

QUEENSLAND FLOODS
COMMISSION OF INQUIRY

SECOND STATEMENT OF THE HON. STEPHEN ROBERTSON MP

I, **STEPHEN ROBERTSON**, of c/- 61 Mary Street Brisbane in the State of Queensland, Minister for Energy and Water Utilities, solemnly and sincerely affirm and declare:

Requirement from Queensland Floods Commission of Inquiry

1. I have seen a copy of a letter dated 30 January 2012 from the Commissioner, Queensland Floods Commission of Inquiry ("Commission") to me requiring a written statement under oath or affirmation, which is attachment 'SR-01' and which details the topics my statement should cover.

Role

2. Between 26 March 2009 and 20 February 2011, I was the Minister for Natural Resources, Mines and Energy and Minister for Trade and was the responsible Minister referred to in the *Water Supply (Safety and Reliability) Act 2008*, the *South East Queensland Water (Distribution and Retail) Restructuring) Act 2009* and the *South East Queensland Water (Restructuring) Act 2007*. My Ministerial responsibilities also included parts of the *Water Act 2000*. These Acts will collectively be referred to in this statement as "the Water Acts".
3. After a Cabinet re-shuffle, from 21 February 2011, my ministerial responsibilities became Energy and Water Utilities and ceased to be Natural Resources, Mines, Energy and Trade. Relevantly, this meant my ministerial portfolio responsibilities no longer included the Natural Resources portfolio. The Natural Resources portfolio administers the following relevant legislation:

Water Act 2000, Chapter 2 "Allocation and sustainable management" including ch2, pt2, div2 "Resource Operations Plans"

Water Supply (Safety and Reliability) Act 2008 especially chapter 4 "Referable dams and flood mitigation" (referable dams is the 'dam safety' part and flood mitigation is the regulation of flood mitigation manuals).

4. From 21 February 2011, all of the above portfolio responsibilities moved to the then Minister for Environment and Resource Management.

Item 1: his 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

5. Between 7 and 12 January, I received regular briefings from a number of sources.

As the flood unfolded from 6 January, I received regular briefings by email from the Director of Operations at the SEQ Water Grid Manager, Mr Dan Spiller. I have extracted all briefings provided to me by email for the period 7 January to 12 January 2011. They were attached as a bundle and marked 'SR23' to my statement to the Commission dated 1 April 2011. For convenience, I now reproduce that bundle which is marked 'SR-A'

6. In addition to the email reports from Mr Dan Spiller, I received, by email, technical situation reports (TSRs) from 7 January until 12 January 2011. These reports were emailed to me and my office, every few hours. These reports kept me abreast of the status of inflows, dam operations, rainfall in the catchments, and storage levels at Somerset, Wivenhoe and North Pine Dams. They also addressed the impacts of Wivenhoe Dam releases downstream. Those documents were attached and marked 'SR24' to my statement dated 1 April 2011. For convenience, I now reproduce those documents which are marked 'SR-B'.
7. As well as the email updates and TSRs from SEQ Water Grid Manager, I received a number of emails from the then Director-General of the Department, Mr John Bradley. Those documents were attached and marked 'SR25' to my statement dated 1 April 2011. For convenience, I now reproduce those documents which are marked 'SR-C'.
8. I did not send or receive any communications between 7 and 12 January 2011 to or from the flood operations centre.

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

9. As noted, I ceased to have portfolio responsibility for the *Water Supply (Safety and Reliability) Act 2008*, particularly Chapter 4 "Referable dams and flood mitigation" on 21 February 2011.
10. My understanding 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 has not changed, other than I am aware of recent media speculation which suggests this is so.
11. My office received an information copy of a media release and Hot Issues Brief from SEQWater dated 23 January 2012, which concerned a news article in The Australia on that date. A copy of the Hot Issues Brief is attached and marked 'SR-02'.

Item 3: his 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').

12. I regard that the purpose of the ministerial briefing note (SR-12 to Exhibit 11) was to inform me of the events of the previous week. At the time, I did not regard this Ministerial Briefing to be a definitive statement or analysis of every decision made in the Flood Operations Centre.

13. I did understand that this Ministerial Briefing Note was prepared in a very short time frame, only days after the peak of the January flood events and while active management of the flood event was still in progress.
14. As is stated in the Note, it was recommended that I, inter alia, “ note SEQ Waters’ Ministerial briefing note setting out background information...” (emphasis added). It was not my expectation that the Note would be a definitive analysis of the event. Instead, it was my expectation that the information contained in the briefing note would have been the best possible information available at the time it was prepared, providing a general overview of the management of the dams during the flood event .
15. It was always my understanding and expectation that, as required by the provisions of the Manual, a comprehensive report such as that prepared by SEQ Water and submitted to the Commission in March, would be prepared and would be a more considered, thorough and detailed document.
16. Until the preparation of this statement and recent media reports I had not compared the content of the Briefing Note with the March Report. In any event, I do not consider it surprising, for the reasons mentioned above, that there may be a difference between these two documents, particularly given the purpose of the briefing note and time at which, and in which, it was prepared.
17. I was not aware of any differences in the two reports until the recent media reports.

Item 4: when he first became aware of the differences, if any, referred to in paragraph 3 above.

18. As stated above, I am only now aware of the differences in the reports as a result of recent media reports.

Item 5: all discussions, correspondence, meetings or briefings he participated in, in relation to the January Report and the March Report, and in respect of these identifying any that related to the differences between the reports referred to in paragraph 3 above.

19. In relation to the January Report, I was briefed by the ministerial briefing note (SR-12 to Exhibit 11). In relation to the wider flood event, I also received regular briefings from a number of sources, as set out above.
20. To the best of my knowledge and recollection, I did not participate in any meeting regarding the preparation or content of SeqWater's March report. Furthermore at this time, I was conscious of the requirements of the Commission of Inquiry in terms of submissions from various individuals and entities involved in the January flood event and was aware the separate legal counsel had been engaged by Seqwater.
21. More so, as from 21 February 2011, I no longer had portfolio responsibilities for the dams or the operations. A courtesy copy of the report was delivered to my office as I remained a shareholding Minister of the GOC that is Seqwater.

Item 6: any decision made, or action taken, by him in relation to the differences, if any, referred to paragraph 3 above.

22. As stated above, my Ministerial responsibilities changed in February 2011. Accordingly I have not compared the two documents and I have had no knowledge of any differences in them, save as has recently been mentioned in the media .

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provision of the Oaths Act 1867.

Signature

Stephen Robertson

Taken and declared before me, at Brisbane this 1st day of February 2012

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Solicitor/Barrister/Justice of the
Peace/Commissioner for Declarations