

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 11/02/2012

..DAY 68

THE COMMISSION RESUMED AT 10.00 A.M.

1

COMMISSIONER: Yes, Ms Wilson.

MS WILSON: Thank you, Madam Commissioner. I call Mr Van Blerk.

10

PETRUS GERHARDUS LOUW VAN BLERK, SWORN AND EXAMINED:

MS WILSON: Can you tell this Commission your full name, please?-- Petrus Gerhardus Louw Van Blerk

And you prepared a statement for the Queensland Floods Commission of Inquiry?-- Yes, I have, yes.

20

Can you have a look at this document, please? Is that your statement?-- Yes, it is.

Madam Commissioner, I tender that document.

COMMISSIONER: Exhibit 1139.

30

ADMITTED AND MARKED "EXHIBIT 1139"

MS WILSON: Have you got a copy of that statement in front of you?-- Yes, I have.

Can I take you to paragraph 6 of that statement where you set out the dates that you were present during the period from 6 January to 19 January 2011?-- Yes.

40

They're the shifts that you worked?-- Yes.

And they're the shifts that you worked as a flood officer?-- Yes.

If I can take you to the shift of 7 a.m. to around 7 p.m. on Monday the 10th of January?-- Yes.

When you came to work on the 10th of January was there any discussion amongst you and the flood engineer about what strategy you were in?-- Not that I can recall, no.

50

Are you familiar with the terms of "W1" to "W4" from the operational manual of Wivenhoe Dam?-- Yes, I am.

Was there - in any of the shifts that you worked was there any discussions of those terms?-- Yes, there was.

And when was that?-- I can't recall the times and dates but, you know, I remember that - that was discussed at times.

1

Okay. You've particularised three shifts that you worked during that period, in paragraph 6?-- Just say again, please.

You've particularised three-----?-- Yes, I have.

-----shifts that you worked, in paragraph 6?-- Yes, I have, yes.

10

I asked you a question about the terms "W1" to "W4" and you recall that being discussed?-- Yes.

By whom?-- Well, by the flood engineers and there was - there were probably more than one of them at times in the flood office and they discussed it amongst themselves.

Is that in these three shifts?-- I would think so, yes, yeah.

20

Okay. Can you give me any assistance about when it was discussed?-- No, I can't unfortunately, no. I can't recall times or dates.

Sorry, what was that?-- I can't recall times or dates-----

Can you recall strategies like W1, W2, W3 or W4?-- Probably but not, you know, which one was mentioned at a specific time, no, I can't recall that.

30

Mr Van Blerk, I'm just trying to understand your evidence, and to the extent that it is what it is. Is it that at - you recall some mention of W1 to W4 in the shifts that you worked at the Flood Operation Centre?-- Yes.

And does those - does that go beyond the three shifts that you particularised in paragraph 6?-- Yes. I was on before the event and it was discussed then to - you know, just as a general discussion, I would think, but-----

40

I'm not understanding your evidence-----

COMMISSIONER: Well, what was said when it was discussed before the event?-- You know, we were in the flood centre at times alone and me - me and the flood engineer and we were just having a general discussion about the strategies.

About the strategies?-- Yes.

And leading up to this event in early - late December, early January, what can you remember about what was said about the strategies?-- Well, I can't - as I said before, I can't remember discussing in - exactly which strategy we were at a specific time.

50

Can you remember any particular strategy being mentioned?-- No, not specifically.

Thank you.

1

MS WILSON: If we look at - and can we take it from your evidence that in relation to the shift that you worked from around 7 a.m. to 7 a.m. on Monday the 10th of January you can't recall any reference to strategies on that shift?-- No.

Do you recall which flood engineer you were working with?-- No, not - no, I can't remember exactly who was on on that specific shift.

10

In relation to the third shift that you've set out in paragraph 6, which is the shift from around 7 a.m. to 7 p.m. on Monday, the 17th of January-----?-- Yes.

-----can I show you this document, which is Exhibit 1076. This is an e-mail from the duty engineer account to Peter Allen and R Drury, sent on Monday the 17th of January 2011 at 1.03 p.m.?-- Yes, I see the document.

20

Were you the only flood officer on shift at that time?-- I think so, but, as I said in my statement, you know, some of the other flood officers came and went, especially if it was a normal weekday, as it was on that day, so-----

Can we open up this e-mail, please. It's got two attachments. The first attachment - the attachment that has been opened up is a strategy summary log?-- Yes.

We can scroll down this document, please. Mr Van Blerk, have you seen this document before?-- Yes.

30

Can we scroll down-----?-- Yes, probably, and the contents of it - sorry, that looks like our logs we had in-----

Okay. Can we just - can we go back to 3.30 p.m. on the 9th. See there we have an entry at 3.30 p.m. on the 9th? There is a yellow line above that with the words "strategy W2"?-- Yes.

If we can go across, please, to the right-hand column, and under the "Category," "Situation Report," "Strategy W2"?-- Yes.

40

Okay, that's just - I'm just trying to give you an opportunity to familiarise yourself with the document so you can see the whole document-----?-- Yes.

-----rather than just part of it. This document that is attached to this e-mail has strategies put into the document?-- Yes, I noticed that.

50

Yes. Have you seen this document-----?-- No, I haven't seen this one, no, no. Not the strategies inserted, no.

And what document have you seen that you-----?-- Well, the rest of it looks pretty much like our - like our log, you know, events log-----

Okay?-- -----yeah.

1

Have you ever seen this document?-- Yes, the lawyers showed it to me probably Monday, Tuesday-----

Okay?-- -----yep.

And can I take it from that that's the first time you've seen this document?-- With - yes. Yep.

10

And that is the document that has - contains particularisation of strategies?-- Yes.

If we can go back to the other attachment to this e-mail. That's a - the other attachment to this e-mail was a Wivenhoe Dam manual readings?-- Yes.

Have you seen a document like that before?-- Well, there were - there were graphs on the screens all the time but I can't recall this one specifically, no.

20

Can we now go back to the e-mail that attaches these documents. Do you recall whether you sent this e-mail that attaches these documents?-- No, I wouldn't have sent that.

And why wouldn't you have sent it?-- I don't think I ever send (sic) an e-mail from the flood office when I was on duty, no.

Okay. Can we go now to Exhibit 1077. This is an e-mail from the duty engineer e-mail account to John Ruffini-----?-- Yes.

30

-----at DERM, sent on the 17th of January 2011?-- Yes.

The e-mail also has the strategy summary log that I've taken you to and the headwater levels?-- Yes.

Did you send this e-mail?-- No, I haven't.

If we can go to paragraph 9 of your statement. And paragraph 9 sets out the entries you made in the flood event log?-- Yes.

40

And you have particularised some of the entries that have your initials beside them but you don't believe that you made them?-- Yes.

Can you give me any assistance as to how this could occur?-- No, I can't explain that. I don't - I'm pretty sure I was not there those times, so, yes, I don't know where they - where they come from.

50

When you were working at the Flood Operation Centre did Rob Drury ever come into the Flood Operation Centre on your shifts?-- Yes, I recall he came but I can't - again I'm not exactly sure when. It might have been during the event and prior to that, you know, the December event, too.

And when he came into the Flood Operation Centre what did he do?-- I think he - it was more like a courtesy call and just, you know, see how we were going, basically.

Ah-----?-- And have discussions with the flood engineer, you know.

Thank you, Madam Commissioner, I have no further questions.

10

COMMISSIONER: Mr Rangiah?

MR RANGIAH: I have no questions

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No questions, thank you.

MR MacSPORRAN: No questions, thank you.

20

MR SULLIVAN: No questions, thank you.

COMMISSIONER: Mr Burns?

MR BURNS: No questions.

COMMISSIONER: Mr Ambrose? Sorry, that should be you, Mr O'Donnell.

MR AMBROSE: We have no questions.

30

MR O'DONNELL: You said that when you were acting as a flood officer during that flood event in January last year you can recall mention of the different strategies being applied in management of Wivenhoe and Somerset?-- Yes. Yes, I do.

And you knew what those terms meant, didn't you, "W1", "W4"-----?-- Yes.

40

-----"S1", "S2"?-- Yes, I know.

You've read the manual?-- I'm the dam safety engineer so I suppose I'm supposed to know what it means, yes.

Right. And if the engineer discussed W3 you would have an understanding-----?-- Yes.

-----of what that meant? I notice you have engineering qualifications. You have a Degree in-----?-- Yes.

50

-----Engineering from the University of Victoria?-- Yes.

And you've been a registered professional engineer in Queensland since 2007?-- Yes.

Most of the flood officers had engineering qualifications, didn't they? Sorry, I'll start again. Most of - the flood officers who worked during the January last year flood event had university or other professional qualifications-----?-- Yes-----

1

-----in engineering-----?-- -----I believe so. I believe so, yes.

Right. Do you recall that - a copy of that spreadsheet that you were shown before, it was basic - it looked like the flood log where someone had copied the flood log onto a separate document, removed pretty much everything other than the situation reports and the gate opening directives and some isolated conversations and then added some entries about strategies; do you recall that?-- Yes.

10

If I was the flood engineer during the last year's flood event and I said to you, "Would you mind doing that exercise for me? Would you mind copying over the flood log? I'm particularly interested in the situation reports and the gate directives, so strip out other things," you would be able - capable of doing that?-- Yes, I would be, yep.

20

And you would expect most of the flood officers who worked during the January '11 flood event would be capable?-- Yes.

And if I said to you, "Look, I want you to do an exercise for me just to assist me, it doesn't have to be perfect but I'm in a rush, I've got to do a job quickly, could you go through the manual, compare what the manual says as to the W strategies for Wivenhoe to what" - "the information in the situation reports and gate directives and try and plot out for me when you think the strategies changed"?-- Yes, I think I would be capable of doing that if it was asked, yes.

30

And what you arrive at you enter into that document you've made?-- Yes, you could have done that, yep.

And you would expect most of the flood officers who worked during the January '11 flood event would be able to do that?-- Yes, I would think so, yeah.

40

COMMISSIONER: What would you do it by reference to, Mr Van Blerk?-- Just say again, Commissioner.

What would you do it by reference to?-- Well, referencing to the flood manual. Is that what you are asking?

No, I was just wondering how you would know what strategy to put in, where - what would tell you?-- Oh, well, probably the water levels and the flows down - you know, the water levels in Wivenhoe Dam and the flows down Brisbane River and-----

50

All right, thank you.

MR O'DONNELL: And there's also the comments in the situation reports?-- Yes, yep, if it was-----

And there's also the gate opening directives telling you what decisions were made as to increasing releases from time to time?-- Yes.

1

That would allow you to plot out where you think by reference to the manual the changes in strategies had occurred?-- Yep.

And that would be within your competence?-- Yes.

And you think within the competence of the other flood officers who worked during the January '11 flood event?-- Yes, I think so, if they knew - knew the strategies, the W strategies. I don't know if they all had the same sort of insight I had in the manual.

10

Sure. But, I mean, when you're sitting in the - you sit there in the flood operation centre for 12 hours on a shift, don't you?-- Yes.

So you're obviously talking to the flood engineers-----?-- Yes.

20

-----quite a bit? And you've got nothing much else to talk about apart from these two dams?-- Yes.

That would have been the centre of conversation?-- Exactly, yes.

So strategies do come up, don't they?-- Yeah.

30

Mr Navruk, do you know him?-- Yes, I know him, yep.

He was one of the flood officers-----?-- SunWater guys I think, yes.

SunWater guy?-- Yeah, I think.

What's your assessment of him?-- I don't know. I would have probably only met him for 10 minutes at handovers and, you know, 10 minutes after. I've never had any other contact with him-----

40

All right?-- -----other than that so-----

So you haven't had the pleasure of working side by side with him?-- No.

But he has a qualification in engineering, did you notice that?-- No, I don't know. I - no, I'm not aware of what his qualifications are.

50

COMMISSIONER: I thought he was a draftsman, Mr O'Donnell. Am I getting him mixed up?

MR O'DONNELL: No. No, he has a qualification in engineering, and he's also a senior draftsman in SunWater.

COMMISSIONER: All right, thanks.

MR O'DONNELL: He has sort of talents in many areas. Thank you. Thank you, Madam Commissioner.

1

COMMISSIONER: Miss Wilson?

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

COMMISSIONER: Thanks, Mr Van Blerk, you're excused.

10

WITNESS EXCUSED

MS WILSON: I call Mark Tan.

20

30

40

50

MARK CHYE HUAT TAN, SWORN AND EXAMINED:

1

MS WILSON: Can you tell the Commission your full name, please?-- My name is Mark Chye Huat Tan.

Thank you, Mr Tan. And you're currently employed by Queensland Bulk Water Supply Authority, that is Seqwater, as an information analyst and a flood officer?-- Yes.

10

And you provided a statement to the Queensland Floods Commission of Inquiry?-- Yes, I have.

Can you have a look at this document, please. Is that your statement?-- Yes, it is.

Is there anything that you wish to add or amend?-- No.

Madam Commissioner, I tender that statement.

20

COMMISSIONER: Exhibit 1140.

ADMITTED AND MARKED "EXHIBIT 1140"

MS WILSON: Can I just take you to a few matters in your statement. Paragraph 9. This statement refers to your shift of the 12th of January?-- Yes

30

Where you started at 6.30 that night, or you arrived at 6.30, and you left just before 8 a.m. the next morning. You remember being told by a flood engineer to merge the two or three spreadsheets into one master document?-- Yes, that's correct.

Okay. At that point in time when you came to work on the 12th was there two or three Excel spreadsheets being used at one time?-- Yes, there was.

40

Okay. And who was using the Excel spreadsheets?-- What - the events on - on the prior days, we were so hectic that there were multiple spreadsheets used concurrently-----

Yes?-- -----so when I started my shift on the 12th of January things had quietened down - had settled down, so - but there were still three - two or three spreadsheets present in the folders.

50

Right. And your job - you were told by one of the flood engineers, you believe either Rob Ayre or John Ruffini, to merge these two documents?-- That's correct.

And your role in merging these two documents, was it to just put them in chronological order so that they - there was a

chronological flow?-- Yes.

1

Did you add or delete any information in the merging of these documents?-- No, I didn't.

So your role was just simply to put information in chronological order?-- Yes.

Can I show you this document, please, which is 1051. If you can open this document up, please. Scroll down. If we could stop there and we could move to the right. We can just see - actually, before we do that. We've got the time, which is 3.30 p.m., which I can take to you - is on the 9th of January. We've got the action, and if we can move across, we've got the categories and the initials?-- Yes.

10

Okay. Now, the documents that you merged across, did they have the "category" column in it?-- Yes.

The document that you moved across, did it have any reference to strategy at all?-- No.

20

If we can just go back to the left, please. Now, I can show you more of this document if you wish, but the simple question is, have you seen this document before?-- No, I have not seen this - okay. Sorry, I just reading the header. I have seen this document I believe the day before at barrister Adams' office, yes.

Okay. And this is the document that has a column - a row with strategies put in and the columns with strategies put beside entries?-- Yes.

30

And that was just this week, is that the case?-- Yes, that's correct, it was just this week.

So before this week you've never seen this document before?-- No.

Did you create this document?-- No.

40

Did you know at any given time of your shifts what strategy you were in in relation to the manual of Wivenhoe Dam?-- No.

Do you know Mr Rob Drury?-- Yes, I do.

Do you recall when you were working at the Flood Operation Centre whether he visited?-- I cannot recall.

Thank you, Madam Commissioner, I have no further questions.

50

COMMISSIONER: Mr Rangiah?

MR RANGIAH: No questions

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No questions, Commissioner.

MR MacSPORRAN: No questions, thank you. 1

MR SULLIVAN: No questions, thank you.

MR BURNS: No questions.

COMMISSIONER: Mr O'Donnell?

MR AMBROSE: We have no questions 10

MR O'DONNELL: No questions, thank you.

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

COMMISSIONER: Yes, thanks, Mr Tan, you're excused?-- Thank you.

WITNESS EXCUSED 20

COMMISSIONER: Yes, Miss Mellifont.

MS MELLIFONT: Good morning, Madam Commissioner. I call Chloe De Marchi. 30

40

50

CHLOE DE MARCHI, SWORN AND EXAMINED:

1

MS MELLIFONT: Good morning, Miss De Marchi. Is your full name Chloe De Marchi?-- Yes.

And is your maiden name Chloe Cross?-- Yes.

Are you presently an incident management officer for Seqwater?-- Yes.

10

And in the period 1 January 2011 until 30th of March 2011 were you employed at Seqwater as the Dam Safety and Emergency Response Officer?-- Yes.

And in that role did you report directly to Mr John Tibaldi?-- Yes, that's right.

Did you on the - did you on the 7th of February of this year, in response to a requirement issued by the Commissioner, attend for an interview at the Commission's premises?-- Yes.

20

Right. I'll just show you a transcript, please. Now, you've been provided with a copy of that transcript earlier?-- Yes.

Have you had an opportunity to read through it?-- Yes.

And is it an accurate record of what you said in that interview this week?-- Yes.

30

I tender that transcript, together with the exhibits which were shown to Miss De Marchi during the interview.

COMMISSIONER: Can you be more specific about the exhibits? How many?

MS MELLIFONT: There is an index, which I will also tender. They are marked as Exhibits CDM-1 through to CDM-9.

40

COMMISSIONER: All right, thank you. I will make the index part of the exhibit then, 1141.

ADMITTED AND MARKED "EXHIBIT 1141"

50

MS MELLIFONT: I will start by showing you what was Exhibit CDM3 shown to you during that interview, which is an Excel document entitled "Events Log_Chloe.ver", and, Madam Associate, if you could just scroll down to the very bottom we can see the footer. Thank you. Are you familiar with that document?-- Yes.

Is that a document that you created by modifying what was the original Flood Event Log from the records of SEQWater?-- Yes.

10

And at as whose direction did you modify that document?-- John Tibaldi.

Did he ask you to redact that document for personal information, that is, names and telephone numbers?-- Yes.

And were you also asked to take out references to North Pine?-- Yes, that's right. I'm not sure how I went about doing it. It may have been by deletion or hiding the cells. I've - since our questioning on Tuesday, I've had time to consider how I went about that. I believe, by looking through the documents, I may have also hidden situation reports or directives just to keep the document readable.

20

All right. We will just go through a couple of the concepts you have mentioned there. You speak about hiding, hiding cells. Is that a function in Excel which allows the actual information to remain within the electronic document but it becomes hidden from view when you see it on the screen or when you print it out?-- Yes.

30

And the purpose of using say a "hide" function rather than a "deletion" function is that, as I say, it protects and preserves the information?-- Yes.

Okay. Now, having had the opportunity to review the documents, which were shown to you during the interview, is it your belief that you used the "hide" function with respect to various entries?-- It's my belief - although I'm not 100 percent sure because I just cannot remember how I exactly went about doing it.

40

All right. Since the interview, as you say, you have looked at the documents you believe that you may have used a hide function or deletion function in respect to the situations reports?-- Mmm-mmm.

And in respect to the directives?-- Yes.

50

And I think you said to keep readable?-- Yes.

What do you mean that?-- Mainly because we had in the other appendices, like Appendix L, it was dedicated to directives; so we just didn't want to double up on information.

At whose direction did you remove or hide matters such as situation reports and flood operations directives?-- It would

have been John Tibaldi.

1

In the interview you were questioned specifically about the absence of an entry of 8 January 2011 at 3.33 p.m. in the "Chloe" version. Do you know why that entry wasn't there?-- Not 100 percent sure, but I believe, looking in the column, it's saying it was a situation report under the "Category" column; so I believe I've just simply taken it out or hidden it because of that category.

10

Ultimately, in the Appendix M, which again you refer to in your interview, Appendix M formed part of the 2 March report SEQWater produced, the situation reports reappear. Do you know how that came to be?-- Not 100 percent sure. Probably I may have added them back in just to say when they were issued, just adding information. Again, I'm just not 100 percent sure.

Right. So you don't have a recollection of being given a specific direction by anybody to put them back in at some time?-- No.

20

Can I show you, please, Exhibit 23. Now, this is the original version of the Flood Event Log, but I will just get you to have a look at it to see whether this document accords with your recollection of the document that you started with and then modified. And I can inform you that the hard copy of the document you were shown outside. So, if you can just go down a page or so and you will at the bottom of one of the footers you will see-----?-- Oh, yes.

30

-----"Flood Operation Centre Event Log.XLS". Do you recognise this document?-- Yes.

What do you believe it to be?-- The original event log including Wivenhoe, Somerset and North Pine.

And is that the document you then modified to create the "Chloe" version?-- I believe so.

40

And then, having created the "Chloe" version, did you cut and paste that into the first version of Appendix M?-- Yes.

Okay. Now, if I can take, you, please, in Exhibit 23 to an entry at 3.33 p.m. on the 8th of January. You see in the very right-hand column the initials NGA. Who is that?-- Nev Ablitt.

Okay. Can I take you, please, to Appendix M within Exhibit 24, that's page 82 of the appendices. And you will see at the 3.30 p.m. entry the title "Column" you now see "Engineer 1"?-- Mmm.

50

When you were redacting the personal information who was "Engineer 1"?-- Rob Ayre.

Do you have any idea why the document has gone from the original "Flood Event Log NGA" to "Engineer 1" in this

Appendix M?-- I'm not too sure, sorry.

1

In respect of "Chloe" version, who else had access to that document?-- Anyone would have access to the document that was a flood officer or flood engineer working in that room. When I say room, I mean the Flood Operations Centre at SunWater.

And with respect to Appendix M, who else would have had access to it?-- Just the same as well.

10

Okay. So, the flood officers or the flood engineers, anybody who worked at the Flood Operations Centre?-- Yes.

Thank you. I have no further questions.

COMMISSIONER: Mr Rangiah.

MR RANGIAH: No questions, Commissioner.

COMMISSIONER: Mr Murdoch.

20

MR MURDOCH: No questions, Commissioner.

COMMISSIONER: Mr MasSporran.

MR MacSPORRAN: Nothing, thank you.

COMMISSIONER: Mr Sullivan.

MR SULLIVAN: Can I show the witness this document, please. I'm afraid I don't have copies.

30

COMMISSIONER: What is it?

MR SULLIVAN: It's a report from McGrathNicol Nicol Forensics which we were given by the Commission.

COMMISSIONER: Yes.

40

MS MELLIFONT: I was going to tender that in any event.

COMMISSIONER: Do you want to tender it now?

MR MELLIFONT: Yes, I will, thank you. This is a report prepared by McGrathNicol Nicol Forensic IT Consultants with respect to a document called "Event Log Chloe Version". The report addresses the effect of hidden rows on the appearance of the document when printed.

50

COMMISSIONER: Exhibit 1142.

ADMITTED AND MARKED "EXHIBIT 1142"

COMMISSIONER: Yes, thanks, Mr Sullivan.

1

10

20

30

40

50

MR SULLIVAN: I apologise, Commissioner, I don't have multiple copies. 1

COMMISSIONER: That's all right.

MR SULLIVAN: Could I - she has got a copy, thank you.

Obviously, this isn't a document you have created but can we just have a look at it. You will see on the second page of the document, the third last paragraph, and the second last paragraph, and can you just read those to yourself, please?-- Under "My Findings". 10

No, just to yourself. So, you see that what is Exhibit B is effectively the "Chloe" spreadsheet that you created?-- Uh-huh.

Without hidden things that may have been hidden in it and what's in Exhibit C is the document with all the hidden matters revealed so that we see - am I right in that the "Chloe" spreadsheet is a document that you created?-- Yes. 20

And then you used the "Chloe" spreadsheet to put what was in - is it Appendix M?-- M.

And that's a process you went through yourself?-- Yes.

You took it from the spreadsheet you created; you put it into the Appendix?-- Yes. 30

Can we go to Exhibit B or Annexure B, and that should be approximately four pages in, and you will see down the bottom on the first page of it it's got "Event Log_Chloe" and some other words; you see that?-- Yes.

You were asked some questions about - on a number of occasions about an entry on 3.30 p.m. on the 8th of January 2011?-- Uh-huh. 40

Can I suggest to you that, in fact, the entry you have been taken to was on the 9th of January 2011? Can we perhaps just look at that. If we go in a few pages, you will eventually see the 10th of December or the 10th of January 2011. Do you see that?-- Okay, yes.

Now, we need to look at the second document now, the document which is Appendix C; so can you go to that document. You see the first page you will have "Control Centre Event Log" at the top of it. Do you see that?-- Okay. 50

And if you go in approximately four pages do you see that there is eventually a reference to Sunday 9 January 2011?-- Yes.

And if we go over one more page, so on the 9th of January 2011, about the of sixth entry or seventh entry at the top you

will see a 3.30 p.m.?-- Yes.

1

And then in the "Category" column, for instance, we see "Situation Report" and I think that's the reference you made before?-- Yes.

That's the entry you were talking about, wasn't it?-- Yes.

And it's on the 9th of January, isn't it, not the 8th?-- It's appearing there that it is, yes.

10

So, if we turn back to Appendix B in this report to where that should be on the 9th of January, you will see that it doesn't appear there, does it, that 3.30 entry?-- No.

And what that means is that, at least in the process when you were creating the "Chloe" spreadsheet, that's one of the matters which you had hidden?-- Mmm.

So, when you transferred that information into the Appendix M of the Draft Flood Report, that wouldn't have shown up?-- No, if I copy and paste, no.

20

You don't now have a recollection about how it - can I suggest to you at some later stage that 3.30 p.m. comes into the draft of the Flood Report and is eventually there in the final version of the Flood Report. Do you now have any recollection about the circumstances where somebody had found that you'd omitted it?-- No. I don't recall that 3.30 one.

30

Is it possible that - I think you said before that your thinking was why that may have been omitted by yourself is that it had the words "Situation Report" and, having reflected on matters, you recall some leaving out of Situation Reports. Is it possible that you have picked it up later on?-- It may be possible. I just - I do not remember, sorry.

Thank you. When you spoke to the Commission you made some reference to the instructions which Mr Tibaldi gave you in relation to the Flood Event Log and can I just go over those. Those were essentially redact personal names?-- Uh-huh.

40

And take out references which were not relevant to Wivenhoe and Somerset but references to the North Pine Dam?-- Yes.

And they were the instructions the way you approached-----?-- Yes.

-----creating the "Chloe" spreadsheet?-- Yes.

50

Now, in relation to the drafting process, you observed that Mr Tibaldi was busy throughout the process drafting the body of the report. Do you recall that?-- Yes.

And that's what he was focusing on, the body of the report?-- Uh-huh.

And what he'd done was he delegated to you the task of

collecting documents to put into the appendices?-- Yes. 1

And it's clear that was the task he gave you to?-- Mmm-mmm.

And I think you were asked about your knowledge about checking and so forth?-- Mmm-mmm.

Am I correct in saying that you didn't observe, for instance, that he ever went and physically checked all of the appendices?-- No, I did not see directly but I assume he would have. 10

That was your assumption?-- Yes.

But you didn't ever see him do that?-- No.

But what you did see is him work continuously on the body of the report?-- Yes.

And he was very focussed on that?-- Of course. 20

No further questions. Thank you, Commissioner?

COMMISSIONER: Mr Callaghan.

MR CALLAGHAN: No, questions, thank you.

COMMISSIONER: Mr O'Donnell.

MR O'DONNELL: No questions. 30

COMMISSIONER: Mr Ambrose.

MR AMBROSE: Your Honour, I have some questions. Ms de Marchi I wanted to ask you about some questions about the process of compiling the situation reports for the purposed of Appendix E of the Flood Report. That was a task that Mr Tibaldi gave to you?-- Yes. 40

And you gave some evidence in the transcript about that and it was to the effect that you had to go searching through people's emails boxes to identify-----?-- The duty engineer, the mail box.

To identify the situation reports. And it was suggested to you that a report was missed and you were asked if you could explain how that was missed?-- Mmm. 50

And you couldn't explain it?-- Mmm.

Do you have an explanation now?-- No. I do know that there was a couple of errors within the whole document; so there's - I think there may have been three or four sit reps in total missing and as well as an error in a heading.

And there a large number of emails for you to go through?--

Yes.

1

And you have mentioned that there might have been a number that were missed. Can Ms de Marchi be shown a page folder of Mr Drury's statement. It's Exhibit RD5 at page 379. If you could just have a look at that document, please, Ms de Marchi. You will see it was an email sent at 2.58 p.m.?-- Uh-huh.

And it's designation "A Situation Report At Midday on Monday 10 January 2011". You can take it from me that that was one of the situation reports that didn't find its way into Appendix E. The position is, isn't it, that you were doing your best to capture all of them?-- Yes.

10

And nobody instructed you to leave any situation reports out of Appendix E?-- No.

You just did your best in the circumstances and if some were missed, that was just an inadvertent mistake, was it?-- Yes.

20

I see. You were asked some questions about the entry from the Flood Event Log for 3.30 p.m. on Sunday, the 9th of January, and you were shown the entry in Exhibit C of the McGrathNicol Nicol report. Do you remember that specific entry with the detail?-- No, sorry. Is it coming up here?

You can see it either in the McGrathNicol Nicol Report or if we can see it in Exhibit 23, the entry for 3.30 p.m. on Sunday-----?-- Oh, okay, yes. Right.

30

Do you remember that report?-- Yes.

Did anyone specifically direct your attention, when you were compiling the "Chloe" document, to this entry and say, "Please hide this entry."?-- No.

And we think the best explanation for your hiding that entry is that in the "Category" column it says "Situation Report"?-- Yes.

40

And in a sense that's a misnomer because this is not a situation report like the others?-- Mmm.

So, when you were hiding situation reports, this one inadvertently got picked up on the way through?-- Yes, yes.

Thank you, Commissioner.

50

COMMISSIONER: Ms Mellifont.

MR CALLAGHAN: May Ms de Marchi be excused, please.

MR SULLIVAN: Commissioner, there was one further question, I'm sorry.

COMMISSIONER: That's all right. Go ahead.

MR SULLIVAN: Thank you. I forgot to ask you this. You were taken to the initials NGA and you will recall - without taking you back to it - it had "engineer 1"; do you know whether it was Mr Ablitt?-- NGA, yes.

1

Was he flood officer 1?-- I'm not entirely sure. I think it went in alphabetical order; so it may have been flood officer 1.

So, one explanation maybe the area and the description of engineer 1 may simply have been - instead of saying "flood officer" you have said "engineer"?-- It may be-----

10

If that turns out to be the case that he was flood officer 1?-- It may be that.

COMMISSIONER: Just so I understand, were you the one that attached the titles in the final document when Mr Ayre's name was changed to engineer 1 and so on and so on?-- Yes.

20

Did you do that propose?-- Yes.

All right. Thanks.

MR SULLIVAN: Commissioner could I just take up from that question you have just asked?

COMMISSIONER: Yes.

MR SULLIVAN: That was part of your - of what you were doing was redacting people's personal names?-- Yes.

30

And that included when people had initials in there-----?-- Uh-huh.

You actually took not just names out but initials out?-- Yes, and we gave them a code.

Flood officer 1; flood officer 2?-- Yes, yes.

40

Thank you. Thank you, Commissioner.

COMMISSIONER: Sorry, you might just want to ask something arising out of this. Where would we find that code now, do you know?-- There is a document. There is a key for the list. It's been-----

Where?-- It's been submitted. I'm not too sure.

MR AMBROSE: I have a copy if that might help.

50

COMMISSIONER: It would. It will just sit with the list.

MR AMBROSE: Could I ask my learned friend to show it to the witness while he is still asking that question.

MR SULLIVAN. Thank you to my learned friend. Could I just show that to the witness. Do you recognise that document?--

Yes.

1

And can you just describe to the Commission what that is?--
Yeah, so this is just the register of the names and positions
that I used to replace the initials in the Event Log.

And where is Mr Ablitt in that?-- He is under flood officer,
flood officer 1.

I suppose we should tender that, Commissioner.

10

COMMISSIONER: Might as well. 1143.

ADMITTED AND MARKED "EXHIBIT 1143"

MR SULLIVAN: Thank you. That was the further question.
Thank you for the leave.

20

MS MELLIFONT: Thank you. Might Ms de Marchi be excused.

WITNESS EXCUSED

MS MELLIFONT: And I can confirm that the document just
tendered has been provided by SEQWater under requirement to
the Commission.

30

COMMISSIONER: Yes.

MS MELLIFONT: Finally, I just have two documents to tender,
please. On the 7th of February 2011 the Commission wrote to
Allens Arthur Robinson, who act on behalf of SEQWater, asking
them to identify any other person who had any role in editing
the "Chloe" version document. I tender that letter.

40

COMMISSIONER: That will be Exhibit 1144.

ADMITTED AND MARKED "EXHIBIT 1144"

MS MELLIFONT: A reply was received to that letter. That
reply was received by email 8 February indicating inquiries
had been made and they'd been unable to identify any other one
other than Ms de Marchi. I tender that email.

50

COMMISSIONER: 1145.

ADMITTED AND MARKED "EXHIBIT 1145"

1

MS MELLIFONT: Thank you.

COMMISSIONER: Yes.

MR CALLAGHAN: I call Mr Pruss.

10

JAMES PRUSS, SWORN AND EXAMINED:

MR CALLAGHAN: Can you tell the Commission your name and occupation, please?-- My name is James Pruss, often referred to as Jim, and I am the Executive General Manager of Water Delivery in SEQWater.

20

And were so as at January of last year?-- Yeah, that's correct, yes.

You provided a statement to the Commission dated 4 April 2011. For the record, that's Exhibit 427. It's indicated in that statement you were, in fact, on leave originally during the flood event; is that correct?-- That's correct, yes.

What date did you return to duty?-- On the 12th of January.

30

All right. Mr Pruss, you saw copies of a note, a briefing note, which was prepared for the purposes of the Minister during the period 15 to 17 January; is that correct?-- Yes, I believe so, yes.

Have you reviewed that document in recent times?-- In recent times, not really. I think I looked over what comments I'd made on it, but that's about all.

Okay. Do you recall what comments those were?-- I recall that - if my recollection is correct, the Chief Executive sent it to me and asked me for my views, and I'd made a number of points, you know, clarification about the questions that the Minister may ask, questions of clarity, and I think my comments were more around, you know, what are the high points that he would want to talk about or hear about.

40

All right. In order to do that, it must have been the case that you read the document with some thoroughness; would you agree with that?-- I read the briefing note, the explanation. There was a bunch of attachments, as I recall as well. One from Mr Cooper and then a table at the back at the time. I glanced through those. I didn't read those in a lot of detail. I remember, as I say, the table and I remember there was some comments from Mr Cooper in that document which was along the lines of, you know, prudent, sensible decisions.

50

And is this the table in which some attempt was made to document the strategies which were deployed at Wivenhoe Dam during the event?-- I believe so.

1

You at least had an understanding that some energy had gone into creating such a record of events; is that correct?-- I recall that a briefing note had been asked for and it had been produced. That's about it.

I'm being specific though?-- Sorry.

10

You were aware that there was a body of learning relating to the strategies which were deployed as recorded in that table?-- Yeah, I recall that there was some record of the events on that table, yes.

Yes. The events, specifically, the deployment of strategies?-- Yes, I recall that there was detail in that table.

20

All right. Turning then to the preparation of the March report were you aware that the responsibility for creating that report had changed as between revision 6 and revision 7 of the manual?-- Not that I was aware of, no. Which report are we talking about? Sorry, the actual-----

The March report?-- The actual Flood Report?

Yeah, the Flood Event Report?-- The responsibility for-----

30

For preparing it?-- For preparing it?

To give it context, in revision 6 of the manual, it was the responsibility of the Senior Flood Operations Engineers?-- Right.

In revision 7, the responsibility to create the report was allocated to SEQWater?-- Not - I wasn't aware of that sort of technical change, no.

40

It's more than technical - or it could be more than technical. It could be applied to take the responsibility away from the flood operations engineers and place it more broadly upon the organisation itself?-- It's possible. It's not something I put my mind to. As I say, I wasn't aware of that particular change.

Mr Borrows told us yesterday that you were taken offline to organise the production of that report; is that correct?-- Yes, that's correct. I actually volunteered to come offline.

50

Can you tell us what system you put in place for the production of the report?-- Okay. Certainly. When I first - as I say, when I volunteered to come offline to do this - it was that and a number of other things as well which we were doing. But I effectively had one calendar month, I think, from when I started to actually getting this thing out and

done. It was - the first lot of questions was, "Okay, what have we got. Is there a standard process? Can I look at the last report? Is there anything to guide us with?"

1

Can I interrupt you and ask you was there a standard process?-- Not that I was made aware of, Mr Callaghan, no. The answers, I suppose, that I got to those questions at the time were - the last one that went in in 1999, it was a completely different report. There was no real guidance around it. This was a wholly different beast; so we had to really develop a process on the go.

10

20

30

40

50

Well, I didn't interrupt you. Can you tell us about the process you developed?-- Certainly. What I saw my role was, was to build a governance process around the actual writing of the document. I was in a facilitative and supportive role of the flood engineers while they wrote - got the guts of the - pardon me, that is not the right word - while they got the document itself together. What I had to do was to build, as I say, a governance process around making sure that those that wanted to have a look at the report or interest in the report, was able to do so; that the right approvals were done at the right time; and, yeah, really that was the sort of the governance process that I built around it.

1

10

What was the governance process?-- The governance process is as we - I think we had an initial session on 3 March, I am not absolutely certain on that. There was a few of us in the room. We worked back a timetable based on all the bits and pieces that we needed to have done on the report, which was the scoping, drafting, reviewing, editing, all the sessions through the Board to get the approvals, any other parties that we needed to do on the governance process, and then worked back on the dates that we needed to make sure we had those things by and then worked out the responsibilities.

20

Can you just tell us what all that means in practice and before we go on, just in fairness you said the initial session on 3 March, did you mean February?-- My apologies, yes 3 February.

Okay. Was there something written down about who was to do what?-- No, we didn't really write stuff down. I think I recall that we were really kicking this around in an interactive session as to how we were going to get this done. Like I say, there was nothing really to guide us so we had to make it up on the day. "Here was our process". "Here was the rough guidelines". We didn't - I didn't write it down. I thought at some point in time that I would go back and write some of this stuff down. But it was such a dynamic environment that I think it would have changed anyway on a daily basis. About the only permanent and stable thing was the date it had to be delivered, whereas you know there was lots of adaptations in there, lots of things to check on and make sure the process was on track.

30

40

So in terms of the governance process does it really come down to you monitoring how things were happening on a continual basis?-- I think it was more of a facilitation process in talking to the individuals. There was a lot of people out there doing lots of things to get this done. Like it was quite a massive and complex exercise, you know, to kind of get it in on time by 3 March and have all of those steps done in the process.

50

Yes, and that really just came down to you monitoring it on a daily basis?-- Me and others in my team, yes. I'd be talking to people quite regularly.

Were there records of meetings of this nature?-- Well, that

was the first kick off meeting. We had various discussions along the way. I'd generally have a catchup on Monday morning with a few people, but that was on lots of things not just this report, so we didn't take minutes of those.

1

All right. You talked, I think, about a meeting on 3 February. Can I show you Exhibit 1084?-- Sure.

Is that the meeting that you are talking about, or a record of it?-- It appears to be, yes.

10

Okay. Now, do you recall whether Professor Apelt was at that meeting?-- I don't recall, no.

Okay?-- There was lots of sessions I don't recall.

Sure. Can I take you to Exhibit 1085. Just for the record, Brooke Foxover, is she your PA?-- Well, she is a group support officer, so she looks after that role, yes.

20

All right?-- This is 8 February?

Yes, it is?-- Yes.

Again, do you recall if Professor Apelt was at that meeting?-- I believe he was at that first one. This was the first - we had a section of three meetings that we planned in that early session. I think it was one on the 8th, one on the 18th and one on the 21st. This was the first one.

30

Right?-- This was - and I believe Colin, Professor Apelt was there at that particular meeting, yes.

Okay. Why was that?-- Because Professor Apelt was - this was the first review that we got to see where the flood engineers were at with the compilation of the report, and Colin Apelt was - I'm not exactly sure but I think he was the only expert that we had involved or engaged at that point in time, or he was at least up to speed because the CEO had already been talking to him previously, so he was more engaged at that point in time, and this was a session where, you know, the experts were certainly welcome to attend and anybody else who wanted to hear what was going on.

40

You say that he was engaged or up to speed at that time; is that right?-- Well, he was more engaged than the other experts that we put on at that time. He was first. He started to talk to us earlier.

When you say more engaged, what do you mean?-- Well, my understanding was that the CEO had been talking to Professor Apelt since late January about, you know, expectations of what, you know, his role may - or may be in the process, so he had been at least in some sort of process earlier on, so he was invited to come along.

50

Okay. You referred a moment ago to a meeting on the 18th?-- Yes.

Can I take you to Exhibit 1087?-- Sure. Yes.

Do you recall whether Mr Shannon was at this meeting?-- Yes, I do recall that Mr Shannon as at that meeting.

Why was he at that one?-- Same as Professor Apelt. He - Mr Shannon had been engaged subsequently in there and this was again a report, a session where the flood engineers were talking about the conduct of the flood and it was a good opportunity for him to come and I think meet the parties and work out what he needed to do to make his assessment.

10

Can I show you Exhibit 1088. If you go down a little, please. We can see that under "Report conclusions", second bullet point?-- Yes.

There is what appears to be a record of a comment from Mr Shannon?-- Yes.

20

Fourth point - "If discretion was used in accordance with manual to discuss offline"?-- yes.

Do you recall what that was about?-- Not really. Mr Shannon was asking a number of technical questions right through that meeting on all sorts of things and I was quite comfortable with the fact that the flood engineers were being challenged technically by the experts to bring them on board, so I don't recall what that specific one is about, but I do recall a discussion about shapes of hydrographs between Mr Shannon and the flood engineers, and as I say I was very comfortable that they were being challenged technically on what they were putting forward.

30

Do you recall anything like a comment that appears to be recorded there, "Shannon: If you did step outside manual, show you did what was necessary"?-- I don't recall that particularly.

Can I show you Exhibit 1103. This is the e-mail sent by Miss Foxover to Professor Apelt which indicates that Professor Apelt was contracted to assist Seqwater with the report and submission to the Inquiry?-- Yes.

40

Now, does that reflect your understanding of what was happening?-- Does what sorry reflect my understanding of what was happening? The teleconference?

That Professor Apelt was confirming his availability to assist Seqwater with the report and submission for the Commission of Inquiry?-- Sorry. Yes, that's my general understanding, yes.

50

What resources were given to you for this process?-- Overall?

Of preparing the flood event report?-- A number of resources. Firstly I had a small administrative and advisory team myself to help me out with tracking of actions. We had really open access to whatever experts that I wished to get involved to

make sure that we could get, you know, multiple independent views. We had the legal team that was working with us giving us advice and help, and in fact we were trying to get them up to speed with what the events was about as well. We had a communications team who was there and available to help any sort of clarification of writing or anything like that.

1

So no shortage of resources is there, the impression I am getting?-- No. We put together a team which we thought we needed to put together at the time to make sure that we met those deadlines.

10

Who made the decision that Mr Tibaldi should write those parts of the report which he ultimately wrote?-- That was a discussion as I understand between the flood engineers as to who was doing what parts. I think if I recall at the time we had a number of reports to write and they divied up the workload between them.

All right. The question then as to which parts should be written by one of the engineers themselves, what was the rationale behind that?-- I don't recall the rationale behind that. In many ways what the engineers were doing was collating the information, producing the report, doing the quality check, doing the data checks on the information and getting it to us in a form that we could then start to put some shape around.

20

Was it ever considered possible for another person to be allocated to actually pull those parts of the report together, obviously with the assistance of the engineers who were there at the time, but whether it might not have been some benefit involving someone who had been independent of the operation of the dam and for that matter who was not distracted by other things?-- It certainly didn't go through my mind at the time. I didn't consider that that was a requisite. When I talked to the flood engineers about how this had been done in the past it was made fairly clear to me that this was a process that was done by the engineers because they were the only ones who had the recollection of the events in sufficient accuracy to be able to write it, and it was then submitted to the regulator.

30

Their recollections of events were obviously an important part of that which was being prepared?-- I didn't see any other alternative and I still don't see any other alternative.

40

I suppose the only suggestion which might be made in this context, or one suggestion which might be made is that these people were preparing a report on what they themselves had done and there is going to be perhaps a natural tendency to self-bias if I can use that term in such reports. Was that something of which - or to which any consideration was given?-- There was no consideration given to it at the time. As I said, I still don't think that there is a viable alternative. When you are writing scientific engineering reports of this nature it really is the authors and those involved who do that. My mind was at ease because they had a

50

detailed checking mechanism of the data and the words and we also had the experts in there who could ask them any questions, really, that they wanted to and have access to anything that they wished to access, so I thought that process in itself was suitable checks and balances.

1

Were you - you say your mind was at ease because they were checking all the data and so on, were you aware of the way Mr Tibaldi was actually going about the process of recording when particular strategies were engaged? That is to say, he was doing that by reference to the data and not by reference to personal recollections?-- I didn't ask him those questions at all.

10

Mr Tibaldi indicated - this is at 5207 - that he had met with senior management on up to four occasions in the six weeks that he was producing the report. Were you at any of those meetings?-- I am assuming that that refers to the 8th, 18th and 21st February meetings? That would be the ones that I was involved with him. That's correct, so yes I would have been at those meetings with him.

20

Right. The matter to which I just alluded, that is to say his technique of reconstructing the events was not something that you were aware of?-- Not that rightly comes to mind. As I say, those meetings were more about, you know, John presenting what the flood event was; people asking questions of clarification; getting everybody who needs to be involved up to speed and having access. They were all about transparency, really, those meetings.

30

You are aware now of the technique he was adopting?-- As I recall, as I understand what he was doing was he was getting together all of the relevant parts and collating it into the report.

I am talking specifically about the manner in which he was recording which strategies W1, 2, 3 or 4 were applicable at any given time during the flood event. You are aware now of the technique he adopted for writing the report in that regard?-- Not specifically of what you are alluding to, no.

40

It has been at the epicentre of the Commission for the last couple of - or ten days at least, Mr Pruss. Are you telling us that you really don't understand what the controversy is all about?-- No, I am not saying that at all. I am saying that I have stayed as far away from it as I possibly can, Mr Callaghan.

Sure?-- To make sure that I wasn't in any way - so I am not privy to what's been led through this Court. I have only been given general briefings.

50

That is all I am asking you at the moment, whether you are at least appraised as to the nature of the controversy?-- As put, yes.

Thank you. Would you accept that the only reasonable

expectation of a document such as the flood event report is that it should be an accurate record of things which actually occurred?-- I would accept that any event of any incident should be an accurate reflection of an event.

1

Given what you know now as to the way in which that report was constructed in respect of the Wivenhoe strategies, you must now have some concerns about the way in which it happened, must you not?-- The production of the report, Mr Callaghan?

10

Yes?-- That's a difficult question to answer. As I say I haven't been privy to what's been led in this Court so I can hear what you are saying and I will be very interested to see what the Court finds.

You don't need the conclusions of the Commission to have your own opinion though, do you?-- No, but I will be very interested to find out what the Commission says and what the evidence shows.

20

We are very interested to find out what you think just at this moment. It might inform the Commission's conclusions in this regard, so I am asking you for your opinion?-- My opinion-----

MR O'DONNELL: Mr Pruss has twice said he doesn't know what evidence has been led in the Commission hearings as regards how the four flood officers went about compiling the report. He's now being asked to give his opinion when he has twice stated he doesn't know any of the detail.

30

COMMISSIONER: Well, he can give his opinion about how it should happen, I expect.

MR O'DONNELL: My learned friend could ask him to assume things and then give an opinion on that. That might be one way, but at the moment the witness doesn't know.

COMMISSIONER: All right. Mr Callaghan?

40

MR CALLAGHAN: I actually thought Mr Pruss did indicate he had a general - he had an understanding of the proposition, but we we'll get down to some more detail. Mr Pruss, the controversy runs along these lines. The manual as written requires the conscious engagement of a strategy by a flood operation engineer at the time the dam is being operated during the flood event. Now, you perhaps don't have to accept that that's the interpretation, but do you understand that that's the interpretation that is being advanced?-- Yes, I understand that that's the interpretation being advanced.

50

All right. And you understand that there is no contemporaneous record made or no formal contemporaneous record made of the flood engineers state of mind as at the time of the flood event?-- That's my understanding.

And that what has been done by Mr Tibaldi towards the end of January is for him to have examined the data and worked out

from that which strategies were being applied during the January event. You understand that?-- I understand that that's your point, yes.

1

Yes. And I think on that basis I was asking you for your opinion as to the appropriateness of that technique given what you have agreed, which is that it is an expectation of such a document that it be a record of things which actually occurred at the time.

10

MR O'DONNELL: I object to the question. That question only states half of Mr Tibaldi's evidence. Yes, he did work out the strategies from the data, but then he provided the draft report to all the flood engineers on duty during the flood event. Each had the opportunity to say whether that was right or not during their shifts, and each gave responses back to him before it was finalised. That is a very important part of the compilation of the report.

COMMISSIONER: Alright. Well, I suppose the question is assuming the first occurs does the second give you comfort, but I will allow you to rephrase it, Mr Callaghan.

20

MR CALLAGHAN: The proposition is that the preparation of at least the draft of the report prior to being given to the other flood operation engineers was done only by reference to data and without attempting to capture any personal recollection of any of the other three?-- I am sorry, I am completely lost, in fact, in the byplay. I am not quite sure where you - where you're - what the question you are asking me is.

30

Is that really the case?-- Absolutely. I am not quite sure where you were at. I am very happy to answer the question.

COMMISSIONER: Start with this. Mr Tibaldi does a summary in which he sets out having a look back at everything that happened when he thinks the strategies must have been applied?-- Right.

40

So he doesn't before he does that have any reference to the flood engineers. He just reconstructs how he thinks it must have happened?-- Okay.

Got that?-- Yes. Got that, thank you, Commissioner.

After that, having got that document together he sends it to the flood engineers to say "What do you think about that?"-- Mmm.

50

Another way of doing it, of course, would be simply to find out from the flood engineers in the first instance what strategies they were in and prepare a document according to that?-- Sure.

Do you have a view about those approaches?-- Not specifically. I suppose it depends on your interpretation of the manual. I think you started your question by saying "You

might not agree with the proposition that a W strategy needs to be allocated at the time." I am personally not convinced that that's the case, that it does happen, so I think either is a likely possibility.

1

MR CALLAGHAN: Do you acknowledge at least, this at the very least, that there is a danger in the method adopted of what might be called a displacement effect? That is to say, that the record constructed by Mr Tibaldi might displace unrecorded memories of the engineers?-- I understand the point you are making, and that is possible. I don't know the significance of anything like that, but I understand and agree that that is possible.

10

All right.

COMMISSIONER: Mr Callaghan, is that a convenient time?

MR CALLAGHAN: Yes, Madam Commissioner.

20

COMMISSIONER: We will come back at about twenty to.

THE COMMISSION ADJOURNED AT 11.24 A.M. TILL 11.40 A.M.

30

40

50

THE COMMISSION RESUMED AT 11.39 A.M.

1

JAMES PRUSS, CONTINUING:

COMMISSIONER: Mr Callaghan.

10

MR CALLAGHAN: Mr Pruss, did you receive drafts of the March report before it was finalised?-- Yes we did, Mr Callaghan.

How many of those do you think you saw before you-----?-- I believe we saw one on the 8th and the 18th of February and then there was - there might have been another one the 21st, but at least those two, with the first one being just a very early version of, you know, collections and bits and pieces and then some drafts of some specific chapters, specifically executive summary, later.

20

When was the first occasion upon which you realised that the information in the March report was different from that which was contained in the brief to the minister back on the 17th of January, different in respect of the strategies applied at Wivenhoe Dam?-- About two weeks ago.

Just a few questions then on the whole process of peer review of the March report. You were in charge of that process?-- I was - hard to say "in charge", what I did was engage experts, yes.

30

Well, you had some contact with them-----?-- Yes.

-----in addition to actually engaging them, didn't you?-- Yeah, but I suppose it was more an administrative, escalation-type role. Like, any of the technical discussions I'd always refer the technical experts to the technical experts, but any other sort of discussions was more around, I would say, logistics and, you know, documentary of the type. I wanted - it was important for me not to be seen to be a gate keeper or anything in that role.

40

"A gate keeper", what do you mean by that?-- Well, controlling flow of information. Sorry.

Can I take you to Exhibit 1041. There's an e-mail sent by you on Monday, the 21st of February, 5.45 p.m. You might just take a moment to read that?-- Yep, understand.

50

Is "the boss" referred to there Mr Borrows?-- Yeah, indeed.

And did he say to you words to the effect that you have recorded there, that he wanted the endorsement referred to and the statement referred to?-- As I recall the sequence of that e-mail, Professor Apelt had sent an e-mail saying, "I think this is all pretty good. There is one instance of discretion used," I think that was the context of it, and, effectively,

Peter Borrowes was then saying, "Okay, fine, well, if that's the case can we make sure that he's very clear on what the discretion was and that it was in," you know, it was the correct decision at the time to help mitigate the flooding, so that was all.

1

And did you pass that on?-- Well, there was this response from - I think that e-mail was from John to me, it's headed up as such, and I think John's response was, "Yeah, no problem," but his belief was that Colin's view on the discretionary approach was incorrect.

10

What about the request for the same sort of endorsement for the recommendations, what does that mean?-- Well, if they - well, okay. Let me think about this clearly. My understanding was if they're - if Colin had found - this is recollection only. If Colin had found there was a issue of discretion then would the others find the same and if they found the same then the same sorts of statements. That's my recollection of that.

20

All right. Did you have any role in the provision of material to the peer reviewers?-- Only the administrative side. Like getting whatever I - I think my group support officer did, and then I think there was also a correct - a request for - from Mr McDonald for some other documentation. He asked some questions around the timelines for delivery of the report. He asked some questions around the statement of preparation and was that sent, because he was doing a - a more of a thorough check against the manual, and I think I sent those through by e-mail.

30

Are you aware now, at least, that it would seem that there are just two documents or entries in documents which refer to the engagement or even refer to the W strategies during the flood event? That is to say, two documents produced contemporaneously with the flood event in which the W - reference is made to the W strategies? Were you aware of that?-- At the time certainly not.

40

Even now?-- I'm aware of that particular document which we referred to earlier, Mr Callaghan, yes. I don't know of a second one.

All right. I suggest there's a - the situation report on the 8th of January at 5.53 p.m.?-- Right.

You're aware of that document?-- I - it's not one that's come to my attention, no.

50

I'm not asking you even if you're aware of the document's details except insofar as it's a contemporaneous document in which the W strategies are mentioned. Were you at least aware of that?-- Now?

Now, yes?-- Yes, I'm aware that-----

Now?-- -----that's the case now.

All right. And the other entry in a document is the entry for 3.30 p.m. on the 9th of January in the flood event log. You're aware that's been the subject of some attention in recent days?-- I'm not, no.

1

Well, if I was to suggest to you that that was the case, that there are just two such documents created during the flood event in which reference is made to the W strategies, can you accept that proposition from me for the moment? Accept also that one of those, the 5.53 p.m. situation report from the 8th, did not make it into the flood event report at all. Were you aware of that?-- Only recently.

10

Yeah. Are you aware of that?-- Yes, I'm aware that there was an issue that one did not make its way into the report.

That's right. And it just happened to be one of those two that we're talking about. There may have been a couple of others which didn't make it in as well?-- Correct - sure.

20

And are you aware now of the proposition that in the materials that went to at least, I think, two of the peer reviewers, the other such entry, that is to see the 3.30 p.m. entry from the 9th, was also missing?-- Am I aware now? No, no.

Even now you aren't aware of that?-- I'm not aware. As I say, I wasn't really in control of those documents.

No, I understand that. I'm asking these questions from a systemic point of view-----?-- Oh, okay. No, I'm not aware that they were not included. It's the first time that it's been raised with me.

30

And if that's the first time you may not - you may wish to think about it, but there may not be too much to think about it. If you accept what I've put to you, that must raise concerns about information management in the process of briefing the peer reviewers, would you agree with that?-- I understand the point you're trying to make, and if they weren't provided with contemporaneous documents that they needed to that that would be an issue, I understand that point.

40

"that that would be," what, sorry?-- That if they weren't provided with the documents they needed to to make those determinations then that could be an issue.

An issue of concern?-- An issue of concern, potentially, but it could also an issue of accident or omission.

50

But this is why I'm saying it's a systemic concern. If it accident or omission, it's a systemic concern; is it not?-- Obviously then if there were documents that were not included then there was an issue. I suppose, thinking about the logistics exercise that the guys had to go through to put all that stuff together in a short period of time then it's possible and likely that it's just an accident. As you can recall, I think the report was 13 hundred-odd pages long, with

lots of data to put together.

1

Mmm?-- In a very short space of time.

If it happens that just - that - if it just so happens that those two documents have been omitted, though, it's a most unfortunate accident at the least, would you agree with that?-- Very unfortunate.

Yeah. The fact-----?-- It's unfortunate that anything is missed-----

10

Yeah?-- -----you know, you would like to think that your quality control processes would pick up on a lot of-----

Well, to omit one such document might be unfortunate, but two might suggest something more than carelessness, would you agree with that?-- Oh, I couldn't necessarily agree with that, no. In thousands and thousands of documents that were there, I couldn't agree with that.

20

Thank you.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: Mr Pruss, you volunteered for a role that was effectively project managing the production of the report, is that a fair summary of-----?-- That was part of the volunteering, Mr Murdoch, the other one was to, you know, help the organisation prepare for the submission process, interact with the legal team, the coms team, to do another bunch of things, so it was quite a broad - broad-arching role, but that was one of them, yes.

30

So were you offline from your normal duties?-- As much as I could be, yes.

And for what period were you offline?-- Came offline in early January - sorry, no, early February - late January, early February, until around about the end of June

40

Were you aware that during the January 2011 flood event an urgent report had been commissioned and obtained from Brian Cooper?-- I became aware of that later, not at the time, but, yes, when I read the - I think somebody told me that there'd been a question for somebody to go and have a look at the management of event, which was Mr Cooper, and I remember reading his report, which was part of the document that Mr Callaghan was referring to, the briefing note.

50

When did you become aware of the Cooper report?-- Probably in the days preceding that. My up - up - really right up until the back end of January my entire focus was on the water treatment plants, because when I came back to work on the 12th we had a lot of water treatment plants, you know, offline that we needed to get back on, so that was where I was putting my

energies, so I was really only getting up to speed with this sort of late in January.

1

All right. Well, does it appear then that late January, early February you became aware that Mr Cooper had provided a report and you saw it about that time?-- Whatever the date was on - when Mr Borrows sent it to me with the attachments so that was January sometime. I'm not quite sure exactly when.

I take it you've read Mr Cooper's report-----?-- I did, yes.

10

-----it was only short?-- Yes, yes, I did. Yes, I did.

You had no difficulty understanding what he'd set out in that report?-- Not as I recall, no.

And he made references to the W strategies in his report?-- I don't recall the W strategies. The thing with the - the abiding thing in my mind from that report is that the decisions were, you know, prudent and in accordance with the manual, as I recall.

20

In any event, when you did read his report you understood it?-- Yes. I understood it to mean that based on his look things were in accordance.

I'm not talking about the bottom line where he gave a tick of approval?-- Sure, sorry.

In the couple of pages of that report you understood the process that he went through and the references that he made to operational issues?-- I understood at the time. I couldn't say what was in it at this time, but, yes, I understood it at the time.

30

All right. When you were involved in your process of monitoring the preparation of the report that's referred to as the "March report" was Mr Cooper's report taken into consideration by those who prepared the March report?-- Well, in fact we wanted Mr Cooper to be one of the expert reviewers so that he could bring whatever skills he brought to, but, as I recall, there was a suggestion that he was potentially - what's the word - conflicted and so therefore he wasn't part there of the process. But was that particular report referred to from then on I don't know. Not that I'm aware of.

40

And when you say not that you're aware of, wasn't it your function to ensure that there were sufficient checks and balances in the preparation of the March report?-- It was certainly the governance structure to make sure the report went in on time, accurately. You know, that all the parties had seen it and, you know, it was - got all the sign-offs that it needed to do. Those - that particular document didn't enter my mind as something that needed to be, you know, considered.

50

You didn't consider that an independent expert's report given during the event was something that ought to be at least

looked at during the preparation of the March report in the interests of accuracy?-- Well, I think, as I said before, we had, you know, six other experts looking at it. The four dam experts and two, you know, hydrologists looking at it, and, as I say, in my mind that was a sufficient process, and they had access to anything that they wanted to access to - but that document that you're referring to was - you know, I read once in January, never really thought much about it again.

1

Is it fair to say that you had forgotten about it when the time came for the preparation of the March report?-- It didn't enter my mind at all.

10

But Mr Cooper did because you've said that he was requested to be part the peer review?-- Correct.

Were you involved in requesting that he be involved?-- No. All of the peer reviewers had been - you know, started to be identified before I really took on that role.

20

But you were obviously aware at the time that he was invited and disqualified himself?-- Yeah. I'm not sure how he was disqualified but I was aware that he was invited.

But wouldn't that have jogged your memory? "Oh, that's the independent chap who had a look at this during the event"?-- It didn't jog my memory, no.

"I remember reading his report at the time"?-- It didn't jog my memory, no.

30

Did anyone else in the team that was involved in preparing the March report ever make any reference to the Cooper report?-- Not that I'm aware of, no.

You said that during the preparation of the March report drafts there was a process where John Tibaldi would present what events took place and people would ask questions?-- Yeah.

40

You've nodded your head, yes-----?-- Sorry, yes-----

All right?-- -----my apologies. Yes, that's correct, yeah.

And just so that everyone understands. Are we talking about he put out something in writing and people would put written responses back or are we talking about a format where people were together and workshopped it in a room?-- You know, it wasn't really a workshop. Effectively what happened was - as I saw part of the governance was there was a lot of people who wanted to - you know, were interested and wanted to see where we were at with the report and its contents. There was a lot of people to get up to speed with the knowledge. Mr Tibaldi and the other flood engineers would attend a session and on each one of those occasions a draft or a couple of copies of the draft were on the table for people to read. They could come in beforehand if they wanted to read. John or one of the other flood engineers would explain any questions that were

50

raised, any points of clarification any technical issues or administrative issues that were raised. No notes were taken of people written comments, and that was done on purpose because we wanted to make sure that the flood engineers had a collected view of the questions and what the issues that people were thinking at that time.

1

And can you give us a sense of how many of those collective sessions there were?-- As - I think I answered Mr Callaghan, there were three, 8th, 18th and the 21st.

10

And what approximately was the duration of those collective sessions?-- Anything from an hour to two hours, and people - as I said before, though, people had access. We were trying to control those documents so that people had access to come into the room, they could read, they could try to understand any questions, points of - you know, "Look, I don't understand what that means. I don't understand what that means. What does this mean? What does that say?" and then, you know, they could ask the questions.

20

And you sat through these sessions, I take it?-- I was in all of them for at least part of the time, yes.

And apart from those three sessions I think you said there were other exercises that took place. Were there sessions of shorter duration where people workshopped these matters?-- Not - no, not with the flood engineers, I think it was in reference to, you know, other tracking meetings of all of the other activities that we had involved.

30

"Tracking meetings"?-- Well, I think, as I said to you earlier, we were involved in lots of things at that point in time. We were doing the submissions, we were doing the flood reports, we were, you know, getting prepared for statements, we were doing full supply level discussions with the governments, so it was really just discussions to make sure that we had all of those, you know, in hand.

So is it fair to say you were the common thread through all of those discussions and sessions in relation to the various segments of the ultimate report?-- I wasn't the only common thread but I was for as many of them as I could be.

40

Well who were the other common threads?-- Well, there was some of my support people were there in case I couldn't meet them and things that would continue. Often the legal team would be there in those meets, inhouse legal and external legal. The communications people inside as well. So common themes of the people being there in those sessions.

50

With the three sessions involving the flood engineers, and I'm talking about those where they workshop various topics, were there matters of controversy where there were differences of opinion between the flood engineers?-- Not as I recall, no. There was a lot of things. I've been trawling back through my memory about, you know, what I recall from those particulars days, but I don't recall there being a controversy or argument

at all between the flood engineers.

1

Were you ever in the situation where you had to, in effect, give a ruling to resolve a controversy?-- No. No.

Did anyone have to do that?-- No.

So ultimately everything was by consensus?-- No. As I said before, the points were from clarification. If the - if the questions were put to the engineers and they said, "Look, I don't agree with that interpretation," the engineers themselves were the ones that, you know, this is how it's going to be written and that's what they're getting them to write.

10

So that in so far as the assignment of strategy labels for the operation of Wivenhoe was concerned were you present at any discussions between the flood engineers where those matters were canvassed?-- Not as I recall.

20

So do we take it from that that they may have been discussed in those three workshop sessions during the time that you were absent?-- As I say, I have no recollection of that particular discussion in any of the sessions and I don't know if I was fully present for all three of those. I think I was but I don't know.

Might Mr Pruss please see that spreadsheet, document RD5-1677, which is part of Exhibit 430, please?

30

40

50

Mr Pruss are you familiar with that document?-- All I'm looking at is the Flood Control Centre Event Log with some - is that it? Am I familiar with that document? Have I seen it before?

1

Yes?-- I think those particular documents were included in the Final Report but it's not something that I'm intimately familiar with.

When you say you think it was included in the Final Report, you see it's described as "Flood Control Centre Event Log"?-- Correct.

10

All right. You think that was included with the Final-----?-- I believe the event log documentation was in the report.

Did you examine event logs during the course of the preparation of the March report?-- No, my role was not a technical one.

20

Never read them at all?-- I looked and saw that they were there. I read to make sure that I had an understanding of the event and a knowledge so that I can gauge - but I would say it was a working knowledge. The detail technical reviews was not really my role.

Was it ever suggested to you that there were differences as between the strategy operational - the operational strategies recorded in various documents?-- No.

30

No controversy whatsoever at any time?-- It was never suggested to me that there was differences in that role. There was a lot of things that the flood engineers brought up in those sessions but not as you've asked the questions.

Well, what were the lot of things that the flood engineers brought up in those significances?-- Okay. The first one was is that they were very upset in the early days about the newspaper reports about what they described as inaccurate reporting, you know, accusations in them. There was very early talk about, you know, "What can we do about this? How can we go about countering this?" We got that over very quickly with them because this is not the place to do this. We can handle that through the Commission and the subsequent submissions, if need be. So, we got through that quite quickly and the guys got over that. That was certainly one. There was certainly talk amongst them about the Ws in terms of the effectiveness of the strategies, like, we need more guidance W3; we need more guidance in W4 but not in the allocation thereof but in the higher echelons. And that made it all its way into the Flood Report as well. If you read it in, I think, sections 15, 16, somewhere along there, they wanted to make comment. In fact, they made comment about some of those accusations as well. At the time it was being put to them that they needed to make some allocation of full supply level in the meetings, like, a dry weather release or a wet weather release because, if you recall Cyclone Yasi was kicking around that particular time and could have come down

40

50

and they were absolutely adamant that it wasn't their role to describe or define full supply, you know, level, and that was their position. So, those sorts of things. Like I said before, there was some technical discussion between - especially Mr Shannon I recall challenging them on technical issues and, again, I think I said before, I was quite pleased that they were being challenged on their technical discussions and they were making meetings to go and talk about things, you know, out of session so that they can understand. I came away with an abiding impression that, you know, they had, you know, been quite shocked by the whole experience and that, you know, that we needed to be quite careful with them because if this next flood event had have come along, then we would've had to drop this whole exercise and put them back in the flood room; so, that's my abiding recollection of those meetings and that's what really I was there to look for.

1

10

Mr Pruss-----?-- Sorry, if that was too long-winded.

-----you are aware now, aren't you, that the March report is written on the basis that Wivenhoe Operating Strategy W2 was by-passed?-- Yes, I'm aware that that's within the report, yes.

20

Was there any debate or discussion over that by-passing of W2 in those three workshop sessions that you attended with the flood engineers?-- Not as I recall. I think, as I said before to Mr Callaghan, my mind was at ease that we had the experts in touch with the flood engineers to ask those sorts of questions.

30

The interrogation that you have heard from Mr Shannon did that cover that point?-- Not the one that I recall, no. What he was talking about, I think, was descending limbs of hydrograph and the points lining up, that's - I just recall that. There were others but that's just the one I just recall in most detail.

Nothing further.

40

COMMISSIONER: Mr MacSporran.

MR MacSPORRAN: I have nothing, thank you.

COMMISSIONER: Mr Sullivan.

MR SULLIVAN: No questions, thank you.

COMMISSIONER: Mr Ambrose.

50

MR AMBROSE: No questions.

COMMISSIONER: Mr O'Donnell.

MR O'DONNELL: No questions, thank you.

COMMISSIONER: Mr Callaghan.

MR CALLAGHAN: May Mr Pruss be excused.

1

WITNESS EXCUSED

MR CALLAGHAN: I recall Mr John Ruffini.

JOHN RUFFINI, CONTINUING EXAMINATION:

10

COMMISSIONER: Yes, Mr Callaghan.

MR CALLAGHAN: Mr Ruffini, as a general proposition would you accept this: that as at the 15th or as between the 15th and the 17th of January last year there was a degree of energy being applied to the preparation of a record as to when particular strategies were engaged? And, specifically, I'm referring to documents, which I have already asked you about, namely, a report being prepared by Mr Borrows - by Mr Malone for Mr Borrows. Do you recall that document?-- Yes, I do.

20

You recall me taking you to that document, it mean?-- Yes.

For the purposes of these questions?-- Yes.

There was also the report for the Minister. Do you recall being taken to that?-- Yes, I recall.

30

And do you recall the so-called Strategy Summary Document which I believe you - I took you to an email where you had emailed that to yourself?-- Where that was emailed from the Duty Engineer account, yes.

To yourself?-- To me, yes.

By someone?-- By someone, yes.

40

All right. You must have known, I'd suggest to you, at or around that time that that body of learning, as regards strategies, did exist? That as between 1, 2 or 3 of those documents someone had made a record of strategies which were applied during the flood event and you must have known that at that time?-- I have - as I said, I have no recollection - I didn't really review those documents. While I was in on circulating them, I - you know, I'm aware that they were in existence but I didn't, you know, I didn't personally put them together or look at them or review them.

50

All right. Okay. Next question: are you aware of any possible reason that might exist for the production of a version of the Flood Event Log which did not include the entry for 3.30 p.m. on the 9th of January?-- Sorry, what was the question?

MR MacSPORRAN: Commissioner, I object to that. I mean, the

evidence that has been led today deals with that topic. I would have thought that is now a non-issue, I would have thought.

1

COMMISSIONER: Well, Mr Callaghan is entitled to ask about Mr Ruffini's knowledge of how it came about and I propose to allow the question.

MR CALLAGHAN: I'm not necessarily advancing it as an issue but it could be a matter of some concern and I do want to ask each of the flood engineers that question?-- But, sorry, could you ask that question, again, please.

10

Are you aware of any possible reasons for the production of a version of the Flood Event Log which did not include the entry for 3.30 p.m. on the 9th of January?-- Am I aware of?

Yes?-- Sorry, say that again. What's-----

If you assume that there is in existence a version of the Flood Event Log from which the entry relating to 3.30 p.m. on the 9th of January has been deleted, assume that happens, are you aware of any reason why that could've happened?-- I - all I'm aware of - I'm aware of the process that went into putting the amalgamated logs together, but that's as much as I know.

20

All right. Can I take you to something that you said when you were here previously at page 5419, line 36, where you indicated that, "It was made to clear to us we didn't have to sign the report.", by which you were referring to the March report, the Flood Event Report?-- That's correct, yes.

30

Can you please just elaborate on what you were talking about then? Was there a process in which you - each of you physically signed the report or formally approved it in some way? Did someone actually make it clear to you that you didn't have to? Can you just tell us what actually happened?-- Well, I guess that's my recollection is that we didn't have to sign it, no.

40

I understand that's what you were conveying-----?-- Yes.

-----but I'm asking you for a little more detail about how that was conveyed to you, where it was conveyed to you, was there a formal process in which you signed the report?-- I can't remember those details off the top of my head.

Can you explain to us perhaps, as best you can, what you were trying to convey when you said, "It was made clear to us we didn't have to sign the report."? Someone was making something clear to you. Who would that have been?-- I think because it was an SEQWater report - by that, we didn't have to - well, it was an SEQWater report and it was going to the Commission and, you know, I think I signed a thing saying I was happy with the contents of the report.

50

Okay. And that's what I'm asking you about?-- Yes.

You think you actually did sign a document saying you were happy with it?-- Ah, yeah, I think so.

And-----?-- As in when it came to the Commission with us signing?

Are you talking about a witness statement to the Commission?-- The - I'm not sure. All I - what I recall is that we - we did - you know, my recollection is that I signed saying, "Yes, I agree with what's in the report."

10

All right. You can't recall anything more about that process?-- No. Except to say that, you know, as I said in testimony, like, you know, because it was an SEQWater report, you know, we had the option not to sign it.

All right. Mr Ruffini, what do you say to the suggestion that for yourself, and as between all four of the flood operation engineers, there was never really any appreciation as to the requirements of the manual as regards W2?

20

MR O'DONNELL: Well, I object in so far as he asked him about other flood engineers' appreciations.

MR CALLAGHAN: Fair enough.

MR O'DONNELL: If he asked about his own.

COMMISSIONER: All right. Keep it to Mr Ruffini then.

30

MR CALLAGHAN: For the moment keep it to yourself and ask you to respond to the suggestion that there was never really - that you never really had an appreciation during the January flood event last year as to the requirements of the manual in respect of W2?-- No, I had - I believe I did.

And the basis for that is, you would say, first of all, because you are very experienced and you just know these things?-- Well, I was involved in developing the rules, yes.

40

Yes. Another basis you might suggest is that the March report shows that the strategy W2 was correctly by-passed and, therefore, you must have - and you have agreed with that report and, therefore, you must've had an appreciation of what was required? Is that something you would advance?-- That's - yes.

Is there anything else that should satisfy the Commission that you did have an appreciation of the requirements of W2?-- Well, I would point to the various spreadsheet model runs and have a look at those and analysis of those which shows those considerations.

50

Anything else? Anything else?-- As in?

Anything?-- That's all I want to say.

COMMISSIONER: Can I just ask you: did you understand that there might be any problem with the flow chart for W2 as opposed to the conditions that are set out later in the manual for W2?-- As I said, that was one of the issues that was brought up by one of the reviewers in the end and then when - and sort of after the event - I think that was the problem with the manual in that it was a little bit confusing in terms of that-----

1

Can you just identify what that problem is?-- Well, I think just on the - from off the top of my head, the - it - it's - if you read the flow chart it was, like, you know, you could interpret as being you had to go through it. It was, you know, it was a progression rather than either or.

10

And so, you could have the perception that it's a transition from 1 through to 2, 3?-- Yeah, and that was, yeah, I think that's the - as I said, I think that was the problem with the way the manual - that version of the manual was structured, for sure.

20

Well, what was your perception? Did you see it as a transition as the flow chart suggests?-- I personally didn't have a problem with it. And that may be because, you know, I had a fair bit of familiarity with the previous versions of the manual; so, the concept of these really running in parallel was not really that - in my mind it wasn't that - I didn't have that difficulty with it.

Which view did you take? That it was a transition - the 2 was a transition between 1 and 3 or that it was just a clear alternative?-- As to me - as I said, if you can't meet it, then you move to the other one. But as I mentioned, if suddenly got a bigger flow happening in, like, the downstream in the Lockyer, then you could, you know, you could go back to that one.

30

Yes. W2, it seems to me, can mean almost anything in terms of discharges from Wivenhoe in the sense that it all depends on what is coming out of the Lockyer and Bremer; so the amount you are discharging from Wivenhoe could be anything from 200 to 1200 and still be under what's coming out of the Lockyer and Bremer. They are just examples. I don't know what the upper limit is?-- Conceptually, the way I think about it is - when I think about W2, I think about you have got a flow on the Lockyer which is creating - you have got a flow on the Lockyer. It's building; it's creating; it's going to be the thing that is going to create the most - the biggest flow downstream. So, when you - so, what you're not trying to do is sort of - in a W2 scenario like that - is to make releases above it, ahead of it, you know, let that - you know, let that flow; then, as the flow goes past, you start releasing from the dam on the back of it, and trying to piggy back on it; so you keep the level - so you don't exceed the flooding that's already happened and you can do that because you can get that drain done in the seven day sort of scenario.

40

50

But, literally, you have got to keep your releases below that

peak; is that right?-- That's right. You've got to - because you've got to get it below that peak, that's right.

1

But that peak could be anything from 1800 to 8,000?-- Well, yeah, but the - I think once you get up to those bigger ones, you move into another strategy, yes.

That's true, because in W2 you can't go above 3500 at Lowood?-- That's right.

10

So, there is still a large range though, isn't there, of what you can be releasing from Wivenhoe in W2, anything from 0 to - given that you have got to be under 3500, 1200 maybe as an upper example?-- That's it. But the key is you are going to limit it to that, you know, what would've been the naturally occurring peak in Lockyer-----

Yeah, but you need to know-----?-- -----Without the releases.

20

But you need to know what that peak is going to be to have any idea of what you would be letting out?-- That's right.

So, it doesn't make much sense, does it, to talk of a W2 style release because that would give you no clue as to what you are actually going to be letting out at Wivenhoe?-- As - as I said, it just wasn't - I - it's just - yeah, you mean at that point in time?

Or at any point. I mean, just to use the expression "W2 style release" will tell you nothing about what you are going to be letting out of Wivenhoe?-- No, not really.

30

All right. Thank you.

MR CALLAGHAN: I have nothing further.

COMMISSIONER: Mr Rangiah.

MR RANGIAH: I have no questions.

40

MR MURDOCH: Mr Ruffini were you aware that an expert, Brian Cooper, had prepared a report into the operation of Wivenhoe and Somerset Dams?-- Early on in TCS I was aware of that.

Did you receive a copy of his report?-- I probably did. I probably did. I can't, you know, directly, you know, recall it right at this moment but I would have assumed - I think I got circulated on it, yeah. I've seen it anyway at some stage subsequent.

50

But your best recollection is that you received a copy during or soon after the flood event during last year?-- I would have to look at my emails to check exactly when that was, but, yeah, at some stage I received a copy, yes.

And you remember it was a concise report, a couple of pages long?-- That's right, yes.

1

And, I take it, being a concise report, you would have read it?-- I probably did, yeah, at some stage, yeah.

Did you have any disagreement with its contents?-- I can't recall the details of Mr Cooper's report.

I'm not asking you now to recall the details but, as a person who had been involved in operating during the event, if you had read a report as to the operation of the Flood Operations Centre, that conflicted with your own knowledge, you would have surely have that register in your mind?-- All - I just have a recollection of that report at the time, the focus was on the top end, the W4 issues, and that's about all I can really recall.

10

But if you had read a report from an outsider that purported to canvass what had occurred through the Flood Operations Centre during that January flood event and that report conflicted with your own knowledge of what had occurred, surely, that would've hit you?-- Probably, yeah.

20

30

40

50

But you have no recollection that you read the Cooper report and it registered with you, "That's not what happened"?-- All I recollect is that Cooper report was done in a real hush - in a really hurry, I mean, and it was done in a pretty short timeframe. I am not sure what amount of information Mr Cooper had available to him, and I certainly wasn't involved in that particular process.

1

Accepting all of that, all I wanted to know was when you read the report it didn't cause any ripples of discontent with you?-- Look, I just don't have a real recollection of that.

10

During the preparation of the March report, you know what I am talking about, don't you?-- Yes.

Alright. Did you attend meetings with your fellow flood engineers and others on 8 February, 18 February and 21 February to talk about matters pertaining to the preparation of the report?-- So where would these meetings have been?

20

I am not sure of the precise location, but I am asking you about meetings where there was discussion in relation to-----?-- There were - I recollect there being like a few, a couple of meetings at Seqwater headquarters about the, you know, about - there was a couple of meetings where the structure of the report and the style and format and those sort of things were discussed.

What about content of the report? Was that discussed?-- As in the structure. It was more about, you know, what sections and structures, and I have recollections of a lot of issues on style and formatting and things like that.

30

Well, in terms of the description in the report of the operations of the Flood Operations Centre during the event, was that not discussed at all?-- Not to my recollection.

Did you have an opportunity to review what went in the report in relation to the operation of the flood centre during the event?-- Yes.

40

How did you get that opportunity?-- As I said, that happened in the Flood Operation Centre with various - when the chapters and you know at various levels of completion I had the opportunity to review them. I sat down there and reviewed them with all the information that I had in the Flood Control Centre.

Do you remember whether those reviews were apart from those meetings that I suggested you attended on 8, 18 and 21 February?-- What do you mean by that, sorry?

50

I understood that there had been some meetings attended by the four flood engineers and others in which there was discussion as to the preparation of the reports?-- That's right, yes.

Your reviewing took place outside of those meetings, did it?-- That's right, yes.

Was there ever discussion among you and the other three flood engineers as to the assignment of those "W" labels out of the manual to particular stages of the management of the event through the Flood Operation Centre?-- As I said, John did the running in terms of preparing that if you are talking about the strategy section, and then I reviewed it and went through it in detail, and as I said I may or may not have had conversations with people along the way, but my primary focus in reviewing it was to focus on the sections of the log that pertained to the bits when I was operating and had knowledge of it. You know, that was my main focus, yes.

10

So far as your focus went?-- Yes.

Were there any matters where you had to take Mr Tibaldi to task in terms of challenging what he presented in the draft?-- No. As I said, I endorsed the report and I was happy with what was in there.

20

So you queried nothing?-- There were lots of edits we had, you know, a lot of things like that. I mean there was discussions about hydrology issues and there was a fair bit of discussion, but that's all I can recall.

The fair bit of discussion, was it you and Mr Tibaldi or was it the whole group of four?-- About what?

The fair bit of discussion that you say took place in relation to hydrology issues?-- Yes, the hydrology issues, that was between the hydrologists primarily, you know like, just nuances about the best ways of assessing, you know, recurrence intervals and things like that.

30

When you say that was between the hydrologists, you are distinguishing between the flood engineers and the hydrologists?-- Sorry, what I mean is probably Mr Malone, myself and Rob Ayre have - I guess we would consider ourselves professional hydrologists, you know, like working in that area, whereas John I wouldn't class him as a professional hydrologist in that his sort of skills are more in that operational area. So from that point of view we had a fair bit more input in a technical sense in sort of assessing event magnitude and things like that, yes.

40

Those discussions involving the hydrology group, did they review this question of putting the strategy labels on particular time periods for the event?-- No.

No discussion of that at all?-- No.

50

Nothing further.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: No questions, thank you.

COMMISSIONER: Mr Burns?

MR BURNS: No questions.

COMMISSIONER: Can I just ask you this too, Mr Ruffini. You were interviewed by the Commission?-- Yes.

And you described - we will get it up just so I can show you what I am talking about, and ask you what you mean. It is an interview that you had. I am not entirely sure of the date, but if we go to page 48 you were being asked about the report?-- Yes.

10

And you might want to go back to the bottom of 47 to understand what you are being asked about?-- Yes.

There is the talk about bypassing strategy W2, which is a reference to that's in the flood event report?-- Yes.

And it is put to you that is because of the peaks and so on?-- Yes.

20

What I am interested in is your description of the strategies further over the next page?-- Yes.

From about line 22 to 29. You say that the strategies are hierarchical and as you move through a flood you accept that your flood mitigation objectives change?-- That's generally true, yes.

It suggests that is W1, W2, W3 hierarchy?-- Yeah in - generally - yeah, that's probably not a good choice of words there but there is that - you do in essence - in essence there is that - in essence there is a hierarchical generally amongst them, but as I said that is probably not as accurately worded as I could have had it.

30

Okay. Because W2 and W3 aren't as I have come to understand it, I don't think, hierarchical, are they? They both aim at just not going above 4000 at Moggill?-- That's right. As I said they are more parallel, parallel strategies and it is to do with scenario where effectively, you know, you have got a storm that is happening on the bottom of the catchment as opposed to a storm that is happening on the top of the catchment, so therefore you are giving - and you are going to say "Well, you know, we have got enough flood storage that we can play with in the dam such that we can limit it to the damage that would have been caused from a Lockyer Creek flood."

40

Essentially - just tell me if this is right?-- Yes.

50

The problems you are getting from inflows into the dam are not as big as the problems you are going to have from the inflows as the Lockyer-----?-- That's right.

-----and the Bremer?-- That's right.

So it is just the degree of magnitude between those two which

you have got to deal with?-- That's right, and you always have that problem to a lesser - a more or lesser extent, but sometimes you know you can have a storm right at the top of the catchment and you can have a dry bottom catchment and you have got - you know, you can be a lot more aggressive in terms of approaching an urban flooding limit and not be worried about something downstream catching you out. Whereas in a scenario like we faced in January where we had the wettest December on record, a saturated catchment down the bottom, you had to be quite wary of the potential for in some cases storms that under normal circumstances wouldn't even generate runoff can actually generate a flow within combination with the release from Wivenhoe could tip you over that urban flooding threshold.

1

10

When did you perceive Lockyer Bremer emerging as problem during the - say the days 7 to 12 January?-- We were always aware that it was - if you looked at the - I think in the report we have got the WATL, you know the forecast in terms of the out - the out - the out sort of slices of forecasts and there is a reasonably consistent message coming through those forecasts when you looked at them that the system, the weather system was moving south and there was a lot of little - a lot of bulls eyes over Brisbane, over the Bremer and potentially over the Lockyer. Now, they are more - the WATL ones, they are the Bureau of Meteorology's forecasts where they take all their climate models and they average them, and they are in a sense - they probably won't pick up all those really intense bits but they give you a reasonably good indication of that broader scale synoptic rainfall that potentially isn't, and there was that consistent message that we were going - that it was going to be wet down below and we already had a wet catchment, so pretty early on we were aware - you know, we're aware that look potentially not much rain can cause a significant downstream issue for us.

20

30

All right. Thank you. Now I have lost track of where we were. Did anybody have anything arising out of any of that? Thanks. Mr Ambrose?

40

MR AMBROSE: We have no questions.

COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: Yes. I am also interested in this question of W2 and the W2 bypass. You were asked by counsel assisting whether you had an actual appreciation of W2 being by-passed during the event and you said you did, and last time you were here you told us you had an appreciation of that towards the end of your shift on Saturday the 8th. Can I concentrate on that time, please?-- Yes.

50

So we are back on Saturday the 8th last year getting towards the end of your shift, and one of the answers you gave to counsel assisting was, you said your appreciation was pursuant to the spreadsheets and the model runs which showed an

analysis of those considerations?-- Yes.

1

Can I ask you to walk us through what was the analysis during that shift that ended on Saturday morning the 8th?-- Okay. The analysis was we had - the spreadsheets had done the model runs and Mr Malone had handed over his work at handover which sort of was indicating - indicating those releases and when I came on I'd relooked at those, redid those numbers and sums.

So that is Friday evening around, starting at 7 p.m.?-- Yes.

10

Yes?-- Okay. I'd come up with a similar release pattern to what Terry had done and that was sort of, you know, showing that we'd ramp - you know, we were going to ramp up releases; we were going to hit 68.5 and-----

Just take this slowly. You are talking to lay people here?-- Sorry.

Ramp up releases from Wivenhoe hoe?-- That's right.

20

The lake level would hit 68.5?-- That's right. That's what the model was saying. It was going to hit 68.5 correct.

Was consideration then being given to flows at Lowood and Moggill?-- Yes.

Tell us about that, please?-- We were looking at the downstream impacts. In my situation report I was looking at - I put something in there about what might happen in Brisbane with these releases. If you look at the actual release pattern it was over while we had seven days of opportunity to drain. Given the forecasts that were in front of us that draining time in terms of the last model that I looked at, because of the forecasts of the rain, I had it down to three days so we weren't - we weren't attempting to keep that as low as possible and do a seven day drain, which I would have been probably playing with if I was considering those lower threshold objectives.

30

When you said "we" in that last answer, do you mean you?-- Yes.

40

Right?-- Sorry.

Now, would it assist you to explain this, this consideration of the application of W2, to look back at your model, the model that you were doing during that shift?-- If you wish I can.

50

I can show you two documents, I think. I can show you a copy of a model run that was on Saturday morning at 7 a.m. That's Exhibit 1197, and we also have a convenient summary of the model results. I can hand that up as well. That is a copy of Exhibit 22?-- Sure.

COMMISSIONER: Can I just interrupt you, Mr O'Donnell, so I can get something clear in case it affects anything you want

to ask. Mr Ruffini?-- Yes.

1

Say in theory you have got enough water coming out of the lower tributaries that you are going to have a naturally occurring peak of 2000?-- Yes.

You can let 1500 out of the dam and you will be at your 3500. That is permissible - in W2 I am talking about?-- It is, but you are not necessarily going to do that, because that is only - if you have got - you are just doing - that would be a forecast with the rainfall that's on the ground.

10

It would depend on the conditions you were in?-- It would depend on the conditions. In a saturated catchment where you are talking about, which this was a pretty super saturated catchment, I would not aggressively go up to that level.

Okay. Really, my question is quite simple?-- Yes.

It is just this. When you are thinking about what you can let out of the dam so that you don't end up beyond 3500 down at Lowood, do you factor in a time consideration? In other words, do you say, "I am expecting 2000 out of the tributaries tomorrow morning at 10 a.m., so I will let out of the dam" - say my 1500; it doesn't really matter what the figure is - "now, or at some other point", or how far do you work it?-- In the - that's what we have got in the spreadsheets. If you look at the spreadsheet the column which has a Lowood flow and Moggill flow, so it basically has an estimate of what those tributary flows would be and you are adding those up and there's lags that are put into them in terms of that sort of thing. Now-----

20

30

So can I understand this, if I look at your sheet which says what the peak flows at Moggill and Lowood are going to be, that's already got the time factor built in to tell you what to release now? How does it work?-- Yes. Yes.

Okay. That's really just what I wanted to know. Thanks. Thanks, Mr O'Donnell.

40

MR O'DONNELL: All right. You have got the model results run at 17 one Saturday morning?-- Yes.

You've got the summary of all of the various model results?-- Sorry, what was that? Yes.

Is that what you need to explain this, or do you want the gate operation spreadsheet as well?-- Probably in the - if you have the actual gate operations spreadsheet it would be good.

50

Sure. That is Exhibit 1054. That is a paper exhibit?-- Simply what I would like to just show is in the gate operation spreadsheet there's just the plot of the releases in there.

Take my copy?-- It is up to me. All right.

What I am asking you to do is think back to the happy occasion

of Saturday the 8th last year, getting towards the end of your shift. Just walk us through what your consideration was of this W2 prospect?-- Okay. In terms of this, this would have been - this is the gate operations spreadsheet. In the spreadsheet is the release - operating release pattern that we are proposing - sorry, that - an initial version of that was in - that Terry had provided when I took over. I had reworked it a little bit but it is still very similar to what Mr Malone had left me with, with a few wrinkles and during my shift I had started on increasing the flows towards - late towards the end of the shift. This spreadsheet illustrates the flows at Lowood, the flows at Moggill. It also shows in terms of the dam, the dam levels for this particular scenario that we are trying to, you know, get this water in and out within a certain timeframe. So what we have is a seven day permissible drain time from the peak elevation in Wivenhoe. Given the forecast of the rainfall and things like that, this has been contracted a little bit.

1

10

Yes. You were going on to talk about this question of downstream flows and W2 being by-passed, what your consideration of that was?-- That's right, and if you look at that - from this spreadsheet you can see in terms of hitting that drain that we wanted to have, that we would have had to have - with the flow - there weren't the flows in the downstream in the Lockyer to get - if we had reduced them down to the peak of the naturally occurring flows there we wouldn't have - we would have extended the drain time, you know, beyond that seven day limit from the peak.

20

What is the information as to the naturally occurring flows at Lowood and Moggill?-- I think they are summarised as - what is it, five thirty, I think at that time.

30

So you are looking now at Exhibit - the summary of model runs?-- Yes.

Which is Exhibit 22. I think you will find it on the third page, the third sheet of the summary model runs?-- Yes.

40

Turn over to the third sheet?-- Yes.

Do you see there are handwritten numbers for the columns at the foot of the page?-- Yes.

If you look over in columns of 21 and 23?-- That's right, yes.

Do you see the figures of five thirty and six ninety?-- That's right, yes.

50

Without Wivenhoe. Is that information that was available to you based upon your model?-- That's right, yes.

The modelling you prepared at 7 a.m.?-- Yes.

And if you turn over two further pages you will see the modelling results of the with forecast rainfall?-- Yes.

Which are five thirty and eight thirty respectively?--
Correct.

Did you give consideration to those figures for the naturally occurring peaks at Lowood and Moggill during your shift?--
Yes, I did, because they were in-----

What was your consideration?-- Sorry?

10

What was your consideration? What consideration did you give to them?-- Well, the consideration was that we weren't going to be limiting - in terms of our strategy and our releases that we were going to be going above those, that we weren't going to be limiting the releases to those flows.

Why was that?-- Because we wanted to, you know - because we needed to get, you know - we needed - we had hit the - we were going hit 68.5. We were transitioning into the other - we were going to be transitioning into the other strategies. The key is we just wanted to - in terms of the drain sequence was going to be governing, you know, governing - was going to govern, you know - in terms of getting - we wouldn't be able to get the water out of the dam if we had restricted it to those releases.

20

And the releases you are then making from the dam at the end of your shift?-- Yes.

What were they?-- I think I was up to 890 I think off the top of my head, around that mark.

30

So that's already above the naturally occurring peaks?--
That's right.

Predicted by your model runs-----?-- Correct.

-----for Lowood and Moggill. So did that have any significance to you in terms of the availability of W2 if and when the lake level crossed 68.5?

40

COMMISSIONER: Mr O'Donnell, haven't you actually been through this with Mr Ruffini, once before?

MR O'DONNELL: It was expressly raised by counsel assisting his morning suggesting that the man had no actual appreciation of W2 being by-passed.

COMMISSIONER: Alright. Go on then.

50

WITNESS: Sorry, what was the question again?

MR O'DONNELL: Do you have a recollection of addressing based upon this information the availability of W2 if the lake level crossed 68.5?-- As I said I think the spreadsheets are a good record of my thinking at the time

What was your thinking at the time?-- That, you know, if we

had held it back then we'd certainly - if we'd restricted it to those releases we wouldn't have got an appropriate drain, wouldn't have drained the storage within the seven days so we couldn't do it, and we were already - and we needed to go to the higher releases.

1

Did you draw any conclusions about strategy W2 or its availability?-- As I said, I - if you asked me now to have a direct recollection of that, as I said I can't say that today, sitting here today I can recall that, but you know when I look at this information then I would say yes, that is what I was thinking.

10

All right. Something else on this same general topic the Commissioner raised with you this morning. The Commissioner said words to the effect of a W2 style-release tells you nothing of what you are going to be letting out at Wivenhoe?-- Yes.

The Commissioner put that to you in the abstract. Can I ask you if you focus on the information available to you at the end of your shift on Saturday the 8th, and apply it to the information then available that flows out of Wivenhoe, the predicted peaks, naturally occurring peaks at Lowood and Moggill, what would the concept of a W2 style release be based upon that information?-- You would be cutting back flows at that point rather than ramping them up.

20

It would mean, wouldn't it, that there would be a limit on what you could release out of Wivenhoe?-- That's right. We would be tapering back on our flows.

30

And the limit would be below what you're currently releasing?-- That's right, yes.

And you wouldn't be able to increase your releases?-- No.

After you transitioned - after the lake level crosses 68.5?-- That's right. Unless the flows in the Lockyer increased.

40

Thank you. Can I ask you about something else. You have told us all about your thinking on Wivenhoe?-- Yes.

Can I explore with you a little bit your thinking about the Somerset Dam towards the end of your shift on this Saturday morning. There is a couple of key lake levels for Somerset, aren't there?-- That's right, yes.

What are they?-- Correct.

50

What are the key lake levels? Do you want to look at the manual to refresh your memory?-- Yes.

Do you have the manual with you?-- Yep.

What are the key lake levels at Somerset?-- Well, I guess, you know, in terms of full supply level at EL INI. At EL 102, which has got some issues in terms of localised bridges and things like that, and, obviously, EL 109.7, which is sort of what we want the dam from a structural point of view. That's issues in terms of keeping - keeping the lake level below that.

1

It was also mentioned 100 point - sorry 100.45. See at the foot of page 39?-- Oh, yeah, mmm-hmm. Page 39?

10

Yeah, page 39?-- Can I have - this is a version - I might grab the - this version. Oh, yeah. Yes. There's EL 10 - 104.5 (sic) in strategy S2. So this is about the - you know, the crest gates and when we raise them under - raise them under certain circumstances.

Yeah. And what's the significance of the 100.45, just in layman's terms?

20

COMMISSIONER: I note the time, Mr O'Donnell, would you like Mr Ruffini to have a look at that over the lunch break and come back to it?

MR O'DONNELL: Yes, thank you, Commissioner

COMMISSIONER: 2.30.

30

THE COMMISSION ADJOURNED AT 1.03 P.M. TILL 2.30 P.M.

40

50

THE COMMISSION RESUMED AT 2.28 P.M.

1

JOHN RUFFINI, CONTINUING:

COMMISSIONER: Mr O'Donnell, just before you go to where you were I just want to ask Mr Ruffini something to make sure I've got it clear, and I don't want to interrupt you once you start again. Mr Ruffini, W2, which I have become slightly obsessed with-----?-- Yes.

10

-----just so I understand it, if you've got, say - and this is purely hypothetical. Can you start from that premise? I'm not asking you about the flood event?-- Yep.

If you've got, say, 1800 CUMECS coming down the Lockyer and you're in W2 because-----?-- Yes. Five or six hour - yeah-----

20

-----that's the flow you are worried about, what's the most you can let out of the dam?-- If you've got 1800 coming down the Lockyer-----

Mmm?-- -----okay, so - initially you're going to - your attempt is to go on the back of, you know - the premise is you want to go on the back of that 1800, so you want to release - under the W2 you're trying to contain it to that 1800 that's in Lockyer Valley-----

30

So how-----?-- -----in Lockyer Creek.

-----do you do that?-- Well, you would - in practice you'd - if you imagine there's a flood coming down the Lockyer and it's 1800. Now, you may have been releasing at lower levels because of the other strategy. Now, you're sort of seeing you are going to have this peak so you would reduce your flows out of Wivenhoe Dam, you would allow that 1800 CUMEC flood to pass, and then you would - then you would start increasing your releases such that you're on the back of the 1800, and then that would give you - on the premise that you would get your seven day drain-----

40

Okay?-- -----within that time frame.

And so do effectively cut your releases out of Wivenhoe back to nothing? While that 1800 is going past?-- If you could do it. Now - that's right. If you can - to stay in W2 that's what you would have to do-----

50

Okay, thank you for that-----?-- -----in those circumstances.

Thanks, Mr O'Donnell.

MR O'DONNELL: Could I cut to the chase of what I was trying to get out before lunch. On the Saturday morning the 8th, towards the end of your shift, you were watching the levels of the Somerset lake?-- Yes, I am

1

What do you see happening?-- The gates at that stage are raised in Somerset, the crest gates, so as you - as the lake level is approaching the overflow, approaching the level of those crest gates, so - the modelling was saying, you know, roughly about 8 o'clock it was going to start flowing over the crest gates.

10

What's the height of the crest gates?-- It's at 100.45.

Right. And towards the end of your shift did that trigger any thoughts in your mind as to anything that needed to be done regarding Somerset - the management of Somerset?-- Well, with the management of Somerset you then need - we start to then - there's a Wivenhoe - Wivenhoe-Somerset operating line. That's to keep the balance. So that for us that target line we have to look at to make sure that the risk in terms of - terms of risks of - ultimately that line is there to make sure that the relative risk remains the same or failure remains the same in both dams. So we use that target line in terms of to - if you're below or above it to try and - you know, when flows come into Somerset you'll need to adjust your flow rates in Somerset such that, you know, you can either go towards that - if you are above it go towards it, if you're below it go towards that target line.

20

And can you recall, did you actually have thoughts to that effect towards the end of your shift?-- We were looking - as part of the output for this - part of the spreadsheet is there is a target line that gets printed, so that is part of the spreadsheet look at, so we would have been look - I would have looked at that target line and just made sure that, you know, things were in there - in there. So the things you're considering are where are we in relation to that target line and does something need to happen in the future in terms of releases out of Somerset to get you right - in the right space in that target line.

30

40

What level is the target line?-- The target line - the target line is - the line goes up to - it's in - on page 40 of the manual, and it has a shape of 10 - 104.45 is one point and EL 67, then it sort of - in a perfect world you would be able to follow along the target line exactly but it's not a perfect world and it's affected by the flows into it, so you're either - either - you're either going to be above it or beyond - above it or below it, but you will - but the target line then goes up and pivots at 104.45 in - in Somerset and EL 70 in Wivenhoe, and then it goes along to EL 80 in Wivenhoe and EL 109.7 in Somerset.

50

You said "104.45" in Somerset?-- Yes. Correct.

Did you mean 100.45?-- Oh, sorry, yes, 100.45, sorry, correct.

Did it reach 100.45 in Somerset by the end of your shift?-- 1
Yes, it did. Oh, well, it was very close. Very close.

Can you recall, was there any discussion about what level in Somerset with the incoming engineer at the end of your shift during the handover?-- As I said, I went through the spreadsheet with the incoming engineer, Rob. Specific mentions of that I can't directly recall now.

All right, thank you. Thank you, Commissioner. 10

COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: Thank you, Commissioner.

Just briefly, Mr Ruffini. When you're operating the dam you have open, I think you've told us already, the operational spreadsheet on your computer screen?-- That's correct, yes 20

And towards the end of your shift at the morning of the 8th, the Saturday morning, you were looking at, I think you've told us, lake levels, the inflows, the outflows and forecasts and things of that kind?-- That's correct, yes.

And when you were deciding - you say the lake level was going to go past 68.5 you thought that around 8 o'clock that morning, just after your shift concluded?-- That's right, yes. 30

So you're planning for that event happening; is that so?-- Correct.

Then you know when it goes through that level you were going to be in either W2 or 3, depending on the circumstances?-- That's right, yes.

When you're trying to decide on what those circumstances are at any given time do you also have reference to your operational spreadsheet on your computer?-- Yes, I do. 40

Does that show you the natural peaks predicted at Lowood and Moggill?-- Yes, it does.

And it's from that information that you then determine whether you will go into W2 and do what you have to do to bring the releases under those peaks, or the flows under those peaks, or whether you ramp it up slightly and go into W3?-- Yes, that's correct, yep. 50

When you make that determination, when you look and see what the situation is, what sort of time does it take you to make that assessment from your spreadsheet open in front of you?-- Oh, not very long at all.

What do you actually have to do to make that assessment?-- Oh, just you look at the numbers and subtract - just do a few

subtractions and that's it, yes.

1

Okay. So you look at your computer screen, and we've seen the spreadsheet that you would have on your screen, you'd see the flows predicted for Lowood and Moggill?-- That's right, yes.

And then you just do the subtraction or whatever you - whichever figure you use-----?-- Or you can actually just look it up. There's a - one of the - one of the tabs is the actual flows there that are occurring anyway, yeah.

10

So in a matter of moments you are able to assess whether you are able to go into W2 or should, and if not you're in W3 by - almost by default?-- That's right, yes.

Now, on this morning, the outflows or discharges from Wivenhoe were of the order of between eight and 900 CUMECS, weren't they?-- That's correct, yes.

The predicted flows at Lowood and Moggill were 530 and 770 to 80-----?-- That's correct, yes.

20

-----downstream? So looking at those figures you would immediately know, wouldn't you, that W2 was not an option?-- That's right, yes.

You wouldn't have to spend a lot of time to come to that realisation?-- No.

When you spoke of a draindown time for the dam, in this case at the conclusion of your shift, being about three days, what's the significance of a draindown period? Can you just briefly explain that to us?-- Okay. The - the - the - an important component of each procedure is that you have to empty the flood storage of Wivenhoe from the peak elevation. So from when Wivenhoe peaks you need to empty that flood storage in seven days. The reason being that there's a history of closely-spaced floods about a week apart, and there's sound meteorological reasons about why this happens, so that's effectively a big component - a big component open of the thinking.

30

40

So when you say empty the flood compartment, the full supply level is 67 metres?-- That's right.

When the event starts you aim to store water in the dam and then release it an draindown within seven days back to full supply level?-- That's correct, yes.

So as at the end of your shift on the 8th of January, the morning of - the Saturday morning, had the peak occurred, the peak inflow?-- No, the peak - Wivenhoe was predicted to peak not that day but, you know, in a - I could look it up, but sometime after that, and then there was a drain time associated with that, yes.

50

And that was all factored into the way you were managing the event at that time?-- Yes, it was.

And as at that time you had factored in a draindown time, in theory, of three days?-- I think it was about three days, yes.

1

So that was an aggressive management of the event?-- It was and it was to take into account of the fact that the rainfall - the forecast stuff that had been done was showing a bit more coming along, so we were on - wanted to be on the - I wanted to be on the shorter end of the drain period for that point in time.

10

So you wanted to drain it more quickly than seven days so you had the capacity, if necessary, to expand that draindown period to a maximum of seven?-- That's right, yes.

So you exercised some judgment about the time you might need, given what the forecast told you?-- Correct, yes.

And that's just part of the consideration that you need to balance when you are exercising these judgments?-- That's right, yes.

20

Thank you.

COMMISSIONER: Mr Callaghan?

MR CALLAGHAN: I have no further questions for Mr Ruffini at this stage. I just wonder whether it mightn't be advisable that he just be stood down until the other engineers have finished just on the off chance that anything comes up in their testimony that needs to be revisited.

30

COMMISSIONER: Okay. Well, Mr Ruffini, I will stand you down till the end of the hearing, which will just be a couple of hours away-----?-- Should I stay around here today or-----

If you wouldn't mind, that would be the best, thanks?-- Yes.

WITNESS STOOD DOWN

40

MR CALLAGHAN: I'll recall Terrence Malone.

50

TERRENCE ALWYN MALONE, CONTINUING:

1

COMMISSIONER: Thank you.

MR CALLAGHAN: Mr Malone, you'd agree, I think, that there is no formal record of the strategies which were employed during the operation of the dam during the January event last year? Sorry, no contemporaneous records? No record was kept at the time?-- At the time-----

10

No formal record?-- With the exception of W - W4, I think.

And I asked you about that previously, as to where that was recorded?-- I seem to recall it might have been in one of the sit reps-----

Yes. With that exception there was no formal record at the time?-- Correct.

20

But between the 15th and 17th of January you were aware that energy was being applied to the compilation of such a record, part of which was the document which yourself were preparing?-- Yes.

You were also aware of the fact that the report was being prepared for the minister?-- Yes, vaguely.

All right. And you're also aware now of the so-called strategy summary document?-- Yes.

30

All right. So far as that part of those energies to which - for which you were responsible, that is to say the document which you were preparing, I think, for Mr Borrows, or which Mr Drury had requested; is that right?-- Yes.

Presumably you were doing your best work in the circumstances to make that a record of the strategies which were employed?-- As I understood at that time, yes.

40

Yes. Is there any possibility that the record you prepared at that time is actually correct?-- "Any possibility"? I would have to go back and check but I would say no, given that the S2 - sorry, W2 was never employed.

All right. So you say now at least, with the benefit of all you know, that there is no possibility that it was correct?-- That's correct.

50

Did you have any concern at the time at all that there was any possibility that it was not correct?-- When you say "not correct," not in its entirety but - and it was correct in certain parts, yes, lots of the parts.

All right. Well, did you have any concern at the time that any aspect of it might not be correct?-- I did, yes.

Right. Did you do anything about that? Did you tell anybody about that fact?-- I sent it to the others for review.

1

Yes, but did you tell-----?-- And comment.

Sorry?-- And comment.

Right. Did you express any concern to anyone at any stage that it may not be correct?-- No.

10

Specifically nothing was conveyed to Mr Borrowes about the possibility that it might not be correct?-- I wasn't replying to Mr Borrowes, as I recall.

You have already answered my question, I think, in any event. Now, it might be easiest if I just ask you. You had - did you have any role in the preparation of materials for the purposes of peer reviewers?-- You mean directly to the peer reviewers?

No - well, look, I will ask you this question: are you aware of any possible reason as to why a version of the flood event log might exist which version did not contain an entry for 3.30 p.m. on 9th of January?-- No I don't. I don't know why.

20

Can I ask you about the March report, and can I take you - just excuse me. Did you receive some draft copies of the March report from Mr Tibaldi, as he was preparing it?-- I wouldn't recall that, I'm sorry.

Just one attempt to jog your memory. Did you see anything like - can I see Exhibit 1078, please? I think it's JLR-20. It's document number 10 within that folder. I can probably explain my point as it's coming up, Mr Malone, and then you can take a look at it. The question is along these lines: it would seem that - to Mr Ruffini, at least - there was the distribution of a copy of a draft with some track changes on it, from Mr Tibaldi - sorry, I'm not saying who the track changes were by. A distribution from Mr Tibaldi, a copy of the draft report with - perhaps we could just scroll down a bit - page 9 was the page I think I showed Mr Ruffini - in this compliance section of the report you see there are some track changes which hadn't yet been adopted. Do you recall any part of the process involving the circulation of reports in this form with track changes in them?-- No I do not.

30

40

All right. Thank you. I'm not sure if you are aware, but Mr Ruffini said in evidence about the March report, has said something like this, "It was made clear to us that we did not have to sign the report," and I'm asking what you recall about the process, if there was one, by which the report was formally adopted by you, signed by you, the subject of discussions along those lines?-- I recall there was a document put together to ask us to sign the report but I was reluctant to do so because I didn't think I had the time to properly vet it.

50

And where and when did this process take place?-- I can't specifically recall the exact dates. I suspect it was before

it went to the printers.

1

All right. Can you say where you were when this discussion or this - this was canvassed?-- I think it might have been in a number of different places. It might have been in the Flood Operation Centre and it also might have been in Seqwater offices but I can't be sure.

Right, and with whom were these discussions taking place?-- Certainly - well, not "certainly", probably one or two of the other engineers and also with perhaps Mr Pruss. I can't be sure. Or Rob Drury, I'm not sure.

10

Okay. You say you expressed some reluctance to sign something. Did you in fact sign it?-- No.

And since that time has there been any discussion about your formal adoption of it or endorsement of it?-- No.

In your statements and evidence to the Commission, though, do you endorse the March report as being an accurate account of that which occurred during the January flood event?-- To the best of my knowledge. I know that there are some mistakes in there which have been brought to my attention since there but they have to do with the parts that I've compiled, but overall I was quite happy with the report.

20

All right. You've had - if you had any concerns about any aspect of it, you're not suggesting that there would have been any difficulty in reporting that?-- No.

30

No. And your reluctance to sign it was a product of, what?-- Time constraints.

Time constraints, all right. What do you say, Mr Malone, to the suggestion that you really had no appreciation of what was involved with the strategy W2 during the time of the January event?-- That may well be true.

All right. I have nothing further for the moment, thank you.

40

COMMISSIONER: Just on that topic, Mr Malone. The flowchart, it seems to me, is confusing because it could give you the impression that W2 is the staging post between one and three-----?-- And three.

-----and that's essentially at the heart of the problem, isn't it-----?-- Yes.

-----that it makes it look like it's just a transition you go through?-- Yes.

50

When you come to the conditions it's more complicated than that?-- Than that, yes.

All right, thank you. Mr Rangiah?

MR RANGIAH: No questions.

COMMISSIONER: Mr Murdoch?

1

MR MURDOCH: Mr Malone, you're aware that Mr Cooper was requested to provide a report during the flood event and that he did indeed provide a short report in a very timely way?-- I'm aware of it.

And did you receive a copy of Mr Cooper's report during or shortly after the flood event?-- I don't know whether I received it directly but I certainly remember reading it.

10

All right. And do you remember that you read it either during the flood event or shortly after it?-- It was actually during the event.

During the event. And when you read it was there anything in it that caused you to be concerned about its content?-- I remember there were some questions about application of strategies but I can't recall specific details.

20

In any event, nothing that you read in it caused you to do anything to ask for a correction or to draw attention to any perceived errors in it?-- No. Not me particularly. I think John Tibaldi was taking the lead role there.

And have you discussed that with Mr Tibaldi?-- I can't recall specifically. This was just after - a day after or two days after the event and - it was still operating, so it wasn't particularly high in my agenda.

30

Accepting that, but when you said that Mr Tibaldi was taking a lead role, do you mean a lead role in relation to representing a viewpoint in respect of the Cooper report?-- I presume so, yes.

Well, what-----?-- Look, I can't recall specific details in regard to the Cooper report, I just know that it came in and we looked at it, that's all. I don't know who organised it or requested it.

40

When you say "we looked at it," who was the "we" that looked at the Cooper report?-- Well, myself and John Tibaldi.

I see. And what did you understand was to occur, if anything, after you'd looked at the Cooper report?-- There was nothing I was aware that was going to be followed up on.

So you were accepting of his report?-- In that it was a very brief, cursory examination of what had happened two or three days beforehand, yes.

50

But in so far as those two or three days were concerned, you were content with the way he had traversed your activities-----?-- There was nothing untoward, stood out that was - that required my attention, I didn't think.

And you had no quarrel then with the way in which he'd traversed the Wivenhoe strategies which he'd recorded as the strategies that would have been in use?-- I can only recall discussion with John Tibaldi to say, "Look, he doesn't seem to have clearly interpreted the manual correctly," that's all.

1

And it went no further than that?-- I don't know.

No, but in your discussion with your colleague?-- As far as I can recall, yeah.

10

But you had an expectation that your colleague was going to do something about this incorrect interpretation of the manual by Cooper?-- If it was required, yes.

Well, wouldn't it stand to reason that if a report's issued in relation to your actions as flood engineers and it got the manual wrong in terms of interpretation that you would want to set the record straight?-- Yes, and we have had the opportunity since to set the record straight.

20

And let us be precise about when you say the record was set straight?-- No, it wasn't "set straight," it is straight.

When do you say the opportunity arose for the record to be set straight?-- When we put the report together. No - that's not "set straight," that is straight.

And did you understand that that was a task that was undertaken by your colleague, Mr Tibaldi?-- John was doing that part of the report, yes.

30

Setting the record straight?-- No, writing the record as it happened.

Right. Nothing further.

MR MacSPORRAN: I have nothing, thank you

COMMISSIONER: Mr Sullivan?

40

MR SULLIVAN: No questions, thank you.

MR AMBROSE: No questions.

COMMISSIONER: Mr Ambrose. Mr O'Donnell?

MR O'DONNELL: Thank you.

50

You were asked a question by Counsel Assisting, the last one he asked about, what was - your understanding of what was involved in W2 throughout the whole flood event. I want to concentrate on the Friday to the Sunday of the flood event. You worked the Friday shift?-- Day shift

Day shift. And then the Sunday day shift. There's been some mention by some of the other engineers that you had put together around about the Friday a release pattern into a gate operations spreadsheet?-- Yes.

1

And could you tell us about that, please?-- Well, that was based upon - I mean, I don't have the details right in front of me but I can imagine it was based upon my expectations of rainfall in the coming days and how we might manage those flows and - you know, in relation to what was required in the manual.

10

And did that release pattern - was it regulated by what was the expected natural peaks at Lowood and Moggill or not?-- Certainly would have been. Mostly based on the recorded rainfall to date with some expectation of where we might get to in the 24 to 48 hours hence.

Was it seeking regulate releases from Wivenhoe so as to be less than the naturally-occurring peaks at Lowood and Moggill or not?-- I would imagine so at that time in the - during the event, yes.

20

30

40

50

Well, can we check?-- Yes. So, at 1500 on the Friday-----

1

Yes?-- -----the predicted outflow from Wivenhoe was 1240. With outflows at Lowood was 530 and the flow at Moggill was 660. So, that would be a W3 type strategy.

Would you explain that to me, please?-- Because the releases, the projected releases are greater than, what we call, the naturally incurring flows; so that would have to be the W3 strategy.

10

Okay. You put that together on the Friday, during your Friday day shift?-- Correct.

Right. On that modelling was W2 applicable?-- I would have to look at the recorded flows at that particular time. These are model flows without forecast rainfall, but I don't have in front of me the actual flows at that particular time. It could well have been that the natural flows were higher than the release at that particular point in time, in which case, it would have been a W2 strategy.

20

Can you look at what were the natural flows?-- I'm just trying to think where they would be. According to the figure on page 25, the Lockyer flows were - it's hard to read off the graph - but it was possibly 3 or 400 and the Bremer flows would've been significantly less and at that point in time - is there a volume - the main report? Do we have access to that? So, the outflow from the dam at that particular point in time was 51; so that would have been the strategy 2 type release - W2 type release.

30

All right. Then the release is increased by the Friday?-- Yes, by the end of Friday, they were up around the 450 cubic metres a second.

During your day shift on the Sunday, what was the situation?-- The situation was on the Sunday morning, when I came in at 7 a.m., that's the 9th, the lake level was 68.57 and we were releasing 1334 cubic metres a second. At that time, I understood we were operating in W3 and there was the expectation of heavy rainfall commencing later that day.

40

Was W2 available?-- By that stage W2 was well and truly overwritten by the releases from Wivenhoe.

Because the releases - the then releases were far in excess of the natural occurring peaks at Lowood?-- At Lowood.

See that from the summary of the model runs. It's become Exhibit 22. So is the question of whether to use W2 rather than W3 was that an option for you during your day shift on Sunday?-- No, no.

50

Why was that?-- Because already the releases were greater than the naturally occurring flows at Lowood and Moggill.

And you were aware of that on the day?-- Yes, yes.

Counsel assisting asked about your understanding of what was involved in W2 a few moments ago. What did you understand him to be getting at by an understanding of what was involved in W2?-- I'm not sure. Perhaps he was thinking that I was in W2S - - sorry, W2 up until Sunday morning, I don't know. We were in W2 though.

Sorry?-- We were in W2 up until Sunday morning. I don't know what he was thinking.

10

All right. Thank you. Thank you, Commissioner.

COMMISSIONER: Mr Burns.

MR BURNS: Mr Malone, when you were last here, you were giving evidence on the 5th of February and you were asked some questions by the Commissioner about prior flood events in 2010 and you gave evidence in a few places but at 5369 you said that there had been an event in October 2010 where W3 was used and two in December 2010. Have you had a chance to reflect on the accuracy of that evidence?-- Yes, I went home that evening and, because I was relying on my memory, I went back to the event report and looked at a particular table in that event report which clearly indicated my memory failed me and-----

20

Well, just stop there. Is that the table at page 140 of part 8 of the report?-- That's correct.

30

Table 8.5.1?-- Yes.

Yes, go on. So, you looked at that?-- I looked at that and saw clearly that the height in the mid-December event wasn't - didn't get up to 68.5; so I immediately advised my lawyer.

All right. Okay. So, what about the October and late December events? They're in excess of 68.5?-- They are.

40

All right. Is it your recollection that W3 is used as the strategy for those two events?-- That is correct. That is my recollection.

All right. Could I just take you back to a question Mr O'Donnell asked you, which referred in turn to a question Mr Callaghan had asked you, according to my note of that question you were asked or it was put to you that you had no appreciation of what was involved in the W2 strategy at the time of the event. You seemed to at least concede that might be right?-- Yes, it's always been somewhat confusing, W2. As it is written - was written in the manual it is referred to as a transition.

50

Let's break that down a little. Were you confused about its implementation?-- No.

No?-- No, but-----

Did you think it could be used when you came on shift?-- On the Friday?

Yes?-- Yes.

What about on the Sunday?-- No, definitely not.

All right. Okay. Of course, on the Friday the lake level was below 68.5?-- Correct.

10

All right. Was there any doubt in your mind as to the criteria required or conditions required for W2?-- There was, but certainly that has been clarified now, and the wording in the manual is somewhat ambiguous.

All right. Okay. Your belief was that, subject to the lake level being at the right height, that it is in excess of 68.5, the conditions were suitable for it to be applied on the Friday but not on the Sunday?-- Correct.

20

Is that the case? All right. And, finally, let me ask you this: in terms of sources of information of lake levels for Wivenhoe and Somerset, as I understand it, correct me if I am wrong, there is digital information that comes in; is that right? There are lake engages?-- There are automatic gauges which report automatically every 10 to 15, 20 or 50 mm increments, every time it changes.

Does that information come direct to the Duty Engineer?-- It comes directly to two data collection systems automatically.

30

Sorry?-- Automatically.

But by what means does that come to your notice?-- The data is transmitted by radio from the sites and that is displayed via a data collection system.

So, a digital signal to the Flood Operations Centre; is that right?-- Correct.

40

Comes up, what, on a monitor?-- Monitor, several monitors there with - where people can access information.

And that's coming in at a frequent rate?-- Incrementally-----

It would be dependent upon changes in the level?-- In the water level, yep.

Is there any other system for measuring the lake levels?-- Yes. For operations we rely on the manual observations of the operator going down to read the staff gauge. It tends to be the most reliable source of information.

50

All right?-- And that happens normally hourly during an event and I can recall it happening half hourly during this particular event.

All right. And when that information is obtained by the dam operator from the gauge, how is that communicated to the Flood Operations Centre?-- Normally by an email. There is an email template where the operator fills out the information and that goes to not only the Flood Operation Centre, but many people within SEQWater.

1

All right. You said "normally". Is there some other measurements?-- Yes. Sometimes or often the dam operator will confirm the directions to open or close gates by a fax and sometimes they will write the lake level on that particular document too.

10

I see. I notice in the directives for the dam operators at Wivenhoe and Somerset in the report, that they are sent by fax, the gate-----?-- Yes.

Is that right?-- That's correct.

There is then a confirmation that comes back. Is that in all cases or in some cases?-- That's the usual - standard practice.

20

All right. In terms of manual observations and notifications from dam operators of the levels, that's hourly and sometimes half hourly?-- Yeah, normally, it's the practice is they will report hourly observations but during that Tuesday afternoon, we requested half hourly observations.

Because W4 was in prospect?-- Was actually being operated on at the time.

30

Okay. I beg your pardon. In terms of the faxes and emails, they come to the Duty Engineer?-- They go to many places-----

All right?-- -----including the Duty Engineer.

With the modelling you have been asked about, you would have predicted the lake levels, wouldn't you, with your modelling?-- Yes.

40

When the realtime data comes in do you then adjust the levels in the model to give a real time position?-- We would be comparing what our model results are with the observations and making suitable adjustments, yes.

Right. And then you move from realtime known position?-- To a forecast location.

That's a continuing process throughout the flood event?-- Yes, it is.

50

All right. Thank you.

COMMISSIONER: Mr Callaghan.

MR CALLAGHAN: You mentioned just then the October and December flood events?-- Yes.

They were the subject of a separate report which didn't come out until May of last year; is that correct?-- I'm not sure of the exact date but that makes sense.

Okay. I might show you a copy of that. Is that the SEQWater October/December 2010 Flood Events Report?-- Yes.

10

Have you had the opportunity to read that?-- I most probably did. I can't recall when though.

Okay. I'm not going to bog down on that. My real interest is whether you know who wrote it?-- Obviously, I can recognise some of the things I put in here.

Specifically what?-- John would've taken the lead role again.

20

Right. Can I take you to pages 119 and 121 and are you able to tell us anything about who may have authored those parts of that report?-- 119 to 120?

No, well, those two pages really?-- Some of it certainly is some of my words and tables.

The tables-----?-- I would suggest I would have put all the tables together.

30

And the text?-- Some of it could've been mine.

Can we say if it wasn't yours, it was Mr Tibaldi's?-- I would say that was a reasonable assumption.

One or other of you?-- Yes.

Thank you. I tender that.

COMMISSIONER: Exhibit 1146.

40

ADMITTED AND MARKED "EXHIBIT 1146"

MR CALLAGHAN: That's all I have. Can Mr Malone be stood down, please.

50

COMMISSIONER: Yes. Mr Malone, you are stood down to the end of this hearing which means presumably an hour and a half to two hours time?-- Thank you.

MR CALLAGHAN: I recall Robert Ayre.

MR O'DONNELL: Commissioner, we couldn't quite hear the exhibit number.

COMMISSIONER: The Exhibit number? 1146, Mr O'Donnell.

MR O'DONNELL: Thank you.

ROBERT ARNOLD AYRE, CONTINUING EXAMINATION:

10

COMMISSIONER: Yes, Mr Callaghan.

MR CALLAGHAN: Mr Ayre, would you agree that between the 15th and 17th of January last year there was a concerted effort being made to make a record of the strategies which were being applied to Wivenhoe Dam during the flood event and in particular, there was a document being prepared by Mr Malone of which you are aware?-- Yes, I was aware, yes.

20

There was a report being prepared by the Minister - sorry, for the Minister?-- For the Minister, yes.

And you are at least aware now of the strategy summary document that we have discussed?-- Yes, that was brought to my attention two weeks ago, yes.

All right. The proposition is this - or there are two parts to it. First of all, that you knew that there was energy being applied to the compilation of a record of strategies at this time?-- Yes. When Rob Drury came to the Flood Operations Centre, he brought with him a list of things to be included in the report and I believe that list included such a section.

30

And that the second part of the proposition is that you must have been aware of the fact that this effort was producing some diverging accounts as to the strategies being deployed?-- Well, I only became aware of that after the events had occurred. I think - I probably became aware of that during the actual production of the March report.

40

How did you become aware of that during the production of the March report?-- That was during the process of reviewing the information for the section 10, I believe.

What did you become aware of?-- It was the occasion when John Tibaldi was working through - got to the Saturday timeframe and he announced that we hadn't engaged W2.

50

And at that time was reference made to some of these other records, the Minister's briefing, or Mr Malone's document or the strategy?-- I - well, I'm not - I wasn't looking at it personally but I think John Tibaldi certainly had those documents with him.

All right. Do you recall seeing those documents?-- During the preparation report, yes.

Yes. Okay. So, you were aware already of the report for the Minister, of course?-- Yes, I was certainly aware of the request to produce the reports. I was aware that I received a draft of that response on the Sunday morning but I-----

Sorry, you are probably answering a question which I'm not asking?-- Sorry.

I'm forward in time to that point where Mr Tibaldi is preparing the March report?-- Yes.

10

And interested in the reference which might have been made to those documents, that is to say, either the Minister's report or Mr Malone's report or the strategy summary during the preparation of the March report?-- Well, I believe John was working on that section. At the time I think Terry Malone and I were still compiling all the model results. So, I'm not sure what information he was referencing at that particular point in time, but I just recall the occasion when John made that announcement about W2.

20

Yes. And we have been over that and I don't need to go over that again. But, perhaps wrongly, I understood you to be alluding to the possibility at least that Mr Tibaldi had those documents or was referring to them during this period of preparing the March report; is that right?-- He may have done, I just - I don't recall specifically seeing them at that point in time but-----

30

Were you discussing them?-- I don't recall specifically discussing them, no.

On the question of the March report, Mr Tibaldi circulated drafts of that report as he was preparing it; is that the case?-- Drafts of different sections, yes, as they were being prepared.

All right. Do you recall receiving drafts with track changes on them?-- Certainly towards the end of the preparation of the report, the later drafts, which were being put through the technical writer side of things, yes.

40

Did you, in fact, send back suggestions to him by way of track changes?-- No, that wasn't something that I was doing. I would either annotate a hard copy and discuss that with John. I don't believe I necessarily made changes - track changes. The section report that I was the principal author of I would actually go into the living draft document and make changes myself. But, generally speaking, the other sections, no. They were handwritten notes.

50

Can I ask you about the process, if any, by which the March report was formally adopted by yourself, if it was? Was there an occasion upon which you were asked to sign a copy of the report, to endorse it, or to adopt it?-- There was. SEQWater sent a pro forma, if you like, requesting that we sign to endorse the report. I declined, basically, on the

point of view there were a number of elements in the report I didn't necessarily agree with and that was principally the section on the reduction in full supply level. I didn't think that was necessarily part of the flood events per se and, certainly, something that I didn't have direct involvement in; so, you know, I declined to actually sign that.

1

All right. In so far as that part of the report which we have been concentrating on, which is that part which purports to record an adoption of strategies, consistently with your evidence, I'd suggest you would say you had no difficulty with that part of the report; is that right?-- That's correct, yes.

10

If you had wished to express dissent from that part of the report there would've been no difficulty in expressing that if you thought it was a problem?-- No, I did my own independent assessments of those strategies when I was on shift; so I was happy that that reflected what was occurring.

20

Can I suggest to you, Mr Ayre, that during the flood event, and specifically as at - or during the whole flood event and specifically as at 8 and 9 January 2011, you did not have an appreciation as to that which was required by the manual in respect of W2. That is to say, you did not know what it meant. You did not know when or if it was to be applied. That you did not appreciate the significance of W2 at all during the flood event. What do you say to that?-- I disagree.

30

Your basis for disagreeing, can I suggest to you, would be - one basis you would say you disagree with that is that you are an experienced flood operations engineer and something like that is, in effect, innate, you just know it?-- Certainly aware of the magnitude of floods and the relativity of flood magnitudes with respect to strategy W1 and the other strategies; so, yes, it's something, I suppose, innate as such and something that we look for.

And another basis upon which you'd reject the proposition might be that the March report indicates that W2 was correctly and promptly by-passed at 8 a.m. on the 8th and that's what should have happened and it's recorded there; so it must have happened; is that true?-- Yes.

40

Is there anything else to which you would point in support of the proposition that you have an appreciation as to that which is required by W2?-- I believe the conversations that Terry Malone had with Brisbane City Council on the Friday afternoon, with respect to the potential impacts of the flows that were being proposed, and again, the contact with Ken Morris on the Saturday morning, with respect to the magnitude of the releases and hence, flows in mid-Brisbane-----

50

I'm specifically asking about your state of mind. You are referring to a conversation had by Mr Malone?-- Well, again, the focus being the potential impacts on downstream urban areas with the releases of up to 1600 CUMECS on the Saturday

and the inquiry from Ken Morris. Had he actually asked what strategy we were in, then I would have been able to tell him, but the focus was still on the flows as such.

1

Now, can we have a look at Exhibit 24, Appendix M, the 3.30 p.m. Thank you. As we can see, the "Tidal" column records a reference to engineer 1 there?-- Yes.

Do you know whether you made that entry?-- I don't believe I made the entry for that particular action. It's my recollection that one of the flood officers would have actually made that entry.

10

It suggested it may have been flood officer 1 is that-----?-- Possibly, yes.

Any explanation as to why the "category" column might include a reference to a situation report? It's not a situation report, is it?-- It's not a standard situation report. My only suggestion is perhaps we didn't have any other category; so that's what it was attributed to.

20

It could've gone in under correspondence or anything else, could it?-- Possibly, yeah. I'm not sure why it was categorised as such.

You would have no idea as to - you wouldn't have been aware of any reason why a version of this document could or would be created without this entry in it?-- No, I - I wouldn't see why it wouldn't be in there, no.

30

Can I ask you a question about the situation report of 5.53 on the Saturday, a document with which I am sure you are familiar with by now, but if you need to look at it, please do. As I understand it, the evidence that you advance in explanation for the entry in that document is that it should be interpreted to mean that there might have been a move from W3 to W1 and then back to W2 some time in the future; is that-----?-- That forecast scenario was effectively just doing a "what if" assessment of the forecast rainfall.

40

50

My question for you is this: When was the first time that you advanced this explanation for that entry to anyone?-- I don't recall. It has always been the case that this was a "what if" scenario assessment of the forecast rainfall.

1

I understand you say that now. My question is when you first described it that way to someone else?-- I don't honestly recall. Possibly I have described it to John Tibaldi at handover. I don't recall.

10

Is that just speculation on your part when you say possibly you might have? You are not-----?-- I don't have any recollection of when I first described it to anyone.

To anyone?-- Yeah.

Can I ask you, is it subsequent to your giving evidence in April of last year?-- No, I believe I described that to the legal team when we were preparing statements.

20

For the purposes of hearings last year?-- Yes.

Okay.

COMMISSIONER: Does it appear in your statement, or any statement?-- It would be in the supplementary statement as such. It was certainly in the context of the forecast scenario description.

It's just that it doesn't accord with my recollection of your evidence last year?-- Yeah, it has always been the case that the model run that I did - basically we throttled flows down when the tributaries flows arose, and then we'd be releasing on the back of those tributary flows, so it was a W2 style release as such, and that is what I was trying to convey in that particular message.

30

So what you are contemplating at five fifty-three on the Saturday is that the lake level's presently at 68.5 but it might drop below that and get you back to W1?-- Yes.

40

Then it will rise again?-- It would rise, but with the rainfall the tributary flows will actually be larger than the initial peak, the tributary flows were going to be roughly equivalent to the release rates that we were running at that time, so they would be about 1200 CUMECS. So in that scenario you could release around the 1200 CUMECS and be at W2 release strategy.

Okay. But it requires a scenario where the lake goes from being above 68.5, down below 68.5, back up above 68.5?-- Yes.

50

And when you say you would be releasing, you said about 1200 out of the tributaries, so you are releasing 1200 as well?-- We were releasing about 1250 at the time, and from memory the model was suggesting the combined flows, the naturally occurring flows would be in the order of 1200 CUMECS for that second peak in that scenario.

So if the naturally occurring flows are 1200, what have you got to do with your releases?-- Well, we could throttle them back to that amount, 1200, and just - well, we'd actually throttle them back to just about nothing while the peak goes through, and then release on the back of them when that peak has gone through.

All right. Thank you.

10

MR CALLAGHAN: What was your understanding of the tributary flows which underpinned this whole scenario? What were they going to be?-- The Lockyer and Bremer flows would be increasing in magnitude to around that thousand to 1200 CUMECS.

Your basis for that information was in the spreadsheet, was it, or was it?-- That was the three day outlook run. So that was the modelling in Appendix K.

20

Modelling in Appendix M? Was it K the three-day assessment model results?-- Yes.

And should that indicate that the flows at Lockyer, at Lockyer Creek at Lyons Bridge, what should they indicate?-- The Lockyer flows plus the Bremer flows when they combine together down at Moggill will be of that order of 1200 CUMECS, so you have got to combine those model results.

30

So can we take you to Appendix K, page 220, and what time do you say the flows would have been 1200?-- That was-----

The combined flows?-- That would be later, between the 10th and 12th of January.

Yes, between the 10th and 12th?-- Yes.

So if we were to combine Lockyer Creek at Lyons Bridge between the 10th and the 12th, and Bremer River at Walloon?-- Walloon, and also Warrill Creek at Amberley.

40

And Warrill Creek. Can we - so that between the 10th and the 12th the peak for Lockyer Creek at Lyons Bridge, let's say 100, would you agree with that?-- The 600 at Lockyer Creek would actually take approximately 16 hours to travel downstream, so that 600 will occur sometime after the 10th and then that would combine with the flows coming out of the Warrill and Bremer Rivers. So the peak at Moggill would be in that range of a thousand to 1200.

50

All right. Sorry, I was confused. I thought you were telling us between the 10th and the 12th that's when this modelling would show us the sorts of figures that you are talking about?-- Well, if you - so the Lockyer Creek there is showing peaking just over 600. If you scroll to the other models there is secondary peaks at Walloon and again at Amberley, so they would all be coincident when arriving at Moggill and of

the order of a thousand to 1200 CUMECS.

1

What about Lowood?-- Lowood obviously would be dominated by the Lockyer flows, so that would be closer to 600.

Right. So 600 there; is that right?-- Yes.

Sorry, I am confused. Where is the 1200 from?-- At Moggill which is just downstream of where the Bremer joins the Brisbane River.

10

Right. All right. Can I come back to the issue of the strategy summary log? You addressed that in a statement prepared in response to a requirement of the Commission, a statement of 30 January, your sixth statement; is that right?-- Yes.

And am I right in that statement you say that you sent the e-mail which attached that document, the one that was exhibited to your statement?-- When I first was shown the e-mail and the attachments my natural assumption was since I am the only Rob in the flood room that, yes, I would have sent that e-mail.

20

And then the following day are you aware on 31 January that particular document or the attachment was the subject of a front page article in the Australian newspaper?-- Yes, I believe I was aware, yes.

30

Yes. And then you did another statement dated 2 February of this year in which you expressed the belief that you did not send that e-mail; is that right?-- Well, it came to my attention that I wasn't necessarily the only Rob in the flood room at that time, so to be honest I don't know if I sent that e-mail or not. I don't have a recollection of sending it, but it may well have been me, but I was just made aware there was a possibility that Rob Drury was also in the flood room at the same time.

40

You might have cut my questioning short. You are aware Mr Drury has given some evidence on this subject?-- I am aware he has given evidence, but I haven't seen it.

The short point is you don't know - your evidence on this point now is you simply don't know whether you sent that e-mail or not; is that right?-- Yes, that's correct. I can't recall.

That is as regards the e-mail. Can I return to the question of the creation of the document and you will recall you gave us some evidence this was a task which was probably delegated to a flood officer; is that right?-- That is my recollection, a flood officer was tasked with doing this first or high level filter of the strategies.

50

And you said that whilst this was going on, and correct me if I am wrong, but is it the case that you say you were focused

on the gate operation spreadsheet at this time?-- I had a version of that separation spreadsheet and I was going through the Tuesday the 11th information and annotating when the directives were issued.

1

And what were you doing that on?-- Well, this was using the faxes of the directives, and basically inserting comments into the gate operation spreadsheet as to when those particulars directives were sent on the Tuesday.

10

You were annotating the gate operations spreadsheet itself?-- A version of it.

A version of it?-- I copied the current gate operations spreadsheet.

I see. How long did that take?-- It was a while because there were a lot of directives issued on that Tuesday, and in accordance with the requirements to focus on the Tuesday I thought it was important to make sure we got that right.

20

Okay. Is there any chance that you asked Mr Navruk to copy the flood event log taking out the surplus entries and then put those strategies in yourself in that strategy summary document?-- I don't believe so. I think - I don't think the duty engineer did it, primarily because we were all in the flood room on the Tuesday. We were all aware that strategy 4, W4B was never engaged, so I wouldn't have thought a duty engineer would have put that information into the spreadsheet.

30

Now, you have recently uncovered also some notes of a meeting on 8 February; is that right?-- Yes.

I will show you a copy of those. These have just been supplied to the Commission; is that the case?-- Yes.

These are handwritten notes of yours?-- Yes, I usually carry a notebook when I attend meetings, and make notes about meetings that I have attended.

40

All right. Can we just take a look at the first page - sorry, the second page of those notes, I think, which begin with an entry "Seqwater 8/2 recovery question mark; section in report"; do you have that page?-- Yes.

Next entry "account of event - satisfy manual". Can you explain that entry to us?-- I don't have a great recollection but it is, I believe it was just a section on - in the report that would talk about compliance with the manual.

50

Go down six further entries, "list source docs for strategies, section" - and you will have to read your writing there?-- I think section 2.

Section 2, which is the flood event summary; is that right?-- Yes.

"List source docs for strategies". Why did you write that entry?-- Again I don't have a specific recollection, but it could be in reference to the documents that we knew were in existence such as the Ministerial briefing note.

1

I see. And the significance of the word "list"? What were they to be listed for?-- I honestly can't remember why I have said "list".

10

No recollection?-- No.

That's all I have for the moment. Thank you. I tender those notes.

COMMISSIONER: Those will be Exhibit 1147.

ADMITTED AND MARKED "EXHIBIT 1147."

20

COMMISSIONER: Can I just ask you, Mr Ayre, about the W2, W3 issue. The manual, it would appear, is confusing because the flowchart suggests that you go to W2 to get up to 3500 CUMECS and W3 if it is more than that. So it has this appearance of there being a transition from W1, W2, W3?-- Yes.

Whereas if you look at the details of how you actually go about W2, it is more complicated than that?-- It is indeed, I guess, a bit of an abstract concept in terms in reality the differentiation is related to these naturally occurring flood estimates, and those estimates are a modelling artefact. It is not something you actually model - sorry, physically measure. It is something that you need to use the model to determine.

30

Yes?-- So I think conceptually people have a difficulty with that. They tend to think you can measure the upstream flood volume, that is straightforward. You can measure the lake level, but this is a parameter. If you like, that you can only obtain from modelling. So I think that tends to confuse people when they come to apply it.

40

Did you at the time think of it as a transition process 1, 2, 3?-- I know the temptation is to do so, but I think there has been enough studies where we've applied different design flood estimates to recognise that you don't necessarily have to go through W2 to get to W3. I suppose the likes of John Ruffini and Terry Malone who have done similar sorts of assessments would have that awareness as well.

50

You didn't perceive it as a transition strategy between 1 and 3?-- No, and I think the naming of it as well, being a transition strategy confuses the issue. I certainly am aware that you don't need to go to 2 if indeed the conditions are not appropriate.

The reason I ask that, frankly, is because last year you described it as a transition strategy between strategies 1 and 3?-- Yes. Well, you will go through that strategy in some

circumstances if you release on the back of the naturally occurring flood. However, if the flood volume upstream of the dam gets large then you may need to increase the releases and hence go to W3 to meet your seven day drainage requirement. So it is feasible to transition through the strategies in order 1, 2 and 3 but it is not always the case.

10

When Mr Tibaldi was grappling with the problem of whether the flowchart had been followed, did you appreciate the difficulties he was experiencing because it has that kind of suggestion?-- I think so, and I think because of the things like the Ministerial briefing note was sort of in the public domain, if you like, we probably - this is a couple of weeks after the actually event, so I don't know whether we were thinking about things from first principles necessarily. We were just - I know John was just stepping through the event and he was looking at the model data that we had assembled appropriate to that section, and it is then when it - I think that it dawned on him that indeed it wasn't a transition W1, 2, 3 it was W1 to 3.

20

Because they are actually alternatives, 2 and 3?-- Yes.

Rather than a gradual process?-- And I think you would be better to name those two strategies A and B, or 2A and 2B or some such thing to avoid that confusion in future.

30

Alright. Mr Rangiah?

MR RANGIAH: No questions.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: Mr Ayre, were you aware that Brian Cooper was commissioned to prepare a report on an urgent basis during the course of the January 2011 flood event?-- Yes, I believe I was actually in the flood room when Mr Allen and Mr Cooper came into the flood centre.

40

You know that he did indeed produce a very timely report on the 12th of January?-- I knew he produced a report. I didn't actually see it when it was delivered on the 12th, but yes sometime later I did actually see a copy of it.

50

Can you approximate the delay in your seeing the report? When you say "sometime later", are we talking days or weeks or what?-- I believe it was when we were producing the report. So it would have perhaps been a week or two. I don't recall the exact date.

When you read Mr Cooper's report did you have any issue with

the content of it?-- Well, I recognised that some of the descriptions perhaps weren't as I recollected the event myself, but in terms of the peak release on the Tuesday I think that was reasonable, as such.

1

When you say "some of the descriptions", are you referring to his descriptions of the Wivenhoe manual strategies?-- The interpretation of them, yes.

Did you do anything about voicing a difference with his report in those respects?-- Well, I thought the response we should have was basically through the formal report that we were submitting to the dam safety regulator, so I thought our report would actually address that anyway, so I just let it run its course in that respect.

10

Did you attend a series of meetings of the four engineers and others for the purpose of assisting in the preparation of the March report?-- Yes, I think it was Jim Pruss actually convened the first meeting where the discussion about the preparation and production of the report occurred, and that was I think 3 February. I think it is my notes from that meeting are in that last attachment.

20

There were later meetings that you attended?-- There were a couple of review meetings that progressed as the report progressed, yes.

Did one or more of those meetings deal with this question of the difference of labelling of strategies as between the view ultimately put forth in the March report and other documentation such as the Cooper report, Ministerial briefing summary document, etc etc?-- I don't recall any specific discussion about that. All I can recall is discussing what we were putting into the March report, as such. No, I don't recall any discussion of any of the other documents in that context.

30

Was there no consciousness at all that what was going into the March reports differed from other accounts of the strategies that were used?-- I believe John Tibaldi was aware of it. I guess all I was looking at was making sure that what we were reporting was indeed what actually occurred, so that was my focus.

40

And when you say you were aware that John Tibaldi was aware of it, how did you come to that view?-- Well, that would have been during the time when John made the announcement that we didn't go to W2, and I presume he then was correlating with other reports. I wasn't involved in that at that stage. As I said, I did my own independent assessment of those parts of the event that I was involved in.

50

The announcement from Mr Tibaldi that you had never gone to W2, when was that announcement made?-- That would have been sometime second or third week of February.

And when that announcement was made, did that surprise you?--

Not particularly. I certainly knew we had transitioned on the Saturday morning. I hadn't turned my mind to it at that stage. I was still focussed on organising the model results at that point in time.

1

And when that announcement was made by Mr Tibaldi was there any discussion along the lines of "Well, we have got an issue here that we have got to deal with"?-- Well, it was only that we had to report what we - that occurred.

10

No discussion as between his announcement on that occasion and the previously documented account which - documented accounts which indicated W2 had been used?-- No, I think the only thing that I thought was well we all need to independently check what was happening on our shifts, and so that is how I proceeded.

Was this issue raised with anyone apart from your fellow flood engineers?-- I don't believe I raised it with anybody else. I am not sure whether any of the other flood engineers raised it with anybody.

20

When the announcement was made as you described it was anyone else in attendance other than the four flood engineers?-- I honestly can't recall. It was during the report production, so there could have been other people in the room. I don't recall.

Nothing further.

30

COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: Nothing, thank you, Commissioner.

COMMISSIONER: Mr Sullivan?

MR SULLIVAN: Thank you, Commissioner. Could Mr Ayre be shown Exhibit 1147 which should be the minutes? If you look at the top of the first page you will see there is a number of names there. Do you see those?-- Yes.

40

Mr Tibaldi's name doesn't appear there?-- No, he doesn't.

Does that mean Mr Tibaldi wasn't at that meeting?-- No. Those lists weren't necessarily comprehensive. It was just a list of people that basically introduced themselves around the table. I know that certainly John Ruffini and John Tibaldi were also invitees to that meeting.

50

But does "Terry" refer to Terry Malone?-- Yes, I believe it does.

And "Rob Drury" refers to Rob Drury?-- Rob D, yes.

But there is no reference to either Mr Tibaldi or Mr Ruffini, is there?-- No.

Now, you were asked some questions about the occasion when you recall Mr Tibaldi telling you that there hadn't been a movement to W2. Do you recall that?-- Yes.

And am I correct in recollecting that your evidence on the first occasion you were examined in this session, not today but a few days ago, was that you confirmed that was correct to Mr Tibaldi?-- Yes, I believe I looked at the information that John was looking at and agreed, yes.

10

Now, you originally had referred to for instance the Minister's briefing document, or you referred to that. Now, you said words to the effect "I don't recall seeing that". That's correct, isn't it, you don't recall seeing that?-- I honestly don't recall seeing the Ministerial briefing note.

Okay. You were then just taken to Mr - I think referred to Mr Cooper's report?-- Yes.

20

And then you talked about he would have gone and correlated that with other reports. That's an assumption on your part about - that's not a recollection of you seeing him doing that type of thing?-- No, that's an assumption on my part.

That's a complete assumption?-- Yes.

And with documents like that, that is they are assumptions you made about what Mr Tibaldi may or may not have done?-- Yes.

30

But your clear recollection was that what you took about - when Mr Tibaldi raised this issue about W2, is that "Well, we all need to go away and check it based on our shift"?-- Yes.

And what you took from that is you needed to go and consider your own position in relation to the shifts that you did?-- Yes, that's right, yes, just review the information current, that was applicable to the times that I was on a shift.

40

50

And that included the shift which began at was it 7 o'clock on the 8th of January?-- Yes.

1

And concluded on the 7th - at 7 o'clock p.m. on the same date that evening?-- Yes, that's right.

Okay. And were you satisfied in respect of the way it had been articulated in the report in relation to W2 not having been engaged?-- Yes.

10

Did that effectively accord with what your recollection was?-- Yes.

And you didn't tell Mr Tibaldi later on that you disagreed with that?-- No.

Thank you, Commissioner.

COMMISSIONER: Mr Burns?

20

MR BURNS: No questions

COMMISSIONER: Mr O'Donnell?

MR O'DONNELL: I'll show you these documents, please. Are they three e-mails that you sent?-- Yes, they are

One on the 9th of January last year, two on the 6th?-- Yes.

30

And each of them you've signed the e-mail how?-- "Rob Ayre", so using my surname.

And could Mr - sorry, I'll tender those e-mails.

COMMISSIONER: Exhibit 1148.

40

ADMITTED AND MARKED "EXHIBIT 1148"

MR O'DONNELL: And could Mr Ayre see, please, Exhibit 1093?

MR CALLAGHAN: And when that's done may I just see the exhibit that's just been tendered, please?

MR O'DONNELL: Just look at the e-mails on the screen. If we could just scroll through them, please. There's several e-mails. I'd ask you to note for each you're the sender and the way in which the e-mail - your e-mails are signed?-- Yes

50

I'm interested in whether you had any standard practice for the way you would sign e-mails. This is as at January last year?-- Yes, generally-speaking I'd sign my name "Rob Ayre" because in SunWater there's another gentleman, Rob Keogh, so

to avoid confusion between who - which Rob may be sending the e-mail I always signed off using my surname.

1

And I notice some of the e-mails were to your fellow flood engineers at the time?-- Yes.

And how would you sign those e-mails?-- I'd sign it using my Christian name and surname, generally-speaking. Again to avoid confusion, because I know Rob Drury's also on the team.

10

Could Mr Ayre see Exhibit 1051, please? In fact, could I show you two e-mails, 1051 and also 1064, please. Just take a look at both e-mails?-- Yes.

You see they're both sent on Saturday, the 15th. One is a little bit before 7 p.m., one a little bit after 7 p.m. You see they're both signed "Rob"?-- Yes.

Can you say, having seen them, whether you sent either or both of the e-mails?-- Well, obviously the second one I certainly didn't send because it mentions my name in the text, but again I have no recollection of actually sending the - that first one.

20

The one at 6.57 P.M.?-- 6.57, yes.

And does the way in which it is signed by the sender have any significance for you?-- I usually sign off "regards" or "cheers", "Rob Ayre", so it certainly isn't something I would do as a standard process.

30

All right. Thank you. Thank you.

You were asked some questions by Counsel Assisting about - he put to you that during the January '11 flood event, he put to you in very broad terms about during the whole of the event you didn't know what "W2" meant or when it was to be applied, and you disagreed with that?-- Mmm-hmm. Yes.

I'm particularly interested in your knowledge of it and when it's to be applied during that shift on Saturday, the 8th?-- Okay. Well, conditions for W2 to be applied is that the lake level has to be predicted to go above EL 68.5. The release rates that you select need to be less than the naturally-occurring floods at either Lowood or Moggill. So I remember coming on shift and John Ruffini telling me that it was currently at 890 CUMECS, I was aware that Lockyer had already peaked at 530, so therefore the W2 condition couldn't be satisfied in that context.

40

In your answer to Counsel Assisting you referred, I think, to two conversations. You said there was one with Terry Malone on the Friday and another with Ken Morris-----?-- Yes.

50

-----on the Saturday morning. And you mentioned those in answering regarding the conditions of the application of W2. Would you mind explaining to me what significance they had as you saw them on that Saturday morning-----?-- Well-----

-----in the application of W2?-- -----I suppose it really had its genesis on the Thursday when Terry first proposed a gate release sequence where he suggested that releases could be up to 1500 CUMECS. We recognised, both Terry and I, when I talked to him on the Thursday that releases of that magnitude had the potential to, in combination with the flows in the downstream tributaries, impact the urban areas downstream of Moggill. I was aware from the situation reports that Terry sent out on the Friday afternoon, that included references to the impacts on tide levels and an assessment that the bureau, and Terry had come to terms with in regard to what the likely magnitude of the increases in peak tide levels would be in the lower Brisbane River. Terry had conversations, I think, with Brisbane City Council and he sent out a postscript with the situation report indicating that Brisbane didn't necessarily agree with the assessment that the bureau and Terry had made, but nevertheless that was the assessment we were sticking to. The conversation I - well, I didn't actually have the conversation directly with Ken Morris on that Saturday morning but-----

1

10

20

You are going a bit too fast for me-----?-- Sorry.

-----just before we move to the Ken Morris conversation-----?-- Yes.

-----would you just look at that situation report. Is it in the appendices to the flood report?-- I believe that one is, yes.

30

Can we look at that quickly. You've got the flood report in front of you?-- Terry sent out situation report number six as usual and then he sent out a postscript at about 7 o'clock where he pointed out that BBC (sic) hadn't actually done their analysis yet so they didn't necessarily agree that the impacts were about 50 to 100 mils on the tides.

In that situation report, that's the one at 5.57, which is the part you are referring to as bearing upon the possible application of W2?-- It's in the - under the section "Impacts on downstream of Wivenhoe", the second paragraph. So it's relating to the likely impacts from releases up to 1200 CUMECS.

40

Just explain its relevance to the possible application of W2?-- Well, in this case it's looking at the objective of minimising the impact - the inundation of urban areas in - downstream of the dam. So what it's suggesting is that the analysis says it was likely to be only 50 to 100 millimetres increase in tidal levels in the city reach of the Brisbane River as a consequence of the 1200 CUMEC release.

50

In other words, releases of up to 1200 would only produce increases in the water levels in the Brisbane - the Brisbane City reach of the river by 50 to 100 millimetres?-- Yes.

And then postscript on the next page, page 12?-- It was just Terry, I think, had received a phone call from the Brisbane

flood informations section basically saying, "Well, we haven't done the analysis yet so we don't necessarily agree," but that was our current assessment as such that we were adopting.

1

And just explain to me how does this bear upon the applicability or inapplicability of W2?-- Well, it relates to both W2 and W3, and, in fact, it's a meeting of the primary objective in terms of limiting or minimising the impact of downstream urban inundation.

10

All right. And then you were taking us to the Saturday morning. You said there was a conversation?-- I recall Ken Morris from Brisbane City Council phoned and inquired about what releases we currently had and what sort of flows were occurring in the mid Brisbane. I've - I don't think I actually took the call directly, I think the flood officer on that Saturday was Al Navruk and Al took the call. I think I was actually doing some work on North Pine at the time, and I just told Al, well, the release rates are of the order of 15 to 1600 CUMECS, similar to the October, late December floods.

20

Right. Do we see a note of that conversation in the flood log on Saturday the 8th at 11.30 a.m.?-- Yes, that's the conversation I recall.

Just explain to me how that bears upon the applicability or inapplicability of W2?-- Again it's describing the - it's trying to achieve the objective of minimising that downstream impact. Because of the recent floods we were aware of the level of damage that accrues at flow rates of between 1600 and 1800 CUMECS and so this was on the lower end of that scale, so therefore it was - we weren't expecting to create any damage downstream with those flow rates.

30

And those flow rates are mentioned in the situation report you put out as at 12 p.m.?-- Yes.

You will find this is in the flood report, appendix 2, page 15. It talks about maintaining flows of up to 1600 CUMECS in the Brisbane River throughout the afternoon?-- Yes, that's right.

40

If you have 1600 CUMECS in the mid Brisbane River what will you have to the lower reaches of the Brisbane River?-- It's essentially reasonably constant from Moggill downwards so that 1600 CUMECS would be maintained.

Can I take you also to something else in the flood report. If you look in appendix 3. If you go to page 5, first of all. That's your 8.15 gate directive to Wivenhoe to increase releases from Wivenhoe up to 1247?-- Yes.

50

By about 2 p.m. Can I take you then to page 66. Is there a gate directive regarding Somerset Dam which issues at - about three hours later that Saturday morning at 11.30?-- Yes.

Did you issue that?-- Yes, I did.

And did you compose the message we see in the lower half of the page?-- Yes.

1

And were you watching the level of Somerset Dam at that time?-- Yes. The levels are reported every hour so, yes, at that time I'd recognised we've just exceeded the fixed crest level.

And the reference is strategy 2?-- Well, that reference - I'd actually been speaking to the Somerset Dam operators earlier that morning and they were just inquiring as to what the status of the event was as such, so by way of just keeping them in the loop of where we were at I've included a bit of a description of the strategy that's actually implemented at Somerset.

10

In the next paragraph it talks about maximising the benefits of mitigation storage in both Somerset and Wivenhoe Dams?-- Yes.

20

Does that reflect - refresh your memory as to what was your game plan, if you like, during that Saturday morning?-- Yes. Well, the directive was to open a sluice, so at that stage I think we had one sluice open but I was requesting a second sluice to be open. Because we'd just crossed the operating target line it meant that at that point in time Somerset was filling faster than Wivenhoe so I was in a position now to actually try and equalise the storage in both dams, hence increasing the releases out of Somerset. So basically I was just trying to even up the amount of storage in both Somerset and Wivenhoe at that point in time.

30

Why were you seeking to maximise mitigation storage in both dams at this time?-- Well, we were trying to satisfy that objective of optimising the flood mitigation benefits of the dam, so maximising the protection to downstream areas, so essentially what we were trying to do there is store water in both dams and store them in a way which was utilising both dams as best we could.

40

Thank you. If your primary consideration at this time was minimising disruption to rural areas, ie keeping bridges open, would you need to be maximising mitigation storage of both dams?-- No, not necessarily, no.

Just to finish that off. That's referring to the manual. Will you look just briefly at the manual and see what you are doing by reference to the manual in this gate directive. We see this on pages 39 and 40. Could you just briefly walk us through what you're doing in this gate directive by reference to that manual?-- Well, as I said, the strategy W - sorry, S2 is to minimise impacts below Wivenhoe Dam, and the target operating line shown on page 40, we had just exceeded the lower level or the lower limit of that, so at that point in time it's an indication that Somerset's filling faster than Wivenhoe, and when you're below the line the requirement is to open or increase the release rate from Somerset Dam to direct you to be closer to the target line.

50

By "line" you mean 100.45 at Somerset?-- Yes.

1

And your e-mail refers to exceeding that line?-- Yes, the lake level was just above that in Somerset, yes.

In which case what are you actioning here?-- Well, it's actioning a drainage to try and equalise the flood storage in both dams.

So it's the box at the bottom of page 39 and the lower half of that box?-- Yes.

10

Thank you. Thank you, Commissioner. Mr Ambrose?

MR AMBROSE: We have no questions

COMMISSIONER: Mr Callaghan?

20

MR CALLAGHAN: Mr Ayre, I appreciate that your evidence as regards that e-mail which attached the strategy summary was that you didn't know whether you sent it or not, you've been taken to and asked about e-mails in which you sign off as "Rob Ayre"?-- Yes.

Can I ask you, though, to have a look at - or perhaps can I ask you in the first instance, who's Daryl Brigden?-- Daryl Brigden was my immediate supervisor at SunWater.

30

Right, and I just want to show you, I think, three e-mails which you've sent to him, being 10 January 3.26 p.m., 11 January 6.31 a.m. and 12 January 6.27 a.m., which are clearly from you, I'd suggest, and just signed "Rob"?-- Yes. I believe they were all sent from my Blackberry, yes.

Right, okay. And I appreciate this is not inconsistent with what you - necessarily inconsistent with what you said earlier but it would demonstrate that you, on occasion at least, do sign off just "Rob"?-- Yes, certainly when I was using the Blackberry, not that dexterous with those Blackberry keyboards, but, yeah-----

40

Right, I understand-----?-- -----but there are occasions, yes.

Okay. Thank you. That's all I have, may-----

COMMISSIONER: Are you making-----

MR CALLAGHAN: I tender that.

50

COMMISSIONER: 1149.

ADMITTED AND MARKED "EXHIBIT 1149"

MR CALLAGHAN: May Mr Ayre be stood down?

1

COMMISSIONER: Yes. Mr Ayre, I'm going to stand you down until the end of today's hearings. Shouldn't be too much longer. Thank you.

WITNESS STOOD DOWN

10

MR CALLAGHAN: I recall Mr Tibaldi.

20

30

40

50

JOHN TIBALDI, CONTINUING:

1

COMMISSIONER: Thanks.

MR CALLAGHAN: Mr Tibaldi, you would agree that between the 15th and 17th of January there was energy being directed into the preparation of a record of strategies which were employed at Wivenhoe Dam during the flood event, specifically there was a report being prepared for Mr Borrows by Mr Malone? You're aware of that?-- No, I'm not aware of that, what-----

10

All right. You were aware that you were preparing a report or part of the preparation of a report for the minister?-- Yes, some e-mails have been brought to my attention on the 27th of January that indicate-----

20

No, sorry, I'm talking about the 15th to the 17th of January last year?-- Yeah, on the 27th of January this year some e-mails were brought to my attention that indicated I had been involved in the preparation of a ministerial but I have no recollection of it.

I see. You've since seen that report prepared for the minister?-- Yes, it's been shown to me, yes.

Is it the type of thing that you would have been trying to do to the best of your abilities at the time?-- Yes, I would always try and do the best I could.

30

Is there any possibility therefore, Mr Tibaldi, that the summary of strategies prepared for the minister is actually correct?-- I don't believe it's correct, it - I can't - it talks about being in strategy W2 at a time that it's impossible to be in strategy W2.

And when do you say is the first time you became aware of the fact that - I'll start that again. Did you have regard to or was that report part of the materials you were looking at when you were preparing the March report?-- I certainly can't recall giving any credence - looking at that report at all and I don't believe I would have because it's not part of the official flood records.

40

All right. You simply have no recollection of preparing that document; is that right?-- No recollection at all.

50

Okay. In May of last year a report on the October and December 2010 flood events was issued; you're aware of that?-- Yes.

Did you write part of that report?-- I believe I would have written the bulk of it, yes.

Can I get a copy of that shown to you, please. And
specifically can I take you to pages 119 and 121. And
specifically on page 119, to the second paragraph on that
page. There's a summary there of the strategies used. Would
you have been the author of that paragraph?-- Sorry, I was
looking at 119. I can't recall writing it but in all
likelihood I would have written that, yes-----

1

If it wasn't you-----?-- -----because I did read the bulk of
the words-----

10

If it wasn't you would it have been Mr Malone----- Possibly.
I think only him and I had input into this report.

20

30

40

50

And you say the same of the final paragraph on page 121?--
Yes, it seems to be the same wording exactly.

1

Yes, it is, isn't it? All right. Thank you. Can I ask you about the process by which the March report was endorsed or adopted by your colleagues. Was there a process by which they were given the opportunity to sign a copy of it indicating that they approved it?-- There are some emails about the signing of - the endorsement of it and I just can't recall the outcome of that, whether people did sign or didn't sign it, to be honest, I can't remember.

10

You have no recollection as to whether any of your colleagues signed the report or not?-- No, I don't, I'm sorry.

Can I ask you about the preparation of materials for the peer reviewers and, specifically, about the issue of the entry in the Flood Event Log on Sunday the 9th, at 3.30 p.m. Are you now aware that that entry was missing from some of the materials delivered at least I think to Professor Apelt and Mr Roads?-- What entry was that, sorry?

20

You really don't know? The 3.30 p-----?-- I can't-----

The 3.30 p.m. of Sunday, the 9th of January? Are you aware-----?-- I wasn't aware that was missing from any - from anything.

You are not even aware that there had been some investigations into how that might have come to be missing from the document?-- I was asked about it this morning but prior to that, I had no-----

30

What was your answer this morning when you were asked about it?-- I was quite surprised it was missing. I was of the understanding that everything was in the log.

Do you recall a conversation with Professor Apelt in which he let you know that certain dates were missing from some of the materials he had been provided with?-- No, I can't recall that conversation.

40

I'd suggest to you a further copy of materials - a further draft was provided to him, which is Exhibit 1113, on the 24th of February in which those dates reappeared but the 3.30 entry did not. Do you have any idea of what I'm talking about?-- I know what you are talking about in terms of the 3.30 entry, but why it wasn't there in the first place and why it didn't appear the second time, I have no recollection or understanding of why that would be.

50

Do you recall that there was a second time that Professor Apelt was given a further copy in which the dates reappeared?-- No, I - my recollection was he was given it once and that was it.

All right. And any explanation for why the 3.30 p.m. entry might be referred to as a sit rep?-- A typo, a typographic

error.

1

A typographic error?-- I would have no explanation at all.

Okay. A suggestion might be made that you directed Ms Cross, as she might have been then, to remove sit reps - reference to sit reps, situation reports, so as to avoid duplication of material?-- But aren't all the situation reports in the-----

Well, as we know, there is at least one missing?-- But it's mentioned in the log though.

10

Right?-- The full copy is not there but it is in the log; so I thought all the situation reports were in the log.

Yes. But the point here is that you directed the removal of sit reps from this but that direction was not, you would say, I'd suggest, intended to remove this entry of Sunday at 3.30 p.m. on the 9th; is that right?-- I can't remember that direction but I don't understand you're saying sit reps are gone because they are all in the report.

20

Yes?-- Like, in the log.

Yes?-- They're all listed.

The suggestion is that there was a direction to remove the sit reps from this document, the Flood Event Log, because they were included in the report elsewhere so as to avoid duplication?-- But what I'm saying to you is they are in the log. In the final document here, in the log.

30

I'm talking about the provision of the materials to the peer reviewers?-- I don't - you know, I don't understand why they didn't get the report.

Okay?-- I just don't.

And what do you say, Mr Tibaldi, to the suggestion that during the January event and, specifically, the period around about the 8th and 9th of January, you had no clear appreciation of what was required by the manual in respect of strategy W2; that you were not aware of that which you were meant to do and that you did not appreciate at all what was required?

40

MR O'CONNELL: There are three questions. They should be put individually.

MR CALLAGHAN: All right. That you had no clear appreciation of what was required by the manual in respect of strategy W2?-- That's not true.

50

And that there was no actual application or consideration, rather, of that strategy at or around that time?-- That's not true.

And have you got a recollection of that?-- I can't recall those shifts but to say that I operated with disregard to the

manual or didn't understand the manual, that's not true.

1

And your basis for saying that is?-- Well, I drafted the manual. I'm very conscientious when I operate the dams during flood events. I try and do the best I can. To say that they had disregard to the manual, I won't accept that. It's not true.

COMMISSIONER: I know that you drafted the manual, which suggests some attachment, but you did identify that there was a problem with the flow chart, didn't you?-- Yes.

10

The problem with the flow chart - tell me if I'm wrong - is really that it treats the step as if it is a progression from W1 and then W2, if it doesn't look as if the flow will be more than 3500 CUMECS at Lowood or 4000 CUMECS at Moggill but if it's bigger than that, you go to W3. So, it sounds as if lower flow, W2; higher flow, W3, as if it's a progression?-- It doesn't recognise that a shift from W1 directly to W3 is possible. That's the problem with the flow chart. And it is possible in many situations.

20

It just doesn't make it clear that 2 and 3 are alternatives-----?-- Yes.

-----not a series of steps?-- Yes, that's right.

So that, there may have been confusion about whether you actually - and I suggest this was your confusion when you were trying to write the report up later - about whether you had to go to W1, W2 or W3 or you could just treat 2 and 3 as alternatives?-- No, the confusion for me - well, it wasn't a confusion, it was more of a dilemma. That I'd knew we had gone from 1 to 3, it was obvious. But that flow chart didn't allow it and that was the dilemma. Like, I knew we'd done it and it was obvious and it was the sensible thing to do and there was no possible way you could argue we were using W2, but that flow chart didn't allow it and that to me that was a dilemma. Like, as I said, it concerned me.

30

40

Okay. Thank you.

MR CALLAGHAN: I have nothing further.

COMMISSIONER: Mr Rangiah.

MR RANGIAH: No questions, Commissioner.

COMMISSIONER: Mr Murdoch.

50

MR MURDOCH: Mr Tibaldi, you are aware that Brian Cooper has requested during the course of the January 2011 flood event to prepare an urgent report into the operation of the dam and, specifically, in relation to compliance with the Flood Mitigation Manual?-- I became aware of it after the event. I don't - didn't know anything about it at the time.

But you, after the event, got a copy of his report?-- Yes, I can recall, I think, at some point when we were writing the report that someone - I couldn't tell you who - gave me a copy.

So, it was how long after the flood event?-- I would say some time in February, probably - it would have been February, I would say. Exactly when, I couldn't tell you.

10

In any event, I take it, that you have read his report when you got it?-- I read it when it was provided to me, yes.

And so far as the contents of the report went did you have any problems with it?-- I can recall his use of strategies, I didn't agree with it. I believed it to be incorrect. Whether it was based on incorrect information, I don't know, but I believe his thoughts about what strategies we were in was incorrect, was my view. I can't remember the exact report, but that was my view.

20

When you read the report and formed the view that his views were incorrect did you do anything about it?-- No.

Why not?-- What would you have me do? We were writing our own report.

Well, it was a report into, among other things, compliance against the Flood Mitigation Manual?-- My focus was on writing the report at that stage. It wasn't - I mean, there was all sorts of opinions and things being put forward but my focus was on the report I had to write and that was what I focused on.

30

So, at no stage did you do anything at all about expressing any dissent with the Cooper report?-- I don't think I have spoken to Brian - met or spoken to Brian Cooper in my life.

Nothing further, your Honour.

40

COMMISSIONER: Mr MacSporran.

MR MacSPORRAN: Nothing, thank you.

COMMISSIONER: Mr Burns.

MR BURNS: No, questions.

COMMISSIONER: Mr O'Donnell.

50

MR O'DONNELL: No questions, thank you.

COMMISSIONER: Mr Ambrose.

MR AMBROSE: No questions.

COMMISSIONER: Mr Sullivan.

MR SULLIVAN: No questions, thank you. 1

COMMISSIONER: Thank you. Mr Callaghan.

MR CALLAGHAN: If Mr Tibaldi and the other gentlemen might be excused.

COMMISSIONER: Yes. Mr Tibaldi, Mr Ayre, Mr Ruffini and Mr Malone are all excused. 10

MR MacSPORRAN: Mr Allen was stood down.

MR CALLAGHAN: Mr Allen can be excused as well. Anyone who hasn't been excused can be excused.

COMMISSIONER: Is excused, yes. Everybody is excused except for all of you. We need you a bit longer.

MR CALLAGHAN: There is a need to just tender a series of documents. An index has been prepared and the documents are all, as I understand it, contained on the one disc. Would you like me to read the document description into the record? 20

COMMISSIONER: How long is it?

MR CALLAGHAN: It's about three pages.

COMMISSIONER: I think not. Does anybody want them read into the record or are you happy to accept the index as the list----- 30

MR RANGIAH: No, thank you.

MR MacSPORRAN: No, thank you.

MR SULLIVAN: Thank you, no.

COMMISSIONER: It would be Exhibit 1150.

MR AMBROSE: Excuse me, I haven't seen the index. 40

COMMISSIONER: You had better have a look at the index, Mr Ambrose.

MR CALLAGHAN: I understood it had been circulated electronically if not in hard copy.

MR AMBROSE: Can I just say subject to any right to make a proper objection to them----- 50

COMMISSIONER: You had better have a look at it now because I don't know when you will be able to do the objecting if you don't.

MR AMBROSE: Well, I haven't seen a lot of those documents. There is a statement from the Premier that we haven't seen.

MR CALLAGHAN: As I understand it, the parties may not have

seen the index but they certainly do have the documents referred to therein.

1

MR AMBROSE: I am instructed that my solicitor has got these documents on a disc but he hasn't had an opportunity to consider them yet.

COMMISSIONER: When did he get them?

MR AMBROSE: Yesterday.

10

COMMISSIONER: All right. What do you want to do about it? We can always, I suppose, resume next week if you want to make objections.

MR AMBROSE: Yes.

COMMISSIONER: All right. Very well. The documents will become 1150 subject to that right to make objections.

20

ADMITTED AND MARKED "EXHIBIT 1150"

COMMISSIONER: When can you let the Commission know?

MR AMBROSE: We will look at them overnight and let you know on Monday - or by email to the Commission as soon as we have considered them, at the latest by 10 o'clock Monday morning.

30

COMMISSIONER: All right. Thank you.

MR CALLAGHAN: That's the totality of the evidence, Madam Commissioner.

COMMISSIONER: All right. Now, the business of closing submissions, what I have in mind is this - and you can tell me whether it suits - that counsel assisting should have his submissions to you and finalised by 4 p.m. on Tuesday. I'm not sure what date that is. And that you should provide your submissions to the Commission by 4 p.m. on Thursday. That should give you a reasonable period of time to prepare them and respond. And that none of those submissions be published by anyone and the only way in which they will be published is by publication on the Commission's website, subject to the process which I described earlier, which is that if there are matters submitted by anybody which do not result in a finding and which are adverse to someone, they will be expiated from the document which appears on the website. Does anybody have any issue with any of that?

40

50

MR AMBROSE: No, no issue.

MR MacSPORRAN: Commissioner, just one matter that arises. I am assuming - I haven't had a chance to discuss this with Mr Callaghan - I am assuming counsel assisting the Commission, the submissions will go to all parties. It won't be simply to

the individual parties?

1

COMMISSIONER: No, I don't think so. I mean, you have all heard everything that has been said here. You have all got a pretty good idea what the issues are. I can't really see any point in limiting-----

MR MacSPORRAN: No, that's so.

COMMISSIONER: And it really concerns everybody, I think, in this instance.

10

MR MacSPORRAN: That's my point. You would need to have them all to reply properly.

COMMISSIONER: Yes. In other instances where we have done draft findings, we have tried to keep them away from people----

MR MacSPORRAN: I know.

20

COMMISSIONER: -----who really had no interest, but this is different, I think.

MR MacSPORRAN: That's why I raised it.

COMMISSIONER: So everybody should get everything.

MR MacSPORRAN: Yes.

30

COMMISSIONER: All right. Well, there being no objection, those are my directions then.

I do want to make a closing statement. I'm sorry to hold you up a bit longer but it won't be too long.

I want to make some points before closing the hearing. I have heard the suggestion made - I don't know how seriously or with what motivation - that because it's been necessary for the Commission to reconvene and re-examine the question of dam strategies, anything the Commission says about anything is now in doubt.

40

In response, I invite the public at large, really, and the media also, to look at what the Commission has actually been doing. Take a look at the interim report and read the recommendations it produced, many of which are well and truly in place. There is increased swift water rescue personnel and equipment and training; warning systems for rising waterways; disaster management group organisation; how the evacuation centres are set up and managed and made known to the public; and, on this very topic of dams, there was a recommendation for a lowering of the Wivenhoe level to 75 percent, which is likely to have preserved the peace of mind of a lot of people over the January rain, and another for a complete overhaul of the Flood Mitigation Manual based on up-to-date science. They are just a few examples.

50

The Commission, since the delivery of the interim report, has been dealing with insurance and land planning and the second of those topics, in particular, is a large and fundamental one. The Commission has devoted a large amount of its time to reviewing land planning laws, policies, instruments and practices, to work out how the prospect of flooding can be dealt with in land planning in Queensland. It was a massive task. It would be very foolish to disregard all of that though.

1

When this Commission was set up, it was not intended as a means of conducting forensic investigations into whether all those connected with the flood response were telling the truth and had given consistent accounts of their actions. The focus a year ago was on whether the dam operators had let out enough water when they were operating under the W3 strategy; whether they had moved to W4 early enough and whether they had taken forecast rainfall into account in the process, not whether they had been in those strategies at all at the time they said they were. That, of course, has emerged as the issue here.

10

And this, of course, was not just - and I refer to the Commission's work and terms of reference - this was not just an inquiry about dam operation. There are six other terms of reference, all just as important. If the Commission had set about reviewing all available documentation to check that everything everyone had said on oath before it on important topics was consistent with anything else that could be found in the thousands of documents before the Commission, there would've gone most of the time allotted, most of the year allotted for the Commission. This was not a Fitzgerald Inquiry.

20

30

Make no mistake, I do not warrant that the Commission has checked that all of what Emergency Management Queensland, the SES, the Police, the Bureau of Meteorology, DERM, each of the Councils throughout Queensland, or anyone else has told the Commission is true and correct, particularly not where it has been the subject of sworn evidence.

40

This Commission was set up to look to how things are managed for the future, which is a sensible approach. My task, as set out in the terms of reference, was not to search out culprits but to make recommendations to improve preparation and planning for flood threats, emergency response, and any changes to legislation to better protect life and property in natural disasters. That's what we have been spending our time on. It's a rational application of resources.

That's not to say I'm not grateful for the work put in by Mr Thomas and any individual who may have assisted him in identifying the questions which were explored in the last ten days or so. They are fundamental. They have to be resolved for the very reason that a Commission like this, reporting in the timeframes it has to observe, must be able to rely on what is said to it on oath. It goes to the heart of how commissions function if that reliance can't be placed on sworn evidence. That's the very question to be determined here and

50

I have yet to resolve it. But it would be a tragedy if the focus on this discrete set of issues led people to lose sight of the rest of the work of the Commission because that may mean that things which are designed to improve the safety of lives and property of people in Queensland are pushed aside.

1

Thank you for your time. We will adjourn, subject to the matter of whether we need to resume to consider any objections to evidence, thank you.

10

THE COMMISSION ADJOURNED AT 4.51 P.M.

20

30

40

50