

**Ashleigh Harrold**

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**From:** Peter Borrows  
**Sent:** Sunday, 16 January 2011 2:11 PM  
**To:** John Tibaldi; Rob Drury  
**Cc:** Mike Foster; Paul Bird; Terry Malone; Chloe Cross; Peter Borrows  
**Subject:** FW: Fw: Cabinet in confidence - Ministerial brief outline - Regulatory context

**Attachments:** Regulatory context for the dams.doc; ATT01855.txt



Regulatory context for the dam... ATT01855.txt

**QFCI**

Date: 5/2/12 <sup>JM</sup>  
Exhibit Number: 1066

Regards, Peter.

Peter Borrows  
Chief Executive Officer  
Queensland Bulk Water Supply Authority trading as Seqwater

Ph (07) [redacted] | Fax (07) [redacted] | E pborrows@[redacted] Level 3, 240  
Margaret St, Brisbane City QLD 4000 PO Box 16146, City East QLD 4002 Website |  
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-----Original Message-----

From: peter\_allen@[redacted] [mailto:peter\_allen@[redacted]]  
Sent: Sunday, 16 January 2011 11:58 AM  
To: Rob Drury; Peter Borrows; Duty Seq; john.bradley@[redacted]  
barry.dennien@[redacted] daniel@[redacted]  
michael.lyons@[redacted] elaina.smouha@[redacted] peter.allen@[redacted]  
Mike Foster; bob.reilly@[redacted]  
Cc: threereillys@[redacted]  
Subject: Re: Fw: Cabinet in confidence - Ministerial brief outline - Regulatory context

Barry,

This is the proposed regulatory context to go into the Ministerial Briefing. Both Bob Reilly and Peter Borrows have reviewed it and are happy with it.

Peter Allen  
Director Dam Safety (Water Supply)  
DERM

> Allen Peter <Peter.Allen@[redacted]> wrote:

>  
>  
>

> ----- Original Message -----

> From: Elaina Smouha <elainamir@[redacted]>  
> To: mfoster@[redacted] <mfoster@[redacted]>; Allen Peter;  
> Reilly Bob; pborrows <pborrows@[redacted]>; rdrury@[redacted]  
> <rdrury@[redacted]>; dutyseq@[redacted] <dutyseq@[redacted]>  
> Cc: Bradley John; Dennien Barry @ [redacted] spiller daniel @ [redacted]; Lyons  
> Michael @ [redacted]; smouha elaina @ [redacted]  
> Sent: Sat Jan 15 17:02:53 2011  
> Subject: Cabinet in confidence - Ministerial brief outline  
>

## Regulatory context for the dams' flood operations

These are contained in the Flood Mitigation Manual (manual) approved under sections 370 to 374 of the *Water Supply (Safety and Reliability) Act 2008*. The Chief Executive Officer (CEO) of DERM (or his delegate) approves the manual, and the approval is notified in the Queensland Government Gazette. Approval can be for a period of up to five years, after which the approval needs to be renewed. There are no decision-making criteria specified in the Act for the CEO to take into account when approving the manual.

The manual for the dams requires, amongst other matters:

- a) Flood operations to be conducted in accordance with manual's provisions.  
(There is an approval process specified in the manual, if Seqwater considers a different flood release strategy is desirable to deal with a particular flood event. This was not used in the January 2011 flood event)
- b) Flood operations to be under the control of CEO-approved engineers (who are highly qualified and experienced)
- c) Annual reporting on the preparedness and status of the flood control system for flood operations, and the training of the personnel who manage the flood events.
- d) Reporting on the flood operations during flood events.
- e) Reviews after flood events such as the January 2011 event. For this flood event, the Queensland Government engaged Mr Brian Cooper, an independent consulting engineer, to review compliance with the manual. Mr Cooper concluded (**Attachment??**):

"...The strategies in the Flood Mitigation Manual have been followed, allowing for the discretion given to make variations in order to maximise flood mitigation effects. The actions taken and decisions made during the Flood Event appear to have been prudent and appropriate in the context of the available knowledge available to these responsible for flood operations and the way events unfolded..." (**p.3 of the final report or other appropriate reference??**)

The manual is separate from a draft communication protocol (Insert name) between the Local, State and Commonwealth government agencies that are affected by the dams' flood operations. This protocol is not binding on the parties to it is not subject to regulatory approval/review.

Some DERM staff, because of their specialist skills, work in the Flood Operations Centre that Seqwater activates to manage such events. None of them are involved in any of the regulatory decisions concerning the dams or are members of the work unit (Office of the Water Supply Regulator) which undertakes the CEO's regulatory functions.