

Statement by Daniel Thomas Spiller, affirmed on 1 February 2012

I, Daniel Thomas Spiller of Level 15, 53 Albert Street, Brisbane, Queensland, Director, Operations, of the SEQ Water Grid Manager (**Water Grid Manager**), affirm the following:

1. In this statement to the Queensland Floods Commission of Inquiry, as required in the letter to me dated 30 January 2012 (**letter**), I:
 - a. have provided all information in my possession and identified the source or sources of that information; and
 - b. make commentary and provide opinions that I am qualified to give as to the appropriateness of particular actions or decisions and the basis of that commentary or opinion,in relation to the matters outlined in Topics 1 to 6 in the letter.
2. I address each of the topics to be dealt with separately below.
3. In this statement, I have also been asked to provide details of various discussions, meetings, briefings and other communications. I have done so to the best of my recollection. Where I do not have an exact or verbatim recollection of the words used in any of the discussions, meetings or briefings, I have recorded my recollection about the effect of those discussions as best I can, where possible indicating who said what in any discussions.
4. I have previously provided two statements to the Commission, they having been made on 13 May 2011 (**First Statement**) and 17 May 2011 (**Supplementary Statement**). Those statements annexed a large volume of material. To the extent that that material is relevant to the Topics the subject of the letter, I have, for the Commission's convenience and ease of reference, also annexed them to this statement.

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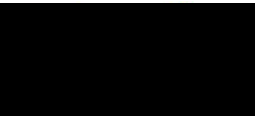
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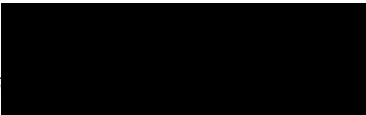
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BACKGROUND

5. Before responding to the specific questions asked of me in the letter, I should explain the positions which I occupied and the roles which I played during the relevant periods.
6. During the period 7 January 2011 to 12 January 2011 I held the position of Director, Operations of the Water Grid Manager. That position is described in paragraphs 20 to 26 of my First Statement. In summary, it relates to the efficient and effective operation of the Water Grid as a system. It does not include responsibility for the operation of individual assets within that system. In particular, I have, and had, no responsibility in relation to the operations of dams, including Wivenhoe Dam.
7. From 25 December 2010 to 9 January 2011 I was also the acting Chief Executive Officer (**CEO**) of the Water Grid Manager.
8. I had a number of specific roles during the flood events. These included:
 - a. I was responsible for ensuring that the Water Grid Manager complied with the draft Communications Protocol. The draft protocol states that the Water Grid Manager is the State's lead communication agency in respect of flood water releases. It is responsible for distributing the Technical Situation Reports (**TSRs**) provided by Seqwater to others, and for liaising with key stakeholders. It is also responsible for coordinating responses to any questions from the public or the media relating to the release of flood water. I personally distributed many of the TSRs and liaised with key stakeholders about them. While I provided commentary on the format in which TSRs were provided, I was not ultimately responsible for the drafting of their technical content.
 - b. From 10 January 2011, I was also Emergency Manager for the water supply incidents arising from the flood events. In this role I was responsible for

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managing the whole of Grid response in accordance with the Water Grid Emergency Response Plan. Individual service providers were responsible for managing asset specific issues in accordance with any instructions from the Water Grid Emergency Management Team and with their own emergency response plans. These functions are described in detail in paragraphs 27 to 68 of my First Statement.

- c. In addition, I was one of two media spokespeople for the Water Grid and responsible for approving public communications more generally, including in relation to water supply and water quality. The Water Grid Manager is responsible for providing cohesive and coordinated public communications in relation to all matters connected to the Water Grid.

TOPIC 1: My understanding, in the period between 7 January 2011 to 12 January 2011, of which flood operations strategies, referred to in the ‘Manual of Operational Procedures for Flood Mitigation at Wivenhoe Dam and Somerset Dam’, were used in the operation of Wivenhoe Dam between 7 January 2011 and 12 January 2011 and the times at which each strategy was in use.

9. I was not in direct communication with the Flood Operation Centre (**FOC**) at any time and cannot comment on the decisions made by it.
10. I also cannot recall being advised specifically when the transition between strategies occurred.
11. However, I did receive information from Seqwater (usually through its Dam Operations Manager, Mr Robert Drury) advising about current and potential release rates that reflected upon these strategies. That advice informed, and is reflected in, my various

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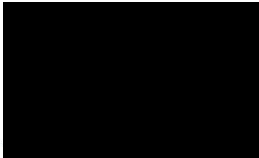
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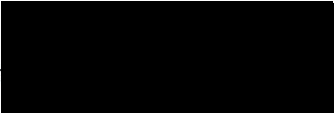
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emails to key stakeholders. It is my understanding that there may have been a delay in when the FOC made decisions and when that advice was provided by Mr Drury to me.

12. Mr Barry Dennien, the CEO of the Water Grid Manager, and I often sought more detail about the strategy being used, in order to comply with our responsibilities under the draft Communications Protocol. In particular, we regularly sought advice about current and potential release rates, as that reflected on the operating strategy being applied or expected to be applied.
13. I note that the Flood Mitigation Manual states that the operating strategy must be selected taking into account a range of factors, including the current and forecast levels of Wivenhoe and Somerset Dams, current and forecast release rates from the dams, and flow rates without dam releases at the Lowood and Moggill gauges. Of these factors, most of the TSRs during the relevant period only provided quantitative information about current dam levels and release rates.
14. Finally, I note that I did not usually specify the current operating strategy in my communications about dam releases. I did not do so because that information was not required by the people that I was advising, who were primarily focused on emergency management. I was aware that the FOC was in direct communication with key technical people from the Office of the Water Supply Regulator, the Bureau of Meteorology (**BoM**) and local councils, as was repeatedly stated in the TSRs. I assumed that those technical officers were regularly advised which strategy was being used.
15. With these qualifications, my understanding of what flood operations strategies were used in the operation of Wivenhoe Dam between 7 January 2011 and 12 January 2011, and the times at which each strategy was in use, is as follows:

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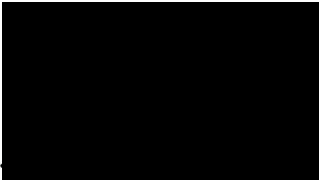
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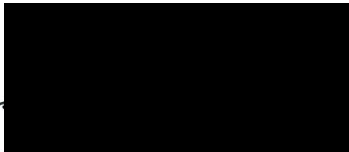
- a. the transition from strategy W1 to strategy W2 occurred on the evening of Sunday, 9 January 2011;
- b. the transition from strategy W2 to strategy W3 occurred around midday on Monday, 10 January, 2011; and
- c. the transition from strategy W3 to strategy W4 occurred around midday on Tuesday, 11 January 2011.

The basis for my understanding is as follows.

- 16. In relation to the transition from strategy W1 to strategy W2, I understand that revision 7 of the Manual of Operational Procedures for Flood Mitigation at Wivenhoe and Somerset Dams (**Flood Mitigation Manual**) stated that the primary consideration of strategy W1 was to minimise disruption to downstream rural life. Among other considerations, I understand that the maximum release rate is predicted to be less than 1,900 m³/sec. Within strategy W1 are a number of progressive 'sub-strategies', ranging from strategy W1A to strategy W1E, which are based on flows under 1,900 m³/sec and which are referable to the closure of specific bridges and crossings.
- 17. I also understand that the Flood Mitigation Manual stated that strategy W2 is a transitional strategy where the maximum release is expected to be less than 3,500 m³/sec (among other considerations).
- 18. On that basis, my understanding is that the transition from strategy W1 to strategy W2 occurred on the evening of Sunday, 9 January 2011, as that was the first time it was made clear to me that the Fernvale and Mt Crosby Weir Bridges (being the subject of strategy W1E) would be affected. Previous communications had indicated that this was not expected.

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19. Over the morning of Monday, 10 January 2011, I clarified whether the strategy then being used was strategy W2. I did so via an email exchange with Mr Drury and during a subsequent teleconference that morning in which he and Mr Peter Borrows, the CEO of Seqwater, were involved.
20. In relation to the transition from strategy W2 to strategy W3, I understand that the primary consideration of strategy W3 is to protect urban areas from inundation.
21. My understanding is that the transition from strategy W2 to strategy W3 occurred around midday on Monday 10 January, 2011. This is based on my participation in a teleconference with representatives of Government agencies, local councils, Seqwater and the Water Grid Manager. In that teleconference, Mr Borrows flagged that the then strategy would need to change to increase releases. He agreed that an updated strategy would be provided by 2.30pm that day. At 3.16pm that day, I was advised of that strategy by a TSR that stated that the objective for dam operations was currently to minimise the impact of urban flooding in areas downstream of the dam and to keep river flows in the lower Brisbane River below 4,000 m³/sec, if possible.
22. In relation to the transition from strategy W3 to strategy W4, I understand that the primary consideration of strategy W4 is to protect the structural safety of the dam. I understand that it is implemented when the Wivenhoe Dam storage level is predicted to exceed 74 m AHD.
23. My understanding is that the transition to strategy W4 occurred around midday on 11 January, based on the time when I received TSR 39. That TSR states that the current objective had changed to be to '*maintain releases to keep Wivenhoe below fuse plug initiation*'.

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24. For the assistance of the Commission, I have prepared a detailed chronology of my communications relating to the flood operations strategies during the relevant period. That chronology is **Annexure A** to this statement. Copies of relevant written communications are contained in **Annexure B** to this statement.

TOPIC 2: How, if at all, that understanding changed since 12 January 2011 and the reason for the change in understanding.

25. To the extent that I do have a view on the operating strategies used between 7 January 2011 and 12 January 2011, that view has not since changed.
26. I am aware that the Commission took detailed evidence on this issue, through statements and hearings undertaken over more than a week. I am unaware of the content of much of this evidence, having only listened to or read small parts of it.
27. While I have not reviewed much of the related evidence, I am aware that the Commission hearings highlighted ambiguity about the strategies in use at particular times and the times at which the transition between strategies occurred.
28. This ambiguity is reflected in the Commission's Interim Report, which highlighted ambiguities in relation to the use of strategy W3 and recommended remedies to address those.
29. To the limited extent I have considered the matter since 12 January 2011, I assumed that the evidence contained in my earlier statements had been taken into account by the Commission in forming its views as to the lack of clarity concerning strategies and the transition between them.

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TOPIC 3: My understanding of any differences between the account of the choice and timing of the dam operations strategies employed to manage the flood event in the SEQ Water Grid Manager and Seqwater Ministerial Briefing Note to the Minister for Natural Resources, Mines and Energy and Minister for Trade that appears as attachment SR-12 to Exhibit 11 before the Queensland Floods Commission of Inquiry ('January Report') and the Seqwater report titled 'January 2011 Flood Event – Report on the operation of Somerset Dam and Wivenhoe Dam' and dated 2 March 2011 that appears as Exhibit 24 before the Queensland Floods Commission of Inquiry ('March Report').

30. On 15 and 16 January 2011, the Water Grid Manager coordinated the preparation of briefing material for a special Cabinet meeting. That meeting occurred on 17 January 2011.
31. One of the attachments to that brief was a report titled *January 2011 Flood Event (January Seqwater report)*.
32. The report was the responsibility of, and prepared by, officers of Seqwater. Officers from the Water Grid Manager provided some comments in relation to issues that should be addressed or matters that should be clarified, however none of those comments related to the dam operations strategies used during the event.
33. I note that, in relation to the operating strategies used during the event, the January Seqwater report includes statements (at page 8) to the effect that:
 - a. by 7pm on Sunday, 9 January 2011, '*... it was apparent that both Fernvale Bridge and Mt Crosby Weir Bridge would be inundated by the combined dam releases and Lockyer Creek flows and that the operational strategy had progressed to W2*';

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- b. by 6.30am Monday, 10 January 2011, '*... based on rainfall on the ground it was apparent the operational strategy had progressed to W3*';
 - c. by 8am on Tuesday, 11 January 2011, '*... based on rainfall on the ground it was apparent the operational strategy would soon progress to W4 with Wivenhoe Dam exceeding 8.00 m AHD above FSL*'; and
 - d. by 11am on Tuesday, 11 January 2011, '*Releases were increased until the dam level stabilised in accordance with Strategy W4*'.
34. Since receiving the letter, I have reviewed the relevant sections of the Seqwater report titled *January 2011 Flood Report – Report on the operation of Somerset Dam and Wivenhoe Dam (March Seqwater report)*. Relevantly, I note that it includes statements to the effect that:
- a. at 8am on Saturday, 8 January 2011, there was an '*attempt to transition to Strategy W2*' (refer page 190);
 - b. from 8am on Saturday, 8 January 2011, strategy W3 was used (refer page 190); and
 - c. from 8am on Tuesday, 11 January 2011, strategy W4 was used (at page 194).
35. I can provide no explanation or insight as to the extent and reason for any differences between the statements in the January Seqwater report and the March Seqwater report.

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TOPIC 4: When I first became aware of the differences, if any, referred to in Topic 3 above.

36. I first became aware of the differences between the January Seqwater report and the March Seqwater report on 25 January 2012, when it was highlighted by an article in *The Australian* newspaper titled *Dam bursts on new evidence*.

TOPIC 5: All discussions, correspondence, meetings or briefings I participated in, in relation to the January Report and the March Report, and in respect of those, identifying any that related to the differences between the reports referred to in Topic 3 above.

January Seqwater report

37. On the morning of Friday, 14 January 2011, I ceased to be the Emergency Manager for the various flood related water supply incidents. From the morning of Saturday, 15 January, Mr Dennien and I shared the responsibilities of the liaison and spokesperson role.
38. At that time we were responding to an increasing number of media enquires about the operation of Wivenhoe Dam during the flood event.
39. Within that context, we commenced preparation of communications material on key aspects of the dam and its operation. Those materials formed part of the Ministerial Briefing Note dated 16 January 2011 to the Minister for Natural Resources, Mines and Energy and Minister for Trade (which is attachment SR-12 to Exhibit 11 before the Commission of Inquiry).
40. The Water Grid Manager's involvement in the preparation of the Ministerial Briefing Note was in consultation with Mr John Bradley, the then Director General of DERM.

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As part of that consultation, at 8.32am on 15 January 2011, I forwarded to Mr Bradley a copy of the Seqwater advice provided in response to the Minister's request of 25 October 2010.

41. At 10.34am, on 15 January 2011, Mr Lance McCallum, a Ministerial adviser, sent an email to Mr Bradley and me which stated:


The Minister has asked that preparation be done over the weekend that will enable him to go to the Emergency Cabinet meeting on Monday with a position on how the Govt is going to handle the issues of reviewing operational decisions made by SEQwater and SEQWGM in relation to releases from the dams.

42. At 10.34am, Mr Bradley replied:


Thanks Lance - we have anticipated the need for something like this - seqwgm work underway - I will talk to SEQWGM when out of SDMG now on.

43. By about 12.30pm that day, Ms Elaina Smouha, Director, Governance and Risk of the Water Grid Manager, had developed a proposed outline of the advice, in consultation with Mr Dennien and me. Ms Smouha distributed that outline prior to a 2.00pm teleconference.

44. At 2.00pm on Saturday, 15 January 2011, a teleconference was held to discuss the structure of the advice to the Minister. Mr Dennien, Ms Smouha and I participated for the Water Grid Manager. Other participants included Mr Bradley, Mr Reilly (General Manager, Office of the Water Supply Regulator), Mr Borrows and the Seqwater Duty Engineer. During the teleconference, I forwarded an email to the Duty Engineer, who at around the same time, sent to me, for information, a copy of the table of contents from a previous flood event report. The participants discussed the proposed outline of the advice and agreed who was responsible for each part of it.

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45. At 5.03pm, Ms Smouha distributed an email with an updated version of the proposed content of the Ministerial brief (see Annexure C page 617). The email listed who was responsible for each part of the advice.
46. On Sunday, 16 January 2011, Mr Dennien and I made some suggestions to Seqwater about data and information that I considered would be useful to include in the communications materials.
47. At 11.58am, Mr Peter Allen, Director Dam Safety, via email, provided text regarding the regulatory context (see Annexure C page 620). His email explained that both Mr Reilly and Mr Borrows had reviewed that text and were happy with it.
48. At 2.45pm on Sunday, 16 October 2011, I was invited to a pre-Cabinet briefing with the Minister at 9.00am the following day (see Annexure C page 629). Mr Dennien attended that briefing, due to it being scheduled at the same time as a meeting of the Brisbane District Disaster Management Group, which I attended.
49. At 3.59pm, Mr Borrows distributed a draft version of the items for which Seqwater was responsible. At 4.28pm, Mr Borrows provided an updated version of that draft (see Annexure C page 637).
50. At 6.00pm, Mr Reilly sent comments to Mr Borrows on that draft (see Annexure C page 675).
51. At 6.05pm, Ms Smouha emailed some further questions about the draft. (see Annexure C page 680).
52. Mr Dennien and I discussed progress with Mr Bradley on at least one occasion that day. He was included on the distribution of the Seqwater draft, but, as far as I am aware, did not provide written comments.

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53. At 7.41pm, Mr Bradley sent an email to Mr McCallum that apologised for the delay. He stated that Seqwater has struggled to provide its input in a cogent form.
54. At 9.26pm, I sent Mr Bradley proposed talking points that become Attachment E to the Ministerial briefing note. He replied at 9.57pm with a suggestion that the response to one issue be clearer (see Annexure C page 724).
55. At 9.33pm, Mr Borrows sent Mr Dennien the final version of the Seqwater parts of the January Seqwater report (see Annexure C page 766).
56. At 10.14pm, Ms Smouha sent Mr Bradley the final brief and attachments (see Annexure C page 843).
57. At 10.35pm, Mr Bradley acknowledged that email (see Annexure C page 873).
58. Copies of the relevant documents referred to above are contained in **Annexure C** to this statement.

March Seqwater report

59. I have a faint recollection that I had a telephone conversation with Mr Reilly about a statement that Seqwater proposed to include in the March Seqwater report. The statement related to the Water Grid Manager's communications function. My recollection is that I advised Mr Reilly that I had no objection to the proposed statement.
60. With that exception, I was not involved in any discussions, correspondence, meetings or briefings in relation to the March Seqwater report.
61. On 7 March 2011, Mr Reilly forwarded a copy of the final report to me, together with an extract from the media statement that had been publicly released.

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Discussions, correspondence, meetings or briefings identifying differences between the reports.

62. I have not been involved in any discussions, correspondence, meetings or briefings in relation to differences between the January Seqwater report and the March Seqwater report.

TOPIC 6: Any decision made, or action taken, by me in relation to the differences, if any, referred to in Topic 3 above.

63. I have taken no action in relation to the differences referred to in Topic 3.

All the facts and circumstances deposed to herein are within my own knowledge, save such as are deposed to from information only, and my means of knowledge and sources of knowledge appear in this my statement to the Commission.

Affirmed by Daniel Thomas
Spiller on 1 February 2012 in the presence of:

▲

Signature of Daniel Thomas Spiller

Signature of witness

▲

Cindy Jane Hulsey

Name of witness (print)