

Transcript of Proceedings

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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 07/02/2012

..DAY 64

THE COMMISSION RESUMED AT 8.59 A.M.

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COMMISSIONER: Yes, Ms Wilson?

MS WILSON: Thank you, Madam Commissioner. Madam Commissioner, before I recommence my questioning this morning, just a matter of housekeeping. I propose to be calling Mr McDonald after Mr Drury. Mr McDonald has a flight to catch this afternoon, so there will be a change in the witness list. Mr McDonald has legal representation and I understand that it's Mr Williams and he is here today.

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COMMISSIONER: I'm sorry, Mr?

MS WILSON: It might be an opportune time.

MR WILLIAMS: Commissioner, my name is Mr Williams of Counsel, instructed by the New South Wales Department of Finance Services.

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COMMISSIONER: Thanks, Mr Williams.

MR WILLIAMS: I seek leave to appear on behalf of Mr McDonald.

COMMISSIONER: Yes. Thank you. You have that leave. Might we need to interpose Mr McDonald?

MS WILSON: It may be our case, depending on how long Mr Drury goes.

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COMMISSIONER: All right. We'll see how we go. Thank you.

ROBERT JOHN DRURY, CONTINUING EXAMINATION:

MS WILSON: Mr Drury, if I can take you back to the 15th of January 2011. The convenient place to pick that up would be looking at Exhibit 23, which is the Flood Event Log. Have you got that up on your screen?-- No, sorry.

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It will be coming in a moment?-- Yes.

And we've already looked at the 5 p.m. entry but when you were there at 5 p.m., can you recall who else was at the Flood Operations Centre?-- I can't. There was quite a few people who were still operational. I went through emails and I mentioned Terry, Rob - and Rob Ayre. I believe they were there. I certainly know there was a couple of people there who were still operational, still making releases and monitoring the phones, so I believe they would have been there.

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Okay. Well, maybe we can just go into more detail than that.

In terms of flood engineers, can you recall who was there?--
Not directly. As I said, from that email I know - I can
recall seeing - I'm positive John and Rob Ayre were there and
Terry must have been there as well.

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What about flood officers?-- There probably was but I cannot
remember who they were.

More than normal or just the usual flood officers that would
be scheduled to be rostered?-- I would think just the normal.
I didn't check or talk to-----

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Didn't-----?-- Didn't take any account of who was there. I
mean, they were still operating as normal through a flood
event. So I assume there would be flood officers there.

You didn't take any notice of any of the flood officers?--
Not any in particular. I was just really pulling together for
a couple of hours for the ministerial brief, so I wasn't
necessarily interposing any of the operations of the release,
what was happening at the time and the drawdown of the dams.

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Do you know the flood officers? If you met them in the
street, would you know-----?-- I knew certainly a couple of
them. I couldn't remember them all because I think a fair few
of them were SunWater employees but there were a couple that I
can recall.

Which ones do you know?-- I believe Louw Van Blerk, John West
may have worked through that period and I think David Pokarier
may have worked through that period. The SunWater ones I
would have met from time to time but a lot less often.

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So what you're telling me is apart from the flood engineers,
you don't know who else was there at the Flood Operations
Centre on the 15th of January?-- No. I cannot remember which
flood officer was there or if there was two, to be honest.

Can I now take you back to Exhibit 1051. We've already had a
look at this. This is the email, Mr Drury, that I was asking
you questions about yesterday?-- Yes.

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This was the email that you said you didn't send?-- Yes.

Okay. Now, when you were at the Flood Operations Centre from
5 p.m. to 7ish when you left, assisting in preparing the
ministerial briefing. Did you have access to email?-- I was
using one of the computers in the Flood Centre, which would
have been a SunWater computer.

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Right. So did you have access to email?-- Yes.

Okay. And what email account was that?-- I honestly do not
know at the time. Whatever computer was operational I sat at
and started utilising.

Right. From my limited understanding of computers, a computer
was already logged on, a person had logged on to that computer

and you then could access their emails, is that the case?-- I believe so. I don't think anyone told me how to log on. I think one was working and I may have just started using that one.

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And were you using that to send emails?-- I believe that a couple I saw - sent off that I must have sent an email to Peter Borrowes or someone at the time.

And do you recall whether it was that email address that we see there, was that the email address that you were working from?-- I wouldn't probably have taken any notice, what the email address was being used. It was just a computer just set up for documents.

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Mr Borrowes, can I just show you this document. It's a document on Sunday the 16th of January. It's an email from you, Sunday 16 January, 9.21 p.m. It's an email from you to Peter Borrowes?-- Yes.

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And you've attached the ministerial briefing notes, do you see that?-- Yes.

You read through this document before you sent that off?-- I'm sure I would have looked at it at the time. It was probably put together with a few bits and pieces. As I said, I think input from other people.

You can see there that you summarised comments that have been made about the document?-- I can see that, yes.

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Yes. So the ministerial briefing, where it sets out when the W strategies of the Wivenhoe Manual were engaged, did you have any recollection of looking at those, that part of the report?-- The report would have - as I said, those tables were attached at the back. It was all put together and sent off. I would have glanced through it. I can't say I took any particular notice. It was all trying to get together, whatever we thought at the time and what other people had supplied and sent through.

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And is it your evidence that you took no particular notice of when the strategies were engaged or the times?-- The times would have just been whatever was attached to that document, I would have assumed it was out of the Flood Centre and was correct, it was attached. I certainly wouldn't have been able to - wouldn't have looked at it and gone back and thought anything of it more than that was the information that was provided and attached.

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You had just lived through this experience, hadn't you? You had just lived through the experience of being in constant contact with the Flood Operations Centre. There was no interest shown about when the strategies were engaged, is that what you're telling me?-- What I'm saying is through the event, the whole focus was so intent and so many things happening that it was all, as I said, what was happening, the releases, I certainly wasn't thinking through - the front of

anyone's mind was the strategies. It was more the releases, the impacts and, in fact, at this time the event was still going and drawing down. So it was really a report to try to give a quick summary, a status, certainly - and even after the report went, it probably wouldn't have gone on to the next stage. I mean, we were still drawing down, it was still very busy so yes, the information was put through. That's all I'm saying.

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Well, at one point in time a strategy was on your mind because we know that because that's when you sent an email to Dan Spiller that Wivenhoe was operating at W2?-- Dan asked the question. I couldn't say that it was on my mind before he asked but as I explained yesterday, it was what I thought at the time, that the real focus was all strategies to the councils. Again that was their prime concern, to know what was happening, and again that was the concern with the whole impact of the TSRs and protocols was purely to make sure people knew what releases, what was impacting.

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Now, you were involved in the March report, and you know when I'm referring to the March report that's the Seqwater report?-- Not directly. Certainly I made some comments I can recall on the technical situation report parts of it but not in a great deal of detail. It was all produced to the Flood Centre.

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Okay. Can I show you this - sorry, please continue?-- So there were times certainly emails would have come through and I'm sure I offered some comments on the technical situation report part of it in detail and yes, there was certainly - it was being produced, in essence, to Seqwater at the time predominantly through the Flood Centre.

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Madam Commissioner, I will tender the 9.20 email, before I forget, the 9.21 email of the 16th of January which I just showed Mr Drury.

COMMISSIONER: 1081.

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ADMITTED AND MARKED "EXHIBIT 1081"

MS WILSON: So your evidence, just to be clear, you believe you weren't really involved in helping to assist the preparation of the March report?-- I certainly wasn't directly involved in pulling together all the data, all the documents or the report, in particular. Certainly there was involvement at some stage in presentations - attended presentations. At one stage there was the Independent Review Committee, I think, was getting together. I can remember going to one of those meetings but the actual writing of the report or pulling it all together, certainly no.

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Can I show you an email of the 19th of January, 6.25 from you

to Peter Borrows and Jim Cross, Wednesday 19 January 2011. This is an email from you to Peter Borrows setting out your thoughts about the contents of the report to be done by the Flood Operations Centre?-- Yes.

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So you had an understanding of what needed to be covered by the manual, didn't you?-- And that was certainly based on looking at the previous reports. It did seem to change considerably after that. It was standard report documents on what was done in other summary documents when people asked what would normally be in it. Definitely that was standard headings in reports and reviews.

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If we can go down in that email, you'll see that the report would then be peer reviewed by Colin Apelt and the Dam Safety Regulator. Whose idea was it for the report to be reviewed by Colin Apelt and the Dam Safety Regulator?-- I can't remember where that came. It might have been discussions that-----

Well, it's in your email?-- Yes. It should be in a peer review by someone who knew what was happening-----

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Okay. But-----?-- -----or had history and - I mean, any report should probably be peer reviewed somewhere along the line.

Mr Drury, when you wrote that sentence, the report would then be peer reviewed by Colin Apelt, was that your idea or was it someone else's idea?-- I can't remember that it was my idea. I wouldn't have probably thought it was Colin's because Colin may have been proposed by someone else who knew that he was involved in the industry. I really can't remember that I would have thought of Colin's name. Someone may have proposed it or said it to me.

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Okay. So we'll put that also in the "can't remember" category?-- Where it actually came from, yes.

Okay. Madam Commissioner, I tender that email. You also attended meetings?

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COMMISSIONER: Exhibit 1082.

ADMITTED AND MARKED "EXHIBIT 1082"

MS WILSON: You also attended meetings?

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MR O'DONNELL: Can we see that after it's marked, please?

MS WILSON: You also attended meetings?-- I remember attending one presentation where the Flood Centre presented some information to the Independent Review Panel but by that stage I think there had been some additions and a whole change and I can remember also at one stage, I think Colin Apelt came

in at one stage and I spoke to him. So there were - and there could have been some other discussions but it certainly wasn't running the review panel, I guess.

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Were they referred to as technical report meetings or technical report discussions?-- I honestly can't remember what they were called but there was certainly a meeting I can remember attending further down the track when the Independent Review Panel was set up.

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I'm now going to show you some records of some of these meetings. Madam Commissioner, these documents were provided in response to a requirement and I will first tender a letter from Allens Arthur Robinson to the Commission dated the 5th of February 2012.

COMMISSIONER: Exhibit 1083.

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ADMITTED AND MARKED "EXHIBIT 1083"

MS WILSON: The first meeting that I'll take you to is the 3rd of February 2011. I'll show you some documents that relate to that. There's a meeting organising email for the 3rd of February 2011. The organiser is Jim Pruss and you were one of the required attendees. You can see there that the meeting was arranged to discuss the technical format and timelines?-- That's right. Yes. And that was - I think there was certain timelines set for the report to come out in six weeks.

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Okay. And we can see, if we can go to the discussion - the agenda for that meeting, which opened at 10.30 and closed at 4.30. We can see the people who attended that meeting. You attended, do you recall that?-- Yes. I'm sure I would have if it was marked there, yes.

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Okay. Do you accept that you did attend?-- Yes.

John Tibaldi was there?-- I believe from the meeting list, yes. All those people would have been there.

Terry Malone?-- I can assume from the list, yes.

Colin Apelt?-- I believe so, yes.

Do you have any recollection of this meeting?-- I'd probably have to go further down. That was on the 3rd and that was in Jim's office, so it would have been one of the meeting discussions so I assume discussing the timelines.

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And the report format?-- Yes. Yes.

And do you recall what Colin Apelt's import was in relation to the report format?-- No. I honestly can't remember what

Colin - it may be recorded in the minutes but I can't remember what he said at that meeting.

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Okay. Do you recall whether Rob Ayre from SunWater was there?-- No, I don't recall who was there. No, I can't remember any others that were there, whether he was there or not on the day.

Any independent recollection of this meeting at all?-- No. I think it was just, as I said, one or probably quite a few discussions on the timeline when the report had to be out, headings for the report.

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Madam Commissioner, I tender the email meeting request and the agenda.

COMMISSIONER: Exhibit 1084.

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ADMITTED AND MARKED "EXHIBIT 1084"

MS WILSON: Can we now go to Tuesday the 8th of February 2011 at 1 p.m. There was a meeting arranged for Tuesday the 8th of February, do you recall that meeting?-- Yes. I don't recall it but yes, that would have been happening.

If you can look at the agenda. You can see that you attended that meeting. Do you accept that you attended that meeting?-- I more than likely did, yes.

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Well, more than likely or did you?-- Yes. If it says - I honestly can't remember every single meeting, so I more than likely attended if it had me down as attending.

Can we look at the register of visitors for that day then, if you accept that you attended. Do you accept or do you not accept that you attended?-- Yes, I accept that I would have been there.

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Do you have any independent recollection of this meeting at all?-- That would have been one of those discussions exactly on that, the preparation of the report, the timelines, that may have been the one I was mentioning where there was some discussions or comments of where the report was at. There was a lot of people there discussing all the issues. I honestly cannot remember all the issues. The agenda might show that. That was on-----

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It looks like the objective-----?-- Sorry, it was in - I can remember that must have been in the training room downstairs which had quite a few people there.

It looks like the objective was the overview of the technical report?-- Yes.

And do you recall what Colin Apelt's input was into that?--
No. There could have been quite a few discussions. I'm not
even sure - there was a generic discussion, I assume, for one
hour.

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Do you know why Colin Apelt was there?-- I can only assume at
that stage he was starting to be used as a peer review.

Okay. And you can't recall any of his input at all at that
meeting?-- No.

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Okay. Can we then go to the 9th of February. There was a
meeting - Madam Commissioner, I tender that meeting-----

COMMISSIONER: 1085.

MS WILSON: -----email and the technical review report.

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ADMITTED AND MARKED "EXHIBIT 1085"

MS WILSON: There was a meeting on the 9th of February
2011?-- Yes.

Do you accept that you went to that meeting?-- I can't say
whether I went to it or rang in. It was a teleconference, so
I can't say whether I went to a room or dialled in.

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Okay. If we can look at the meeting agenda. Do you see that
you were one of the attendees - or a record of attendees was
taken of the meeting?-- I don't remember dialling in or
ringing or dropping in but I could have. I certainly don't
remember whether I was one of them.

Do you recall that you were a part of this meeting?-- No, I
don't.

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Not at all?-- Not that one. The workshop in the - yes, but
that one I don't really know if I went to or whether I didn't.

Okay?-- Or whether I phoned in.

So your evidence is you have no recollection of this meeting
at all, is that the case?-- No. I'm assuming it says to
establish roles of the expert consultant group.

So we've first got to establish whether you were there or not,
whether you accept that you were there or not?-- No. I
cannot remember whether I dialled in or whether I went to that
one.

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Okay. Can we have a look at the register of visitors, which
is - at 3.30 we see the names "Colin Apelt and Rob Drury,
Uniquest". Does that-----?-- Sorry, at 3.30?

Yes. Do you see that, "Colin Apelt and Rob Drury, Uniquest". Does that assist at all?-- Sorry. Colin Apelt coming in to meet with me.

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Yes?-- Or saying he was meeting with me.

Yes?-- Or I had organised he had come to see me.

But you can't recall whether you attended the meeting or not?-- No. I honestly can't. I may have dialled in or listened in. I can't recall.

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Okay. Then there was a meeting - Madam Commissioner, I tender those three documents.

COMMISSIONER: Exhibit 1086.

ADMITTED AND MARKED "EXHIBIT 1086"

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COMMISSIONER: What are the three documents? The email, the meeting organiser and-----

MS WILSON: The meeting organiser, the agenda and-----

COMMISSIONER: -----the visitor's book?

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MS WILSON: -----the register of visitors. There was a meeting on the 18th of February 2011, a meeting organised for Friday the 18th. Do you recall attending a meeting on the 18th of February for a technical review meeting for the January flood event?-- Again as - there were lots of meetings. I cannot remember any one single meeting but there's a very good chance I would have gone to them. As I said, there were quite a lot of discussions or meetings as we went along.

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Okay. If we can go to the agenda and the minutes of that meeting. We can see that your name is there as one of the attendees. We have-----?-- Yes. I quite possibly could have been there.

We have a Brian Shannon there, he's an expert?-- Yes. I'm sure I went to a meeting that had Brian because I can remember seeing Brian once, so I probably was there.

You probably were there. Can you recall what Brian Shannon's input was at this meeting?-- I think Brian was looking at being employed as - or used as an expert review person.

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Madam Commissioner, I tender those documents, which is the meeting organiser and the agenda for the 18th of February.

COMMISSIONER: Exhibit 1087.

ADMITTED AND MARKED "EXHIBIT 1087"

MS WILSON: And if we can go to the 21st of February. There was a meeting and - sorry. Sorry, before I go on to that, we're just referring to the 18th of February. Can I take you to the - there's a document that - there's a document from Chloe Cross to John Tibaldi on the 21st of February attaching the meeting notes from Friday, which is the meeting notes of the 18th of February. If we can go to this, this may assist your memory about that meeting. Do you see the report conclusions with Tibaldi saying "The conclusions need correcting", do you have any recollection what that was about?-- No.

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"Shannon, 4th point - if discretion was used, in accordance with manual?" There seems to be there is a question, do you recall if there was any questioning about whether if discretion was used, was it in accordance with the manual?-- That does ring a bell. I think there was some discussions that - I honestly can't say what was the point or couldn't remember but certainly it does ring a bell. Just - Brian must have raised some issues or some comments or discussions as part of his review. I couldn't tell you - I wouldn't want to say what it was. I mean, I'm sure it's documented somewhere. I just couldn't take a guess. I can't exactly remember what Brian's comments were but I'm sure they're there somewhere.

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Do you recall wanting to discuss "offline", do you know what that is about?-- No. I'm assuming it was to - exactly what it says. To have further discussions with Brian but I'm reading into that. That was-----

Not in a meeting. You've got no recollection?-- All I can say is what's written there. I don't have any recollection of that but certainly there was some, as it says there, there were some discussions with Brian. Sure.

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Do you recall Shannon saying, "If you did step outside manual, show you did what was necessary". Do you recall any discussion like that?-- As I say, I recall something raised by Brian but I can't remember all the details of what was raised. There could have been quite a few points raised by the independent review people and that might have been - that was one of them, I think, from Brian.

And then if we can look at the - go over the page we see the expert review process, "Over the weekend - report to be reviewed, come back on Monday to discuss comments. Copies have been given to" - and your name is there, Rob Drury?-- Yes.

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Were you given a document to review?-- I would have been - documents then. As I said, I can recall certainly commenting on some parts, particularly the technical situation reports

and protocols part and drafts would have gone around to quite a few people.

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And do you recall looking in the March report about when the strategies were engaged?-- My main comments on the report were more, as I said, on my involvement and the technical situation reports and the protocols, not detailed volumes or models or releases or any - what actually occurred.

Madam Commissioner, I tender that document.

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COMMISSIONER: That document is 1088.

ADMITTED AND MARKED "EXHIBIT 1088"

MS WILSON: And, finally, can I take you to this email on the 1st of March. Rob Drury to Len McDonald. From Rob Drury to Len McDonald. You sent Len McDonald an email on the 1st of March 2011 at 7.17 a.m. Do you recall giving Mr McDonald a telephone call or sending him an email?-- I can't remember what that was about but I know at one stage it may have been just trying to track Len down or to get comments because I think he was providing reviews. I think that might have been all it was. It certainly wasn't a detailed request. I didn't have a lot to do with Len but I know I was asked at one stage trying to track him down or contact him and I think at the time I'd only been by email. I'm not sure whether we had a phone number for Len to catch him but Len might be able to remember exactly what that was about but it was really finding him, as I recall.

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Madam Commissioner, I tender-----?-- Otherwise I would have rung him, I think.

Sorry. I apologise. Madam Commissioner, I tender that document.

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COMMISSIONER: Exhibit 1089.

ADMITTED AND MARKED "EXHIBIT 1089"

MS WILSON: Thank you, Mr Drury. I have no further questions.

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COMMISSIONER: Mr Drury, can I just ask you about that evening of the 15th of January when you were in the Flood Operations Centre for a couple of hours. Now, I understood you to say that you sat at a computer, somebody was already logged in so you used whatever account it was to send an email. At any stage did you get out of that account and into a different

one?-- I don't recall doing that or why I would and I'm not sure whether any one person logged in. I don't know how the SunWater system worked but it looked like it was a - I think the one - mine had an - or something on it but I don't know whether it was for a person so I can't say how their log on works but I - as far as I recall, I just grabbed the computer - the one computer that was free that nobody was working on.

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Alright, you didn't move between computers?-- I don't recall or even why I would in two hours because I don't think that one was being used at the time, so I was just sending off the e-mails, pulling it together. I think I sent the last one at 7. So I doubt if I would have moved between - or I would have - I certainly can't remember shifting computers because there was just no need.

I will get you to look at Exhibit 1051 again. Now, that is the e-mail attaching the strategy summary log that you say was not your document I understand?-- Yes.

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That e-mail sent from the duty Seq account, does that mean anything to you?-- I assume that's a duty engineer account on one of the computers. I couldn't say whether I was using that one. As I say, I don't think I actually logged in as anyone. It was just running, so - and I can't - as I said, can't recall changing computers or knowing necessarily how to log in as someone as it's not my system I guess.

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I will get you to look at Exhibit 1,064. Now, that e-mail is sent by somebody who is at the Flood Centre with John Terry and Rob Ayre, who is called "Rob". What do you say about that one?-- I believe I sent that one. I mean, if it's me with John Terry and Rob, that would have been mine, I can only assume.

And that's sent about fifteen minutes after the previous one?-- Yes.

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Now, that account is the NQ Water duty engineer account?-- Yes, if - yes. Well, that's what it says. As I said, I don't quite understand all the accounts.

So it doesn't particularly mean anything to you either?-- No. I could probably interpret "NQ Water" as North Queensland Water but it may have just been one account at the Flood Centre, yes, or in some water system, assuming it was even a Flood Centre computer I was using. It might have been a SunWater one, I am not sure.

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Alright, thank you. Mr Dunning, do you have any questions?

MR DUNNING: We have no questions.

COMMISSIONER: Mr Rangiah.

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MR RANGIAH: Thank you, Mr Drury. I wonder if you could have a look at the attachment on page 232 to your statement. It will be shown on the screen in a moment?-- Sorry, what was the reference?

It will be shown on the screen in a moment?-- Oh, sorry, thanks. Yes. Yes.

Is this a Situation Report for 9 p.m. on the 9th of January 2011?-- That would be right, yes.

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You received that Situation Report?-- Yes, I am sure I did.

Your name is not in the distribution list?-- Yes, I can see it, yes.

If you look under the heading "Wivenhoe Dam", at the end of the second paragraph do you see the last sentence says, "Given the rapid increase in inflow volumes, it will be necessary to increase the release from Wivenhoe Monday morning"?-- Yes, I have got that, "increase the release from Wivenhoe Monday morning", yes.

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Then in the next sentence it says, "The objective for dam operations will be to minimise the impact of urban flooding in areas downstream of the dam." Do you see that?-- Yes.

What this was telling you, wasn't it, was that the objective was going to be changed on Monday morning to minimising the impact of urban flooding in areas downstream of the dam?-- What it says - all I can say is that the objective is to minimise the impact of urban flooding and that releases will increase.

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It doesn't say the objective is to minimise the impact of urban flooding, does it? It says the impact will be to minimise the impact of urban flooding?-- I cannot say whether I read that as increasing, changing, or whether I interpreted it in any way apart from knowing that the increases will increase Monday morning. That again, as I have said, is the prime consideration.

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You knew that the releases would increase on Monday morning and then didn't that also mean that the objective, from Monday morning, would be to minimise the impact of urban flooding?-- As I said, all I can say is the - the releases were that - the objective is minimising flooding. I can't read into that changes or relations nor would I probably have taken a great deal of - not notice but certainly the releases, the changes, as I have said, the objectives are the objectives but the releases are the important things to - for communication.

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Could the witness now see the document at page 236. Is this a Technical Situation Report that you prepared at about 9 p.m.?-- It would have been, yes.

On Sunday, the 9th of January. Do you see under the heading "Wivenhoe Dam" - it can be changed. You said that the objective for dam operations will be to minimise the impact of urban flooding in areas downstream of the dam. Do you see that?-- Yes, that is what I copied out of the Situation Report, yes.

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You didn't say that the objective for dam operations is to minimise the impact of urban flooding?-- I certainly didn't change what was in the Situation Report and very few times -

or I doubt if it would have changed any or in trying to interpret or change what the Flood Centre was providing. So that - I haven't checked it, but I would assume that is a direct cut and paste out of the Situation Report.

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When you were sending this Technical Situation Report to others, you were communicating to them that the objective would, in the future, be to minimise the impact of urban flooding in areas downstream?-- What I was forwarding on was the Situation Reports. I wasn't saying I was interpreting, changing or trying to second guess anything without - operating the flood centre I wouldn't take that chance. It was really to get that information out from of the Situation Reports, as I said under the protocols, to try to reduce miscommunication between parties, but it certainly was straight out of the Situation Report.

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Could the witness see the document at page 247. Do you recognise this as an e-mail from Dan Spiller at 11.07 p.m., on Sunday the 9th of January 2011?-- Yes.

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You received a copy of that e-mail?-- Yes, I would have. I can see my name there, yes.

In the fourth paragraph down Mr Spiller said, "To date the primary objective for this event has been managing to prevent inundation of the Mt Crosby weir and Fernvale Bridges."?-- Yes, I see that.

That was consistent with your understanding?-- What I said was that what came out past what I sent on I cannot say I reviewed or checked. There was also comments on treatment plants and other things provided, or whether I even read what was going on. There was a lot of documents, a lot of things happening, so I would not have - I am sure I wouldn't have gone through that and reviewed it or checked what was coming out from the grid manager. If there was changes or they had other reasons just to put other words in, I certainly don't remember reviewing or double-checking them. It just was so many documents coming out, that was what they were sending out. And as I said, there was other words and other issues sometimes included in them, so I would not have.

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I am just asking you whether that was consistent with your understanding of the situation?-- All I can say is that my understanding was exactly as the Situation Report; that they said that the priority is this. I don't think I would have picked up that - any change or what was happening. As I said, I wasn't operating and thinking of so much of those W strategies, as in operational strategies, or whether those words then slightly changed. At the time, as I said, it was really getting the information out as opposed to interpreting it.

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In the next paragraph Mr Spiller said, "With the forecast volumes this primary objective is being changed to minimising the risk of urban inundation." That was consistent with your understanding of the situation, wasn't it?-- No, as I said, I

cannot remember what I thought at the time or whether I even read that volume. I would have to go through the Situation Reports, what I was thinking at the time, but I certainly wasn't thinking of objectives or - apart from it was the minimising the risk of urban inundation. And certainly, as I keep saying, the volumes, the release strategies were the strategies that were forefront in mind.

1

You were the primary conduit of information between the flood operations engineers and Mr Spiller, weren't you?-- Yes, and I go back to the reason for the protocols was a little different to how it probably ended up. It was certainly to - certainly for smaller events. It was always envisaged in large events and emergencies it might change over but it was to provide information so there wasn't that missed communication to the public for different agencies but - and so certainly it was primarily to the councils and then to the grid manager to show that communication and to provide information to them.

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Mr Drury, my question was fairly simple. You were the primary conduit of information between the flood engineers and Mr Spiller, weren't you?-- Mostly the TSRs. There was probably other conduits from communications groups and I know the communications group and the grid manager was also involved.

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You accept that your role was an important one in communicating information between the flood engineers and Mr Spiller?-- For the purposes that it was designed for. As I said, the protocols were set up for certain reasons. It was never really set up as part of an emergency procedure protocols, it was for certain reasons and it was always to get information to the councils, to make sure they had it, to get it to the grid manager to show that the information had been received and that was what was happening. So a lot of the information probably came from those Situation Reports.

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Wasn't it important for you to ensure that Mr Spiller had the right information?-- It was important to get the information from the Flood Centre. As I said, I wasn't reviewing the Flood Centre's information to see if their release strategy was correct, or the volumes, it was getting it through to Dan Spiller's office, to get the information there.

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Did you read Mr Spiller's e-mail?-- As I said, I couldn't say whether I read it, or reviewed it, or tried to think whether it was correct. There was a lot of e-mails, a lot of things happening in the middle of that event. I couldn't say I reviewed every grid manager press release or emails or reviews, to double-check them.

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That e-mail was sent at 11.07 p.m. Could the witness see page 257. Is this an e-mail that you sent at 1.28 a.m. on Monday, the 10th of January?-- It would have been.

The words that appear in that e-mail, just after the heading, "Subject: Re Technical Report W34" were your own words?-- Yes, it would have been the Technical Report. They weren't numbered. I am trying to keep track of them because there were so many of them but I think it would have been 34 was the one for that date.

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What you said there was that, "Since earlier discussions, further rain and local flooding have closed Mt Crosby and Fernvale Bridges." Do you see that?-- Yes.

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Then you said, "Releases will now be ramped up overnight rather than tomorrow since these bridges are now closed and due to increasing inflows"?-- And I believe that was based on a report that said some of those words in there.

What you were saying there was that the releases would be ramped up because those bridges had been closed?-- I think the Situation Report said those words; that the bridges had gone under or were no longer open and probably releases would have been increased.

20

Well, what I suggest that this indicates is that the primary objective was now changing from preventing the inundation of Mt Crosby weir and Fernvale Bridges because they were now inundated?-- And as I have said, the objectives and the W strategies were not forefront; that what that says is that the bridges are going under and there's more water coming down basically and that was the message. In case there was some importance, it wasn't quite in line, it was "that's what's happening".

30

What was your job title?-- Operations Manager. Dam Operations Manager.

At that time did you have another acting role as well?-- No. I had taken on the role of sending out Technical Situation Reports under the protocol. As I said, I am not - I wasn't directly involved in the Flood Centre, so I was doing that to get them out and meeting the protocol. I have certainly since that - and as some recommendations that's all been revamped and there's a new protocol. That was probably the first time it actually operated and I was sending out those TSRs. As I said, we go back to the reason for that protocol and the communications; trying to prevent miss - or reduce miscommunications to the public and since then it's been revamped and there are no more Technical Situation Reports.

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As a Dams Operations Manager for Seqwater, that was a senior position within Seqwater, wasn't it?-- It's managerial, which I think we call Level 3 position. So, certainly as a manager position, yes. Not an executive but certainly a senior position.

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Are you saying that you weren't interested in understanding what the objectives of the releases were?-- What I am saying is during the event the main consideration was what releases are being made and the impacts. The exact W strategy really

was the strategy and objective - and maybe they should be called objectives. The real impact was the releases and again, that was the whole - what the strategy was, whether it was a W2 or 3, really, the importance was in the releases, the volumes, are they going up, are they going down and are the bridges out, are they in, and that was again the priority for an operational point of view and communications. 1

So are you saying you paid no attention to what it was the flood engineers were trying to achieve, in other words, their objectives?-- What I am saying is we paid attention to what was really important from the Flood Centre Situation Reports and that's - what they were providing was really the changing situation, where it was going, the volumes that were changing and as it changed. 10

But they were also providing information about what their objectives would be, weren't they?-- There were - some of those mentioned the objectives, yes. 20

And you say you paid no attention to those?-- What I am saying is the primary importance was releases. The objectives are the - was where the Flood Centre was operating, what they were doing, what was happening was really the important part of an operational phase.

What was important was what was happening but not what they were trying to prevent?-- What they were doing to try to prevent - what the releases were, the impacts was the important part. That was what needed to be communicated, that was what was in the Situation Reports. 30

Could the witness see RD281? This is an e-mail that you sent at 6.23 a.m. on Monday, the 10th of January 2011?-- Yes.

You said, under the heading "Wivenhoe Dam", in the third paragraph, "The objective for dam operations will be to minimise the impact of urban flooding."?-- Yes.

Could the witness see page 291. This is at 6.30 a.m. on the 10th of January and was the Situation Report as at 6 p.m.; is that correct?-- Yes. 40

Again, under the heading "Wivenhoe Dam", in the third paragraph it said that, "The objective for dam operations will be to minimise the impact of urban flooding in areas downstream."?-- Yes.

Is that correct?-- Yes. 50

You were being told, and you were telling other people, that the objective for dam operations would be to minimise the impact of urban flooding, weren't you?-- Yes.

Could you look then at page 319. It should be an e-mail from Mr Spiller. This is the e-mail in which Mr Spiller asked you, "Are you now operating under release strategy W2 or W3," is that correct?-- Yes.

That followed the 6.23 and the 6.30 a.m. e-mails from you?-- Yes.

Then at page 321 your response was "W2"?-- Yes.

In order to give this answer "W2", didn't you have to know what the objectives were of the strategy?-- As I have answered before, it was what I probably thought at the time; that W strategies were not - as I said, in a lot of Situation Reports - the Situation Reports were really operational and that was at the forefront and certainly that was what provided the information that was really needed.

10

You didn't just make up this answer "W2", did you?-- I am saying it was what I no doubt thought at the time. If there was an e-mail saying 2 or 3, I put back that it was W2 and I probably assumed that's what it was at the time.

Is it the case that you must have gone through a process of reasoning to arrive at that answer?-- I'm not saying I went through a process, I am saying that's what I thought it probably would have been at the time. As I keep saying, W2 or 3 doesn't provide a lot of information to many people. The Situation Reports were the real information that was at the forefront-----

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There must have been a reason why you thought W2 was the strategy in place?-- I thought it was at the time. I probably hadn't seen anything in detail because there was not a lot of comments on those strategies in the reports and I certainly never would have thought of anything different. It would have just been what I thought at the time.

30

When you sent that e-mail, you were aware that under the W1 strategy, the primary objective is minimising disruption to downstream rural life, weren't you?-- I would have been aware of the general objective of W1, yes.

You were aware that achieving that objective also involved avoiding inundation of rural bridges?-- I'm sure I would have - I understood the rural bridges' impacts.

40

You are aware that the rural bridges had now been inundated?-- Yes, I am pretty sure at 6 a.m. all those bridges were out if those e-mails were on that line.

You were aware that the objective of the releases was now being changed to avoiding urban inundation?-- No, what I am saying is that the Situation Report said that that is - minimising urban - at that time in the morning, minimising inundation was what the Situation Report said was the objective.

50

Yes. So in other words, the objective had moved on from avoiding the inundation of rural bridges to avoiding urban inundation?-- I assume it had somewhere along the line, looking back on all of those, yes.

So you knew that the strategy could no longer be W1?-- As I said, at the time I would have assumed that it was W2. That was what was at the top of my mind when a - a simple question of two or three and that's what I sent back, yes.

I am suggesting to you that your process of reasoning must have been that the objective had moved on from the objective under W1 to the objective under W2 and that's why you gave the answer W2?-- I cannot comment on what my process was. As I said, there was a lot of e-mails, a lot of things happening early in the morning. When asked whether it was 2 or 3, I assumed at the time - to the best of my knowledge, I just probably would have said I thought it was W2. And as I said a lot of times, the - those W strategies were not at the forefront, it was always the Situation Reports had gone out, this is what's happening and, yeah, that was the situation at the time.

10

If you had been told by any flood operations engineer that the strategy was W3, then you would have told that to Mr Spiller, wouldn't you?-- I would assume at the time that I had been told or remembered or it was W3, I would have. All I can think at the time is that was what came to my mind when he asked and again going back, those strategies weren't the primary strategies, it was really the release, the volumes that was of real concern that was being passed on.

20

If in your discussions with the flood operation engineers you had been told something that was inconsistent with being in W2, then you wouldn't have told Mr Spiller that you were in W2, would you?-- I can't say. If I had thought it was not W2 at the time, I am sure I would have said something different but at the time I obviously said it was W2.

30

Did you become aware in January 2011 that Michael O'Brien had raised a question as to whether flood operations engineers had been too slow to react on Saturday, the 8th and Sunday, the 9th of January?-- Certainly there were articles and information around that there had been - I am not sure of submissions or anything but certainly there were newspaper articles.

40

Yes, so the story was then taken up by the Australian; is that correct?-- I believe so, yes.

I suggest that it must have been a sensitive issue for Seqwater?-- Certainly there were replies processed through Seqwater answering lots of queries and answer - yeah, I just can't say there was concern but there certainly was e-mails I guess or reports trying to answer any queries that were raised, if they thought they were relevant.

50

I suggest that you thought that W2 had been engaged on that morning of the 10th January 2011?-- As I said, at the time from that e-mail I obviously thought at that moment W2 was my answer to Dan when he sent an e-mail asking it.

And in the discussions, whether by e-mail or otherwise, about when particular strategies had been engaged, did you raise any question of your understanding that W2 was in place on the morning of the 10th of January?-- I have to be honest, I may not even have remembered that e-mail to Dan. It was one of hundreds. There was lots of situation reports. I certainly thought of it at the time but I would not necessarily have thought of it seriously again. I mean, the same as there's hundreds of e-mails asking questions on flows or volumes or releases and I don't think I would have checked to see if - like, if the bridges were out, whether I was right or wrong or whether they went out later or earlier, so, no.

Well, you may not remember the e-mail to Mr Spiller but you would have remembered your understanding of what strategy was in place on that Monday morning, wouldn't you?-- As I keep saying, the strategy - the W strategies were not forefront. Within those strategies you could be anywhere in terms of lots of places in terms of releases, impacts, flows, volumes, going up or down in releases, impacts on bridges. That understanding was - would have been secondary to what was happening. But certainly the releases and flows and volumes were the whole concept of what was happening operationally and important to councils and people and what was coming out.

Now, as the dams operations manager for Seqwater were you involved in preparing the March report?-- As I said, there was meetings I've attended in terms of the original structure, although that probably adjusted, some workshops with the - where the - independent review panel, but the bulk of the report was really generated from all the information from the flood centre, and I certainly can't remember any comments I made but I certainly remember commenting on some of the TSRs, which was my part of the role during the flood event.

Have you read it?-- I've certainly looked through it. It's a - I haven't gone through every appendix because there's certainly huge amounts of data there but I've certainly scanned through it.

So you're the dams operations manager for Seqwater but you've only scanned through the March report, is that what you're saying?-- I've certainly read through lots of it but I haven't gone through every table or every detail or all of the appendices in detail. There's lots and lots of appendices and model runs that I certainly haven't reviewed or checked or had any involvement in.

Well, do you remember seeing in the report the statement that W3 was engaged at 8 a.m. on Saturday, the 8th of January 2011?-- As I said, what was in the report came from the flood centre and all the records I - what I said in terms of W2 or 3 was offered - what I thought at the moment. I would not have thought of whether - even if I'd remembered e-mails, whether even in some of the situational reports, whether they were all right or not, I certainly wouldn't have remembered that e-mail and thought if there was any - any numbers or differences.

Well, when you scanned the March report did you see that statement?-- I can't remember reviewing that and I certainly wouldn't remember any individual e-mails or comments. As I said, there's a lot of situational reports and TSRs and e-mails that I added but I certainly - even looking through them now, whether the bridges went out exactly when I commented or whatever they - they happened, so I certainly didn't review or double-check.

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Are you aware now that the March report asserts that W3 was engaged at 8 a.m. on Saturday, the 8th of January 2011?-- I'm aware of the report and all the timings in it. I can certainly look it up and check it.

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And when did you become aware of that?-- Probably recently. As I said, the whole report covers a whole schedule of all the actions and - yeah, the whole - the report's there.

What did you mean by "probably recently"?-- I can't remember the last time I went through it in detail but certainly the - the whole impact and all the issues, all the report's there, I haven't read it in detail lately, but I certainly know that there is a chronology in there.

20

Did you read it in detail at around the time it was published?-- I would have read the bits that related to me that I could offer comments on. Certainly, as I said, the TSRs were the ones, not the detailed modelling or actions or the whole - whatever happened through the event, that was the whole point of preparing the report.

30

So as the dams operations manager for Seqwater you weren't interested in finding out what strategies have been engaged at particular times to see whether there had been compliance with the manual?-- That was the whole point of the report and reviews and independent - I certainly wasn't reviewing documents or going back through all the e-mails or all the situation reports. As I said, the strategies, the releases were the primary concern through the whole event.

40

All right, but after the event, as the dams operations manager for Seqwater, weren't you interested in whether the manual had been complied with?-- And that was all part of the review and the report and certainly was done corporately through the whole organisation so that was the point of the report for us all there.

Well, did you read the parts of the report that related to the question of whether there had been compliance with the manual?-- I would have looked at the report and gone through. I would not have gone back through all my e-mails. I did not double-check any e-mails I sent or comments.

50

I'm not asking you about e-mails you sent or comments, I'm just asking you at the moment whether - around the time the report was released, whether you were aware that it asserted the W3 strategy was engaged at about 8 a.m. on Saturday, the 8th of January?-- I would not have probably picked up all

those details. As I said, what was in the report is based on the report, the logs, the flood centre information and that's what it was. I would not have gone through and picked up numbers or details or the models or the flows that were predicted at the time, whether that was what I said or in the situation reports, no.

1

So I take it from what you say that despite being of the view on the morning of the 10th of January 2011 that the strategy engaged was W2, you weren't aware of any inconsistency in the report with that view?-- As I say, at the time that's what I would have thought. That didn't mean it was right. There's a lot of e-mails and volumes and flows that I would have sent off, and again they were to the best of the knowledge at the time. I certainly wouldn't have remembered sending all of those off or what they said or consistencies.

10

When you sent that e-mail to Mr Spiller you thought the information you were giving him was correct, weren't you?-- As I said, at the time I would have thought W2 just because that's what I thought at the time. I keep saying that those strategies were not at the forefront, certainly weren't overly considered, it was more the volumes that had already been passed on and that was more just a comment, what I thought at the time.

20

All right. Now, is one of your duties as the dams operations manager for Seqwater managing staff allocations to dams?-- During normal times, yes. During flood events usually our coordinators liaise with the flood centre to make sure there were dam operators on 24-hours a day.

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Well, do you know, or do you know of, a gate operator named Agg Dagan?-- Yes.

And he was one of the gate operators for Somerset Dam during the flood event, wasn't he?-- Yes.

You may be aware that the Commission's obtained and circulated statements from a number of gate operators but there doesn't appear to be a statement for - from Agg Dagan?-- Dagan. Yeah, I'm sorry, I can't help.

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Do you know whether that's correct?-- He is on long service leave or he was for about nine months, I believe, so I honestly can't say why there's no statement or what happened there, I'm sorry.

All right. So he's on long service leave for about nine months?-- I'm just saying that's what he was. I'm not sure whether that was why there was no statement or what the situation was with Agg or Anthony Dagan.

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All right?-- All I know is there was a period of time he had taken off, whether that complicated I can't say, I have no idea.

Do you recall when he started his long leave?-- I don't know. I'm sure our HR people can advise.

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Do you if he is still employed by Seqwater?-- Yes.

And is he back at work?-- He came back for a month or so to fill in when someone was away so we still had a sufficient number of operators but I think he may be away again now.

Do you know for what reason he's away now?-- I think he's continuing his long service but I wouldn't want to put words in his mouth, it's his leave, but I believe that's what it was.

10

So do you know whether it's the case that since the flood event he's been away from work at Seqwater for all periods except perhaps about a month?-- I cannot remember exactly. I do know sometime early last year was when he started his long service but I couldn't say when or how long he's been away. I know he came back for about a month and has gone again but I'd have to check the details of when he actually left or what dates and how long he's been away.

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Do you know how he can be contacted?-- If you contact, I'm sure, Seqwater, our HR people would go through the right channels. I mean, he is on leave and I wouldn't - I'm sure there's a contact number our HR department can provide.

Yes, thank you, I have nothing further.

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COMMISSIONER: Mr Murdoch.

MR MURDOCH: Mr Drury, "Murdoch" is my name. I'm counsel for the Mid-Brisbane River Irrigators Association. In your statement provided on the 6th of May last year, and that's Exhibit 430, you described yourself as the dam operations manager for Seqwater?-- Yes.

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And you were at the time of the January 2011 flood event in that role?-- Yes.

And you describe the various parts of your role in paragraph 3 of your statement, and in 3(c) you said that your role included co-ordinating and reporting on Seqwater's compliance and regulatory requirements relating to the abovementioned assets, and the assets, of course, include Wivenhoe Dam?-- Yes.

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So that - are you the regulatory compliance officer in relation to those assets as you describe them?-- No, we do have in Seqwater more compliance groups because there's a lot of compliance with water quality, treatment plants. My role is ensuring that inspections are carried out for dam safety, the resource operating plan, reporting requirements, annual inspections, five yearly inspections. There's a whole series of regulatory requirements relating to the assets and the use

of and release of water from them.

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You would have a sharp appreciation, though, that where there are written manuals, procedures, requirements in the organisation that there's an expectation that there would be compliance?-- Yes.

And so far as the flood manual is concerned, you'd have an expectation that there would be compliance with it?-- I would assume - I mean, all the compliance activities are managed through our compliance section and certainly I'm sure we aim for compliance with all our activities.

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But you in your senior managerial role know the importance of compliance, don't you?-- I think everyone realises there's importance with compliance.

So that so far as the much W strategies, as you call them, are concerned, you realise that they have a very important part to play in regulating the operation of the Wivenhoe Dam during a flood event, don't you?-- I think the whole manual has a certain role or an important role in the operations through the event, obviously, and that includes the whole of the manual, yes.

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COMMISSIONER: Were you aware, Mr Drury, that compliance with the manual was a thing that protected the operators from liability?-- I knew of the wording in the manual in regards to the compliance and I can't say I fully understand the legal operation of that but there certainly was a line in there in terms of - which I guess I always understood that as long as you complied with the way it was to be operated and there was a legal coverage. I can't say I understand the legal way it works or what the wording originally was or how it came about historically because it's been there for quite a while but there certainly was.

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Did you see that as something you had to worry about or did you think it was for others to be concerned with? What was your perspective of it?-- I would have thought that's more of a legal compliance issue. Certainly wouldn't have thought of it as a day-to-day operational compliance, it was a - more a very overarching compliance for a legal perspective in terms of the organisation of how if it was going to operate dams and make releases there was something in the manual about that, and I cannot remember where it came about or how it started up but I'm sure there's some history of how that compliance thing came into the manual.

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Thank you.

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MR MURDOCH: You had, I take it, read the manual of operation - operational procedures for flood mitigation at Wivenhoe Dam on a number of occasions prior to the January 2011 event?-- I've, certainly, yes, looked at it several times. Again during - not so much operational during event but certainly knew generally what the manual - what was in the manual. It has been reviewed over the years, but, yes.

And it's the case, is it not, that since the January 2011 flood event that you've been actively involved in communicating the changes which have been made to the manual?-- I'm sorry, communicating the review - the short-term review of the manual?

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That's right, yes?-- Um-----

You've had a key role in communicating the nature of the changes and the significance of the changes, haven't you?-- The review of the manual certainly occurred through the flood centre and Seqwater and it was then printed off and certainly there's a control process where those copies of the manual are delivered to people and signed off so there is a control copy of where they go and how they are distributed so I had - may have had some role with that. It's normally through our administrative group that does the control copies of the new versions of the manual.

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Do you remember that on Thursday, the 10th of November last year, you went to a meeting at the Zano's quarry boardroom on the Brisbane Valley Highway at Fernvale?-- This was 2011?

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Yes?-- Yes.

And do you remember that you went there for the purpose of meeting with executive members of the Mid-Brisbane River Irrigators group?-- Yes, I believe it was myself and Jim Pruss and a couple of other people. I can't remember exactly how many of us were there but there was about six people in all, or eight.

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And do you remember that the purpose of the meeting was to enable you to explain to the group the changes to the manual?-- We certainly discussed that. We also discussed some of the 2011 January event. I believe we also discussed some communications, what was required - what Mid-Brisbane - was happening in terms of communication, so there were a few things discussed, as I recall.

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But didn't you give a 30-minute presentation to the group of the changes to the manual?-- There would have been some comments because I remember the meeting was to discuss the changes, so certainly there was discussions. I can't remember there was a PowerPoint presentation or - I thought - I can remember sketches on the whiteboard and certainly a quick summary of what the change was, yes.

But, Mr Drury, you were the presenter, weren't you?-- I was - yes, we were requested to come out and I certainly came out. At the time I think Jim Pruss and I thought we would be the best people to come out and talk at that level, as an executive general manager and myself to talk to the Mid-Brisbane irrigators. I'm not sure whether anyone else was asked or - I think there was a discussion with the dam regulator too, I think came out one day to discuss with Mid-Brisbane irrigators to-----

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Putting all of that aside, I'm just asking about this particular occasion where you went out there and you gave a 30-minute presentation to inform the group of the changes to the manual. That was you, wasn't it? You were the presenter-----?-- I can't say it was 30 minutes but I certainly gave a discussion which I believe I got off a general summary that we had for the manual that I would have run through, so, yes, we were requested to come out, I thought, by the irrigators to discuss it.

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You knew when you went that the irrigators are very forceful advocates in relation to the manual and changes to the manual. You knew that in advance, didn't you?-- Certainly - we've had quite a lot of communication so I certainly knew the Mid-Brisbane irrigators certainly were interested and we have had further communications and with the Wivenhoe Dam optimisation study there's been some discussions. There will be further consultation with the Mid-Brisbane irrigators that I believe will happen as part of that optimisation study.

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Sir, you knew when you went there that it wasn't a meeting where you could go and give a high-level generic presentation because you knew the group were interested in the finer detail of the procedures under the manual. You knew that when you went, didn't you?-- We knew we were requested to give a summary of what changes were happening in that short-term manual. Yes, I think that was what the request was, just to get an update of the manual of what had happened, and also I believe to discuss communications, how there can be further involvement in the studies that are happening, so I think all those items were discussed.

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In any event, you were comfortable in going to that meeting that you had sufficient depth and breadth of knowledge on the manual to be able to handle the meeting with that group?-- I have to be honest, I did have a summary that I was given and we've used at other places and I'm sure there's quite a few of us who could have done it, but, yes, we did it. It wasn't a case that we were the experts but certainly we knew enough to be able to use the generic presentation of whatever information we had, and this again was a change in the review of the manual which didn't necessarily change a huge amount in terms of the basis of it but certainly did rewrite and improve and clarify and those changes were the ones that were probably discussed.

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And, Mr Drury, just to finish off in relation to the meeting, after your presentation there was then a 35-minute question and answer session, wasn't there?-- Yes, certainly discussed things after that.

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And you handled the question and answer session?-- I think at the time there was Jim Pruss, myself, could have been a couple of other people from Seqwater, so we would have all answered questions.

All would have answered questions, all right?-- I don't - haven't seen minutes of the comments but I'm sure we all would

have answered questions if there was requests from the meeting and I'm sure we discussed communications, e-mails, SMS messages and quite a few other things.

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And you also discussed the strategies, the W levels, as you call them, under the manual?-- We certainly - I can't remember discussing them in detail but certainly in terms that what was still in the current review of the manual and I'm sure there was probably some comments on how they related to the original manual, they weren't necessarily a complete review, which - and I'm sure we would have covered that the new - for the Wivenhoe optimisation study that's underway we would have been looking at that whole case of the release strategies, improvements downstream, the whole range of possibilities of optimisation of Wivenhoe which may end up in resulting in a review of the manual, a long-term review.

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Well, certainly as at November 2011 you were in a position where you could comfortably address a meeting in relation to the detail of the operation of the manual of operation - operational procedures at Wivenhoe Dam during a flooding event?-- What we discussed at the time was the changes in the short-term review of the manual from the current manual. Certainly I wouldn't have had a problem running through that with the information we had or a lot of other information that - as I said, it was not going back to basics, it was what changes were to be made, where it had been improved in clarity, what happened to it, and also where we were heading in the future and what the optimisation study was going to look at.

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The level of knowledge that you exhibited at the meeting on the 10th of November 2011 was the same level of knowledge that you had of the manual at the time of the January 2011 flood event, wasn't it?-- What I had at the time was probably more information on the manual review, what had been changed, what was in it and what was in the original manual, what was in the new review, so probably no in that I did have a summary and a presentation on the changes and what had been looked at to review the manual and that was is the whole - real point of that discussion, was again what had been changed, what will happen in the future, what communications can occur, how can we improve that and involvement in the Wivenhoe Dam optimisation study I believe we discussed at the same time, so there could be involvement with the Mid-Brisbane irrigators at least being consulted or putting up some of their thoughts into that process as well.

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At the time of the January 2011 flood event you had a very good knowledge of the, as you describe them, W level strategies under the manual, didn't you?-- As I've said, I had a knowledge of the objectives of those strategies, certainly not intimate knowledge of the workings of the manual or the processes or the gate openings or how to utilise it, but, as we said, the W strategies objectives, there's only three, certainly knew the objectives.

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But you not only knew the objectives, you knew the
significance of moving from one level strategy to another,
didn't you?-- There's certainly a change in the objectives
but the change really relates again to what can happen under
those W strategies. There could be a whole range of flow
rates or bridges in and out or going up or down, and, as I've
said, that is the important thing and how we manage the result
- how we manage the flows, the releases under those W
strategies, and there could be a whole - as we've seen in all
the situation reports, there's a thousand different variations
of what could be happening or releasing.

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You knew though, didn't you, that there were trigger points under the manual?-- Certainly there would have been changes. There were trigger points to a lot of things and there were also changes in gate opening strategies that could be applied, so there's quite a few things under the manual but again I haven't got an intimate knowledge of how to utilise that or how to operate it, in terms of a flood engineer.

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Well, when you were asked the question by Mr Spiller, I'm taking you now to RD5321. We have the email from Dan Spiller from Monday the 10th of January at 8.13, "Are you now operating at release strategy W2 or W3?"-- Yes.

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Now, you told me a moment ago that you were not fully converse with the move from one strategy to another and what was to bring about that move, is that the substance of your answer?-- What I said was that I understand the objectives of each of the strategies. There's only three of them but to actually operate under the strategies and the manual as a flood engineer I'm certainly not qualified in. As I said before with that email, I would have thought at the time it was W2.

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We'll-----?-- Sorry. Go on.

-----come to that a little later on?-- Yes.

I just want to focus on your opinion as to your capacity January 2011 to express an opinion as to what strategy was prevailing at a particular time, do you understand that?-- Yes, I understand that.

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Did you have a capacity to form such an opinion?-- Looking at the situation reports, I would not have necessarily formed an opinion on those, apart from where it says what the objectives are. I certainly wouldn't like to think I'd just look at a situation report and be able to exactly figure out what strategy or how they're operating. Again, there's a whole range of what is happening in releases. Going backwards and trying to select a strategy I wouldn't have thought at the time or wouldn't have considered trying to do that. It's just not the focus at the time, nor would I necessarily say I could do that from what the releases were happening, exactly what strategy was in place, unless it was saying how it was working.

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Well, given that situation you were in a senior management position, weren't you, at the time?-- As I said, yes. I was a level 3 manager. Yes.

And you've told us that under the recently revised at that time communication protocols that were in live and during the flood event, that you had a particular role in the communication chain?-- As I've said, the particular role was to ensure there was some communication of the situation reports to the councils which provided an opportunity to make sure they knew what was happening and there wouldn't be a miscommunication to the public, as happened before, and those copies went to the Grid Manager for that purpose. So that was

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the role from the protocols. As I've said before, that's been redone and that role won't exist in future ones because it's been streamlined and improved but certainly that was the role to get that information to councils.

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That you had at the time?-- Yes.

But you also, it appears from the documentation that was traversed yesterday, that you had the critical role of communicating information to Mr Spiller, didn't you?-- As I said, the reason for the protocols-----

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No, I'm not interested in the reason. You had a critical role in communicating information to Mr Spiller?-- I had a role in getting the information that was under the protocols only for a certain purpose, to pass it on to the Water Grid Manager. So there was - that information was sent to them and also to show that it had been to the councils and there was a communication and that was what was coming out of the Flood Centre, was the role to fulfil the protocol requirements, yes.

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And you were aware, weren't you, that Mr Spiller communicated the information that he received from you to others?-- I saw some of those emails. As I said before, that may not have been always clear prior to the event where the protocols were saying it would all go or where the information would be distributed. Again, I believe the improvements are now that there's one line of communication, rather than one to another. As I said, where it went after that really was up to the Grid Manager but certainly, as I said, the protocols required getting that information to the councils and then to the Grid Manager so that public communication could happen.

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Mr Drury, just for the moment, you've told us at length about the protocols. I'm interested in what you knew during the flood event and one of the things you knew was that when you passed information to Mr Spiller, it didn't stop there because he sent it to others who had a real interest in the events, correct?-- Yes. I did see the emails that he was sending it on, yes.

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And you knew, for example, he communicated information received from you on to, for example, the Minister Stephen Robertson?-- I can't say I realised at the time it was going to the Minister but I certainly saw emails where he sent it on to other groups and not just that information but there was information on treatment plants, there was an emergency centre set up, I think, to the Grid Manager and a lot of other things as well. There was a lot of communications going out.

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Apart from the Minister you knew that information was sent to various elements in the Emergency Services of the State, didn't you?-- I saw it on his email. I can't say I noticed where it was going during the event. I certainly knew they had it and there were emails going out but I can't say I'd even gone through the emails and where it went or where they provide it to. As I said, part of the protocol was to get it to the Grid Manager, I guess. I explained the reasons for

that process before.

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Anyway, you were a key link in the chain of communications, I think we've established that?-- I've explained what the protocols.

Yes, you have?-- That was the link I was for the protocols and not - and even they explained that once you get to an emergency situation, it does change to setting up emergency systems and procedures and it was primarily designed for smaller events but - and as I said, the improvements have been to merge that protocol into the emergency management system.

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I think everyone understands that, Mr Drury?-- Yes.

But the inescapable fact is you were a link in the communication chain?-- Yes. I've agreed that the-----

All right?-- -----protocol link, I was part of that process, yes.

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And as a Senior Manager who had included in his role a compliance responsibility, you knew well at the time that you had a responsibility to communicate information that was accurate, didn't you?-- The responsibility at the time, as I said under the protocols, was all agreed that the situation reports would be passed on to the councils and that was the reason for those emails and to pass them on. It was not reviewing or checking or trying to change things. It was exactly as I've said, those situation reports were to be passed to the councils and the Grid Manager to show that tracking of information had occurred to reduce miscommunication to the public between various parties.

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So, Mr Drury, was it the situation that you were simply a conveyor belt, passing information from A to C. All you did was pass on information from others?-- There were some times where I would - out of comment I would ring Main Roads or there were a few other things but they were more operational but, in essence, it was passing that information on. In retrospect I probably could have got someone else to do it but it made sense with my role at the time to do that and I was involved in the protocols and the setting them up and how they were going to operate and hence I did that but it was passing information straight through.

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All right?-- Not trying to interpret-----

Sorry?-- Sorry. The flows or when bridges were going out, so much as really trying to get that information out and I keep going back to the reason it was set up and what it was for.

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Well, we've established two things in that last answer. Your role was to pass information through and it wasn't to interpret?-- Apart from some summaries where I might have put summaries at the beginning just to clarify what was happening but I wasn't changing situation reports or trying to readjust or interpret. It was really trying to get the information -

the situation reports on what was happening, that was the releases, how it was going and it had to be passed through to the councils and I admit it was a bit of a duplication because they were already getting it but it was set up for a different type of event prior to that, so it certainly stayed with that system of passing the information on.

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All right. Well, I think you've explained that to us many times before?-- Yes.

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So given what you've just told us, when you were asked whether you were now operating under release strategy W2 or W3, consistent with what you've described as your role, you would have endeavoured to get the answer from someone else and simply communicate that answer through to the questioner, wouldn't you?-- As I've said before, I answered that question to Dan Spiller. It was probably extra information. The situation reports were the main thing. If he'd asked I would have just said what I thought at the time. As I keep saying, the W strategies were not front of mind. They were really - the release strategies, what was happening was the information that had to be passed out. The rest wasn't-----

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Mr Drury, the very fact that the release strategies were front of your mind would seem to compel the view that you weren't in a position to answer the question, were you?-- The release strategies were front of mind. The objective strategies, considering they certainly have the same objective wasn't an operational necessity at the time. As I keep going back, the release strategies were but the W strategies certainly was not in the situation reports, certainly not front of mind and I would have answered what I thought at the time, as I've said before.

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COMMISSIONER: Mr Drury, I have to say I really struggle with the idea that you would just answer something as important as that off the top of your head, which strategy the dam was being operated in, without either having been told by a flood engineer or checking it with a flood engineer?-- And I think it's in retrospect looking at it because at the time, in real honesty, the operation was the important thing. The W strategies were just not front of mind. I mean, in respect, 2 and 3 are close. It doesn't tell you what flow is coming out, what was happening and it's really an over-arching objective and it really was what was happening at the time with W's just - I know looking back you can say they're important things in the manual but during an event they are not the things that are operating and happening. It just really wasn't front of mind at that time.

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But it sits oddly-----?-- I can only say - sorry.

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Well, I don't want to cut you off, if you want to say something else?-- No, I was just saying that's all I can think at the time I would have just thought that. Going back you think yes, it is, but really during an event all the situation reports, the flows coming and going, where are we going is what's setting the actions and responses, the

over-arching strategy was just somewhere that there was - the strategy was minimising urban inundation and I - yes. I can only say during the event that's what I was thinking.

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It sits oddly with what you said to Mr Murdoch before that you didn't interpret information, you just passed it on. This is the ultimate act of interpretation to say what strategy the dam was being operated in, wasn't it?-- It may have been that was what - the last I thought or considered and interpreting - and I don't think I would have thought at the time it was the ultimate strategy. It was a-----

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I didn't say it was the ultimate strategy?-- No.

The ultimate act of interpretation to say this is the strategy under which the dam is running?-- But there could have been other times. I'm sure people - Dan or anyone could have asked me what the flow rate is or did the bridge go out and I would have answered on the best of what I knew was happening without double-checking and I'm sure that was and I think at the time the importance of a bridge being out was more important than the W strategies, and again I hardly explained then that it was just not something that would change the way you operate or do or respond or councils certainly, to be honest, telling a council whether 2 or 3 doesn't help bridges. It was really that operational thing, so I honestly just think at the time I just said it was W2. It might have been in my mind it was the last thing I thought of or heard and it certainly was - the priorities were really what was the information after - at that stage during the event, all the things happening with openings and bridges and closings, that was really the focus and was for quite a few days to come.

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MR MURDOCH: Mr Drury, you said a moment ago that it may have been that you said W2 because that was the last thing you'd heard?-- It's possible. I honestly cannot say through that event-----

Just stay with me?-- Sorry.

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It's possible. Because you see you were virtually totally reliant on getting information from the Flood Operations Centre, weren't you?-- Yes. Primarily through the Sitreps and obviously phone calls.

That's right?-- And what one of the Sitreps may have mentioned at some stage but there was very little in the Sitreps, in terms of-----

Yes?-- -----W strategies.

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We know that?-- Yes.

What I'm suggesting to you is that when you say - you mention W2 in the answer to Mr Spiller, it's possibly because it was the last thing you heard, if you'd heard it you'd have heard it from someone from the Flood Operations Centre, wouldn't you?-- As I said, I don't recall asking anyone or ringing,

there's nothing in the log and I cannot recall ringing or asking anyone about the W strategies just because it wasn't something I was in the frame of mind through that event. It may have been there was a number in a Sitrep once, whether that was it. I truly just cannot say. I cannot recall ringing anyone. I can't see a trap with that. It would have been a reply of what was in my mind at the time.

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By looking at the way you were operating and sourcing information at the time, it would seem to bring us back inevitably to you're getting that information that you used in the answer where you said W2 from the Flood Operations Centre?-- As I've said, I cannot recall ringing. I looked at the log, there's no - I just think I may have said it at the time, I can say no more than that and there are other cases where I can see I've shot off emails about bridges or what could have happened or where we were at the stage. I can't say I checked every single one of those either. I can only say what I remember and what I believe.

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When you say you didn't check each and every one of those, this was the first occasion during this event that anyone had queried you in relation to which one of the strategies under the manual was in use, correct?-- As far as I can recall, yes. Yes, I can't recall any others.

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Doesn't that also suggest that you'd have checked the answer before you sent it on to Spiller?-- As I've said before, the W strategies were not forefront - it might even have been less and I wouldn't say they're not important but at an operational level they were less relevant, in terms of day-to-day stuff of operations. I can't say any more than what I said at the time that I thought it was.

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But, Mr Drury-----?-- I can't-----

-----this was important because Mr Spiller had asked you, that made it important, didn't it?-- There were a lot of questions and a lot of emails, a lot of information passed that may all have been important. I'm not saying that was - in retrospect you look at W's and you say yes but, as I was saying, asking a question whether the bridge was going out or had to be closed was of extreme importance. Whether somewhere under the manual there's a W2 or 3, I have to be honest, as I've said, we just weren't in the frame of mind that that was forefront or whether the question W2 or 3 is any more relevant or important than is the bridge out or is Mt Crosby going under. I can only say exactly what I've said, that I answered what I thought at the time, I assume.

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Mr Drury, you know, don't you, that the engineers from the Flood Operations Centre say that they went to W3, 8 a.m. on the Saturday morning?-- And that, I assume, is in the report at exactly that time. If that's in the report, that's the report that is there.

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But what I want you to think about is this: two days later, two full days later, you said it was W2. You were two days

out of date, on their version, and you also got the level wrong because you know they say they never went to W2, don't you?-- If that's what was exactly in the report. What I'm saying is when I said W2 was what I thought at the time. I'm not saying I was right or wrong, it was just what I thought at the time. The report is what the report is and I said W2 at the time. There could be other emails where I said things where I thought-----

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Mr Drury, what I'm getting at is this: if they're right, you were two days out of date and you got the wrong level anyway, it must be the case, mustn't it?-- And what I'm saying is the level, the W strategy was very - less relevant at that time to all the releases and the volumes. It wasn't changing what councils were going to respond to or what they were doing or closing or opening bridges. This was going back 12 months to the middle of the event. That was, as I say, it was what I said at the time. The real impact and what we were worried about was the releases and the closes and not the W strategy.

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Look, can I ask you square, what do you say now? Do you say that when you replied to Spiller on January the 10th answering his question whether it was W2, do you say you gave him correct information or false information?-- All I can say is I gave him what I thought at the time. If it was incorrect, there might have been other cases where I said incorrect things but I thought at the time was all I could think. As I said, there's a lot of comments and emails happening through that event. The W2 is just what I thought at the time.

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You've said that numerous times but you've had ample opportunity, haven't you, to look at an abundance of material and I just want to know, as you sit here today, were you right or wrong in the answer that you gave on the 11th of January last year?-- So if the report and all the details and the history shows that what the levels were, if I was wrong, I was wrong. It was purely what I thought at the time and it was just based on - I'm not saying we weren't thinking of levels, it was just everything else was more important than that and if I was wrong with the level, there's probably other things I could have thought I was saying at the time.

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Mr Drury, you've used the word "if" a number of times, does that tell us that even now over a year later, you don't know whether your answer was right or wrong?-- Well, if the report has the details and the history and what exactly was happening and what I said was wrong, but all I'm saying is at the time I just said what was at the forefront of my mind. At the time I assume I thought that's what it was and I wasn't trying to mislead or say the wrong thing, I was just saying exactly what I thought at the time.

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COMMISSIONER: And you don't know now whether it was right or wrong seems to be the thrust of what you're saying?-- Well, I assume it was wrong. If all the history and the details are chronological, the report says what it says. If it was not that at the time, my assumption, as I said, could have been based on what I thought at the time and I was wrong. It's as

simple as that. Again, me saying that, I didn't mean to be wrong at the time and I certainly probably didn't intend to be but if the documents show that it was not right, I was wrong. 1

MR MURDOCH: But, Mr Drury-----?-- And I keep saying, even when - if I was wrong or I was wrong then it was purely I thought at the time that's what it was.

But, Mr Drury, as a senior professional, if you were wrong in that it's a humiliating error, isn't it?-- What I was saying at the time and I've reiterated, the W strategies were not a priority for operation in the field. Me saying the wrong W strategy was purely on the top of my head what I thought at the time. The strategies, the releases, the Sitreps were all the important things. There certainly wasn't comments on W strategies those because they were not at the time a priority, nor a necessity to think about every minute of the day. They were not a priority and I go back that that was not - there's a lot of things that might have been happening that I wouldn't have been right on or knew about. It's easy to go back now and see the strategies are extremely important but those W strategies at the time, when I said W2 and I thought it was right and it was wrong, is not affecting the releases or the information or what people were actually doing subsequently. 10

When you say it was on the forefront of your mind, the W2, that suggests that you'd had information from someone-----?-- No, I'm not saying it was- I'm saying the strategies were not at the forefront. 20

I see?-- All I'm saying is that if I was asked, the first thing that would have come to mind is what I answered. 30

Is that the way you operate as a professional engineer, just the first thing that comes to your mind?-- I wasn't saying it was a guess. I was saying the first thing that I thought was happening and I keep reiterating the important information was the hundreds of emails, the situation reports, the information that was provided. It was useful, it went to the people it went to, the protocols were fulfilled, that was a comment that right or wrong was just what I thought at the time and----- 40

Yes?-- -----there are hundreds of other emails in the thousands of information that certainly aided in the situation.

Would you go, please, to RD5327. Now, you can see that a little over an hour after you advised Mr Spiller that the strategy was W2, that Mr Spiller sent an email to various persons, including the Minister Stephen Robertson and included in it, in the third dot points, as one of the key points, was a reference to release strategy W2. Do you see that?-- Yes. 50

Now, you were copied in with that email, weren't you?-- Yes.

Look, when you saw that that email had gone to many persons, including the Minister and various personnel involved in Police and Emergency Services, did it occur to you, gee, that

was an answer I gave off the top of me head, I better double check that with the boys in the Operations Centre?-- As I've said before, (a) picking up on that, what I sent to Dan Spiller and was passed on, I'm not going to say I went through everything that was sent on. I think if you go down, there's water treatment, key points, there's a whole series of stuff. If I did read it, I doubt if I would have picked up - as I said, if I said off the top of my head, and I know that's a bad term but if that's what I thought then I advised that, again the strategy doesn't affect what people respond to or what they - result. There's a whole range of issues and releases, it can be under any of those strategies. So again I keep going back, the important part is the releases, 2,000 cumecs, how it relates to the dams and volumes and that would be the information that's most valuable to anybody. Again if I read that and checked it, I can't say I checked everything that went out past - that I wasn't sending.

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Isn't truth and accuracy important?-- Certainly as accurately as you can be and the important information that I believe is still accurate is in there and as I said at the time, I wouldn't have necessarily reviewed or commented on what went out from the Grid Manager, in terms of information.

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Mr Drury, is it the case that your W2 answer to Spiller was based upon information that you received from someone in the Flood Operations Centre and that you are now covering up for someone? Is that the case?-- All I can say is that on that - not that I can remember the e-mail but my memory is that I sent back to Dan what I thought at the moment. I cannot recall ringing or talking to anyone and it's not in logs that I looked at and certainly wasn't in the Sitreps that there was any difference, it certainly wasn't highlighted. I can only say what I did and I think at the time, I just sent that back to what I thought. That is absolutely.

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Sir, your CV suggests that you've had a distinguished career and that you were one of the senior persons in the nation when it comes to the operation of dams. That's correct, isn't it?-- I wouldn't necessarily say a senior person. I mean, certainly I have been involved in the operations and I would like to think that I have had experience, in a range of things like water treatment as well. So it hasn't just been all dams for me.

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You have had a long and distinguished career in your profession specialising in dam operations?-- Recently specialising in dams, yes.

Given that very good professional reputation, the best explanation you can give for providing the information W2 is that it was something that just came to you?-- As I said, a lot of times, the information - the real relevance - and there's thousands of pieces of information, hundreds and hundreds of e-mails, and communications was the information from the situation reports and certainly those - the W strategies were not at the forefront of anyone's mind or certainly not in the Situation Report. So as I said, it was just a query, I answered it at the time what I thought I assumed and again, it's - I keep reiterating that those thousands of releases and volumes was what the priority was at the time and what everyone's mind was at.

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Taking a very practical view of what happened and your explanations, is it most likely that someone provided you with the information that it was W2 but you don't know now remember who that someone was?-- I can only tell you exactly what I have said, what I remember, what I believe in that I sent that back based on what I know. I cannot recall asking, I can't see an e-mail or a phone call that I did. I can only say exactly what I have said before.

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At the time that you sent the response to Mr Spiller advising him that it was W2, can you just remind me where you were?-- I believe I was in Margaret Street at a computer.

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Now, Margaret Street. When you say Margaret Street, in the-----?-- Seqwater office.

In the same building as the Flood Operations Centre?-- No, they were in the SunWater building in Turbot Street. Yeah, I think it's Turbot Street.

In terms of the ability to telephone them, there was some nine and a half minutes between the request coming to you and your response to Mr Spiller. It allows the possibility that you simply phoned them and asked what the strategy was, doesn't it?-- As I have said before, all I can say is exactly the same; that I sent the e-mail back, what I thought at the time, and I don't remember calling, I see no record of that. I cannot not say - that again, that's exactly what I remember and I know.

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But you did communicate with the Flood Operations Centre during the January 2011 event by telephone on some occasions, didn't you?-- Yes.

And that was you phoning them and them phoning you?-- Yep.

Or was it always you phoning them?-- It was both.

Both, okay. So by phone, by e-mail as well?-- Yes.

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Just in relation to your broader communication role, you have said that it was part of your responsibility to communicate the likelihood of inundation to various parts of South-east Queensland. Is that an accurate summary of what you have said?-- No, I think what I have said is that the Situation Reports, if they said that, that was what I passed on and some of those reports, you can see where they mention inundation. What - it was just passing those reports on, yes.

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So that again, you didn't interpret data, you simply passed on reports?-- As little as possible. There was a couple of - where I have pulled some words out to the top of the Situation Report, might have been some times when I was asked questions and I replied based on what I knew, but 99 per cent was all the Situation Reports passed on. Sometimes there was some bits I pulled up into the top of the report just to clarify it but it was all based on the Situation Report, or if there was any other advice that I had, but-----

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In relation to those who might have the view that warnings of inundation were inadequate, I take it from your answer you would say, "Well, I passed on from what I got from the Flood Operations Centre."?-- Yes-----

"I'm not responsible for the warnings that were given."?-- All those - as far as I know, all those Situation Reports from the Flood Centre went directly to the councils as well as the Technical Situation Report. So that all would have gone, as I recall, to each council.

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But that really brings us back to the fact that you were simply a conveyor belt passing on reports and information that came to you from the flood control centre operators?-- In a lot of respects, as I keep going to, the protocol is what - that's what it required or what's requested. In the last short event I sent no Technical Situation Reports. The protocol now has all the Sitreps from the councils, based on

some recommendations, that they go straight to everybody. So in that last recent event there were no Situation Reports coming out from me, so in that respect the protocol was why I was passing on that information and, yes, it was moving information around.

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During the January 2011 flood event, you know that the Wivenhoe Dam went to W4 release strategy, don't you?-- Yes.

When it went to W4, were you informed of that?-- I do recall - I can't remember exactly how but, yes. I do recall, yes, that it went to W4 but I can't recall exactly which communication it was.

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Who communicated that to you?-- I honestly can't remember. I think it would either be the Flood Centre. I know they also contacted CEOs direct. I think that's part of the responsibility, so I would have to go through the documents to see when and where.

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When it was communicated to you that they were going to W4, did you have the responsibility of communicating that to other agencies?-- No, I believe at that time it was going straight to the CEO and straight from the Flood Centre out to councils as well, information. Again, the role was really to put those Situation Reports out rather than being involved too much in the emergency process.

So by the time it went to W4 you say that you, to a significant extent, had been bypassed as a communication medium?-- A little bit but there were still reports going out, keep still sending out reports and going through, but certainly not in terms of an emergency management procedure I guess is the process, I am not sure.

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You were advised when they went to W4. Were you advised when they went to W3?-- As I said, the Situation Reports are all there and again, they really didn't concentrate on those. I can't say they were at the forefront of any of those reports, whether 2 and 3, same objective, but that's all I can say. I mean, they were not in those Situation Reports or forefront.

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When did you first become aware that the answer that you gave to Mr Spiller, the W2 answer on the 11th of January, was not consistent with the version of events coming from the Flood Operations Centre?-- I believe it was probably - I mean, that came out in the media or there was a report. I certainly wouldn't have thought anything about e-mails or things. So I can only say that's about when. It would have been recently.

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So until recently you have had no occasion to think that you had given anything but an accurate answer?-- I hadn't gone back through e-mails. As I said, there could be other times where I have given inaccurate answers, or volumes, or flows, or what I thought might have happened at that time, so certainly had not really thought that I had sent anything out that was wrong at the time. I just don't think I remember those e-mails or, as I was saying, through the event and from

that day to this there's a huge amount of e-mails, reports and certainly hadn't thought back to those, any one e-mail.

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So far as the March report goes - you know what I am talking about, don't you?-- Yes.

You received the March report?-- Yes.

I take it you read that part of it which chronicles the events during the flood events of January 2011?-- I certainly would have gone through a lot of the report. I can't remember the details of every part. Certainly I know, as I have said before, the Technical Situation Report part. I can certainly remember commenting on those. Going through every detail again, I could add very little to whatever was - came straight out of the centre in terms of history and what happened, the flows, the volumes, the chronological - but I had the report.

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Even when you went through the report there was no "oh dear" moment when you realised that information you had given out to Spiller on the 11th of January was inconsistent with the report?-- Absolutely not and I have to be honest, I wouldn't have even remembered that e-mail or the thousands of other e-mails and as I said, all those Situation Reports, whether anything I sent out may not have been a hundred per cent, if there was a timing I said wrong or a bridge. Certainly never remembered the e-mail. Again, I am not saying it was just cursory but it was just one of a thousand e-mails during an event and if I had sent it, I sent it but I certainly didn't - didn't even think that there was an e-mail or other things. As I said, there were so many of them. So, no, I didn't.

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I will get you, if I may, to look at RD51677. It's part of Exhibit 430. It's the document Flood Control Centre Event Log. Mr Drury, do you have that?-- Sorry, not yet, no. Yes.

On the very first page do you see there that title "Flood Control Centre Event Log"?-- Yes.

Did you give the document that title?-- I don't know what that document is or I doubt if I would have given that - in the Flood Operations Centre, no, I don't recall whether I did that. I don't know why I would have. Or what the document is. And I certainly don't recall doing event logs because I didn't work in the Flood Centre, so I don't know why I would ever have done that unless it was 13 years ago but I don't recall ever doing an event like that.

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Alright-----?-- I am sorry, all I can see is agencies, Flood Control Centre Event Log. Yeah, no, I can see it now. No, I can only assume that's a Flood Control Centre document.

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So far as this document's concerned, and please just have a look at it, are you saying-----

COMMISSIONER: I am sorry Mr Murdoch, it might be fairer if Mr Drury had a hard copy of it because it is quite difficult to look at on the screen. So I don't know whether we can

assemble one for him.

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WITNESS: It's just eight lines, is it?

COMMISSIONER: I think counsel assisting have run out of staff.

MR MURDOCH: To save time I am happy to hand mine up.

COMMISSIONER: Well, that will be a help, thank you. Make sure you are get it back because we may run out of them.

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WITNESS: Oh, I am sorry, I only had the table at the top, so I can't see. Yes, I know what you mean now, sorry.

MR MURDOCH: Can you perhaps summarise what role if any you had in the production of this document?-- I had no role. I mean, that's a huge document of actions. As I said, I never worked in the Flood Centre. I certainly didn't create documents like that and if it's - as I said, when I was in any event Flood Centre, if we are talking about the 15th, I was there for two hours. I mean, I just don't create - I'd doubt if I could put together a spreadsheet like that. It's just a huge document of event. I certainly didn't work in the Flood Centre or create documents like that.

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Have you ever seen that document?-- As I have said before, I saw that the other day when going through all the documents. There was another e-mail where I think it may have been attached but certainly I haven't - I don't recall going through it, or reviewing it, or checking it, or-----

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But did you have a part in its production?-- No.

No?-- No. As I said, I didn't work in the Flood Centre and that's - that's a huge Flood Centre document and I never worked there apart from going there for two hours to do that Ministerial briefing.

As part of preparing the documentation for the ministerial briefing, did you receive a document in this form?-- I don't recall. As I said, when I looked through e-mails there may have been one attached but I certainly didn't use it to prepare things, as I recall for the minister, which I have explained before. I did a lot of the front words, tables were added at the back, maybe some changes and things along the way and forwarded off to the Minister. Exactly as I said previously.

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In relation to this document, this so called Flood Control Centre Event Log, you deny any involvement with its preparation?-- Yes. I mean, it is - yeah, it's just a long event log. I don't even know what the file name is. "Procedure FLX" - yeah, as I said, I never worked in a centre or created event logs or track summaries. I'm more into letters and reports I am afraid, not spreadsheets.

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Thank you.

COMMISSIONER: We might take the morning break at this point.

THE COMMISSION ADJOURNED AT 11.19 A.M.

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THE COMMISSION RESUMED AT 11.42 A.M.

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ROBERT JOHN DRURY, CONTINUING:

COMMISSIONER: Yes, Miss Wilson.

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MS WILSON: Madam Commissioner, I was going to interpose Mr McDonald now but his counsel is not here so I don't think that that can occur so we-----

COMMISSIONER: All right.

MS WILSON: -----might just keep on progressing till that - he shows up.

COMMISSIONER: Until he is. Mr MacSporran?

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MR MacSPORRAN: I have nothing, thank you, Commissioner

COMMISSIONER: Thank you. Mr Sullivan?

MR SULLIVAN: I have no questions, thank you, Commissioner.

COMMISSIONER: Mr Burns?

MR BURNS: Nothing, thank you, Commissioner.

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COMMISSIONER: Mr Ambrose.

MR AMBROSE: Mr Drury, I act for Sunwater and Mr Ayre. You have given evidence about the matters that exercised your mind when you answered Mr Spiller's e-mail of what was the current strategy and you replied W2?-- Yes.

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And when you gave your evidence yesterday for the first time on this issue you were asked by Counsel Assisting, at 5485, "Where did you get that information from?" to which you replied, at line 50, "That would have been what I thought at the time." And learned counsel put to you, "So you made that up?" You said, "I didn't make it up, I assumed at the time that I just thought that was what we were still on, and to be honest it might have been from an earlier report or it may have been what I thought at the time." And you were asked, "What earlier report is that, Mr Drury?" And you said, "Well, looking back there was one that had W2 in it but all I can think-----" and then you were cut off. Now, we're talking at Monday the 10th at about 8 o'clock, aren't we?-- Yes.

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And if we look for what earlier report might have exercised your mind, if we assume, and I think we can, tell me, that you didn't just make it up?-- As I said, it's what I thought at the time.

Okay. So what we're trying to find, if you will bear with me, is what might have exercised your mind to come to that thought. Now, can I suggest to you that the first thing you might do would be to ask someone. That might be the first thing you would do?-- As I said, I don't recall asking or checking with them that-----

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I know, I know that?-- -----I'm not saying what I could do.

But it would be reasonable to think if you didn't know the answer you might ask someone and who would be the best person to ask than the flood engineers on duty for the current situation; you accept that?-- That could be possibility. I'm just saying what I did, yes.

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But we know, don't we, from the event log that has recorded your calls in that you made no call to the Flood Centre of Operations?-- I believe that's right. I looked at the log and I could not see a note that I called.

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And yet there are notes of each other phone call that you made?-- Yes.

So-----

COMMISSIONER: Well, sorry, Mr Ambrose. That assumes that's absolutely complete. I don't know that anybody has given evidence that every phone call was actually logged.

MR AMBROSE: That's true, it does assume that, you are quite right. There would be no point in ringing the flood engineer not on duty because they could only tell you, presumably, what was the situation when they were on shift?-- I - just if that's an assumption I'm saying there's a lot of people I could ring. I'm not saying what - who I rang or what-----

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No, I understand that?-- Yes.

What I'm trying to do is to find out what possibly might have exercised your mind to come to that thought and I'm going through all the possibilities?-- That's right, there's a lot, I agree, yes.

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Okay. Well, the first possibility is to ask a flood officer on duty but there is no record of you having done that?-- Yes.

You accept that?-- I can see no - on those log sheets, yes.

That's right, and you've got no record of having done it?-- That's correct.

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All right. So we go back to what you said in evidence, it might have been from an earlier report. So if we go to what was the earlier report. Now, the report that's earliest in time to that event about 8 o'clock on the Monday is situation report number 14. Could you be shown that, please? So if you have a look at the heading "Wivenhoe (Full Supply Level)", you

see that, "Wivenhoe Dam (Full Supply Level)? You see that paragraph?-- Yes.

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And if you were to go to the second page and the second paragraph, the objective will be to minimise the impact of urban flooding in areas downstream of the dam and at this stage releases will be kept below 3500 CUMECS. And the combined flows in the lower Brisbane will be limited to 4,000 CUMECS if possible. Now, if you refer to that situation report that sentence would have given you a clue, wouldn't it, that at that time, about 8 o'clock, you were operating in W2?-- Again I'm not sure what - whether I was thinking of that situation report. All I'm saying is, yes, if I had read other reports, the reason I thought we might have been W2 is because I'd seen it in a report or something made me think that.

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I do understand that-----?-- That's right.

-----but I really want you to listen to my question?-- Yes.

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You see, if you wanted to find out what the current situation was you wouldn't be looking up situation reports for the 6th of January, would you?-- I doubt it. This was on the 8th, no-----

Well, they wouldn't give you the current situation, would they?-- -----no, correct, I would not - I doubt if I referred back to old situation reports.

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Precisely. So the most recent report that you had received was at 6.30 that morning?-- Yes.

And if you read that that might have given you a clue that you were in W2, mightn't it?-- It's possible, and I guess what I have also said is there is no clear comment in any reports of not being in W2 so-----

I know that-----

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COMMISSIONER: Mr Ambrose, are you suggesting it would give a clue that it was W2 as opposed to W3 or just that one of those is a-----

MR AMBROSE: A clue to W2 to this gentleman.

COMMISSIONER: Yeah, but why W2 as opposed to W3? I'm not following the question.

MR AMBROSE: Because if one looks at the Seqwater manual of operation and one looks-----

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COMMISSIONER: I don't know that we need to go to it but you can just tell me quickly. What's the - what is it that you draw from that?

MR AMBROSE: It suggests that the conditions are reached when the maximum release is predicted to be less than 3,500 CUMECS.

COMMISSIONER: Yes.

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MR AMBROSE: So to read-----

COMMISSIONER: But - and why not W3?

MR AMBROSE: Because what I'm suggesting to this witness attracts his attention is that below 3,500, which is W2.

COMMISSIONER: But W3 can be that also.

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MR AMBROSE: Yes.

COMMISSIONER: All right. I am personally missing the point of the question but as long as you're confident the witness gets it.

MR AMBROSE: Thank you.

COMMISSIONER: Also, while I've stopped you, how much longer do you think you will be, simply because I think Mr McDonald came in, but if you were not going to be more than, say, 10 minutes I'd keep on-----

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MR AMBROSE: Oh, no, I will be longer than that.

COMMISSIONER: All right. Well, we might then interpose Mr McDonald. Mr Ayre, (sic) what I'm going to ask you to do is just leave the witness box for a while while we interpose Mr McDonald. I'm not sure how long that will be.

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WITNESS STOOD DOWN

MS WILSON: Thank you, Madam Commissioner. I call Leonard McDonald.

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LEONARD ANGUS McDONALD, SWORN AND EXAMINED:

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MS WILSON: Mr McDonald, is your full name - can you tell us your full name, please?-- Leonard Angus McDonald

And you're a dam safety and risk consultant?-- That is correct.

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And you prepared a report for Seqwater dated the 10th of March 2011?-- I did.

Madam Commissioner, that report is exhibit number 412 and I ask that the witness could get a copy of that report. Mr McDonald, that's your report that you've got in your hand? And you also will see that it's on the television - on the screen as well?-- Yes, that appears to be it.

Okay. And you were asked to answer two questions?-- I was, yes.

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We can see that on the first page, and your answers are also in "Executive Summary" contained on that first page?-- That is true, yes.

Okay. Now, if you could just put that aside for one moment. You were approached in February 2011 by Seqwater to undertake some work for them. If I could show you this letter from Seqwater to the New South Wales Public Works dated the 1st of March 2011. Now, it's not addressed to you, it's addressed to the New South Wales Public Works, but it's clear that it's referring to assistance that they were seeking from you to do some - to assist the Seqwater Legal Service Department in providing legal advice to Seqwater, that they wished to retain you. Do you see that?-- That is so. I've signed the attachment, you will see.

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Yes. And if we turn over the page we see a page headed "Instructions For Professional Services"?-- Yes.

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And in the first paragraph and at the bottom of the page it refers to the "Commission of Inquiry"?-- Yes.

And the fourth paragraph refers to the scope of services being in annexure C of the Consultancy Services Agreement. Did you see the Consultancy Services Agreement?-- I did.

Can I just show you that agreement?-- I saw attachment C, in any event-----

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Yes, just-----?-- -----yes.

And it sets out the terms of your brief, is it the case, at the time as you understood it?-- Yes.

At 31?-- Yes, correct.

If you can go there, at page 31?-- Yes.

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And if you see the second dot point - second primary bullet point is provide a report to Seqwater?-- Yes, that's so.

Were you - this document in itself did not tell you what the report was to address but you got instructions later on, is that the case?-- I got instructions on the 7th of March 2011 by e-mail from Mr Jim Pruss at Seqwater.

10

Okay, and we will go to that in one moment. But, in any event, you knew that the report that you were using would be for the purposes - including that purpose of Seqwater's involvement in the proceedings of this Commission?-- I knew that, yes.

Okay. Madam Commissioner, I will tender that letter, along with the service agreement.

COMMISSIONER: That will be Exhibit 1090.

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ADMITTED AND MARKED "EXHIBIT 1090"

MS WILSON: Now, I'm going to show you an e-mail from Robert Drury on the 1st of March. Madam Commissioner, this is Exhibit 1089, and it's an e-mail just with the subject review asking you to give Rob Drury a call back. Do you recall whether you did give him a call back?-- No I do not, and in fact I - in recent days I've checked my diary and most phone calls I recorded there, though not all. The primary purpose of the diary is to record times-----

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Yes?-- -----for charging, but there's no record in my diary of my having returned that call-----

Okay?-- -----and I don't have any memory of having returned it, so I cannot say whether I did or I didn't.

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Can I show you an e-mail from Mr Jim Pruss to you on the 2nd of March at 11 o'clock?-- Yes, I have that.

You recall getting that e-mail?-- I do recall that.

And did you - after getting that e-mail did you speak to Mr Pruss?-- I did. I have a record here of the date when I did it. Is it important to know the date, because I can tell you.

50

Oh, yes, thank you very much, Mr McDonald?-- Okay. Just give me a moment, please. Now, I believe the phone call in question foreshadowed by Mr Pruss took place on the 4th of March 2011 in the afternoon, and in my - I've made a communications log and in that I've noted "discussed the review task".

And you can see the e-mail from Mr Pruss to you that one of the things that he wanted to talk about was discuss expectations. Is that what the review task was, what you discussed? The expectations of the review task?-- Yes. Well, there was quite a lot of discussion about the fact that he had lived in the area that I live in and he knew the area and he played at the local golf club-----

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Okay?-- -----and so I recall a fair bit of the discussion was taken up with that subject. But as far as the expectations go, he expressed to me that Seqwater had produced a report and that they were looking for an independent view on whether they'd complied with the manual, which they believed they had done, and I cannot be certain but I think he might also have foreshadowed that he would need the result in a very short time.

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Okay. Well, perhaps if we could go to that as well because you - there - if I can take you to an e-mail chain that finishes - that occurs on the 7th of March 2011, and, Mr McDonald, if we can work our way up - Madam Commissioner, I tender that e-mail from Mr Pruss on the 2nd of March.

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COMMISSIONER: That will be Exhibit 1091.

ADMITTED AND MARKED "EXHIBIT 1091"

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MS WILSON: Now, the e-mail chain from Mr Pruss on the 7th of March, that's when he gives you your instructions? You can see that, down the bottom?-- That's correct

And the e-mail back that you give - you reply with is that you will give it your best shot and you raised some concerns about the time that you've been given to do-----?-- Yes.

-----the task?-- Yes. Well, it's fair to say I was a little dismayed because I had received the documents, I'm not sure exactly when, I think possibly on the 4th, which would have been the Friday, I think, probably on the Friday afternoon, and, as I say there, there's 1100-odd pages and I've got four days to digest them and produce a report, so initially I was quite dismayed. When I got into it I found the task was reasonably tractable, but that was my quick reaction, there's 1100 pages and it's not quite the same as reading a novel.

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And Mr Pruss acknowledged that you were given the shortest time frames of all, as we can see in the top of that e-mail, and indicated to include whatever caveats you need to response - to on your response and to be assured that Seqwater was not asking you to say anything you were not comfortable saying or anything you would not support in the Courts?-- That's correct.

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Okay. Madam Commissioner, I tender that e-mail chain on the 7th of March.

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COMMISSIONER: Exhibit 1092.

ADMITTED AND MARKED "EXHIBIT 1092"

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MS WILSON: Now, Mr McDonald, if we can go to your report, which is Exhibit 412, that is in front of you. We see that the questions that Mr Pruss posed in that e-mail chain in your report. We can see that on the first page?-- I can.

And the second question refers to the draft report?-- Yes.

What that is actually referring to, is it the case, of Seqwater's final report of 2nd of March titled "January 2011 Flood Event Report on the Operation of Somerset Dam and Wivenhoe Dam"?-- I believe it is. I used the term "draft report" in my opinion because that's the word that had been used by Seqwater, and what I took that to mean, which is a bit of speculation on my part, is that they had sent this report to the regulator and they were calling it "draft" in case the regulator had any issues. Now, I don't know whether that's right or not but that's what I assume. In any event, so far as I'm aware, the report that I had in front of me was not actually called "draft" and it was dated 2nd of March.

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And you received that report on the 4th of March?-- I believe so.

And we can see that at page 2 your - in your qualifications at number three?-- Yes, right, so that confirms my memory, yes.

And you didn't receive any other version of the report before the 4th of March, did you?-- No, no.

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And essentially the task that has been set out in page 1, you were asked whether Wivenhoe and Somerset Dams were operated in compliance with the manual?-- That's correct.

And you also - to do that task you would have had a copy of the manual?-- I was sent a copy of the manual at the same time as I received the report.

And your view was based on the information in Seqwater's final report?-- Yes, and you will notice my qualification, "I rely on the relevant parts of the draft report being factually correct".

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And that is also repeated in number two, "The analysis and predictions given in the draft report are taken as being reliable"?-- Yes.

Now, in terms of the manual, did you review the manual to do this task?-- I read right through the manual, yes.

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Okay. Now, the manual requires that during a flood event Wivenhoe Dam is operated in accordance with one of four specified strategies-----?-- That's correct.

-----you agree with that? So your task, was it the case, was to determine whether during the January flood event the dam was operated in accordance with those strategies?-- That's what I attempted to do.

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And each strategy has a primary consideration?-- Yes.

And you looked at the primary considerations and the strategies in relation to the material that you were provided by Seqwater; is that the case?-- That's correct.

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Now, you conclude in your report that the flood engineers complied with the manual with one possible exception?-- Yes.

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I don't need to take you to that exception now for these purposes. You have accepted that the engineers move to strategy W3 at 8 a.m. on the 8th of January?-- That's what the Seqwater said and that's what I accepted, that's correct.

And you took this, is it the case, from page 13 of section 2 of that report, which is Exhibit 24, and we can see there, period 4 of 20, commence Friday 7 January 2011, completed Saturday 8 January at 2 o'clock and we can see there "Transitioned from strategy 1E to W3 as it became apparent Wivenhoe Dam level would exceed 68.5 metres", 8 a.m. on 8 January 2011?-- Yes.

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So is that what you worked on the basis that's when W3 was engaged?-- Yes.

At 8 a.m.?-- That's correct.

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In looking at the material of the report, you've already stated that you relied on the report. In the third paragraph of your qualifications you refer to - that the documents that you refer to was that you read and studied the manual?-- Yes, that's correct.

The executive summary?-- Yes.

And sections 1 to 5, 9, 10 and 11 of the report?-- One, 2, 3, 4, 5, 9, 10 and 11, correct.

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That's right. And the other sections of the report were treated as reference material referred to as only as necessary?-- That's correct.

And the appendices to the report have been scanned as to content but not have been studied?-- That's correct.

Is there any reason why you proceeded on that basis?-- Basically the time available to me.

40

Okay. So is it fair to say that you didn't examine the appendices closely?-- No. I saw the general content, the situation reports and so on and various sorts of data but I did not try and match them with the report, for example, the main text of the report.

Okay. Now, can I show you a situation report at 5.53 p.m. on the 8th of January, which is Exhibit 1047. Now, Mr McDonald, this was not included in Appendix E that was provided to you?-- Right.

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Now, have you seen this document before?-- Well, as far as I know I have not. You tell me it's not in the appendix. If it had been in the appendix I may have seen it and not been conscious of it.

Right. Okay?-- So far as I'm aware I have not seen it.

1

Can I take you to page 2 and you'll see at the bottom of the page there is a heading "Forecast scenario based upon mid-range rainfall forecasts". Could you read that paragraph for me?-- I will. Just bear with me, if you would, please. I'll put on another pair of glasses.

Certainly?-- So this is under the heading "Forecast Scenario"?

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Yes, Mr McDonald?-- "Assessments have been undertaken"-----

You can read it to yourself, Mr McDonald?-- Okay. Right. Okay. I've read that first paragraph.

Okay. You see there it refers to strategy W2?-- I do.

And as this is in the context of a 5.53 p.m. situation report on January the 8th?-- Correct.

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And you were aware that the report refers to engaging strategy W3 at 8 a.m. on the 8th?-- That's correct.

If you had seen this report, would that have made you make further inquiries or further considerations?-- Well, I don't know that it would have because once they reached lake level 68.5 metres AHD, to comply with the manual they had to either go to strategy W2 or strategy W3. Personally I think the flow chart on page 23 of the manual would say they should go to strategy W2 but they bypassed it, for a reason which they have given in their summary or they say they bypassed it and went to strategy W3. I think given the conditions, strategy W2 would have been an appropriate strategy. If they had - whether they've said W3 at 0800 hours on Saturday the 8th, if they had put W2 instead of W3, I think I probably would have still found their report complied - they're operation compliant.

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COMMISSIONER: But it would not bother you that they actually said W3 but here's the situation report that says they're in W2?

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MR AMBROSE: Your Honour, I object. The situation report, with the greatest of respect, does not say that they were in W2.

COMMISSIONER: All right. It would not bother you that they said W3, but here's a situation report which refers to applying strategy W2, in other words, it wouldn't have alerted you to any possibility of a discrepancy?-- Well, if I had seen a conflict, if I had seen the main text of the report saying W3 and this report is saying W2, that would have caused me a problem and it would of had to have been resolved some way or I'd have to refer to it in my review.

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MS WILSON: Now, can I then take you to appendix, Seqwater's report, which is Exhibit 24, Appendix M. Now, that's the

Flood Event Log. Now, this is in the appendices which you scanned?-- Yes.

1

Didn't pay close attention. If I can take you to 3.30 p.m.?-- Yes.

Now, did you pay any particular attention to this entry on the 9th of January at 3.30 p.m.?-- No, I did not. As I say, they proceeded on the basis that all of this material would match what was in the main text of the report. So my check of compliance was largely wrapped around that summary in section 2. I then went to - after I'd done that I then went to section 10, where Seqwater addressed the issue of compliance and I believe I went to, I think it's section 9, where there's a sort of blow-by-blow account of releases and lake levels and so on. I did those things but I didn't go to the appendices and I didn't see that entry.

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And if your mind was drawn to the 3.30 p.m. entry, would that have caused you to ask further questions?-- Well, that entry says, "Where operating at the top end of W1 and bottom of W2", which is a bit of a strange expression but if they were at the top end of W1, I would have said they had not complied with the manual because the lake level is already over 68.5 metres AHD.

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And further inquiries would of had to have been at least made?-- Yes. Well, I don't know how they'd resolve it. In my opinion they should say they're either at the top of W1 or the bottom of W2 and not say they're in both places but, you know, I would of had to deal with that somehow.

30

Did Mr Cross or anybody from Seqwater ever explain to you the methodology by which the report was prepared?-- No.

You would accept, would you, that you cannot say that there was compliance with the manual unless the Seqwater report is an accurate record of what the engineers were considering at the time?-- I don't know whether I can totally agree with that proposition. I can say this: if the report is accurate, and in my opinion I believe was accurate, it's possible that there could be other reports which would still comply but I was relying on the report being accurate.

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Now, if you're a flood engineer and you are operating the dam, you have to appreciate what strategy you are in because you have to consider the primary consideration of that strategy?-- Well, the objective is, as I understood it, was to comply with the manual. If you want to comply with the manual, you need to be conscious of what strategy you are in.

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And that has to be done at the time of - at each and every time that you're operating the dam?-- I believe so.

Can you assume this: assume that the report, where it states when the strategies were engaged W1 to W4, assume this, that it's not based on the flood engineer's recollection of their choices as to strategy but is based on a reconstruction of the

events having regard to when the lake reached certain levels. If you can just assume that. Would that change your opinion that you've expressed in your report?-- It likely would, I think, because according to which strategy you are in, there's a priority of objectives and you need that mindset to be operating the dam. It may not actually change the releases but you need to be looking - for example, if you're in strategy W3, you need to be thinking first of the inundation issues in urban areas. If you're in strategy 1, you need to be thinking about the downstream bridges. So I find it hard to see how if the objective is to comply with the manual, how a flood operation engineer could disregard the strategy that is to apply.

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Finally can I show you this document, it's a ministerial briefing that was prepared for the 17th of January. Now, you've got some flags there and you'll see that - do you see the first flag is the "Seqwater, Water For Life, January 2011 Flood Event"? Mr McDonald, have you got?-- Yes, I see it there. You're referring to the subject?

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No, Mr McDonald. Do you see some flags coming out of that document?-- Sorry?

Some flags?

COMMISSIONER: Yellow tags on the side.

MS WILSON: Yellow tags?-- Okay. Good. Good. Right.

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Okay?-- Okay. So there's a title page "January 2011 Flood Event". Correct.

Going on, proceeding on from that title page of "Seqwater, January 2011 Flood Event" at page 7?-- Yes.

And you see "4.2 Event Decision-Making"?-- Yes.

And it says, "The following table contains a summary of the key decision points associated with the current event"?-- Yes.

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And "As at 16 January, the event remains in progress". If I can take you to page 8?-- Yes, I'm at page 8.

And you'll see at 3.30 on the 9th of January 2011?-- Yes.

You can read that entry and you can read the entry also at 6.30 on the 10th of January?-- Sorry, what was the second time?

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Do you see the - read from the 3.30 entry on the 9th of January down to the two entries at 6.30 on the 10th of January, just following?-- Right. I've read that.

Now, this is a report that has been prepared within a week of the flood event of the particular dates of January 8 to 10, a bit over a week from the 8th?-- Yes.

Would this information have caused you any concern, that at that time that's when it was stated that the strategies had been engaged?-- Well, assuming the data from the 2 March report on lake level is correct, it would cause me to form the opinion that the operators had not complied with the manual because according to that data, the level of 68.5 was reached at 0800 hours on Saturday 8th of January.

Thank you, Mr McDonald. I have no further questions.

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COMMISSIONER: Mr Dunning?

MR DUNNING: We have no questions.

COMMISSIONER: Mr Williams, I'll come to you at the end or just before Counsel Assisting re-examines.

MR WILLIAMS: Thank you.

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COMMISSIONER: Yes, Mr Dunning - Mr Rangiah?

MR RANGIAH: Could the witness see Exhibit 1047?-- Sorry, where are we now?

COMMISSIONER: Something will come up on the screen, Mr McDonald?-- Okay.

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MR RANGIAH: So you've already seen this document, Mr McDonald, it's the situation report at 5.53 p.m. on Saturday the 8th of January 2011?-- Yes, yes.

And you indicated that that situation report had not been provided to you for the purposes of the preparation of your report. Can I ask you then to just have a look at the paragraph under the heading "Forecast Scenario"?-- Yes.

You've already been taken to this paragraph by Ms Wilson but do you see that it says "Assessments have been undertaken to determine possible increases to releases given the likelihood of significant inflows in the next few days"?-- Yes.

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And in the next sentence, "The interaction with run-off from the Bremer River and Warrill Creek catchment is an important consideration as the event magnitude will require the application of Wivenhoe Dam flood operation strategy W2". Now, can I ask you to note the words "will require"?-- Yes.

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And what this suggests, doesn't it, that the current operational strategy was not W2?-- Yes. Well, it would suggest to me that the current strategy is W1 because the word "progress" means to move on not to regress and you would move on from W1 to W2. If you were going from W3 to W2, I would normally say regress. Maybe some people wouldn't but I would.

And the context of that statement will require is that

significant inflows were expected-----?-- Yes.

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-----in the next few days?-- Yes.

And there were possible increases to releases because of the expectation of inflows?-- Yes, that's correct.

And again that context would suggest that what was being talked about was a change from W1 to W2?-- That's what it would suggest to me, yes.

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And at that stage the lake level was 68.65 metres, wasn't it, you can see that just below the heading above "Forecast Scenario"?-- Well, so far as I recall it had been - I do see that but so far as I recall it had been above 68.5 ever since 0800 hours on Saturday.

Yes. And if, in fact, the W1 strategy was engaged at this time, it would be in breach of the manual, wouldn't it?-- That's correct.

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Yes. Thank you. I have nothing further.

COMMISSIONER: Mr Murdoch?

MR MURDOCH: No questions. Thank you.

COMMISSIONER: Mr MacSporran?

MR MacSPORRAN: I have nothing. Thank you.

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COMMISSIONER: Mr Sullivan?

MR SULLIVAN: No questions.

COMMISSIONER: Mr Burns?

MR BURNS: Nothing.

COMMISSIONER: Mr Ambrose?

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MR AMBROSE: Mr McDonald, my name is Ambrose and I appear for SunWater and Mr Robert Ayre. Could you look again, please, at Exhibit 1047, the 5.53 situation report?-- Yes.

And if you have a look under the heading "Wivenhoe Full Supply Level" and read it to yourself, please, that first paragraph?-- Yes, I've read that.

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That provides or informs you that the lake level is slightly above the 68.5 but that the rivers had peaked the night before and that they are now receding?-- That's correct.

Might that not inform a flood engineer that if there was no further rain that the lake level might drop below 68.5?-- I'm aware of the fact that the lake level, in fact, did drop.

However, if I recollect correctly, it didn't quite get back to 68.5.

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But at the time of writing this report, with that information, that may have been reasonable to comprehend?-- Yes.

Now, could I take you down to the passages that you were referred to under the heading "Forecast Scenario" and I want you to read that first sentence again, just to yourself?-- Just the first sentence, yes, I've read that.

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Now, I want to put to you a meaning that I suggest this paragraph has. In the first instance you can see from the heading that it's a forecast scenario, not a current scenario, can't you see that?-- Yes.

And that it's based upon mid-range, rainfall forecasts, something that might happen in the future?-- Yes.

And that it's a forecast and an assessment based upon what might happen in the next few days?-- That's what it says, yes.

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So if you can read the next sentence, please, "The interaction", just to yourself?-- Yes, I've read that.

In the ordinary operation of a release strategy it is an important consideration, isn't it, to consider what the natural peak flow rates are downstream and to effect releases on the back of those?-- Yes, that's important. Yes.

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All right. So I want you to put the three matters that I have suggested to you together. It's in the comprehension of the flood engineer that the dam might drop below 68.5 and if that happened, then based upon mid-range rainfall forecast in the next few days it may then be necessary to ramp up the releases to effect a W2 strategy?-- I see what you're saying but the words do not actually say that. The words do not actually say we are in W1 or we might get into W1.

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No, no, they don't say that?-- And we might have to go back to W2.

No, truly they don't say that but it's suggestive based upon not the current situation but a forecast for the future in the next few days, what might happen in the next few days?-- Yes, yes.

It doesn't suggest, does it, that if it's something that might happen in the next few days, that it is the current strategy that they're operating under, that is to say W1?-- It does not say that they're operating under W1, that's correct.

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Now, it's perfectly consistent that 5.53, sit report, and that paragraph dealing with the mid-range forecast, is perfectly

consistent with what you read there that it's taking into account a possibility that the lake level might drop and then if the future rainfall occurs, as the forecast suggests, then and only then might it need to go up to W2?-- Well, it's possible that was in the mind of the author but I don't see the words that confirm that to me.

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I understand. Now, a flood engineer could not, I suggest to you, reasonably been mistaken about being able to be in two strategies simultaneously?-- No, you should be in one or the other. They are mutually exclusive.

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And that's fundamental, isn't it?-- It is.

No-one can mistake that?-- No.

So if the words that you were referred to in the event log, at 3.30 on the Sunday, said that they were operating at the top of W1 and the bottom of W2, then it's possible that those words mean something other than being simultaneously in two strategies?-- Yes, well, I would have thought maybe they mean that it's a loose use of language and "we are about on the margin".

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So that it conceivably could, to a reasonable reader such as yourself, mean that at the top of W1 the last two bridges were still open, the Mt Crosby Weir Bridge and the Fernvale Bridge were still operating and that's at the top of W1, and consistently with being at the bottom of W2, because those bridges were still open and trafficable, that the rural areas were being considered?-- Yes, they were. Well, if they were in W2, that's transition strategy in any event. So the focus of their minds should be moving from looking after the bridges to looking after the urban areas.

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Sure, but in terms of that expression being at the top end of W1 and at the bottom of W2, that's consistent with an expression of where in fact they are on the ground?-- I would not use language like that.

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I understand you wouldn't but equally, no flood engineer would use language which suggested that they were simultaneously in two strategies?-- I think if they have a meticulous nature they would not suggest they are in two strategies at the same time.

Thank you.

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COMMISSIONER: Mr O'Donnell.

MR O'DONNELL: Can I ask you a few things? I am interested in the Saturday the 8th, Sunday the 9th, Monday the 10th of January and your consideration of the management of the dam over those three days in your review. You prepared your review on the basis that what was in the flood report about the events on those three days was factually accurate?-- That's correct.

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In your consideration of what the engineers did in terms of management of the dam, you prepared your report on the assumption they had operated under strategy W3 from 8 a.m. Saturday morning, the rest of Saturday, all day Sunday, and all day Monday?-- That's correct.

One of the things you had to look at were the rates of release of water from the dam, they decided upon from time to time over those three days, appropriate to operating the dam under strategy W3?-- That's correct.

And your view was the rates of release they decided upon were appropriate to operating the dam under W3 on those three days?-- Yes, given the circumstances obtained at the time and the mindset of the flood engineers. So I am not looking here at hindsight when we all know what has happened, I am looking at how they might reasonably perceive the world at the time.

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So you put yourself in the position of the flood engineers - so hour by hour over those days - and ask yourself, "If I am operating the dam under W3, is the rates of release of water for dam engineers in fact decided upon appropriate to that W3 strategy"?-- Yes.

You formed the view that they were?-- I thought they were reasonable because the lake level was flat or in fact declined slightly, there had been little rain - I am talking now about primarily the Saturday - there had been little rain in the catchment, there was forecast rain but the forecast was actually much lower than the rain that occurred and there is reference in the report to the fact they had already doubled the flows, the natural flow down at Moggill, there was an expression of - in the report of the possibility they might end up back in W1, there was some concern in the report about some degree of flooding in low lying parts of Brisbane. I think taking all the circumstances in front of them, the release rates were reasonable.

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You also formed the view that on the Sunday the release rates were reasonable on the assumption they're operating the dam under the W3 strategy?-- Yes, well, they were limited in any event to - up until - I am not sure of the exact time. I would have to get the hydrograph which I have got here. But they were limited to a discharge or a release from Wivenhoe of about 2,100 cubic metres per second up until - now, the 8th is Saturday, 9th Sunday. Well, up until about noon on - noon on Sunday because if they went above 2,100 they would have outflow exceeding inflow, which again would breach the manual. But for the reasons that I expressed earlier, the fact the lake level during the time I am referring to now was actually declining slightly, hadn't been a deal of rain - they had some forecast rain but that forecast was much lower than the rain that actually occurred - I think they were operating fairly reasonably.

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On the Monday you also had to consider were the rates of release they decided upon on the Monday appropriate operating under a W3 strategy and you formed the view that they were?-- On the Monday they started to ramp up and they had to follow the gate opening sequence and so discharge started to increase on the Monday. Monday was the 10th, wasn't it?

Yes?-- That's correct, yes.

Now, when you are operating under the W3 strategy under the manual your primary consideration has to be minimising the risk of urban inundation?-- That's correct.

So one of your tasks as an expert reviewer was to assess were the rates of release in fact decided upon by the engineers, from 8 a.m. Saturday over those three days, appropriate to giving primary consideration to minimising the risk of urban inundation?-- Yes, well, that's correct.

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And your view was that they were?-- They were because I tried to put myself in the position, so far as I could, that the flood engineers were in at the time. So I wasn't looking at what we all know now because the flood engineers had a range of possibilities, an indefinitely large number of potential scenarios ahead of them and given the information in their mind, I thought they were operating reasonably.

Reasonably on the basis that their primary consideration had to be minimising the risk of urban inundation?-- Yes, that's correct.

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Thank you.

COMMISSIONER: Can I just interrupt you, Mr O'Donnell, so I am quite clear about this. When you say you were putting yourself in the position of flood engineers, so far as you could, what exactly were you relying on to do that?-- Well, I was relying on the fact there were a number of-----

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I am sorry, Mr McDonald, just to make it clear what I am asking you, I am talking about your sources of information. What were the things you were looking at to ascertain what their position was and what would have been in their minds?-- Well, I was looking at the lake level, which was static or declining, I was looking at the prior inflows which they - under the manual they were not to exceed, I was looking at the forecasts ahead of them and the actual rainfall may be above or below those and we all know now that Brisbane was seriously flooded, but I don't think it is reasonable to expect that the flood engineers, at the time we were talking about, foresaw that Brisbane was going to be flooded to that extent. I think it would be unreasonable to say that they should. And they - there is evidence in the words in the report that they were thinking about the urban areas. They refer to some flooding in Brisbane. They refer to the fact they've already doubled the flow at Moggill and they also refer to the fact that they may end up back in W1. So that's the sort of mindset they have got. They have got two bridges. I don't know the importance of Mt Crosby Weir Bridge but Fernvale Bridge would seem to be a fairly important bridge. You have got two bridges and the manual permits them to give some weight to keeping those open and they opted to keep them open. That whole set of circumstances I thought was reasonable.

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I was interested in your sources and I think you are telling me it's the objective evidence and also what you can discern about what they were talking and thinking about from the materials supplied to you. Is that a fair summary or not?-- It's more on the objective evidence because if I wanted to see what they were talking about, I would have to go to the appendices and study those closely, which I didn't do.

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So what did you look at to work out things like they were looking at the bridges, they were thinking about urban inundation? What was the material you were looking at?-- That appears in the summary in section 2. If you read on from 08:00 hours on the 8th of January when they say that they went to W3, you will find in that summary the references that I have mentioned - about the fact that they had double flows at Moggill, that they may end up back in W1, that they were concerned about some low lying flooding in lower lying parts of Brisbane. So they were the things I took into consideration.

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Alright, thanks Mr McDonald.

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MR O'DONNELL: Things such as concern about rain systems moving south down through to the dam?-- I am sorry, I didn't hear.

Concern about things such as rain systems moving south downstream of the dam?-- Well, they had forecasts in front of them but forecasts are not always reliable. It's a matter of opinion just how much weight they should give to the forecast. And in any event, the forecasts were much lower than the rainfall which actually occurred.

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You answered one of the Commissioner's questions by saying you looked at the objective information available to them?-- Well, that's-----

Is that things such as inflows to the dam, lake levels?-- The flows at Moggill, the flows coming out at Lowood.

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Lowood, Lockyer Creek?-- All of those things are set out in the summary, yes.

And also the rates of release they in fact decide upon from time to time, you looked at those as well?-- Well, they were about 1,290 cubic metres per second or 1,300 cubic metres per second, somewhere around there. And given the inflows from Lockyer Creek and the catchments, natural catchments downstream, they needed - as I judged it, they needed to keep it about that flow level if they wanted to avoid flooding the Fernvale Bridge.

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On the basis that if they're in W3, their primary consideration is avoiding urban inundation but if they can achieve that, then they should also give consideration to the lower level objective of keeping as many bridges open through the rural area as possible?-- That's correct, but I think on the information before them, they did not foresee the disaster

that unfolded. They foresaw a rather more moderate flood and I believe they had in their mind that they had time to deal with that, but that's the opinion that I follow.

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You think their approach on that score was appropriate?-- I thought it was reasonable, yes.

Their Situation Report everyone has shown you. I also had some questions about it for you. If we could see Exhibit 1047 up on the screen please?-- This is the 5.53 p.m. one?

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Yes. I want you to look at another document simultaneously, which is in - do you have the Flood Report? Did you bring the Flood Report?-- Sorry, which report?

The Flood Report?-- I have got the Flood Report here.

It's one of the appendices?-- I don't have the appendices, I am sorry. I have only got the-----

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I will hand you a copy in Appendix K, page 224.

COMMISSIONER: What is it exactly, Mr O'Donnell?

MR O'DONNELL: It's a model. Page 224. A model of the inflows to Wivenhoe.

COMMISSIONER: Thank you.

MR O'DONNELL: Mr Ayre gave some evidence about it. This is on the 8th at 3 p.m.

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WITNESS: Sorry, what period are we talking about? From?

MR O'DONNELL: This is a model run on Saturday the 8th, at about 3 p.m.?-- Right, okay. I see that, yes.

It shows a model of the inflows to Wivenhoe?-- Yes.

So you see it's got broadly two peaks. You have got a first peak which is occurring on the 8th, a little bit before. 11 a.m. Then you have got a second peak which is a model to occur on the 12th?-- Well, yes, there's actually three peaks. There's a peak of 2,000 metres cubed per second, then there's a peak of about a little over 1,600 metres cubed per second and then there's the one on the 12th that you are referring to of about 1,360 cubic metres per second.

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Yep, that's right. If we imagine there's a line down the page for the time when this model run is performed, which on 3 p.m. on the Saturday, it would be somewhere to the right of that 1,600 CUMECS peak level?-- Yes. Yes. Just let me see. Right, so one of those divisions is actually 48 hours, is that correct? I think it is.

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Yes, it seems to be?-- 48 hours. And so that's about 5th of the way along. Say two hours.

Somewhere about the 1,200 CUMECS line?-- Yeah, yeah.

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Approximately there?-- Yeah. Yeah, somewhere around there, yep.

So on this model the rate of inflow to the dam would be falling and falling fairly quickly?-- That's correct, yes.

But it's contemplating it will fall down to a minimum inflow of under 200 CUMECS, what, about lunch time on Monday?-- Yes.

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Then it contemplates an increase in the inflows, which I will take that to mean a fresh rain event or new rain coming?-- Yes, that's correct, yes.

And therefore a steep rise in the inflows up until about Wednesday morning, the 12th?-- Yes.

Can I ask you to assume that the author of this model is the same person-----?-- Sorry. Sorry, just excuse me. I think that - I think that peak of about 1,360 is actually - is actually late on the evening of the 11th.

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Right, so that would be late on Tuesday evening?-- Yes, late on Tuesday evening because the division line there is midnight between the 11th and 12th, yes.

Right.

COMMISSIONER: Could I just ask, this is including Somerset Dam release. What should we make of that? Does that have any bearing?-- Yes, I don't know - I don't offhand know what the releases were from Somerset at that time. They would be in the reports somewhere. I would not think they'd be greater than these peaks, but I may be wrong.

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MR O'DONNELL: Could I ask you also to assume that the author of the model, the person who created the model, was the same person who wrote the Situation Report that I think is up on the screen?-- Right.

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No, it's not up on the screen; that you were looking at. Would you mind if we could have that report on the screen, please?-- I have got a paper copy of the hydrograph, so-----

Yes, that's what I thought. Do you see the last section of the Situation Report "Forecast scenario based opinion mid range rainfall forecasts"?-- Yes.

Let's assume that's addressing rainfall over the next three to four days?-- Yes, now, that - if I remember rightly, that was 17:53 hours on the 8th, is that correct?

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Quite right?-- Okay.

So on this model the inflows to the dam are falling and falling fairly quickly?-- Yes, that's what the model says, yes.

It's contemplating there might be another rainfall event in a few days time, around about the Tuesday?-- Yes.

It's dealing with this likelihood of rain falling on the Tuesday causing a new rise of inflow into the dam?-- Yes.

Could I draw your attention to something further up the page in the Situation Report. If you go up to the heading "Wivenhoe Full Supply Level 67"?-- Yes.

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She records that at 18:00 hours, which is the time of the Situation Report, the dam was at 68.65?-- Yes.

And rising slowly. Currently releasing about 1,250 CUMECS. River levels upstream of Wivenhoe Dam have peaked and are now receding. If the river levels upstream to the dam have peaked and are now receding, that would be consistent with the inflow to the dam falling?-- Yes.

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As per the model?-- Yes, that's correct.

If the inflows to the dam are falling but the dam maintains a release rate of 1,250 CUMECS, you would expect the lake level would fall?-- Well, that's what the event hydrograph shows.

If the lake level falls, it only has to fall about down to 68.5 and you are back in W1, aren't you?-- That's correct, yes.

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It only has to fall - is it 150 millimetres?-- Yes.

To be back down to W1?-- Correct.

Which isn't very much?-- Well, it's not much in - as a measurement but it will be a fair volume in the lake.

Would you say it's a fair interpretation, putting the model together with the Situation Report, that what it's talking about is a situation where we are currently above W1, we are currently in W2 or W3, it's contemplating the rate of inflows is falling, once the lake level gets below 68.5 we are back in W1, but if we get fresh rain on the Tuesday, three days hence, the rate of inflows will rise and that has the potential to push the lake level back up above 68.5 and the author is contemplating, in the Situation Report, we might then look at moving to a W2 scenario?-- Well, that's very similar to a proposition that's already been put to me and what I have said - that may well have been in the mind of the author of this Situation Report but it does not explicitly say that we are going out of W2 or W3, into W1 and we will come back out. I mean, you may be right, that may have been what was in the mind of the author but it's not confirmed by explicit language that that is so.

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Quite right, it doesn't talk about going out of W3 into W1 or any of that, does it?-- No.

But it might be consistent that it's contemplating the transition to W2, some days hence, if there is fresh rainfall as per this model?-- That's a possibility.

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If the model proved true, it would be a transition - when it transitions to W2 in several days hence, it would be a transition from W1 to W2?-- Yes.

On this model?-- Yes, well, just let me remind myself of the language again. It says "as the event magnitude will require the application of Wivenhoe Dam flood operation strategy W2". "Will require". It doesn't say "progress". So it's not entirely clear where you are coming from. But anyway, the proposition you put is possibly what the author had in mind.

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Yes. Alright, thank you. Nothing further.

COMMISSIONER: Mr Williams.

MR WILLIAMS: No questions, Commissioner.

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COMMISSIONER: Ms Wilson.

MS WILSON: No, no further questions. May Mr McDonald be excused?

COMMISSIONER: Yes, thanks, Mr McDonald, you are excused.

MR O'DONNELL: Could we have that page as you walk past, Mr McDonald?

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COMMISSIONER: I don't see a lot of point in starting again, Ms Wilson, so I think we will just adjourn till 2.30.

THE COMMISSION ADJOURNED AT 12.56 P.M. TILL 2.30 P.M.

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THE COMMISSION RESUMED AT 2.28 P.M.

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ROBERT JOHN DRURY, CONTINUING:

COMMISSIONER: Yes, Mr Ambrose.

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MR AMBROSE: Yes, thank you. Mr Drury, I want to explore, if I may, your knowledge of the manual, just for the moment. As I understand your evidence, calling the strategy Ws, if you like, by name, wasn't really relevant to you for operational purposes?-- I think what I said is during the event certainly with all the situation reports and all the information the key information was the releases and certainly if it was something to a council what they really need is the volumes, the flows, the releases, yes

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See, I wasn't talking about. If you listen to my question it will be a lot easier. In terms of your knowledge of the manual, I'm not talking about what happened during the event, in terms of your knowledge of the manual the operational procedures called the W strategies weren't that important to you?-- No, I'm not saying that. They're obviously important but during operational releases, any event, certainly the releases and the strategies of releases are the key impacts operationally as opposed to the strategy which doesn't necessarily translate to exactly what's happening on the ground.

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All right. In terms of when the different levels of the W strategies were engaged did you have an intimate knowledge of the manual of operational procedures?-- As I think I've said before it wasn't an intimate knowledge of exactly how transitions occurred. Certainly knew the objectives but was more concerned during events on what was happening, yes.

However, there were some important, I suggest to you, figures that you knew intimately, such as full supply level was 67 metres?-- Yes.

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You didn't need to look up the manual to check that, you knew that as a matter of course?-- Yes.

All right. So there are some things in the manual that you are - in terms of the figures, that you are, and were, intimately familiar with such as that?-- Things like full supply I was intimately aware for a lot of other reasons. They're in the manual but day-to-day operational, as was volumes of dams and other information, not just in the manual.

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That's right, and similarly, 74 metres AHD was something that you knew was the point at which dam safety was important, without you needing to refer to any manual?-- I would have remembered 74, I believe, yes.

That's right. And if I suggest to you similarly, W2 would be identified, and you'd know it to be such, as having a lake level of between 62.5 and 74?-- I wouldn't have guaranteed I could remember those numbers off the top of my head. Certainly the larger ones, the full supply levels, they were day-to-day, particularly the lower levels. Some the numbers in the manual I wouldn't rely that I knew exactly what point 85 it was, I would - if there was a question I'd pull out the manual, or something-----

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All right?-- -----if I needed to know that number, if someone asked the number.

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All right. Would you have known, without having to pull out the manual, that when the lake reached 68.5 it would be in a transition from the W1 strategies to something higher?-- I can't guarantee the time I would have known exactly that level. The transition, yes there was a transition. Again, the numbers and inundation flows of the bridges, for example, I know a couple but I wouldn't trust to know every single one.

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I'm not being critical of you-----?-- No, I understand.

-----I'm respectfully suggesting that you had some limited knowledge, and I'm giving you some examples of key points to see whether you believe that you had an intimate knowledge of those things without having to go to the manual. Do you understand?-- Yes, and - sorry.

So if I suggested to you that you knew without having to go to the manual that release rates of greater than 4,000 CUMECS at model would say to you that's W3, would that be fair?-- I certainly knew 4,000 was a limiting factor, it's certainly come up before in other releases, and was a key number. I can't absolutely guarantee that I knew exactly the transition but I certainly knew that was the key limiting number for where damage has occurred so there would be urban inundation after that.

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All right. Well, you knew it wasn't W4, and there were only four strategies-----?-- Yes.

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-----does it follow that-----?-- There was two or-----

-----by way of a deduction-----?-- Yes.

-----that if you knew 4,000 CUMECS was an important model that that would trigger to you that it was at a W3?-- I wouldn't - I knew it was two or three, the same objective, they were around - very similar, certainly - as I said, it wasn't an intimate knowledge of exact numbers or how to apply them.

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If I were to suggest to you that you had a knowledge, albeit imperfect, that release rates of less than 3,500 might indicate to you that it was in a W2 situation, would you accept that?-- I'd accept that certainly after W1, and there was two and three, which was inundation and those areas of flow, and W4. I guess - you know, they were the objectives

and I certainly knew those three objectives. Again, exact numbers I-----

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All right. Well, if you recall, I referred you to a document which might have been something that you went to in order to inform yourself what strategy you would say to Dan Spiller that you were in or the dam was in on Monday; do you remember that?-- I remember the advice on the Monday, yes.

You remember I referred you to situation report number 14?-- Oh, yes, sorry. 6 o'clock or 6.30, yes.

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6.30 a.m. on Monday the 10th. I suggest to you that with your knowledge if you had referred to that situation report that would have indicated to you and given you some clue that you were in W2 and you might then be able to refer - reply to Mr Spiller that you were in W2?-- I certainly can't say I was actually looking at that, but, as I said, previous reports would have been in my mind and it certainly wasn't W1, with the bridges out, so again I guess that's all I can say. Whether I was thinking of those things or those reports I can't say. I'm saying there were reports that had been happening all along, that may have been why I thought we were in W2.

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But if you wanted to answer a question of what the current situation was you would look at the current situation report; would you not?-- Again I can't say I did but I would be using whatever my - I was thinking was current at the time. So whatever I was thinking, I can't say it was referring to that report but that was there-----

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No, I understand. Were there only two reports that were current? There was a situation report number 14 at 6.30 on Monday the 10th and there was the directive number nine, which you got at 6.37 a.m. on the - on Monday the 10th. You recall getting the directive number nine?-- I certainly - I think I got virtually all directives. They were a bit more directed at the dams and I got them CC'ed-----

40

That's right?-- -----and they were mostly gate opening sequences and things.

Sure. If the witness could be shown RD5297, please? And-----?-- Yes.

You're obviously a recipient of that?-- Yes.

And the attached directive number nine, if the witness could be shown that, please, which is the next document? Now, underneath the table there of the dates it's noted that at the end of these operations the dam will be releasing around 2,180 CUMECS?-- Yes.

50

See that? Now, you would have some familiarity with what that means, I suggest to you?-- Yes.

And, see, I suggest to you that if you read that you would know that it was below 3,500 and a long way below 4,000, that model-----?-- Yes.

1

-----and that might very well inform you that you were in W2?-- It's quite possible. As I said, certainly above 1900, 2000, bridges, and, yes, it wasn't 4,000, but-----

Yeah?-- Yeah. As I said, I'd read a lot of those documents up to that stage-----

10

I know that, I know that, but, you see, here is Mr Spiller asking you what's current situation-----?-- Yes.

-----if, as you gave in evidence, you said that you referred to some reports, the most recent reports I suggest to you are the sit report and the directive number nine, and both of those, if you read them, would give you a clue, based upon your knowledge, that you were in W2 and no other W strategy?-- That's quite possible. I mean-----

20

All right-----?-- -----they are the documents I read and I would have seen them.

That's right. So if the minister - I'll put it another way. As at the 10th you were in receipt of situation reports and directives?-- Correct.

You weren't in receipt, for example, of the flood event log?-- No.

30

All right. Now, a point is reached on the 15th of January where the minister wants a briefing, or the Department wants to give him a briefing the next day at 5 o'clock. That's right?-- Correct.

And you knew, because of your familiarity with the directives and the sit reports, that you could get some information about when the W strategies might be engaged by looking at those. That's fair comment?-- As I said, on the day I was pulling together the words at the front, to pull together the sit rep - sorry, the briefing notes, and you can see the words there at the beginning that were - was being put together.

40

All right. Well, we'll start a little differently then. At that time you knew the minister needed to get a briefing note?-- Yes.

Did you volunteer to "pull it together", are they your words?-- I cannot - as I said, I don't know whether anyone was nominated or whether whoever was on the teleconference or Peter Borrowes asked a few of us to get it together. I can't remember whether there was one person. I think the words were we were just getting a briefing note together. I can't remember whether anyone was allocated it but certainly it was being pulled together.

50

All right. And did you volunteer to take the lead, shall we say, in the Flood Operations Centre?-- As I said, I can't remember if anyone was taking the lead. It was being pulled together. I sent some off and I think there was another e-mail later on in the night with the report. I can't remember whether anyone was taking a lead or whether it was just trying to pull it all together.

1

All right. You knew the flood engineers were pretty tired?-- Yes.

10

Almost to the point of exhaustion?-- I can't say on the night but certainly it was a long event and obviously everyone was tired. All the - well, everybody was.

Yes. You knew Mr Malone was still actively engaged as a flood engineer in the operational phase on the shift which included the 5 o'clock time when you attended at the Flood Operations Centre?-- I can't say that. As I said, I think Terry was there but whether he was on duty, would have to be the log or-----

20

All right. What did you bring to the Flood Operations Centre to help you pull it together?-- I just went along. I mean, I didn't - I was-----

You didn't have a laptop?-- I didn't bring a laptop, I was - I had my mobile phone that I was on the teleconference with and I sat at a computer in the flood centre getting some words together.

30

All right?-- Certainly - no, I'm sure I didn't have my laptop or it wouldn't have been necessary to sit at a computer there.

And you didn't bring any reports or any documents with you?-- No.

So did you bring the notes, for example, as to what the briefing had to encompass?-- If there was anything there was some dot points on an e-mail. I hadn't printed anything out that afternoon. I think - as I said, I think I came straight from - to the flood centre. I can assume with my Blackberry. Yeah, I can't remember. I don't remember having any paper with me-----

40

That's okay?-- -----since I wasn't at work. That was a Saturday afternoon, I think.

That's right. Could the witness be shown Exhibit 1062? And could you open up the contents, please? Now, if you remember, the front sheet of that was an e-mail from you to duty sec?-- Yes, and I think that was the e-mail, those dot points, that may have come from whoever the briefing minister or briefing people, it may have gone to Peter Borrowes or come through - I didn't have it printed off but it was on an e-mail.

50

Very likely, but you had access to that at the Flood Operations Centre?-- Yes, I - yes, I think it must be there, yes. It was on an e-mail and was-----

1

But it was sent to duty sec?-- Yes.

So it's there and you had access to it?-- Yes.

And it would be reasonable, wouldn't it, if you are pulling together a brief for the minister that you would have a look and see what the outline is supposed to be to go into that brief?-- Yes. And the brief - as you saw, the documents later had an outline of the flood manual-----

10

Sure?-- -----in it, yes.

Yeah, but my point to you is this: you were the person who had more knowledge of this document and what was required for the briefing to the minister than anyone else in the Flood Operations Centre at 5 o'clock that Saturday?-- I assume they all got it. I sent it to duty engineer, which would have been whoever was in the flood centre-----

20

Yeah, but if you sent it-----?-- Because it came to me and I passed it on, yes.

Yeah, but if you sent it, you must have a reason for sending it, you must have a reason for directing them to it, you must, I suggest to you, have a better understanding of what's require than the people you sent it to?-- I - as I said, it came on a Blackberry, I assume I forwarded it on from there, to the flood centre so we could work on.

30

All right-----?-- I can't say I would understand it more than what anyone else would when we started looking at it.

All right. Tell me, do you understand what 2(a) is supposed to convey? You wanted a - the briefing was to incorporate a chronology, a high-level time step of events and significant decision-making/changes and more detailed time step for Tuesday afternoon. What is a "high-level time step of events"? Can you tell me what that is? What does that mean?-- Very broad summary of events for Tuesday afternoon. Oh, well, for whatever it says there. More detail for Tuesday, see a high-level summary of the event.

40

So you knew that's what was needed. The people in the Flood Operations Centre didn't, did they?-- Well, they had the same e-mail. As I said, we sent it in and I'm sure everyone would have seen it, they were all collecting - probably whoever was working on it, I think I'd got something off Terry, something was added by John later, so that certainly was sent through, I think, from the grid manager, I'm not too sure where it originated.

50

A high-level time step is a broad brush one, is it?-- I would - that's, I assume, what they meant, yes.

In other words, it's only necessary to put in the key events and to exclude events that aren't so important?-- Again I'm not sure what they meant by that it was-----

1

Well, what did you understand was meant by a "high-level time step"?-- A broad level summary of the event. I mean, as I'm saying, this was a rushed job on a couple of hours on a Saturday night. That was what we were given. I don't know whether we covered every dot point but certainly whatever could be pulled through together.

10

No, answered it, but did you give any direction to the people, if you're pulling it together, as to what you wanted or what Seqwater wanted in terms of a high-level time step?-- I can't remember how the interactions occurred. As I said, we were working on it in the flood centre pulling pieces together. I don't recall directing or asking - you know, I mean, it was just a case of, this is what was required, who had the information, pulling some words together, rather than - you know, I cannot remember the directing, it was like a lot of documents trying to get pulled together.

20

Well, was anyone directing you?-- No, we were all in the flood centre at the same time.

Did anyone tell you what to do, in terms of what your contribution was going to be to the briefing?-- No, I was pulling together some of the words that I could - the bits at the beginning that I could pull together.

30

Okay. If no-one told you what to work on, how do you know someone wasn't duplicating what you were doing?-- As I said, we were in the flood centre together and I can only assume we were just talking and discussing what bits and pieces were coming together, what was going to happen later, and I think the chronology is that there was another copy with additions sent later and that was roughly the final at that time.

If you were discussing what was happening, what people were doing, tell me what was discussed?-- I cannot say what was discussed in detail 12 months ago. Just pulling together a document, which was trying to get that together for a summary the next day. It was just generally whatever was discussed to pull some information together.

40

All right. Could the witness be shown Exhibit 23, please? It is the flood event. I don't know whether you have a copy of it. And just for the sake of completeness, if we could drag across to the bottom. You can see that? Mr Drury, can you see that on the screen for the moment?-- Yes.

50

Now, you know that's created by an Excel spreadsheet?-- I assumed it was Excel.

Yes?-- It certainly looks like a spreadsheet, yeah.

And just while that's in your mind, fresh in your mind, that's a - I suggest to you, a full copy of the event log, as we know

it. Do you accept that?-- I - I don't know, I can't say----- 1

Are you prepared to accept that, for the moment?-- Well, if that's what you're saying it is I'll-----

Yeah. Okay. What I want you to do now is to please have a look at Exhibit 1051. And could you have a look at the strategy summary document, please? Now, as you - just having a quick scroll down, I want you to just observe the gaps, you see, in the fields or in the lines, whatever they're called. Do you see that?-- Yes. 10

Now, what I suggest to you has happened is that the flood event log has been copied and someone has done a high-level time step by cutting out events, actions that are not so important, and leaving in events that are important. Would you like to comment on that?-- I have no idea. I don't know why there are gaps there, what - why they're there.

All right. Well, perhaps we could take you to an example, and just look at the one on the screen at the moment, Exhibit 1051, at 3.30 p.m. on Sunday, the 9th of January. Now, can you see that 3.30 on Sunday the 9th, and if you look further down, the next entry is at 5.51. A situation report number is mentioned, or a time is mentioned, do you see that?-- Yes. 20

And there appear to be a lot of exclusions or blank spaces between the 3.30 notation and the 5.51. Do you see that?-- Yes. 30

Could you now have a look, please, at Exhibit 23 for the same time, Sunday, the 9th, at 3.30, and you see it's the same 3.30 entry, "Duty Engineer Conference"?-- Yes.

But every entry thereafter down that page is now excluded and the next one is on the following page at 5.51. You see that?-- Yes.

So that's a difference between the two documents. Do you accept that?-- Yes----- 40

And it appears-----?-- -----could be others, yeah.

And it appears that in order to make that difference one simply has to delete fields?-- Probably, yes.

Now, that's not beyond your capability, is it?-- It's not beyond anyone's capability. If the two documents are identical otherwise anyone could delete fields. 50

Sure. And you could enter a column, couldn't you?-- Anyone can enter columns.

And you could type, if you were asked to or if you want to, you could type, for example, "W2" or "strategy W2", if you were minded to, into one of those columns?-- As I say, I didn't adjust that spreadsheet but anyone-----

No, no, I didn't ask you if you did-----?-- -----anyone can type anything-----

1

-----I asked you if it was within your capability to do so?-- Anyone could type in W2s.

So the creation of the summary strategy document 1051 is not the creation of a very large document that will take days or weeks, it's something that could be done by deleting unimportant fields and entering three characters, "W1(e)", for example?-- If someone knew what numbers to put in and what-----

10

Precisely?-- -----what to do.

And if someone were to look at a directive, as you might have done on 10th, you could be persuaded to put in what you thought the W strategy was, couldn't you?-- As I said, even that would take all the directives, all the things for the whole flood event. I was not adjusting spreadsheets or doing things like that.

20

You see, I'm not suggesting to you that it was done-----?-- No.

-----for every single event, I'm suggesting to you that this is a high-level time step, and you didn't need - if it were you, or whoever the author was, didn't need to do too many. Do you understand?-- I understand.

30

So when you say to us that this document, strategy summary, is a huge document and you only had two hours, looking at it the way I've put it to you, you accept that someone could do it within a very short space of time, if that was the task that they were asked to do?-- Again, I would think they would have to know where all the information was, where that file was, that's all I can say, is - still from my point I assumed it was created from scratch because I didn't know where it came from-----

40

But if they only knew, based upon an imperfect knowledge, to look at directives or sit reports, they could do it and make mistakes?-- As I said, I have - whoever - I cannot say if anyone put it together made mistakes or-----

I know you say that but I'm asking you to consider the proposition I'm putting to you. If someone only considered directives and situation reports they could in error attribute the W strategies to the wrong times?-- I can only say what - anything is possible, if someone was - I have no idea.

50

No, I understand?-- -----and I-----

COMMISSIONER: Mr Ambrose, what's the hypothesis you're putting? Are you saying if you look at the entries on the flood event log for situation reports and directives or are

you suggesting somebody going away and looking at the actual documents?

1

MR AMBROSE: Suggesting someone taking a copy of the event log in the Flood Operation Centre perhaps, probably, working on that copy, excluding unimportant data-----

COMMISSIONER: Yeah, I got all that.

MR AMBROSE: Yes, and then adding a column and putting in only W1(d), (e) or (c), or 2, whenever it appeared to them that the category indicated that it was a directive or a sit rep.

10

COMMISSIONER: Yeah, I understood all that, but you're suggesting they would be looking at the flood event log to see what the directives and sit reps were, they wouldn't going away, finding directives and sit reps, is that it?

MR AMBROSE: Not necessarily. They might if they had to. If they couldn't understand what it was from the entry in the action column they might need to go and look at a directive or a sit rep. It's as simple as that.

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COMMISSIONER: All right, thanks.

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MR AMBROSE: See, I want you to have a look, if you would, at the briefing document that was sent to John Tibaldi, an example appears at Exhibit 1053. I want you to have a look at that document, the first page for example, the introduction. Did you write that?-- I cannot remember where those words - I can't even - if I could see the document I might remember where it came from. It was part of the briefing note done that night, it's quite possible it came from somewhere.

1

Well, just look at the email that came before, I beg your pardon?-- So possibly the capacities would have-----

10

No, no, no, no, no, please look at the email?-- Sorry.

It's from John Tibaldi?-- Yes.

At 9.10 to various people including yourself, draft brief, "The draft is attached for your comments, I can't do anymore tonight", et cetera?-- Yes.

20

And this, if you go over the page and look at the document, this document commencing "Introduction" is, I suggest to you, what was being worked on in the Flood Operations Centre on the 15th for the Ministerial briefing the following day?-- I would assume that was - a lot of that was being worked on, yes. If that was the-----

That's right?-- Yes.

So I'm asking you, look at the first page, did you do that work?-- I could assume some of that we would have pulled together.

30

Well, tell me what-----?-- Whether it was my words or not, they would have been part of that brief we were pulling together.

I understand that?-- Yes.

I want to know, did you write any of that first page?

40

COMMISSIONER: Do you want to have a look at a hard copy, if that makes it easier?-- Yes, I just - some of that is quite possible because some of it, I think, came from other areas about extreme hazards and I'm sure some of that was probably cut and pasted out of other documents.

MR AMBROSE: We're just going to wait, if you would, Mr Drury, until we can find you a hard copy?-- That's all right. If you can scroll down I can see most of that. Certainly some of that looks familiar from other documents, so I'm sure it was pulled together on the night.

50

MR O'DONNELL: I have a spare copy. I was going to give this to-----

COMMISSIONER: Thanks, Mr O'Donnell.

MR O'DONNELL: I've written the exhibit number in red on the document?-- Thank you.

1

MR AMBROSE: You see, I'm trying to understand what you did in this two hours that you're in the Flood Operations Centre, do you understand, I'm not trying to trick you at all?-- Yes. And some of those, it would have been - I can't say I wrote the words but certainly some would have been cut and pasted out of other documents that I may have pulled together. Terry Malone sent some through at some stage through the day, so a fair bit of that would have been cut and pasted.

10

Okay. Okay?-- Yes.

We'll come to what Terry Malone did during the day at about 1 o'clock, okay, a little bit later. In terms of page 1, if you can go to page 1, did you find some documents, because you didn't bring any to the Flood Operations Centre, did you find some material to cut from and paste to create anything on page 1?-- Quite possibly.

20

All right?-- I'd have to check the documents. It could be from the flood manual, some of those, the volumes, the strategies probably came out of the manual and certainly some of those would have come from somewhere.

Are you saying two things? Are you saying none of your contribution is original, you've only cut and pasted, or are you saying you don't even know whether you did the cut and paste for page 1, for example, I only got to page 1?-- I'm sure some of it would have been cut and pasted straight out of the manual or other places, some might have been some words just put around it. I cannot remember on the night how we got all the words together.

30

I'm not much interested in the "we" getting words together, I'm interested in you?-- That's why I suggested-----

I want to know what your contribution was?-- And I'm saying as you see on the log I went in to help write the report. It wasn't just me writing the report. It was getting information from - I cannot say which words were just mine or came from other sources or cut and pasted.

40

Where would we find in any other document the information that we see on page 1? Where would you source that information if you were going to cut and paste it?-- Some of that could be in the flood manual.

The flood manual?-- There's a few other documents on the Wivenhoe Dam could be around. I honestly cannot remember. We can probably track down some of it came from.

50

So you're in the Flood Operations Centre, you don't bring a laptop with you, you don't bring any documents with you, you're pulling a report together, you say, and I'm asking you what did you do? If it was the narrative, can you tell us how you did it?-- No, I cannot tell exactly where all those words

came from. If we got the manuals out and other documents we could probably track where the words came from if there was previous reports or summaries from Wivenhoe Dam or whatever else as a background, some general information.

1

All right?-- Certainly would have been looking through existing documents because most of that is just background information.

Anyone could cut and paste?-- You could find in other places but it was just trying to get it in for a short summary.

10

But you don't even know whether you did that introduction or Mr Tibaldi?-- I would have probably done most of the introduction of cut and pasting because that was just what I could do, in terms of helping get that part together.

Well, that's not going to take two hours, is it?-- Quite possibly. I'm sorry but finding the documents, rewriting it, getting it into a word, getting rid of the words that you don't need could very easily take quite a while.

20

Well, you're not suggesting to us that your contribution to pulling together the brief to the Minister which occupied your time in the Flood Operations Centre resulted in the introduction alone, are you?-- Quite possibly. I can guarantee getting together - even getting a one-page summary can take quite a long time to get something longer down to a shorter version.

30

All right. Well, what about page 2?-- Sorry, I was covering off on the whole of those introductions. Page 2 is really an introduction as well.

Do you think you cut and pasted that from somewhere?-- A lot of it would be. The primary objectives on page 3-----

No, no, no. Just do page 2 at a time, if you don't mind. Do you think that was your contribution to pulling together the Ministerial brief?-- Some of it would have been, yes, where it all came from and actually getting the words together.

40

That's okay. What about flood operations, the next section, "Real-time flood monitoring and forecasting system has been established", is that something with which you are familiar enough to either write it originally or to cut and paste it from somewhere else?-- Yes. I'm just trying to remember where that could come from. Certainly there are documents on real-time flood modelling somewhere. As I said, I can't even recall what the words in the manual are, documents, there's some other procedural manuals and other things it could have come from.

50

You understand that I'm trying to work out what your contribution was and what the other gentlemen's contribution was to this document which form the basis of the brief to the Minister, do you understand that's what I'm trying to do?-- I understand that.

Can you help me?-- I'm helping you as much as I can in explaining what can be remembered from a night a year ago in a couple of hours of pulling together some words from documents and, as I said before, that front part was where I was pulling information together and that was the primary aim at that time.

Okay?-- That's all I can - I can't say every word, who put up each word or where someone may have said to get it from or where to pull it from.

10

Okay?-- Certainly that was there.

I understand. Can you tell me then who was doing the high level timestep?-- That one I came in later from the email later that last table, I think came in on that email, as you said, at 9 o'clock where you said there was a table.

We're looking at the 9 p.m. email?-- Yes. From John Tibaldi's email had a table at the back.

20

I'm sorry, that's at page 6, is it?-- Yes.

Top of the page it reads, "Graph here to be supplied by Terry Malone" and then "Event decision-making" and you say this two pages, this table, is the high level timestep?-- I would think that was what was trying to fill in for the timestep but it's not a complete detail but, as I said, it was a matter of a couple of hours of trying to get something put together for the next day. You don't want to be saying it's rushed but it was a short time to get it all together.

30

And you say Mr Tibaldi created this table on pages 6 and 7 of this exhibit?-- I haven't got all the documents. It just looked at like that's where it came from, the first appearance.

And do you say that the strategy summary document that we've been looking at, this Exhibit 1051, form the basis of how Mr Tibaldi created that table?-- I can't say that. It's possible just looking at it now back at the timeline emails but I can't say whether that was how it was created or not. I can't guarantee that or say for sure.

40

You see if I ask you to have a look again at - well, while the document is on the screen, the entry for the 9th of January 2011 at 1530 hours, do you see that, and the narration-----?-- Yes.

50

-----speaks about - by going down towards the fourth line from the bottom, how "by 1900 it was apparent that the two bridges would be inundated by dam releases and that the operational strategy had progressed to W2", do you see that? That table suggests that that occurred by 1900 on the 9th of January?-- I can't quite see it on the screen but I understand what you-----

We're looking at your-----?-- No, that's okay. I did see that before. I see it, sorry. Operating at the top end of W1.

1

No, no, no. You're looking at the wrong - I was asking the witness to have a look at the document that was still on the screen, I'm sorry?-- Sorry.

Yes, that's the one?-- Yes. Yes.

10

1530 hours?-- I see. Yes.

"By 1900 it was apparent", do you see that sentence?-- Yes.

The operational strategy had progressed to W2 by that time. Now, if the witness could be shown, by way of comparison, 1051 and this is the strategy summary log that you've been shown before, do you see that?-- Yes.

Do you see the entry at 3.30 on Sunday the 9th of January, do you see that?-- Yes.

20

By that time the author of this strategy summary has attributed strategy W2?-- Yes.

How do you explain that, if you can?-- I'm sorry, I didn't create that document or the others.

But you see-----?-- I don't know how you want me to say why they're different.

30

But this table that you're saying Mr Tibaldi created?-- I didn't say that - that table on the end, I think came with that email, yes.

That refers to the adoption of different times for the W strategy on Sunday the 9th, does it not, to the strategy summary?-- Yes. I can't quite match it but yes, if there's differences, there's differences.

40

You see, if you were to read the event log when you were in the Flood Operations Centre, that's another document that might give you a clue to when a W strategy might be attributed to a time?-- Anything could help. As I said, what I pulled together at the front end, not trying to interpret W's or strategies but someone could have read anything in the Flood Centre. Anyone could read it if they knew where to look or if they were on the right computer.

That's right?-- Depending on where it was stored.

50

That's right?-- I don't know which one.

And the strategy summary, 1051, is not such a massive document is it, if you just cut entries out, like I've suggested?-- If it was that, as I said, I always looked at it, I assumed it was created from - I had no idea how you could adjust it or if it was adjusted or it was an original document.

I want you to understand-----?-- No, I understand.

I can't suggest to you that you were the author of the strategy summary, I wasn't there?-- Yes.

All I'm suggesting to you is that you had the capability of doing it, in terms of the technical capacity, that's right?-- What I'm saying is I can look at a spreadsheet, anyone can delete columns, but again the computer I was on was just doing tables. I can't even say whether I had access to any of that information. As I said, I certainly didn't adjust it but I know what you're saying. Anybody who knows a file can adjust a file.

10

And similarly you knew, based upon looking at Sit reports and directives that someone, perhaps with an imperfect knowledge, could wrongfully attribute a W strategy to a time?-- The reason I'm saying is that the email sent that table through later. I wasn't trying to do that table or adjusting spreadsheets-----

20

I understand?-- -----to create from a table that I'd already been given by someone else later.

I understand?-- The technical expertise and the Flood Centre timeline was the Flood Centre information, I was doing the words, which is what I do not technical information, trying to make guesses of what could have happened.

30

But, you see, how do you know that the PC that you were working on could give you access to other reports, past reports, fool you to cut and paste, for example, the introduction?-- The words could have been on the Internet or in the manual, it could have been in a lot of places. There's a whole heap of words that could be - or I even typed them straight from reading the manual. I can't remember how we got them. Some were emails. There's a whole source of documents, as long as there's a computer and a printer.

40

All right. You've had a look at Exhibit 1051, no doubt over a number of days recently. If you could be shown it, please, 1051?-- This is the spreadsheet?

I was referring to the email of the 15th of January at 6.57, my record says that 1051. Now, you've seen that email before a number of times no doubt over the last few days?-- Yes.

And the message, if I can suggest to you, is quite brief, terse almost, no salutation, no farewell, "John, Excel spreadsheet, strategies and directives for Wivenhoe. Rob". No "Regards", no "Kind regards", no "Hi", do you want to see that? Do you accept that?-- Yes, I can read the spreadsheet. Yes. I've got the email.

50

It does look like the way you send emails, doesn't it?-- Everyone sends emails. I can't see that as different to anyone else to someone, yes.

You don't think it looks like the way your style of email is?-- What I said is it looks like a lot of people's styles, I'm sure.

Okay. If it wasn't you who sent that email, then it's someone else whose name is Rob or who calls themselves Rob and the only other person who was called Rob was Mr Rob Ayre?-- Yes.

So if we assume that the person who has sent the email was either yourself or Rob Ayre, it doesn't follow that the person who sent it was the author of the attachment, do you accept that? Whoever has sent the email is just sending on an attachment?-- I'm sorry, all I'm saying is I don't remember sending that or why I would send that file. As I said, the only possibility is if I was sitting there and someone said, "Send this to someone" but I don't remember that. Yes. It's just the way it is.

10

I understand that but there's a point I want to make before we come to that issue?-- Yes.

20

It doesn't follow that whoever sent this email actually created the spreadsheet?-- I don't know - I don't understand why it wouldn't.

Well, by way of the example that you gave. You may simply, if it were you, be asked to send something to someone else?-- That's possible.

30

It doesn't mean you worked on the attachment, it doesn't mean you created the attachment?-- That's always possible.

Right. See, that was an example that you volunteered?-- Yes, yes.

Right. Okay. So the first thing is it doesn't follow that if you sent that email that you created the spreadsheet, do you understand?-- It's not necessary that anyone sending any email with an attachment created it.

40

That's right?-- Or they could have or they may not have.

That's right. In that Flood Operations Centre it's certainly possible at that date, at that time, that emails were being sent and attachments were being sent to John Tibaldi who was going to put it all together in the form of a draft or a briefing note to the Minister which was due the next day?-- Yes.

50

It's certainly possible that you were asked to send that spreadsheet to John Tibaldi and you have absolutely and reasonably no recollection of doing so?-- I don't recall and I don't know why I would have if someone else could have sent it. Yes, I certainly-----

But you were all working together?-- Yes.

You were all pulling together to get this job done. It's very likely, I suggest to you, that you could have been asked to forward that spreadsheet on to Mr Tibaldi?-- I think it's unlikely because I don't remember doing it or that file. There would have been files sent around or documents. I just do not recall anyone asking me at that time or whether I was - I certainly don't remember the file or where that would have come from or which place.

1

I understand that but equally, Mr Drury, you can't remember where the information came from for the introduction or any of the contribution that you say you might have made to that briefing?-- It is difficult to remember exactly where bits of words came from because it would have been pulled from lots of places a year ago, so I agree with those initial documents, yes.

10

Well, even anything that was original, you can't tell us that you wrote anything original in that briefing note?-- As I said, a lot of it is cut and pasted and found because I can recall the words, but which words were added or subtracted I can't be 100 per cent sure after, as I said, 12 months on that night.

20

Now, you left the Flood Operations Centre at about this time 7 o'clock, 7.15, something like that; is that right?-- I think so, yes. That was about it.

And it would be a good reason, wouldn't it, to leave at that time if the high level timestep had been completed, nothing else to do?-- I believe at the time I left because the front end was completed and the additional bits would be added after.

30

But it was also, according to this email 6.57, probably the time that the summary spreadsheet was complete enough to be sent to Mr Tibaldi?-- I can't say that was the reason that spreadsheet was sent at that time to John or why. As I said at the time, the front end, as I recall, was completed and the rest was going to be added later.

40

Now, you were doing the narration, you say, for that briefing note. I thought you said earlier that you were doing tables?-- No. The front end - beginning of the words at the front and helping, as I said, pull together those words for the - just the general introduction to the briefing note. I mean, that's-----

You didn't do any tables?-- Tables? I don't recall any. Certainly not the ones at the end.

50

Any tables?-- I'm not sure about the table that had event starts or dates, where that one came from about the flood event, whether that came from Terry but yes, I'm not saying no tables, I'm just saying it was introductory information, words, there's dot points, there's information that I can't recall. What I'm saying is that last bit was added later.

If Terry had done the tables, it wouldn't have been you who did the table, even if you cut and pasted?-- Well, I'm just looking, the only other table is the start dates and volumes and certainly those volumes would have been provided, I assume, from Terry, whether I typed them in or whether he provided them, I'm sure, whether it was him or someone at the Flood Centre provided volumes.

1

Sorry, you didn't do any tables?-- I'm saying I can't recall whether I created a table and put some numbers in that Terry might have provided or whether he created it, I cut and pasted it. It's still that introductory information beginning with the volume. So if I created the table and put the data in, I certainly wouldn't have known the data. I would have relied to get information off someone on the volumes.

10

I understand. Thank you.

COMMISSIONER: Mr O'Donnell?

20

MR O'DONNELL: I'm also interested in Saturday the 15th and I have some questions for you about that. That spreadsheet you were just looking at largely consists of situation reports and gate-opening directives?-- Yes. It looks that way. Yes.

Now, you always received the situation reports during the January flood event?-- Yes.

30

And you always received gate-opening directives?-- Yes.

It's part of your work, you're familiar with those?-- Yes. I can't say I read every single one but I certainly knew I got all the situational reports and the directives.

All right. Thank you. Could we see Exhibit 1064, please, on the screen. I know you've seen this many times before. That was the email which I understood you accepted you did see it in the Flood Operations Centre that evening?-- Yes.

40

See the "From" address is from "NQ Water Duty Engineer"?-- Yes.

So that would have been one of the computers open in the Flood Operations Centre that evening?-- Yes.

Does that indicate one of the computers would be dedicated to managing the North Queensland dam?-- Yes. I think that would relate to Ross River Dam.

50

Did I understand you to say that if you were to send an email on a computer in the operations centre you would need to log on or someone must have previously logged on to be able to send an email?-- Yes. I think that computer would of had to have been logged on for me to get on and utilise. That computer was probably running.

So I take it if it wasn't already logged on, you would just have to ask someone who was there to log on for you?-- Yes.

1

And then you could send an email?-- Yes. I wouldn't have necessarily known passwords or what to get onto the SunWater computers.

No, but there were others who were there?-- Yes.

Malone, for example was Duty Engineer?-- Yes.

10

Ayre, Tibaldi, they were there?-- Yes.

And flood officers. Thank you. Do you see you signed that email "Rob"?-- Yes.

Is that how you customarily signed emails?-- Sometimes Rob, Rob Drury, various ways.

Either Rob or Rob Drury?-- Yes.

20

But quite often you would just use the word "Rob"?-- Sometimes, yes.

Particularly if you're writing to someone who knew you quite well?-- My normal - even the "CC" up above is Rob Drury, so Rob is generally used all over the place, as opposed to Robert.

COMMISSIONER: Can I just ask why would you have cc'd that?-- Maybe it's just for a copy to myself, I honestly don't know, or to get on to my email system because it was on the SunWater one.

30

And what's the point of that though? Why do you want a copy of it?-- I may have thought I just wanted to see what the time - whether we were meeting tomorrow and remind me of the time. As I said, once out of the SunWater system I wouldn't have access to things like that.

40

MR O'DONNELL: Could we show Mr Drury some other exhibits, please, 1081.

50

That is the e-mail you sent the following day at 9.21 p.m.?-- Yes.

1

I see you signed "Rob"?-- Yes.

Exhibit 1082. That is an e-mail you sent a couple of days later, Wednesday, at 6.25 p.m.?-- Yes.

Again you have signed ""Rob""?-- Yes.

10

Could you look in your witness statement. If you look, please, in Volume 1. It's RD5?-- Yes.

Can I take you to some pages there, please. Go to page 60. That's RD5, page 60?-- I think I have got it on the screen, yes. Yes.

That contains what looks like two separate e-mails you've sent?-- I am sorry?

20

One on the 6th and one on the 7th of January?-- Oh, yes, yes. Sorry, technical reports, yes.

On both of them you have signed ""Rob""?-- Yes.

In the same exhibit, page 282 - it starts at 281 - an e-mail from you on the 10th of January, signed ""Rob""?-- Yes.

299. On the lower half of the page is an e-mail you sent on the 10th January?-- Yes.

30

Signed "Rob". Page 300. An e-mail you sent on the 10th, signed "Rob"?-- Yes.

305. Another one you sent on the 10th signed "Rob". 308. Another one you sent on the 10th signed "Rob"?-- Yes.

There are more of the exhibits but I won't take up more time?-- Yes.

40

Would it be fair to say that at this time you were ordinarily signing e-mails "Rob"?-- Yes. It looks that way, yes.

Can I ask you to look at these three e-mails, please. Just take them one-by-one. The top one is an e-mail from Mr Ayre, is that right?-- Yes.

On what date?-- There's one on the 16th of January, one on the 14th and one on the 15th.

50

To each of the e-mails Mr Ayre was the sender?-- Yes.

And you were a recipient of each?-- Some I know but I am not a hundred per cent sure of the e-mail address being used, but some should have come through me, yes.

I think your name is recorded there as a recipient?-- Yes, yes.

And on each one it's signed "Rob Ayre", with his surname?--
Yes.

Was that how he customarily signed e-mails?-- I cannot say.
He may have on those. I - yeah, as I said, I usually signed
"Rob". Those three are from Rob Ayre. They've got "Rob Ayre"
on the bottom.

I tender those e-mails.

10

COMMISSIONER: Do you want them as a single exhibit? Will that
suit?

MR O'DONNELL: Yes.

COMMISSIONER: It's just to make the point of how he signs, is
it?

MR O'DONNELL: Yes.

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ADMITTED AND MARKED "EXHIBIT 1093"

MR O'DONNELL: I have three other e-mails which Mr Ayre sent
but Mr Drury wasn't a recipient. They were all at this time
in January 11. The signing method is the same on each of the
emails.

30

COMMISSIONER: Should I just add them to 1093 as six e-mails?

MR O'DONNELL: Thank you.

COMMISSIONER: Can I see them once they are done?

MR O'DONNELL: Yes. They are the 14th, the 9th and the 19th
of January.

40

COMMISSIONER: Thanks.

MR O'DONNELL: Thank you. Could I hand you a paper copy of
Exhibit 1051. That's the e-mail at 6.57 you have been asked
about. I have taken the liberty of writing page numbers on
each page of the annexure. Just looking at that e-mail,
obviously it's to John Tibaldi and it's signed "Rob".
Are you with me, Mr Drury?-- Yes, yes.

50

It's a covering e-mail?-- Yes.

To Mr John Tibaldi and it's signed "Rob". It's the same as
all the other e-mails. It's signed "Rob" the same as the
other e-mails you had been sending around at this time. Would
you accept that given that there's only two Roberts in the
Flood Operation Centre on this evening, the likelihood is that
you sent the e-mail?-- No, as I said, I have no knowledge of

sending it and certainly creating or - this document and as I said, the only option would be if someone said to send this on, if I was at the computer, but as I said I wasn't - I don't think I was even at that computer.

1

But that wasn't my question, was it?-- No, wait on. I am just saying I don't remember sending-----

No, if you know it's not my question, don't answer it?-- Ok.

10

Just focus on my question, shall we? You've seen a series of e-mails you've sent around this time where you signed "Rob". Doesn't that make it likely that this e-mail was also sent by you?-- I don't think just the name at the bottom means anyone sent an e-mail. So, as I was saying, I don't remember sending it, no.

Well, does it indicate it's likely you are the author of the e-mail? Leave aside the attachment for the moment. Just concentrate on the e-mail. Doesn't that indicate it's likely you are the author of the e-mail?-- No, I don't think it's likely. As I am saying, just because it says "Rob" doesn't mean it's likely. As I said, it's from a different computer. So I'm not saying it's likely. It's just a name "Rob".

20

From a different computer, though, if there's a different computer from which e-mails could be sent, to access that computer and use it, either someone else would have had to have logged on or you would have to ask someone to log on for you to send it; is that right?-- I'm not sure how they work in Flood Centre, the computers. It's possible. I think you may have to, I am not sure.

30

But it's quite possible if there were separate computers from which e-mails could be sent, one from the North Queensland delegated computer, one from another computer?-- That could be, yes.

Would you mind looking through the annexure. Could I point out a couple of things and ask you to comment on this. As has been mentioned to you, the exercise appears to be one where someone has taken the flood log, kept the Situation Reports and the gate opening directives and stripped out a lot of the other information?-- As you said, there are blank gaps there, yes.

40

There are some communications left in, not that many, and then someone has written in some identification of the strategies, usually in the "category" column. Do you see that?-- Yes.

50

If you look, for example - there are page numbers on your copy, page number six. Commissioner, I have a copy with page numbers on it, if that would assist you. I just hand that up. Do you see on page six at 5.51 p.m. there's a Situation Report?-- Yes.

And it sets out information concerning North Pine Dam, Somerset Dam and then Wivenhoe Dam. Do you see that?-- Yes. 1

In the "category" column there is a reference to W2?-- Yes.

Which is the strategy for Wivenhoe, but no reference to any strategies for Somerset or North Pine. Do you see that?-- Yes.

Throughout this document there's no reference to strategies for the other two dams, although there are still entries concerning the two dams. If I can point out also there are some - see the word "strategy" that appears. It's often misspelt. On the fifth page, which is Sunday the 9th, at 4.30 a.m., do you see the word "strategy" is misspelt? It's got an extra "t"?-- Sorry, what page was that? 10

The fifth page. There should be page numbers on the bottom right-hand corner?-- Page five, okay. Yes. 20

COMMISSIONER: It hasn't got an extra "t" so much as a misplaced one.

MR O'DONNELL: Quite right.

WITNESS: Oh, yes, I see.

MR O'DONNELL: If you look on page six, the first line on the page under heading "Categories", it's incorrectly typed?-- If you go to page nine, which is an entry for the 10th, at 4 p.m., in any event "Category" column the word "strategy" is misspelt. If you go to page 13, which is of the 11th of January, at 1 p.m., in the "Category" column "strategy" is misspelt. Again on the same page, last line, in the "Category" column at 1.55 p.m. Do you see whoever has composed it has misspelt "strategy" a number of times?-- Yes. 30

Which might suggest it was prepared in a rush?-- Oh, well, they have misspelt - as I said, I would have no reason to go through all that. If I needed for that ministerial----- 40

I didn't ask you that?-- No, I am just saying-----

My suggestion was it looks as though it might have been prepared in a rush, do you think?-- Or it's just bad spelling. I mean, if someone was typing it.

Could be?-- Yes.

Then the last attribution of "strategy" is on page 15, which is on the 11th, at 8.35 p.m., and after that it's just called drainage phase, known by the writing of strategies after 9 p.m. on the 11th. Do you see that?-- Yes. 50

Could it be that there was an exercise done of someone having stripped out from the log or deleted from the log anything that's not a Situation Report or directive, someone has then sat down with a manual to their side and tried to work out

what the strategy was applied from time to time by reference to what's said in the Situation Reports and what's in the directives and has then written that in on a version of this document?-- As I say, if someone did that, they may have done it. I have no idea when they did it or when they created the document. Certainly if we needed for the Situation Report, the Flood Centre would be able to provide just a table. That's all it really required, was, as you said, a high level summary.

1

That might be so, but it does rather have the appearance, doesn't it, that someone might have sat down in the Flood Operation Centre with the Situation Reports and the gate directives, with the manual open at the side and tried to work out from the manual what strategy applied when?-- It could have. If someone did that, it could have been at any time and as I said, the main aim was to get the words together and then get a summary, a high level, which came later that night. As I said, I don't where that came from. If it came from that document, that's possible or why whoever created that didn't do the table. Anyway, it was just - as I said, I relied on the Flood Centre for the details and the strategies and that end bit of the table.

10

20

But you were familiar with the Situation Reports and the gate directives, weren't you?-- I certainly knew I received them. As I said before, there is no way I read every gate directive. There was lots of them, a huge number to go through. I'm not even too sure where they would have been in the Flood Centre, if they were all paper copies or electronic available.

30

You could have been asked. You could have asked, couldn't you?-- Anyone could have asked through all that information and done it at any stage.

And the manual of course you had seen before?-- The manual?

Yes?-- Yes.

Could I ask you to do something else to humour me. If you keep that exhibit, I want to put two documents side-by-side. Put that exhibit to one side and then the 9.10 e-mail side-by-side with it. The 9.10 e-mail you have already got?-- From John Tibaldi.

40

That's right. It's got 1053 written in red on it. If you look at the 6.57 e-mail and you look to see when it records W2 first applying, if you look on page five it has W2 applying on Sunday, the 9th at 12.40 p.m. So around lunch time. Do you see that?-- Yes.

50

If you look in the 9.10 e-mail document and look to see when it has W2 applying - so I am looking at page six - against the date and time 3.30 p.m. on the 9th, if you look at the last paragraph, "However, by 19:00 it was apparent Fernvale Bridge Mt Crosby Weir Bridge would be inundated by dam releases and yet the operational strategy had progressed to W2." So that document seems to be attributing it to around 7 p.m. on Sunday

afternoon?-- Yes.

1

A material difference of six and a half hours. Do you see that?-- Yes.

If you go back to the 6.57 e-mail, we get to see when it attributes W3 applying. You will see that on page six, Sunday, the 9th at 7.15 p.m.?-- Yes.

Then if you go to the 9.10 e-mail, page six, it attributes W3 as applying the following day, on the 10th, at 6.30 in the morning?-- Yes.

10

Do you see that? Can I also point out to you the change in position. The 6.57 e-mail has strategies applying at quite precise times but when you go to the 9.10 e-mail the reference to times for strategies is in somewhat indistinct language. It is apparent that the operational strategy had progressed by this time. That's sort of language is used. Do you see that?-- Yes.

20

The 6.57 email goes to Tibaldi, then he sends back the 9.10 e-mail. Is it possible that you made an attempt, at 6.57, to attribute times at which strategies applied, send it to Tibaldi, Tibaldi doesn't accept it and writes a different version and sends that back to the duty engineer at 9.10?-- No, as I said all along, if John used that spreadsheet - I am not sure where the spreadsheet came from. If he used it, which I assume he did to create that, he may have changed it but I probably wouldn't have picked it up without looking at the spreadsheet. I do know that I think he sent it one day as information, if we needed information, but I don't think I checked the two when he sent it to me. So I am not sure why there would be a difference or why he changed that.

30

If you look at the 9.10 e-mail. I am also interested in what occupied your two hours in the Flood Operation Centre that evening. Now, you said you thought you were the - I took down your expression as, "I was doing words, not technical information"?-- Yeah, and it was pulling together - as I recall - I cannot remember all the details. What we did was really just to get the words together to be sent out the next day.

40

I think you explained to my learned friend that you might have been adding in some of the words that appear in the first four to five pages of the 9.10 e-mail?-- Yes.

Could I show you two other e-mails, please, one at 6.20 on that evening, and one at 6.34. I am afraid I don't have copies. At 6.20 Tibaldi sends you an e-mail?-- Yes, that was some of the draft and some of the words.

50

Which is a draft-----?-- Yes.

-----of the first four pages of the Ministerial briefing?-- Yes, that's what we had been discussing and going through.

Sorry, I will start again. It's a draft of the first four pages that become the 9.10 e-mail annexure?-- Yes.

1

Saying, "This is it so far." Then at 6.34 he sends you another version of the draft called "Full Document" and calling it "Updated Effort". It comprises all of the first four pages of what became the 9.10 e-mail annexure. Doesn't that rather suggest to you that the words that appear in the 9.10 e-mail annexure were being drafted by Tibaldi?-- John was probably putting something together but as I said, we were discussing it on the night and where we were getting data from and information and I had sent some e-mails to Peter Borrows at about 6.50 I think, but it was certainly pulling altogether the information, where it was coming from. And as I recall, that is what I can recall we were doing on the night.

10

If you look at the e-mails Tibaldi sends to you at 6.20 and 6.34 compared to the 9.10 e-mail, doesn't it suggest that Tibaldi was drafting the words that appear in the 9.10 email, not you?-- Well, we were both putting words together.

20

No, concentrate on my question please. It's important?-- Yes.

When you look at the wording that he sends you at 6.20 and 6.34 and how closely it matches the wording of the 9.10 e-mail attachment?-- Yes.

Doesn't it rather suggest that it was Tibaldi who was drafting the words that appear in the 9.10 e-mail attachment?-- He was certainly doing some of the words and as I said, I went in to help draft the documents and pull some of the words together and as I said, that is just some memory of the words we were pulling together in those couple of hours.

30

If Tibaldi was drafting the words in the 9.10 e-mail attachment it raises the question what were you doing during the two hours?-- I was certainly working with them and discussing the words and looking at where words could come from.

40

I will tender those two e-mails, Commissioner.

COMMISSIONER: The first of them, the 6.20 one, will be Exhibit 1094 and the 634 one will be 1095.

ADMITTED AND MARKED "EXHIBITS 1094-1095"

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MR O'DONNELL: Just one final matter, Mr Drury. Could you go back to your witness statement in Volume 1, please. Page 321?-- Yes. Yes, 321, yes.

No, on second thoughts I have no other questions. Sorry,. Mr Drury.

MS WILSON: Mr Drury, I am somewhat confused. I was going to ask you two questions. Can we see Exhibit 1051. I will ask you two questions. Did you send this e-mail or not?-- I honestly don't recall sending it, unless I was sitting at a computer and someone asked me to send it, but I do not recall sending that e-mail.

Yes, no, or you don't know, what is the answer?-- I cannot recall sending it. As I said, if someone said, "Send me this file. It's on the computer," I could have without even thinking about it. So I don't remember doing that but I certainly don't remember sending the e-mail from duty engineer to John with that file attached.

10

So the answer is that you have no recollection of sending this e-mail?-- No.

That's the best evidence that you can give this Inquiry?-- Yes. It was a year ago, it was a briefing note in a couple of hours on a Saturday night and I could not remember every e-mail or when they were sent.

20

So you are saying there is a possibility you sent it?-- No,. I am saying I cannot recall sending an e-mail on that night from "duty engineer" to "John" and I was sending e-mails from another computer at that time, so I don't remember sending that. As I said, if someone said send a file to someone, I may have done that without even thinking about it, but I do not recall sending that e-mail.

30

Can we go to Exhibit 1064. You do accept that you sent this e-mail, is that the case?-- Yes, I'm sure I sent that one.

Do you see the e-mail address that you sent that one from?-- Yes.

Did you change computers at any time, or in the 10 minutes or so between the two documents?-- I don't recall changing computers or why I would have changed them, but I certainly don't remember.

40

Yes, no, or don't recall, what's the answer?-- I don't recall and I certainly don't remember why I would have changed computers.

Is it more likely that you did not change computers?-- As I said, all I know is we were in the centre, I was on one of the computers working and I don't recall at any stage changing computers unless someone asked me to do something at another computer. So I do not recall changing computers.

50

Where does that leave your evidence? You may have but you don't recall, you didn't?-- I don't recall changing computers at any stage.

So is that a "no"?-- I am saying I just do not recall changing. All I can remember is working on one computer for a couple of hours in the Flood Centre for that briefing note. I don't remember walking to another one for any reason. That's all I can recall.

1

Do you recall changing any e-mail address, any recollection of that?-- No. I wouldn't necessarily know how to change the e-mail addresses.

10

Can we go back to Exhibit 1051, please. Can we open up the Strategy Summary Log. Did you create this document?-- No, I don't - that document - I don't know why I would create it or what I would need it for. All I really needed was a strategy summary document from the Flood Centre.

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"Yes", "no", or you don't recall, did you create this document?-- I don't - all I can say is I don't remember touching it or seeing it on that night. As I said, we were pulling together the situation report. I cannot remember seeing that document or certainly didn't create the document.

1

You didn't create this document? You would have recalled that, Mr Drury. Did you create this document, "yes" or "no"?-- No I cannot recall creating that document at all. It was a flood centre document, as far as I'm aware, and it was in the flood centre.

10

So you did not create this document? I just want to know what your evidence is?-- I cannot - as I said, I honestly on the night only remember putting and - helping put the words together or not sending that document and certainly don't recall ever creating a document like that. It was a flood centre document I've seen since and looked at it, certainly not creating it. I cannot recall anything - you know, doing it.

20

When did you first - when do you - when did you first see this document?-- A couple of days ago I saw it and again it was - I could not recognise it or what it was for. I did receive it in e-mail I think at one stage sometime ago when - during the flood event, I think it may have been e-mail to me for further information, but I don't recall opening it or looking at it, and the other day when I saw it was - I just didn't recognise it.

30

So is your best evidence that you can give this Commission that you didn't create this document? I'm just trying to ascertain what your evidence is?-- That is all I can recall that I didn't create that document. I can only assume it's a Flood Operations Centre document.

COMMISSIONER: When you say, "I don't recall," are you essentially saying, "I might have but I just don't remember doing it"?-- No, I - all I'm just saying, I was sent the document at some other stage, I don't recall opening it at that stage and I just don't recall what I would have touched it for because all I wanted was a high level summary attached to the end of the thing, so I don't-----

40

I was asking you about creating it, not when you saw it?-- No, I didn't create it. I honestly cannot say that I created that document. I'm sure it's a flood centre document that was in the flood centre-----

And when you say, "I honestly cannot say I created that document," does that leave open the possibility that you did?-- No, I - it is all new to me and I did not create that document, it's - it's a flood centre log and I just don't know why I - why I would create it and I didn't create it. I just - just not my file but it was a flood centre file, I'm assuming.

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MS WILSON: I have no further questions. May Mr Drury be stood down?

1

COMMISSIONER: Yes. Mr Drury, you're stood down-----?-- Thank you.

-----for the balance of these hearings. Thank you.

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WITNESS STOOD DOWN

MS WILSON: I call Daniel Spiller.

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DANIEL THOMAS SPILLER, ON AFFIRMATION, EXAMINED:

1

MS WILSON: Thank you, Mr Spiller. Can you tell the Commission your full name, please?-- Daniel Thomas Spiller.

And can you tell us your present occupation?-- Director of Operations for the South East Queensland Water Grid.

10

And-----?-- Sorry, the Water Grid Manager.

Sorry, what was what?-- The Water Grid Manager.

And during the 2010/2011 flood event, December to January, what was your position?-- Director of Operations at the South East Queensland Water Grid Manager.

You prepared three statements for this inquiry. A statement dated the 13th of May 2011, which is Exhibit 431. I'll show you a copy of that statement. We don't have a hard copy but perhaps if that can come onto the screen. Are you aware that you prepared three statements?-- I am.

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I'll just show you the first page for each. That's your first statement?-- Yes.

You prepared a further statement dated the 17th of May 2011, Exhibit 432?-- Yes.

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That will just come up?-- Yes.

You see that?-- Yes.

Now, both those statements have you had the opportunity to read before coming in here today?-- I have.

And is there anything that you wish to add or amend from those statements?-- There is a fourth statement that I submitted today, which was short, to the effect that there was a meeting that in my supplementary statement I said that I attended that I did not. I subsequently recalled that I did not.

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Mr Spiller, are you saying that you provided a fourth statement?-- Today. It's simply one page.

Well, perhaps-----

COMMISSIONER: It seems to be news to everybody.

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MS WILSON: Perhaps before we get to the fourth we might get to the third-----?-- I don't think it's significant other than to-----

-----and then we will get into the unknown territory of the fourth?-- Sure. It's just a matter of clarifying some inconsistencies.

So that is your third statement. That was affirmed on the 1st of February 2012?-- It is.

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

Madam Commissioner, that statement has already been tendered. It is Exhibit 1080. And I understand there's a fourth statement which-----

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COMMISSIONER: Do you have it, Mr MacSporran, by any chance?

MR MacSPORRAN: No, I don't appear for Mr Spiller. I think they're organising it outside to try and get copies.

COMMISSIONER: Thanks.

MS WILSON: Madam Commissioner, I would like to have a look at that statement before I continue my questioning for Mr Spiller. Could I just stand down for five minutes?

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COMMISSIONER: Do you really need to? Mr Spiller says it's just about one meeting he didn't attend. Which meeting is it?-- So there was a briefing for the minister on the morning of Monday, the 10th of January-----

MS WILSON: Yes?-- -----where in one of my statements I said I attended that meeting and didn't have a recollection of it. Thinking about it subsequently I'm confident that I didn't attend that meeting. Mr Dennien provided that brief.

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If you could just wait one moment, Madam Commissioner? Can you have a look at this document, please? Is that the fourth statement that you signed today?-- It is, thank you.

Madam Commissioner, I tender that statement.

COMMISSIONER: Exhibit 1096.

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ADMITTED AND MARKED "EXHIBIT 1096"

MS WILSON: Can we just start off with your roles. At the time of the 2000 - flood event you were the - you said, the water grid manager; is that the case?-- Director of Operations for the Water Grid Manager

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Director of Operations. Can you tell me what that role entailed?-- The role's set out in my first statement in terms of its legislative responsibilities. The core part of it, though, is directing the operation of the grid as a system. The grid comprises about 60 dams and weirs and about 50 water treatment plants and many hundreds of kilometres of bulkheads connecting pipelines. The role of the Grid Manager is to pick and choose where water should be taken from, where it should

be treated and where it's delivered to.

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During the flood event was it the case that the water grid emergency response plan effectively defined your role?-- So during the emergency I was appointed as the emergency manager for the water supply emergency only. That role doesn't relate to the operation of dams. There were also some responsibilities that the Water Grid Manager had during the flood event that related to the draft communications protocol.

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Was it the case that part of the Water Grid Manager's responsibility during a flood event, and that is during the December/January 2011 flood event, was to lead - be the lead communication agency?-- It is. So the Water Grid Manager is generally the lead communications agency for all matters related to the water grid.

Well, where did you - as a lead communication agency you get information and then you distribute that information. Where were you getting information from?-- So there were two components, obviously. Part was the water supply emergency, part was the dam operations in the flood event. In terms of the latter, we were getting information in accordance with the draft communications protocol. Now, there are a number of means by which we did. The principal amongst those was the receipt of technical situation reports from Seqwater but we were also receiving information through conversations between officers, particularly in the communications teams, and conversations directly between ourselves and senior officers within Seqwater.

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Okay. When you say "senior officers within Seqwater", can you tell me who they were?-- Principally Mr Rob Drury but in addition Mr Stan Stevenson, who was the Acting Executive General Manager, and Mr Peter Borrowes, the CEO.

What about any communications with the Flood Operation Centre, did you have any?-- I didn't have any communications with the Flood Operation Centre up until Saturday, the 16th of January, when we were preparing a ministerial briefing note.

40

Okay. Now, the information that you received from Seqwater, that came in a variety of forms. You received technical situation reports, TSRs, from Mr Drury; is that the case?-- Yes. Principally Mr Drury. There were some that came from other officers also.

And who were they?-- Stan Stevenson.

When we're looking at between 8 and 11 January where were you getting your TSRs from?-- Rob Drury principally. There were perhaps a handful that Stan Stevenson sent where Rob wasn't on line.

50

Did you contact Mr Drury by telephone or Mr Stevenson by telephone?-- So I contacted Rob routinely on getting technical situation reports to clarify issues in my mind. From Monday the 10th of January we had an emergency room

active at the Water Grid Manager and at times Mr Drury and Mr Borrowes were in that emergency room and at most of that period Mr Stevenson was as well.

1

And the contact with Mr Drury was by telephone and e-mail?-- And in person on occasion.

And in person. How did that occur?-- On the Monday and Tuesday there were a couple of sessions where he come up the road to the emergency room when we were discussing matters related to dam releases.

10

And if we can go to paragraph 12 of your statement, that is the third statement. That's the one that you've got in front of you. You note that Mr Barry Dennien, the CEO of the Water Grid Manager and yourself, often sought more detail about the strategy being used?-- Yes.

Why was that?-- The origin of the draft communications protocol which gave the Grid Manager its role was in October in 2010 the first release happened that had occurred for about 10 years. At that stage there was a lack of communication between Brisbane City Council and Seqwater that led to some fairly public debate about the impact and significance of flood impacts within Brisbane. The response to that was to draft - draft communications protocol with the Premier distributed in November and said that in absence of a signature from all the parties it should be applied from that time. The technical situation report was a template attached to that and it was first used at the 13th of December, or thereabouts, when a dam release occurred. There was a period, however, from the first use of that technical situation report onwards where we were talking to Mr Drury, Mr Foster as well at Seqwater, about how we thought the information could be improved and a bit more detail provided and we continued to have those discussions for some time.

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But during the flood event was it the case that you were contacting Mr Drury or Mr Stephens (sic) requesting further information?-- Indeed.

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And was that further detail about the strategy that was being used?-- The further detail was generally focused on what the volumes of releases were and what the objectives of those releases and the impacts downstream would be. There was one occasion where going to the specific strategies within the operating protocol I did ask specifically what - which strategy was being applied.

So when you say in paragraph 12 that you and Mr Dennien often sought more detail about the strategy being used, how should I take the word "strategy" there to mean?-- About the releases being made, the impacts - the expected impact of those releases and the expected event plan, as it were, for how that - the next few days could transpire and what the likely impacts of that would be.

50

You set out your knowledge of the different strategies W1 and when those different transitions occurred in your third statement. Did you have a knowledge of the flood operation manual?-- I had some knowledge of that from my time at Queensland Water Commission where there was a proposal to change the operation of the dam to increase the level. I acquired more knowledge of it from the October release event onwards, and particularly in relation to preparing advices to the minister about options to reduce dam levels.

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So come the - and if we can just concentrate on the January flood event of 2011, you were quite comfortable with the terms W1 to W4 and what they meant?-- At a higher level without going to detail - detailed training of perhaps a flood engineer or dam safety regulator.

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Was it important for you to know as the lead communicator in these events what the primary considerations were of each of these strategies?-- I think the important thing to communicate was what was occurring at that particular time and what the likely effects of that would be, but I felt some general understanding of what the background to that and the basis for those releases was important.

20

And you were passing on your information, we've talked about the information coming to the flood - to you, and then you distributed that information?-- Indeed.

And can see some of the documents, which I referred to as the "Spiller reports", they went to ministers - the minister-----?-- Yes.

30

-----Minister Robertson? And who else did it go to?-- There is a list in the draft communications protocol of who should receive those. Over the period of December that list grew to include Minister Robertson, as you say, some of his advisors, Ken Smith, the then Director-General of the Department of Premier in Cabinet, Assistant Commissioner Martin, who is the head of the Brisbane District Disaster Management Group and some of his staff and a number of others.

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So did you take care to ensure that the information you were providing to these people was accurate, as best as you could?-- As best as I could. We - under the communications protocol there's no obligation on the Water Grid Manager to do anything other than forward that information on. We felt that it was important to have some quality control of what went through without being the regulator of how the dam was being operated, and it was for that reason that I continued to be the person that distributed those reports over the Christmas period rather than delegating it to our Duty Emergency Manager or Duty Communications Manager.

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COMMISSIONER: Can I ask you about the second sentence of paragraph 12? You regularly sought advice about current and potential release rates as that reflected on the operating strategy. Do you mean just that they reflected the operation strategy or what do you mean there?-- They reflected

certainly about the operating strategy that was being applied at that point in time.

1

Do you mean that they gave you a clue which operating strategy was being applied or-----?-- Indeed.

All right. And you wanted to know the operating strategy because?-- The critical part for us that we felt in communicating is a few step - threshold steps and where the impact of dam releases or other flows have impacts on downstream communities and we felt that it was important that people understand when those thresholds had been breached.

10

Which thresholds?-- One of them is the inundation of the Mr Crosby Weir Bridge, Fernvale Bridge. The other one that we were particularly attune to was the limited urban inundation within Brisbane itself.

And how do the operating - when you say that in the second sentence you're then talking about operating strategies under the manual, W1 to W4, I take it?-- Indeed.

20

You need to know what those strategies - which strategy's in place in order to know where you are up to in terms of the bridges and so on or-----?-- No, we don't-----

-----what are you saying?-- -----we don't need to me that but it is as simple as if Mr Crosby Weir Bridge is inundated, for example, we know that we're not operating in W1. I'm not looking to add too much more sophistication beyond that.

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All right, thank you.

MS WILSON: In terms of who you were passing that information on, did you ever have any discussions with Mr Drury about who you actually were passing that information on? The question is did Mr Drury, to your knowledge, know who you were passing that information on?-- Absolutely.

And why do you say that?-- We had a number of discussions, particularly in the week leading up to Christmas, where I emphasised to Seqwater that I thought there needed to be some more detail included in those technical situation reports, and particularly to explain the objectives of how the releases were being operated at that time and why decisions were being made. That culminated, I think, around the 23rd of December where I suggested that the - an additional table of data be included in the technical situation reports that specified some of the key parameters, such as rainfall strategy objectives, and that was incorporated from around the 23rd onwards into all of the technical situation reports and completed to varying levels of detail.

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And so why is that an answer to my question that Mr Drury knew who you were passing that information onto?-- I'm sorry. In highlighting the need for that additional information there were a clarity about what the objectives were, I highlighted that. The distribution of this technical situation report did

include ministers and DGs.

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And you had that discussion with Mr Drury?-- On a number of occasions and again with Mr Foster.

Okay. Now, when you talked about objectives does that - are you including there the primary considerations of strategies within the manual?-- More to the extent of there were - within an event - the type of discussions we were having in December is whether the releases should cease above 102 per cent - a hundred per cent or whether they would continue down to bring the dam to full supply level. There was some discussion about whether it was a prudent thing to cease the releases early so that Burtons Bridge, for example, would no longer be inundated on Christmas Eve and that that would cause less hardship to those residents. So that was the type of trade off that I'm aware the Flood Operations Centre was making, that the technical situation reports reflected on, and I thought those type of considerations needed to be made explicit.

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What do you mean "trade off"?-- Well, in winding back the releases in that way, to take just that example, the dam releases ceased and at least significantly whilst the dam remained above full supply level. There was an alternate option which we asked if they'd consider of bringing the dam down to a hundred per cent of capacity or potentially going below that. But it was decision that Seqwater made on how they would operate that dam and-----

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When did these discussions take place?-- So there are a number of - along a similar ilk between about the 17th of December and the 24th of December.

Well, now if we focus in January. You set out in paragraph 15 of your statement, of the third statement that you've provided to the Commission, the - your understanding of what the flood operation strategies were used between the 7th of January and 12th of January and the times at which each strategy was in use, and you set that out. There's a transition from strategy 1 - W1 to strategy W2, occurred on the evening of Sunday the 9th of January 2011, and you go into some detail about the basis of your - of your belief that's why - that's when that occurred. Could I just take you to a couple of matters. There was a teleconference at 9.30 p.m., is that the case, that night-----?-- Yes-----

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-----on the 9th?-- -----it is.

Can you recall who participated in that teleconference?-- Participants included myself, Mr Lyons, the Communications Director from the Water Group Manager, Mr Denner, the Risk Director from the Water Group Manager, Mr Drury, Mr Stevenson, Miss Debbie Best, the then Acting Director-General of the Department of Environment and Resource Management.

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And what is your best recollection of what actually was discussed during that telephone conference that night on

9.30 p.m.?-- The purpose of that teleconference was to discuss what would be our understanding that that bridge needed to be inundated in the next 24 hours and how best to manage the impacts of that and communicate that to the community. There was considerable discussion about whether it was something that we would aim to tell people first thing in the morning this will shut down and it could be at any stage, whether we shut it immediately, or whether we gave people the opportunity to go to work, recognising that they - at the time they came back it may not be accessible any longer.

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During that teleconference was it discussed that there had been a change of objectives to now protect against urban inundation?-- Certainly to my recollection. That was the genesis and the introduction to the teleconference was that - the mode consisted with the e-mails that we were getting from Mr Drury, which the focus will be protecting urban areas.

Well, let's go into detail of that genesis. How did that come about that you - that it was discussed that there was now a change in strategy? With your best recollection tell me who told you that?-- So around 4 o'clock that afternoon I asked Mr Drury for an up date on what the current situation was-----

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Could I just pause there. When you say you asked, is that by e-mail or telephone?-- By e-mail.

Right?-- My recollection, and I do, I think, have a chronology that sets some of this out, but at around 6 o'clock he said that an update would be coming shortly. That took some time to arrive but prior to the written update arriving my recollection is I had a conversation with Mr Drury where he told me the effect of what would be in that technical situation report and particularly that the two bridges would need to be closed within the next 24 hours but they weren't sure precisely when. At about 9 o'clock I asked for an update on where that was and received it shortly after, which was the impetus to get all of those people on the phone, many of which I had had individual conversations with already and appraised them of what the situation was.

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And was it the case that Mr Drury told that meeting that night that there had been a change in strategy?-- I can't recall the specific words that he used but specifically - he did explain that the bridge would need to be inundated and that that would occur in the next 24 hours. And I believe it to be consistent with what I - what was in the e-mails we received from him in the technical situation reports and in the summaries I subsequently sent out.

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In that meeting that night was there any discussion of changing from W1 to W2?-- I don't believe that we discussed the strategies in terms of W1 or W2 that night, we were very much focused on what the impacts of that bridge being inundated were.

Was it discussed in terms of there was a change of strategy from protecting rural areas to protecting against urban inundation?-- I don't recall the details of that part of the discussion. Certainly I think there was a discussion that said at that time or going forward the impact - the primary objective would be urban inundation.

1

Okay. Can we go to page 246 of your statement attached to your exhibits. It is an e-mail from Mr Spiller, that's yourself to Mr Drury. We'll get it up on the screen too, Mr Spiller, if it's easier for you. I apologise. You'll find this at Mr Drury's statement, RD5246. It's an e-mail from you to Mr Drury. "Rob, got your message, thanks." What was the message?-- Shortly before I got that message I'd had a conversation with Mr Brett Myatt, who is the treatment plant manager at Mt Crosby. He'd advised me in that conversation that they were closing the Mr Crosby Weir Bridge at that time because the water was starting to lap across the top of it. I believe the 11 o'clock message from Mr Drury was to a similar effect.

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Okay. And what bridge were you ensuring that the ICC was advised was closed?-- The Mr Crosby Weir Bridge.

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Can we now go to your statement and annexure B, page 116. This is at 11.07 p.m., obviously after the 9.30 teleconference and this is your report to the people that we can see there and you've also cc'd Mr Rob Drury there?-- Yes.

1

Now, if we can just go down, "To date the primary objective for this event has been managing to prevent inundation of the Mt Crosby Weir and Fernvale bridges". Mr Spiller, where did you get that information from, that is that the primary objective for this event to date has been managing to prevent the bridges?-- My recollection is that's consistent with the conversations I'd been having with Mr Drury to that point and certainly the technical situation reports had been issued over the day before highlighted, without using the specific words, the primary objective is that it highlighted the effect of the way the dam was being operated was to avoid inundation of those bridges.

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Did you have any conversation with Mr Drury where he used the term "primary objective"?-- Not that I specifically recall.

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So why then did you use this term "primary objective" in this email - to those persons in that email?-- The purpose, I think, looking back at the email now was to highlight the difference between the following paragraph of what was to occur from that point on and what had been occurring up to that point.

So is it fair to say there was a significant shift following the 9.30 teleconference about how this was going to be managed?-- Certainly in our minds there had been a significant shift and I think that's reflected in the fact that we had a 9.30 teleconference on a Sunday night and that we had the activity and advised various people at that hour of the weekend.

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And we can all read what's contained in the next paragraph, "The primary objective has been changed, minimising the risk of urban inundation". Does that information come from that 9.30 conference with Mr Drury?-- And I think is reflected in the 9.30 technical situation report that I received from Mr Drury as well.

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Did Mr Drury ever discuss this email with you?-- No.

If we can now go to the morning of the 10th of January 2011. At paragraph 15B of your third statement, you state that the transition from strategy W2 to strategy W3 occurred around midday on Monday the 10th of January 2011 and you set out the reasons that you make that statement?-- Yes. Based on the information I had available to me at that time.

50

Now, if we can go to page 161 of your annexure B. This is an email from Mr Drury to you and others at 8.06 a.m. on the 10th of January?-- Yes.

And it's attaching the TSR?-- Yes.

TSR W36. If we go to 163 where we see the TSR, there's the 8 a.m. TSR and if we continue to go down, if we can just go up a bit, please, "The objective for dam operations will be to minimise the impact of urban flooding and areas downstream"-- Yes.

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Now, you read this TSR?-- I did.

Did you have any queries or questions for Mr Drury after reading this TSR?-- I've been at process with this at one iteration before where I'd received a version that is referred to in that previous page that you spoke to where there is some inconsistencies with other data that I'd received. I was drafting an email back to Mr Drury outlining those when the update version came in. In looking at this data in the updated TSR, I didn't have any specific queries in terms of the data contained within it, but I subsequently asked a question whether we were operating in strategy W2 or W3.

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Okay. We can go to that which is at page 167. Now, that's a very short time after receiving the TSR at 8.30 a.m. you email Mr Drury and ask him that question. Why did you ask this question?-- As a starting point I wasn't - I was aware we were no longer in strategy W1.

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Sorry, stop there. How did you know that?-- Because the bridges had been inundated the previous night.

Had you been told that you were no longer in W1?-- No.

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Okay?-- I surmised that from my knowledge of the manual. No longer being in that space, I was aware that significantly higher releases were permitted under whichever strategy we were then operating under and that that could result in significantly higher flows in the lower Brisbane bridges and that that would have impact in broader areas than had been experienced in October and December of 2010. I thought that that was a significant step change in how the release was being - the event was being managed and warranted without making a major issue of it in the subsequent emails that were sent out to highlight that there was a different strategy being used at that point in time. The purpose of this question, whilst I have an overview of the different operating methods under the manual, I'm aware that it's a multifactual decision and that we were only receiving advice on a couple of those parameters so I couldn't make that assessment myself.

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Why didn't you just what are the release rates, what are the flow rates, that's the data, that's the important data. Why did you ask whether it's W2 or W3?-- What we were trying to get a sense of is simply, provide a bit of context to how the dam was being operated at that time. The data that you speak of, in terms of the release rates, is contained in the technical situation report and can be referred to and can be read by the people that it was distributed to.

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You received a reply from Mr Drury of W2 at 8.23?-- Yes.

Now, there was an 8.30 conference that morning, a telephone conference that morning?-- There was.

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And if we can go to 206 to 208 of your statement. This is an email from Lee Hutchison, can you see that, Mr Spiller?-- I can.

And who is Lee Hutchison?-- Lee is our Risk and Emergency Manager. So having on that morning mobilised the Emergency Management Route, he was the person directly responsible for its operations throughout the event.

10

And this email attached to the notes taken during the 8.30 a.m. teleconference that you participated in?-- Yes.

If we can go to that first page, just up at the top. We can see who was in attendance, Mr Dennien, yourself and Mr Denner, Mr Lyons and Mr Hutchison. From Seqwater, Mr Borrowes, Mr Drury, Mr Bird and Mr Stevenson?-- Agree.

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Were all of those persons in attendance at this teleconference at 8.30?-- I believe that Stan Stevenson was in attendance. I think the others may have phoned in to the teleconference.

Okay. I should be clearer about that. Did all of these persons participate in the teleconference at 8.30 on the 10th of January?-- I believe so, yes.

Was Mr Drury participating in this teleconference on the 10th of January?-- I believe so, yes.

30

When you say you believe so, is that "yes"?-- My recollection is that he was.

Okay. We can see the agenda which is to review the current release strategy. We see on that first dot point, 3.5 and 4. Do you recall whether this is a reference to 3,500 cubic metres per second and 4,000 cubic metres per second?-- I didn't take the notes but I am confident that that is what it is a reference to.

40

But you have an independent recollection of this meeting?-- I do.

And what was discussed at this meeting?-- There were two parts of the issue that were discussed at that meeting. One was to try and understand what the scenario that we were looking at, in terms of the dam releases and the flood event was, and the second was to understand how we would manage our response to the water supply emergency that came out of that.

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Okay. And we can see that because over the page we talk - there's some water treatment plant discussion. So if we can just focus on the 3.5 and 4. That's talking about the releases from Wivenhoe Dam?-- Yes.

And if we can just scroll down just a little bit, so it's in the middle of the screen. That the Seqwater manual is for

4,000 cumecs but aiming for 3,500. When they're talking about the "Seqwater Manual", what was being referred to then?-- The operational procedures for the dam. 1

And was there any strategy being referred to of 4,000 cumecs but aiming for 3,500?-- The discussion that was had - I believe, yes. I believe that Mr Drury and Mr Borrows again spoke about W2 and W3. The discussion raised the issues that Brisbane City Council had flagged the previous evening and there was some concern expressed about Seqwater's ability to commit to flows no higher than 3,500, specifically that they would have to continue to operate in accordance with the manual. 10

A quarter of an hour earlier you received your email for the answer, whether you were in W2 or W3, and the answer from Mr Drury was W2, was that the basis that this meeting proceeded on, that the dam was being operated in W2?-- Yes.

And that information came from Mr Drury?-- Yes. 20

And anyone else?-- No, I think he would have been the source of that information.

COMMISSIONER: You said earlier though that Mr Drury and Mr Borrows spoke about W2 and W3, what did they say?-- The key issue that we spoke about was the management of the combined flows from the lower Brisbane River and how that was consistent with what was permitted under the operating strategy at that time and that their view is whilst they would aim to maintain combined flows of 3,500 cumecs, that they would commit that that would be all, that they may have to use the full discretion that was available to them under the operating strategy. 30

And do you remember how those two strategies featured, that's W2 and W3, what was said about them in particular?-- No. I think that's the extent I can recall discussing the details of. 40

MS WILSON: Well, perhaps this note may assist. You told me just before that the meeting proceeded on the basis that the dam was being operated presently at the time of this meeting at W2, is that correct, is that fair?-- Yes.

And then we see a dot point "Barry", and who's that?-- Barry Dennien.

So "Barry Dennien at 3,500 cumecs, comfortable through Moggill, point between W2 and W3 is critical". Can you tell me what that's about?-- My understanding is there is two parts. One is that that advice had not been given by Brisbane, that 3,500 cumecs was the point at which urban inundation started, but more broadly there was an understanding that we had that above that, and above 4,000 cumecs particularly, there would be impacts, in terms of urban inundation, that was significantly greater than what had occurred in October and December the year before. 50

This note goes on to state "the need to engage BCC at highest level when decision is made". Is that when the decision is made to go to W3?-- Yes.

And was that Barry Dennien who was saying that or can you give me any-----?-- No, Barry Dennien.

And it seems that at this meeting people were very comfortable discussing W2 or W3, those terms were used at this meeting?-- Yes.

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And people were comfortable discussing those terms and those strategies?-- I think reflected in part by Lee Hutchison who took the notes isn't someone who typically is involved in those sort of discussions but was reflected in the course of the discussion that we had.

So you're saying that Lee Hutchison is not usually involved in these discussions, so the fact that this record records W2 and W3 is indicative that it was clearly discussed?-- That it was discussed at that meeting.

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And then if we can look at the scenarios. We've got W2. Can you tell me what this is about?-- In terms of communication to the key stakeholders and coordination with Brisbane City Council, we were very keen to get an understanding of how the flood event could emerge so that Brisbane City Council and other councils could prepare for what the possible impacts could be. We raised that issue on a number of occasions over Monday and Tuesday and what we were trying to get to is some scenarios of what could potentially happen over the next few days and what should we be preparing for, both within the water supply and emergency space and in terms of emergency response for the flooding.

30

And can you tell me what scenarios were discussed or contemplated that may occur in the next few days?-- So there was an action coming out of it that Mr Borrows would come back with advice about scenarios but the scenarios we did look at with W2, which I take at this time to mean management to 3,500 cubic metres in accordance with what Brisbane City Council's advice had been. A second scenario that reflected that but looked at what the potential extent of inundation would be if there was localised flooding as well as river flows and then a scenario where it has the reference to dam which is more than 4,000 cubic metres per second.

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Was it discussed what the scenario would be if W3 was engaged?-- That it would be the 4,000 plus cubic metres for the second scenario.

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And if we can just go down a bit more, please. There's the action that "Seqwater will come back with some further modelling and information in the next hour. How long at 3,500 cumecs?" What's that about, Mr Spiller?-- So the key issue there was how much lead time and how much capacity would we have to prepare for flooding impacts before they came. When

we were having this meeting it was within the context of the previous evening we had been speaking at 9.30 about the bridges potentially needing to be inundated within 24 hours but only two hours later did that inundation occur, so we were struggling to get within our minds an understanding of how big the flood would be and over what period those impacts would occur.

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And then we've got the trigger to go from 4,000 cumecs and up?-- Yes.

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And what was that?-- How much rain - essentially what we were asking and consistent with what we'd asked for in technical situation reports before, how much rainfall would it actually take to occur. How close were we to a tipping point that would push the combined flows to that level.

We see "Grid Operations" as a heading, WTP, water treat plant?-- Indeed.

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Is this now we're going into the second part of the meeting which you discussed previously?-- We are.

Just to be clear, was Debbie Best at this meeting?-- I don't believe Debbie was.

And if we can just have a look at the second page. That's going into the matters that - the more practical matters that may flow from this?-- Yes.

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And the teleconference ended at 9 o'clock thereabouts, half an hour?-- It did.

In your statement where you state that over the morning on Monday 10 January 2011, you clarified whether the strategy then being used was strategy W2, you did so by an email exchange with Mr Drury, that was the email that we've seen?-- Yes.

And during a subsequent teleconference that morning in which Mr Drury and Mr Borrowes, the CEO of Seqwater were involved, is that the meeting I've just taken you through?-- It is.

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Can we now go to page 171, annexure B of your statement. It's an email that you sent on the 10th at 9.46 a.m. Again we can see who it was all sent to and this is your Spiller Report, if we can call it that, which is accompanied by the attached technical situation report?-- Yes.

And is this your way of evaluating to the people that are on that email, giving a snapshot of what's occurring?-- Clarifying some of the matters where I felt that they weren't sufficiently clear in the technical situation report itself.

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If we can just go down, please. Obviously this, the Stiller report on this one, this one the information that you obtained was largely obtained from that 8.30 meeting, is that the case?-- And the technical situation report that we received beforehand.

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If we can look at the third dot point, "as specified", and we can read that, "The primary objective is now to minimising the risk of urban inundation release strategy W2." Where did you get that information from, Mr Spiller?-- From the question that I had asked Mr Drury earlier and the response that he gave me and from a subsequent discussion at the meeting.

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You included in this document that you send out the release strategy being W2. Why do you do that?-- I did so because it was a significant step up in our view from how the dam had been managed previously. Up to that point bridges hadn't been inundated and from that point on those bridges had been inundated and there was a prospect of urban flooding downstream. I thought that was a significant and noteworthy thing to highlight to people that were receiving the e-mail.

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Just to be clear, when you are referring to the approved operational procedures, are you referring to the Wivenhoe and Somerset Dams Flood Manual?-- I am.

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If we then go back to paragraph 15, subsection 15(c), you talk about the transition from Strategy W3 to Strategy W4 occurred around midday - or Tuesday, the 11th of January. You have detailed the information that you received to make that statement. Sorry, if we can look at the transition from Strategy W2 to Strategy W3 occurred around midday on the Monday, the 10th January 2011. If we can go then to paragraph 21. So we are looking at the strategy change from W2 to W3?-- Yes.

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You say that you understood that the transition from W2 to W3 was to occur around midday and the reason you formed this view was because of what was said during a telephone conference that occurred in the middle of that day. Can you tell us about that telephone conference, please.

COMMISSIONER: I don't know that he said that the telephone conference occurred in the middle of that day. Or just looking at paragraph 21 at any rate.

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MS WILSON: Was the reason that you formed this view because of what was said in a telephone conference?-- And some discussions we had separately to that whereas highlighted prior to that - closely before that teleconference that a new release strategy would be required and that higher releases would be necessary.

COMMISSIONER: When was the teleconference that you are talking about now?-- 12.30.

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MS WILSON: I think I have joined some concepts up prematurely. Based on your participation in the teleconference with representative Government agencies, local councils, Seqwater and the Water Grid Manager you have attached a transcript of that telephone conference and we can find that at pages 216 to 232 of your Annexure B. So your understanding that transition from Strategy W2 to Strategy W3 occurred around midday on Monday, the 10th of January, it's

based, you say, on this meeting. Am I-----?-- And the discussions that occurred around that meeting. It was highlighted that a new release strategy was required and that that would involve higher releases than had been discussed at that point. 1

Just to be clear, we can appreciate why it was discussed at that meeting because we have a transcript?-- Sure.

When you say discussions that occurred around that meeting, what are those?-- Well, we were told shortly before the meeting that - to the effect that a new strategy would be required and that's reflected I think in Mr Dinnien's comments when he invites Mr Borrows in this meeting to talk to exactly what the situation is. 10

Who told you that?-- Mr Drury, to the best of my recollection.

How did he communicate that to you?-- I think that was a telephone conversation, but I can't be certain. 20

Was that just before this meeting?-- It was.

Did he discuss that a new strategy - "We're having to move into a new strategy, that is, W3"?-- No, not that I recall.

Just a new strategy?-- Just that there would need to be changes to the way - the releases that were being made. 30

We can see who attended or phoned in for this teleconference. Some were in person, some were phoned in, is that the case?-- That is.

The list there, does that accord with your recollection of who attended or who phoned in and participated in this meeting?-- It does.

Mr Drury didn't participate in this telephone conference?-- No, not that I can recall. 40

When you state that the strategy changed from W2 to Strategy 3 around midday, that was your understanding on Monday the 10th because of what was discussed here. Can you point us to where you get that understanding from?-- It was at this meeting that it - shortly prior to that it was flagged that a new release rate would be required, that would be higher than what was done previously, and at this meeting, that Mr Borrows advised that the SeqWater would develop that release strategy and deliver it by 2.30 that afternoon. That subsequently occurred I think at about 3.15 through the next version, the Technical Situation Report. But as I go to some length in the statement to highlight I am responding in this question to the query about what my impression was based on the information I had available and in terms of making this decision I only had parts of that information that was relevant. 50

COMMISSIONER: There is some evidence between a release strategy and an operating strategy under the manual in terms of W1 to 4?-- I agree. It's an unfortunate compilation.

What did you think was changing, just a release strategy or an operating strategy?-- I was clearly advised that the release strategy was changing and it is from that that I inferred that we were going to a different operating strategy.

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Alright, thank you.

MS WILSON: Can we then go to page 241 to 245, Annexure B of your statement. This is an e-mail that Rob Drury sent to you at 3.16 p.m.?-- Yes.

On the 10th of January. And attaches a TSRW37. If we can go to page 244 of this document we can see that the paragraph starts with, "The objective for dam operations is currently," and it goes on. Did this paragraph have some significance in coming to that conclusion?-- For me there's two parts of it that are significant. One is that we are saying that - aiming for 4,000 cubic metres but more than that, the second part where it said the releases may need to go - sorry, result in the river flows at 5,000 cubic metres and that's the basis on which I inferred that we'd move to a Strategy W3. I understood those flows to be consistent with it.

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COMMISSIONER: Are you moving on to something new or are we still on this?

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MS WILSON: I am just about to finish off the chronology of going through W3 to Strategy 4.

COMMISSIONER: Alright, do that then.

MS WILSON: We can see in paragraph 15(c) the transition from Strategy W3 to Strategy W4 occurred you say around - what your understanding was around midday on Tuesday, the 11th of January. We can also go to paragraph 23 of your third statement and that was based on the time when you received TSR39?-- It is.

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Perhaps we should just go to TSRW39 which you received. Page 290. This is your e-mail to the people contained in that e-mail and it's attaching the updated Technical Situation Report. If we can go down to that Technical Situation Report. W39 TSR, at 12 p.m., and if we can go to the next page. And up a bit, please. Sorry, just down a bit, "At this stage it is considered that without further rainfall the dam can be kept at 74.8 and the aim is to prevent fused plug initiation"?-- Yes.

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Is this the basis that you concluded that-----?-- For me.

-----the Strategy W4 had been engaged?-- It really is. That for me that Tactical Situation Report confirmed that that was consistent with Strategy W4. There was an earlier Technical

Situation Report from that morning that had some statements that were consistent with W4 but others that weren't. So I was comfortable at minimum by this time that had occurred.

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Now, I think in your statement, in your third statement, you make the observation that there was sometimes a delay between the information coming out from the Flood Operation Centre to Mr Drury getting it in a technical situation report, so the - are you saying that this is when you found out - when you discovered that W4 had been engaged but it may have been earlier-----?-- Indeed.

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-----at the Flood Operation Centre?-- Indeed.

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Madam Commissioner, would that be a convenient time?

COMMISSIONER: Yes. 9 o'clock tomorrow.

THE COMMISSION ADJOURNED AT 5.01 P.M. TILL 9.00 A.M. THE FOLLOWING DAY

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