

Name of Witness	<u>Robert Dale CLEMENTS</u>
Date of Birth	[REDACTED]
Address and contact details	[REDACTED] Graceville
Occupation	Human Resources Manager
Officer taking statement	Detective Sergeant Paul Browne
Date taken	13/09/2011

I, Robert Dale CLEMENTS state:

1. I am a [REDACTED] year old married man, and currently reside with my Wife [REDACTED] in Singapore. Despite living in Singapore for work, we own and until the time of the flood maintained usually a residence at [REDACTED] [REDACTED], Graceville.
2. We have owned this property since March 2005, and my Mother-In-Law was residing there while we were overseas, despite her having been away on holidays at the time of the January flood. The home was furnished with our contents and we also had pets living at the property, although these were also not present at the time of the flood.
3. As a result of the flood, on 3rd April 2011, my wife and I made a submission to the Queensland Floods Commission of Inquiry. In that submission I raised issues in regards to the following issues:
 - Flood information disclosure and advice in relation to property purchase;
 - Flood level reports and warnings from Brisbane City Council;
 - Insurance claim management;
 - Land planning for property and surrounding properties by Brisbane City Council.

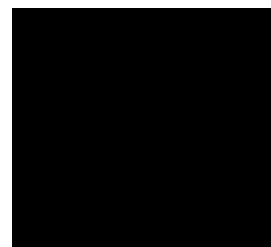


Exhibit Number:

QFCI

Date:

27/09/11

JM

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I am able to produce a copy of that submission (Attachment 1).

Tendered and marked Exhibit number

1. I also provided a statement to the Commission of Inquiry as part of the first round of hearings.

I am able to produce a copy of that statement (Attachment 2).

Tendered and marked Exhibit number

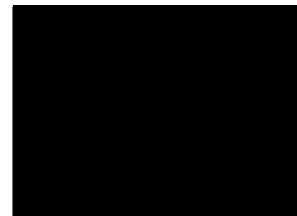
INSURANCE:

2. At the time of the flood our home was insured with Allianz for house and contents Insurance. As a result of the house being flooded in January 2011 and making a claim, we have since been advised that our claim is being refused. We subsequently lodged a dispute in relation to that initial claim and this was also declined.
3. We took this policy out in 2005 and have renewed it annually, believing it covered us for Home and Contents insurance. In 2005 at the time of taking out the policy we were provided with a copy of the 'Product Disclosure Statement' (PDS).

I am able to produce a copy of that Insurance Policy (Attachment 3).

Tendered and marked Exhibit number

4. In the days prior to our house being inundated my wife contacted Allianz by phone to verify that we were fully covered for flooding. At that time she was told that it would depend upon whether the flooding was caused by the river overflow or as a result of runoff onto our property. We were advised that we were not covered for river overflow.



5. Following the inundation of our home we contacted Allianz by phone on 12th January 2011 and lodged our claim for Insurance. We were not discouraged from making a claim and were told not to clean anything and instead leave everything as it was and just take photographs.
6. As a result of the flood I flew down to Brisbane and three days after the claim was lodged (and only after daily phone calls by my wife from Singapore to ensure they would show up before I left Australia to return to Singapore) an assessor attended the property.
7. The Assessor spent about 20 minutes at the property and advised me that the process was expected to take around 28 days.
8. Apart from our phone calls to them there was initially no contact by Allianz with us and it was claimed that our International telephone number was incorrect. The only contact was a phone call to us from the Assessor (about 2 weeks after he attended) to inform us he had only just lodged the paperwork of our claim to the Insurer. Another two weeks lapsed with no word from either the assessor or the Insurer until the assessor contacted us again on 22nd February, requiring further information regarding the contents of the house.
9. After that date we received no further communication from anyone and then eventually after about 12 weeks we received a letter from the Insurer informing us that our claim had been declined. At no stage throughout the entire claim process did we receive a phone call or any written communication directly from the Insurer.
10. As part of our letter advising our claim had been denied we received a brief note from the insurer, drawing our attention to a particular section of the policy. That referred to our policy not covering us for this type of flooding (flooding that resulted from Rivers or Causeways).

11. I then contacted Allianz and was given a "Contact officer" with whom I could deal with direct. He provided me with further details on the grounds for which our claim had been rejected, including a copy of the Assessor's report and a general Hydrologists report commissioned by Insurance Australia. He also advised me on the appeal process and stated I would need to provide rationale for any appeal, that information would then be reviewed. I subsequently provided further information and outlined my grounds for appealing the initial decision, referencing the Hydrologists report.

12. We have not made any formal complaint in regards to Allianz but did go through the Dispute Resolution process. We have since been advised that the claim was again being rejected. We lodged our appeal on March 31st. It took four days for anyone to acknowledge this. We finally received notification that our appeal had been rejected via email and only after I had emailed myself. In the reply I received I was told that Allianz had actually sent a letter to our uninhabitable property informing us of this. We have had to inform Allianz time and time again that we live overseas and that the property is uninhabitable. We have since received a letter using our Singapore address dated July 28th. The entire Dispute Resolution Process took almost 4 months.

13. The complete lack of care and compassion shown by Allianz has astounded us and the many calls we made to discuss the claim has left us bewildered and frustrated both with the lack of knowledge and responsiveness of their staff. Each phone call was always frustrating and time consuming and involved being transferred from one department to another.

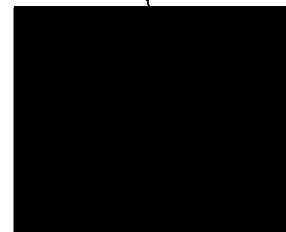
14. Our claim has absolutely not been settled to our satisfaction and this has undoubtedly been the worst interaction with any company we have dealt with. From the date we submitted our claim to the date of written communication of an outcome was more than 11 weeks. We believe this timeframe was far too long for such a serious claim, considering the tenant

was left homeless and without any belongings or means of carrying on a basic lifestyle.

15. Time and process of insurance claim management has been grossly inadequate and the lack of expediency typifies the lack of care or concern the insurer has for its policy holders.
16. Our insurance policy provider was sourced via our bank; at no stage did the bank or insurance provider advise us on the suitability of the policy for our property. Our experience demonstrates the need for greater co-ordination between banks and insurance companies in relation to policy coverage and property. It also clearly highlights the failure of the bank to adequately advise their mortgage customers on their Bancassurance products.

INSURANCE RECOMMENDATIONS:

17. Home insurance policies provide a consistent definition of the term "flood".
18. Insurance companies be required to complete and outline the extent of policy coverage on each specific property in a clear and simple report format.
19. In our view a separation of banks and insurance providers is required or an additional assessment step introduced before home purchase. This would provide adequate advice and a safeguard to mortgage holders to ensure they were covered for flood.
20. Banks and other institutions that offer home and contents insurance to their prospective mortgage customers should ensure the insurance policy has adequate coverage for the flood risk associated with the property



21. Insurance companies be required to designate a "case officer" at the point of acknowledging a claim lodgment and this person be a single, consistent point of contact for customers throughout the claim process.
22. Insurance companies to be required to provide outcomes to serious claims within a period of no longer than 30 days from the time of claim submission.

LAND PLANNING:

23. Our property is zoned residential and is [REDACTED] [REDACTED] (607m2), Oxley Parish, in the Brisbane City Council area. The property is around 60 years of age and the nearest Industrial area would be at Rocklea. We did not change local Council area during the recent Council amalgamations and have not done any major renovation to the property since purchasing it.
24. I believe the source of the flooding in our area was a combination of things, including storm water drains, creeks, neighbouring properties, the river and inadequate releases of water from Wivenhoe Dam. Thankfully no one was at the property at the time of the flooding so I am unable to specify how the flood water entered the property.
25. When we purchased the property in 2005 we were told by the Real Estate Agent that the property was impacted by the 1974 flood, however the water had reached the floorboards only. The agent had many years of experience in the area and his advice was backed-up by the Building Inspector (recommended to us by the Real Estate Agent), who inspected the property for us at time of purchase.
26. We only confirmed that the building had previously flooded when the Inspector pointed out water marks on the underside of the floorboards. Because the Inspector had been recommended to us by the Agent and we were first home buyers we assumed he would do the right thing. We have

since been told by neighbours that the house was fully inundated in the 1974 flood and now believe that the Agent and Inspector were unscrupulous and the Agent was aware of the house having been totally inundated back in 1974.

27. The Agent also pointed out the storm water drain in our backyard, stating how the Council had taken steps so that it would never happen again. It is our opinion that Real Estate Agents should have a duty of care to fully disclose such aspects of a property at time of sale.

28. Throughout the conveyancing process we were not made aware of any previous or current flood issues pertaining to the property and no suggestion was ever made that we should undertake any specific flood searches. We were also not aware of any flood controls or flood mitigation in our area and believe even now after some research that flood maps were not available at the time for us to do our own research prior to purchase.

29. Our house sits on a natural decline of the land along [REDACTED] East and settles at a natural waterway. I recently discovered a 1974 flood map which shows the water levels of this waterway extend up [REDACTED]. In 1997, Brisbane City Council (BCC) authorized the development of a townhouse estate on [REDACTED] now known as [REDACTED] located at [REDACTED]. Those townhouses border our property at the rear and on one side and dramatically change the landscape. The 1974 flood map shows water covering the majority of where the townhouse complex is located today. This has exacerbated the potential for a flood event and further heightens the flood risk to ours and other surrounding properties.

30. I know that there was a neighbourhood action group who opposed this development and from some materials we have been able to gather on the Internet have identified that concerned residents were advised by the 'Brisbane Regional Environmental Council' to seek legal advice on the [REDACTED]

basis that land fill on the development may simply transfer the flood risk to neighbouring properties.

31. Given this flood map information was produced in 1975 (and assumedly available to the BCC) it bemuses why they would approve a Townhouse complex to be built traversing a natural waterway and across an area that has clearly flooded previously. I believe the approval of this development and lack of foresight in identifying those risks was a Land Planning error by the Council.

32. I believe that the area where our house is situated should be deemed as a flood prone area and any further development disallowed. Recently, we requested to participate in the BCC property buy back scheme as we believe it is both impractical and impossible to alter our property in a way that will render the house free of future flood inundation. Based on the height of flooding on our property at the peak of the flood the habitable level of our house would need to be 13.1 metres above sea level or 4.6 metres above the current habitable level. A house at this height would require a great number of stairs to access and would lead to the street frontage of the house to look visually unappealing. Furthermore the entire area under the house at this height would be uninhabitable and unutilised.

33. Furthermore, we have been advised by the BCC that we are not permitted to raise the height of the land via land fill in order to reduce the height of the habitable level of the house and therefore reduce the gradient of the land in order to improve drainage and reduce the impact of future flood events.

LAND PLANNING RECOMMENDATIONS:

34. Policies in relation to the sale of properties need to contain provision for disclosure of flood history in the pre-purchase inspection requirements.

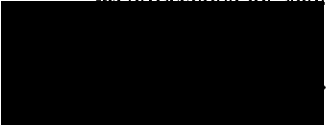
35. Council policy to require prospective home buyers to complete a Council prepared pre-purchase checklist template that includes amongst other items an assessment of flood risk to the property.
36. If information is not immediately available regarding the flood event history and impact on the property that the purchase agreement include a clause that subjects the purchase to adequate assessment of this risk.
37. Publications be created by Councils and made accessible to potential home buyers on the types of pre-purchase checks required, the type of expert who can provide this assessment and how to access them.
38. Councils be required to issue annual Floodwise reports to home owners outlining the latest advice in relation to flood risk at the property.
39. Real Estate agents be required to provide a full disclosure of flood event impact on the property prior to home buyers signing any purchase agreements.
40. A list of suitably qualified experts needs to be established and made easily accessible for potential home buyers to gain the right advice on flood risk to their prospective property. This would remove the risk of collusion between Realtors and third party providers of services relating to the pre-purchase assessment of the property, such as surveyors, building inspectors and engineers. An independent body be established to administer a list of providers to ensure experts are reputable and qualified.
41. I ask the Queensland Floods Commission of Inquiry to consider these issues and suggestions when making any future recommendations.

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Robert Dale CLEMENTS.

Justices Act 1886

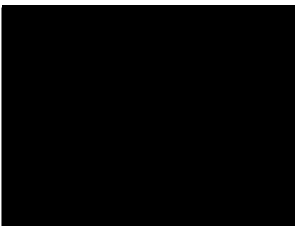
I acknowledge by virtue of section 110A(5)(e)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 13th September 2011 and contained in the pages numbered 1 to 9 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.



.....Signature

Signed at.....Singapore.....this.....13th.....day of.....September.....2011....



Robert [REDACTED] Clements

[REDACTED]
Graceville, Queensland

March 10, 2011

QUEENSLAND FLOODS COMMISSION OF INQUIRY: SUBMISSION

Summary

The purpose of this submission is to provide a detailed overview of flood information, mitigation, recovery and planning relating to our property located at [REDACTED], Graceville, Queensland (referred to as our property in this submission). Issues Identified:

1. Flood information disclosure & advice in relation to property purchase
2. Flood level reports and warnings from Brisbane City Council
3. Insurance claim management.
4. Land planning for property and surrounding properties by Brisbane City Council.

It will be established through this submission that:

- Information pertaining to flooding of our property was inadequate and misleading;
- Warnings were inadequate and didn't allow enough time to respond to changing flood conditions
- Time and process of insurance claim management has been grossly inadequate
- Land planning for our property and surrounding properties has increased flooding risk and created irreversible drainage issues to our property
- Re-building a residence on our property with a habitable floor level above flood peak levels is impractical and will have a negative impact on the street scape.

Through this submission we hope to raise awareness of the failure of Brisbane City Council (BCC) and Governments to protect the homes and contents of their residents. We also hope this submission generates change to policies, practices and processes of councils, governments and private corporations relating to home ownership in Queensland.

1. Flood information disclosure & advice in relation to property purchase

Our property was purchased on 8/3/2005 through a well known local real estate agent in Graceville. We inspected the home on two occasions before signing an in principal agreement that was subject to a building inspection. On both inspections of the property I had specifically asked the real estate agent about flooding risks at the property and I clearly recall a conversation regarding the 1974 flood impact on the house.

We were standing underneath the house when I asked him directly whether the house had flooded in 1974, the agent responded by pointing to mud marks on the house stumps which were approximately one foot below the floor boards and said that this was the height of the floods in 1974. Being a first home buyer I relied on the advice of the agent, he was an experienced realtor having lived in the area his entire life.

However we believed it was important to have this advice supported with a formal building inspection by a qualified person, independent of the property sale process. We engaged the services of a Building Inspection firm recommended to us by the real estate agent.

The building inspection was completed on 25/1/2005. I attended the entire inspection and specifically requested the inspector to look for evidence of flooding in the house. The inspector advised me that there was no evidence that he could see of mud or water marks higher than those indicated on the house stumps, the same marks that the real estate agent had identified to me earlier. I again asked the inspector about the 1974 flood and referenced the agents advice, he stated verbally and later in writing that "the floor timbers under the home showed marks of having been submerged during a flood, possibly 1974", and also "flood marking to floor frame timbers" as also documented in the building inspection report.

It was clear to us that based on the advice of both the Realtor and a formal building inspection there was no evidence that the living areas of house had been completely inundated in the past. As first home buyers with no experience in matters of property flood risk assessment, we believed we had completed adequate due diligence on this risk and with no Floodwise Reports available from Brisbane City Council at that time we weren't aware of any other method of verifying the flood history of our property.

Since the January 2011 flood we have spoken to a number of long term residents of Long St East who have informed us that our house did in fact completely submerge in 1974, each resident indicated that the flooding was to the roof of the house. In fact I spoke with a previous owner who lived at our property during 1974, he also confirmed the flood level and even told me that a dead cow had floated onto the roof during the event. Whilst these comments are anecdotal, it does leave doubt that the house remained flood free during the 1974 flood.

Throughout our pre and post inspections of the property and in both verbal and written communication at no stage was the issue of flood risk to our house ever identified, despite numerous requests for confirmation of such risk. It was on that basis that we felt assured in purchasing the property.

Our experience demonstrates that at the time there was not enough accurate or adequate information on flood history to the property to safe guard the home buyer. It also strongly suggests

that parties in the sale process mislead and provided faulty information regarding flood risk history at our property.

2. Flood level reports and warnings from Brisbane City Council

A lack of accurate or timely information leading up to the 12th of January 2011 flood peak of the Brisbane river resulted in the loss of entire home contents.

As previously documented at the time of purchase there was no formal flood reports from BCC or other government bodies in helping us determine the flood risk to the home. We utilised advice from both the Realtor and Building Inspector in validating the flood history and damage to the house.

The BCC now provides Floodwise Reports for individual properties. (See Appendix A). The report for our property states the maximum, one in one hundred year height at 8 metres above sea level. The height dimensions of our property are 5 metres at the lowest point and 7.4 metres at the highest point. Therefore the safest habitable height on the property is required to be 8.5 metres above sea level.

The habitable floor level of our property meets these requirements, however if we had have understood the level of potential flood risk to the property we could have taken more extensive preventative measures.

Throughout the flood event no one was present at the property.

On Sunday the 8th of January I spoke with the BCC about the current flood event and was advised that there was no specific detail about the expected level of the Brisbane river as yet. The consultant indicated that BCC was still assessing the situation and recommended that I ring back again the following day and to also register for flood alert emails via the BCC website.

On Tuesday the 11th of January I again spoke with the BCC throughout the day and evening about the current flood event and received specific advice for our property that at high tide time of Wednesday 12th of January at approximately 4am the Brisbane river would peak at around 6.6 metres above sea level. Given the floodwise report and the BCC advice I felt assured our house would be safe from inundation.

On Wednesday the 12th of January I continued to speak with BCC throughout the day with no change to the advice of a 6.6 metre tide peak. At approximately 12am I again spoke with the BCC about the current flood event and expected river height at high tide. This time the advice had been radically revised to an expected height of 11.6 metres above sea level, some 5 metres above the level advised only hours before.

This information left us with less than 4 hours to remove all contents before the home was to be completely inundated. As the property had already badly flooded we were unable to secure removalist services, consequently the entire contents of the home were destroyed.

Throughout the event we received no alerts from BCC via their SMS emergency flood alert or email service despite being signed on for this service.

Whilst in hindsight we should've reacted sooner to vacate the house of its contents, we relied on the advice we received from BCC, advice which was absent at the time of purchasing the property and that was too late in arriving for us to prepare for the January 12th flood event.

3. Insurance claim management

The customer engagement and communication, along with the process management and timing of the flood claim via our Insurance company has been nothing short of a complete disgrace.

When we purchased the property via our chosen bank we took advantage of their home and contents insurance as part of the home loan package. We felt confident that the bank had offered us an adequate level of insurance coverage for our particular property.

Over the period of our home ownership we maintained our premiums and demonstrated nothing but loyal custom to our insurance company and the bank.

After the flood event we promptly contacted the bank who directed us to our insurer and subsequently we made a claim on the lost contents and home damage. We were told that the insurer had outsourced the assessment stage of the claim to professional assessor and a firm of Hydrologists, and that we were to expect significant delays due to the number of claims expected. They then provided a number for the assessors and were told to liaise with them regarding the assessment stage of the claim.

The assessment stage went relatively smoothly, the assessor completed the assessment on 14/1/2011. I was present for the assessment which was less than 20 minutes in duration and I was advised by the assessor that he was merely there to complete the relevant forms and document the event. He advised that a number of hydrologists were working on behalf of the major insurance firms, including our insurance firm, and that the timeframes for their report and recommendations were unknown. However he did advise me that he expected the entire process to take about 28 days from the day of assessment, making a possible resolution date of 14/2/2011.

A period of weeks passed with no communication from the assessor. After numerous follow ups, the assessor contacted us on 12/2/2011 and advised that he had only just submitted the paperwork of our claim to our insurer. He was unaware how long the process would take for the insurer to conclude their investigation or whether the hydrologist report had yet been carried out or even received by the insurer.

Another period of 2 weeks lapsed with no word from the assessor or the insurer until 22/2/2011 when the assessor requested further information regarding the contents of the house. After this date we then received no further communication from the assessor.

At no stage throughout the entire claim process did we receive a call or written communication from the insurer. The complete lack of care and compassion for its customers astounded us. The only time we received any communication from them was via mail to notify us that our claim had been rejected. On numerous occasions our calls with the insurer left us bewildered and frustrated at the lack of knowledge and responsiveness of their staff.

From the date we submitted a claim to the insurer to the date of written communication of an outcome totaled more than 11 weeks. We believe this timeframe was far too long for such a serious claim. Given the tenant was left homeless and without any belongings or means of carrying on a

basic lifestyle, the lack of expediency typifies the lack of care or concern the insurer has for its policy holders.

Our experience demonstrates the need for greater coordination between banks and insurance companies in relation to policy coverage and property. It also clearly highlights the failure of the bank to adequately advise their mortgage customers on insurance products they provide. It is our view that either a separation of banks and insurance providers is required or an additional assessment step be introduced before home purchase that provides adequate advice and a safe guard to mortgage holders.

4. Land planning for property and surrounding properties by Brisbane City Council.

In 1997 the BCC authorized the development of a townhouse estate on Long St East, now known as Graceville Park Townhouses comprising of approximately 90 townhouses which borders our property at the rear and on one side. The resultant change to the landscape dramatically altered our property and exacerbated the potential for a flood event. The lack of foresight of future flood risk to our property as a result of this construction demonstrates a failure of land planning by the BCC.

Our house sits on a natural decline of the land along Long St East and settles at a natural waterway (see Appendix B). As can be seen from the 1974 flood map I recently discovered, the water levels of this waterway extend up Long St East and covers the majority of the Townhouse complex area as its located today. Although there is no specific lot definition on the map its clear that the 1974 flood covered our property.

The 1974 flood report and the January flood event demonstrates that the area that is now occupied by Graceville Park Townhouses was constructed around a natural waterway which traverses the property which exacerbated the flood impact to ours and surrounding properties.

Given this information was produced in 1975 and assumedly available to the BCC it bemuses me as to why they would approve a Townhouse complex to be built traversing a natural waterway and across an area that has clearly flooded previously.

Our understanding after speaking directly to the Property Manager at Graceville Park is that 60 of the 90 Townhouses at Graceville Park Units were completely inundated both downstairs and upstairs.

Furthermore it defies reasonable logic that the BCC would permit our property to be built-in as it has with limited drainage facilities knowing the history of flood and that the dramatic change in the land fill on the Graceville Park development site may have simply transferred the flood risk to ours and surrounding properties.

Recently, we requested to participate in the BCC property buy back scheme as we believe it is both impractical and impossible to alter our property in a way that will render the house free of future flood inundation.

Based on the height of flooding on our property at the peak of the flood the habitable level of our house would need to be 13.1 metres above sea level or 4.6 metres above the current habitable level. A house at this height would require a great number of stairs to access and would lead to the street frontage of the house to look visually unappealing. Furthermore the entire area under the house at this height would be uninhabitable and unutilized.

Furthermore, we have been advised by the BCC that we are not permitted to raise the height of the land via land fill in order to reduce the height of the habitable level of the house and therefore reduce the gradient of the land in order to improve drainage and reduce the impact of future flood events.

Our experience also brings into question the quality of town planning and decision making by the BCC regarding the impact to our property. It is our belief that the BCC was neglectful in duty of

care to the owners of our property at the time and ourselves as the most recent owners by allowing this construction and change to the natural landscape.

Conclusion and Recommendations

Our experience of home purchasing and ownership in Brisbane has been disappointing and reveals a genuine failure of Council and Government responsibility for the care and well being of its residents and home owners.

The major issues identified in this submission were:

- Information pertaining to flooding of our property was inadequate and misleading;
- Warnings were inadequate and didn't allow enough time to respond to changing flood conditions
- Time and process of insurance claim management has been grossly inadequate
- Land planning for our property and surrounding properties has increased flooding risk and created irreversible drainage issues to our property
- Re-building a residence on our property with a habitable floor level above flood peak levels is both impractical and will have a visually negative impact on the street scape.

From the information provided in this submission we make the following recommendations:

Policy:

- Policies in relation to the sale of properties need to contain provision for disclosure of flood history in the pre-purchase inspection requirements.
- Council policy to require prospective home buyers to complete a Council prepared pre-purchase checklist template that includes amongst other items an assessment of flood risk to the property.
- If information is not immediately available regarding the flood event history and impact on the property that the purchase agreement include a clause that subjects the purchase to adequate assessment of this risk.
- Home insurance policies provide a consistent definition of the term "flood".
- Insurance companies be required to complete and outline the extent of policy coverage on each specific property in a clear and simple report format.
- The BCC be required to issue annual Floodwise reports to home owners outlining the latest advice in relation to flood risk at the property.

Process:

- Real Estate agents are required to provide a full disclosure of flood event impact on the property prior to home buyers signing any purchase agreements.
- Insurance companies to be required to provide outcomes to serious claims within a period of no longer than 30 days from claim submission.
- Notification of flood event impacts to individual properties needs to be far more efficient and effective. The use of multiple channels of communication including SMS, phone calls and email should be implemented to alert residents of impending disasters.
- The timing of notification needs to be reviewed along with ways to improve the speed and accuracy of flood event risk to individual properties.

Practices:

- Banks and other institutions that offer home and contents insurance to their prospective mortgage customers ensure the insurance policy has adequate coverage for the flood risk associated with the property.
- To remove the risk of collusion between Realtors and third party providers of services relating to the pre-purchase assessment of the property, such as surveyors, building inspectors and engineers.
- A list of suitably qualified experts needs to be established and made easily accessible for potential home buyers to gain the right advice on flood risk to their prospective property. The body administering this list needs to ensure the experts are reputable and qualified.
- Publications to be created by the BCC and made accessible to potential home buyers on the types of pre-purchase checks required, the type of expert who can provide this assessment and how to access them.
- Insurance companies be required to designate a "case officer" at the point of claim lodgment acknowledgment and that this person be a single, consistent point of contact for customers throughout the claim process.

Our Property:

- A separate assessment by an independent and qualified expert is required to assess the current flood risk to the property.
- This assessment should include observations on landscape changes due to the Townhouse estate construction and its impact on our property.
- This assessment should also include observations on future flood risk to our property as well as recommendations on the future viability of residential dwellings remaining at our property.
- Based on this assessments outcomes, the BCC and State Government provide financial compensation to ourselves in recovering the loss to our home and contents as well as deterioration of our properties value.

- Based on this assessments outcomes, the BCC and State Government provide financial assistance to ourselves in implementing the recommendations specifically relating to changes to the land and/or height of the house to minimize future flood risk.

Appendix A:



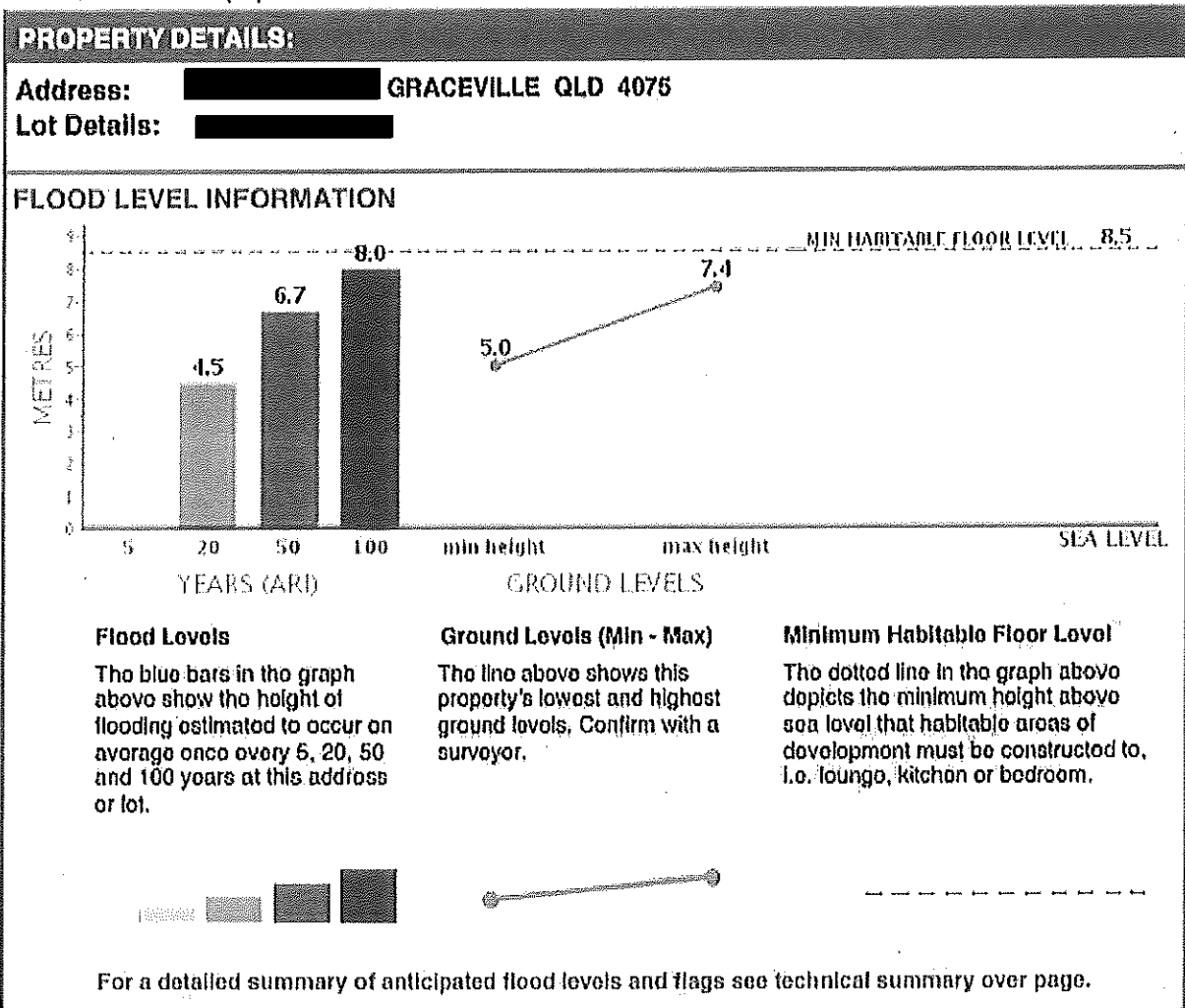
Brisbane City Council
FloodWise Property Report

Report Reference
 [Redacted]
 29/01/2011 15:20:48

Dedicated to a better Brisbane

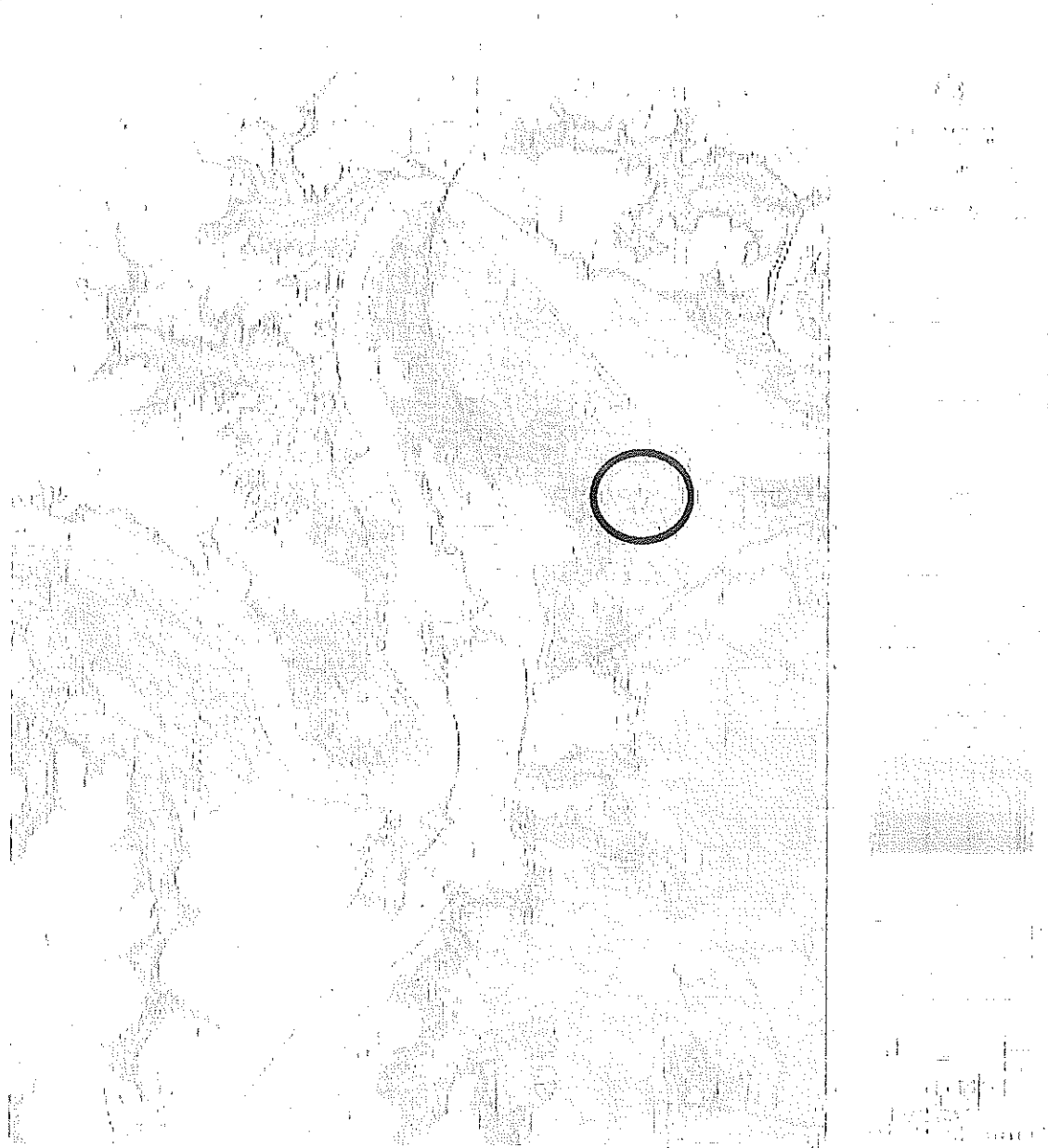
The FloodWise Property Report is a free report to inform Brisbane residents and professionals about flood risks for a specified lot or property so they may better prepare for flooding and to plan and build in accordance with Council requirements.

To find out more about how the contents of this report may affect your ability to build or renovate, as well as Council advice on how to protect your property and family by being FloodWise, visit www.brisbane.qld.gov.au, a Customer Service Centre or call (07) 3403 8888.



Source - Brisbane City Council, Floodwise Property Report, 29.01.11, [Redacted]

Appendix B:



Source - National Library of Australia, Digital Maps Collections, 1974, <http://nla.gov.au/nla.map-vn1550980>

Statement of Witness

<i>Name of Witness</i>	Robert Dale CLEMENTS
<i>Date of Birth</i>	[REDACTED]
<i>Address and contact details</i>	[REDACTED]
<i>Occupation</i>	Human Resources Manager
<i>Officer taking statement</i>	Detective Sergeant Paul Browne
<i>Date taken</i>	05/05/2011

I, Robert Dale CLEMENTS state:

1. I am a [REDACTED] year old married man, and currently reside with my Wife [REDACTED] in Singapore. Despite living in Singapore for work, we own and until the time of the flood maintained usually a residence at [REDACTED] Graceville.
2. We have owned this property since March 2005, and my Mother-In-Law was residing there while we were overseas, despite her having been away on holidays at the time of the January flood. The home was furnished with our contents and we also had pets living at the property, although these were also not present at the time of the flood.
3. Other than fulfilling the role of a Fire warden and First aid officer in the workplace I have no personal experience in disaster management or evacuation.
4. As a result of the flood, on 3rd April 2011, my wife and I made a submission to the Queensland Floods Commission of Inquiry. In that submission I raised issues in regards to the following issues:

Witness Signature
Page Number

[REDACTED]

... Signature of

[REDACTED]

- Flood information disclosure and advice in relation to property purchase;
- Flood level reports and warnings from Brisbane City Council;
- Insurance claim management;
- Land planning for property and surrounding properties by Brisbane City Council.

I am able to produce a copy of that submission (Attachment 1).

Tendered and marked Exhibit number

5. As part of my submission I referred to the availability of floodwise reports through the Brisbane City Council (BCC). I don't recall having made an inquiry with the Council specifically, at the time of purchasing our property, however I became aware that these reports were available only after the flood.

6. Because we were in Singapore at the time of the flood we were not in a position to see for ourselves what was happening and so we relied on communication through the Council.

7. After contacting the Council on Sunday 8th January we registered on-line thru the BCC website for flood alerts. This included alert options to receive both SMS messages and e-mails. At that time we registered for both:

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8. Despite registering, throughout the January flood event we did not receive any alert message from the BCC through either SMS or e-mail. I cannot understand why that happened as it was not a problem with the telecommunication systems at our end and we were receiving other communication.

9. the registration was also successful as since the January flood we have been receiving regular storm warnings about events in Brisbane, just not at the time when we really needed them.

10. Because we were in Singapore, throughout Tuesday 11th January I was in constant contact with the Council by phone and I remember at first I was calling and talking to the BCC approximately every 3 to 4 hours. I was at home on that day and decisions we made about the house were based on the information from Council.

11. I would ring the Council Call Centre (07) number and then be put through to what was the Flood Centre Response area. The people answering those calls were always incredibly accessible, always available and seemed to be highly responsible and capable people. I was very much impressed by that and never had to wait for long on the phone, before speaking to someone and getting the information I needed.

12. Throughout the day I got reassurance each time and the measurements did not change throughout that day. In fact on most occasions they would say that they didn't have any further advice and at that stage the

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expected peak was to be at 6.6 metres above our property but there was not anymore information than that.

13.I understood that this reference of 6.6 metres was in regards to a high tide in the Brisbane River and the Council were also advising of the time when that height was expected. This was as a point of reference or indicator of the anticipated height of water which would enter our property.

14.As the day and evening went on the television started reporting that things were going to be pretty dire and I was listening to 'ABC' radio in Brisbane, who were also reporting dire circumstances.

15.At that time we started to panic and I began ringing the BCC more often throughout the late afternoon and early evening. I remember calling them around 5pm (Brisbane time) and the prediction had not changed.

16.Then in the evening (I have said around 12am in my submission, but in hindsight that was earlier, probably around 7pm Singapore time, so more likely around 9pm Brisbane time) when I called Brisbane City Council and was told that the predicted forecast had changed dramatically.

17.I was told the forecast flooding was expected to be in the vicinity of 11.6 metres. Although it was late at night and we were extremely panicked I tried to contact neighbours in the street and then I spoke with one neighbour who told me it was too late, as our house had already flooded with the water being about a foot above the floor.

Witness Sign

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Page Number

18. Realising it was impossible for us to do anything about it I also rang a removalist company to see if they could assist with getting some of our belongings out of the property. Again I was told that it was too late and they couldn't get anyone in there. I think this was because of the streets being already flooded and cut off, but also because of the risk and workplace health and safety issues and Insurance not allowing them to send removalists in where water was lying around.

19. Throughout the rest of that day we continued to call and receive regular updates. We were also receiving information through other channels and starting to deal with the aftermath. I remember 'Tweeting' with another neighbour in the street who later sent me some photographs, confirming what we had been told about the house. From that point on we really didn't need to go back thru the Council for information.

20. In regards to other warning methods or door knocking in the street, because our house was vacant and nobody actually there at the time I do not know whether or not that occurred. All I do know is that because of our circumstances, personally we relied heavily on information from the Council.

21. Our house was a single story dwelling but raised slightly off the ground. I know now that the water came up to about 30cm below the ceiling inside our house. Outside that level was equivalent to being inside the eaves of the roof. This resulted in total loss of the house and with the exception of some smaller items almost all of our contents.

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22. As a result of the flood I flew down to Brisbane on the Saturday after the flood. My parents had already been to the house and started the recovery process and I was able to stay with some friends nearby after getting into town.

23. I believe there were some problems in the aftermath of the flood and with the recovery effort. From what I saw and have been told there were issues with the recovery process and the way in which that was co-ordinated. There were also issues with looting which went undeterred for several days and I recall one morning when I arrived at the house around 5.30am and saw people just walking up the street with items that I knew had come from somebodies home.

24. In one instance we even lost some of the items that we had been able to recover from the flood. Some of those items we had retrieved and had stored on the property, were simply stolen and gone by the next morning when we returned to continued the clean-up.

25. I remember a couple of days later Police came around and took a statement from me about my experiences. In my view the Police were not active enough early and there was no presence. I remember they turned up the following Wednesday and then started to become a bit heavy handed with how it should be managed, but that was a week later and almost too late as a lot of things were already gone.

26. It seemed to me as though in the initial days after the flood there was a lack of disaster management and recovery in both our street and the wider area. There were a lot of S.E.S. people and volunteers moving through properties, we also had Military personnel and Council

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workers wandering thru properties but little co-ordination or active management of how they went about what they were doing. For example they went into house and started just throwing out peoples' possessions without consent from the people who owned those properties

27.I do believe that a lot of the volunteers did a fantastic job, however some were quite bullish about throwing things out and in the immediate days after the flood, a lot was just left to volunteers to co-ordinate and provide leadership on the ground. I believe the Police should have mobilised better in those early days to secure properties and provide a sense of order as these type of events not only bring out the best but also the worst in some people.

28.From what I observed I believe the government needs to put in place a more structured disaster recovery or disaster management mechanism, something that wasn't existent here. Instead it was more piecemeal and despite the involvement of Police and the Military there did not seem to be any co-ordination.

29.I also think that some of this might not have been fault of the S.E.S. or the Volunteers who thought they were doing the right thing, but possibly because of lack of instruction or direction that they were given on the ground. As an example the S.E.S. were telling my parents what they could and couldn't do and I don't believe a lot of what they were saying was necessarily right. However because of the situation and my parents being somewhat older they didn't know any different and went along with what was being said,

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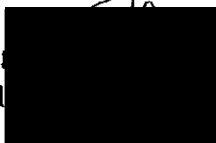
30. In fairness to all of those people involved in the recovery, this was an un-precedented event, however this is why we need some type of pre-planned disaster recovery management mechanism with clearly outlined roles, guidelines and standard operating procedures for the community, S.E.S. and other organisations of what to do and what not to do in a similar situation.

31. With respect to the issue of Insurance, as part of our letter advising our claim had been denied we received a brief note from the insurer, drawing our attention to a particular section of the policy. That referred to our policy not covering us for this type of flooding (flooding that resulted from Rivers or Causeways).

32. I subsequently contacted Allianz and was given a "Contact officer" with whom I have been dealing with since. He provided me with further details on the grounds for which our claim had been rejected, including a copy of the Assessor's report and a general Hydrologists report commissioned by Insurance Australia. He also advised me on the appeal process and stated I would need to provide rationale for any appeal. That would then be reviewed.

33. I have since provided further information and outlined my grounds for appealing the initial decision, referencing the Hydrologists report. I am currently awaiting the outcome of that appeals process.

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Signature



34. The other issues that I have raised in my submission relate to advice in regards to property purchase and land planning for property development by the BCC.

35. I would again raise the issue of independence and need for some level of Governance regarding the relationships between Real Estate Agents, Building Inspectors, property buyers and sellers. Without going overboard I think some levels of protection could be introduced here to ensure a completely aboveboard transaction in the interests of both the sellers and buyers of a property.

36. In regards to land planning I could not add greatly to my submission, however as part of my preparation, I was able to obtain other information. Some of this information relates to a Graceville resident groups opposed to the Graceville Park development. I located this content on the Internet and took hard copies. I am not sure how the information or website was being hosted or through which domain, however this information has since been removed from the Internet.

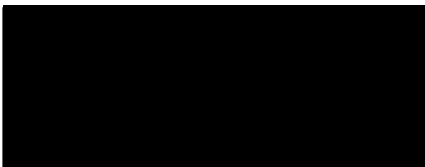
37. I am able to provide copies of this information to the Commission if required. I would also be prepared to assist further in those areas of Land Use planning and Insurance once the Commission reaches that phase of its Inquiry.

38. As part of my submission I made a number of recommendations (contained between pages 6 and 8). I ask that the Queensland Flood Commission of Inquiry consider those recommendations as part of its report in regards to the January 2011 floods.

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Robert Dale CLEMENTS.

6th May 2011.

Justices Act 1886

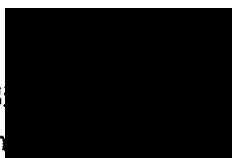
I acknowledge by virtue of section 110A(5)(e)(ii) of the Justices Act 1886 that:

- (1) This written statement by me dated 6th May 2011 and contained in the pages numbered 1 to 10 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  in it anything that I know is false.

.....Signature

...this.....6th.....day of.....May.....2011....

Witness S



..... Signature of



Page Num

NAB Insurance Renewal Schedule

Policy Summary

Policy Sections	Sum Insured	Base Premium	SESL /FSL	GST	SD	Total Premium
Home Insurance						
Home One	Graceville QLD 4075					
Buildings:	196,618.00	413.40	0.00	41.40	34.08	488.88
Contents:	48,620.00	260.28	0.00	26.04	21.48	307.80
Personal Effects:		123.72	0.00	12.36	10.20	146.28
		Basic Premium	SESL /FSL	GST	SD	Total Premium
Total Monthly Deduction						78.58
Total Annual Premium		797.40	0.00	79.80	65.76	942.96

NAB Insurance Renewal Schedule

Important information: Your current policy expires at 4.00pm on 02/08/2010.

Our invitation is based on the information you have previously given us. It is important that you comply with your Duty of Disclosure, particularly regarding circumstances that have occurred in the last 12 months.

Your Duty of Disclosure when you renew this policy

You have a duty to tell us everything you know, or a reasonable person in the circumstances could be expected to know, is relevant to our decision whether to insure you and whether any special conditions need to apply to your policy. You do not need to tell us about any matter that reduces our risk; that is of common knowledge; that we know or should know as an insurer, or that we tell you we do not need to know. Everyone who is insured under this policy must comply with this duty.

If you or they do not comply with the Duty of Disclosure we may reduce or refuse to pay a claim or we may cancel your insurance. If the non-disclosure is fraudulent, we may refuse to pay a claim and treat the policy as if it never existed.

Please call 13 29 28 between 8am and 9pm EST Monday to Friday or 9am and 5pm EST Saturday if:

- any information you have given us is incorrect or incomplete or you need to make additional disclosure to comply with the Duty of Disclosure. Examples (only) of information you are required to disclose is provided for Motor type and All policy types for your assistance:
 - details of any drivers licence cancellation, suspension or disqualification during the last 12 months for any driver of the vehicle (Motor - example only).
 - details of any criminal charges, convictions and fines or penalties imposed (All policies - example only).
- you wish to confirm any transaction in relation to your policy.

How to renew your Policy

If there are no changes to the renewal terms offered we will continue to deduct your monthly premium. If you require amendments call 13 29 28 prior to the renewal date.

Once the premium has been paid this Schedule will become your current Schedule. Please keep your Schedule and PDS in a safe place.

Policy Number: [REDACTED]

Insured: [REDACTED]

Robert Clements

Insurer: Allianz Australia Insurance Limited
AFS Licence No. 234701
ABN: 15 000 122 851

Period of Insurance:

Effective Date

02/08/201

Expiry Date

4pm on 02/08/201

Home Insurance Cover

HOME ONE

Policy Type: NAB Home Insurance

Please note: Flood is not covered by this policy.

Risk Address: [REDACTED]

GRACEVILLE QLD 4075

Property Description:

Building Type:

House

Construction of Walls:

Timber/Weatherboard

Year Built:

19

Property Security Devices: Key operated deadlock on all external doors

Property Condition: This property is structurally sound, watertight, secure and well maintained.

called 13th Dec 2017
13th Dec 2017
13th Dec 2017

Property Occupancy: The property is permanently owner occupied.
Oldest Owner/Policyholder DOB 20/07/1976

Property Use: Domestic purposes including a home office.

Interested Parties:

National Australia Bank

No Claims Bonus Entitlement: 30%

Part A - Buildings and/or Contents:
 Buildings Sum Insured: \$196,618
 Legal Liability Cover: \$20,000,000
 Excess Applicable to Claims: \$300

Contents:
 Sum Insured: \$48,620
 You have no specified contents items listed under this policy.
 Legal Liability Cover: \$20,000,000
 Excess Applicable to Claims: \$300

Part B - Personal Effects:

Unspecified Personal Effects
 You have no unspecified personal effects cover under this policy

Specified Personal Effects:
 18Ct Wg Round Cut .2 \$2,500
 Carat Diamond Eng Ring
 18Ct Wg Wedding Band \$1,700
 With 12 Diamonds \$100
 Excess Applicable to Claims: \$100

Additional Conditions And Endorsements Applying To The Policy

The following additional condition(s) and/or endorsement(s) apply to this policy. Where applicable, they will replace any terms, conditions or exclusions contained in the Policy Document.

TERRORISM EXCLUSION

This policy does not cover loss, damage, liability, injury, illness, death; cost or expense arising directly or indirectly out of or in any way connected with:

- a. any act of terrorism arising directly or indirectly out of or in any way connected with biological, chemical, radioactive, or nuclear pollution or contamination or explosion; or
- b. any act of controlling, preventing, suppressing, retaliating against, or responding to any act referred to in (a) above.

An act of terrorism includes, but is not limited to, any act, preparation in respect of action or threat of action, designed to:

- a. influence a government or any political division within it for any purpose, and/or
- b. influence or intimidate the public or any section of the public with the intention of advancing a political, religious, ideological or similar purpose.

ABSOLUTE ASBESTOS EXCLUSION

We will not cover your legal liability for claims arising directly or indirectly out of or in any way connected with the existence, at any time, of asbestos.

Storm Damage - Fences and Gates

Please note that if this Policy insures buildings, your cover has been extended to include storm, rainwater or run-off damage to gates, fences and freestanding walls. We may deduct an amount from any claim settlement for depreciation based on their age and condition.

Environmental Benefits

Your current schedule shows whether you have selected buildings cover and/or contents cover.

In addition to the details of your cover found in your Policy Document (Product Disclosure Statement) the following Environmental Benefits (where applicable) also apply:

Applicable only when you have contents cover

If the claim relates to replacement of lost or damaged refrigerators, freezers, washing machines, clothes dryers and dishwashers, with less than a 3 star energy rating, we will replace these items with items that have a minimum 3 star energy rating.

Applicable only when you have buildings cover

If your building has been totally destroyed by an insured event and we have agreed to rebuild your building, we will pay up to a maximum amount of \$5,000 of the cost to you, after deduction of any rebate you are eligible for under any government or council rebate scheme, to install any combination of the following:

- rainwater tank;
- solar power systems, including solar hot water systems or photo-voltaic (PV) power systems;
- hot water heat exchange system; and
- grey water recycling system.

Any payment we make under this benefit will be in addition to any amount we pay on buildings.

A rainwater tank facility includes:

- a rainwater tank;
- water pump and wiring;
- foundation or tank stand;
- pipes connecting the roof to the tank; and
- installation costs.

A solar power system includes:

- solar or PV panels;
- water tank, pump;
- electrical wiring;
- foundation or tank stand;
- pipes connecting the roof solar panels to the tank; and
- installation costs.

A hot water heat exchange system includes:

- heat exchange system;
- electrical wiring;
- foundation or tank stand;
- water pipes; and
- installation costs.

A grey water recycling system includes:

- recycling system;
- distribution pipes and connectors;
- outlet housings; and
- installation costs.

Under the section Legal liability - cover for injury to other people or their property

The following details have been deleted;

1. e. claims involving your business, trade or profession (unless you are working on a part-time temporary basis as a baby-sitter caring for children);

and replaced with the following;

1. e. claims arising out of or connected with your business, trade or profession (unless you are working on a part-time temporary basis as a baby-sitter caring for children);

CYBER EXCLUSION

We will not cover your legal liability for claims arising directly or indirectly from or in any way connected with, the existence, use, operation or maintenance, at any time, of electronic mail, a computer virus, an internet site or other internet based service, intranet or any web site.

Specified Contents or Personal Effects

If you have a claim for specified contents or specified personal effects, you must show us a valuation less than three years old, a receipt, or other proof of purchase which verifies their insured value.





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- About Council
- Business
- Residents
- Community
- Services
- Contact • Site Map • A-Z



Temporary Local Planning Instrument | Property enquiry | Interactive Mapping | Application enquiry | Brisbane Planning Scheme (City Plan) - PDF | Planning and Building

Property details

LONG ST, GRACEVILLE

Flooding, protected vegetation (Natural Asset Local Law) and ministerial designations are not included in these details. You will need to phone Council on (07) 3403 8888 or visit a Council Business Centre to obtain this information.

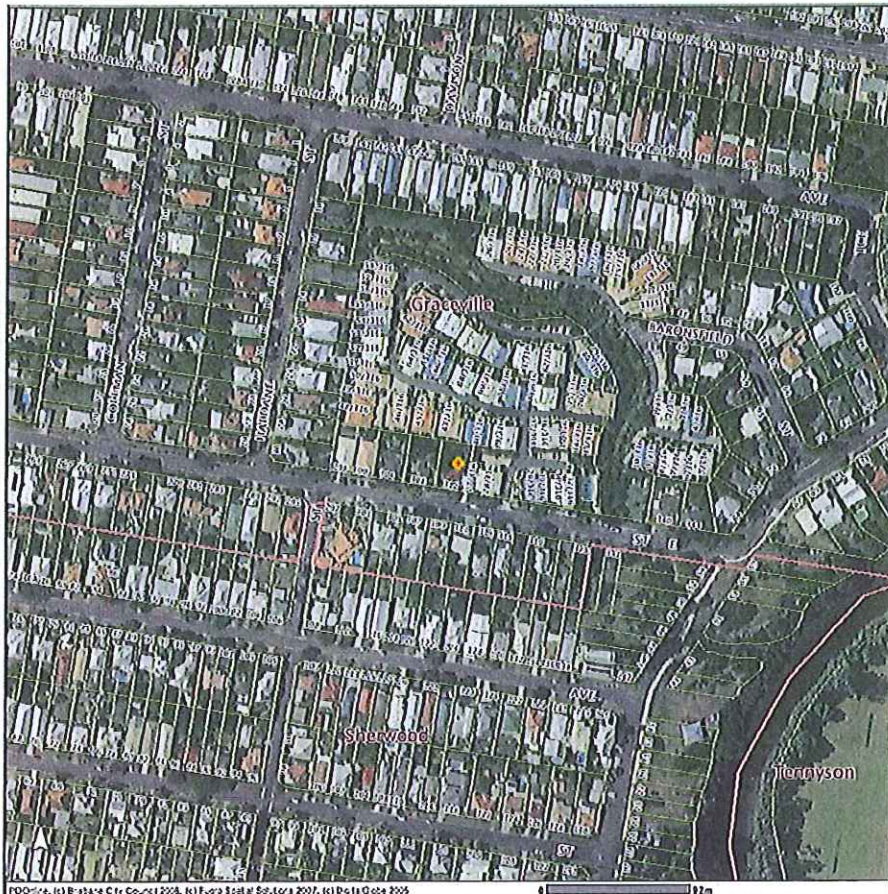
- Details
 - Property Number: [REDACTED]
 - Lot/DP: [REDACTED]
 - Land Number(s): [REDACTED]
 - Description: L56 RP.77304 PAR OXLEY
 - Ward: TENNYSON
- Status: CURRENT
- Area: Area: 607 sq.m
- Applications: There are no applications against this property
- Zoning: CP-LR - LOW DENSITY RESIDENTIAL AREA LR
- Constraints: CP-SHEGRA - SHERWOOD GRACEVILLE DISTRICT NEIGHBOURHOOD PLAN







close all | open all

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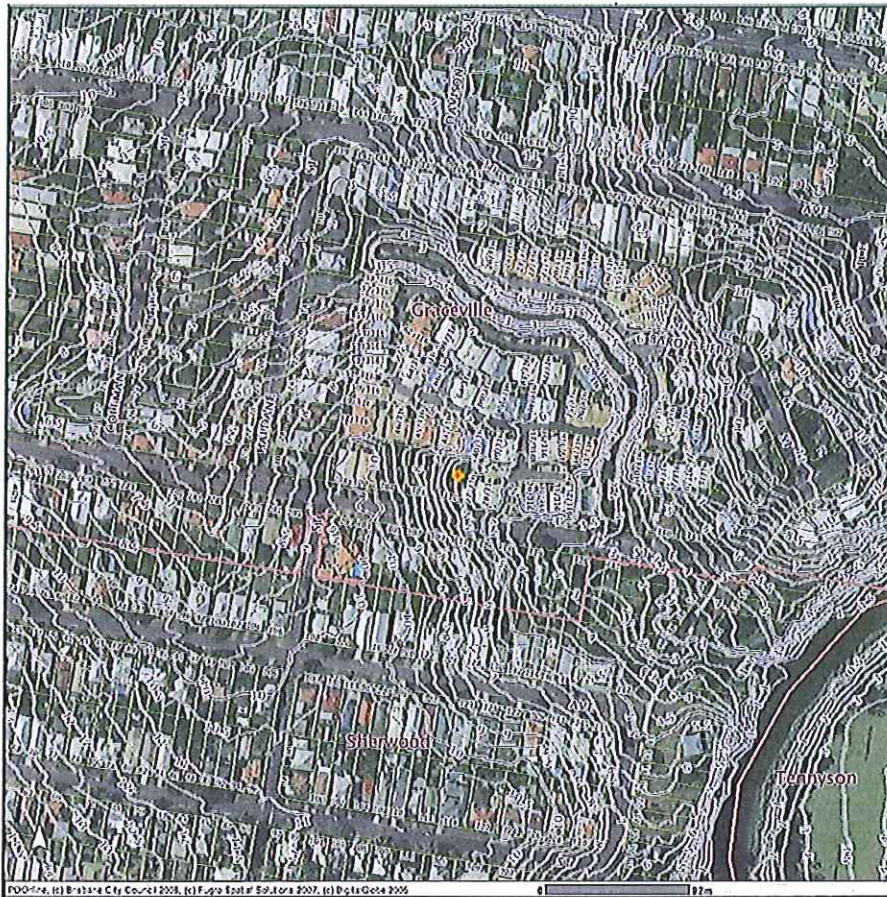
- Legend**
-  Suburb Boundary
 -  Street Name 2500
 -  House Number
 -  Parcel
 -  Aerial Photography 2009
 -  Aerial Photography 2007










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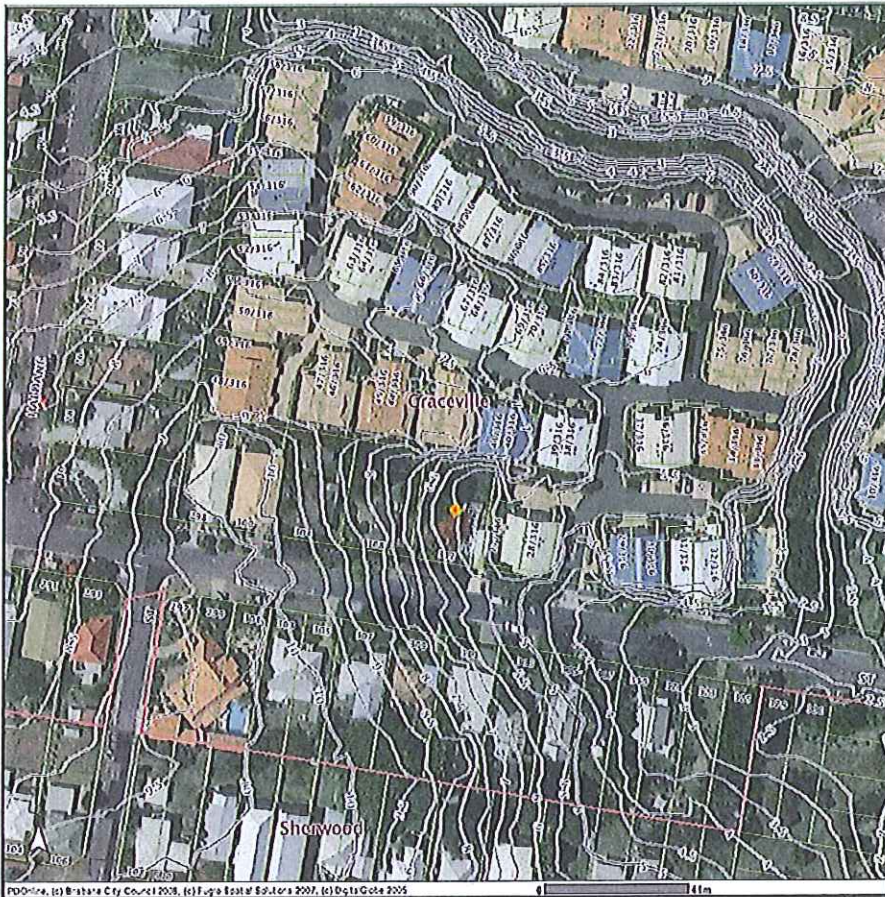
- Legend**
-  Suburb Boundary
 -  Street Name 2500
 -  House Number
 -  Contours 5m
 -  Contours 1m
 -  Contours 0.5m
 -  Parcel
 -  Aerial Photography 2009
 -  Aerial Photography 2007

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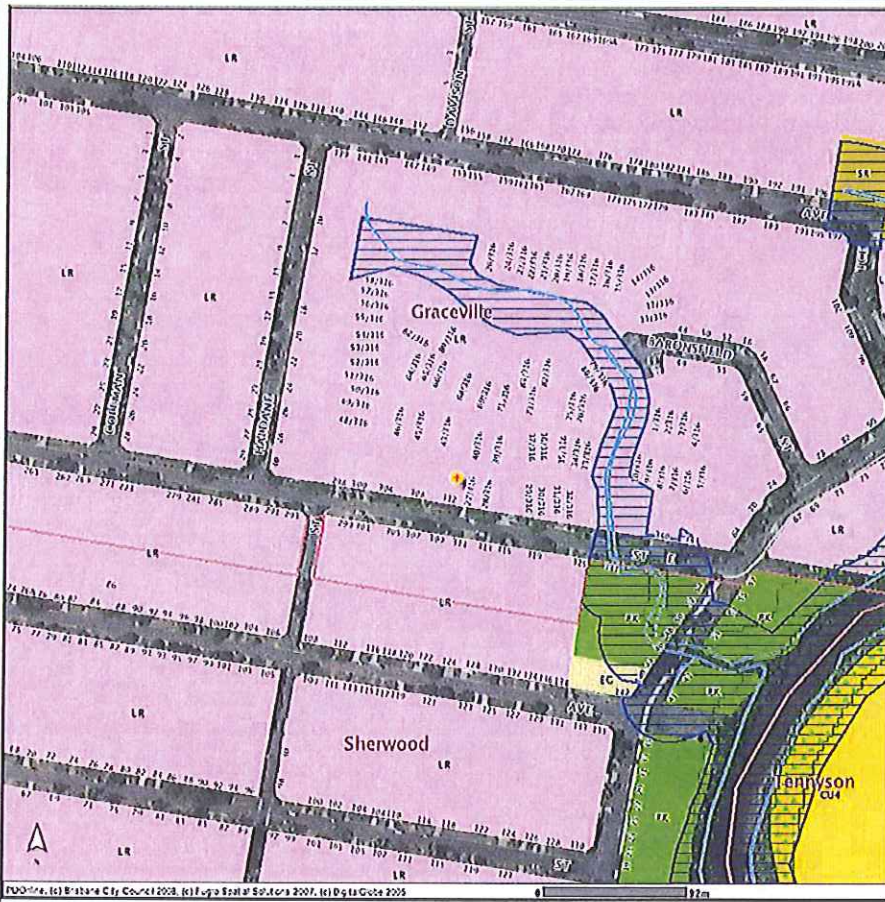


- Legend**
- Suburb Boundary
 - Street Name 2500
 - House Number
 - Contours 5m
 - Contours 1m
 - Contours 0.5m
 - Parcel
 - Aerial Photography 2009
 - Aerial Photography 2007

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- Legend**
- Suburb Boundary
 - Street Name 2500
 - House Number
 - Wollands
 - Waterway Centre Line
 - Waterways
 - Brisbane River Precinct
 - Brisbane River Precinct 1
 - Brisbane River Precinct 2
 - Brisbane River Precinct 3
 - Brisbane River Precinct 4
 - Brisbane River Precinct 5
 - Brisbane River Corridor
 - Area Classification**
 - Conservation
 - Character Residential
 - Community Use Area
 - Emerging Communities Area
 - Extractive Industry Area
 - Environmental Protection Area
 - Future Industry Area
 - General Industry Area
 - Heavy Industry Area
 - High Density Residential Area
 - Investigation Area
 - Light Industry Area
 - Low-Medium Density Residential Area
 - Low Density Residential Area
 - Multi Purpose Centre City Centre MP1
 - Multi Purpose Centre Major Centre MP2
 - Multi Purpose Centre Suburban Centre MP3
 - Multi Purpose Centre Convenience Centre MP4
 - Medium Density Residential Area
 - Park Land Area
 - Rural Area
 - Special Purpose Centre
 - Sport And Recreation Area
 - Parcel
 - Aerial Photography 2009
 - Aerial Photography 2007

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Queensland Reconstruction Authority
 1800 110 841
www.qldreconstruction.org.au



Legend
 Brisbane City 2011 Flood Line
 Brisbane City 2011 Flood Line
 Suburb of Graceville

MAP INFORMATION
 Date of aerial photography: 13th January 2011
 Projection: UTM
 Datum: GDA 2011
 Scale: 1:4000 (at A1)
 Contour Interval: 1.5 metres
 Source: Queensland Government
 Date: 13th January 2011
 Author: Queensland Government
 Date: 13th January 2011
 Population: 14,000 (at A1)

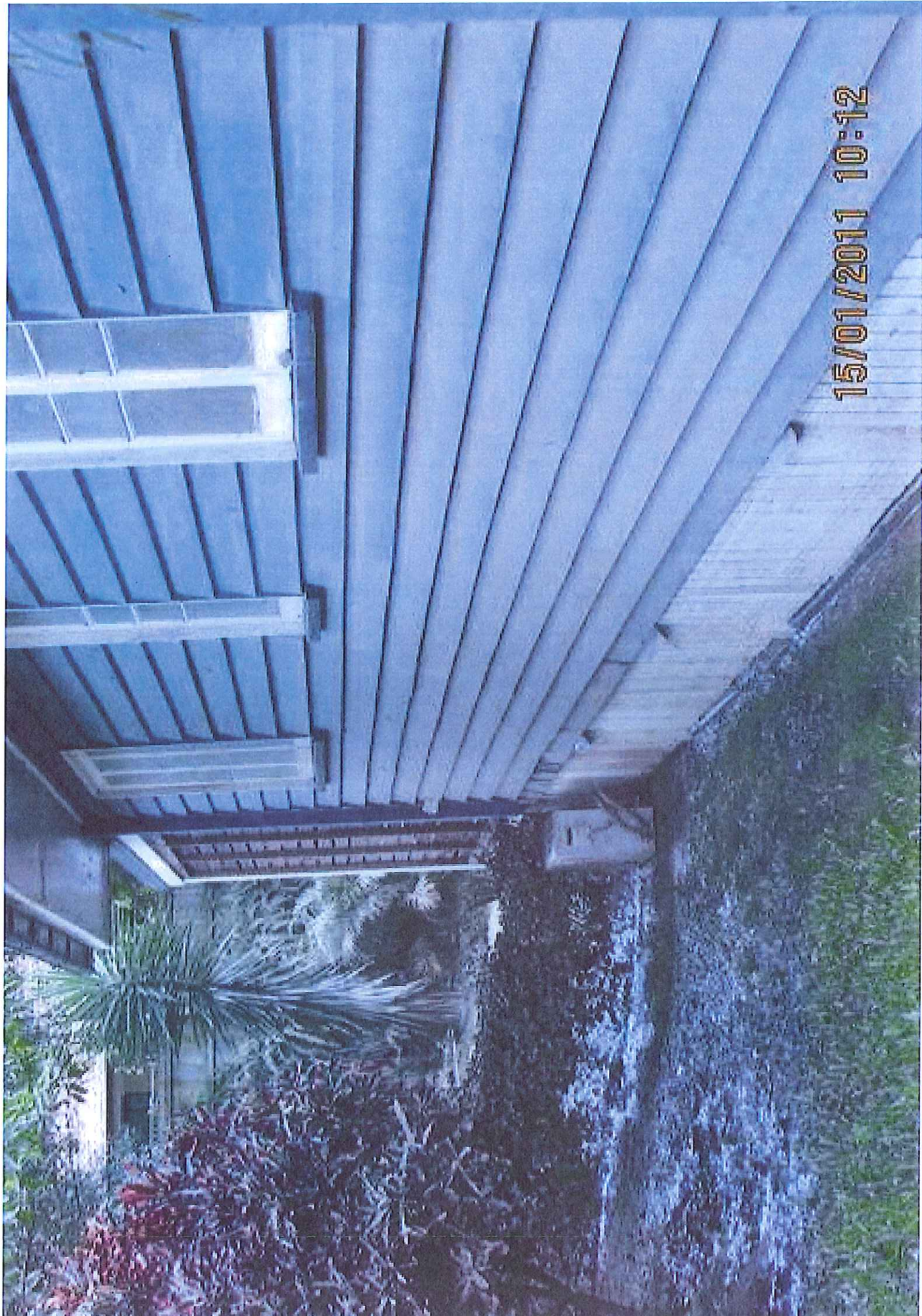
DISASTER AFFECTED PROPERTIES
 Population - 4093
 (Australian Bureau of Statistics 2006)

SUBURB OF GRACEVILLE
 DRAWING NUMBER
LGA1000-0009-2
 DATE: APRIL 2011





15/01/2011 10:12

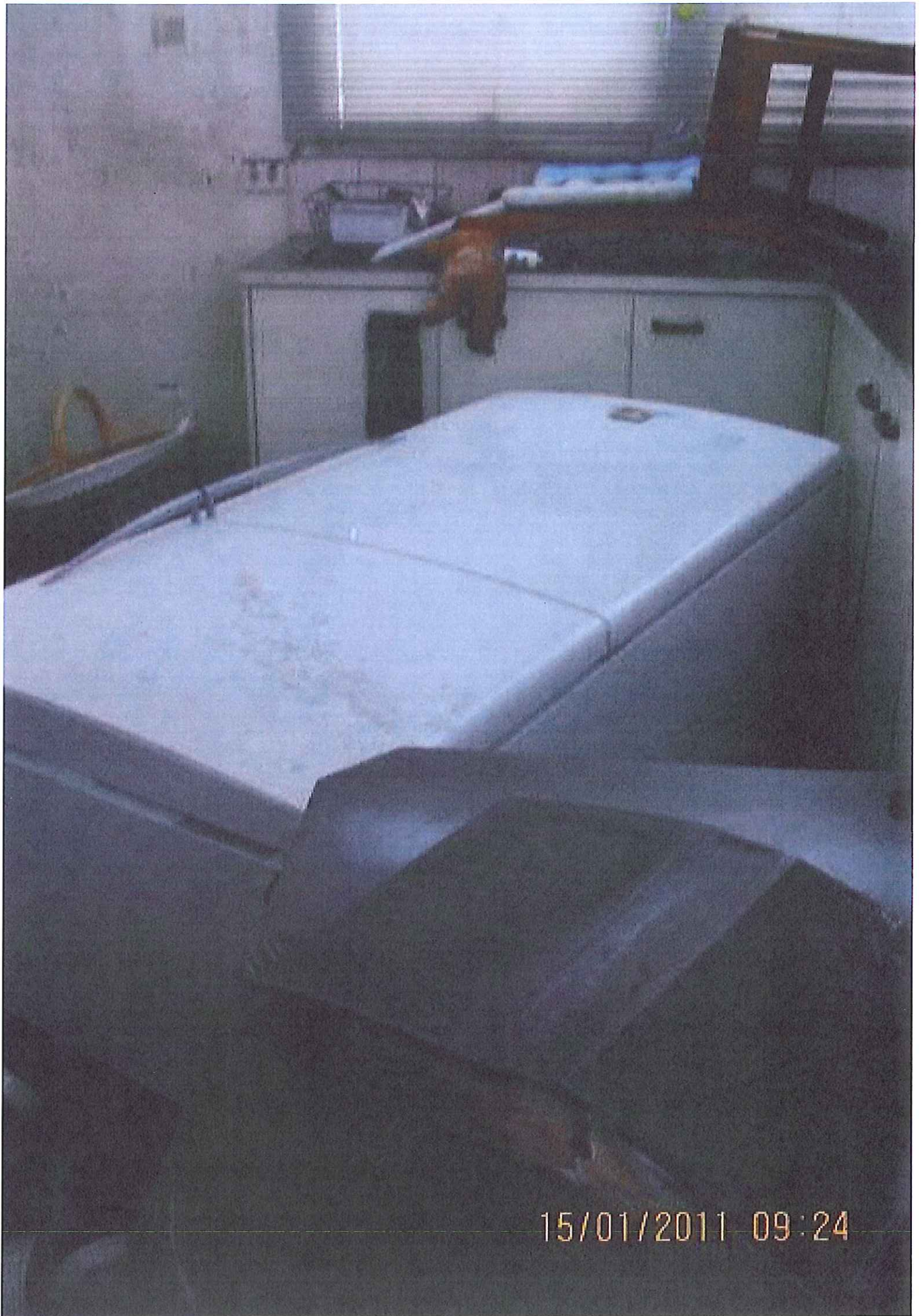


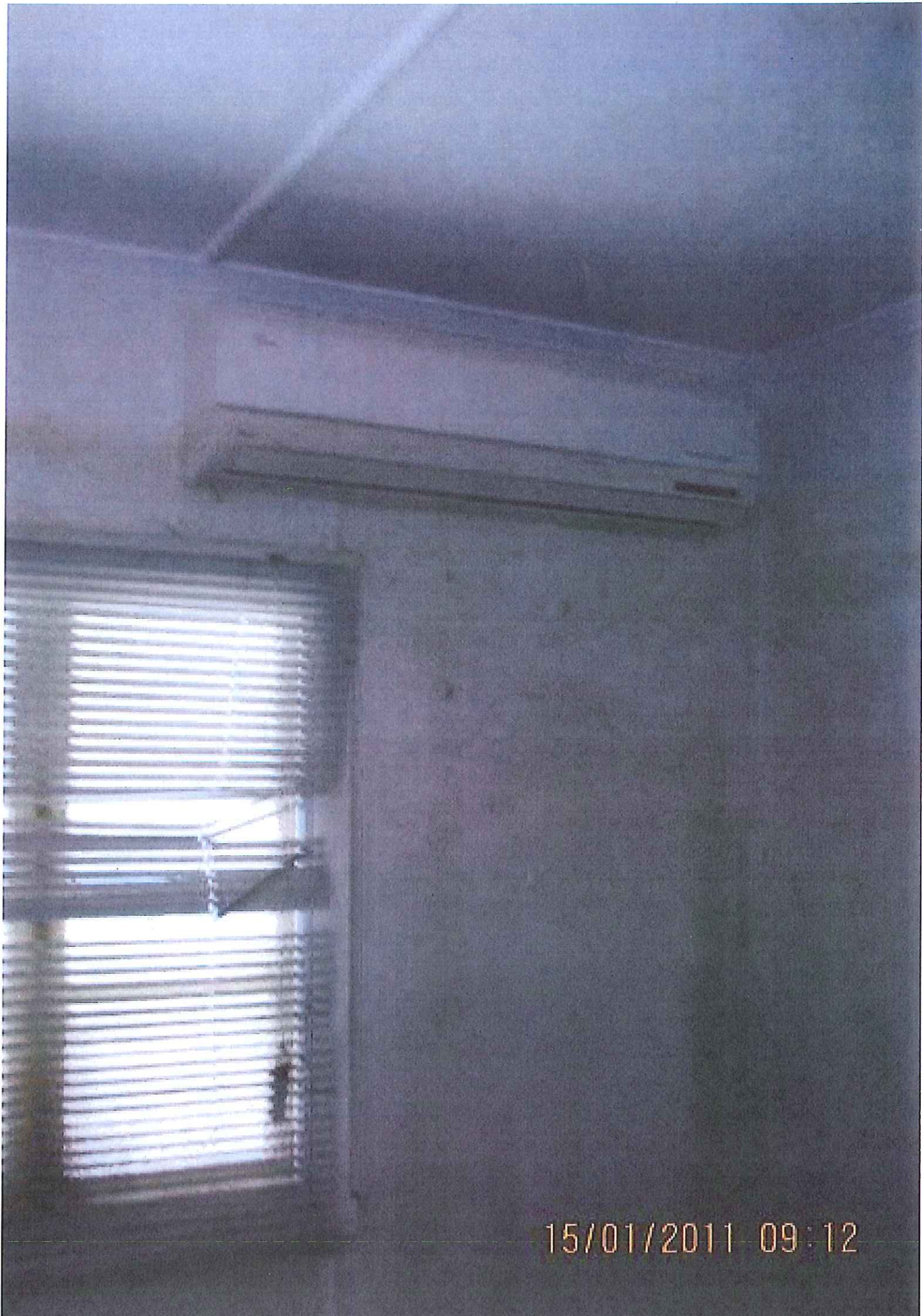


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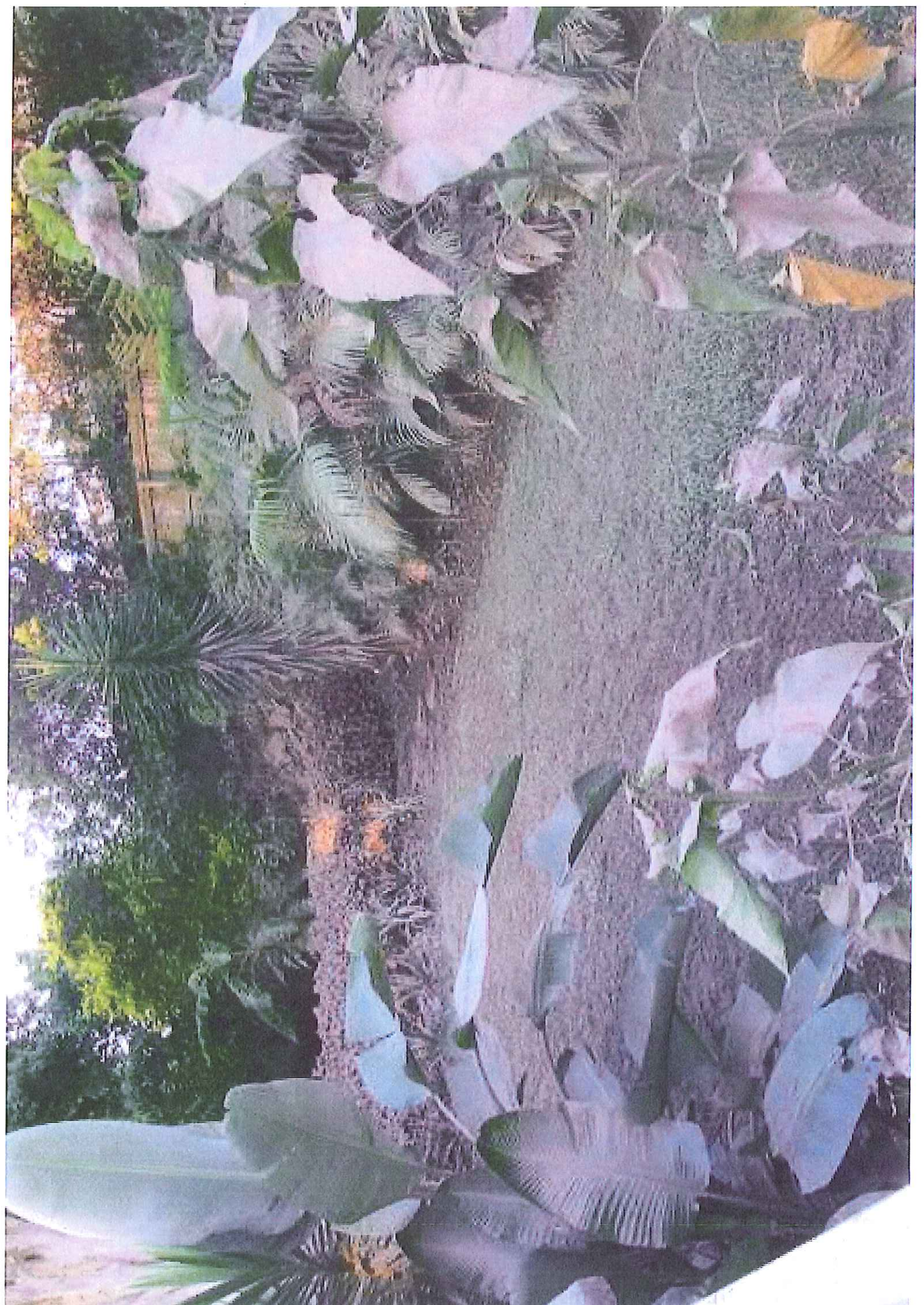


15/01/2011 09:25





15/01/2011 09:12



15/01/2011 15:45



