave some evidence about it - gave some evidence about a supposed call with Mr Morris. Mr Morris has dealt with that in the statement. I'm told he's not required to be called, but should I formally ask your Honour to make that an exhibit or is that unnecessary?

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COMMISSIONER: Mr Morris' statement?

MR DUNNING: Yes, his first statement sworn 6 February.

COMMISSIONER: I think it will probably sooner or later anyway. Mr Callaghan, what's the position?

MR CALLAGHAN: Yes, we propose to tender it.

MR DUNNING: Very good. Thanks, Commissioner.

MS WILSON: Thank you, Madam Commissioner, I call Albert Navruk.

ALBERT JOHN NAVRUK, AFFIRMED AND EXAMINED:

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MS WILSON: Is your full name Albert John Navruk?-- Yes.

And can you tell us where you're presently employed?-- I'm with SunWater.

And what's your position there?-- My position is senior technical officer drafting.

20

Sorry, what was that?-- Senior technical officer drafting. A draftsman. A civil draftsman.

Okay. And during the December 2010/January 2011 flood event were you employed with SunWater?-- Yes.

And what were you employed at that point in time as?-- As a civil draftsman.

And you are also a flood officer?-- Yes.

30

And you prepared a statement for the Queensland Floods Commission of Inquiry?-- Yes.

Can I show you this document, please. Is this the statement that you prepared?-- Yes.

And you prepared that statement in response to a requirement from the Commissioner of Inquiry?-- Yes.

40

Is it true and correct?-- Yes.

Is there anything that you wish to add or amend?-- No.

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 1,133.

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ADMITTED AND MARKED "EXHIBIT 1,133."

MS WILSON: Now, have you got a copy of this open, Mr Navruk?-- Yes, I have.

MR O'DONNELL: Sorry, Commissioner, I couldn't quite hear the

number.

1

COMMISSIONER: 1,133. I think that's right.

MS WILSON: So you've got a copy of your statement in front of you?-- Yes.

Now, if I can take you to paragraph 8 of your statement where you set out that you worked as a flood officer?-- Yes.

10

Commonly known as a technical assistant in the Flood Operation Centre and in 8A to 8CU set out the shifts that you worked?-- Yes.

Now, if we can go to 8C which is the shift from about 7 a.m. to 7 p.m. Saturday, the 15th of January?-- Yes.

Do you recall that shift that you worked?-- Yes.

Now, there also is a flood event log, isn't there?-- Yes.

20

And as a flood officer you make entries into that flood event log?-- That's right.

Now, can we have a look at Exhibit 23, please. Now, this is the flood event log?-- Yes.

And it's been brought up on Saturday, the 15th of January-----?-- Yes.

30

-----2011. Now, if I can just - if you can just tell me about your role as a flood officer in relation to the flood event log?-- The log is just something that we kept to attract mainly telephone calls that came in and out of the flood room or Flood Centre and maybe visitors that may have come and gone or any meeting or special event that occurred.

And whose role was it to make entries into the log?-- That was my role.

40

As the flood officer?-- Yes.

Now, flood engineers also made entries into the log?-- Not usually but occasionally they might have.

And was the - this log was in one form as an excel spreadsheet, was it?-- Yes.

For example, when we're looking at Saturday, the 15th of January 2011 entries, we can go through those entries. We see that there's the time on the left-hand side?-- Yes.

50

And then there is an entry which gives a description of the event that occurred?-- Yes.

And if we can keep on going along there's a category type of column?-- Yes.

And then on the far column is "initials"?-- Yes.

1

And "A N" they're your initials?-- Yes.

When you were working on the excel spreadsheet did they have the "initials" column there?-- Yes.

Did they have the "category" column there?-- I'm not absolutely sure. I know in earlier events we didn't have the category column. I just can't recall if this was added later or if it was there during the event.

10

Would you then, when you were making entries into the log, would you put down - can you recall putting down the category?-- No, I just don't recall that column at all. I may have done it, but I just don't recall it.

Do you recall - once the excel spreadsheet was - was it a working progress, was it? It kept on being added to?-- Yes.

20

Was there ever any time that you knew that deletions were ever made?-- No, I don't know.

Were you aware whether there was more than one excel spreadsheet in operation at any point time?-- No, as far as I know when I was in there there was only one event log.

Okay. If we can just go back to the left-hand column which sets out the time and date. If we can look at, for example, 11.30?-- Yes.

30

Look at that entry "Rob Drury rang to request a summary of the operation manual for Wivenhoe. Terry to provide after checking with all duty engineers." You made that entry?-- Yes.

Now, where did you get the information for that entry?-- I would have - I may have taken the call or overheard the call to Terry. What usually happens is after a call I will either - if I don't know what it was about I would ask the engineer and he would tell me and I would write that entry in the log.

40

How was it ensured that all calls were logged into this log?-- There was nothing really to ensure they were. It was just our - that was our job to put every call in there.

50

Would flood engineers come to you and say, "Hey, listen, I just got a call" - for example, this 11.30 entry - "Rob Drury just rang"?-- I think they were aware that we were adding to the log. I mean, we sit next to each other. They could probably see that I've done it. Otherwise if - I mean, I think I would normally ask him after the phone call what the contents of the call was so that I could write an accurate reflection of it in the log.

10

Or you would listen to phone calls or listen to information?-- Yes.

Did you ever get the flood engineer to check your entries to ensure that they were accurate?-- Not once I've written it in there. I think I might have confirmed with them before I'd written it in that this is what the entry was and then just went ahead and put it in.

Okay. Now, if we just take that 11.30 a.m., "Rob Drury ringing to request a summary of operational manual for Wivenhoe". Do you know Rob Drury?-- Yes.

20

And what do you understand his role is?-- I am not quite sure. I know he works for Seqwater, and I think his role is the Flood Operations Manager. And I thought the flood room operated under him, is what I believed.

The flood room operated under him?-- The flood centre, the Flood Operations Centre.

30

You set out your shifts in paragraph 8 of your statement. During any of those shifts that you were working did Rob Drury come to the Flood Operations Centre?-- Yes, he did.

We will work through the 15th but put the 15th to the side for one moment?-- Yes.

What about the other shifts you've set out in 8A and 8B of your statement?-- No, I don't recall him on the first Saturday.

40

That's Saturday the 8th-----?-- The 8th.

-----of January?-- On Tuesday the 11th there was an awful lot of people in the room. He may have been there but I don't recall him specifically being there but it wouldn't have surprised me because it was a busy night.

Why do you say it wouldn't have surprised you?-- Oh, because the four duty engineers were there, there was a lot of releases happening at the time. He was - would be very interested with what's happening. It just wouldn't surprise me if he was there in those circumstances.

50

Let's look at the broader picture, I suppose. The shifts that you've outlined in paragraphs 8A to 8C, they are not the only shifts that you worked during the flood event in December 2010

and-----?-- Yes, they are.

1

They are the only shifts?-- I worked three 12-hour shifts.

They were the only shifts between December-----?-- Oh, sorry, December - no, sorry.

December 2010, January 2011?-- No, I worked several shifts in December as well.

10

Okay. During any of those shifts did Rob Drury come into the Flood Operations Centre?-- Not that I can recall.

Okay. Now, if we can go back to Exhibit 23 on the 15th of January 2011. And if we can stay with that 11.30 a.m. entry. "Terry is to provide after checking with all duty engineers". Are you aware whether Terry did provide a summary of the operations manual for Wivenhoe?-- I assume he did, but I don't-----

20

Can I show you this document? It I think is Exhibit 1,050. Just, actually, while we're on this, this is Exhibit 1050, it is an email from duty engineer and it sets out who that email is to. You see that duty engineer email account?-- Yes.

Are you aware of that email account?-- Yes, that's just the standard duty engineer account.

Who could send emails from that account, can you tell me?-- Well, anyone in the room who was sitting at that - at one of the computers with the email account open.

30

Okay. Well, can you tell me about the room with the computers and the email accounts? Was there one computer with this email account?-- I believe there was two. They would be the two computers near - on the window.

Yes?-- I didn't use the email so I think they are the only two computers that had the email account on.

40

The only two computers that had this email account?-- This email account, yes.

And who sat at those computers during the general shifts?-- Well, during the single shifts there was the duty engineer and the flood officer who used those computers.

So if you were just working with a flood engineer on a shift?-- Yes.

50

You would have one computer?-- Yes.

And the flood engineer would have the other computer?-- Yes.

How many other computers were in the room?-- There was one more on that desk. Off to the right I think there were two - two other computers that hooked into the same network, which we could look at a lot of the data - the flood data. In the

room was also a Ross River Dam computer because that was used also to operate the Ross River Dam, and there was one up the other end for Scrivener Dam.

1

Okay. Of those computers, how many computers had the capacity to work on an excel spreadsheet?-- All of them, I'd imagine.

All of them. Well, perhaps we can open up the summary of the manual. So let's just summarise that. How many computers were there in the Flood Operations Centre?-- Six or seven.

10

Six or seven?-- Yeah. One was a UNEX-----

Sorry, I couldn't quite hear you?-- One of those was on a UNEX platform. I am not sure if that could operate Excel or not. I just can't remember.

And the others?-- The others all could.

So when it was just you and the flood engineer, there was some computers that had no-one working at them?-- Well, they weren't - they might not have been turned on.

20

Well, perhaps now if we can open this document. Can you have a look at this document in front of you - and this is the attachment to Exhibit 1,050. It is a Summary of Manual of Operational Procedures for Flood Mitigation at Wivenhoe and Somerset Dam." We will just scroll down. If you could familiarise yourself with the document. Now, Mr Navruk, have you ever seen that document before?-- No.

30

If we can go back to Exhibit 23, please, the entries on the 15th of January? So we go back to the 11.30 a.m. entry, "Terry to provide after checking with all duty engineers." Your evidence - what is your evidence in relation to whether he did provide that?-- I assume he provided it.

When you say assume, why do you say that?-- Well, I don't think there is - well, one is there is not a further entry saying he hadn't provided it.

40

Yes?-- And I guess he was asked to do it so I assume he would have done it.

The Flood Operations Centre, it is not a big room, is it?-- No.

Did you see Terry Malone during your shift after you made this entry talking to the flood engineers at any point in time?-- Well, the other engineers weren't in the room at the time, so no.

50

Okay. If we can work our way down, if we can go to 1.50 p.m. entry. "Rob Drury rang with some questions on the Wivenhoe Flood Manual Summary"?-- Mmm.

Now, you made this entry?-- Yes.

Can you recall what that entry was about?-- Nothing more than is stated there, that he's made some inquiries about it.

1

So did you take that telephone call?-- I can't be - I don't recall. I don't know if I took it or if Terry took the call.

There seems to be - at least there is these two entries about a Flood Manual Summary - Summary of the Operational Manual for Wivenhoe at 11.30, and at 1.15 a Wivenhoe Flood Manual Summary. You made the entry into the flood event log?-- Mmm.

10

Did you - were you interested to know what this was about?-- I-----

They are not the usual entries, are they, in the flood event log?-- No, not - well - they are not usual events, no, but that's what happened so I put them in.

Yes, but apart from the words written down in that entry, you can give me no further information about that at all?-- No.

20

Okay. "Rob Ayre and John Tibaldi arrived at the Flood Operations Centre for the 2 p.m. phone hook-up"?-- Yes.

And then at 2 p.m. the entry is the "phone hook-up with TM", that's Terry Malone?-- Yes.

"RA", Rob Ayre, "JT", John Tibaldi?-- Yes.

"With Rob Drury, Peter Allen, Peter Borrowes"?-- Yes.

30

Do you know who Peter Borrowes is?-- I think he's the CEO of Seqwater.

Okay. "Joh Bradley and Bob Reilly to discuss a report for the Minister by COB Sunday"?-- I think that may be John Bradley but I don't know those two gentlemen.

Okay. Now, if we can just go across, it appears that you made that entry as well?-- Yes.

40

Now, a phone hook-up, does that mean that it was on speaker phone?-- Yes.

So the engineers were sitting around a telephone that could be heard by everyone?-- Yes.

And is it the case that it could be heard by everyone in the room?-- Yes.

50

Okay. Now, you were also in the room at the time?-- Yes.

So you heard this conversation?-- I could hear it but I wasn't actually listening to the particulars of it.

One of your - is one of your roles, though, to record conversations into the flood event log?-- Yes. Well, not - not record conversations but record maybe the meat of the

conversation.

1

Sorry, Mr Navruk, I just didn't hear you?-- To record the meat of the conversation.

The meat?-- Yes.

So-----?-- The meaning of.

The contents?-- The contents - well, not - yeah, contents.

10

The big issues?-- I guess.

What's the meat, the big points?-- Yes.

I don't want to put words in your mouth, Mr Navruk. When you talk about meat, what do you mean by that?-- The main thrust of the phone call.

Okay. And what was the main thrust of that phone call?-- It was - they were talking about a request from the Minister to provide a briefing to him either the next day or the day after.

20

And do you recall whether the Wivenhoe Flood Manual Summary was discussed at any point in time in that conference?-- No.

So at 2 o'clock, can you tell me who is in the Flood Operations Centre on the 15th of January 2011?-- There was myself, Terry Malone, Rob Ayre, John Tibaldi.

30

Anyone else?-- No.

Okay. Then we see at 5 o'clock "Rob Drury arrived to help write report for Minister briefing"?-- Yes.

If we could just go along and see who - "AN"?-- Yes.

That's your last entry before it goes to DP?-- Yes.

40

And who is DP?-- David Pokariar.

Okay. If we could just go back. Now, your shift, you still had some time on your shift, didn't you?-- Yes.

It had another two hours?-- Yes.

So when Rob Drury arrived to help write the report for the Minister briefing, can you tell us who was in the Flood Operations Centre from 5 o'clock to 7 o'clock that night?-- Well, Terry Malone - myself and Terry Malone were there because we were on duty.

50

Yes?-- I believe Rob Ayre and - Rob Ayre was there, Rob Drury had just arrived. I don't recall if John Tibaldi was still there at that stage or if he'd left.

Okay. So-----?-- I am not sure who the other three were.

So we've got the entry of Rob Drury arriving to help write the report for the Minister briefing?-- Yes.

What happened after this time with those persons in the room? I think we can start with - what was Terry Malone doing?-- Oh, Terry was - well, he was still on duty as engineer, so he - at the same time as the phone hook up and anything else, he was still monitoring events and keeping an eye on that.

10

Mmm. What about the others?-- This is at 5 o'clock when Rob Drury arrived?

Yes. And if you can take us through to 7 o'clock, if you can tell us what those others were doing during that time?-- Once Rob arrived - actually, I do think John Tibaldi was still there because I think there was a discussion between the four of them as to who might prepare what for the briefing.

Mmm?-- Allocating different parts of what was required.

20

So John Tibaldi was-----?-- I-----

-----directing about who would write what for the-----?-- Oh, he wasn't directing. I think there was a discussion between the four of them deciding who would write what.

Okay. And that four being?-- Terry Malone, Rob Ayre, John Tibaldi, and Rob Drury.

30

Right. And so there was a discussion and after the discussion did anything happen?-- I think they - they all headed off in different directions to do their part of the submission.

When you say different directions, different directions in the room?-- In the room, yes.

Now, perhaps you can assist me with - we talked about it is not a big room. Can you give me some dimensions of this room?-- The flood room?

40

Yes?-- Eight by four metres.

Eight metres by four metres?-- Yes. That's the - and then to the back of that there is another - I talked about the Scrivener Dam area. That's another four by four, but that's sort of partitioned off a little bit. So eight by four, I guess.

So eight by four metres, and when it was - they had a discussion about what to do, these people - these persons then went off to do the work, is that the case, to write this ministerial briefing?-- Yes.

50

And did they remain in that eight by four room?-- Yes.

Were they each at a computer or were they - what were they doing?-- I - I believe they were each at a computer, yes.

Do you recall what Rob Drury did?-- No. I don't know what the break-up of the tasks were.

Do you recall seeing - well, can you just tell me what - was Rob Drury on a computer, was he sitting somewhere else?-- My memory is that he was sitting on the Ross River Dam computer.

Sitting on the Ross River Dam computer?-- Sitting at the desk.

10

Can I show you this exhibit, 1,053? No, I got the wrong one. Just excuse me one moment, Mr Navruk. I have got the wrong exhibit number.

COMMISSIONER: Just while we're waiting, there is an account called the NQwater duty engineer account?-- Yes.

Do you access that on the Ross River computer?-- Yes, yes.

20

Can you access it on the other computers?-- No. That computer is not normally on. If someone was using it, it would have been turned on for that special reason.

Well, you had a few people that night needing computers?-- My memory is that it was - it must have been turned on for Rob Drury, who I thought was sitting there, to be able to do some work.

Thanks.

30

MS WILSON: We will come to that exhibit in a moment. I was wanting to show you - if I could show you Exhibit 1,064? There we go. Madam Commissioner was just asking you some questions about - is that the email account North Queensland water duty engineer?-- I don't know but that - I mean, it is the North Queensland water computer, so I assume that's where it's come from.

Is that in a separate space, is it?-- No, it is in the same eight by four.

40

Same eight by four?-- Except at the back.

And you said before that computer is not often on?-- Not for our purposes. Not for Seqwater flood events, no.

And was it your belief that that's where Rob Drury was working at? It was put on for him?-- I can't be absolutely sure but I think that's where he was, yes.

50

Okay. Can I show you one - Exhibit 1,051? Now, if we could open up that document, please? Now, this is a document - we can go through column by column. We see there is Thursday - just the document in front of us - Thursday 6th of January on the far left, then we have the time, then we have the action?-- Yes.

And then we have the category, then we have the initials?--
Yes.

1

If we can go back, please, and we have a strategy - you see
the yellow line, strategy W1, various?-- Yes.

If we can just scroll down. If you could just stop there.
And we see strategy 2 just above the entry 3.30 p.m., "duty
engineer conference held at the FOC attended by RA, JR, TM, JT
on the conference phone"?-- Yes.

10

If we can go across. "Situation report, strategy W2, NGA".
If you can just go back again to the left-hand side, just
scroll down, I am just trying to familiarise yourself with
that document. Have you seen this document before?-- Yes, I
have.

And when did you see that document?-- I think it was on the
weekend after I was asked to provide a statement to this
Commission. It was shown to me by my lawyer.

20

So your lawyer showed you this document?-- Yes.

The weekend after you provided a statement to the
Commission?-- The weekend of - of providing the statement,
sorry.

Some time this year?-- Yes. Two or three - two weeks ago.
Two weeks ago.

30

Two weeks ago. So that was the first time that you saw this
document?-- Yes.

Did you see - so from that answer it is clear that you didn't
see this document on the night of the 15th?-- No.

So we can take it to another assumption you did not create
this document, is that the case?-- I - since I saw that
document, I don't believe I created it, but I know it is a
copy of the flood event log, and I know the flood event log is
something that I work on and I sort of maintain that. I don't
remember making a copy of it but I don't know if I can rule it
out absolutely.

40

Well-----?-- Because I was in the room at the time and
someone in the room has created it but I just don't remember
doing it.

Someone in the room has created it?-- Yes.

50

Is that what you've been told?-- That's my summation, yes, on
that day.

You were working on the basis that someone in the room has
created this document?-- Well, I think someone had to.

On the night of the 15th?-- On the day of the 15th.

Day of the 15th?-- After - after 10.20, I think.

1

But you told me the first time that you saw this document was this year?-- Yes.

2012?-- Yes.

COMMISSIONER: Can I just stop you? You said after 10.20. 10.20 a.m.? 10.20 p.m.?-- 10.20 a.m.

10

And why do you say that?-- Because that's the time of the last entry in this copy document, and it is a copy, so that's my assumption, that it was created after that time.

MS WILSON: Okay. So you told me that the first time you saw this document was in 2012?-- Yes.

So why are you even considering that you may have created this document?-- Well, I don't think I did, but what I'm saying is it might be the sort of task that an engineer would ask me to do. I don't recall it and I don't think I did but I am not sure if I can categorically say that I didn't do it.

20

COMMISSIONER: So do you put strategies in?-- I wouldn't put strategies in.

Well, it has got strategies in?-- Yes. I am just saying make a copy of the original - it was made from a copy of the log and then the strategies were added. So all I'm saying is I may have made a copy and provided that to someone but I certainly didn't add any of the strategies.

30

MS WILSON: So I am just trying to understand your evidence-----?-- Yes.

-----so that I'm clear in my mind?-- Yep.

Are you saying that you may have been asked by a flood engineer to copy the flood event log to another document?-- I may have been asked that, yes.

40

Okay. If we can go back to exhibit 23, please? I am just wanting to understand your evidence. You're saying that you may have been asked on the 15th of January 2011 to copy this document that we've got in front of us?-- I may have been asked, yes.

Okay. And who - can you tell us who may have asked you?-- I imagine it would only have been whoever was in the room at the time, either - who was the three duty engineers or Rob Drury. I think they are the only other people. Like, I wouldn't have created it off my own bat.

50

Okay?-- Like, I work for these people. If they ask me to do something, I'll do it, so-----

But your - you would have only just copied that document copy one - copy the data in that document to another document. May

have?-- Well, I don't - may have, yes.

1

Let's go back to Exhibit 1,051, and if we could open up that document. And if we could open up the strategy summary log please? See we've got there a yellow line?-- Mmm.

On that yellow line above 9.04 p.m. the strategy W3?-- Yes.

Did you put that - did you put that information in there?-- No.

10

If we can scroll along. We see the categories, situation report, strategy W3. That's a new column that has been added to the flood event report. Did you do that?

COMMISSIONER: Flood event log.

MS WILSON: Flood event log. Did you do that?-- No, I did not do that. I don't think it is a new - no, I didn't do it.

20

Well, so the -----?-- It is not a new column. It is the same column.

You are right. It is the same column, but strategy W3 has been entered in there?-- No, I didn't add any of the strategies.

So the only thing you did was copy-----

COMMISSIONER: If he did it.

30

MS WILSON: If you did it - if you did it, if - you may have done it - was to copy one document, the flood event log, to another document, and that's where your acts would have finished?

COMMISSIONER: What about taking things out?-- Well, that's my next thought. It is possible I could have taken lines out that didn't - didn't relate to the Wivenhoe, is what the missing lines are. That's another thing I could have done but I have no memory of it. I just know that that sounds like a task that a flood officer might be asked to do as well. So I'm actually trying to, I guess, rethink about what might have happened on the day because I have no recollection of doing it. I am just saying that's a possibility. A possibility that I made a copy of the flood log, a possibility that I deleted a number of rows, but I certainly would not have added any of the W strategies. I don't believe I have that capability.

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50

MS WILSON: So you didn't add any of the information where it refers to strategies?-- No.

COMMISSIONER: Were you familiar with the strategies? I mean, you know what they are, W1 to 4?-- Oh, to a degree. But I have a lot of trouble with W2 and W3-----

You are not the only one?-- -----as a lot of people do. I am

quite clear on W4 and when that kicks in.

1

When you are on a shift do you know what strategy the dam is being operated in?-- It is not - no, I'd say no. W4 I think everyone knows because that's serious. I think the other three, it is not - I don't think it is advertised in the room, so no.

I suppose I should also ask you during the December/January flood event, on any of your shifts did you actually know which strategy you were in?-- Only on the Tuesday night when we were doing the big releases, I just - I think everyone knew. There was no debate then we were in W4, yes.

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MS WILSON: Sorry, but before then you-----?-- I wasn't really aware of what we were in. Excuse me, can I stand up for a minute? I think I've got a cramp.

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COMMISSIONER: Do you need to walk a little?-- No, I will - that's all right. Thanks.

1

MS WILSON: Your shift finished at 7 o'clock?-- Yes.

And do you recall when you left the Flood Operations Centre that night?-- It would be very soon after 7 o'clock, after - we have - I have a brief changeover with the incoming flood officer.

10

And do you recall when you left who was there?-- Well, I'm - well, the - I can't remember who the flood officer replacing me was, but he was there. I am quite sure Terry, Rob Ayre and Rob Drury were still there working on the brief, and I - as I said before, I think John Tibaldi had already gone, so there was three - three engineers.

Do you know when you think John Tibaldi left?-- The five - when Rob Drury arrived at 5 o'clock they - they had the discussion about who would do what in the brief. It would be some time soon after that is my memory.

20

Okay. When you left Rob Drury was still there?-- Yes.

And was he still working at a computer?-- Yes.

And what computer did you believe that to be at?-- Still at the Ross River computer.

Did you assist in any way in preparing the Ministerial brief?-- No.

30

What about the Flood Event Report published on the 2nd of March 2011?-- No. No.

Thank you, Mr Navruk. I have no further questions, thank you.

MR DUNNING: Commissioner, I think you can assume I don't have any further questions.

40

COMMISSIONER: Mr Murdoch?

MR MURDOCH: None, thank you, Commissioner.

COMMISSIONER: It is your witness, I suppose, Mr MacSporran.

MR MacSPORRAN: No, he's not mine.

COMMISSIONER: No, sorry, Sunwater.

50

MR MacSPORRAN: Just one matter. You said that Mr Drury was, to your knowledge, at the NQ computer?-- Yep.

1

Do you say that because that was the computer that wasn't normally used by the flood engineers on duty in that room?-- I think so, yes. I mean, my memory is he was there, but I guess also it's because that's the spare computer that we - someone would sit.

Yes, and Mr Drury wasn't a normal attendee at the operations centre, was he?-- No.

10

So on that particular night he was there it would make sense that he would be at the computer that wasn't normally occupied by the flood engineers?-- Yes.

That's your memory of it?-- That's my memory, yes.

Thank you.

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COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Thank you. I will be short as well. I think you have just given evidence about your recollection when Mr Tibaldi left?-- Yes.

And you thought that was shortly after Mr Drury arrived?-- Yes.

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The flood log recalls 5 p.m., so does that mean shortly after 5 p.m.?-- The flood-----

The Flood Log records Mr Drury arriving to help-----?-- Arriving at 5.

-----write the Ministerial briefing, so was it shortly after 5 p.m.?-- Oh, well, I think they had their discussion about breaking up. My memory is it was shortly after that.

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Thank you.

COMMISSIONER: Mr Burns?

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MR BURNS: Just on that discussion, Mr Navruk, was Mr Drury present for that?-- Yes.

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And the engineers obviously?-- Yes.

And I think you said in evidence that after that the engineers headed off in different directions to do different parts of the briefing-----?-- Yes.

-----to put it together. Mr Malone was the duty engineer?-- Yes.

10

Am I right to assume he returned to his duties?-- He would have returned to his duties, but I think he also helped with the brief.

All right. But you can't remember what bit or bits-----?-- I don't know which bits.

-----anyone did?-- No.

20

All right. Thank you.

COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: You said that Mr Drury was working at the North Queensland dam computer, but during the course - he was there for a couple of hours, wasn't he?-- Yes.

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During the course of a couple hours he could have utilised one of the other computers?-- Yes, certainly.

There were more computers than people-----?-- Yes.

-----to put it bluntly, and you wouldn't dismiss the possibility he might have accessed it?-- No, not at all, no.

Could you look again at that e-mail, Exhibit 1051, please? Just read the covering e-mail to yourself?-- Hasn't come up yet. Yes?

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See it's from the duty engineer account, it's addressed to John Tibaldi?-- Yes.

At his Seqwater e-mail address?-- Yep.

You can read what it says and it's signed, "Rob." Can you assist as to who might have prepared that e-mail?-- Well, there's - there were two Robs in the room, so one of the two. I wouldn't know which one.

50

Not sure. All right. Is it fair to say that you appreciated that they were all or the ones you have mentioned were doing their own parts towards preparing this briefing note?-- Mmm.

And it was being done in a rush?-- Yes.

It was due the next day, wasn't it, something like that?--
Yeah.

So it's feasible, isn't it, that the engineers who were working, and Mr Drury, working on preparing this briefing note might well have said to you, "Can you assist me with some task or other?", in the course of the afternoon?-- Yes, that's feasible.

10

You're there until just after 7?-- I was there till 7, yes.

So, if one of engineers had said to you, "Look, I want to have a good look at the Situation Reports and the directives that issued, gate opening directives regarding Wivenhoe, could you assist me? Could you copy the log, keep in it the Situation Reports and the gate opening directives, strip out other things?", that's something you could have done?-- Yes, I could have done that.

20

And you had access to the manual for operating Wivenhoe and Somerset?-- Yes.

You'd seen it before?-- Yes.

Read the manual? If one of them had said, "Look, I would like you to help me with a task. Would you go through the manual" - sorry, "Sit down the document which has Situation Reports and gate opening directives, look at that, have the manual open next to you and try and plot out for me when by reference to the Situation Reports and gate opening directives it appears that different strategies were employed."; that is something you could have attempted, isn't it?-- I could have attempted it, I wouldn't - as I said before, I wouldn't be confident with W2 and W3 differentiation, but I - I could have had an attempt of it, yes.

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Yes. Particularly if you could see that the flood engineers and Mr Drury were working under some pressure to meet a deadline?-- You're asking if it could have happened.

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Yes?-- If it's something that I might - well, I have no recollection of that happening, but-----

It could have?-- It could have, but I - it could have, but it didn't.

When you say it didn't, you said it could have. You don't recall it happening?-- No.

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Isn't that a fair statement?-- Mmm.

But if you're doing what you would see as effectively a relatively clerical task, you might not remember it a year later, that's fair, isn't it?-- I just don't think I had enough of an understanding of the W strategies to be able to allocate them to the different - different rows on the spreadsheet.

But you could read what was in each W strategy, what release rates were required, couldn't you?-- I could read that but - and I have read it since and I still don't understand the difference between W2 and W3 and I think I wouldn't be looking - I mean, if I was doing it I wouldn't use release rates anyway, I'd use lake levels, I think, to depict the W1, when you get out of W1, and I would do it a different way.

All right. But it's something if one of the flood engineers or Drury had asked you to do it you would have made your best effort, wouldn't you?-- I would have made my best effort.

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Thank you. Thank you, Commissioner.

COMMISSIONER: So does that 68.5 you'd put W2 or W3?-- Well, if - yeah, if it was me, I - everything up to 68.5 W1, above that is 2 or 3, and above 74 is W4. That's my understanding of the release strategies.

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Okay. Thanks. Mr Ambrose?

MR AMBROSE: During a flood operation, a flood event-----?-- Yes.

-----do the engineers talk in terms of Strategies by W numbers?-- No.

30

Did you have any awareness during the times you were on shift as to the lake levels, for example, at Wivenhoe?-- Yes.

How did you come by that awareness?-- Well, that's one of our duties, is to monitor the flood alert system where each of the lakes and river stations have the levels come through, we also get faxes from the three dams indicating what the level is hourly or something like that. So, it - information was coming in all the time, so we are aware of it.

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What do you do to keep that lake level, for example, in the forefront of your mind?-- Well, we - in the Flood Control Operations Centre we have a fairly large whiteboard with the three dams listed on them and each dam has a category for - you know, date, time, lake level, a category for each of the gate openings and the corresponding flow rates for those openings, and when a fax comes in with the most recent time the flood officer will update the whiteboard with the correct information, so at any stage any one in the room or coming into the room can get a snapshot of what the situation is for all dams.

50

I understand. Yes, thank you.

COMMISSIONER: Ms Wilson?

MS WILSON: Yes. Can we have a look at Exhibit 1051? Can you open it up to the Strategy Summary Log, please? Mr O'Donnell asked you some questions about whether you could have put in these strategy - the notations of strategies-----?-- Mmm.

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-----and when they occurred?-- Yeah.

And I believe one of your answers was, "I could have, but I didn't."?-- My memory is I didn't.

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That's your best evidence? Thank you. No further questions, mixer. May Mr Navruk be excused?

COMMISSIONER: Thanks, Mr Navruk, you are excused.

WITNESS EXCUSED

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MS WILSON: I call David Pokarier.

DAVID JAMES POKARIER, SWORN AND EXAMINED:

MS WILSON: Is your full David James Pokarier?-- Yes.

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And you are employed by Queensland Bulk Water Supply Authority, Seqwater?-- That's correct.

You are employed as a flood officer?-- No, technically not correct.

Okay?-- I'm an engineer and A hydrologist.

You're an engineer?-- And a hydrologist.

40

Okay. So, what are you employed as at Seqwater presently?-- An engineer and a hydrologist.

And in December '10/January 2011 flood event what were you employed as?-- I was employed at Sunwater as a senior engineer in the flood hydrology group.

Okay. You prepared a statement for the Queensland Floods Commission of Inquiry?-- That's correct.

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Can you have a look at this document, please? Is that your statement, Mr Pokarier?-- That's correct, yes.

I tender that statement.

COMMISSIONER: Exhibit 1,134.

ADMITTED AND MARKED "EXHIBIT 1,134"

MS WILSON: May the witness see Exhibit 23? You are aware of this document? It's a Flood Event Log?-- Yes.

And can you give me your understanding of this document, of how this document was constructed?-- Flood officers in - during the event would record significant information or telephone conversations-----

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Mmm?-- -----and enter it into the spreadsheet.

Now, were you working at the Flood Operations Centre in December 2010/January 2011?-- Yes.

And what was your role when you were working at the Flood Operations Centre?-- A flood officer.

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Okay. And in relation to entries in this log, what was your role?-- I was - I entered the entries into the log.

Okay. Now, if we can go to paragraph 6 of your statement, and paragraph 6 sets out the dates that you were present at the Flood Operations Centre from the 6th of January to the 19th of January 2011?-- Yes.

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Now, if we can go to paragraph 6A, you refer to, "From around 7 a.m. to around 7 p.m. on Tuesday, the 11th of January"?-- Mmm-hmm.

Do you say "around" because your shift starts at 7 and finishes at 7 but you might be early or work a bit later?-- That's correct.

Okay. Can we go to the entry on the 11th of January 2011 at 10.29 a.m.? Now, this is at 10.29 on the 11th. If we can go across? We see "DP". They're your initials?-- That's correct.

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If we can go back? So, the entry that is recorded at 10.29, did you make that entry into the log?-- I can't recall specifically, but based on the fact my initials are, there I'd assume I did.

Now, the log was sort of a running log, isn't it, so every time there's a new event or a new matter that needs to be recorded, it is added into the log?-- Yes, not a new flood event, but, yes.

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During a flood event if a new action is required - we can see at 10.25 Brett at the North Pine Dam to record the lake level, 10.29 Stan from Seqwater?-- Mmm-hmm.

Whatever happened at the next point of time, it just gets -

keeps on added to the log?-- That's right.

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And the log when you were working on it at the time-----?--
Mmm-hmm.

-----was an Excel spreadsheet; is that the case?-- That's
correct.

Now, how many Excel spreadsheets at any one point in time were
being used?-- By me, just one.

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Okay. How many to your knowledge were being used, for
example, on the 11th?-- On the 11th, I can only recall one
log.

And that was the one that you were using?-- That's correct.

Things were being added to the log. What about were there
ever any deletions to the log?-- Not that I'm aware of, no.

20

So, in relation to the 10.29, "Stan from Seqwater called.
TM.", that would be Terry Malone?-- That's correct.

Do you have any independent recollection of this
conversation?-- No. I can't recall.

The only information you can give me is in the log?-- That's
right.

Then if we can go to paragraph 6E of your statement? We don't
need to go it to - oh, we're here now. 6C, you refer to
working from 7 p.m. on Saturday, the 15th of January 2011 to
7 a.m. on the 16th of January 2011?-- Yes.

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Now, if we can go, then, to that part in the log? We see an
entry at 7.30 p.m., "Doug from Wivenhoe called.", and if we
can go along to that, to the right-hand, we see, "DP."?--
Sorry, I missed that one.

We can go back. 7.30 p.m. on the 15th?-- Mmm-hmm.

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"Doug from Wivenhoe called.", and we can go back and see your
initials there. So, that appears to be your first entry on
the 15th?-- Yes.

Do you recall what time you arrived at the
Flood Operations Centre on the 15th?-- No.

Okay. You would have been there for your 7 o'clock shift?--
That's right.

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Do you come a bit earlier or do you just arrive on the-----?--
No, I would have thought I would have been a little bit
earlier.

Do you recall when you arrived at the Flood Operations Centre
on the 15th who was there?-- No, no.

Do you recall anything about the 15th of January whatsoever when you were working at the Flood Operations Centre?-- No.

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COMMISSIONER: Does it help if you are reminded that it's a night when there are three or four of the flood engineers working on something, on a briefing for a Minister? Does that ring any bells?-- No, no.

MS WILSON: Can I show you this document, Exhibit 1,051? And if we can open up this document, please? This is a document - if you can go just to the top so we can - it's got the date, obviously we can see that, the time, and then the action and then if we can keep on going across, we can see the category and then initials?-- Mmm-hmm.

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If we can scroll down a little bit and go across, just scrolling down, just wanting to familiarise yourself with the document, we can see there, for example, at 3.30 p.m., do you see a yellow line above that?-- Yes.

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And that yellow line has written in it, "Strategy W2."?-- That's correct.

Okay. And we can just scroll across - if we can scroll across? And then we have got in the, "Category.", "Situation Report - Strategy W2.", and the initials. Do you see that?-- Yes.

Now, have you seen this document before?-- Yes.

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Can you tell me when you saw this document?-- In the last one or two weeks.

Okay. And that's some time then in late January, early February 2012?-- That's correct.

Before late January early February 2012, you have never seen this document before?-- I can't recall seeing the document. It looks familiar because it looks like the event log, but I can't recall seeing it - that document.

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Have you ever seen an event log with strategies assigned to various events?-- Not that I can recall.

Well, I think - I mean, have you or have you not seen-----?-- I believe I haven't.

You say "believe". There's a little bit of doubt in that. Why's that?-- It was 13 months ago, so I'm - I can't remember seeing a document with strategies in it, an event log with strategies in it.

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The event log that you worked on, were strategies prescribed like we can see here? The event log that you worked on during the flood event with strategies, did you ever see strategies put in place as we see here?-- No.

On the 19th - night of the 15th of January, did you see this

document at all?-- I don't believe so, no.

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And when you were shown this document in December - sorry, February 2012 or January in the last couple of weeks, did that come as a surprise to you to see a document like this?-- Not as a surprise, no, but I had - I hadn't seen it before.

Okay.

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COMMISSIONER: When you were working as a flood officer, did you know what strategies the dam was operated in over the December/January flood event?-- Not specifically, no. I was recording phone calls and providing administrative support, but, no, I can't - I don't believe I knew the exact strategy at this time.

You never heard anybody discuss either then or in the weeks after the flood event what strategies they'd been in?-- I can't recall.

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MS WILSON: If we can scroll down in this document, which is Exhibit 1051, to the entry at 10.29 a.m. the 11th of January? You see this entry here, 10.29 a.m., "Stan from Seqwater called. TM. In conference with Barton Maher. Internal questioning of release strategy, internal discussion regarding current approved strategy.", and this document has - and this is the entry that I took you to before in Exhibit 23, which is the Flood Event Log, do you recall that?-- Yes.

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This document has an additional sentence, "Preparing a briefing - preparing a briefing note."?-- Yes.

In the entry that you made to the Flood Event Log, did it have that additional sentence, "Preparing a briefing note."?-- I can't recall if I've - if I typed that in at the time. It wasn't in the previous document.

No. I am just wondering if you could assist me whether at any stage it was in the previous document and got taken out?-- I really don't know, I'm sorry.

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Thank you, Madam Commissioner. I have no further questions.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No.

COMMISSIONER: Mr MacSporran?

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MR MacSPORRAN: Nothing, thank you.

MR SULLIVAN: No questions, thank you.

COMMISSIONER: Mr Burns?

MR BURNS: Mr Pokarier, I just have to ask one thing only. You were filling the role of flood officer in the time you were there in January 2011?-- That's correct.

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As I understand it, flood officer sits at a desk alongside the work station of the duty engineer?-- Yes.

In front of both men is a whiteboard on the wall?-- Well, behind or - the room was shaped in a corner.

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All right. Well, there's a whiteboard up on the wall-----?-- Mmm-hmm.

-----in full view of both of you containing details of the levels and releases of each of the dams?-- Yes.

The key information?-- That's correct.

And in terms of the level of the dam, the lake level of Wivenhoe, to take that as an example, data would come in through with respect every hour?-- Or in realtime.

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In realtime?-- Yes.

Was it your job to check that - sorry, a flood officer's job to check that or-----?-- Yes, to check the data collection system-----

Right?-- -----to check the validity of the data, yes.

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Once you have done that, would you then enter the data on the whiteboard?-- On occasions, yeah, on - usually on an hourly basis.

On an hourly basis. So, the releases currently being made and the lake level, that is for all the dams?-- Oh, at least the lake level.

At least the lake level. Again, restrict it to the Wivenhoe, so the lake level for the Wivenhoe each hour being updated, if the level's changing of course?-- That's correct, and if time permitted.

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Right. Okay. So that's your experience throughout this whole January event?-- Recording phone calls. 1

Sure. Okay. I appreciate there may be other tasks, but I'm just interested in the whiteboard?-- Yes.

And then it's the engineer who also receives data at the same time, real time data?-- That's correct.

And you're familiar because you are an engineer that - a duty engineer will then be engaged in a great deal of modelling whilst on his shift?-- Yes. 10

Thank you.

COMMISSIONER: Mr Ambrose?

MR AMBROSE: No questions.

MR O'DONNELL: No questions. 20

MS WILSON: I have no additional questions. May the witness be excused.

WITNESS EXCUSED

MS WILSON: I call Richard Stephens. 30

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RICHARD WILLIAMS STEPHENS, ON AFFIRMATION, EXAMINED:

MS WILSON: Is your full name Richard William Stephens?--
Yes.

And you're known as Bill?-- That's correct, yes.

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And you're presently employed by SunWater Limited?-- That's right.

And can you tell us your position that you have at SunWater?--
I'm a project manager within our project development area. I work mainly in the areas of culture Heritage, native title, negotiations, that type of thing.

And you've prepared a statement for the Queensland Floods Commission of Inquiry?-- That's correct.

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Can you have a look at this document, please?-- I've actually prepared this statement. Yes, that's my signature on it. My initials. Yes, that's the statement - the second statement I presented.

All right. I tender that statement.

COMMISSIONER: Exhibit 1,135.

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ADMITTED AND MARKED "EXHIBIT 1,135."

COMMISSIONER: Is there another one as well?

MS WILSON: No, there is not another one to be tendered. It's unrelated to this topic. It's unrelated to what's contained in this statement?-- Yes, I'd have to say, yeah.

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Now, during the December 2010 and January 2011 flood event?--
Yes.

You were working at the Flood Operations Centre at various times?-- I had two shifts, yes.

And what was your role when you were working at the Flood Operation Centre?-- Well, I guess my primary role was the data checking that we do throughout the year which is basically making sure that the data coming in from all of the gauging stations is reasonable. We check that data, we get rid of any data that looks as though it's rubbish data and we make that data available to the engineers, the duty engineers when they need it. In addition to that we - we keep a record of events that have - particularly external phone calls. When the various correspondence goes out, faxes to the dams, if

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there's any directive to change the gate settings, that type of thing. Any official information like that that comes out of the Flood Centre we record in the log. We keep the - on the whiteboard we keep that up-to-date for the flood duty engineers so they can see that. Gate openings, that sort of thing.

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If we can go to Exhibit 23. And if I can take you to some entries on the 9th of January 2011 at 7.10 p.m.?-- Mmm-hmm.

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Have you got the log there?-- I've got the log that was given to me, yes.

You've also got in front of you Mr Stephens, if that's any assistance?-- Yes. This is what my first statement was about, it covers this issue, yes.

So what we can see here is that there's an entry at 7.10 p.m. The entry is written down?-- Yep.

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If we can just go to the right. You see category "correspondence"?-- That's correct.

And then we see "BS"?-- Yes.

So that's you?-- Yes.

Now, when did you make these entries into the log?-- I'd have made that entry well virtually - well while that call is being made I'd been trying to assess what was said and then making that entry. You can see there was - it was just after I started the shift. I started the shift at seven and then the entry is recorded at 10 past 7. So, yeah, I'd just come in.

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And where do you get the information to make that entry into the log?-- Purely what I hear from the phone conversation. The duty engineer side of that conversation. I'm not privy to the other side of the conversation.

So in terms of conversations that are recorded?-- Yes.

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Is it just that what you can eavesdrop in?-- Basically, yeah.

Or is there a process so that you can ensure that the log is accurate?-- Well, I would normally and, in fact, obviously I didn't in this one, but normally I would go back to the engineer afterwards and just get him to check that entry and say, look, does that look like a true representation of what was said, I would, but in that instance I think I don't believe that I have as I've noted in my statement.

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And we'll just get to that in one moment, but I'm just looking at your - the general systems that you operated-----?-- Yes.

-----under in making entries in the log?-- Yes. Right.

When you heard a conversation you made an entry?-- Yes.

And as I'm understanding your evidence then you got a flood engineer to look at it or you ran it past them to check it?-- I normally would, yes, I normally would, yeah. That was a very hectic time. I'm not surprised that - it's not surprising I didn't, I suppose.

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In your statement at paragraph 10?-- Yep.

In terms of that entry at 7.10 p.m.?-- Yep.

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And the second at 7.15 p.m. entry?-- Yeah.

That it may - that there's an error there?-- Mmm-hmm.

And that the reference to 3,000 CUMECS-----?-- Yep.

-----may be an error?-- I believe so, yeah, I believe so. Yeah. Yep.

Okay?-- Only because it doesn't seem to make any sense.

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When you were working the shift who was the flood engineer that you were working with?-- John Ruffini was the flood engineer on duty, but there were three flood engineers in the room at that time.

Okay?-- Terry Malone and Rob Ayre were both in there as well.

Now, you didn't believe it was an error when you made that entry?-- I guess I didn't think about it as an error, no.

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But in your statement that you have identified that it may have been an error?-- Hmm.

And I'm referring to paragraph 10?-- Yes.

Because, "I recall that I was told - I was told during discussions with the flood engineers a number of weeks after the flood event"-----?-- Yeah, that's right:

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-----"that it could not have been the case that Wivenhoe Dam would be releasing 3,000 CUMECS at that stage."?-- Yeah, yes. They asked me if I had any recollection of why I would have made an entry like that in the log, yeah.

When you say "they" who's they?-- I think it was - I can't remember who was in the room at the time. I think - I think-----

Take your time?-- Yeah. It was in relation to the preparation of the report.

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Preparation of the report. What report are you referring to?-- The final report for the flood.

The March report?-- Yes, yes. I believe it was Terry and John. Terry - Terry and John Tibaldi, I think.

Sorry, when you say "Terry" Terry Malone?-- Terry Malone, yeah, and John.

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What were the circumstances around you discussing the flood event log with the flood engineers at this point in time?-- Just that they wanted to ask me my recollection of why I would have made an entry like that because it just didn't seem to make sense, that's all, and I looked at it and thought, well, yeah, I mean, as I said, I'd only just come into the flood room. I didn't really know what sort of releases were being made. If I had realised at the time they were that much lower I would have realised it wasn't a sensible number to be in there.

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So the discussions you had with the flood engineers?-- Yeah.

When did that occur?-- Oh, that was - that was well afterwards, a couple of weeks after I'd imagine.

A couple of weeks after?-- Yeah.

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The 9th of January?-- Mmm-hmm.

That you had a discussion with some flood engineers?-- Yeah, we will - yeah, you know, we worked together, yeah, yeah.

So you worked together. I'm just wanting to know the circumstance around this discussion?-- Yeah.

And if you could assist me with as much detail as you possibly can?-- Absolutely. Yeah, sure.

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So did they call you in and say, "Bill, what's this?" Or were they going through the log. Can you just give me the circumstances. Oh, no I was asked to come and talk to them about it, yeah, yeah.

So you're asked to come into the Flood Operation Centre?-- Yeah, that's right.

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And when you went to the Flood Operation Centre who was there?-- My recollection is of those two. I don't remember any others, no.

Okay. And can you - I wasn't there, Mr Stephens, so can you take me through the conversations and discussions that occurred with these engineers?-- I just remember - I think they were referring to a printed copy of this report and just asked me if I recall, you know, what - what was that statement about and because they couldn't recall anything about it. They couldn't recall that number. They couldn't understand why I would have made an entry like that and I was asked, you know, can you remember the circumstances of making that entry because they couldn't and I thought, well, no, I can't either.

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And you say that they were doing this exercise in preparation of the report?-- Yeah, that's right. I think - I think they - yeah, it was - it was - I think the report - it - I

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 imagine it was an appendix to the report. Look, I didn't see the report as such, but this was - it was a printed log - a printed log that they showed me. It wasn't on the computer.

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 Was the purpose of this discussion, were they telling you to, look, we're going through to try and ensure the accuracy of this log or what was - why were they going through the log?-- I think it was just - my feeling - I mean, my feeling - I mean, this is what it is, my feeling, because it's not what was said, is that maybe they'd been asked, you know, "What does this mean?", and they didn't know and so they asked me, can you tell us what it means because we don't, you know, it doesn't make sense to us. You recorded it. What's your recollection of what was being talked about and I couldn't - I couldn't elaborate on it, I'm afraid. It's just I was a bit disappointed, I suppose, that I made an entry that was incorrect.

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 Now, we can see the entries that you've made in the-----?-- Yes.

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 -----flood event log and have you gone through the flood event log to determine that the entries that have your initials are the actual entries that you made?-- I believe they are. I think - my feeling is it's been fleshed out. I don't believe I would have made entries before the situation reports, for instance. I think probably all we would have done - look, I can't guarantee this, but I would have thought that for a situation report we would have just said the situation report was sent out. I don't see any reason why we would have elaborated to that extent. I certainly - when the faxes went to the dam I would have recorded that, you know, that the directive had gone out. So, yeah, I couldn't guarantee that everything under my name is what I recorded in here. I think it's been elaborated.

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 If you can just excuse me one moment. You've just told me that some things may have been added to the flood event log with more detail. For example, the situation reports?-- Well, that's my feeling. I mean, maybe I did, but yeah, I just - it looks to me like it's cut and paste out of the actual - out of the actual situation reports. I'm not sure though, but I can't imagine me sitting down and typing all that up, to be honest. That may be a cut and paste out of an e-mail, I suppose, but I don't recall it, no.

Do you know who did?-- No idea.

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 Now, can flood engineers also have the capacity to make entries into the flood event log?-- Well, they certainly would have had capacity. I don't recall flood engineers doing so while I was there.

If we can go to the 9th of January 2011?-- Hmm.

On Exhibit 23 which is the flood event log?-- Yep.

And if we can go to 6.50 p.m. - sorry, 8.50 p.m. Now, we can

see the first three entries there?-- Mmm-hmm.

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From 8 o'clock to 8.30 and if we can go across to the right. "JW", that's John West?-- John West wasn't in there. My recollection John West wasn't in the room.

Righto. "BS"?-- Yeah, that's me.

BS. Okay?-- So which one are we looking at, 8.55, was it? 8.50.

10

Yes. And then if we go to the 8.50 one?-- Yes.

You see "RA" that's Rob Ayre, is it?-- "RA", yeah, Rob Ayre called Ken Morris.

Ken Morris to request a copy and it goes on. And then we can go across?-- Yep.

And we see the initials "RA". Did you make that entry or did Rob Arye make that entry?-- Maybe Ken - maybe Rob made the entry because I was busy on something else. He easily could. He could have sat down at this station where we had the log open and made that entry. He could well have done, yeah.

20

It was easy-----?-- That doesn't surprise me.

It was easy to make entries into the excel spreadsheet that was being used as the log?-- Yeah, it would be easy for anyone to make those entries. We normally did, but I guess it doesn't surprise me that Rob would have made an entry like that. Particularly if I was busy on something else, he just made a phone call. He might not want to disturb me from maybe doing some - checking of data out of the system he might have gone off and recorded it himself, yeah, absolutely.

30

If you can go to paragraph 15 of your statement, Mr Stephens. In that photograph you talk about the flood officers not using the term W1 to W4?-- No, not at all.

40

Not at all?-- Not at all.

And your recollection is that the flood engineers usually discussed matters such as rates of release and downstream flow?-- Yep.

As well as the impact of flow rates downstream?-- Yeah.

Such as particular bridges being affected or levels of inundation to urban areas?-- That type of thing, yeah, and the lake level as well.

50

Can you recall which shifts that were discussed of levels of inundation to urban areas?-- Can I recall where the shifts were?

The shifts where you worked where they discussed levels of inundation to urban areas?-- During my shift was the level of

inundation to urban areas discussed?

1

Yes?-- Yes.

Which shift?-- My first shift.

Which is that shift?-- That was on Sunday night, the 9th and 10th. I mean, that was the key discussion point, I think, was you know, as you see from the notes there the - like most of the discussions were with the councils warning them that there would likely to be more damaging flows coming.

10

Did you on that night of the 9th of January, that's where you're referring to?-- Yes, that's right, yeah.

You said that was one of the key parts of that night of levels of urban inundation?-- Well, it wasn't happening, but-----

It was being discussed?-- -----it was being discussed, yes, that's right. I mean, I was there when the last two bridges were being sort of closed down.

20

And can you tell me the context about how it was being discussed?-- The urban inundation site, just the - I guess the potential. You know, the fact that there was a lot of rain around at the time, that there was potential that we could get to that, you know, the phase of coming into, you know, urban damage, and that's why the phone calls were being made to the councils, you know warning them that things could happen faster than was previously expected to get into those levels that would cause urban damage.

30

So was there - you said coming into?-- Yeah.

What do you mean by coming into?-- Just the expectation was that the flows were going to have to be increased.

Right?-- Whether it would come to a stage of being a consideration - well, I think it was, really, yeah, the primary consideration was urban damage at the time. Minimising urban damage, yeah.

40

Thank you, Mr Stephens. I have no further question?--

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No, Commissioner.

MR MacSPORRAN: Nothing, thank you, Commissioner.

50

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Thank you. Mr Stephens, can I ask you in the flood room was there a white board at all?-- Yes, there's a white board. That's where we keep the - it's - basically it's

updated as soon as we get the gauge water readings, the faxes come in from the dams, or some send emails. As soon as we get that information, yeah, it's all updated, yes.

1

I just wanted to ask you a few questions, and you've given some of the information, but where is it situated in relation to where you were in the flood-----?-- Well, we sit out facing Turbot Street, with windows, and the board is to the back of us to the right, the back right corner of the room as you-----

10

And when the information comes in?-- Yes.

What I'd call essential information, would you agree with that?-- Yes, yes.

And that includes, for instance, lake height?-- Yes, that's the key thing that goes up, yeah, the update to the lake height, yep.

20

Excuse me one moment. And when you discuss lake height as a key thing, that information doesn't come in - how regularly does it come into the flood room?-- Generally about hourly. It should be about hourly.

And when it comes in, what happens in relation to the recordings that are on the white board?-- It's my job to update those readings, to put the lake level reading in, to put the latest gate openings, to ensure that those gate openings are in line with the latest directive, the time of the latest directive, that goes in, and also the flow rates that we update the flow rates coming out of each of the gates, and then the total flow as well.

30

So at any point in time, part of your job-----?-- Hmm.

-----and your understanding the job of flood officer-----?-- Yes.

-----is to keep that completely updated to the most recent information?-- Yes.

40

And that information is obvious both to you and the flood engineer on that board?-- Yes.

No further questions.

COMMISSIONER: Mr Burns?

MR BURNS: No.

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COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: No questions, thank you.

COMMISSIONER: Mr Ambrose?

MR AMBROSE: Just at paragraph 15 of your statement, if I could take you back to that?-- Yes.

If you just read that first sentence?-- Yes. So 15 we're talking about.

Yes?-- That's correct, yep.

10

In that first line where you refer to the "flood officers did not use those terms in discussions with me", do you mean to say the flood engineers?-- Yeah, I mean flood engineers.

Yes, thank you.

COMMISSIONER: Ms Wilson?

MS WILSON: Perhaps I should also have shown Mr Stephens Exhibit 1,051, just to see if he has ever seen this document. If you could open that document up? Mr Stephens, have you ever seen this document which-----?-- Only - only recently when it was shown to me by our lawyers, yeah.

20

Some time in 2012 you've seen this?-- Yes.

The document. Never before?-- Never - absolutely never before.

30

Thank you. I have no further questions.

COMMISSIONER: Did anyone have anything arising out of that?

MR O'DONNELL: No, thank you.

MS WILSON: May Mr Stephens be excused?

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WITNESS EXCUSED

MS WILSON: I call Kim Hang.

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KIM HO HANG, ON AFFIRMATION, EXAMINED:

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MS WILSON: Your full name is Kim Hang?-- Kim Ho Hang.

And you were employed at Sunwater Limited?-- Yes.

And what are you presently employed there as?-- Senior engineer, hydrologist.

10

And you provided a statement to the Queensland Floods Commission of Inquiry?-- Yes.

Can you have a look at this document, please? Is that your statement?-- Yes.

Madam Commissioner, I tender that statement.

COMMISSIONER: 1,136.

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ADMITTED AND MARKED "EXHIBIT 1,136"

MS WILSON: During the December and January 2011 flood event you were working at the Flood Operations Centre?-- Yes.

30

And what was your role when you were working in the Flood Operations Centre?-- Data collector, but for this proceeding I think it's called flood officer.

Flood officer. And you've set out certain matters in your statement in response to the - from the Commission of Inquiry and you set out your shifts that you were - the dates and times that you were present in the Flood Operation Centre at paragraph 9?-- Can I make an amendment to that?

40

Sure?-- Paragraph 9B.

Yes?-- I can recall not starting at 7 a.m.

What time did you start?-- Around 9 to 10.

What time did you finish?-- Probably 7 p.m.

Okay. Would you like to amend your statement by handwriting that in. We can give you a pen. If we can go to paragraph A on that page, the shift that you particularised there is from about 7 p.m. Saturday, the 8th of January to 7 a.m, Sunday the 9th, and you were walking with John Tibaldi as your flood engineer?-- Yes.

50

At any time during that - when you came - sorry, were you told about a change of strategy when you came on shift?-- No.

At any time during your shift were you told about a change of strategy?-- I can't recall. When I said "no", I can't recall that I was told.

1

Sorry, I didn't quite get that?-- When I said, "no", I meant I can't recall that I was told.

Okay?-- Not that is - yeah.

You just have no memory of it?-- Yeah.

10

And you can't assist the Commission in any way in relation to that about the change of strategy?-- I can't.

Can you have a look at this document, please, which is Exhibit 1,051. Can you open up this document, please, which is under the strategy summary log. Just if you can scroll down. Just stop there. Mr Hang, have you seen this document before?-- Can you scroll across?

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Yes, we can go across to the right. If you need more time to familiarise yourself with it?-- No, I haven't seen this spreadsheet.

Never?-- Well, I was shown in preparation for this.

Okay?-- But - yeah.

In 2012 you were shown this spreadsheet?-- Yes.

10

Okay. In preparation for your statement?-- Yes.

Okay. Before 2012 had you ever seen this document before?-- No.

Sorry, what was that?-- No.

You didn't create this document in any way?-- I hadn't created.

20

Thank you, Mr Hang. I have no further questions.

COMMISSIONER: Did you know much about strategies when you were working in the Flood Operations Centre, and that's the manual strategies I am talking about, W1 to 4?-- I probably knew that it started W1 and when you are into W4 you protect the dam, but everything in between I can only interpolate.

All right. Did you have any idea when you were working any of your shifts what strategies you were working under?-- No.

30

And did you hear anything in the weeks following the flood events about what strategies the dam had been operated under?-- No.

Thank you. Mr Murdoch?

MR MURDOCH: No.

40

COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: I have nothing, thank you.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: I have no questions.

COMMISSIONER: Mr Burns?

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MR BURNS: Nothing, thank you.

COMMISSIONER: Mr O'Donnell.

MR O'DONNELL: Had you read the manual?-- Yes.

And you read the manual prior to the January flood event or during the January flood event?-- Not completely.

1

Most of it?-- Probably scanned through it.

All right?-- Scanned through it.

You would have seen there were different strategies for use in managing Wivenhoe?-- Yes.

10

And there were different strategies to be used in managing Somerset Dam?-- Yes.

And those strategies regulated what releases were to be made during a flood event?-- Yes.

And those strategies were triggered by rises in the lake levels either in Wivenhoe or in Somerset? You would have seen that?-- Yes.

20

And you knew there were some key levels for each dam?-- Yes, but I can't recall the exact numbers.

No-one is asking you to. It is a year ago. It is all right, we understand. But when you were there in January you knew there were some key levels?-- Yes.

And if the lake hit a certain level, you had to change strategy. You knew that?-- Yes.

30

All right. And you recall that there was close monitoring of the levels in each - in each dam?-- Yes.

And was it one of your jobs to record or to note information coming as to changes in level of each dam?-- Yes, I update the dam status form.

And the flood engineer would see that?-- Yes, it is for everybody in the Flood Operations Centre to see.

40

And the flood engineer would type in - type into - is it called flood operations schedule?-- I don't know what it is called. I think it is a spreadsheet.

It was a big spreadsheet?-- Yeah.

You would type in the changes in levels?-- Yeah.

All right. So there was close attention made to changes in levels in each lake?-- Yes.

50

In each dam?-- Yep.

And you were aware that some of the changes in levels could trigger a change in the strategy under the manual?-- Yes.

All right. Do you recall - you worked the shift on - I realise your memory doesn't seem to be very good of those days

but you worked the shift on Saturday, 8th of January?-- Yep. 1

And Mr Ayre was the flood engineer on duty from 7 a.m. on that shift, to 7 p.m.?-- I was on the shift after that one.

I thought you were on the shift from 7 a.m.?

COMMISSIONER: 7 p.m. to 7 a.m. 7 p.m. on Saturday the 8th to 7 a.m. on Sunday the 9th. 10

MR O'DONNELL: Quite. All right, thank you. Nothing further.

COMMISSIONER: Mr Ambrose? Ms Wilson?

MS WILSON: I have no further questions. May Mr Hang be excused?

COMMISSIONER: Thanks, Mr Hang, you are excused. 20

WITNESS EXCUSED

MS WILSON: I call John West. 30

JOHN JOSEPH WEST, SWORN AND EXAMINED:

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MS WILSON: Is your full name John Joseph West?-- That's right.

And you are currently employed by Queensland Bulk Water Supply Authority Seqwater as a Senior Operation Analyst and flood officer?-- That's right.

10

And you prepared a statement for the Queensland Floods Commission of Inquiry?-- Yes.

Can you have a look at this document, please? Is that your statement?-- Yes, it is.

Is there anything you wish to add or amend to that statement?-- No.

20

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 1,137.

ADMITTED AND MARKED "EXHIBIT 1,137"

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MS WILSON: If I can take you to some parts of your statement, in particular paragraph 10C where you refer to, "During the January 2011 flood event, we had two or three spreadsheets open at different computers at any one time."?-- During certain periods, yes.

Okay. You - that was done to make it possible to make entries simultaneously?-- Yeah. When we began the event, it was more or less one flood officer but as the event progressed there might be two, so-----

40

And flood officers and flood engineers entered information into this excel spreadsheet?-- The norm was just for the flood officers to, but I am aware of certain periods flood engineers probably would have as well.

Sorry, what was that?-- Flood engineers could have as well.

Well, I'm just looking at your statement, paragraph C - paragraph 10C, "The flood officers and to a lesser extent the flood engineers entered information into the spreadsheets"?-- I don't recollect particular times but I do know that, for instance, if I had to step out of the room, I might come back and I would potentially have a note on my desk saying "made an entry" or "here is the entry, can you please enter it?"

50

Okay. Have you got any particular - do you remember which flood engineer did make an entry?-- No, no. It might have

happened once or twice.

1

But you can't tell me which flood engineer that was?-- No, no.

Now, in paragraph D you talk - you refer there to when there was a spare moment it was your practice to compile the information entered into the spreadsheets into the one document?-- Yes.

10

Can you tell me about this procedure?-- I guess in order to make the document as complete as possible, I would take - I guess when it is fairly busy, you're just writing into the flood event log in shorthand. And during quieter moments I would copy - I guess copy and paste verbatim from - for instance, if a directive was referred to, or a situation report was referred to, I would copy and paste that in under the shorthand entry that had been made at the time.

So are you talking - you refer there to situation reports. So tell me - I want in as much detail as you can give me about that process of compiling these documents?-- Okay. So I believe when whoever set the event log up first, so the first flood officer when the event was initiated, had the full situation report in the event log.

20

Yes?-- But as the event progressed it just wasn't possible to do that at - we didn't have time to do that, there was a lot going on, so myself and, I guess, my fellow flood officers would have just entered in shorthand that a directive might have been issued, or a situation report might have been issued. I was present at the flood centre for quite a period of time and I would have taken it upon myself to - when things got quiet, to complete the document, copying and pasting where I saw a shorthand reference-----

30

Yes?-- -----to a situation report or a directive being issued, I would have just copied and pasted from that email or from that word document.

40

Okay. What about when you've got two - there was two Excel spreadsheets operating at one time. How was that compiled?-- Okay, so that wasn't - it is not - certainly wasn't the norm for other events and it did happen during this event but it wasn't a regular thing that happened. It was more during a busy period, especially when we brought two flood officers on, and occasionally we would even have three in the room. You would have the master event log and then potentially if we were getting, you know - for instance, we had two phones in the flood centre, plus people's mobile phones. It wasn't possible to record all of that into one event log, so you might open up another spreadsheet, record details in there with the second flood officer, and then at a later point copy those across to the master.

50

Can I take you to the flood event log, which is exhibit 23? If I can take you to an entry at 3.30 p.m. on the 9th? Have a look at that entry?-- Yes, I'm familiar with the entry.

Did you make any part of that entry?-- No.

At 10I in your statement you refer to your understanding of the flood event log would have been reviewed subsequent to the flood event but you're not sure who would have done so. So what is your understanding of the review of the flood event log?-- Well, I guess when a flood officer's on duty, they're responsible for the period that they're on duty for maintaining, you know, the goings on in the Flood Operations Centre, and what they see as important, putting that into the event log. But at the end of an event, my understanding is a report would have been done to the dam safety regulator, and as part of this process the event log would be reviewed and things like spelling mistakes corrected, et cetera.

10

Is that your understanding or did you know that that occurred?-- Okay, so I knew that that occurred.

And how-----?-- For - I just know that as being standard process for all events.

20

If I can take you to Exhibit 1,051? We can see that this document - just scroll down a bit - stop there. Have you seen this document before?-- Yes.

And when have you seen it?-- For the first time probably two weeks ago.

Did you create this document?-- No.

30

Do you know who did create this document?-- No.

Was this document ever discussed at the Flood Operations Centre?-- No, I have never seen it or seen anything like it.

Did you ever hear flood engineers discussing strategies W1 to W4 when you were at the flood centre?-- I might have but I was a fairly new flood officer at the time so I probably didn't understand the significance of them. Now I do but at the time I don't remember W1, W2, 34 being discussed at all.

40

So is it your evidence that you have no memory of W1 to W4 being discussed?-- Yes.

In terms of looking at the flood event log, if a flood engineer asked you to put in an entry, would you still put your own initials in it or would the flood engineer put in their initials?-- I would put my own initials.

50

Okay. Now-----

COMMISSIONER: Are you going to be much longer, Ms Wilson?

MS WILSON: I will be about three, four more questions.

COMMISSIONER: All right.

MS WILSON: You spent some time at the Flood Operations Centre because you were concerned about being flooded yourself?-- That's right. 1

Did you ever see Rob Drury visit the Flood Operations Centre?-- I - possibly. There are a lot of people coming and going. I certainly spoke to him on the phone. I don't specifically recall seeing him there.

You don't recall seeing him coming into any of the shifts at the Flood Operations Centre?-- He could have done but I don't recall. There were a lot of people coming and going. 10

And, finally, just in terms of W1 to W4, you said that you really had no understanding of what those terms meant?-- Possibly a very high level of understanding but not of any real significance, no.

Did you ever see Peter Allen come to the Flood Operations Centre?-- Again, I don't - I don't recall seeing Peter Allen there. 20

Thank you. I have no further questions.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No, Commissioner.

MR MacSPORRAN: Nothing, thank you. 30

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Nothing, thank you, Commissioner.

MR BURNS: No questions, thank you.

COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: No questions. 40

MR AMBROSE: I do have questions. During the drawdown after the flood event there was a compilation made of the flood event log correcting errors, I suggest to you, perhaps spelling errors, checking the accuracy?-- Uh-huh.

Adding references to directives, perhaps, and situation reports?-- Uh-huh. 50

Were you involved in that compilation?-- No.

Do you know anyone who was?-- I believe there might have been some administrative staff from Seqwater who were involved in that, and perhaps consultants, but otherwise no.

You just don't know?-- No.

All right, thank you.

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COMMISSIONER: Ms Wilson?

MS WILSON: I have no further questions. May the witness be excused.

COMMISSIONER: Yes.

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WITNESS EXCUSED

COMMISSIONER: And I understand we've got to get Mr Smith on the phone, so we'll adjourn very briefly while that is set up.

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THE COMMISSION ADJOURNED AT 5.01 P.M.

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THE COMMISSION RESUMED AT 5.03 P.M.

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COMMISSIONER: I understand we have Mr Smith on the line.

KENNETH JOHN SMITH, ON AFFIRMATION, EXAMINED VIA TELEPHONE LINK:

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MS WILSON: Thank you, Madam Commissioner. My name is Elizabeth Wilson and I am the Counsel Assisting and I am going to ask you some questions?-- Yes, hi.

Can you hear me?-- Yes, I can.

Your full name is Kenneth John Smith?-- That's correct.

20

And you are presently the Agent-General for Queensland and Queensland Trade and Investment Commissioner Europe?-- That's right.

And you ever held that position since the 5th of July 2011?-- That's correct.

And at the time of the December 2010 and January 2011 floods, you were the Director-General of the Queensland Government Department of the Premier and Cabinet?-- That's correct.

30

And you have provided a statement to the Queensland Floods Commission of Inquiry dated the 1st of February 2012?-- Yes, that's correct.

Do you have that document in front of you?-- I do.

That is a ten-page statement?-- Sorry, what was that?

40

That is a ten-page - sorry, a five-page statement?-- Yes, yes, it is a five-page statement.

With 16 paragraphs?-- Yep.

And exhibits attached?-- Yeah, that's right.

And you affirmed this statement on the 1st of February 2012 in London?-- I did, here in London, yes.

50

Madam Commissioner, I tender that statement with exhibits.

COMMISSIONER: Exhibit 1,138.

ADMITTED AND MARKED "EXHIBIT 1,138"

MS WILSON: I should ask you this, Mr Smith, is that statement true and correct?-- That statement is true and correct.

Is there anything that you wish to add or amend to that statement?-- No, Ms Wilson.

As Director-General of the Department of Premier and Cabinet, can you tell me what your role was during the December 2010, January 2011 floods?-- Yes, my role was as Chair of the State Disaster Management Group, and I chaired meetings throughout that - those events through December/January and then beyond into the events in early February with the cyclone in far North Queensland.

10

You received information which is set out in your statement about the operation of Wivenhoe Dam during that time?-- That's correct.

20

And are you aware that the Wivenhoe Dam is operated pursuant to a manual?-- I am aware of that, yes.

And were you aware of that at the time?-- I was aware of the fact that there was a manual. I am not a technical expert and wasn't aware of the details within the manual.

Has the - has the manual ever been explained to you in any way?-- Yes, particularly during and after the event, the manual was explained to me and, you know, I was provided verbal and in some cases written material with respect to the manual itself. Before that, it - I would have only had a very general understanding of the manual which supported the technical staff in operating the dam.

30

During the flood event, you were aware that the manual referred to certain operational strategies; W1, W2, W3 and W4?-- That wasn't an issue, Ms Wilson, that I was concerned with. My main concern was, in fact, what the impact of any releases would be on downstream but also non-releases on upstream community.

40

That may be your concern but were you aware that the manual referred to certain operational strategies W1 to W4?-- I don't believe that I would have had that level of detail of understanding at the time of the event.

So is the answer to that no?-- Yes, that's right. No.

Did you have any understanding during the 2010 - December 2010 and January 2011 flood event about what was meant by the Wivenhoe Dam strategies in a general sense?-- Oh, in a general sense and that is why I sought briefings and participated in some important briefings during the event to get a fuller understanding of the impacts of the releases, together with other relevant information that was important in terms of the impacts.

50

So from what I can understand your evidence, you didn't appreciate the details of W1 to W4, is that the case?-- That's correct.

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But did you know that terminology existed?-- No, no, I learnt of that terminology subsequent.

When you say subsequent, subsequent to the December 2010 and January 2011 flood event?-- Yes, that's right, particularly as those matters came to the attention of the Commission and the reports that were in the public realm about the various strategies, 1 to 4.

10

Okay. That's dealing with the terms W1 to W4. What about your understanding of the primary objective of various strategies. Did you have any knowledge of that?-- Oh, during the briefings that I was provided during the event, there was reference to various strategies. That related to obviously at the highest level protecting the dam and - and the safety issues regarding the dam. And of the fact that higher levels of releases were related to - to increasing order of magnitude of those items, you know W1, W4.

20

So you are aware that there was an escalating - there was escalating primary objectives in relation to the operation-----?-- Yeah, yes, I was aware of that, and in terms of the technical situation reports, I reviewed those reports, you know, throughout the event in the context of the objectives that the Seqwater was putting in place at various times.

30

Mr Smith, were you involved in any way in the choice and timing of dam operation strategies at Wivenhoe Dam?-- No, I was briefed about those issues, Ms Wilson, but I wasn't directly involved, nor would it be appropriate given that I had no statutory authority or responsibility to provide direction in that regard.

Now, have you got your statement in front of you?-- Yes, I have.

40

That's the statement of 1st of February 2012 that's in front of you?-- Yep.

Now, that statement was prepared in response to a requirement issued by the Commission, is that the case?-- That's correct.

And that requirement appears as attachment 1 to your statement?-- That's correct.

50

And paragraph 1 of that requirement issued by the Commission asked you to explain your understanding in the period 7 January to 12 January 2012 of the flood operations strategies that were in use at Wivenhoe Dam during the period?-- Yeah, that's correct. It was 2011.

Sorry, 2011?-- Yes, yep.

The times of each and the times at which each strategy was in use. You can see that?-- Yeah, yes.

1

Now, in paragraphs 7 to 11?-- Yep.

In answer to that requirement, you outline the briefings and emails you received from 7 to 12 January?-- That's correct.

You also refer to meetings you attended?-- That's correct.

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And advice you received?-- That's correct. And, Ms Wilson, I must emphasise that as I am here in London I have had limited access to papers, so I requested my previous department, the Premier and Cabinet, to prepare all relevant material between those two dates. So I am relying on the advice I received.

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Yes, but if we're going back to the response - to your response to the requirement issued by the Commission, that is your understanding?-- Yep, that's right.

1

That is set out in paragraphs 7 to 11?-- That's true.

But you don't explain what understanding you actually gained from the information that you set out in those paragraphs?-- Well, the information I gained from all of that material was used for the purposes of, as I mentioned, understanding what the potential impacts were on communities both downstream and upstream of the dam and to inform my role as chair of the State Disaster Management Group.

10

You can see, though, the first paragraph requires for you to particularise your understanding?-- Yes.

Those paragraphs don't particularise any of your understanding, rather it sets out documents you received, or information you received?-- Yeah, and in those documents there is details of the information as you mentioned that I received, and I can, I hope, elaborate, if you have questions on any of that material, on how that material was then subsequently enacted upon.

20

Well, Mr Smith, you were asked about in the requirement of your understanding and I'm wanting to know what was your understanding in the time period from 7 to 12 January of the strategies that were in place at Wivenhoe Dam?-- Well, my understanding was based on the briefings that I was given, including e-mails from the Water Grid Management that are attached, Technical Situation Reports that I received, and briefings that were provided through the State Disaster Management Group by those with specific responsibilities in this area.

30

COMMISSIONER: Mr Smith, you're telling us what you based your understanding on, but you're not telling us what your understanding was. What Ms Wilson's asking you is what did you know about the strategies being used in that period; what did you actually understand was happening, if anything; and what did you understand the strategies were; if you understood them, how did you understand them to have been applied, and when?-- Right. Commissioner, clearly the documents that I provided are the basis upon which my understanding was formed of what occurred at different points, at different dates over that period, so really it rests with the reports on the release levels and then, as I did, in meetings seek clarification of what the likely impacts of that - that was.

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Well, what do you remember now about what you were told?-- What I remember is that there were critical periods in terms of the releases and the - then the impact that that had, together with downstream impacts of flooding on the - if you like the City side of the dam wall.

MS WILSON: So can I take it, Mr Smith, that your understanding is all of the information that is included in

those paragraphs?-- I had, Ms Sullivan, access to a range of information in this area, together with a large range of information in a variety of other areas, and acted on that information in the best way I possibly could.

1

Paragraph 7 of your statement - have you got that there?-- Yes, I have.

You state that you have "received expert advice from many key parties over the period from January 2011 to 12th of January 2011." Do you see that?-- Yes, yep.

10

Then you set out those parties?-- That's right.

Now, that would go beyond the documents that you have included in those paragraphs?-- Mmm-hmm.

So, what was the advice that you received?-- Sorry, I don't really understand your question. The advice I received from other parties or the advice I received from Seqwater, the grid manager?

20

Mr Smith, you were asked to provide your understanding in the period between 7 January 2011 to 12 January 2011?-- Yes.

Of which the Flood Operations strategies, and I won't go on to read item 1 verbatim, but that's there, isn't it, you can see that?-- Yes, yes, yep.

Okay. You haven't particularised your understanding, you have just stated that you have been - received expert advice and attached documents?-- That's correct.

30

So that doesn't assist me in trying to clarify what your understanding was at variety points in time?-- Well, Ms Sullivan, I don't know if I can say anything more than I did receive advice from range of parties. My understanding of the issues at stake, particularly between the 7th and 12th of January, were all of that information that I had provided in the evidence, the 471 pages of evidence attached - of exhibits, sorry.

40

Can I take you to page 1 of attachment 5 to your statement?-- Yes.

You can see it's a chain of e-mails, and if I could take you to the second e-mail on that page which is from Dan Spiller. Do you see that?-- Right. Sorry, have you got the folio number there?

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234?-- Yes, thank you very much. I'm sorry about this, but, yeah, it is just in order of - yes, I have that.

Do you see that?-- Yep.

Do you see the e-mail from Dan Spiller sent on Sunday, January the 9th at 11.07 p.m.?-- Yes, I do.

Now, this is - this document, then, forms part of your understanding of - in response to the first question in the requirement, the first issue in the requirement?-- Yes, it does.

1

Okay. So, if we can read that e-mail, your understanding, then, would be that the primary objective up to this point in time has been managing to prevent the inundation of the Mt Crosby Weir and Fernvale Bridges?-- Yeah, that's true, that's in the fourth paragraph of that e-mail.

10

So, can I take it that your understanding changed at this time where it reads, "The primary objective is being changed to minimise the risk of urban inundation."?-- I took that minute, you know, on face value, that, yes, that was the objective.

So, there was a change of primary objective, as far as you were concerned, on January, the 9th at 11.07 p.m. when you received that?-- Yes, I - I accepted that, that advice.

20

Okay. I am just trying to work out your understanding and when you reached that understanding?-- It may have been either on that night or early the following morning, on the - on the 10th of January. That was obviously received late. I'd been at Kedron on that Sunday night and I can't recall whether I'd read that e-mail on the Sunday evening or early on the Monday morning.

You chose to forward that e-mail to a number of people including the Premier, the Honourable Anna Bligh MP?-- That's true. I am just trying to find that - where that was forwarded.

30

On my documents, a copy of your forwarding e-mail was sent at 5.44 a.m. on the 10th of January 2011?-- Yes.

And it appears 45 pages into attachment 7 to your statement?-- Right. Sorry. I'm sorry, I am just working off the folio numbers. That's at folio 342 and 343.

40

Does that e-mail start - at that page say, "From Ken Smith."?-- Yeah, it does.

Monday, 10 January 2011 at 5.40 a.m.?-- Yeah, 5.44 a.m., that's right.

5.44 a.m.. It's got an attachment of a Technical Situation Report?-- Yep.

50

And the e-mail states, "Further to your text last night please see below details of increased releases." That's the document you're looking at?-- Yeah, that's true, yep.

And below that is the e-mail that you received from Dan Spiller stating that the primary objective has been changed. Do you see that?-- Yes, that's true, that's true.

Do you forward all e-mails of this type to the Premier?-- No, I would only forward some material to the Premier, otherwise I would discuss that with her staff or in certain cases directly with her.

1

Is it the case that you only forwarded information that you thought was important enough for her to see?-- Yes, and in this case, as you are aware, we were working through a range of other issues across the State. The referral of this information was, you know, particularly related to the impact on Fernvale Bridge and Mt Crosby Weir being inundated and, therefore, the impact on the communities in the Brisbane Valley.

10

Did you have any discussion with the Premier in relation to the change in primary objective of the operation of Wivenhoe Dam as set out in the e-mail below?-- No. This discussion then progressed - it is my understanding then at a teleconference that was convened on the 10th of January at 12.30 where the issues were discussed in much greater detail.

20

If I can now take you to another e-mail from Dan Spiller at 9.46 a.m. on the 10th of January 2011, and you will find that at 336?-- Oh, thank you.

Do you have that e-mail?-- No, sorry, I - 336 is - on my document is a STCC report.

The folio number that you are referring to hasn't shown up on our copy?-- Oh, right, I'm sorry about that.

30

If I may be assisted? It's an e-mail on the 10th of January 2011 at 9.46 a.m.?-- Sorry about this.

Try 236, Mr Smith?-- Yeah, okay. Sorry. Oh, yes, sorry, this is from Dan, 10th of January at 9.46 a.m.

Yes?-- Yep, yep.

Now, in-----?-- 236, yep, got it.

40

You have got this e-mail here?-- Yeah, I have.

And this e-mail was sent to you?-- That's right.

And you read this e-mail?-- Yep.

And in terms of trying to ascertain when you understood strategy changes in relation to Wivenhoe Dam, I can take it this forms part of your understanding?-- Yes, it does.

50

Okay. We see the third dot point?-- Yep.

"As specified in the operational procedures, the primary"-----?-- Yes.

-----"objective is now to minimising the risk of urban inundation."?-- Yep.

"(Release Strategy W2)."?-- That's right.

So when you received this e-mail, did you have any understanding of what release Strategy W2 was?-- No, I didn't. My own thinking wasn't in terms of release strategies W1, W2, W3, W4 at the time. As I mentioned before, the issues for me, which were important, was what the impact of the release strategy was in terms of the quantum of releases and the effects downstream and upstream.

10

Did you ask anyone about what the release Strategy W2 was?-- No, because - no, I didn't, and I was aware at that stage that there was a teleconference at 12.30 to discuss this in more detail.

But the prima facie of the reading of this document is that you appreciated the release Strategy W2 was engaged on the 10th of January 2011 at 9.46 a.m.; is that the case?-- Look, it was in the e-mail. At that time, I was either briefing the Premier or participating in a - an emergency Cabinet discussion with respect to the flooding situation overall.

20

Okay?-- So, I can't say that, you know, I dealt with this in great detail at the time and particularly on the issue of release Strategy W2 is bracketed there in that e-mail.

So, you take issue about the time of your understanding on the 10th of January, but certainly is it the case that it was your understanding on the 10th of January that release Strategy W2 was being used?-- I wouldn't have used that terminology, given that in terms of all of the documentation I received, including each one of the Situation Reports and the discussion, then in that teleconference on - at 12.30 on the 10th of January the terms W2, W3, et cetera, are - to my knowledge weren't used extensively. It was used in this minute, I agree with you, but wasn't extensively used in other briefing provided.

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You were asked about your understanding in the period between the 7th of January 2011 and the 12th of January?-- Yep.

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In response to that, you've requested the Department of Premier and Cabinet identify and collate the relevant advice regarding the dam operations?-- That's right, that's right.

The Department has identified that?-- Yes.

This is included in the documents, that, as I understand it, form your understanding?-- Yep, that's true.

50

If we can go to an e-mail of - and you will find it at page 154 of your documents from Gina O'Driscoll on behalf of Barry Dennien to Ken Smith on the 10th of January 2011?-- Yes.

This e-mail refers to a teleconference at 12.30 on the 10th?-- That's true, and, as a range of background briefing for that

teleconference.

1

Yes. And it includes that e-mail which sets out that the primary objective is now the minimising the risk of urban inundation, release Strategy W2?-- Yeah, in brackets, that's true.

Okay. And if you can go now to page 466 of your documents, which is a teleconference - it's a subject - looks like a date claimer or something like that, a teleconference-----?-- Yes.

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-----re Wivenhoe Dam?-- Yep.

The organiser, it appears to be you?-- No, no - look, I think the organiser was, in fact, the water group manager.

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Right?-- So the - yeah, sorry, I think this is a glitch of when these documents are subsequently printed, but I didn't organise the teleconference. The teleconference was organised bring the Water Grid manager.

1

But this document sets out that there is a teleconference for update on the current Wivenhoe flood release strategy; do you recall reading this document?-- Yes.

Okay. And the key points, it appears, for this teleconference are set out below - are set out at the bottom of the page?-- Yep, that's true. That's the same information that moves across Spiller's e-mail, the e-mail we spoke about and as background to the teleconference and this - this note on the organisation of the conference.

10

So the background to this teleconference is that one of the parts to the background to this teleconference is that the primary objective is now to minimising the risk of urban inundation release strategy W2?-- Yep, yep. No, I confirm that that's in the document and that's basically, you know, is the same document that we've been pointing to throughout this - throughout this part of the evidence.

20

Yes. And so you attended that teleconference at 12.30 with that-----?-- That's true.

-----that knowledge in mind?-- Yes, yes.

So you've attended that teleconference with the background that the primary objective is now to minimising the risk of urban inundation?-- That's true.

30

Release strategy W2?-- As soon as I mentioned - I - I - that term was mentioned, as you said, in basically the same documents on that date, but wasn't the focus of my attention.

But it forms part of the documents that you say-----?-- Yes-----

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It is part of a document that you say form part of your understanding?-- I fully agree.

Now, you've provided a teleconference was held on the 10th of January 2011?-- Yep.

You didn't take any minutes, but there was a transcript of that teleconference?-- As I subsequently heard, as I outlined in my statement I was aware of the teleconference. I had not received any minutes of that teleconference and only became aware literally in the last week that there was a transcript of that teleconference.

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Have you now had the opportunity to read that transcript?-- Yeah, I have. I have, but I have to say that is subsequent to my statement and my statement included the recollection that I had of the content of that meeting and, in fact, I did omit certain participants from my understanding who participated.

Yes, Mr Smith, but you've read the transcript now?-- Yes, I have.

And as far as you're aware it's an accurate account of the teleconference?-- As far as I'm aware it is.

There's no - is there any correction you think should be made to this transcript?-- I've responded to Mr Dennien saying that I believe that the transcript is accurate.

10

Now, the transcript records that you played somewhat an active role during this teleconference?-- I did ask a number of questions, yes.

For example, have you got that transcript in front of you?-- Yeah, I have.

You can see on page 2 "KS", that's you?-- Yep.

20

And you ask a question about release rates which began a discussion in which the participants expressed confusion, some confusion about the release rates then being used?-- Yep.

Peter Borrows also attended that conference?-- Yes, that's true.

Did you have any discussions with any persons before or after attending the conference about the operation or strategy that was being used at Wivenhoe Dam?-- No. I definitely didn't talk to Peter Borrows. There would have been discussions with - with Barry Dennien who attended the SEMG meetings and some discussions of the statements after, the coordinating committee as well.

30

What about in terms of these discussion about the operational strategy that was being used?-- No, no, there was no discussion again on the issues of W2, 3 and 4. The primary discussions were around the issues such as with the release levels, the rainfall event and the impact of Bremer and Lockyer water downstream and a range of issues about what impact that would have on - on various - various flood recording mechanisms like Moggill and the Port Office.

40

Does your knowledge of the manual go so far to ensure the importance of compliance with the Wivenhoe manual in terms of the immunity grants the operators from certain legal actions?-- No, it didn't.

At any time?-- It would have been subsequent to the events themselves and the general issues raised within the media about the issues during the conduct of the Commission of Inquiry.

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Was investigating whether there had been compliance with the manual a concern for you in January 2011?-- There was a discussion with Mr Dennien after - and the Premier - after the statements after management group meeting which had

reconvened - I'm just looking at my diary - on Tuesday the 11th of January and at that point the - the Premier and I discussed with Mr Dennien the need for an independent review of the dam release strategy.

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Why was there a need?-- Because of the potential impact, obviously, of those releases that the Premier was concerned that the - there was, if you like, an independent expert oversight that the operators were progressing their operational management of the dam consistent with the - with the manual.

10

Do you recall that Mr Cooper was chosen to perform that review?-- Yes, I recall that. I asked Mr Dennien to look to - who would be independent experts who could be appointed to review these arrangements with the correct expertise and to proceed to make that-----

Sorry, if you could just repeat that last sentence?-- Yes, sorry, Ms Wilson, it was to proceed to then make an appointment of an appropriate - appropriately qualified person.

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And did you receive Mr Cooper's report?-- I did and that was obviously, you know, subsequent to the - to the event and I've been reminded of that this morning. It's obviously not in my exhibit, but in material that I was asked to refer to by the Commission. So I have an e-mail of the Thursday the 13th of January which attaches that independent review by Mr Cooper.

30

Did you read the report, Mr Barry Cooper's report?-- I - I did not read that report in detail. I read the summary of that report which fundamentally concluded that the strategy's set out in the manual have been followed and that whilst there were issues, particularly raised about the consistency of material in the situation reports, fundamentally the - Mr Cooper had confirmed that the Seqwater officers had operated correctly. I think he qualified that by saying - allowing for the discretion, but they would need to make - to maximise flood mitigation effective.

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Mr Smith, you said you read a summary. Who provided you with a summary?-- No, the summary was, you know, part of the letter obviously that was sent to Mr Dennien.

Right. So where you said the letter it said, "Dear Barry" and right down to, "Regards, Brian Cooper." Is that what you read?-- Yeah. Look, I honestly can't say I then went through all of the attachments and all of the commentaries in each of the attachments.

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In Mr Cooper's report, if I could take you to the second page of his report?-- Yes.

And, Madam Commissioner, this appears in Exhibit 6 - 417. It has 1675 down the bottom of it. You can see until the last day or so Wivenhoe Dam has been below EL74?-- Yes.

And it goes on to say that for the last day or so before yesterday's big rise strategy W2 would be in place. Did you see that?-- Yes, I see that.

And you read that at the time that you were provided this report on the 13th?-- Look, as I mentioned at that time on the 13th of January there were a range of other issues. I was attending to across the State and my main concern was the conclusion of the consultant with respect to where the dam operators were operating consistently with the manual. I - I did not pay attention to the issues in that particular paragraph with respect to the reference to W1, W2.

10

Did you understand what these references to strategies meant?-- I do subsequently. It wasn't a big issue for me at the time.

When you say "subsequently", when was that?-- When the Commission was dealing with these issues in their interim report and there was publicity particularly in The Australian about the release strategies that were put in place.

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Did you read the March report prepared by Seqwater?-- I wouldn't have read that report in great detail because my responsibilities generally - statutory responsibilities were for that particular matter did not sit with me.

So when you said you did read it; is that the case?-- Oh, look, I wouldn't have read it, you know, cover to cover in great detail. Couldn't claim to.

30

Did you pay any attention to when the strategies were said to be triggered in that report?-- No, no.

Were you aware that the March report stated that the strategy W3 commenced at 8 a.m. on the 8th of January 2011?-- No, I wasn't. I wasn't aware of that. My - my responsibility throughout these events, as I mentioned, was as chair of the SEMG. My responsibility as Director-General to the Department of Premier and Cabinet were to ensure that there were - there was appropriate advice provided across government to the Cabinet as well as, you know, any advice that was required by the Commission of Inquiry subsequent to its - its establishment.

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You read the Commission's interim report?-- I did.

And-----?-- Some time ago.

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And did you read that set out in the interim report that - whether Wivenhoe Dam operators moved straight from strategy W1 to W3 at 8 a.m. on the 8th of January?-- Yeah, I was generally aware of that in reading the report, yes.

Now, your understanding of - at the time of - during the flood event came from information that you were provided by others; that's the case?-- True, yes.

1

And information you were provided by Mr Spiller sets out that - that on the 10th of January the primary objective is now to minimising the risk of urban inundation release strategy W2?-- Yep, I have confirmed that I received that.

Yes. Well, that was your understanding at the time?-- Yes, that's true.

Now, there's a difference between your understanding of the time and information that was contained in the interim report, is there?-- Yeah, but I - look, I didn't actually go back from the interim report and crosscheck against information that I'd received during a very heavy pressurised period of responding to flood events across the State, but I didn't see that as my role to crosscheck that information and whether - whether, in fact, it was accurate.

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Whose role is that?-- Well, I assume that-----

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In your government?-- -----the information - sorry?

In your government whose role is that if and when you were working as the Director-General?-- Well, some of that responsibility would clearly rest in the environment portfolio responsible for the operations of the dam. I'm also not privy to, in detail, how much of this information may have been available to the Commission at the time or was subsequently provided such as these e-mails from Mr Spiller and the references in Mr Cooper's report.

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Mr Smith, did you see a ministerial briefing and information provided to Minister Robertson on the 17th of January?-- I may have but you would have to point out the document to me. I obviously didn't provide that in my exhibit.

Do you - if there is briefings made to a Minister do you get those briefing notes?-- No, there would be literally thousands of briefing notes to Ministers that go directly to Ministers that I wouldn't receive. In terms of the Cabinet process, there are briefings provided by my department and the Treasury Department to Cabinet submissions that come forward, and I would receive information about, you know, advice that would support a Minister of Cabinet, or I should receive that.

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Okay. Can you recall getting any ministerial advice prepared for Minister Robertson on the 17th of January forwarded on to you?-- Well, I can't recall that, no.

Okay. Thank you. I have no further questions.

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COMMISSIONER: Mr Murdoch? Any questions?

MR MURDOCH: No, Commissioner.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: No questions, thank you.

COMMISSIONER: Mr Burns?

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MR BURNS: Nothing, thank you.

COMMISSIONER: Mr Ambrose?

MR AMBROSE: No questions.

COMMISSIONER: Mr O'Donnell has given up.

MS HAYES: No questions.

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COMMISSIONER: Thank you. Mr MacSporran?

MR MacSPORRAN: I have nothing, thank you, Commissioner.

COMMISSIONER: Ms Wilson?

MR CALLAGHAN: May the witness be excused? I have no further questions.

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COMMISSIONER: Thank you, Mr Smith. You're excused.

WITNESS EXCUSED

COMMISSIONER: We will adjourn until 10 a.m.

MR AMBROSE: Commissioner, before we adjourn can I mention something? During the course of today's hearings, after witnesses have actually entered the witness-box and commenced their evidence, we've been given notice of documents that are going to be put to them. That's somewhat difficult for us to deal with in terms of not having time.

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COMMISSIONER: Who are you talking about? What are you talking about?

MR AMBROSE: Well, when Mr Borrows, for example, got into the witness-box, after he had commenced his evidence we received a notice from the Commission of documents that are going to be put to him. That's difficult for us to deal with in that time, and I would like to make a representation that that not occur tomorrow when Mr Ayre, for example, is going to give evidence and the other people give evidence.

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COMMISSIONER: All right. I suppose - well, yeah, it will always depend on the circumstances but as much as possible I am sure that will be achieved.

MR AMBROSE: Thank you very much.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: There were just some physical exhibits we wish to inspect. I was going to ask your leave, Commissioner.

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COMMISSIONER: Yes, all right. Can you arrange it with my associate?

MR SULLIVAN: Yes, thank you.

COMMISSIONER: Adjourn till 10 a.m. tomorrow, please.

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THE COURT ADJOURNED AT 5.56 P.M. TILL 10.00 A.M. THE FOLLOWING DAY

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