

<b>Name of Witness</b>	<b>Sallyanne DOYLE</b>
<b>Date of Birth</b>	■■■■■
<b>Address and contact details</b>	■■■■■ Acacia Ridge
<b>Occupation</b>	Social Worker

I, **Sallyanne DOYLE** state:

1. I am ■■■■ years of age and I reside at Acacia Ridge. I am employed as a Social Worker with Queensland Health.
2. I purchased a property situated at ■■■■ Gray Road, West End in 2000. The property is constructed of timber framework, floors and walls, and a tin roof. The front of the house is at street level and the rear of the block slopes away from the house. This property is located three streets away from the Brisbane River.
3. The house is situated at the bottom and low point of the street at the bottom of two hills. It has large stormwater drains at the front and rear of the property into which storm water from houses surrounding my property drains.
4. In January 2011 the property was being rented and I held a CGU Landlords Residential insurance policy. I was working at Esk Hospital at the time and I was in Esk on 10 January 2011, when a torrent of water came through Esk and I was isolated by the flooding.
5. While I was stranded in Esk I was advised by friends that my property in West End had been inundated between 11 January 2011 and 13 January 2011. On the morning of Friday 14 January 2011, I was able to leave Esk and return to Brisbane on a journey that took six hours.



6. I went to West End to see what had happened to my property. I saw that the water had subsided by then but it appeared that the level of the water had reached the top most point of the front French doors of the house. Mud and residual water was still in the house. Friends had started hosing debris out of the house. I saw that most interior walls had started to buckle.
7. I made a claim on my policy (claim number [REDACTED]), through my insurance broker, RockSure, on 13 January 2011. During the telephone conversation with my broker, I was advised that the claim would be passed on to CGU and I believe this occurred on 13 January 2011: it is reflected in CGU file notes I received from Mr Peter Harmer, chief executive officer of CGU Insurance, on or about 4 March 2011.
8. The CGU file notes are included in Attachment 4 to this statement. They cover a period from 13 January 2011 to 17 February 2011. The circumstances by which I came to be in possession of the CGU file notes are detailed in paragraph 42 below.
9. In making this statement, I have referred to the CGU file notes and also to handwritten notes I made on 18 March 2011. These handwritten notes are attached to this statement at Attachment 6.
10. When I contacted my insurance broker on 13 January 2011, I asked if an assessor would be assigned to assess the damage at my property. I was told that an assessor 'would not be visiting at this stage'.
11. On 13 January 2011, I sent an email to RockSure which detailed my concern that the damage was caused by stormwater. I attached a photograph of my house to the email. A copy of this email is attached to my statement at Attachment 9. I was advised by RockSure that every claim was looked at closely and on its individual merits. I believe that RockSure forwarded this email to CGU: it is reflected in the CGU file notes in Attachment 4.
12. Between 14 January 2011 and 1 February 2011, I made numerous phone calls to my broker for updates on the progress of my claim (approximately four phone calls, possibly

more). (Contact that RockSure made with CGU on my behalf during that period is detailed in the CGU files notes in Attachment 4.) I called CGU directly on at least one occasion. I believe I made one such call on 20 January 2011: it is reflected in the CGU file notes in Attachment 4, which record that on 20 January 2011, I telephoned asking for an update and was told that a dedicated flood team would be looking after the claim but the CGU office was not yet back up and running after the flood. A message was taken for the Queensland Flood Team to call me.

13. I did not receive a return telephone call from CGU until 1 February 2011 when Ms Danielle Tarabay telephoned me and left a voice message to call CGU back.
14. Later that day I telephoned Ms Tarabay. Ms Tarabay told me that my policy did not cover damage caused by flood and asked me several questions regarding my property and the water damage such as "Is your house highset or lowset?" and "Was the water muddy?" I answered these questions, following which Ms Tarabay advised me that on the basis of my description and a hydrology report for the Brisbane region, the damage to my property was caused by flooding of the Brisbane River and therefore my claim would be denied. That is, even though no assessment had been made of the damage at my property nor its causes, I was told over the phone that my claim was denied.
15. I expressed concern and anger that I had been assured by RockSure that the particular circumstances of my claim would be taken into account but instead my claim was being denied on the basis of a Brisbane-wide report. I argued with Ms Tarabay for at least thirty minutes to take into account specific factors that I believed, and still believe, were relevant to my claim. In particular, I argued that large amounts of stormwater had come across into the property from street level and that the stormwater drains near my house were key factors. Each time I provided information that I believed contradicted Ms Tarabay's finding of flood, Ms Tarabay stated that this information supported CGU's decision that flood had caused the damage and supported CGU's decision to deny the claim. I argued that it did not support CGU's decision, but rather, that it contradicted its decision.
16. A note of this conversation is included among the CGU file notes in Attachment 4. It seemed to me that Ms Tarabay was sticking strictly to a script and that she would not

consider anything outside the script. After arguing with Ms Tarabay for some time, she said words to the effect of, 'All right, you can get the tenant to give me more information' (as I was not present for the events). I said words to the effect of, 'Yes, I will'. At no time during this conversation was the option of sending an assessor to my property offered or mentioned. I had provided an email on January 13 which outlined my concerns that stormwater was a significant factor, and this information appears to have been ignored in the phone assessment process. The pro forma questions asked were biased in favour of identifying signs of 'flood'. At the end of the conversation my understanding was that my claim still had been denied.

17. I felt very discouraged and disheartened after this conversation; it seemed to me that CGU was set against any considering any evidence which might refute its decision to deny my claim. I felt that no fair assessment or outcome would be available from CGU. As a result, I did not seek information from the tenant at this point.
18. However, on 2 February 2011, I made another telephone call to CGU reiterating that I did not believe that CGU's decision to decline my claim was correct. I reiterated my belief that stormwater was a key factor in the damage to the property. During this conversation I asked Ms Tarabay about my cover for loss of rent in the event of stormwater damage. Ms Tarabay stated words to the effect of, "stormwater would probably only cause minor damage that might take a day or two to fix", and that the house "might not be able to be inhabited by tenants for only a few days".
19. During this phone conversation I also spoke about my concern that any dysfunction/inability of the drains to cope with the stormwater may have been significant. I stated that my understanding was that CGU covers stormwater damage, and water/damage from items not a "watercourse". I took this to mean that a blocked or overwhelmed drain is not a "watercourse". Ms Tarabay stated words to the effect of, "CGU management has redefined a 'watercourse', and that the new definition includes drains as a "watercourse". I was not offered an assessor visit.
20. On 3 February 2011, I sent an email to RockSure in which I outlined my concerns regarding my claim, in particular, that an onsite assessment of my property had not been conducted. A copy of this email is attached to this statement at Attachment 1. RockSure

advised me after I sent the email that my claim "would be escalated". I was not offered an assessor visit at this time.

21. On 9 February 2011, the Premier of Queensland, Anna Bligh MP, visited my property, in her capacity as the local Member of Parliament. Ms Bligh indicated her concern and interest in viewing the damage done to my property. I discussed my concerns with her.
22. On 10 February 2011, the Courier Mail published a story showing the damage to my property and outlining plans by CGU policyholders to stage a demonstration against CGU regarding its response to claims.
23. On 10 February 2011, I sent an "Open Letter to CGU" by email to my Rocksure broker, CGU, various Members of Parliament, and members of the media. A copy of this letter is attached to this statement at Attachment 10. I received a reply to this email from Ms Tarabay that day which I did not view. A copy of Ms Tarabay's reply is attached to this statement at Attachment 11.
24. On 10 February 2011, I contacted my broker requesting a letter confirming the denial of my claim. I was advised by [REDACTED] by email that CGU had not issued a denial letter and was "continuing to review" my claim. I was not sure what this meant: [REDACTED] did not indicate in her email that an assessment would occur. A copy of [REDACTED] email is attached to this statement at Attachment 12.
25. However, on 11 February 2011, I was contacted by CGU in order to arrange for an assessor to inspect my property, at a time when the tenant could attend. This was the first time I became aware that CGU was going to send an assessor to assess my property. However, I subsequently read the email Ms Tarabay sent me on 10 February 2011 which indicated that an assessment would take place.
26. Also on 11 February 2011, I received a telephone call from [REDACTED] CGU Corporate Affairs Manager, requesting that I meet with her and [REDACTED] CGU General Manager Claims. [REDACTED] said that Mr [REDACTED] was concerned about comments I had made which were reported in the Courier Mail article, wished to speak with me face-to-face. I agreed to meet with them on 14 February 2011.

27. On 14 February 2011, [REDACTED] and Mr Peter Harmer, the CGU CEO, met with me at my property. Mr Harmer expressed concerns about the demonstration which was planned for 18 February and stated that CGU staff had been the subject of abuse by members of the public. I explained that CGU's policies and practices were the target of the demonstration, not CGU staff. I outlined my concerns about the deficiencies I perceived in CGU's management of my claim and other policyholders' claims. I showed the group through my house and the location of large stormwater drains. I expressed my concern that much damage had been caused by stormwater. I expressed my concern at poor processes that I and many other CGU customers had experienced in the management of our claims. I stated that my claim had been summarily dismissed after several perfunctory questions over the phone. I expressed my view that biased and unfair questioning heavily skewed toward looking for any possible evidence of 'flood' was used, leaving me believing the process would not be fair, and feeling disheartened and discouraged from pursuing the claim. Of the three CGU representatives, Mr Harmer did most of the talking. He said words to the effect of:

27.1. CGU never did and never would cover flood.

27.2. CGU did not send out assessors as "often people know it was flood, they don't want an assessor, they just want a piece of paper they can take to Centrelink or wherever to say insurance has been denied".

27.3. CGU had a "triage" process whereby a number of standard questions were asked, and this "often determines whether it was flood or not" and "where there are grey areas and it could have been water damage other than flood, we try to find a way to pay people, and we have done so very generously".

28. I asked about the option of some form of payment to assist CGU policy holders, and Mr Harmer stated that this was not possible as "it would set a precedent".

29. Other matters were also discussed at this meeting (these included Mr Harmer's offering me a role training CGU claims staff), which are mentioned in a typed summary I made of the meeting and other dealings I had with Mr Harmer. I made this typed summary in late March based on handwritten notes I had made at the time of the dealings (which I cannot now locate). My typed summary of my contact with Mr Harmer is attached to this statement at Attachment 5.

30. At the conclusion of the meeting, it was agreed that a small delegation of CGU policyholders would meet with Mr Harmer and [REDACTED] after the rally planned for 18 February 2011. Much discussion was about the assessment process used by CGU. At one point Mr Harmer stated words to the effect of, "yes, I understand the concerns about our assessment process, and I have agreed to look at them". No specific undertakings were made by the CGU managers, but the tone of the meeting was pleasant and amiable and I was hopeful at the end of it that perhaps some positive improvements, especially to the assessment process, might be made.
31. On 15 February 2011 I telephoned CGU and advised that the tenant worked and could only attend an assessment at specified times. This is reflected in the CGU file notes in Attachment 4.
32. On 16 February 2011, a CGU assessor named [REDACTED] attended at my property and did an inspection. She indicated that assessing the factors that had caused the damage to my property was "complicated" and further assessment by a hydrologist would be needed. The tenant was present at that visit and answered all questions the assessor asked of him.
33. Also on 16 February 2011, Mr Harmer contacted me by phone and email to request the names and details of policyholders who would attend the meeting after the rally on 18 February 2011. He said he would try to make the meeting but might not be able to. A copy of Mr Harmer's email to me is attached to this statement at Attachment 13.
34. On 18 February 2011, the rally occurred outside CGU's offices at Southbank as planned. A copy of a flyer advertising the rally is attached to this statement at Attachment 14. After the rally, a delegation of policyholders, including myself, and a lawyer from Legal Aid Queensland, met with [REDACTED] and two other CGU staff (Mr Harmer was unable to attend). During that meeting, we made three requests:
- 34.1. that on site assessment occur automatically where there was a major loss;
  - 34.2. that financial compensation be given to customers whose claims had been mismanaged; and

34.3. that financial assistance be given to CGU customers where water damage had occurred.

35. [REDACTED] indicated that we would receive feedback by 23 February 2011.

36. On 22 February 2011, I called Mr Harmer's office to discuss arrangements for receiving the feedback, but he was not available. At about 3 pm that day, we spoke by telephone (I cannot recall if I called or he did). Mr Harmer advised me that CGU would be making a media release regarding the requests made by CGU policyholders on 18 February 2011 and he wanted to 'walk' me through it. A copy of the CGU media statement, dated 22 February 2011, is attached to this statement at Attachment 2. I did not have a copy of the media release with me, so I did not know if Mr Harmer was simply reading from the media release. I was taking notes as he spoke. The first point he addressed was the assessment process: he said words to the effect of, "If a customer wants an assessor, he can ask for one" and "the process of asking set questions to determine if it was flood or not, will be continued to be used". I said words to the effect of, "What about people who feel discouraged by this process?", "What if some people don't know to ask for an assessor?" He repeated, "An assessor will be available if they ask for one". The second point he made was that CGU would not make any ex gratia payments. The third point he made was that CGU would not pay any compensation for mismanagement of claims because there had been no mismanagement. I said words to the effect of, "So that's no to everything we asked for".

37. The tone and content of the conversation then changed. Mr Harmer said, in a low and deliberate voice, words to the effect of, "I have copies of the tapes of conversations you have had with CGU. I have listened to them and I know you have misled the media". I said, "What?" and he repeated words to the effect of, "I have copies of the tapes of conversations you have had with CGU. I have listened to them and I know you have misled the media about media intervention being the reason you were offered an assessor". Up to that point I was extremely busy taking notes of CGU's response to the delegation's three requests, and my mind largely was still on the details of Mr Harmer's refusal of all three requests. I felt shocked and disappointed that there was refusal of all three requests, including the request for site automatic site assessment in cases of major



loss. I said words to the effect of, "I suppose it's open season on CGU" and he replied to the effect of, "Well, you do what you have to do".

38. Later that afternoon and the following day, I reflected on the comments made by Mr Harmer regarding tapes of my conversations, and having "misled the media". I felt sick, and anxious. I went over in my mind, and in my reconstruction of the time line of what had happened, and clarified in my mind that no "misleading" behaviour had occurred. I felt, as a result of this part of the conversation, that I was being threatened; that I was being individually targeted.
39. The next day, 23 February 2011, following my conversation with Mr Harmer, I contacted CGU and RockSure by email, requesting copies of all tape recordings of my conversations with CGU and RockSure. Copies of my email to RockSure and my email exchanges with Ms Tarabay are attached to this statement at Attachment 3.
40. I was advised by RockSure staff that conversations with customers were not recorded. The effect of the emails exchanges with Ms Tarabay was as follows:
- 40.1. At 1.32 pm, I sent an email to Ms Tarabay asking her to advise as soon as possible the process by which I could be provided with copies of all tapes of conversations I had had with CGU consultants.
- 40.2. At 2.54 pm, I received an email from Ms Tarabay, stating that not all calls with clients were recorded, but 'my understanding was that while we can in some instances retrieve and listen to these, to confirm conversation details, they are for internal use only and we did not release these'. Ms Tarabay stated that to find the recording of a particular call, CGU required specific information such as the name of person who to whom I had spoken, the exact date and time of the call, the phone number used for the call and the length of the call. Ms Tarabay said, 'If you are able to gather as much information as possible that would be helpful'.
- 40.3. At 4.07 pm, I sent an email to Ms Tarabay which set out some aspects of what had occurred in my claim. This email included a request for copies of all and any tape recordings of conversations I had had with CGU. I stated in this email that I had been advised by Mr Harmer that he had copies of the relevant recordings.

- 40.4. At 4:23 pm, I received an email from Ms Tarabay, advising that my request for tape recordings had been escalated to the Queensland Claims Manager 'who will take the time to look into any available call recordings for you'.
41. On 24 February 2011, representatives of Worley Parsons attended my property and stated that determining the details of the water damage at my property was "complicated".
42. On or about 4 March 2011, I received a letter from Mr Harmer, dated 1 March 2011, which responded to my requests for copies of recordings of telephone conversations. The letter enclosed copies of the CGU file notes to which I refer in this statement. A copy of Mr Harmer's letters and the CGU file notes are attached to this statement at Attachment 4.
43. At no time during any of my conversations with CGU staff had I been advised that the conversation may be recorded. However, approximately late March 2011, I telephoned Ms Tarabay. For the first time, the call did not go directly to her telephone, but instead a voice message came over the telephone stating that the call might be recorded.
44. On 18 March 2011, I made several telephone calls to my broker requesting feedback regarding my claim and a copy of the hydrology report.
45. My claim was denied. This was confirmed in by letter dated 27 April 2011 which enclosed a copy of Worley Parsons hydrology report. The letter stated that the reason for denial of the claim was that investigations had determined that the damage to my property had been caused by flood, which my policy did not cover. A copy of the letter and hydrology report is attached to this statement at Attachment 7.
46. Following the denial of my claim, I filed a complaint through CGU's internal dispute resolution process. The internal dispute resolution process resulted in the denial of the claim being maintained. This was confirmed by letter dated 5 May 2011, a copy of which is attached to this statement at Attachment 8.
47. I referred the matter to the Financial Ombudsman Service. The matter is still currently before the Financial Ombudsman Service.

.....  
[Redacted]

**Sallyanne Doyle**

5  
4 October 2011.

[Redacted]

**Justices Act 1886**

I acknowledge by virtue of section 110A(5)(c)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated \*\*\*\* September 2011 and contained in the pages numbered 1 to 14 is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....  
[Redacted].....Signature

Signed at .....Brisbane.....this 4<sup>th</sup> day of October 2011

# ATTACHMENT 1

Kathy Jacoby

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From: Sally Doyle [REDACTED]  
Sent: Thursday, 3 February 2011 5:18 PM  
To: [REDACTED]  
Cc: tanya.plibersek.mp@aph.gov.au; wayne.swan.mp@aph.gov.au;  
[REDACTED] south.brisbane@parliament.qld.gov.au;  
Subject: Re CGU Claim 111QRH044263

Hi Therese

## BACKGROUND

As you are aware, I have a house at [REDACTED] Gray Rd West End which was inundated almost to the ceiling, in the recent floods in Brisbane. This house was lovingly restored by me over many years, and was a cherished part of me and my families history. It was also an important asset that I looked to in helping me support myself and my family in years to come. This is particularly the case following the suicide death of my sister Erin [REDACTED] from a Nembutal overdose in Mexico in 2008. Erin left 4 children behind, ranging in age now from 3 to 11, and myself and my remaining 2 sisters work with their father to clothe, feed, educate and nurture them.

As you are also aware, [REDACTED] Rocksure is an Insurance brokerage service. I had my first home loan with your parent company, The Rock Building Society, and found your service in the building society honest, helpful, and honourable. It was on this basis I trusted you to direct me to a reputable and honourable insurance company. From the time I purchased the property in Gray Rd 11 years ago, I held my Insurance with CGU, through your broking firm.

As you are also aware, CGU has declined my claim for cover of water damage, and has failed throughout to follow even basic due process. It has failed to consider damage that is covered in my policy, and shown a willingness to "re write" aspects of its policy provisions retrospectively to "let it off the hook" for any claims.

### 1. DENIAL OF CLAIM AND LACK OF DUE PROCESS

1. As I mentioned to you in a phone conversation several days ago, the claims officer, Danielle Tarabay, I spoke with who advised me on February 1 that the above claim had been denied. I expressed my concern that all aspects of the water damage which occurred at the insured property, [REDACTED] Gray Rd West End, had not been considered.

What then followed was approx 20 minutes of excruciating explanations on my part of some of the specifics of stormwater damage and concern re damage caused by non functioning stormwater drains located at the rear of my property. In a case of in part amusing and part distressing "double speak", Danielle repeatedly told me that "this information backs up our position to decline your claim". Obviously, the information I was providing was entirely contrary to the refusal of the claim.

2. You will be aware that my CGU Policy number [REDACTED] specifically covers damage due to stormwater, and water/liquid which flows from areas/items not a "watercourse, river, lake". It is reasonable to take from this that a blocked or dysfunctional large stormwater drain, which does not allow stormwater to escape, is not a "watercourse". I was advised by Danielle in a conversation on Feb 2 that CGU management have now "redefined" a water course (in the policy it refers to "rivers", "lakes", "bodies of water"), and that the new definition that CGU have imposed includes "drains" as a watercourse.

Very concerning that CGU are retrospectively changing the meaning of policy provisions.

3. Also concerning in my conversation with Danielle on Feb 2 was her pre-emption of what any claim for stormwater damage may amount to. She stated to me that any water running through the house "could only cause minor damage", that "might take a day or 2 to fix" and that the house "could not be inhabited only for a few days". Interesting comments to make given the information I have already provided to Rocksure and CGU re the sheets of water that entered the front of the property, due to its location at the bottom of 2 large hills, and the submersion of items as a consequence. Also interesting as no-one from CGU has visited or made any attempt to gain detailed information re any damage done.

4. CGU have made it plain that they have made a decision and set in train an obstructive process that gives a blanket denial of ALL claims related to water damage, including claims that actually are covered in their policy. CGU are using the river flooding as an excuse to wipe their hands of their responsibilities under this policy.

5. I took out all insurance policies via Rocksure as I had experienced consistently high levels of service and trusted this organisation. Your promotion and direction of your clients to CGU has badly undermined your corporate credibility and I would ask that you remove this disreputable provider from your list of products offered.

5. I have contacted my friends and family in different states of Australia, including reliable and responsible media contacts, and requested that they share this story. I have also asked that Australians living in and outside Queensland show their support for Flood victims by voting with their feet - immediately cancelling CGU policies. It seems causing corporate pain is the only feedback this organisation may take note of.

6. Could you please advise of the phone numbers and relevant email addresses of the Directors of both The Rock Building Society and the insurance subsidiary Rocksure, so that I am enabled to provide the above feedback directly to them.

7. Not only has CGU thumbed its nose at the Premier's request to view claims with compassion, it has taken corporate exploitation and greed to a whole new level and is using the massive flooding in West End as their "get out a jail free" card to avoid considering aspects of cover that are included in their policies.

Thankyou

Sally Doyle

Gray Rd West End

# ATTACHMENT 2

(A)

## MEDIA STATEMENT



22.02.11

### CGU responds to protestor demands

CGU Insurance today responded to demands made by protestors outside its Grey Street offices in Brisbane on Friday 18<sup>th</sup> February 2011.

"We have reviewed and made changes to how we communicate our claims assessment process to customers. We apologise to any customers for whom the process was not previously made clear," said Peter Harmer, CEO, CGU Insurance.

"In particular, I want to make sure it's clear that an individual site assessment is available to all of our customers should they want one."

"If any of our customers have questions about their claim, the assessment process or the options available if they disagree with the outcome, they should call us on 1800 252 461."

CGU also announced it will not be making ex-gratia payments to customers affected by flood.

Mr Harmer said, "CGU is acutely aware of the hardship faced by those affected by the floods, so this has been a difficult decision. However, making payments to customers outside of their policy terms is unsustainable and unfair to customers who have been affected by flood in previous years, both in Queensland and in other states, who have not received payments for damages caused by flood."

"CGU is paying many thousands of claims for Queensland customers in relation to the recent severe weather, for damage from causes other than flood. CGU does not provide cover for flood in its standard home and business policies in any part of Australia. This is clear in our policies and we don't charge our customers for flood cover as part of their premium."

CGU is committed to working with all levels of government and the Insurance Council of Australia to ensure that the right information is made available to enable CGU to provide flood insurance in the future.

ENDS

### Media enquiries:

Joanne Doyle  
Sean Sampson



### About CGU

CGU Insurance is the largest provider of general insurance to Australia's regional and rural communities, a leading workers' compensation provider and one of Australia's leading commercial insurers. CGU offers a comprehensive range of commercial, rural and personal insurance products through a network of over 1,000 insurance brokers and authorised representatives. CGU has been operating in Australia for almost 160 years and is part of Insurance Australia Group (IAG).

# ATTACHMENT 3

09/03/2011 13:37 54244628

ESK

PAGE 03/13  
Page 1 of 1

**Sally Doyle - Re Claim for [REDACTED] Gray Rd West End**

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**From:** Sally Doyle (1)  
**To:** [REDACTED]  
**Date:** 23/02/2011 1:32 PM  
**Subject:** Re Claim for [REDACTED] Gray Rd West End

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Hi Danielle

My understanding is that CGU makes tape recordings of phone conversations with its clients.

Could you please advise me as soon as possible the process by which I can be provided with copies of all tapes of conversations with me?

Thankyou  
Sally Doyle

①

**Sally Doyle - RE: Re Claim for [REDACTED] Gray Rd West End**

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**From:** Danielle Tarabay <[REDACTED]>  
**To:** Sally Doyle [REDACTED]  
**Date:** 23/02/2011 2:54 PM  
**Subject:** RE: Re Claim for [REDACTED] Gray Rd West End  
**CC:** Lauren Marrion [REDACTED]

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Note: This e-mail is subject to the disclaimer contained at the bottom of this message.

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Hi Sally,

In some cases, not all, the calls are recorded for training and quality assurance purposes only. I will refer your enquiry to our Team Manager, Lauren, who can contact you in order to make arrangements to attempt to retrieve a call recording.

However, my understanding is that while we can in some instances retrieve and listen to these, to confirm conversation details, they are for internal use only and we do not release these. To find a call recording we do require very specific information such as:

- The person you were speaking to; eg. Danielle Tarabay
- The exact date & time of the call: If you can find this on your phone records at all, this will help
- The phone number used for the call: eg, your land line/ mobile number etc
- The length of the call: If you can find this on your phone records

If you are able to gather as much information as possible that would be helpful.

Lauren is out of the office until Monday, I will ensure she contacts you next week to discuss this further. If you have any questions it is best to address this with Lauren as I'm not familiar with the process.

Kind Regards,  
Danielle

Danielle Tarabay  
BCom (Acc, HRM)  
Claims Management Consultant  
QLD Landlord Claims  
CGU Insurance

T  
F  
E

[www.cgu.com.au](http://www.cgu.com.au) **We put the You in CGU.**

Please consider the environment  
before printing this email.

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**From:** Sally Doyle [REDACTED]  
**Sent:** Wednesday, 23 February 2011 1:32 PM  
**To:** Danielle Tarabay  
**Subject:** Re Claim for [REDACTED] Gray Rd West End



2

Hi Danielle

My understanding is that CGU makes tape recordings of phone conversations with its clients.

Could you please advise me as soon as possible the process by which I can be provided with copies of all tapes of conversations with me?

Thankyou  
Sally Doyle

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*Summary re claim.*

(A)

Page 1 of 2

②

**Sally Doyle - RE: Re Claim for [REDACTED] Gray Rd West End**

**From:** Sally Doyle  
**To:** Tarabay, Danielle  
**Date:** 23/02/2011 4:06 PM  
**Subject:** RE: Re Claim for [REDACTED] Gray Rd West End  
**CC:** [REDACTED] south.brisbane@parliament.qld.gov.au;

Hi Danielle

It would seem that, at least some of the phone conversations I am requesting are in existence and have been referred to by your CEO Peter Harmer in a conversation I had with him yesterday afternoon, Tuesday Feb 22 at approximately 3pm. Mr Harmer has, he advises me, been in receipt of and listened to taped conversations of me, presumably talking to you regarding the outcome of my claim.

As you can imagine, having a copy of these tapes will be of some relevance and use to myself and my representatives.

I assume that CGU will have taped the conversation I had with you on February 1 in which I was told by you that my claim had been denied. You may recall, and certainly whatever recordings are in existence will reflect, that I was very distraught about this decision as it was clear that evidence I had provided to CGU via my RockSure broker regarding concerns of closely located stormwater drains stormwater damage to my property, had not been heard nor considered by CGU.

1. I received a message from you at 2.45 pm on Feb 1 2011 stating "this is Danielle from CGU Insurance Claims. Can you give me a call on 31351823 about your landlords claim". I recall that either during this phone call, or on the day directly after this initial conversation in which I was told your claim has been denied, I attempted over an extended and excruciating conversation to get CGU to listen to information regarding things other than the "flood" that I had been informed by you was the cause of damage and hence was not covered.

Finally, after a lengthy verbal battle to try to be heard re my concerns at stormwater damage, you suggested Danielle that I might get more information from my tenant.

2. At no time was I told an assessor would be assigned or that this was an option. I was exhausted and demoralised by the struggle I had had to be heard on possible "non flood" causes of damage - the questions and conversation was heavily skewed to staying with, and buttressing, the CGU "assessment" that all damage was caused by flood. I was too exhausted and dispirited to even consider "getting more information from the tenant". It seemed pretty clear that the claim was not going to be treated fairly.

Since that time, as you no doubt are aware, an assessor has been out to visit my property, but the process I was subjected to to get to that point was horrendous. Subsequent to my phone conversation/s with you in early February, a visit from a local political representative and media interest occurred. You can imagine my surprise when on Feb 14 I was contacted at 8am by Teresa from CGU Claims asking to book in an assessor visit, as I had never been advised an assessor would be an option or would be available.

3. Given the absence of clear information to the contrary, I assumed that the answer to my claim was "no", and hence on Feb 10 sent an email to Therese Ruff at Rocksure requesting a letter of denial and a full copy of my policy. I was informed later that same day via an email from Therese that my claim is "still being reviewed". Had no idea what this actually meant, and no future concrete actions or processes were quantified.

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It had been indicated by one of the staff at The Rock, Nadine Newton (Senior Claims Manager) that she had some concerns re the management of my claim by CGU, and I was advised around Feb 3 that my claim would "be escalated". Not sure what this meant, and was too exhausted by CGUs obstructive process anyway.

No mention of an assessor, and no further word from CGU til Feb 14 when I am contacted with the offer of an assessment visit.

4. From lodgement of my claim (Jan 14) to Feb 1 when I was phoned by you, Danielle, CGU did not return one of my phone calls.

In the intervening time from when I had that phone conversation on Feb 1 with CGU, to when I was offered an assessment visit on Feb 14 (which occurred very quickly, in the same week), I had a visit from a local political representative (Feb 9), and media interest in my situation (Feb 10).

Given CGUs history of slowness of response and convoluted process up to the point of external parties advocacy and interest, you can imagine the conclusions one might draw as to what was behind CGUs later, and uncharacteristic, speed of response.

4. I can only hope that others are not subjected to the same "water torture" in order to secure the attention of an assessor. I remain of the view that customers should not have to argue/request/ in any other way push for an assessor to visit, but that it should form a standard and automatic part of your process for looking at claims.

Such a visit, as an automatic part of "fair" assessment that your code of practice requires, is the least myself and other long time CGU policy holders should expect when our major asset has been wrecked.

If you could expedite the provision of copies of my conversations with you, that would be appreciated

Sally Doyle

(B)

Kathy Jacoby *Request for copies of taped conversations*

**From:** Danielle Tarabay [REDACTED]  
**Sent:** Wednesday, 23 February 2011 4:23 PM  
**To:** Sally Doyle  
**Cc:** Peter Harmer; Ian Garbutt  
**Subject:** RE: Re Claim for [REDACTED] Gray Rd West End

Note: This e-mail is subject to the disclaimer contained at the bottom of this message.

Hi Sally,

Thank you for your feedback, we appreciate your input. The effort you have made to provide this has certainly made CGU more aware of the issues being faced by our customers during this difficult time.

As Lauren is currently out of the office, I have escalated your enquiry to our QLD Claims Manager, who will take the time to look into any available call recordings for you. Ian or myself will be in touch with you as soon as possible.

If you have any further queries please don't hesitate to contact me.

Kind Regards,

Danielle Tarabay  
BCom (Acc, HRM)  
Claims Management Consultant  
QLD Landlord Claims  
CGU Insurance

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F  
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**From:** Sally Doyle [REDACTED]  
**Sent:** Wednesday, 23 February 2011 4:07 PM  
**To:** Danielle Tarabay  
**Cc:** Peter Harmer; [REDACTED]  
**Subject:** RE: Re Claim for [REDACTED] Gray Rd West End

Hi Danielle

It would seem that, at least some of the phone conversations I am requesting are in existence and have been referred to by your CEO Peter Harmer in a conversation I had with him yesterday afternoon, Tuesday Feb 22 at approximately 3pm. Mr Harmer has, he advises me, been in receipt of and listened to taped conversations of me, presumably talking to you regarding the outcome of my claim.

As you can imagine, having a copy of these tapes will be of some relevance and use to myself and my representatives.

I assume that CGU will have taped the conversation I had with you on February 1 in which I was told by you that my claim had been denied. You may recall, and certainly whatever recordings are in existence will reflect, that I was very distraught about this decision as it was clear that evidence I had provided to CGU via my RockSure broker regarding concerns of closely located stormwater drains stormwater damage to my property, had not been heard nor considered by CGU.

Cc: [REDACTED]  
Subject: Fwd: CGU claim

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Hi Nadine and Therese

I'm wondering if you can provide, as soon as possible, copies of any tape recordings of conversations I have had with Rocksure regarding the CGU policies I have taken out through your organisation.

Of most relevance will be recordings made when I first was advised by you re insurance in September 1994 regarding insurance for [REDACTED] Fanny St Annerley 4103. Also important are any recordings relating to when I took insurance out for [REDACTED] Gray Rd West End 4101 in 2000.

The copies of any and all other recordings are also requested.

If you both could acknowledge receipt of this email, that would be helpful.

Attached is an email I sent to you on Feb 7 for which I received no reply. I spoke to Therese on my mobile phone on February 17 and was advised she had not seen the email, and may not have received or opened it due to a backlog in emails.

Thankyou

Sally Doyle

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# ATTACHMENT 4



CGU Insurance.  
388 George Street, Sydney, NSW, 2000  
t 02 9088 9531 f 02 9292 3434

Ms Sally Doyle  
[redacted] Middle Street  
Esk QLD 4312

1 March 2010

Dear Sally

I am writing in relation to your recent email requesting access to call recordings of conversations you have had with CGU claims representatives.

When we last spoke by phone on 22 February 2010, I indicated that CGU was working towards individual site assessment at your property prior to you contacting the media about your claim. At the time, I made reference to this being reflected in call recordings. Unfortunately, I made a mistake, and it was the file notes of the call made by the claims officer that support this sequence of events.

Call recordings are not made of customer calls to the Brisbane Flood Claims Team which Ms Danielle Tarabay is part of, due to technology limitations and, as a result, no recording was made of this particular call. I apologise for any confusion I have caused.

I have attached a copy of the file notes relating to your claim. If you would like copies of available call recordings between you/your broker and CGU's Parramatta Landlords Claims Team, we are happy to provide them. A number of these conversations involve your broker and we will need their permission to release them for privacy reasons. Please note, some aspects of the conversations involving your broker relate to other customers' claims and will need to be deleted.

Please contact [redacted] - National Manager, Claims directly on [redacted] or [redacted] if you would like to access the available call recordings, or if you have further queries regarding your claim.

Yours sincerely

[redacted]  
Peter Harmer  
Chief Executive Officer

**CGU Insurance Ltd**

GPO Box 9902  
Brisbane QLD 4001

ABN: 27 004 478 371

QLD Landlord Claims

Tel: 1300 735 491  
Fax: 07 3135 1413

28 February 2011

**CLAIM:** [REDACTED]

Claim Number: [REDACTED]  
Policy Number: [REDACTED]

**CGU records of communications recorded on file to date:**

**13/01/2011 18:01:42, Claim Lodgement, CGU NSW**

New claim lodged by broker [REDACTED] of Rocksure.

Incident description: Rain water has come down the hill and drain filled, causing water damage to home

Date of Loss: 12/01/2011.

Property Address: [REDACTED] Gray Road, West End QLD 4101

Excess: \$250

**14/01/2011 Email from Rocksure received with photo of the property**

**17/01/2011 Claim referred to the Claims Management Centre QLD**

**18/01/2011 09:45:28 Phone call, NSW Claims**

Rocksure called and advised that the insured is very irate and wants an assessor appointed, advised broker that the claim will be handled by a dedicated flood team which will be up and running on Thursday. CGU QLD Office had been evacuated and closed to all staff on the 11<sup>th</sup> January due to rising flood waters and did not open until the 18<sup>th</sup> January. Consultant has confirmed there will be delays due to the office closure and number of claims lodged and there will be a dedicated response team beginning to review all of these claims on the 20<sup>th</sup> January.

**19/01/2011 19:04:52, QLD New Claim Review**

Claim reviewed, policy confirmed valid, claim has been referred to QLD Flood Team to Action

**20/01/2011 15:30:06 Phone call, NSW Claims**

Received phone call from insured Sally Doyle asking for an update. Claims consultant has advised Sally that the claim is being looked after by our QLD Flood Team, consultant advised the QLD office is not up and running yet following the floods and offered to take a message. Consultant explained that a dedicated flood team is going to be looking after these claims when the office is back up and running.

Message taken to call Insured Sally Doyle, sent to QLD Flood Team.

**22/01/2011 08:39:06 Phone call, QLD Claims**

Therese from Rocksure called for an update on the claim. Claims Consultant advised that a dedicated team is working through the high volume of claims for this event and someone will be in contact with her in the near future.

Therese also emailed a photo of the property provided by the insured which shows property inundated by water, also stating there is an email attached; however, there was no email from the insured attached. Claims consultant has requested she resend this.

**24/01/2011 12:56:13 Phone call, QLD Claims**

Jenny from Rocksure called, she advised the insured is very persistent and wanting to know what is going on. Claims consultant advised broker the dedicated response team are working hard to contact every customer ASAP, don't have a time frame at this point.

Jenny advised she told the insured to go ahead and remove the internal walls, but to keep a bit for inspection by CGU.

**25/01/2011 11:18:39 Email Received, QLD Claims**

Received email from Therese at Rocksure with attached email from insured, This outlines that tenant has advised circumstances of loss.

**01/02/2011 09:54:49 Phone call, QLD Claims**

Therese from Rocksure called for another update. The response Team has not actioned this file yet due to high volume of claims.

Claims Consultant has emailed QLD Flood Team to contact broker ASAP.

Claims Consultant advised Therese someone will call her within 24 hours.

**01/02/2011 13:19:31 Phone call, QLD Claims**

Phone call to Theresa at Rocksure, they have provided permission from CGU to contact their customer directly.

Customer is Sally Doyle, Ph: 0414 454 118

**01/02/2011 14:43:36 File Action & Phone call, QLD Claims**

Attached image of property from the internet showing water inundation from the Brisbane River.

Phone call to customer Sally Doyle, left 10 second voicemail message to call CGU back.

**01/02/2011 16:20:58 Phone call, QLD Claims**

Received phone call from customer, Sally Doyle.

Advised Flood is excluded from CGU's policy, Sally advised she already knows this. Asked the template question set for all water inundation claims:

The Brisbane River has flooded a number of homes in the Brisbane Region.



You have lodged a claim for consideration for water inundation.

To better understand what has caused the damage to your property I need to ask a series of questions:

Is your house high-set or low set?

Sally advised the home is at approximately ground level at the front of the house, however is highset at the rear as it is on a downward sloping block.

Approx how high is the habitable floor above the surround ground level?

Sally advised it is at approximately ground level at the front and approx 1-2m at the rear.

Is the street higher or lower than the ground level of the house?

Sally advised the street slopes down to her home on each side, and the home is at the lowest lying point on this street. The road immediately in front is approximately the same level as the home.

What was the date and approx time of the inundation of the property?

Sally advised that this began on the 11<sup>th</sup> of January when drains could not cope with the water and began rising. She thinks this is rain water and then flood may have reached the home some time on the 13<sup>th</sup> January.

What was the date and approx time when the inundation of the house/garage/shed/etc occurred?

She doesn't know the exact time as she was not there, but does know the tenants saw the water rising and packed up and left immediately on the 14<sup>th</sup>.

What was the date and approx time when the inundation of the house/garage/shed/etc peak? Sally believes it was on the 13<sup>th</sup> January.

At its peak, how high did the water inside the house reach? Sally advised it was approximately 50cm below the ceiling.

At its peak, how high did the water in the yard reach? Sally advised that it's a downward sloping block, unknown height of water in the yard.

Do you know which direction the water came from? Sally advised the tenant first saw the water at the rear storm water drains down the hill. It also then came from the front of the property.

Was the water inundating the property "clean" or "dirty"?

Sally advised it was very muddy and dirty, it left a muddy residue through out the home.

What date and time was the rain heaviest (since Xmas day)?

Sally does not know as she was not there, only has information from tenant & property manager.

How long has it been since heavy rain has fallen?

Sally does not know as she was not there, only has information from tenant & property manager.

As per the hydrology report to hand for the Brisbane Region, the dates and source of the water is consistent with flooding of the Brisbane River. I advised the Insured that in this instance it appears the proximate cause of damage is flood and will be declined.

Customer did not agree with this, she thinks sheets of water came running down the block into the home before the flood water reached it.

However, customer also advised she was not there so she does not know the exact circumstances of the loss.

Consultant explained to the customer that the information she has provided is consistent with the hydrology report, which confirms the flooding began on the morning of the 11<sup>th</sup> January and that from the 10<sup>th</sup> of January at 10am over the next 36 hours Brisbane only received between 40-50mm of rain. Consultant explained that this would be insufficient to inundate the property to this height.

Consultant advised that water rising from the Brisbane River via storm water drains, does also fall within the definition of flood, as this is water "escaping" the normal confines of a water course, as per the definition in the policy:

"The covering of normally dry land by water escaping or released from the normal confines of a watercourse or lake, whether or not it is altered or modified. Flood also includes water escaping from the confines of any reservoir, channel, canal or dam."

The customer said she believes rain water came through the property first, before the flood water, on the 11<sup>th</sup>, because they are at the lowest point of the street and water drains down the road to this area. Sally believes this would have caused significant damage prior to the flooding.

Consultant has advised that in this instance as customer has now said she believes water ran down road and not just rising up storm water drains, they will consider the claim further before declining and asked if CGU are able to contact the tenant for a witness account of the event to gather more information for consideration, as the customer has already confirmed she was not there and does not know the full details.

Sally agreed to this and said she will contact her property manager and call CGU back.

Sent email to Broker Rocksure confirming details of conversation.

**02/02/2011 13:52:16 Phone call, QLD Claims**

Customer Sally has called, she explained again that she believes the water that first inundated the property on the 11<sup>th</sup> was rain water run off and not flood.

Sally then also said she is now wishing to dispute the entire claim and not just the initial rain event and she does not believe water rising from the storm water drains is flood water, she wants to dispute CGU's interpretation of the meaning of flood.

Claims consultant advised customer Sally, she will pass on her feedback, that she does not think CGU is interpreting the policy correctly and that she wants to dispute the cause of damage on the entire claim.

Consultant advised Team Manager of Feedback and recommended CGU appoint an assessor, due to the nature of the event and possible rain water & flood damage together. As per all assessor requests, this has been made to Team Manager.

**04/02/2011 12:46:19 Letter from Insured**

Complaint Letter received from Customer, Sally Doyle.

Complaint referred by consultant to Team Manager, recommending the appointment of an assessor.

**08/02/2011 09:00:10 Phone call, QLD Claims**

CGU Rockhampton office called asking for an update on this claim. Consultant has advised that the claim is being reviewed by a Team Manager, a request has been made to appoint an assessor. Consultant also advised that, Claims are waiting on response from Sally Doyle, providing contact details for tenant to gather more information about the loss from a person who was present.

**10/02/2011 09:28:54 Claim review, QLD Claims**

Team Manager has advised Claims Consultant, that due to the nature of the loss as advised by the customer it is in order to appoint an assessor to inspect the property.

Consultant has appointed Crawford & Company External Assessors.

Consultant has sent email to broker Rocksure, advising Crawford & Company have been appointed to assess the claim.

**10/02/2011 09:40:18 Claim Review**

Team Manager has advised there are several delays with Assessment by Crawford & Company. It is best to appoint a CGU Assessor to speed up the process for the customer.

Sent cancellation of assessment to Crawford & Company and sent new assessment request to CGU Assessing.

Sent email to Broker Rocksure to advise of new assessor appointment.

**10/02/2011 15:05:54 Phone Call, QLD Claims**

Received call from CGU Office in Rockhampton asking for an update on this claim. Consultant has advised that a CGU assessor has been appointed to inspect the property.

**10/02/2011 16:19:31 Phone Call, QLD Claims**

Therese from Rocksure called. She asked for a copy of CGU's decline letter. Consultant advised Therese, CGU has not declined the claim at this point and as per our emails, an assessor has been appointed to inspect the loss.

**11/02/2011 10:44:36 Phone Call, VIC Assessing**

Assessing Support Officer has called customer Sally. Customer advised she will need to coordinate a time with her tenant regarding the assessment, she said they will be able to provide more details as to what happened, as they were present.

Consultant advised Sally that an assessment time is available at 11am on Monday, and that we would like to assess this as soon as possible, however, if this time is not suited to the tenant, we can look at other availabilities.

Sally will call back to confirm whether this assessment time is suitable for the tenants.

**14/02/2011 09:09:18 Claim Review, VIC Assessing**

Assessing Support Office reviewed and noted, no return call received from the Insured regarding possible assessment today.

Support Officer called customer who advised she has not been able to get hold of the tenant and she will call me as soon as she has done so.

Customer requested that I text my contact number to her so this is available for her to return my call and book assessment - this has been done.

No booking yet made - customer has been offered appointment for today at 11am on two occasions, but has not been able to take this appointment time. Await call from customer before reviewing assessing opportunities available.

**15/02/2011 11:23:37 Phone call, VIC Assessing**

Call received from customer, Sally Doyle. She advised tenant has advised that they work and cannot attend assessments unless they are booked for:

- 7am - 8.30am in the morning
- After 5.30pm in the afternoon
- Any day Thursday.

Assessing Support Officer have confirmed with customer that she is also available at these times - yes.

Have advised I will check assessor calendar and call back to confirm the assessment time.

**15/02/2011 11:26:35 Phone Call, VIC Assessing**

Assessor has been called to discuss available booking times

**15/02/2011 14:28:10 Phone Call, VIC Assessing**

Assessor is available to meet customer at 8am tomorrow morning.

Assessing Consultant has called customer. Confirmed booking for tomorrow morning at 8am, however call unsuccessful.

Consultant passed message to Team Manager to advise Insured of appointment Time.

**16/02/2011 16:56:21 Claim Review, QLD Claims**

Due to the nature of the loss, Team Manager has arranged a Hydrologist to attend the situation and provide a report detailing the cause of loss, in relation to weather conditions as well as flooding of the Brisbane River.

**17/02/2011 09:44:46 Claim Review, QLD Claims**

Assessor Report has been received on file, await Hydrologist report in order to determine liability.

*Authorised for Release: 25/2/11*

**Ian Garbutt**

**Claims Manager**

**CGU Ins Personal Lines QLD**

**CGU Insurance Ltd**

# ATTACHMENT 5

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## SUMMARY OF CONTACT WITH PETER HARMER (CGU CEO)

Thurs February 10

Story regarding damage to my property at [REDACTED] Gray Rd West End, concerns re CGU Insurance, and a planned rally outside CGU offices, was published in the Courier Mail.

Friday February 11

Phone call from Joanne Doyle (Corporate Affairs Manager CGU) to state that the Manager of Claims Ben Bessell was very concerned re comments I had made in the Courier Mail newspaper and wished to speak to me face to face.  
A time of 10.30 am Monday Feb 14 at my house at West End was agreed upon.

Monday Feb 14

[REDACTED] (Corporate Affairs Manager), [REDACTED] (General Manager Claims), and Peter Harmer (Chief Executive Officer) from CGU attended my house.

Peter Harmer stated that staff at the Brisbane CGU office were "really frightened" about the rally planned for Feb 18. He stated that CGU staff were refusing to wear their corporate uniform and they were being abused by members of the public on their way to or from work when they were wearing their uniform. He stated that recently staff travelling to a meeting in their corporate uniform had been yelled and spat at by their cab driver who refused to accept the company credit card as payment.

I stated that CGU staff were not the target of the protest but that Corporate CGU and bad policy that was badly implemented was the target. I offered to explain this in person to staff, but this offer was declined.

I showed the group through my house, and showed the location of large stormwater drains, and explained my concern that much damage had been caused by stormwater.

I explained my concern at poor processes I and many other CGU customers had experienced in the management of their claims. I stated that my claim had been summarily dismissed after several perfunctory questions over the phone.

-I explained that biased and unfair questioning heavily skewed toward looking for any possible evidence of "flood" was used, that left me believing the process would not be fair, and feeling disheartened and discouraged from pursuing the claim.

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-Peter Harmer, who did almost all of the talking of the CGU representatives, stated that CGU never did and never would cover flood.

-He stated that CGU do not send out assessors as "often people know it was flood, they don't want an assessor, they just want a piece of paper they can take to Centrelink or wherever to say insurance has been denied"

-He stated that CGU has a "triage" process whereby a number of standard questions are asked, and this "often determines whether it was flood or not".

-He stated that "where there are grey areas and it could have been water damage other than flood, we try to find a way to pay people, and we have done so very generously."

-He stated "we have recently paid out thousands of claims"

-I stated that CGU policy holders who had suffered major damage needed to have a way to rebuild and it would be useful to have a fund to assist in doing that, however CGU wanted to structure it or whatever CGU wanted to call it.

-Peter Harmer stated this would not be considered as it would "set a precedent". I asked him to consider if there might be a way to deliver assistance to CGU policy holders that wouldn't set a precedent and that the company could live with.

-Peter Harmer stated he was "very concerned about people who might be suicidal". At one point in the meeting he indicated it may be possible to open up CGU's staff counselling services to flood affected people.

-He also asked if I would consider assisting in training claims staff, which I agreed to consider

-An agreement was made that a small delegation of CGU policy holders would meet with Peter Harmer and [REDACTED] after the rally planned for Friday Feb 18

Wednesday February 16

-Phone call from Peter Harmer to request the names and contact details of those who would be part of the delegation on Feb 18, "for security reasons". I stated I would check with the participants and get back to him. He stated he would attempt to be there by 12pm but may not, but that [REDACTED] would definitely be present.

- I restated the importance of having a large fund to assist in the rebuilding process. Peter Harmer remained non committal

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Friday February 18 7am-12pm

Rally to protest CGU's treatment of policy holders was held outside CGU's Grey St premises.

The rally was attended by approximately 50 policy holders and supporters and was covered by ABC Radio National, ABC news, Channel 7, 9, and 10 news, the Courier Mail and Brisbane News.

-A meeting occurred with 6 CGU policy holders [REDACTED] (Legal Aid), [REDACTED] and 2 other CGU staff

A list of requests was provided, including a request for compensation for mismanagement of claims thus far, establishment of a fund to assist CGU clients, and automatic provision of proper onsite assessment of claims involving major loss.

-[REDACTED] undertook to provide feedback by Wednesday February 23.

Tuesday February 22

I was contacted at approximately 3pm by phone by Peter Harmer, who stated that that afternoon a press release was going to be made by CGU and he "wanted to walk me through it".

-Essentially, none of the requests made were agreed to. This included the request for proper, automatic onsite assessment.

-Peter Harmer stated that the triage system would remain in place, and that "if someone wants an assessor, they can ask for one".

-At the end of this conversation, Peter Harmer then stated that "I have a copies of the tapes of conversations you have had with CGU staff, and I have listened to them. I know you have mislead the media (about media intervention being the reason for you being offered an assessor)"

-The tone and content of this part of the comments was clearly threatening and communicated I was now a target with my supposed lack of integrity about to be exposed.

Wednesday February 23

-I emailed Danielle Tarabay (CGU Claims Officer) and my insurance broker, to request copies of all and any tape recordings of my conversations with them.

-I was concerned as, at no time, was I ever warned that any conversations being taped

Friday March 4

-I received a letter from Peter Harmer dated March 1, stating that he was "mistaken" and did not in fact have tape recordings, but had written logs made by staff, of conversations I had had with them.



## ATTACHMENT 6

0

### Summary of Sequence of Events

Re Claim [REDACTED]  
CBU policy [REDACTED]  
for Sally Day Co.

13-1-2011 - insurance broker Rockson  
contacted by me & a claim lodged for  
water damage sustained @ [REDACTED] Gray Rd  
West End.

I asked if an assessor would be  
assigned & was told not @ this stage.

14-1-2011

Sent an email to Rocksure detailing my  
concern that damage was done due to  
stormwater & attached a photo of my  
water damaged house to this email.  
I was re-assured by Rocksure that  
"every claim is looked at closely &  
on its individual merits".

- from 14-1-2011 to 1/2/2011  
 numerous phone calls were made by me to insurance broker Rocknroll. I made 2 phone calls to CQU directly & messages were taken for the Flood Team to return my calls.
- no return plc from CQU was made until 1/2/2011 when I was contacted by Danielle Tarabay & told that my policy does not cover flood & heard "the decision is to decline your claim as your house was flooded by the Brisbane River".  
 I was asked several questions which sounded like it was a fixed questionnaire - eg "was your house highset?" ; "was the water muddy?"  
 I answered these questions & was told "your house was flooded, & your policy doesn't cover flood".
- I attempted to argue against the decision & stated my concern that stormwater & difficulties in the stormwater drains on my property were key factors but was repeatedly told - "what you are telling me supports CQU's decision".

(3)

- I repeatedly stated "no it doesn't - what I am saying contradicts your decision"
- again, it sounded like a script was being strictly adhered to & nothing outside this "script" would be heard
- after a long & tortuous back & forth, the LCU staff member stated I could 'get the tenant to give her more information'
- After this conversation I believed LCU was clearly set against properly considering any evidence that might refute their decision, so I didn't pursue any information from the tenant at this point. I felt very discouraged & disheartened.
- I was not offered an assessor visit.

- 2-2-2011

P/L from me to LCU to re-iterate my belief that stormwater was a key factor in damage to my house.  
I was not offered an assessor visit.

- 3-2-2011

I sent to LCU & Rockvale a letter outlining my concerns re the

poor process followed by CBU -  
in particular the lack of proper  
on site assessment of my claim.

I was advised by Rock Sure that my  
claim "would be escalated", whatever  
that meant  
No assessor visit was offered.

9/21/2011 - visit to my property by  
Premier Bligh to see the damage. I briefed  
her on difficulties experienced w CBU

10/21/2011 - story regarding damage to my  
house & concerns re CBU  
published in Courier Mail.

\*\* From 10/1/2011 to 10/21/2011 inclusive  
I was not offered an assessor visit  
no any information on what action, if  
any, CBU planned to take to  
review my claim.

11/21/2011 - Plc from Theresa in  
Claims CBU to offer a time for an  
assessor to visit.

11/21/2011 - Plc from [REDACTED]  
(Corporate Affairs Manager) requesting I  
meet w her & [REDACTED] (Manager of  
claims).

Joanne stated Ben was "concerned @ comm<sup>5</sup>  
9 made in the courier mail" & "wished to  
discuss these"

- 13/2/2011 - [REDACTED] CEO Peter  
Harmer visited me @ [REDACTED] Gray Rd west End.
- 16/2/2011

Visit by CCU assessor Nicki, who  
advised me that the next step would  
be gaining a hydrologist report.

Tenant in attendance & gave all information  
as requested

- 18/2/2011 - planned rally outside CCU  
offices co-ordinated by me, occurred.
- 24/2/2011 -

Hydrologists from Worley Parsons  
attended the property & stated  
determining details of the water damage  
to my property was "complicated"

- today's date - 18/3/2011

- several phone calls made by myself to  
my broker requesting feedback re my  
claim & a copy of the hydrology  
report

- 9 weeks post damage & still no  
decision

Sallyanne Day 9  
18/3/2011.

# ATTACHMENT 7

22/05/2011 13:43 54244528

ESK

PAGE 02/24

CGU

27<sup>th</sup> April 2011

CGU Insurance

GPO Box 9902  
BRISBANE QLD 4001

ABN 2704 478 371

Tel: 1300 862 768  
Fax: 07 3135 1413

MS S DOYLE  
NORTH PLACE  
ACACIA RIDGE QLD 4110

Dear Ms Doyle,

Your Claim Number: [REDACTED]  
Your Policy Number: [REDACTED]  
Situation Address: [REDACTED] GRAY ROAD WEST END QLD

I am writing to you in relation to a claim you made for damage to your property on the 12<sup>th</sup> January 2011.

As requested I have reviewed your claim and after careful consideration of the information provided, CGU Insurance has declined your claim for the following reasons:

## Summary of the decision

### The circumstances of the claim

We received correspondence on the 10<sup>th</sup> February 2011 requesting reconsideration of your claim.

### Your policy coverage relating to the claim

Your CGU policy covers inundation by storm water but does not provide insurance coverage for losses caused by flood. Flood is clearly defined in your policy, for details you can refer to the glossary of your CGU home policy.

### The information we have considered in making this decision

CGU reviews each claim on its individual merits and we do not deny claims lightly. We have carefully reviewed your claim; water has escaped from the Brisbane River via storm drains. Where water has escaped a water course by backing up through storm water drains to find an equal level to the river, this is also considered to fall within the definition of Flood under the CGU Policy.

Furthermore, rising storm waters that can not drain into a watercourse because the watercourse is already in flood is also considered flood water

CGU

The source of the inundation is from the Brisbane River. I refer to your definition of flood under your CGU policy:

**Flood:**

*The covering of normal dry land by water escaping or released from the confines of a watercourse or lake, whether or not it is altered or modified. Flood also includes water escaping from the confines of any reservoir, channel, canal or dam.*

Flood water that mixes with storm water run off that inundates your property is viewed as damage from floodwater.

Based on your advice and information available to us, we conclude that the loss for which you have claimed was caused by flood. As a result we are not in a position to pay your claim.

As discussed I have referred your claim to the CGU Dispute Resolution team. The Dispute Resolution team will independently review your claim and provide a decision within 15 business days of receiving your request and all relevant information.

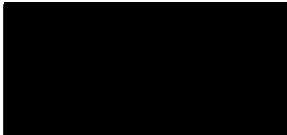
The Review Officer will be in contact with you shortly and may seek further information from you and from other parties involved. Once all necessary information has been received, the review of your claim will be completed within 15 business days.

The following information is provided to assist you in contacting the CGU Dispute Resolution team if you wish to:

**CGU Dispute Resolution**  
GPO Box 390D  
Melbourne 3001

Tel: 1300 651 227  
Fax: 1300 760 683  
Email: [cgudr@cgu.com.au](mailto:cgudr@cgu.com.au)

Yours Sincerely,

  
Lauren Marrion  
Team Manager  
CGU Claims


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**Infrastructure  
and  
Environment**

 Level 12, 141 Water Street  
 North Sydney NSW 2060 Australia  
 Telephone +61 2 8323 6666  
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 WorleyParsons Services Pty Ltd  
 ABN 61 011 219 012

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Ref: 201015-02484.01 AB7 CGU Gray Rd West End.doc

## HYDROLOGY REPORT RELATING TO THE JANUARY 2011 STORM

Prepared by : T MCCLUSKEY, ENGINEER, WORLEYPARSONS  
 Prepared for : CGU  
 Claimant : MB SALLY DOYLE  
 Property : GRAY RD, WEST END, QLD  
 Reference : 111QRH044263

**PROJECT 201015-02484.01 AB7**

REV	DESCRIPTION	ORIG	REVIEW	WORLEY- PARSONS APPROVAL	DATE	CLIENT APPROVAL	DATE
A	ISSUED FOR INTERNAL REVIEW	TM T MCCLUSKEY	DMO D McCONNELL	N/A	4-3-2011	N/A	
B	FINAL	TM T MCCLUSKEY	DMO D McCONNELL	M ROBERTS	8-3-2011	N/A	

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### EVENT OVERVIEW

On the 7<sup>th</sup> of January 2011, a low pressure cell derived from a monsoonal trough moved southwards along the east coast of Queensland in the vicinity of Mackay. Over the next day this localised low pressure system gradually moved closer to Fraser Island. However, it did not lead to the generation of significant rainfall at this time due to its orientation relative to the monsoonal trough located to the north and a series of high pressure systems located to the south-east.

Throughout the 8<sup>th</sup> of January 2011, the low pressure system remained relatively stationary. It eventually moved closer to the south-east Queensland coast and intensified on the 9<sup>th</sup> of January to form a trough that spanned from the NSW border to Mackay. Through the early hours of the 9<sup>th</sup> of January, this trough rotated towards south-east Queensland and formed large volumes of rain as warm moist air was forced upwards over the region from a high pressure cell located near New Zealand.

This process continued throughout the 9<sup>th</sup> of January, with the trough reducing in span and generally remaining stationary off the coast.

The intensification of the coastal low pressure system on the 9<sup>th</sup> of January led to the generation of sustained rainfall across coastal regions of south-east Queensland within the lower Caboolture and Brisbane River Catchments. Rainfall generally progressed from the north to the south with the start of the storm occurring from 04:00 (recorded at Beerburrum) and leading to rainfall across areas of the lower Caboolture River Catchment. In the lower Brisbane River Catchment, the storm began between 09:00 and 10:00 (recorded at Brisbane, Redcliffe and Archerfield). The accumulation of rainfall generally followed a similar pattern, with areas of the lower Caboolture River Catchment recording up to 155 mm until midday on the 10<sup>th</sup> of January 2011, while areas of the lower Brisbane River Catchment recorded between 75 and 130 mm.

Over the following 12 hours the low pressure system moved north and rainfall accumulations decreased markedly. However, as the low pressure centre merged with the descending monsoonal trough, significant rainfall was generated over the region. A further accumulation of between 30 and 40 mm over the following 26 hours was recorded in the lower Brisbane River Catchment and up to 70 mm in the lower Caboolture River Catchment, indicating that the focus of the system was on the Caboolture River Catchment in these coastal regions.

While not strictly an East Coast Low, the system functioned in a similar way, producing gale force winds and widespread rain centred on the coastal region south of the centre of the low pressure cell.

In the most upper sections of these catchments, rainfall was less intense prior to the amalgamation of the low pressure centre and the monsoonal trough. Rainfall began from 13:00 on the 9<sup>th</sup> of January 2011, with accumulations of between 60 and 70 mm recorded until approximately 00:00 on the 10<sup>th</sup> of January. The northward movement of the low pressure cell and the alignment of the high pressure cell feeding the region, led to the temporary cessation of rainfall in the upper catchment.

As the monsoonal trough moved south, warm moist air from the north ascended into the upper atmosphere over the upper regions of these catchments. Intense rainfall began to occur from about midday on the 10<sup>th</sup> of January in the upper Brisbane River Catchment (recorded at

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Toowoomba). Over the following 38 hours an accumulation of up to 150 mm was recorded. However, the rainfall intensity in this region varied significantly with a large portion of the rainfall accumulation occurring over a period of only hours. Orographic effects are likely to have contributed to the sharp increase in rainfall intensity in these upper catchment areas.

To the east, in more central regions of the Brisbane River Catchment and the upper Caboolture River Catchment, the onset of the storm generally began with moderate intensity rainfall from 10:00 on the 9<sup>th</sup> of January 2011. However, rainfall accumulations were generally lower than those in the lower catchment, with generally no more than 75 mm recorded until midday on the 10<sup>th</sup> of January 2011 (recorded at Amberley). As the low pressure centre moved north and merged with the southward moving trough, this region experienced a sharp rise in rainfall intensity beginning from 02:00 on the 11<sup>th</sup> of January at Gallon and from 09:00 at Amberley, with an accumulation of up to 180 mm over the following 24 hours.

The initial sustained rainfall across the catchment between the 9<sup>th</sup> January and midday on the 10<sup>th</sup> January would have generated significant runoff and flow into streams and rivers. The subsequent intense upper catchment rainfall would have generated additional large volumes of runoff that would have been channelled through tributaries and streams into the upper Brisbane River in the central part of the catchment. Controlled releases from Wivenhoe Dam would also have contributed to the peak water level in the Brisbane River.

The property at [redacted] Gray Road is considered to be within the floodplain of the Brisbane River, which is located approximately 190 metres to the south of the property (refer Figure 1). The Flood Flag Map prepared by Brisbane City Council for West End shows that the property falls within the "Creek, River or Tidal Flooding" extent.

The property contains a single storey residential dwelling, including a lower uninhabitable basement level, located between Hoogley Street and Lower Hardgrave Road (refer Figure 1). Terrain elevation contour mapping available from the Brisbane City Council shows that the site lies approximately in the centre of a local depression, which has an area of roughly 0.7 hectares (refer Figure 2).

River level information was obtained from the gauge at the mouth of Oxley Creek (540274), which is the closest upstream gauge along the Brisbane River. The gauge is located approximately 8 km upstream of the property (refer Figure 3). River level information was also obtained for the Brisbane City Gauge (540198), which is located approximately 7 km downstream of the property (refer Figure 3). It is considered appropriate to interpolate between the river level information for these gauges to determine water levels in the vicinity of the property.


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Figure 1: Location of Property at Gray Rd, West End

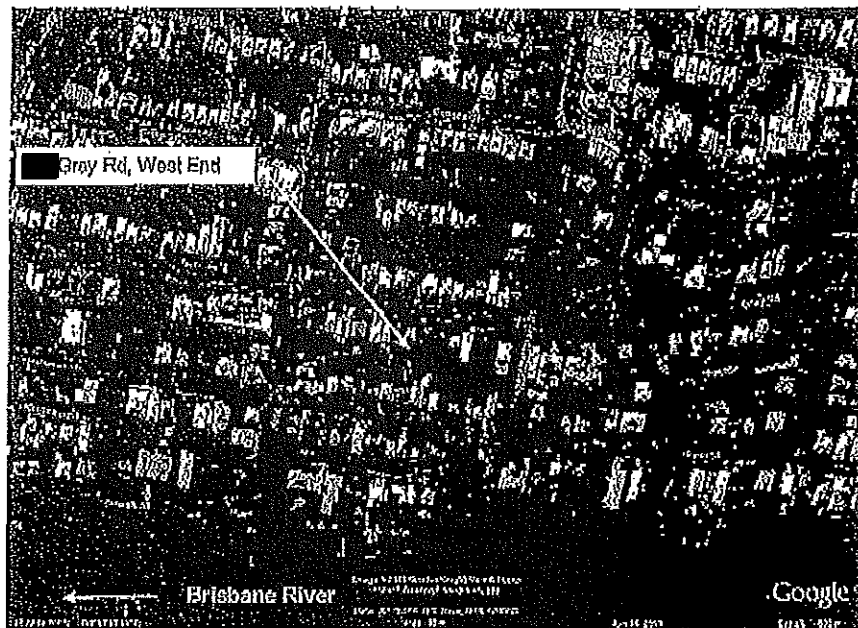
The river gauge information indicates that levels in the Brisbane River were first affected by catchment inflows from as early as Sunday 9<sup>th</sup> January 2011, with a gradual but steady rise in levels until about 08:00 on Tuesday 11<sup>th</sup> January. From this time, both gauges (at the mouth of Oxley Creek and Brisbane City) show a steeper rise in flood levels, with eventual peaks of about 9.2 metres at around 00:00 on Thursday 13<sup>th</sup> January 2011 at the mouth of Oxley Creek and about 4.6 metres at around 03:00 on Thursday 13<sup>th</sup> January 2011 at the City Gauge. It should be noted that "gauge zero" for both the Oxley Creek mouth and Brisbane City gauges has an elevation of 0 m AHD, as indicated by information provided by the Bureau of Meteorology.



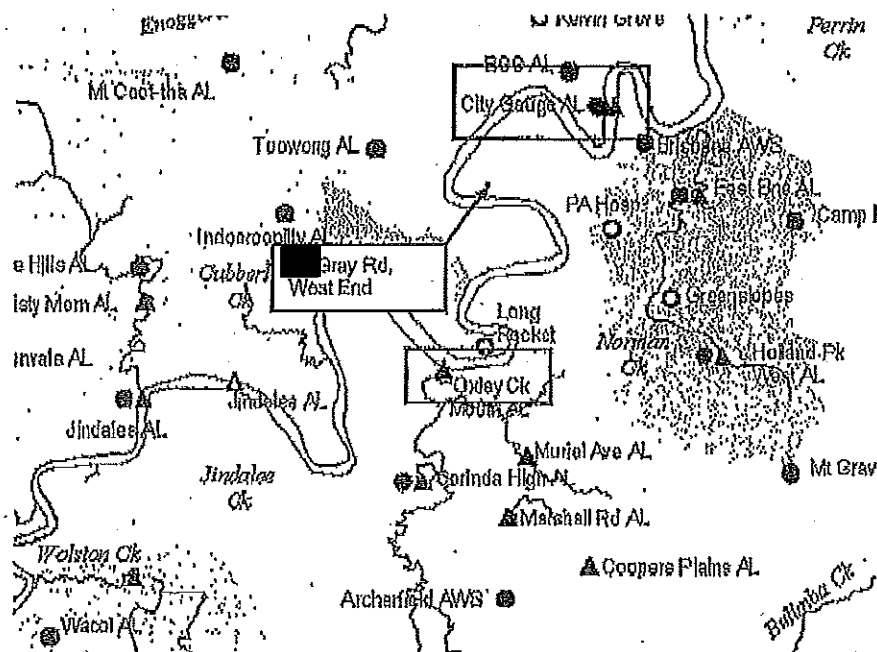
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**Figure 2: Approximate local depression area**



**Figure 3: Location of River Gauges in Vicinity of Property**

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WorleyParsons spoke to the property owner, Ms Sally Doyle, and the tenant, between 10:45 and 11:30am on 24<sup>th</sup> February 2011. Having been present at the property, the tenant could provide the following account of the events and the damage that was incurred at the property:

- Heavy rain was observed on Sunday 9<sup>th</sup> January 2011 and Monday 10<sup>th</sup> January 2011. The tenant indicated that this water was pooling at the front of the property on Gray Street, before sheeting down the drive that runs along the western side of the dwelling.
- Between 8 and 10 am on Tuesday 11<sup>th</sup> January 2011, the water level in the pit located in the backyard of the property began to rise (refer Figure 4). Between 11 am and 12 pm, the water rising in the pit spilled over into the backyard. The tenant said that through his employment with the local council, he estimates that the elevation of the pit in the backyard is 3 metres while the elevations of the drains at the Brisbane River are 4.6 metres. The tenant did not indicate the exact locations of the Brisbane River drains he was referring to.
- The street fronting the property was flood free between 11 am and 12 pm on Tuesday 11<sup>th</sup> January 2011.
- The water inundating the property was relatively clear in appearance before Wednesday January 12<sup>th</sup> 2011.
- The tenant was evacuated from the property by around midnight on Tuesday (i.e. 12 am Wednesday 12<sup>th</sup> January 2011).
- The water level reached the top of the light fittings at the front of the property (refer Figure 8).



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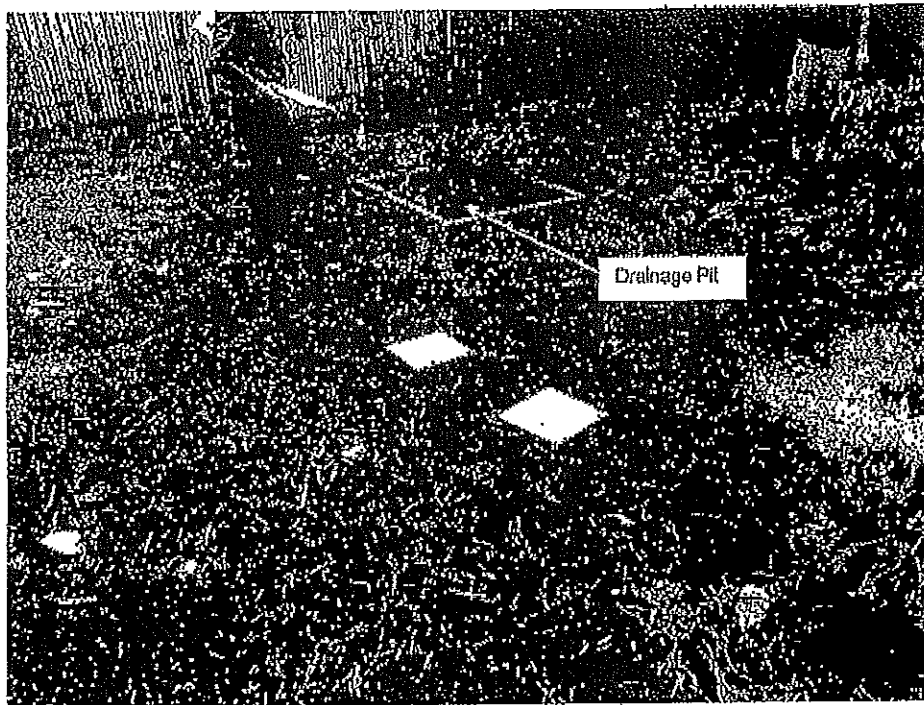


Figure 4: View looking southwest at the pit in the backyard of the property

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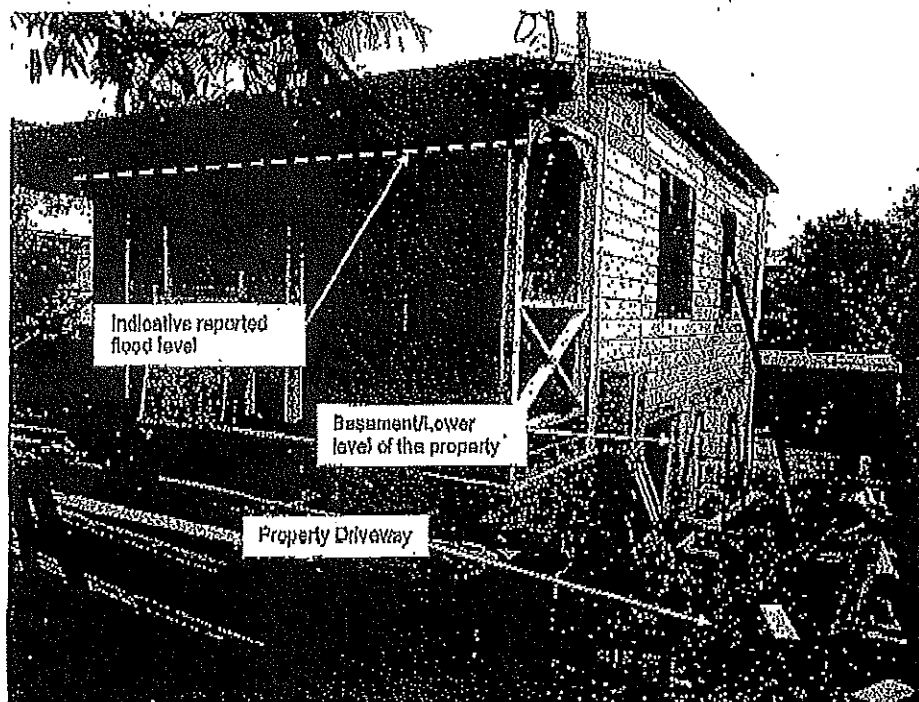


Figure 8: View showing reported flood level at the front of the property

#### WORLEYPARSONS' OBSERVATIONS

The property was inspected on 24<sup>th</sup> February 2011.

Observations of the surrounding terrain confirmed that the property lies roughly in the centre of a local depression (refer Figure 6). The observation of three drainage pits, one on Grey Road, one in the adjacent property to the east, and one in the backyard of the property also suggests that the property is located along a local drainage path or at a low point in the local terrain (refer Figures 4, 7 & 8).

The dwelling at the property was undergoing significant renovation and repair work during the inspection. No flood damage in the form of flood marks was therefore observed on the dwelling. However, there was some evidence of debris and erosion in the backyard of the property. The tenant also provided photos of the property during the inundation (refer Figures 9 & 10).



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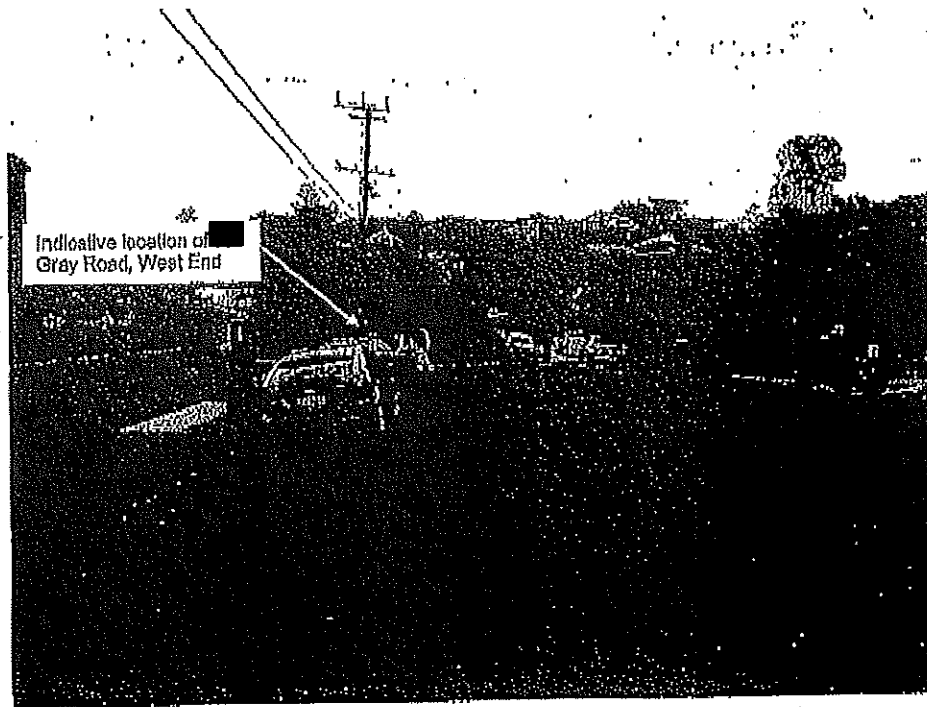


Figure 6: View looking northwest along Gray Road from the onset of the property. Note the depression in road level outside the property





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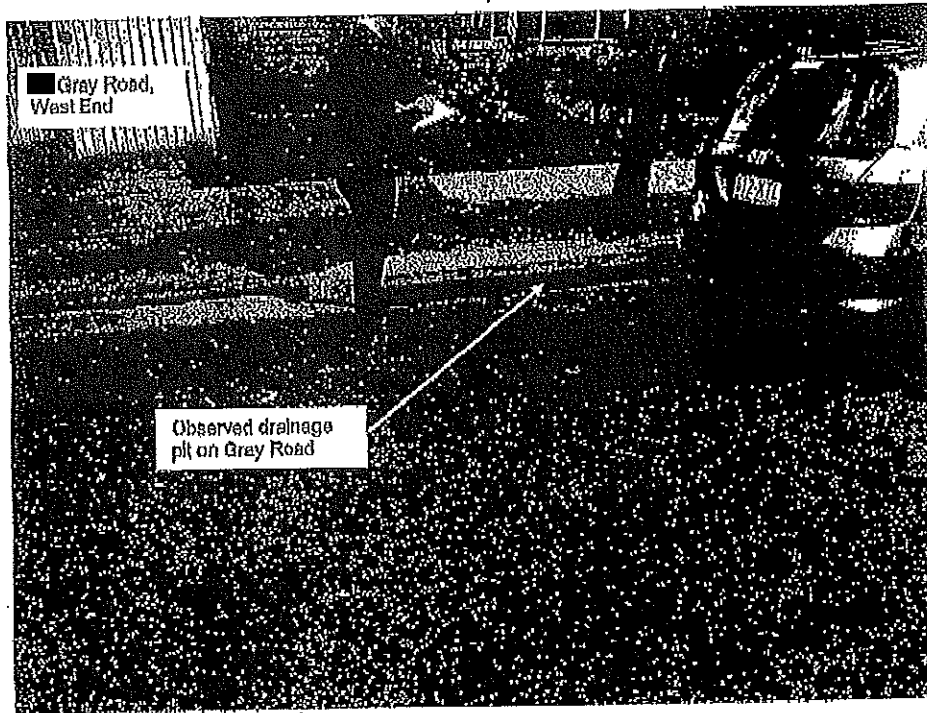


Figure 7: Observed drainage pit located outside the property on Gray Road



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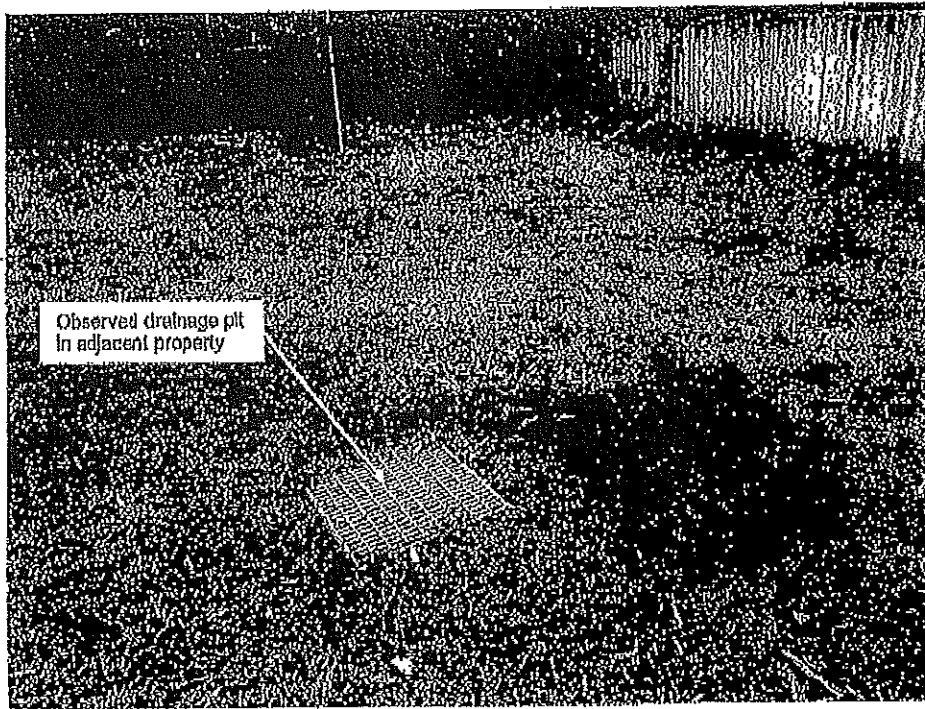


Figure 8: Observed drainage pit in adjacent property



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Figure 9: View of the Property from Gray Road on Wednesday 12<sup>th</sup> January 2011 (photo provided by tenant)



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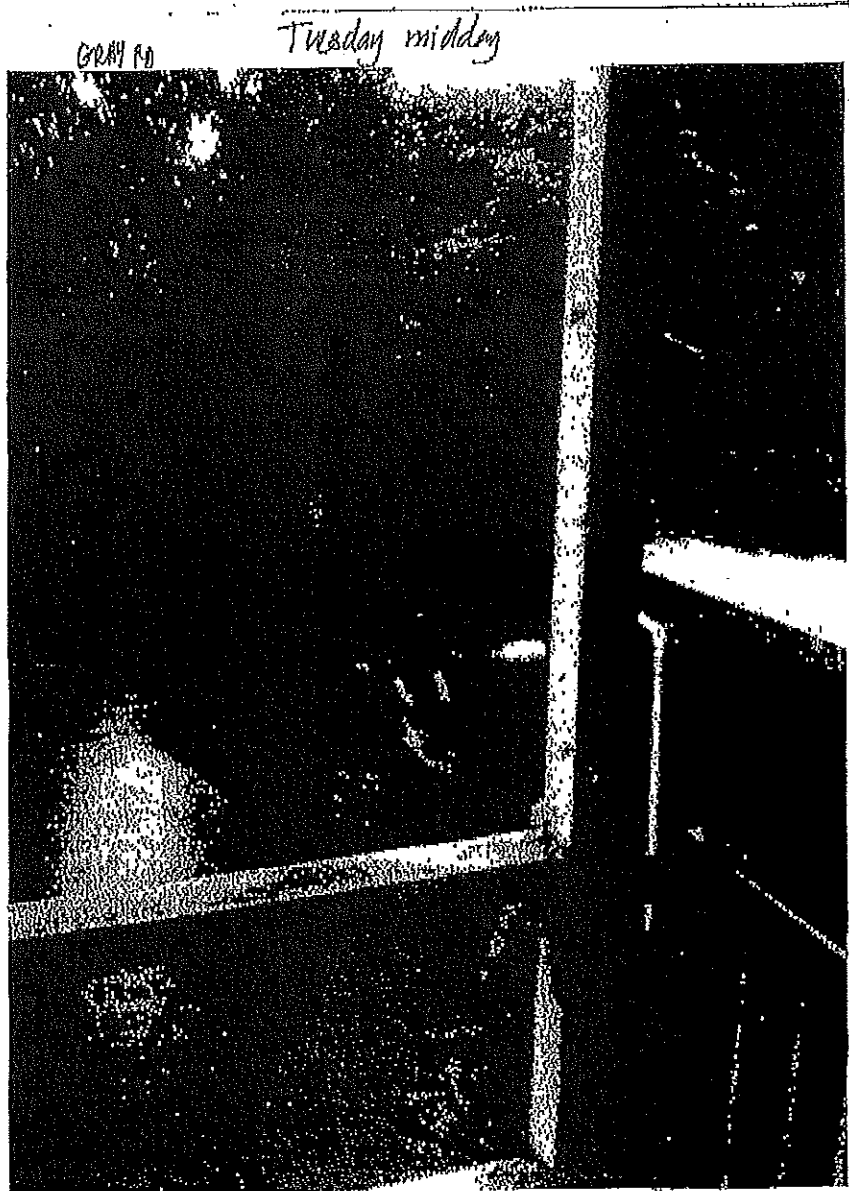


Figure 10: View of the backyard of the Property around midday on Tuesday 11<sup>th</sup> January 2011 (photo provided by tenant)


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Terrain elevation contour mapping available from the Brisbane City Council shows the elevation of the drainage pit in the backyard of the property to be between 2 and 3 metres. The FloodWise Property Report for the property, also from Brisbane City Council, shows that the minimum ground level elevation within the property is approximately 2.8 mAHd. The estimate of the tenant for the elevation of the drainage pit located in the backyard of the property is therefore slightly greater than what is suggested by the information available from Brisbane City Council.

### *Cause of Inundation*

The tenant's recollection of the heavy rainfall on the 9<sup>th</sup> and 10<sup>th</sup> January 2011 is in accordance with the rainfall records for the area (Brisbane gauge). However, it has been determined that the rainfall (approximately 127 mm) that occurred between January 9<sup>th</sup> and 10<sup>th</sup> 2011 was only in the order of a 1 to 2 year Average Recurrence Interval (ARI) storm. Due to the limited size of the local depression that drains to the site (approximately 0.7 hectares), it is unlikely that there was sufficient local stormwater runoff for this to be a contributing factor to the inundation that occurred on the property. Additionally, aerial photography of the site that was taken on 13<sup>th</sup> January 2011 shows a continuous water surface from the site to the Brisbane River. Therefore, it is assumed that the floodwaters that inundated the area of West End around Gray Road can almost entirely be attributed to flows from the Brisbane River.

According to river level information at the mouth of Oxley Creek and the Brisbane City gauge, the level in the Brisbane River directly south of the property at 12:00 on Monday 10<sup>th</sup> January 2011 (i.e. after the heavy rainfall reported by the tenant) was approximately 1.9 mAHd. This level rose to a level of approximately 2.0 mAHd at 03:00 on Tuesday 11<sup>th</sup> January 2011 and 2.6 mAHd at 12:00 on Tuesday 11<sup>th</sup> January 2011. The level in the Brisbane River directly south of the property continued to rise to approximately 4.0 mAHd at 00:00 on Wednesday 12<sup>th</sup> January 2011.

Based on the river level information, it is reasonable to assume that the property was inundated in two stages. Initially, there was a surcharging of floodwaters along the sub-surface drainage pipes in the area, which commenced on Tuesday 11<sup>th</sup> January 2011 and continued into the early hours of Wednesday 12<sup>th</sup> January 2011. This assumption is consistent with the anecdotal and photographic evidence provided by the tenant, indicating that the water level in the drainage pit in the backyard of the property began rising on the morning of Tuesday 11<sup>th</sup> January 2011, eventually spilling out into the property and rising until the property was evacuated by 00:00 on Wednesday 12<sup>th</sup> January 2011. These initial floodflows are likely to have entered the sub-surface drainage pipes via an outfall to the Brisbane River located to the south of the property.

The riverbank levels along the Brisbane River south of the site are often less than 4.0 mAHd. Therefore, overbank flooding would also have been occurring in various locations along the river shortly after 00:00 on Wednesday 12<sup>th</sup> January 2011 in addition to the surcharging of the drainage system.

River level information at the mouth of Oxley Creek and the Brisbane City gauge indicates that the peak river level directly south of the property occurred between 00:00 and 03:00 on Thursday 13<sup>th</sup> January 2011. The interpolated level in the Brisbane River directly south of the property at 01:30 on Thursday 12<sup>th</sup> January 2011 was approximately 6.7 mAHd. The level can be taken as the approximate peak level of the January 2011 flood event at this location.

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Based on the terrain elevation contour information for the area available from Brisbane City Council, this peak level would have caused flood waters from the Brisbane River to overtop the crest of the local depression shown in Figure 2 and inundate the site directly.

### CONCLUSION

In my opinion, the inundation of the property at [REDACTED] Gray Road, West End was caused by water escaping the confines of the Brisbane River channel. This water initially backed up the local drainage system, causing water to rise out of the drainage pit located in the backyard of the property. As the water level in the Brisbane River continued to rise, the crest of the local depression, in which the property lies, was overtopped, causing the property to be inundated directly from the Brisbane River.

Notwithstanding, the location of the property within a local depression and along a apparent local drainage path, it is possible that the heavy rainfall reported by the tenant on January 9<sup>th</sup> and 10<sup>th</sup> 2011 (1 to 2 yr ARI) caused stormwater to "sheet" down the property driveway and into the backyard. While the majority of this water is likely to have continued through to the drainage pit in the backyard of the property, a small proportion may have entered in through the side of the basement level of the house, causing damage to items such as the air conditioner, prior to the site being inundated by water from the Brisbane River.


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 ABN 61 091 270 012

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Ref: 201015-02484dmc-AB7 CGU- [REDACTED] Gray Rd West End Addendum RevB.doc

## HYDROLOGY REPORT RELATING TO THE JANUARY 2011 STORM - ADDENDUM

Prepared by : D McCONNELL, PRINCIPAL ENGINEER, WORLEYPARSONS  
 Prepared for : CGU  
 Claimant : MS SALLY DOYLE  
 Property : [REDACTED] GRAY RD, WEST END, QLD  
 Reference : 111QRH044263

**PROJECT 201015-02484.01 AB7**

REV	DESCRIPTION	ORIG	REVIEW	WORLEY- PARSONS APPROVAL	DATE	CLIENT APPROVAL	DATE
0	FINAL	DMC D McCONNELL	MJR M ROBERTS	M ROBERTS	21-4-2011	N/A	

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### ADDENDUM

Further to the initial hydrologist's report dated 09/03/2011, this addendum addresses issues raised with local stormwater flows on the 9<sup>th</sup> and 10<sup>th</sup> of January 2011.

The rainfall records from the Brisbane City Alert gauge (north east of the site) and the Toowong Alert gauge (west of the site) indicates that rainfall accumulation on the 9<sup>th</sup> January (87 mm in 17 hours) was greater than on the 10<sup>th</sup> January 2011 (38 mm in 14 hours). Infiltration, frequency and duration (IFD) curves for Brisbane indicate the 9<sup>th</sup> January 2011 rainfall would be less than 2 years average rainfall interval (ARI). The 9<sup>th</sup> January 2011 record also includes a high intensity period of rain occurring mid afternoon and lasting for 20 minutes. The ARI of this intense rain is also less than two years.

Thus the rainfall that would have affected the local drainage system on the 9<sup>th</sup> of January was not abnormal.

Urban drainage systems in residential areas are typically designed to accommodate ARIs of two years to five years. Ageing systems may be at the low end of this range and storm related blockages can also impact performance.

The elevation of Gray Road at the drainage pit adjacent to the front of the property is approximately 4.5 m AHD. Levels in the Brisbane River over the 9<sup>th</sup> and 10<sup>th</sup> of January were less than 2.5 m AHD, thus backwater effects from the river should not have affected the hydraulic performance of the drainage system.

The kerb and footpath is in the order of 150 mm above the road at the pit and the depth of the pooling on the road would have had to exceed this amount to overflow into the adjacent properties. Since no blockages of the drainage pit were reported, even flows of any significant depth (greater than 10 mm to 30 mm) are unlikely given the frequency of the rainfall.

Given that overflows may have occurred on the 9<sup>th</sup> of January they would have spilled across the sag point in the terrain from 73 to [redacted] Gray Road and affected all three properties, with the greatest impact on 75 Gray Road. Thus the depth of overflow that could have entered the driveway of [redacted] Gray Road would have been at the low end of the possible overflows.

Any shallow overflow entering the top of the driveway would tend to run down the reasonably steep driveway as a sheet flow, reducing in depth as the velocity of the water increased.

The photograph at Figure 5 in the hydrologist's report shows an opening to the basement. The basement has been formed with a concrete floor slab with a single row of concrete blocks forming an edging around three of the external sides of the basement. The walls of the basement have been formed with panels of timber palings. The opening to the basement, as seen in the photograph, is where one of the panels has been removed, possibly to provide easier access for the ongoing rectification/ maintenance works.



# ATTACHMENT 8

22/06/2011 13:43 54244628

ESK

PAGE 21/24



CGU Insurance  
Decision Review Office  
GPO box 3900 Melbourne 3001  
t (03) 8601 8318 (writer, direct) f 1300 760 683  
e noel.wood@cgu.com.au

05/05/2011

Miss Sally Doyle,  
North Place,  
Acacia Ridge,  
QLD, 4110

Dear Miss Doyle,

Claim number: [REDACTED]

We refer to the above matter, and your request for review. As part of CGU's Internal Dispute Resolution process we have reviewed your case and have concluded the following:

Our review of your claim has found that the matter in dispute is the Claims Department's denial of your claim due to the cause of the damage being flood which is excluded from cover by your CGU Landlords Residential insurance policy. Our review found that your assertion that the water which inundated your property at West End was stormwater backflowing from drains as opposed to floodwater was the main issue in dispute.

In respect of the damage to your premises at West End it was found by the Hydrologist that the peak rainfall had ceased prior to the inundation of West End. The Bureau of Meteorology rainfall records show that the peak rainfall occurred on Monday the 10<sup>th</sup> January 2011. Worley Parsons South East Queensland Weather Event Report states that the rain fell on the 9<sup>th</sup> January 2011 through to 16:00 on the 11<sup>th</sup> January 2011 with the peak rainfall being on the 10<sup>th</sup> January 2011.

The Hydrologist's report by Worley Parsons for [REDACTED] Gray Rd, West End found that, "The river gauge information indicates that levels in the Brisbane River were first affected by catchment inflows from as early as Sunday 9th January 2011, with a gradual but steady rise in levels until about 06:00 on Tuesday 11th January. From this time, both gauges (at the mouth of Oxley Creek and Brisbane City) show a steeper rise in flood levels, with eventual peaks of about 9.2 metres at around 00:00 on Thursday 13th January 2011 at the mouth of Oxley Creek and about 4.5 metres at around 03:00 on Thursday 13th January 2011 at the city gauge. "... The interpolated level in the Brisbane River directly south of the property at 01:30 on Thursday 13th January 2011 was approximately 6.7m AHD. The level can be taken as the approximate peak level of the January 2011 flood event at this location."

When storm or rain water is the cause of inundation to a property, the inundation will occur at around the same time as the peak in the rainfall. However the data for the rainfall at your premises demonstrates that the rainfall had already peaked before the rise of the flood waters which inundated your property.

Your CGU Landlord's Residential Insurance policy defines flood as stated in the policy wording excerpt below;

*Flood*

*The covering of normally dry land by water escaping or released from the normal confines of a watercourse or lake, whether or not it is modified. Flood also includes water escaping from the confines of any reservoir, channel, canal or dam.*

We note your contention that the flood water was contributed to by water coming from the drains. Despite the possibility that there may have been contributions by rain water mixing with the flood water, drain water or water released from the Wivenhoe Dam, the claimed damage to your property was the result of flood as defined by your CGU Landlord's Residential insurance policy. The exclusion of flood legally extends to encompass rain water mixing with flood water as an excluded circumstance. Similarly if storm water cannot drain or flow into a river or watercourse (as defined by the policy) because it is in flood, there is judicial authority to say that any inundation by this storm water is in fact flood. In the case of drain water which is back flowing, this can occur when the water level in the river, which the drain normally flows into, rises above the level of the inlet gullies of the drain. This has the effect of causing the drain to backflow up the piped drainage system and discharge water onto the area they were constructed to drain. The cause of this backflow of drains is flood as it is river water discharging through the drainage system or a mixture of storm water and river water.

It is clear from the hydrological evidence that many, if not all, storm water drains either exit into the sea or the river/creek system. In such a situation the storm water drain exit point in the creek/river (or sea) is at a point above the normal river height (even rivers influenced by tidal variation). However if the river level rises above the storm water outlet a backflow occurs in which the river water flows back up the storm water drainage system and discharges onto property. This water is either river water or a mixture of storm water and river water and this is the source of inundation of many of the properties affected by these initial flows in Brisbane and Ipswich. In such cases it is clear that this is flood water as defined by the policy of insurance and as a result of the application of current Australian law.

The flood water came from the watercourse, and the mixture of storm water and flood discharging up through the storm water system is flood water and, as a consequence any property inundation caused by this water, resulting in property damage, is not covered.

Where more than one circumstance contributes to a loss, and one of these causes is an excluded circumstance, the insurer is entitled to rely upon the excluded circumstance to refuse the claim. Even in the event that there may have been contributions by rain water, drain water unable to escape or the Wivenhoe Dam, the claimed damage to your property has been

demonstrated to be the result of flood as defined by your CGU Landlord's Residential insurance policy. Only in circumstances where rain water is the sole source of water, that is, with no contribution by flood water or water in drains unable to escape because the river is in flood, can your policy respond to claims for damage by rain water.

Published aerial photography of the area taken on Thursday 13th January 2011 (as the flood levels were receding) confirms that a continuous body of water existed between the Brisbane River and your property during the event.

In this instance the Hydrologist who inspected your property considered that, *"in my opinion, the inundation of the property at [REDACTED] Gray Rd, West End was caused by water escaping the confines of the Brisbane River Channel. This water initially backed up the local drainage system, causing water to rise out of the drainage pit located in the backyard of the property. As the water level in the Brisbane River continued to rise, the crest of the local depression, in which the property lies, was overtopped, causing the property to be inundated directly from the Brisbane River"*.

The Hydrologist also investigated the possibility that local inundation may have occurred prior to inundation by the Brisbane flood waters. He found that the rain which fell on the 9<sup>th</sup> and 10<sup>th</sup> of January was insufficient to have overtopped the kerb and pavement near the pit and that in the event of any overflow down the driveway, the depth would have been insufficient to overflow into your basement. The Hydrologist concluded that, *"inundation damage to items in the basement as a result of stormwater flows on the 9<sup>th</sup> and 10<sup>th</sup> of January is highly unlikely"*.

The insured property lies very close to the Brisbane River. No evidence has been provided which suggests that stormwater alone was the cause of the loss. The Brisbane flood was a widely covered event in the media which affected many properties in the greater Brisbane area. The balance of probabilities on this fact alone suggests that your property's inundation resulted from the Brisbane flood. The factual evidence provided by Hydrologists demonstrates that flood was in fact the cause of your loss.

In conclusion CGU consider that the available data and reports confirm that the water that inundated your property was caused by floodwater from the Brisbane River. As the cause of the damage was flood water as defined by your policy of insurance, the damage caused by the flood is not covered by your CGU Landlord's Residential insurance policy.

We sincerely hope that this further consideration of your claim and further explanation resolves the matter, however if you have relevant information that we have not previously been given, please submit it to this department as soon as possible for consideration.

Yours sincerely

[REDACTED]

Neil Wood  
Senior Case Manager, Decision Review Office

You can telephone this department for the cost of a local call from anywhere in Australia on 1300 661 227

Should you have no further information that you wish us to consider, you should take this as the final decision of CCJU Insurance. If you still contend that our decision is incorrect you may refer the matter to a solicitor, or if you come within the definition of applicant as stated in the Terms of Reference, you may have the right to refer the matter to the Financial Ombudsman Service Limited (FOS Ltd), at PO Box 3, Melbourne, 3001, telephone: 1300 780 808, fax: (03) 9613 6399, web: [www.fos.org.au](http://www.fos.org.au), email: [info@fos.org.au](mailto:info@fos.org.au).

Financial Ombudsman Service Limited is independent and administers the external segment of the general insurance industry's alternative dispute resolution scheme, approved by the Australian Securities and Investments Commission.

Please note that Financial Ombudsman Service Limited will not consider your dispute unless it is lodged, by documenting the basis on which you contend that our decision is incorrect, before the earlier expiry of the following time limits:

- a) within six years of the date when you first became aware (or should reasonably have become aware) that you suffered a loss; and
- b) within two years of the date of our final decision,

and there are other qualifying criteria.

Please also note that the FOS have reviewed cases of flood previously and have maintained the insurer's position in cases where the insurer has demonstrated that flood, as defined by the insurance policy, has occurred.

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ATTACHMENT 9Kathy Jacoby

From: Kathy Jacoby [REDACTED]  
Sent: Thursday, 13 January 2011 5:03 PM  
To: [REDACTED]  
Subject: Claim for [REDACTED] Gray Rd West End  
Attachments: Sally Doyle Gray Rd West End 5.jpg

Hi Therese

Thankyou very much for your assistance earlier today. As we discussed earlier, I am wanting to put in a claim regarding my rental property located at [REDACTED] Gray Rd West End. Although I lived in the property for a number of years after renovating it, it is currently leased through a real estate agent, Harringtons Realty. I have spoken with the principal of the agency, Tracie Harrington, who is aware of the inundation to the house and the claim that is now in place. She is very happy to be contacted for any information, and the best number is her mobile [REDACTED] The landline is [REDACTED] }

As I discussed with you, feedback from the tenants has been that the water rose extremely quickly and was very fast moving. They were able to leave only with their pets – a dog and some chooks. All other furniture and other items had to be left behind and is still in the house as it has not been accessible since the water came through.

The house is located in a lower point of the street, and has an extremely large stormwater drain located directly outside the front of the property. Whenever heavy rain occurs, as obviously it had been in this instance, torrents of rainwater washes down both ends of Gray Rd to be collected by this drain. Feedback has been that there had been gushes of water which the drains struggled to manage, and large amounts of water washed over the front of the property. Additionally, a large stormwater drain is located at the rear of the block of land, and the failure of this to cope with the volume of water obviously also has contributed to the current problems. }

Feedback from the tenants and from neighbours is that my house was quickly and severely affected by the moving water. The tenants are lucky to have made it out without being harmed. They have said that as they looked back at the house after they had gotten out, the water quickly reached the level of the eaves. As you can see by this photo taken earlier today, that water level has subsided considerably but the house is still obviously receiving water damage now. }

If you could facilitate this claim I would greatly appreciate it. This is not just a house, but is a property I renovated over a number of years and with great care and love, and which I lived in for a number of years. I hope I can get this house back to its proper state. }

Thankyou

Sally Doyle

54244628

ATTACHMENT 10

## OPEN LETTER TO CGU AND THE ROCK BUILDING SOCIETY 10/02/11

My current key contacts at The Rock Building Society, who sold me my CGU policy for ■ Gray Rd West End when I first purchased the property in 2000, have been Therese Ruff (Claims Dept at RockSure), and Nadine Newton, Senior Accounts Manager, The Rock Building Society.

As Nadine and Therese are aware, on Feb 1 I was advised over the phone by CGU Claims Officer Danielle Tarabay that my claim for water damage to my property had been denied, on the basis "it was flood damage" and "my policy did not cover flood".

As Nadine and Therese may not be aware, in my role as a Social Worker in Queensland Health at Ipswich and Esk, I have had the opportunity to see first hand every day the impact of the recent catastrophe on the communities I work in. I also have experienced every day the impact of the shameful response on the part of a number of insurance companies on my clients, my neighbours, my friends, and also on myself.

At a time when so many people are exhausted, traumatised, dislocated from their homes and grief stricken, the insurance industry is adding a whole new layer of trauma and misery. The death toll from the floods is not final. I fear that the blithe mismanagement by some members of the insurance industry will break what little spirit remains for some people.

Many people I work with do not have the emotional or practical resources left to engage with a hostile and manipulative insurance bureaucracy. Some of us, however, do have the resources to push back, and plan to hold CGU and its counterparts accountable for the damage you are inflicting.

I am not a blindly optimistic person, but even I have been stunned by the cursory and improper way my claim has been handled.

**1. CGU HAS NOT EVEN PRETENDED TO DO A PROPER ASSESSMENT OF MY CLAIM.**

At no point have questions been asked by CGU, at no point has an assessor visited, and on Feb 1 I was told that "a hydrologist report showed Brisbane had a flood" so my property wasn't covered. Information specific to my property – topography, drainage, stormwater drains etc – has been ignored.

**2. INFORMATION PROVIDED HAS BEEN IGNORED, AND THE ONLY DIRECT CONTACT WITH CGU WAS ONE PHONE CALL TO SAY THE CLAIM WAS DENIED**

54244628

3. **I WAS ADVISED BY THE CGU CLAIMS OFFICER ON FEB 2 THAT "THE COMPANY" WAS NOW "REINTERPRETING/REDEFINING" KEY POLICY PROVISIONS.** In this case, "the company had decided" that a "watercourse" was now going to include not just lakes, dams, rivers etc but also stormwater drains.
4. **CLEARLY, DUE PROCESS IS BEING ENTIRELY IGNORED BY CGU.**

I have attended two recent community meetings at Goodna and Ipswich, conducted by the Insurance Association of Australia, where local people have raised their questions and concerns. Unfortunately, the above experiences I have had are very, very common in other customers' experiences.

RockSure staff have told me on two occasions that "you should have read your policy" "you're not covered for flood" and to "see things from the insurers point of view"

I and other policy holders are not wanting "something for nothing" but I am asking that the current campaign of dirty tricks and slipperiness that is causing such distress, to stop now.

I also request that CGU policy holders be afforded the courtesy of proper assessments and not the current insulting brushoff that is occurring.

I request that any attempt to "rewrite" aspects of policy documents cease and an apology be issued for the attempt to do that. I will request a review of this aspect of claim mismanagement to the relevant regulatory body for review.

Thankyou

Sally Doyle

54244628

**ATTACHMENT 11****Kathy Jacoby**

**From:** Danielle Tarabay [REDACTED]  
**Sent:** Thursday, 10 February 2011 3:18 PM  
**To:** Sally Doyle  
**Cc:** [REDACTED] Lauren Marrion  
**Subject:** RE: OPEN LETTER TO CGU AND THE ROCK BUILDING SOCIETY

Note: This e-mail is subject to the disclaimer contained at the bottom of this message.

Dear Ms Doyle,

Thank you for your email, We have been in discussion with yourself and your Broker, Rocksure, and confirmed at present your claim is still being reviewed.

A CGU assessor has been allocated to attend to your property and assess the cause and extent of damage prior to a decision being made.

The assessor will be in contact with you within 48 hours to arrange a convenient time.

If you have any further enquiries please don't hesitate to contact me.

Kind regards

Danielle Tarabay  
BCom (Acc, HRM)  
Claims Management Consultant  
QLD Landlord Claims  
CGU Insurance

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F  
E

[www.esk.com.au](http://www.esk.com.au) We put the You in CGU.

Please consider the environment  
before printing this email.

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**From:** Sally Doyle [REDACTED]  
**Sent:** Thursday, 10 February 2011 2:58 PM  
**To:** Danielle Tarabay; [REDACTED]  
**Cc:** Mark Solomons; [south.brisbane@parliament.qld.gov.au](mailto:south.brisbane@parliament.qld.gov.au)  
**Subject:** OPEN LETTER TO CGU AND THE ROCK BUILDING SOCIETY

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54244628

**ATTACHMENT 12****Kathy Jacoby**

**From:** Therese Ruff [REDACTED]  
**Sent:** Thursday, 10 February 2011 4:27 PM  
**To:** Ms S Doyle  
**Subject:** RE: Your Insurance  
**Attachments:** 793099-06L\_2628538\_06\_SALLY\_DOYLE.pdf; 793100Policy\_CGU Landlords Cover.pdf

Dear Sally,

Attached is your current policy schedule and product disclosure statement for [REDACTED] Gray Road.

Please note that as CGU are continuing to review your claim a decline letter has not been issued. We will continue to follow up this matter with your insurer.

Please do not hesitate to contact our office if you have any other questions.

Regards

Therese Ruff  
Support Officer

ROCKSURE  
55 Denham St / PO Box 293  
ROCKHAMPTON QLD 4700  
Ph:1300 725 900  
Fax: 07 4931 8808

AFSL: 237095

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54244628

**ATTACHMENT 13****Kathy Jacoby**

**From:** Peter Harmer [REDACTED]  
**Sent:** Wednesday, 16 February 2011 6:03 PM  
**To:** [REDACTED]  
**Subject:** Attention Ms Sally Doyle

Note: This e-mail is subject to the disclaimer contained at the bottom of this message.

Dear Sally,

Thank you again for your time on Monday, it was a pleasure to meet with you.

I really appreciated your candour and constructive observations of where our process, and service, failed you and possibly others.

As we discussed, it is possible that I won't be able to get to Brisbane until around lunch time, and I note your protest is planned to commence around 7.00am,

I propose that Ben Bessell come down around 8.30am and greet you and your delegation, and take you back up to our offices where we can listen to the experiences and concerns of the group, as well as share with you all some background to what we have been trying to achieve on behalf of our customers.

Later, when I arrive, I would appreciate the opportunity to re-group with you (and anyone else you thought appropriate to attend) and refine our action plan.

For security purposes, it would be appreciated if you could provide the names and contact numbers for members of the delegation who will visit our site.

I will continue to work hard towards being there myself early in the morning, but one way or the other I will see you on Friday.

All the best.

Regards,

Peter Harmer

Peter Harmer  
CEO  
CGU Insurance

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F  
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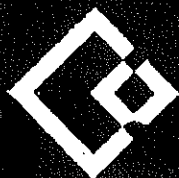
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ATTACHMENT 14

# Union Rally



**A.S.U.**  
**Australian**  
**Services**  
**Union**

Central & Southern  
Queensland Clerical &  
Administrative Branch

## AMACSU

Australian Municipal,  
Administrative, Clerical  
and Services Union,  
Central & Southern  
Queensland Clerical &  
Administrative Branch,  
Union of Employees

Bulletin No.2068 • 16 February 2011

## Shame On You CGU

### *Is CGU failing flood victims?*

CGU is an insurer who has denied insurance claims for some policy holders as a result of last month's floods.

Union members are requested to attend a rally this Friday morning at CGU's Corporate Offices at 189 Grey Street, South Brisbane, to show support for those people who have had flood claims denied by CGU.

CGU have agreed to meet with a delegation from the rally on the day.

**When: Friday 18 February, 2011**

**Where: CGU Corporate Offices  
189 Grey Street,  
South Brisbane**

**Time: 7:00 am – 10:00 am**

## UNIONS – PEOPLE WORKING TOGETHER

**PROTECT  
YOURSELF**  
JOIN THE ASU TODAY

The Australian Services Union (Clerical and Administrative Branch) represents workers in the Clerical, Administrative and Call Centre industries across both the public and private sectors throughout Central and Southern Queensland.

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