

QUEENSLAND FLOODS COMMISSION OF INQUIRY

Commissions of Inquiry Act 1950

SECOND AFFIDAVIT

I, **BRADLEY PETER HEATH** of c/- [REDACTED] Logan Road Eight Mile Plains, Brisbane in the State of Queensland, Chief Executive Officer, state on oath:

BACKGROUND

1. I am the Chief Executive Officer ("CEO") of RACQ Insurance Limited (**RACQ Insurance**).
2. This affidavit is provided on behalf of RACQ Insurance in response to a notice dated 14 October 2011 given to me by Justice C E Holmes, Commissioner of Inquiry, pursuant to section 5(1) (d) of the *Commissions of Inquiry Act 1950* (Qld), to provide information in respect of matters listed in that notice (**Requirement**). Copies of the cover letter forwarding the Requirement and the Requirement itself are exhibited to this affidavit as **Exhibits 1 and 2**.

RESPONSE TO REQUIREMENT

3. The matters set out below are not, or are not necessarily, matters of which I have direct knowledge other than by having regard to the records of RACQ Insurance (which I have done in order to provide this affidavit).
4. I have, with the assistance of others, assembled information and material to respond to the Requirement. I have, however, not been able to personally review all of the material which has been assembled for that purpose or exhibited to this affidavit.
5. For ease of reference I have set out in this affidavit the headings and sub-paragraphs from the Requirement and provided my response to them below.

Page 1

Signed: [REDACTED]

AFFIDAVIT
Filed on behalf of RACQ Insurance Limited

Taken by [REDACTED]

COOPER GRACE WARD
Level 21, 400 George Street
Brisbane 4000 Australia

T 61 7 3231 2444
F 61 7 3221 4356

1. **Copies of records of all communications between RACQ Insurance Limited (and/or its legal representatives) and:**
 - 1.1. **The Financial Ombudsman Service, concerning the matters the subject of paragraph 164 of the second affidavit of Mr Graham Dale (sworn 19 September 2011) and paragraphs 59 to 62 of the fifth affidavit of Mr Dale (sworn on 21 September 2011); and**
6. **Exhibit 3** to this affidavit is a bundle of documents containing all records of the communications between RACQ Insurance and the Financial Ombudsman Service (FOS) concerning the matters referred to in paragraph 1.1 of the Requirement.
7. RACQ Insurance is currently preparing its response to the letter dated 28 September 2011 from FOS to Mr Faulkner. The response will explain that RACQ Insurance does not agree that it has breached the Code as alleged, and explain the basis of RACQ Insurance's position. I will arrange for a copy of that response to be provided to the Commission once it has been sent.
 - 1.2 **ASIC, concerning the matters the subject of paragraphs 63 to 66 of the fifth affidavit of Mr Dale (sworn on 21 September 2011).**
8. **Exhibit 4** to this affidavit is a bundle of documents containing all records of the communications between RACQ Insurance and ASIC concerning the matters referred to in paragraph 1.2 of the Requirement.

SWORN by **BRADLEY PETER HEATH** on:

at *Eight Mile Plains*

20 October 2011

in the presence of

Deponent


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

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Exhibit 1

Our ref: 1752223

14 October 2011

Mr Rocco Russo
Partner
Cooper Grace Ward Lawyers
GPO Box 834
BRISBANE QLD 4001

Dear Mr Russo

RACQ Insurance Limited – Request for statement of John Price

I refer to your request, by letter dated 3 October 2011, for a copy of the statement of Mr John Price.

The Commission does not intend to provide a copy of Mr Price's statement at this stage. If the Commission proposes to rely on any information within that statement in a manner which may result in an adverse finding about your client, you will be given notice of same with sufficient detail to provide you with an appropriate opportunity to respond.

In the meantime, your client is of course free to provide any information to the Commission it wishes.

In this context, the Commission requires your client to produce, by 12 noon, Friday, 21 October 2011, copies of records of communications concerning the matters the subject of paragraph 164 of Mr Graham Dale's second affidavit (sworn on 19 September 2011) and paragraphs 59 to 66 of Mr Dale's fifth affidavit (sworn on 21 September 2011). Please find enclosed a Requirement to this effect directed to Mr Bradley Heath. (The matter the subject of paragraphs 67 to 70 of Mr Dale's fifth affidavit is not relevant to the Commission's inquiry pursuant to term of reference (b).)

Should your client wish to provide any additional information in this regard, the Commission would be pleased to receive it.

Yours sincerely


Jane Moynihan
Executive Director

Encl.

400 George Street Brisbane
GPO Box 1738 Brisbane
Queensland 4001 Australia
Telephone 1300 309 634
Facsimile +61 7 3405 9750
www.floodcommission.qld.gov.au
ABN 82 696 762 534

Exhibit 2

Our ref: Doc 1752259

14 October 2011

Mr Bradley Heath
Chief Executive Officer
RACQ Insurance Limited
C/- Mr Rocco Russo
Partner
Cooper Grace Ward
GPO Box 834
BRISBANE QLD 4001

REQUIREMENT TO PROVIDE STATEMENT TO COMMISSION OF INQUIRY

I, Justice Catherine E Holmes, Commissioner of Inquiry, require Mr Bradley Heath, Chief Executive Officer, RACQ Insurance Limited, to provide the following information, documents, records and other things to the Queensland Floods Commission of Inquiry pursuant to section 5 of the *Commissions of Inquiry Act 1950* (Qld):

1. Copies of records of all communications between RACQ Insurance Limited (and/or its legal representatives) and:
 - 1.1. The Financial Ombudsman Service, concerning the matters the subject of paragraph 164 of the second affidavit of Mr Graham Dale (sworn on 19 September 2011) and paragraphs 59 to 62 of the fifth affidavit of Mr Graham Dale (sworn on 21 September 2011); and
 - 1.2. ASIC, concerning the matters the subject of paragraphs 63 to 66 of the fifth affidavit of Mr Graham Dale (sworn on 21 September 2011).

The material is to be provided to the Queensland Floods Commission of Inquiry by 12 pm, Friday, 21 October 2011.

The statement can be provided by post, email or by arranging delivery to the Commission by emailing info@floodcommission.qld.gov.au.



Commissioner
Justice C E Holmes

400 George Street Brisbane
GPO Box 1738 Brisbane
Queensland 4001 Australia
Telephone 1300 309 634
Facsimile +61 7 3405 9750
www.floodcommission.qld.gov.au
ABN 82 696 762 534

Exhibit 3

Faulkner, Paul

From: John Price [REDACTED]
Sent: Tuesday, 3 May 2011 5:50 PM
To: FAULKNER, Paul
Subject: Potential Code Issues arising from flood disputes

Hi Paul

I have attached an email from ILS regarding issues they have in dealing with the flood disputes.

I have also received broad complaints re claims handling including allegations that consumers are being required to;

1. itemise all missing belongings, provide quotes and then having depreciation applied to the loss despite the property being a total loss (house washed away),
2. requiring payment of an excess from a claim for replacement of food but then determining not to cash settle a claim for replacement of a pool table causing significant financial hardship.

I'd like to discuss these matters with you and your team and other matters that have arisen to make sure any potential code or systemic breach is avoided.

I'm in Brisbane on Friday otherwise we can catch up next week.

Give me a call when you get a chance

Regards

John

John Price | General Insurance Ombudsman

Financial Ombudsman Service Limited

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Faulkner, Paul

From: FAULKNER, Paul
Sent: Tuesday, 3 May 2011 7:41 PM
To: John Price
Subject: RE: Potential Code Issues arising from flood disputes

Hi John,

I cannot locate the attachment referred to in your email. Can I ask that you forward same to me and I will review and organise a time to discuss further.

Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114

2649 Logan Rd, Eight Mile Plains

P [REDACTED] | M [REDACTED] | F [REDACTED]

Email: paul.faulkner@racqi.com.au | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
Sent: Tuesday, 3 May 2011 5:50 PM
To: FAULKNER, Paul
Subject: Potential Code Issues arising from flood disputes

Hi Paul

I have attached an email from ILS regarding issues they have in dealing with the flood disputes.

I have also received broad complaints re claims handling including allegations that consumers are being required to;

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Faulkner, Paul

From: John Price [redacted]
Sent: Wednesday, 4 May 2011 9:41 AM
To: FAULKNER, Paul
Subject: RE: Potential Code Issues arising from flood disputes
Attachments: RACQ IDR

Hi Paul

Probably my error in not attaching the original email

Cheers

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [redacted] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

F: [redacted] | F 07 3219 0489

Email: [redacted] | Web: www.racqinsurance.com.au

From: John Price [mailto:[redacted]]
Sent: Tuesday, 3 May 2011 5:50 PM
To: FAULKNER, Paul
Subject: Potential Code Issues arising from flood disputes

Hi Paul

I have attached an email from ILS regarding issues they have in dealing with the flood disputes.

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Faulkner, Paul

From: Kat Lane [REDACTED]
Sent: Tuesday, 3 May 2011 1:54 PM
To: John Price
Cc: Paul Holmes
Subject: RACQ IDR

Dear John

I'm writing to draw your attention to a systemic issue in relation to RACQ's handling of storm/flood disputes.

RACQ are consistently failing to provide a copy of their hydrologist report when a copy of the report is requested. I quote from a letter from RACQ's legal representatives, Cooper Grace Ward lawyers, to the Insurance Law Service:

"... our client does not wish to provide a copy of its hydrologist report because the report contain private information in relation to many other people whose privacy our client is required to protect and because the report is subject to legal professional privilege".

In the experience of the Insurance Law Service and Legal Aid QLD, this seems to be a standard response from RACQ's lawyers.

I note the hydrologist report is crucial in the dispute resolution process. RACQ is not assisting the dispute resolution process by making these reports unavailable. Further, RACQ do not adequately explain why they believe there is legally privileged information in their hydrologist report.

Under 3.4.3 of the General Insurance Code of Practice, a consumer has the right to access to information which the insurer has relied on in assessing their claim. RACQ are breaching their obligations under 3.4.3 of the code by failing to provide access to crucial information in deciding claims.

Please investigate. I look forward to your response.

Regards,

Katherine Lane
Principal Solicitor
Insurance Law Service
Consumer Credit Legal Centre (NSW) Inc
ph: [REDACTED]

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Faulkner, Paul

From: FAULKNER, Paul
Sent: Wednesday, 4 May 2011 9:53 AM
To: 'John Price'
Subject: RE: Potential Code Issues arising from flood disputes

Thanks John,

Are you able to provide specific examples of items 1 and 2 in your email, and details of the 'other matters' so that I can fully investigate the exact circumstances prior to discussion?

Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

P [REDACTED] | F 07 3219 0489
Email: paul.faulkner@racqi.com.au | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
Sent: Wednesday, 4 May 2011 9:41 AM
To: FAULKNER, Paul
Subject: RE: Potential Code Issues arising from flood disputes

Hi Paul

Probably my error in not attaching the original email

Cheers

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: +61 3 9621 2060 | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Paul Faulkner

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I'm in Brisbane on Friday otherwise we can catch up next week.

Give me a call when you get a chance

Regards

John

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Faulkner, Paul

From: John Price [REDACTED]
Sent: Wednesday, 11 May 2011 1:58 PM
To: FAULKNER, Paul
Cc: DALE, Graham
Subject: Qld Floods

Hi

Further to our brief discussions last Thursday is there a time to set up a telephone conference to discuss issues that have been raised regarding the handling of the flood matters in particular the exchange of material in the next two days or would you prefer to catch up when I'm in Qld next Tuesday for the open forum. We could arrange to meet after the forum finishes at 12.30 if you like.

Await your response

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Faulkner, Paul

From: FAULKNER, Paul
Sent: Wednesday, 11 May 2011 8:19 PM
To: John Price
Subject: RE: Qld Floods

Thanks John.

I would be happy to meet with you after the forum next Tuesday if that suits.

Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

[REDACTED] | F 07 3219 0489
Email: [REDACTED] | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
Sent: Wednesday, 11 May 2011 1:58 PM
To: FAULKNER, Paul
Cc: DALE, Graham
Subject: Qld Floods

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John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Faulkner, Paul

From: John Price [REDACTED]
Sent: Thursday, 12 May 2011 12:02 PM
To: FAULKNER, Paul
Subject: RE: Qld Floods

No problems
Will Graham be coming along?

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au
Please consider the environment before printing this email

From: FAULKNER, Paul [mailto:[REDACTED]]
Sent: Wednesday, 11 May 2011 8:19 PM
To: John Price
Subject: RE: Qld Floods

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Paul Faulkner

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PO Box 3004 Logan City QLD 4114

2649 Logan Rd, Eight Mile Plains

F: [REDACTED] | F 07 3219 0489

Email: [REDACTED] | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
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Await your response

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

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Our Ref: MJM:RXR 10094914

12 May 2011

Mr John Price
General Insurance Ombudsman

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited
Provision of regional hydrology reports

We act for RACQ Insurance Limited.

Our client has forwarded us a copy of your emails of 3 and 4 May 2011 which attached an email from Katherine Lane of the Insurance Law Service dated 3 May 2011.

Our client takes its obligations under the General Insurance Code of Practice seriously, and also takes seriously the matters contained in Ms Lane's email. We have been asked to write this letter responding to Ms Lane's email.

Background

In relation to requests for hydrology reports, the standard response which we provide on behalf of our client is as follows:

Our client does not propose to provide a copy of its hydrology report because the report contains private information in relation to many other people whose privacy our client is required to protect and because the report is subject to legal professional privilege.

Ms Lane refers to clause 3.4.3 of the General Insurance Code of Practice and suggests that our client has breached that clause by not providing access to hydrology reports. This, with respect, is not correct.

Clause 3.4.3 provides as follows:

You will have access to information about you which we have relied on in assessing your claim and an opportunity to correct any mistakes or inaccuracies. In special circumstances¹¹ or where a claim is being or has been investigated, we may decline to release information and reports but we will not do so unreasonably. In these circumstances, we will give you reasons and you will have the right to request a review of our decision through our complaints handling procedures. We will provide our reasons in writing upon request.

Footnote 11 states as follows:

Such as where information is subject to privacy laws, where information is protected from disclosure by law, or where the release of the information may be prejudicial to us in relation to a dispute about your claim.

The standard response mentioned above is intended to refer to two of the circumstances set out in footnote 11 to clause 3.4.3 – namely "where information is subject to privacy laws", and "where information is protected from disclosure by law". Furthermore, the standard response satisfies the obligation in clause 3.4.3 to provide reasons for where an insurer has declined to release information.



The reports

To further explain the reason why these two circumstances apply, we propose to give some brief details about the form of the reports. In doing so, our client should not be taken to be waiving privilege in any way and we wish to make it clear that our client maintains its rights of privilege and confidentiality in relation to the documents.

Our client asked us to provide legal advice on various questions arising from the Queensland floods, including advice on our client's obligations to pay insureds' claims under their policies. As you would be aware, our client's standard policy provides coverage for "Flash flood and stormwater run-off" (as defined) but excludes coverage for "Flood" (as defined). In order to provide advice on the application of these terms, we needed evidence about the nature and timing of the flooding which had occurred.

Accordingly, our client instructed us to obtain a number of hydrology reports so that we could provide this advice. The reports have generally been prepared on a regional basis. The reports therefore deal with a number of insureds' properties, and the reports necessarily contain information about the properties which are being reported on (including names, addresses and claim numbers of insureds).

Privacy

Section 6 of the *Privacy Act 1988* (Cth) defines "personal information" as follows:

"personal information" means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

The information contained in the reports is "personal information" for the purposes of the *Privacy Act 1988* (Cth) and the National Privacy Principles. Our client is bound to treat such information in accordance with those laws.

Accordingly, the reports contain information that is "subject to privacy laws" for the purposes of footnote 11 to clause 3.4.3. This is sufficient to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Legal professional privilege

In addition the reports are subject to legal professional privilege.

Communications are privileged where they are made for the dominant purpose of providing legal advice or to aid in the conduct of litigation: *Grant v Downs* (1976) 135 CLR 674 at 677; *Esso Australia Resources Ltd v Federal Commissioner of Taxation* (1999) 201 CLR 49. Our client relies on both limbs of the privilege – ie advice privilege and litigation privilege.

As noted above, the reports were obtained to allow us to advise our clients on whether particular claims were or were not payable based on an application of the terms of the policy to the particular events found in the hydrology reports. They were therefore obtained for the dominant purpose of obtaining legal advice.

Further, when the Queensland floods occurred, it was apparent that a large number of insureds' claims would not fall within the terms of their policy, and would therefore be declined. With a likelihood of a high number of claims being denied, it was and is likely that many of those decisions will be challenged and therefore subject to litigation. Indeed there have, from an early stage, been various reports of possible class actions against insurers. In that environment, there was and is clearly a real prospect of litigation regarding the subject matter of the reports.

For those reasons, the regional hydrology reports obtained by our client are subject to legal professional privilege and thus are "protected from disclosure by law" for the purposes of footnote 11 to clause 3.4.3. This provides a further basis (independent of the privacy issues) to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Information provided

Although the reports cannot be released for the reasons given above, our client has taken substantial steps to provide insureds with information about the hydrological conclusions it has formed.

We **attach** for your information examples of information sheets for various regions which our client has released freely to insureds wishing to obtain further information about their claim decision. As you will see, the information sheets set out clearly the key conclusions and reasons for those conclusions in respect of each region.

Accordingly, we submit that our client has taken all reasonable steps to make available all of the information which is relevant to its decisions.

The information sheets provide more than enough information for insureds to obtain their own hydrological evidence challenging those conclusions, if an insured wishes to do so.

Further information

We are happy to provide any further explanation or information that would assist in your consideration of our client's compliance with its obligations under the Code.

Yours faithfully

COOPER GRACE WARD


Michael May
Associate

T
F
E


Rocco Russo
Partner

MJM10091926 3838932v2

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO ROCKHAMPTON FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Rockhampton in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Rockhampton. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Rockhampton and the rate and speed at which water flowed through that catchment.

The key results

2. The Fitzroy River was elevated during December 2010. It reached a Moderate flood level on 14 December 2010 which peaked at 7.65m on 16 December 2010. This was attributable primarily to the cumulative rainfall that fell between 1 to 4 December 2010 with some further contribution from rainfall on 11 and 12 December 2010.
3. The river then fell to 5.5m on 23 December 2010 and from there began to rise due to the widespread rainfall occurring from 23 to 28 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha, which was first declared a tropical low on 24 December 2010.
4. The Fitzroy River then flooded with a peak at 9.2m on or about 4 January 2011. The period of time that the river was in flood was substantial. It maintained levels of over 9m till 11 January 2011 and was over the Major flood level of 8.5m for the period from 1 to 14 January 2011.
5. There was local rainfall in the City of Rockhampton around the times that the Fitzroy River level was peaking (eg on 6 January 2011). However, this rainfall was of a relatively low intensity and occurred after the flood had peaked.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. RACQ Insurance's findings indicate that the flooding which occurred in Rockhampton in January 2011 was the result of rain which had fallen between 23 and 28 December 2010. As this rain fell more than 24 hours before the flooding, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered by the Policy.

AJW10091926 3728860v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(UPPER BREMER RIVER CATCHMENT AREA)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (in the upper Bremer River catchment area) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards to the junction of the Bremer and Brisbane Rivers and, in the areas approaching the junction of the Bremer and Brisbane Rivers, began to interact with the Brisbane River.
4. However, there are some upstream areas of the Bremer River (those covered by this report) where the Bremer River is unlikely to have been materially affected by the Brisbane river, and therefore any inundation is attributable to the rain which fell in the Bremer River catchment from around 6.00am on 11 January 2011.

Impact on application of policy

5. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
6. As stated above, the upstream areas of the Bremer River covered by this report were flooded by rain which fell not more than 24 hours earlier (starting at 6.00am on 11 January 2011).
7. The flooding in these upstream areas meets the requirements of "Flash flood or stormwater run-off" as defined in RACQI's standard policy and is therefore covered.

Individual Properties

8. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3740966v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(APPROACHING THE BREMER RIVER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (approaching the Bremer River and Brisbane River junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (approaching the Bremer River and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River causing inundation to some properties upstream of the junction of the Bremer and Brisbane Rivers.
4. As this water headed down the Bremer River towards the junction with the Brisbane River, the Brisbane River started to have a major effect. The level of the Brisbane River was elevated at this time due to earlier rain and releases from the Wivenhoe Dam due in particular to rain which fell in the dam's catchment area from around 6.00am on 9 January 2011. The elevated level of the Brisbane River meant that the water from the Bremer River could not flow into the Brisbane River at the same rate as it normally would.
5. Accordingly, for properties along the Bremer River approaching the junction with the Brisbane River, there were two mechanisms contributing to the flooding – one being the rain which had recently fallen in the Bremer River catchment and the other being the elevated level of the Brisbane River which inhibited that water's flow into the Brisbane River.
6. The peak of the Bremer River at One Mile (21.35m AHD) at approximately 1.00am on 12 January 2011 was attributable to the combined effects of flow from the Bremer River and the elevated levels of the Brisbane River. Likewise, the shape of the gauge results for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge results at the Brisbane River Moggill Gauge, indicating that the Brisbane River was having a major influence on the levels of the Bremer River in this area.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. As noted, the area comprising areas of the Bremer River approaching the junction of the Bremer River and the Brisbane River were flooded by a combination of:
 - (a) the rain in the upper part of the catchment (which had occurred within 24 hours); and
 - (b) the effect of the elevated levels of the Brisbane River (which was caused by the release of water from the Wivenhoe Dam following rain which fell more than 24 hours before the event).
9. As the rain which fell within 24 hours was not the dominant cause of the flooding in this area, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3741104v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(DOWNSTREAM OF THE BREMER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (downstream of the Bremer and Brisbane River junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards the junction of the Bremer and Brisbane Rivers.
4. There are some areas of Ipswich downstream of the junction between the Bremer River and the Brisbane River (such as Goodna) which were inundated. The Brisbane River Moggill Gauge indicates that the peak water level around this area occurred around 3.00pm on 12 January 2011.
5. This flooding was attributable to the release of water from the Wivenhoe Dam. Some of the rain which began falling in the Bremer River catchment around 6.00am on 11 January 2011 would have flowed into the Brisbane River by this point, but the overwhelming cause of the flooding in these areas was the flood water from the Brisbane River that had been released from Wivenhoe Dam in particular as a result of the heavy rain that had fallen in the dam's catchment area since 6.00 am on 9 January 2011.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. As noted, the areas around Goodna, where the peak inundation by the Brisbane River occurred at around 3.00pm on 12 January 2011.
8. The dominant cause of this inundation was the rain which fell in the Wivenhoe Dam catchment in particular the rain commencing around 6.00am on 9 January 2011 which was then released into the Brisbane River.
9. Damage caused to properties by this event is not covered under the policy.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ Insurance is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO CHINCHILLA FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Chinchilla in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Chinchilla. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Chinchilla and the rate and speed at which water flowed through that catchment.

The key results

2. Chinchilla was inundated by two different flood events, which peaked on 28 December 2010 and 12 January 2011 respectively.

28 December 2010 event

3. Charleys Creek had an elevated water level on the days leading up to the peak.
4. Heavy rainfall commenced in the catchment at approximately 2.00am on 23 December 2010. Its impact on the level of Charleys Creek was small and the water had largely drained away within 24 hours.
5. Further rainfall commenced at approximately 6.00pm on 25 December 2010. The level of Charleys Creek did not change materially within the next 24 hours. The water level did not rise above the Major flood height (6 metres) until around 3.00am on 27 December 2010 and it did not peak (at 7.24 metres) until around 6.00am on 28 December 2010 (approximately 60 hours after the second rainfall event commenced).

12 January 2011 event

6. Further heavy rain fell in the catchment from around 12.00pm on 10 January 2011.
7. 24 hours after the commencement of this rainfall, the level of Charleys Creek increased significantly to approximately 6.53 metres. The level of Charleys Creek then continued to rise in the absence of any further rain, peaking at approximately 7.00am on 12 January 2011 at 7.45 metres (approximately 31 hours after the commencement of the rainfall).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Chinchilla on 28 December 2010 were inundated as a result of flooding due to rain that fell outside 24 hours of the flood occurring. These claims will, therefore, not be covered by the policy.
10. The majority of properties that were inundated on 28 December 2010 were inundated for a second time on 12 January 2011. As noted, the inundation on 12 January 2011 was the result of rain that fell within 24 hours of the flood occurring and is therefore covered by the policy. Therefore, any damage that can be shown to have been caused *exclusively* by the 12 January 2011 flooding will be covered under the policy.

Individual Properties

11. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO BUNDABERG FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in the Bundaberg region in December 2010.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Bundaberg region. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Bundaberg region and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Burnett River catchment area (south of Bundaberg) between 16 December 2010 and 19 December 2010. This rain caused the Burnett River catchment to be saturated.
3. There was further substantial rainfall in the Burnett River catchment between 22 and 28 December 2010. The heaviest rain fell on the morning of 25 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha which was first declared a tropical low on 24 December 2010.
4. The Burnett River levels rose and ultimately peaked on 30 December 2010.
5. There was localised rainfall in Bundaberg on 27 and 28 December 2010. However, this rain had no appreciable effect on the peak flood level on 30 December 2010.
6. The rain which fell between 22 and 28 December 2010 (and particularly the rain on 25 December 2010) was the principal cause of inundation in Bundaberg which peaked on 30 December 2010.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. The majority of properties that reported damage in the Bundaberg region were inundated as a result of flooding due to rain that fell more than 24 hours prior to the flood occurring (i.e. rain which fell between 22 and 28 December 2010) and are therefore not covered by the Policy.
9. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3728865v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO BRISBANE FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Brisbane in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Brisbane. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Brisbane and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which is reported to have peaked at approximately before midnight on 11 January 2011.
3. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River which worked its way down the River towards Brisbane. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
4. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. This is a necessarily imprecise figure because some important data is still not available to us.
5. Due to the high Brisbane River tailwater levels there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than the above estimate but we cannot presently say by how much less.
6. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River was the rain which fell some days earlier and its subsequent release from the Wivenhoe Dam.
7. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Brisbane were inundated as a result of the release of water from Wivenhoe Dam that followed the rainfall in the Brisbane River catchment that commenced on 9 January 2011.
10. This does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQI's standard policy. Claims for loss or damage in Brisbane will, therefore, generally not be covered.
11. There may be some properties which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

Faulkner, Paul

From: FAULKNER, Paul
Sent: Friday, 13 May 2011 3:43 PM
To: 'John Price'
Subject: RE: Qld Floods

Thanks John,

Graham will not be attending next Tuesday.

Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

P: [REDACTED] | F 07 3219 0489

Email: [REDACTED] | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
Sent: Thursday, 12 May 2011 12:02 PM
To: FAULKNER, Paul
Subject: RE: Qld Floods

No problems

Will Graham be coming along?

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: +[REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

Please consider the environment before printing this email

From: FAULKNER, Paul [mailto:[REDACTED]]
Sent: Wednesday, 11 May 2011 8:19 PM
To: John Price
Subject: RE: Qld Floods

Thanks John.

I would be happy to meet with you after the forum next Tuesday if that suits.

Regards,

Paul Faulkner

Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

[REDACTED] | F 07 3219 0489

Email: [REDACTED] | Web: www.racqinsurance.com.au

From: John Price [mailto:]
Sent: Wednesday, 11 May 2011 1:58 PM
To: FAULKNER, Paul
Cc: DALE, Graham
Subject: Qld Floods

Hi

Further to our brief discussions last Thursday is there a time to set up a telephone conference to discuss issues that have been raised regarding the handling of the flood matters in particular the exchange of material in the next two days or would you prefer to catch up when I'm in Qld next Tuesday for the open forum. We could arrange to meet after the forum finishes at 12.30 if you like.

Await your response

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: +61 3 9621 2060 | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Dale, Graham

From: DALE, Graham
Sent: Monday, 6 June 2011 5:09 PM
To: 'John Price'
Cc: FAULKNER, Paul
Subject: Extension of Deadlines Requested
Attachments: Letter to FOS 06 06 11.pdf

Importance: High

I refer to our phone discussion a few minutes ago and in line with that I enclose a letter requesting extensions as discussed.

Regards

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

06 June 2011

Mr John Price
 General Insurance Ombudsman

Dear Mr Price

EMAIL: [REDACTED]

Deadline for FOS Submissions

There are currently a number of matters before FOS where RACQ Insurance's submissions are due this week. We refer, in particular, to the following matters:

Name	FOS ref	Submission due date	Requested extension due date
[REDACTED]	242058	06/06/11	14/06/11
[REDACTED]	241171	06/06/11	14/06/11
[REDACTED]	242055	06/06/11	14/06/11
[REDACTED]	233906	07/06/11	15/06/11
[REDACTED]	241145	08/06/11	16/06/11
[REDACTED]	241188	09/06/11	17/06/11
[REDACTED]	239045	10/06/11	20/06/11
[REDACTED]	239447	10/06/11	20/06/11
[REDACTED]	242425	10/06/11	20/06/11
[REDACTED]	241852	10/06/11	20/06/11
[REDACTED]	241994	10/06/11	20/06/11

We are writing to seek a 5 business day extension of time to provide each of those submissions for reasons which are set out below.

As you will be aware, RACQ Insurance has engaged Steve Clark of Water Technology Pty Ltd to undertake hydrological investigations to assist RACQ Insurance in determining the cause of the various floods in Queensland earlier this year.

There are a number of claims in Ipswich where initial decisions are yet to be made due to the particularly complex nature of the flooding mechanism involved. To fully understand the nature of that mechanism, Mr Clark required access to a Mike 11 hydrodynamic model. We requested the model from various public authorities in February 2011. Due to the considerable pressure on public authorities in responding to the floods, it took some time for that model to be made available. Also, once the model was made available, steps needed to be taken to adapt it into something that could be used to assess this particular situation.

Mr Clark has now obtained access to the model and has been working urgently with it to allow RACQ Insurance to make a decision on the claims in Ipswich which remain undecided. Unfortunately, doing so has meant that he has not been able to complete statements regarding the matters currently before FOS.

Accordingly, we are seeking a brief extension of time in relation to the above particulars matters so that we can ensure that FOS has the best information available to it in relation to each claim where the insured has raised issues regarding the cause of inundation to their property (i.e. a statement from Mr Clark which explains both regional and site specific issues).

Once the issues regarding the Ipswich claims are finalised, RACQ Insurance will be able to focus its hydrology resources on providing such statements as are necessary. Accordingly, we hope that it will not be necessary to seek similar extensions of time in the future.

We look forward to your response. If you require any further information, please let us know.

Yours sincerely


Graham Dale
General Manager
Personal Insurance Claims

Dale, Graham

From: John Price [REDACTED]
Sent: Tuesday, 7 June 2011 7:32 AM
To: DALE, Graham
Subject: Re: Extension of Deadlines Requested

As discussed I will be in Emerald and Rockhampton over the next two days.

I will provide a full response to your request on Thursday however given the hardship most flood victims face I am reluctant to extend the time beyond 7 days in particular where you have all the relevant material, reports etc available.

I confirm that unless an exception applies FOS will require the provision of the complete hydrologist report in disputes where the central issue involves the hydrology. This position has been made clearly to your company in numerous discussions with Paul Faulkner as your EDR contact.

I am sure I do not need to remind you of your obligations under the terms of reference with respect to the exchange of information or the consequences that can flow in the event material is not provided.

I will be in touch on Thursday

Regards

----- Original Message -----

From: DALE, Graham [REDACTED]
To: John Price
Cc: FAULKNER, Paul [REDACTED]
Sent: Mon Jun 06 17:09:09 2011
Subject: Extension of Deadlines Requested

I refer to our phone discussion a few minutes ago and in line with that I enclose a letter requesting extensions as discussed.

Regards

Graham Dale

General Manager Personal Insurance Claims

RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia

2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia

Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309

Email: [REDACTED] Web:
www.racqinsurance.com.au <<http://www.racqinsurance.com.au/>>

Personal Assistant: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

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Dale, Graham

From: DALE, Graham
Sent: Wednesday, 8 June 2011 6:13 PM
To: 'John Price'
Subject: RE: Extension of Deadlines Requested
Attachments: Letter to FOS 08 06 11.pdf

John,

Thank you for your email below. I have asked our lawyers to prepare a detailed response to address the issues you have raised. Attached is the letter they have prepared.

I hope that this addresses your concerns. If there is anything further I can do to assist or anything else that you need, please let me know.

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309
Email: [REDACTED] Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

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From: John Price [mailto:[REDACTED]]
Sent: Tuesday, 7 June 2011 7:32 AM
To: DALE, Graham
Subject: Re: Extension of Deadlines Requested

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I confirm that unless an exception applies FOS will require the provision of the complete hydrologist report in disputes where the central issue involves the hydrology. This position has been made clearly to your company in numerous discussions with Paul Faulkner as your EDR contact.

I am sure I do not need to remind you of your obligations under the terms of reference with respect to the exchange of information or the consequences that can flow in the event material is not provided.

I will be in touch on Thursday

Regards

----- Original Message -----

From: DALE, Graham <[REDACTED]>
To: John Price
Cc: FAULKNER, Paul <[REDACTED]>
Sent: Mon Jun 06 17:09:09 2011
Subject: Extension of Deadlines Requested

I refer to our phone discussion a few minutes ago and in line with that I enclose a letter requesting extensions as discussed.

Regards

Graham Dale

General Manager Personal Insurance Claims

RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia

2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia

Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309

Email: [REDACTED] | Web: www.racqinsurance.com.au <<http://www.racqinsurance.com.au/>>

Personal Assistant: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

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Our Ref: MJM:RXR 10094914

8 June 2011

Mr John Price
General Insurance Ombudsman
Financial Ombudsman Service

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited
Provision of regional hydrology reports

As you are aware, we act for RACQ Insurance Limited.

We refer to your recent discussions with Graham Dale of our client, and particularly your email of 7 June 2010, which included the following:

I confirm that unless an exception applies FOS will require the provision of the complete hydrologist report in disputes where the central issue involves the hydrology. This position has been made clearly to your company in numerous discussions with Paul Faulkner as your EDR contact.

I am sure I do not need to remind you of your obligations under the terms of reference with respect to the exchange of information or the consequences that can flow in the event material is not provided.

Mr Faulkner acknowledges having discussions with you regarding the provision of regional hydrology reports. These discussions were reported to Mr Dale of our client. Mr Dale in turn instructed us to write to you in relation to the provision of regional hydrology reports.

We had taken our letter of 12 May 2011 (copy attached) as responding to those issues. We note that our letter sets out in detail the reasons why our client's position is that legal professional privilege and privacy issues mean that these documents should not be disclosed, and the steps that our client has taken to ensure that reasonable information is made available regarding its decisions. We note we have not received any response to that correspondence.

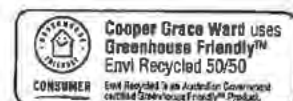
We appreciate that our letter of 12 May 2011 responded to allegations made in relation to the Code of Practice but we believe that the only conclusion that can be drawn from our client's position as set out in that letter is that the detailed considerations explained apply generally in the context of FOS (including in relation to the Terms of Reference generally).

However, to avoid any doubt, we will now provide further clarification.

Terms of Reference

Clause 7.2 of the Terms of Reference provides that FOS may require a party to provide information that FOS considers necessary. We are not certain whether your discussions with Mr Faulkner or your email to Graham Dale of 7 June 2010 are requests made pursuant to this clause. Perhaps you can clarify.

In any case, clause 7.5 sets out the consequences of failure to comply with such a request, if that non-compliance is "without reasonable excuse". It is respectfully submitted that both protection of legal professional privilege, and protection of privacy of individual customers, are clearly reasonable



excuses for not providing the information. We refer you to the comments in our letter of 12 May 2011 in this regard.

In relation to privilege, the clear legal position is that privilege cannot be abrogated without the expression of a clear intention to do so.

We refer, for example, to *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at [43]-[44]:

Courts do not construe legislation as abolishing, suspending or adversely affecting rights, freedoms and immunities that the courts have recognised as fundamental unless the legislation does so in unambiguous terms. In construing legislation, the courts begin with the presumption that the legislature does not interfere with these fundamental rights, freedoms and immunities unless it makes its intention to do so unmistakably clear. The courts will hold that the presumption has not been overcome unless the relevant legislation expressly abolishes, suspends or adversely affects the right, freedom or immunity or does so by necessary implication. They will hold that the legislature has done so by necessary implication whenever the legislative provision would be rendered inoperative or its object largely frustrated in its practical application, if the right, freedom or immunity were to prevail over the legislation. A power conferred in general terms, however, is unlikely to contain the necessary implication because "general words will almost always be able to be given some operation, even if that operation is limited in scope".

Australian courts have classified legal professional privilege as a fundamental right or immunity. Accordingly, they hold that a legislature will be taken to have abolished the privilege only when the legislative provision has done so expressly or by necessary implication.

Although the FOS Terms of Reference are not themselves legislation, they are specifically contemplated by, and approved under, legislation. The above principles therefore apply.

Further, even if the FOS Terms of Reference were looked at as simply a contract between FOS and our client, the above considerations would apply because the question would be whether the terms of the contract are inconsistent with the maintenance of the privilege. We submit that a court would be reluctant to find that an agreement is inconsistent with a "fundamental right or immunity" in the absence of clear terms to that effect.

Therefore, it is respectfully submitted that the Terms of Reference do not contain language, of the specific kind necessary, to express an intention to abrogate legal professional privilege.

In relation to our client's obligations under the *Privacy Act 1988* (Cth), there is obviously nothing in the FOS Terms of Reference which could override those obligations.

Conclusion

For those reasons, our client maintains that it has a reasonable excuse for not making the regional reports available.

In any case, we note that the reports in question have been prepared on a regional basis. What our client is proposing to provide, where relevant, is a statement from its hydrologist which presents whatever regional information is relevant to the insured's particular situation, as well as any relevant site-specific hydrology information.

Our client is keen to ensure that FOS and applicants have the best and most relevant information available. Our client believes that, where they are necessary, statements which deal specifically with the applicant's personal situation are the best source of information for the determination of FOS disputes.

We hope that this letter resolves the issue, but if there is any further information we can provide, please let us know.

Yours faithfully
COOPER GRACE WARD

[Redacted]

Michael May
Associate

T [Redacted]
F [Redacted]
E [Redacted]

[Redacted]

Rocco Russo
Partner

MJM10091928 3683982v2



COOPER GRACE WARD
LAWYERS

Our Ref: MJM:RXR 10094914

12 May 2011

Mr John Price
General Insurance Ombudeman

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited
Provision of regional hydrology reports

We act for RACQ Insurance Limited.

Our client has forwarded us a copy of your emails of 3 and 4 May 2011 which attached an email from Katherine Lane of the Insurance Law Service dated 3 May 2011.

Our client takes its obligations under the General Insurance Code of Practice seriously, and also takes seriously the matters contained in Ms Lane's email. We have been asked to write this letter responding to Ms Lane's email.

Background

In relation to requests for hydrology reports, the standard response which we provide on behalf of our client is as follows:

Our client does not propose to provide a copy of its hydrology report because the report contains private information in relation to many other people whose privacy our client is required to protect and because the report is subject to legal professional privilege.

Ms Lane refers to clause 3.4.3 of the General Insurance Code of Practice and suggests that our client has breached that clause by not providing access to hydrology reports. This, with respect, is not correct.

Clause 3.4.3 provides as follows:

You will have access to information about you which we have relied on in assessing your claim and an opportunity to correct any mistakes or inaccuracies. In special circumstances¹¹ or where a claim is being or has been investigated, we may decline to release information and reports but we will not do so unreasonably. In these circumstances, we will give you reasons and you will have the right to request a review of our decision through our complaints handling procedures. We will provide our reasons in writing upon request.

Footnote 11 states as follows:

Such as where information is subject to privacy laws, where information is protected from disclosure by law, or where the release of the information may be prejudicial to us in relation to a dispute about your claim.

The standard response mentioned above is intended to refer to two of the circumstances set out in footnote 11 to clause 3.4.3 – namely “where information is subject to privacy laws”, and “where information is protected from disclosure by law”. Furthermore, the standard response satisfies the obligation in clause 3.4.3 to provide reasons for where an insurer has declined to release information.



The reports

To further explain the reason why these two circumstances apply, we propose to give some brief details about the form of the reports. In doing so, our client should not be taken to be waiving privilege in any way and we wish to make it clear that our client maintains its rights of privilege and confidentiality in relation to the documents.

Our client asked us to provide legal advice on various questions arising from the Queensland floods, including advice on our client's obligations to pay insureds' claims under their policies. As you would be aware, our client's standard policy provides coverage for "Flash flood and stormwater run-off" (as defined) but excludes coverage for "Flood" (as defined). In order to provide advice on the application of these terms, we needed evidence about the nature and timing of the flooding which had occurred.

Accordingly, our client instructed us to obtain a number of hydrology reports so that we could provide this advice. The reports have generally been prepared on a regional basis. The reports therefore deal with a number of insureds' properties, and the reports necessarily contain information about the properties which are being reported on (including names, addresses and claim numbers of insureds).

Privacy

Section 6 of the *Privacy Act 1988* (Cth) defines "personal information" as follows:

"personal information" means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

The information contained in the reports is "personal information" for the purposes of the *Privacy Act 1988* (Cth) and the National Privacy Principles. Our client is bound to treat such information in accordance with those laws.

Accordingly, the reports contain information that is "subject to privacy laws" for the purposes of footnote 11 to clause 3.4.3. This is sufficient to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Legal professional privilege

In addition the reports are subject to legal professional privilege.

Communications are privileged where they are made for the dominant purpose of providing legal advice or to aid in the conduct of litigation: *Grant v Downs* (1976) 135 CLR 674 at 677; *Esso Australia Resources Ltd v Federal Commissioner of Taxation* (1999) 201 CLR 49. Our client relies on both limbs of the privilege – ie advice privilege and litigation privilege.

As noted above, the reports were obtained to allow us to advise our clients on whether particular claims were or were not payable based on an application of the terms of the policy to the particular events found in the hydrology reports. They were therefore obtained for the dominant purpose of obtaining legal advice.

Further, when the Queensland floods occurred, it was apparent that a large number of insureds' claims would not fall within the terms of their policy, and would therefore be declined. With a likelihood of a high number of claims being denied, it was and is likely that many of those decisions will be challenged and therefore subject to litigation. Indeed there have, from an early stage, been various reports of possible class actions against insurers. In that environment, there was and is clearly a real prospect of litigation regarding the subject matter of the reports.

For those reasons, the regional hydrology reports obtained by our client are subject to legal professional privilege and thus are "protected from disclosure by law" for the purposes of footnote 11 to clause 3.4.3. This provides a further basis (independent of the privacy issues) to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Information provided

Although the reports cannot be released for the reasons given above, our client has taken substantial steps to provide insureds with information about the hydrological conclusions it has formed.

We attach for your information examples of information sheets for various regions which our client has released freely to insureds wishing to obtain further information about their claim decision. As you will see, the information sheets set out clearly the key conclusions and reasons for those conclusions in respect of each region.

Accordingly, we submit that our client has taken all reasonable steps to make available all of the information which is relevant to its decisions.

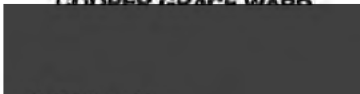
The information sheets provide more than enough information for insureds to obtain their own hydrological evidence challenging those conclusions, if an insured wishes to do so.

Further information

We are happy to provide any further explanation or information that would assist in your consideration of our client's compliance with its obligations under the Code.

Yours faithfully

COOPER GRACE WARD



Michael May
Associate

T
F
E



Roberto Russo
Partner

MJM10091028 3838832v2

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO ROCKHAMPTON FLOODS**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Rockhampton in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Rockhampton. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Rockhampton and the rate and speed at which water flowed through that catchment.

The key results

2. The Fitzroy River was elevated during December 2010. It reached a Moderate flood level on 14 December 2010 which peaked at 7.65m on 16 December 2010. This was attributable primarily to the cumulative rainfall that fell between 1 to 4 December 2010 with some further contribution from rainfall on 11 and 12 December 2010.
3. The river then fell to 5.5m on 23 December 2010 and from there began to rise due to the widespread rainfall occurring from 23 to 28 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha, which was first declared a tropical low on 24 December 2010.
4. The Fitzroy River then flooded with a peak at 9.2m on or about 4 January 2011. The period of time that the river was in flood was substantial. It maintained levels of over 9m till 11 January 2011 and was over the Major flood level of 8.5m for the period from 1 to 14 January 2011.
5. There was local rainfall in the City of Rockhampton around the times that the Fitzroy River level was peaking (eg on 8 January 2011). However, this rainfall was of a relatively low intensity and occurred after the flood had peaked.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. RACQ Insurance's findings indicate that the flooding which occurred in Rockhampton in January 2011 was the result of rain which had fallen between 23 and 28 December 2010. As this rain fell more than 24 hours before the flooding, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered by the Policy.

AJW10091928 3728860v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(UPPER BREMER RIVER CATCHMENT AREA)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (In the upper Bremer River catchment area) in January 2011.

RACQ Insurance's Investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards to the junction of the Bremer and Brisbane Rivers and, in the areas approaching the junction of the Bremer and Brisbane Rivers, began to interact with the Brisbane River.
4. However, there are some upstream areas of the Bremer River (those covered by this report) where the Bremer River is unlikely to have been materially affected by the Brisbane river, and therefore any inundation is attributable to the rain which fell in the Bremer River catchment from around 6.00am on 11 January 2011.

Impact on application of policy

5. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
6. As stated above, the upstream areas of the Bremer River covered by this report were flooded by rain which fell not more than 24 hours earlier (starting at 6.00am on 11 January 2011).
7. The flooding in these upstream areas meets the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore covered.

Individual Properties

8. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ! is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3740966v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(APPROACHING THE BREMER RIVER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (approaching the Bremer River and Brisbane River Junction) in January 2011.

RACQ Insurance's Investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (approaching the Bremer River and Brisbane River Junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River causing inundation to some properties upstream of the junction of the Bremer and Brisbane Rivers.
4. As this water headed down the Bremer River towards the junction with the Brisbane River, the Brisbane River started to have a major effect. The level of the Brisbane River was elevated at this time due to earlier rain and releases from the Wivenhoe Dam due in particular to rain which fell in the dam's catchment area from around 6.00am on 9 January 2011. The elevated level of the Brisbane River meant that the water from the Bremer River could not flow into the Brisbane River at the same rate as it normally would.
5. Accordingly, for properties along the Bremer River approaching the junction with the Brisbane River, there were two mechanisms contributing to the flooding – one being the rain which had recently fallen in the Bremer River catchment and the other being the elevated level of the Brisbane River which inhibited that water's flow into the Brisbane River.
6. The peak of the Bremer River at One Mile (21.35m AHD) at approximately 1.00am on 12 January 2011 was attributable to the combined effects of flow from the Bremer River and the elevated levels of the Brisbane River. Likewise, the shape of the gauge results for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge results at the Brisbane River Moggill Gauge, indicating that the Brisbane River was having a major influence on the levels of the Bremer River in this area.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. As noted, the area comprising areas of the Bremer River approaching the junction of the Bremer River and the Brisbane River were flooded by a combination of:
 - (a) the rain in the upper part of the catchment (which had occurred within 24 hours); and
 - (b) the effect of the elevated levels of the Brisbane River (which was caused by the release of water from the Wivenhoe Dam following rain which fell more than 24 hours before the event).
9. As the rain which fell within 24 hours was not the dominant cause of the flooding in this area, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

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**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(DOWNSTREAM OF THE BREMER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (downstream of the Bremer and Brisbane River junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards the junction of the Bremer and Brisbane Rivers.
4. There are some areas of Ipswich downstream of the junction between the Bremer River and the Brisbane River (such as Goodna) which were inundated. The Brisbane River Moggill Gauge indicates that the peak water level around this area occurred around 3.00pm on 12 January 2011.
5. This flooding was attributable to the release of water from the Wivenhoe Dam. Some of the rain which began falling in the Bremer River catchment around 6.00am on 11 January 2011 would have flowed into the Brisbane River by this point, but the overwhelming cause of the flooding in these areas was the flood water from the Brisbane River that had been released from Wivenhoe Dam in particular as a result of the heavy rain that had fallen in the dam's catchment area since 6.00 am on 9 January 2011.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. As noted, the areas around Goodna, where the peak inundation by the Brisbane River occurred at around 3.00pm on 12 January 2011.
8. The dominant cause of this inundation was the rain which fell in the Wivenhoe Dam catchment in particular the rain commencing around 6.00am on 9 January 2011 which was then released into the Brisbane River.
9. Damage caused to properties by this event is not covered under the policy.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ Insurance is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO CHINCHILLA FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Chinchilla in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Chinchilla. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Chinchilla and the rate and speed at which water flowed through that catchment.

The key results

2. Chinchilla was inundated by two different flood events, which peaked on 28 December 2010 and 12 January 2011 respectively.

28 December 2010 event

3. Charleys Creek had an elevated water level on the days leading up to the peak.
4. Heavy rainfall commenced in the catchment at approximately 2.00am on 23 December 2010. Its impact on the level of Charleys Creek was small and the water had largely drained away within 24 hours.
5. Further rainfall commenced at approximately 6.00pm on 25 December 2010. The level of Charleys Creek did not change materially within the next 24 hours. The water level did not rise above the Major flood height (6 metres) until around 3.00am on 27 December 2010 and it did not peak (at 7.24 metres) until around 6.00am on 28 December 2010 (approximately 60 hours after the second rainfall event commenced).

12 January 2011 event

6. Further heavy rain fell in the catchment from around 12.00pm on 10 January 2011.
7. 24 hours after the commencement of this rainfall, the level of Charleys Creek increased significantly to approximately 6.53 metres. The level of Charleys Creek then continued to rise in the absence of any further rain, peaking at approximately 7.00am on 12 January 2011 at 7.45 metres (approximately 31 hours after the commencement of the rainfall).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Chinchilla on 28 December 2010 were inundated as a result of flooding due to rain that fell outside 24 hours of the flood occurring. These claims will, therefore, not be covered by the policy.
10. The majority of properties that were inundated on 28 December 2010 were inundated for a second time on 12 January 2011. As noted, the inundation on 12 January 2011 was the result of rain that fell within 24 hours of the flood occurring and is therefore covered by the policy. Therefore, any damage that can be shown to have been caused *exclusively* by the 12 January 2011 flooding will be covered under the policy.

Individual Properties

11. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO BUNDABERG FLOODS**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in the Bundaberg region in December 2010.

RACQ Insurance's Investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Bundaberg region. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Bundaberg region and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Burnett River catchment area (south of Bundaberg) between 18 December 2010 and 19 December 2010. This rain caused the Burnett River catchment to be saturated.
3. There was further substantial rainfall in the Burnett River catchment between 22 and 28 December 2010. The heaviest rain fell on the morning of 25 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha which was first declared a tropical low on 24 December 2010.
4. The Burnett River levels rose and ultimately peaked on 30 December 2010.
5. There was localised rainfall in Bundaberg on 27 and 28 December 2010. However, this rain had no appreciable effect on the peak flood level on 30 December 2010.
6. The rain which fell between 22 and 28 December 2010 (and particularly the rain on 25 December 2010) was the principal cause of inundation in Bundaberg which peaked on 30 December 2010.

Impact on application of policy

7. RACQ insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. The majority of properties that reported damage in the Bundaberg region were inundated as a result of flooding due to rain that fell more than 24 hours prior to the flood occurring (i.e. rain which fell between 22 and 28 December 2010) and are therefore not covered by the Policy.
9. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

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**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO BRISBANE FLOODS**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Brisbane in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Brisbane. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Brisbane and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which is reported to have peaked at approximately before midnight on 11 January 2011.
3. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River which worked its way down the River towards Brisbane. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
4. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. This is a necessarily imprecise figure because some important data is still not available to us.
5. Due to the high Brisbane River tailwater levels there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than the above estimate but we cannot presently say by how much less.
6. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River was the rain which fell some days earlier and its subsequent release from the Wivenhoe Dam.
7. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Brisbane were inundated as a result of the release of water from Wivenhoe Dam that followed the rainfall in the Brisbane River catchment that commenced on 9 January 2011.
10. This does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy. Claims for loss or damage in Brisbane will, therefore, generally not be covered.
11. There may be some properties which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3728852v1



Our Ref: MJM:RXR 10094914

8 June 2011

Mr John Price
General Insurance Ombudsman
Financial Ombudsman Service

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited
Provision of regional hydrology reports

As you are aware, we act for RACQ Insurance Limited.

We refer to your recent discussions with Graham Dale of our client, and particularly your email of 7 June 2010, which included the following:

I confirm that unless an exception applies FOS will require the provision of the complete hydrologist report in disputes where the central issue involves the hydrology. This position has been made clearly to your company in numerous discussions with Paul Faulkner as your EDR contact.

I am sure I do not need to remind you of your obligations under the terms of reference with respect to the exchange of information or the consequences that can flow in the event material is not provided.

Mr Faulkner acknowledges having discussions with you regarding the provision of regional hydrology reports. These discussions were reported to Mr Dale of our client. Mr Dale in turn instructed us to write to you in relation to the provision of regional hydrology reports.

We had taken our letter of 12 May 2011 (copy attached) as responding to those issues. We note that our letter sets out in detail the reasons why our client's position is that legal professional privilege and privacy issues mean that these documents should not be disclosed, and the steps that our client has taken to ensure that reasonable information is made available regarding its decisions. We note we have not received any response to that correspondence.

We appreciate that our letter of 12 May 2011 responded to allegations made in relation to the Code of Practice but we believe that the only conclusion that can be drawn from our client's position as set out in that letter is that the detailed considerations explained apply generally in the context of FOS (including in relation to the Terms of Reference generally).

However, to avoid any doubt, we will now provide further clarification.

Terms of Reference

Clause 7.2 of the Terms of Reference provides that FOS may require a party to provide information that FOS considers necessary. We are not certain whether your discussions with Mr Faulkner or your email to Graham Dale of 7 June 2010 are requests made pursuant to this clause. Perhaps you can clarify.

In any case, clause 7.5 sets out the consequences of failure to comply with such a request, if that non-compliance is "without reasonable excuse". It is respectfully submitted that both protection of legal professional privilege, and protection of privacy of individual customers, are clearly reasonable



excuses for not providing the information. We refer you to the comments in our letter of 12 May 2011 in this regard.

In relation to privilege, the clear legal position is that privilege cannot be abrogated without the expression of a clear intention to do so.

We refer, for example, to *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at [43]-[44]:

Courts do not construe legislation as abolishing, suspending or adversely affecting rights, freedoms and immunities that the courts have recognised as fundamental unless the legislation does so in unambiguous terms. In construing legislation, the courts begin with the presumption that the legislature does not interfere with these fundamental rights, freedoms and immunities unless it makes its intention to do so unmistakably clear. The courts will hold that the presumption has not been overcome unless the relevant legislation expressly abolishes, suspends or adversely affects the right, freedom or immunity or does so by necessary implication. They will hold that the legislature has done so by necessary implication whenever the legislative provision would be rendered inoperative or its object largely frustrated in its practical application, if the right, freedom or immunity were to prevail over the legislation. A power conferred in general terms, however, is unlikely to contain the necessary implication because "general words will almost always be able to be given some operation, even if that operation is limited in scope".

Australian courts have classified legal professional privilege as a fundamental right or immunity. Accordingly, they hold that a legislature will be taken to have abolished the privilege only when the legislative provision has done so expressly or by necessary implication.

Although the FOS Terms of Reference are not themselves legislation, they are specifically contemplated by, and approved under, legislation. The above principles therefore apply.

Further, even if the FOS Terms of Reference were looked at as simply a contract between FOS and our client, the above considerations would apply because the question would be whether the terms of the contract are inconsistent with the maintenance of the privilege. We submit that a court would be reluctant to find that an agreement is inconsistent with a "fundamental right or immunity" in the absence of clear terms to that effect.

Therefore, it is respectfully submitted that the Terms of Reference do not contain language, of the specific kind necessary, to express an intention to abrogate legal professional privilege.

In relation to our client's obligations under the *Privacy Act 1988* (Cth), there is obviously nothing in the FOS Terms of Reference which could override those obligations.

Conclusion

For those reasons, our client maintains that it has a reasonable excuse for not making the regional reports available.

In any case, we note that the reports in question have been prepared on a regional basis. What our client is proposing to provide, where relevant, is a statement from its hydrologist which presents whatever regional information is relevant to the insured's particular situation, as well as any relevant site-specific hydrology information.

Our client is keen to ensure that FOS and applicants have the best and most relevant information available. Our client believes that, where they are necessary, statements which deal specifically with the applicant's personal situation are the best source of information for the determination of FOS disputes.

We hope that this letter resolves the issue, but if there is any further information we can provide, please let us know.

Yours faithfully

COOPER GRACE WARD

Michael May
Associate

T
F
E

Rocco Russo
Partner

MJM10091926 3883992v2



Our Ref: MJM:RXR 10094914

12 May 2011

Mr John Price
General Insurance Ombudsman

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited
Provision of regional hydrology reports

We act for RACQ Insurance Limited.

Our client has forwarded us a copy of your emails of 3 and 4 May 2011 which attached an email from [REDACTED] of the Insurance Law Service dated 3 May 2011.

Our client takes its obligations under the General Insurance Code of Practice seriously, and also takes seriously the matters contained in Ms [REDACTED] email. We have been asked to write this letter responding to Ms [REDACTED] email.

Background

In relation to requests for hydrology reports, the standard response which we provide on behalf of our client is as follows:

Our client does not propose to provide a copy of its hydrology report because the report contains private information in relation to many other people whose privacy our client is required to protect and because the report is subject to legal professional privilege.

Ms [REDACTED] refers to clause 3.4.3 of the General Insurance Code of Practice and suggests that our client has breached that clause by not providing access to hydrology reports. This, with respect, is not correct.

Clause 3.4.3 provides as follows:

You will have access to information about you which we have relied on in assessing your claim and an opportunity to correct any mistakes or inaccuracies. In special circumstances¹¹ or where a claim is being or has been investigated, we may decline to release information and reports but we will not do so unreasonably. In these circumstances, we will give you reasons and you will have the right to request a review of our decision through our complaints handling procedures. We will provide our reasons in writing upon request.

Footnote 11 states as follows:

Such as where information is subject to privacy laws, where information is protected from disclosure by law, or where the release of the information may be prejudicial to us in relation to a dispute about your claim.

The standard response mentioned above is intended to refer to two of the circumstances set out in footnote 11 to clause 3.4.3 – namely “where information is subject to privacy laws”, and “where information is protected from disclosure by law”. Furthermore, the standard response satisfies the obligation in clause 3.4.3 to provide reasons for where an insurer has declined to release information.



The reports

To further explain the reason why these two circumstances apply, we propose to give some brief details about the form of the reports. In doing so, our client should not be taken to be waiving privilege in any way and we wish to make it clear that our client maintains its rights of privilege and confidentiality in relation to the documents.

Our client asked us to provide legal advice on various questions arising from the Queensland floods, including advice on our client's obligations to pay insureds' claims under their policies. As you would be aware, our client's standard policy provides coverage for "Flash flood and stormwater run-off" (as defined) but excludes coverage for "Flood" (as defined). In order to provide advice on the application of these terms, we needed evidence about the nature and timing of the flooding which had occurred.

Accordingly, our client instructed us to obtain a number of hydrology reports so that we could provide this advice. The reports have generally been prepared on a regional basis. The reports therefore deal with a number of insureds' properties, and the reports necessarily contain information about the properties which are being reported on (including names, addresses and claim numbers of insureds).

Privacy

Section 6 of the *Privacy Act 1988* (Cth) defines "personal information" as follows:

"personal information" means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

The information contained in the reports is "personal information" for the purposes of the *Privacy Act 1988* (Cth) and the National Privacy Principles. Our client is bound to treat such information in accordance with those laws.

Accordingly, the reports contain information that is "subject to privacy laws" for the purposes of footnote 11 to clause 3.4.3. This is sufficient to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Legal professional privilege

In addition the reports are subject to legal professional privilege.

Communications are privileged where they are made for the dominant purpose of providing legal advice or to aid in the conduct of litigation: *Grant v Downs* (1976) 135 CLR 674 at 677; *Esso Australia Resources Ltd v Federal Commissioner of Taxation* (1999) 201 CLR 49. Our client relies on both limbs of the privilege – ie advice privilege and litigation privilege.

As noted above, the reports were obtained to allow us to advise our clients on whether particular claims were or were not payable based on an application of the terms of the policy to the particular events found in the hydrology reports. They were therefore obtained for the dominant purpose of obtaining legal advice.

Further, when the Queensland floods occurred, it was apparent that a large number of insureds' claims would not fall within the terms of their policy, and would therefore be declined. With a likelihood of a high number of claims being denied, it was and is likely that many of those decisions will be challenged and therefore subject to litigation. Indeed there have, from an early stage, been various reports of possible class actions against insurers. In that environment, there was and is clearly a real prospect of litigation regarding the subject matter of the reports.

For those reasons, the regional hydrology reports obtained by our client are subject to legal professional privilege and thus are "protected from disclosure by law" for the purposes of footnote 11 to clause 3.4.3. This provides a further basis (independent of the privacy issues) to establish that our client is not obliged to provide its reports under clause 3.4.3 of the Code.

Information provided

Although the reports cannot be released for the reasons given above, our client has taken substantial steps to provide insureds with information about the hydrological conclusions it has formed.

We **attach** for your information examples of information sheets for various regions which our client has released freely to insureds wishing to obtain further information about their claim decision. As you will see, the information sheets set out clearly the key conclusions and reasons for those conclusions in respect of each region.

Accordingly, we submit that our client has taken all reasonable steps to make available all of the information which is relevant to its decisions.

The information sheets provide more than enough information for insureds to obtain their own hydrological evidence challenging those conclusions, if an insured wishes to do so.

Further information

We are happy to provide any further explanation or information that would assist in your consideration of our client's compliance with its obligations under the Code.

Yours faithfully

COOPER GRACE WARD

[Redacted signature block]

Michael May
Associate

T
F
E
[Redacted contact information]

[Redacted signature block]

Rocco Russo
Partner

MJM10091926 3836932v2

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO ROCKHAMPTON FLOODS**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Rockhampton in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Rockhampton. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Rockhampton and the rate and speed at which water flowed through that catchment.

The key results

2. The Fitzroy River was elevated during December 2010. It reached a Moderate flood level on 14 December 2010 which peaked at 7.65m on 16 December 2010. This was attributable primarily to the cumulative rainfall that fell between 1 to 4 December 2010 with some further contribution from rainfall on 11 and 12 December 2010.
3. The river then fell to 5.5m on 23 December 2010 and from there began to rise due to the widespread rainfall occurring from 23 to 28 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha, which was first declared a tropical low on 24 December 2010.
4. The Fitzroy River then flooded with a peak at 9.2m on or about 4 January 2011. The period of time that the river was in flood was substantial. It maintained levels of over 9m till 11 January 2011 and was over the Major flood level of 8.5m for the period from 1 to 14 January 2011.
5. There was local rainfall in the City of Rockhampton around the times that the Fitzroy River level was peaking (eg on 6 January 2011). However, this rainfall was of a relatively low intensity and occurred after the flood had peaked.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. RACQ Insurance's findings indicate that the flooding which occurred in Rockhampton in January 2011 was the result of rain which had fallen between 23 and 28 December 2010. As this rain fell more than 24 hours before the flooding, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered by the Policy.

AJW10091926 3728860v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(UPPER BREMER RIVER CATCHMENT AREA)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (in the upper Bremer River catchment area) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards to the junction of the Bremer and Brisbane Rivers and, in the areas approaching the junction of the Bremer and Brisbane Rivers, began to interact with the Brisbane River.
4. However, there are some upstream areas of the Bremer River (those covered by this report) where the Bremer River is unlikely to have been materially affected by the Brisbane river, and therefore any inundation is attributable to the rain which fell in the Bremer River catchment from around 6.00am on 11 January 2011.

Impact on application of policy

5. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
6. As stated above, the upstream areas of the Bremer River covered by this report were flooded by rain which fell not more than 24 hours earlier (starting at 6.00am on 11 January 2011).
7. The flooding in these upstream areas meets the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore covered.

Individual Properties

8. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3740965v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(APPROACHING THE BREMER RIVER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (approaching the Bremer River and Brisbane River Junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (approaching the Bremer River and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River causing inundation to some properties upstream of the junction of the Bremer and Brisbane Rivers.
4. As this water headed down the Bremer River towards the junction with the Brisbane River, the Brisbane River started to have a major effect. The level of the Brisbane River was elevated at this time due to earlier rain and releases from the Wivenhoe Dam due in particular to rain which fell in the dam's catchment area from around 6.00am on 9 January 2011. The elevated level of the Brisbane River meant that the water from the Bremer River could not flow into the Brisbane River at the same rate as it normally would.
5. Accordingly, for properties along the Bremer River approaching the junction with the Brisbane River, there were two mechanisms contributing to the flooding – one being the rain which had recently fallen in the Bremer River catchment and the other being the elevated level of the Brisbane River which inhibited that water's flow into the Brisbane River.
6. The peak of the Bremer River at One Mile (21.35m AHD) at approximately 1.00am on 12 January 2011 was attributable to the combined effects of flow from the Bremer River and the elevated levels of the Brisbane River. Likewise, the shape of the gauge results for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge results at the Brisbane River Moggill Gauge, indicating that the Brisbane River was having a major influence on the levels of the Bremer River in this area.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. As noted, the area comprising areas of the Bremer River approaching the junction of the Bremer River and the Brisbane River were flooded by a combination of:
 - (a) the rain in the upper part of the catchment (which had occurred within 24 hours); and
 - (b) the effect of the elevated levels of the Brisbane River (which was caused by the release of water from the Wivenhoe Dam following rain which fell more than 24 hours before the event).
9. As the rain which fell within 24 hours was not the dominant cause of the flooding in this area, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3741104v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(DOWNSTREAM OF THE BREMER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (downstream of the Bremer and Brisbane River junction) in January 2011.

RACQ Insurance's Investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards the junction of the Bremer and Brisbane Rivers.
4. There are some areas of Ipswich downstream of the junction between the Bremer River and the Brisbane River (such as Goodna) which were inundated. The Brisbane River Moggill Gauge indicates that the peak water level around this area occurred around 3.00pm on 12 January 2011.
5. This flooding was attributable to the release of water from the Wivenhoe Dam. Some of the rain which began falling in the Bremer River catchment around 6.00am on 11 January 2011 would have flowed into the Brisbane River by this point, but the overwhelming cause of the flooding in these areas was the flood water from the Brisbane River that had been released from Wivenhoe Dam in particular as a result of the heavy rain that had fallen in the dam's catchment area since 6.00 am on 9 January 2011.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. As noted, the areas around Goodna, where the peak inundation by the Brisbane River occurred at around 3.00pm on 12 January 2011.
8. The dominant cause of this inundation was the rain which fell in the Wivenhoe Dam catchment in particular the rain commencing around 6.00am on 9 January 2011 which was then released into the Brisbane River.
9. Damage caused to properties by this event is not covered under the policy.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ Insurance is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO CHINCHILLA FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Chinchilla in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Chinchilla. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Chinchilla and the rate and speed at which water flowed through that catchment.

The key results

2. Chinchilla was inundated by two different flood events, which peaked on 28 December 2010 and 12 January 2011 respectively.

28 December 2010 event

3. Charleys Creek had an elevated water level on the days leading up to the peak.
4. Heavy rainfall commenced in the catchment at approximately 2.00am on 23 December 2010. Its impact on the level of Charleys Creek was small and the water had largely drained away within 24 hours.
5. Further rainfall commenced at approximately 6.00pm on 25 December 2010. The level of Charleys Creek did not change materially within the next 24 hours. The water level did not rise above the major flood height (6 metres) until around 3.00am on 27 December 2010 and it did not peak (at 7.24 metres) until around 6.00am on 28 December 2010 (approximately 60 hours after the second rainfall event commenced).

12 January 2011 event

6. Further heavy rain fell in the catchment from around 12.00pm on 10 January 2011.
7. 24 hours after the commencement of this rainfall, the level of Charleys Creek increased significantly to approximately 6.53 metres. The level of Charleys Creek then continued to rise in the absence of any further rain, peaking at approximately 7.00am on 12 January 2011 at 7.45 metres (approximately 31 hours after the commencement of the rainfall).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Chinchilla on 28 December 2010 were inundated as a result of flooding due to rain that fell outside 24 hours of the flood occurring. These claims will, therefore, not be covered by the policy.
10. The majority of properties that were inundated on 28 December 2010 were inundated for a second time on 12 January 2011. As noted, the inundation on 12 January 2011 was the result of rain that fell within 24 hours of the flood occurring and is therefore covered by the policy. Therefore, any damage that can be shown to have been caused *exclusively* by the 12 January 2011 flooding will be covered under the policy.

Individual Properties

11. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO BUNDABERG FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in the Bundaberg region in December 2010.

RACQ Insurance's Investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Bundaberg region. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Bundaberg region and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Burnett River catchment area (south of Bundaberg) between 18 December 2010 and 19 December 2010. This rain caused the Burnett River catchment to be saturated.
3. There was further substantial rainfall in the Burnett River catchment between 22 and 28 December 2010. The heaviest rain fell on the morning of 25 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha which was first declared a tropical low on 24 December 2010.
4. The Burnett River levels rose and ultimately peaked on 30 December 2010.
5. There was localised rainfall in Bundaberg on 27 and 28 December 2010. However, this rain had no appreciable effect on the peak flood level on 30 December 2010.
6. The rain which fell between 22 and 28 December 2010 (and particularly the rain on 25 December 2010) was the principal cause of inundation in Bundaberg which peaked on 30 December 2010.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. The majority of properties that reported damage in the Bundaberg region were inundated as a result of flooding due to rain that fell more than 24 hours prior to the flood occurring (i.e. rain which fell between 22 and 28 December 2010) and are therefore not covered by the Policy.
9. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3728865v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO BRISBANE FLOODS**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Brisbane in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Brisbane. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Brisbane and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which is reported to have peaked at approximately before midnight on 11 January 2011.
3. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River which worked its way down the River towards Brisbane. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
4. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. This is a necessarily imprecise figure because some important data is still not available to us.
5. Due to the high Brisbane River tailwater levels there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than the above estimate but we cannot presently say by how much less.
6. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River was the rain which fell some days earlier and its subsequent release from the Wivenhoe Dam.
7. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Brisbane were inundated as a result of the release of water from Wivenhoe Dam that followed the rainfall in the Brisbane River catchment that commenced on 9 January 2011.
10. This does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy. Claims for loss or damage in Brisbane will, therefore, generally not be covered.
11. There may be some properties which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

15 June 2011

Mr Michael May
Associate
Cooper Grace Ward
Lawyers
GPO Box 834
Brisbane 4001

Dear Mr May

**RACQ Insurance Limited (RACQ)
Provision of hydrology reports**

Thank you for your letters dated 12 May 2011 and 8 June 2011.

Your letters

You indicated that your client, RACQ, has a reasonable excuse for not making the full regional hydrologist reports available to both the Financial Ombudsman Service (FOS) and RACQ's insureds. You cited legal professional privilege (LPP) and privacy as the reasons for this.

Paragraph 7.2 of our Terms of Reference provides that a party must comply with FOS's request for information within the required timeframe, unless one of the specified conditions applies. There is nothing in your correspondence which would satisfy that part of paragraph 7.2. Paragraph 7.5 of the Terms of Reference outlines the consequences of a failure to comply with FOS's request.

Unless Special Circumstances apply to the material, then paragraph 8.4c) provides that where a party refuses to consent to providing material to the other party, FOS will not take that material into account when reaching its decision.

With the devastation experienced in Queensland by the recent floods, there is a wide expectation that FOS is accessible and in a position to provide its services for disputes that are unable to be resolved between eligible applicants and their insurance companies. In doing this, it does so by a transparent process and in line with the principles of procedural fairness.

In relation to an insurer's reliance on an expert opinion, it has been both FOS and its Predecessor Scheme's practice for an insurer to disclose the relevant report in an unaltered form. This is to enable both FOS and the other party to consider not only the opinion, but the context, comments and observations that led the expert to their conclusion.

FOS accepts that its Terms of Reference cannot compel a party to disclose information either to FOS or the other party if it is protected by LPP. However, FOS is also conscious of its role as an external dispute resolution scheme to fairly and independently resolve disputes.

While you have claimed LPP applies, it is apparent from the discussions with your client the principal reason for the hydrologist reports is the determination of liability in respect of the claims. We do not accept that LPP necessarily applies in these circumstances. Should you elect not to provide the full reports, then this may lead to an adverse inference being found. This is the same process as would apply before most decision making bodies, in particular, courts.

In so far as possible breaches of privacy requirements are concerned, this can be rectified by 'blacking out' personal information concerning third parties, in order to protect that party's privacy. There is no reason why this could not be applied with respect to those hydrologist reports where personal information about a third party is disclosed and has no bearing to the relevant dispute.

Next Step

As FOS is required to resolve disputes in a timely manner, I will progress the disputes involving RACQ in fourteen days time.

If RACQ does not provide the full version of the hydrologist reports, please note FOS will determine the disputes based on the information provided to it and in accordance with its normal practice.

Yours sincerely

John Price
General Insurance Ombudsman



Faulkner, Paul

From: John Price [REDACTED]
Sent: Thursday, 23 June 2011 4:13 PM
To: DALE, Graham
Cc: FAULKNER, Paul
Subject: Hydrologist Reports
Attachments: RACQ.pdf

Graham

I have attached a copy of the response sent to your solicitors on 15 June regarding the exchange of material. I had intended to cc you into the letter but it is apparent this did not occur. I will be in Brisbane on Monday 4 July if you wish to discuss any issues.

Regards

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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15 June 2011

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Associate
Cooper Grace Ward
Lawyers
GPO Box 834
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Yours sincerely

John Price
General Insurance Ombudsman

Dale, Graham

From: DALE, Graham
Sent: Friday, 24 June 2011 3:14 PM
To: 'John Price'
Cc: HALICZER, Denise
Subject: RE: Hydrologist Reports

Thanks John.

I really appreciate your suggestion of a meeting. I have been discussing the issues with my CEO Brad Heath and he would also like to meet with you to talk them through. I called this afternoon to book a time (hopefully on the morning on the 4th as Brad currently has a gap in his diary on that morning) however you were tied up.

Feel free to call me any time over the weekend to lock in a time otherwise I will call your office on Monday morning.

In the interim, our legal advisers, Cooper Grace Ward were already considering some of the points you raise in your letter and I will ask them to respond to you with a view to that assisting our discussions when we meet.

Regards
Graham

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Thursday, 23 June 2011 4:13 PM
To: DALE, Graham
Cc: FAULKNER, Paul
Subject: Hydrologist Reports

Graham
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I will be in Brisbane on Monday 4 July if you wish to discuss any issues.

Regards
John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] | Toll Free: 1300 78 08 08 | www.fos.org.au
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Dale, Graham

From: DALE, Graham
Sent: Friday, 1 July 2011 1:43 PM
To: 'John Price'
Cc: [REDACTED]
Subject: FW: Meeting with John Price 4 July 11.30am in Brisbane

John, I think it may be helpful to have Rocco Russo, who is a partner at CGW who act for us in relation to the event management to be present at our meeting on Monday.

I wanted to check with you first though - would you have any concerns with this?

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

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2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 3:33 PM
To: DALE, Graham
Subject: RE: Meeting with John Price 4 July 11.30am in Brisbane

Many thanks Graham,

John will see you on Monday 4 July 2011 at 11.30am at Corporate Executive Offices, Boardroom 22/127 Creek Street Brisbane.

For your information, John's mobile number is [REDACTED] just in case you need it, otherwise he'll see you on the 4th.

Enjoy the rest of your day Graham.
Kind regards,

[REDACTED] | Administrative Support Team Leader Financial Ombudsman Service
P: [REDACTED] | Local Call: 1300 78 08 08 |
www.fos.org.au

-----Original Message-----

From: DALE, Graham [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 3:30 PM
To: Hannah Thiele
Cc: [REDACTED]; HEATH, Bradley
Subject: FW: Meeting with John Price 4 July 11.30am in Brisbane
Importance: High

Thank you [REDACTED]

Please note I have checked with Brad. We can lock this time in and we look forward to meeting John then.

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 12:59 PM
To: DALE, Graham
Subject: Meeting with John Price 4 July 11.30am in Brisbane
Importance: High

Dear Graham,

John Price is happy to meet with yourself and Brad Heath on Monday 4 July 2011 at 11.30am at Corporate Executive Offices, Boardroom 22/127 Creek Street Brisbane.

Please kindly confirm your availability and I will lock it in with John.

Thanks and regards,

[REDACTED] | Administrative Support Team Leader Financial Ombudsman Service
P: [REDACTED] | Local Call: 1300 78 08 08 |
www.tos.org.au

-----Original Message-----

From: John Price
Sent: Monday, 27 June 2011 8:59 AM
To: [REDACTED]
Subject: FW: Hydrologist Reports

Hi
Can you see what time I can get to Qld that morning.
Thanks

John Price | General Insurance Ombudsman Financial Ombudsman Service Limited
P:+61 [REDACTED] | Toll Free: 1300 78 08 08 |
www.fos.org.au Please consider the environment before printing this email

-----Original Message-----

From: DALE, Graham [mailto:[REDACTED]]
Sent: Friday, 24 June 2011 3:14 PM
To: John Price
Cc: [REDACTED]

Subject: RE: Hydrologist Reports

Thanks John.

I really appreciate your suggestion of a meeting. I have been discussing the issues with my CEO Brad Heath and he would also like to meet with you to talk them through. I called this afternoon to book a time (hopefully on the morning on the 4th as Brad currently has a gap in his diary on that morning) however you were tied up.

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Regards

Graham

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2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia

Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309

Email: [REDACTED] | Web: www.racqinsurance.com.au <<http://www.racqinsurance.com.au/>>

Personal Assistant: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Thursday, 23 June 2011 4:13 PM
To: DALE, Graham

Cc: FAULKNER, Paul
Subject: Hydrologist Reports

Graham

I have attached a copy of the response sent to your solicitors on 15 June regarding the exchange of material.

I had intended to cc you into the letter but it is apparent this did not occur.

I will be in Brisbane on Monday 4 July if you wish to discuss any issues.

Regards

John

John Price | General Insurance Ombudsman Financial Ombudsman Service Limited
P: +61 3 9621 2060 | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 |
www.fos.org.au <blocked::http://www.fos.org.au/> Please consider the environment before
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Dale, Graham

From: John Price [JPrice@FOS.org.au]
Sent: Friday, 1 July 2011 7:59 PM
To: DALE, Graham
Subject: Re: Meeting with John Price 4 July 11.30am in Brisbane

I see the issue is something that we need to discuss. I doubt that the presence of your lawyers will assist. Suggest that the meeting is between your CEO , you and myself.

----- Original Message -----

From: DALE, Graham [redacted] >
To: John Price
Cc: [redacted]
Sent: Fri Jul 01 13:43:29 2011
Subject: FW: Meeting with John Price 4 July 11.30am in Brisbane

John, I think it may be helpful to have Rocco Russo, who is a partner at CGW who act for us in relation to the event management to be present at our meeting on Monday.

I wanted to check with you first though - would you have any concerns with this?

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [redacted] | Facsimile: +61 (7) 3841 6309
Email: [redacted] | Web: www.racqinsurance.com.au

Personal Assistant: [redacted]
Telephone [redacted]
Email: [redacted]

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Sent: Monday, 27 June 2011 3:33 PM
To: DALE, Graham
Subject: RE: Meeting with John Price 4 July 11.30am in Brisbane

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Enjoy the rest of your day Graham.
Kind regards,

[redacted] I Administrative Support Team Leader Financial Ombudsman Service
P: [redacted] Local Call: 1300 78 08 08 |
www.fos.org.au

-----Original Message-----

From: DALE, Graham [mailto:]
Sent: Monday, 27 June 2011 3:30 PM
To: [redacted]
Cc: [redacted] HEATH, Bradley
Subject: FW: Meeting with John Price 4 July 11.30am in Brisbane
Importance: High

Thank you [redacted]

Please note I have checked with Brad. We can lock this time in and we look forward to meeting John then.

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
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www.fos.org.au

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Hi

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Thanks

John Price | General Insurance Ombudsman Financial Ombudsman Service Limited
P: [REDACTED] | Fax:+61 3 9621 2060 | Toll Free: 1300 78 08 08 |
www.fos.org.au Please consider the environment before printing this email

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Cc: [REDACTED]
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John

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www.fos.org.au <blocked::http://www.fos.org.au/> Please consider the environment before
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Dale, Graham

From: DALE, Graham
Sent: Saturday, 2 July 2011 7:49 AM
To: 'John Price'
Subject: RE: Meeting with John Price 4 July 11.30am in Brisbane

Thanks John.

Bradley and myself will meet with you without CGW.

See you on Monday.

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

-----Original Message-----

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Subject: Re: Meeting with John Price 4 July 11.30am in Brisbane

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Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 3:33 PM
To: DALE, Graham
Subject: RE: Meeting with John Price 4 July 11.30am in Brisbane

Many thanks Graham,

John will see you on Monday 4 July 2011 at 11.30am at Corporate Executive Offices,
Boardroom 22/127 Creek Street Brisbane.

For your information, John's mobile number is [REDACTED] just in case you need it,
otherwise he'll see you on the 4th.

Enjoy the rest of your day Graham.
Kind regards,

[REDACTED] I Administrative Support Team Leader Financial Ombudsman Service
P:
www.fos.org.au

-----Original Message-----

From: DALE, Graham [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 3:30 PM
To: [REDACTED]
Cc: [REDACTED] HEATH, Bradley
Subject: FW: Meeting with John Price 4 July 11.30am in Brisbane
Importance: High

Thank you [REDACTED]

Please note I have checked with Brad. We can lock this time in and we look forward to
meeting John then.

Regards

Graham Dale
General Manager Personal Insurance Claims RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841
6309
Email: [REDACTED] Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 27 June 2011 12:59 PM
To: DALE, Graham

Subject: Meeting with John Price 4 July 11.30am in Brisbane
Importance: High

Dear Graham,

John Price is happy to meet with yourself and Brad Heath on Monday 4 July 2011 at 11.30am at Corporate Executive Offices, Boardroom 22/127 Creek Street Brisbane.

Please kindly confirm your availability and I will lock it in with John.

Thanks and regards,

██████████ I Administrative Support Team Leader Financial Ombudsman Service
P: ██████████ | Local Call: 1300 78 08 08 |
www.fos.org.au

-----Original Message-----

From: John Price
Sent: Monday, 27 June 2011 8:59 AM
To: ██████████
Subject: FW: Hydrologist Reports

Hi
Can you see what time I can get to Qld that morning.
Thanks

John Price | General Insurance Ombudsman Financial Ombudsman Service Limited
P: ██████████ | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 |
www.fos.org.au Please consider the environment before printing this email

-----Original Message-----

From: DALE, Graham [mailto:██████████]
Sent: Friday, 24 June 2011 3:14 PM
To: John Price
Cc: ██████████
Subject: RE: Hydrologist Reports

Thanks John.

I really appreciate your suggestion of a meeting. I have been discussing the issues with my CEO Brad Heath and he would also like to meet with you to talk them through. I called this afternoon to book a time (hopefully on the morning on the 4th as Brad currently has a gap in his diary on that morning) however you were tied up.

Feel free to call me any time over the weekend to lock in a time otherwise I will call your office on Monday morning.

In the interim, our legal advisers, Cooper Grace Ward were already considering some of the points you raise in your letter and I will ask them to respond to you with a view to that assisting our discussions when we meet.

Regards

Graham

Graham Dale

General Manager Personal Insurance Claims

RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia

2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia

Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309

Email: [REDACTED] | Web: www.racqinsurance.com.au <<http://www.racqinsurance.com.au/>>

Personal Assistant: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Thursday, 23 June 2011 4:13 PM
To: DALE, Graham
Cc: FAULKNER, Paul
Subject: Hydrologist Reports

Graham

I have attached a copy of the response sent to your solicitors on 15 June regarding the exchange of material.

I had intended to cc you into the letter but it is apparent this did not occur.

I will be in Brisbane on Monday 4 July if you wish to discuss any issues.

Regards

John

John Price | General Insurance Ombudsman Financial Ombudsman Service Limited
P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 |
www.fos.org.au <[blocked::http://www.fos.org.au/](http://www.fos.org.au/)> Please consider the environment before printing this email

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Summary notes made by Graham Dale of meeting with John Price of FOS to discuss issues surrounding RACQI hydrology processes and release of regional hydrology reports

Date of meeting: 11:30am 4th July 2011

Date of notes: 4th July 2011

Location: Corporate offices, 127 Creek Street, Brisbane

Present: Bradley Heath, Graham Dale, John Price

- The meeting opened with a general discussion around the Queensland floods and associated issues for customers, the industry and FOS.
- John talked about the process that FOS were following, in particular a desire to be out in the field communicating with customers to understand their issues.
- Graham asked John how the FOS was coping with what he assumed to be a large influx of claims resulting from the Queensland floods. John confirmed that process etc were in place.
- Graham asked whether the normal FOS processes were being followed for the flood claims. John said that for the flood claims, given their size and ramifications etc that these would still proceed through the determination process, but given the influx of these there was a likelihood that a process of attempted conciliation would be used more often in respect of claims across the board such as disputes over quantum. This was to support timeliness of outcomes with the influx of work.
- John asked Graham how many claims RACQI had from Cyclone Yasi. Graham confirmed that RACQI had approximately 5,000 and there was a discussion as to the nature of these claims and the fact that the position for the industry could have been much worse had the cyclone crossed the coast in more populated areas. There was general discussion that there were not many disputes arising out of this in comparison to the Queensland floods. Graham expressed a view that the coverage issues were not comparable.
- After this general discussion Graham asked whether there was any particular structure that John wanted to follow in the meeting.
- John said that the issue we're here to talk about is RACQI's position of not releasing the regional hydrology reports and the issues associated with that. Graham agreed.
- John went on to state his position that;
 - the full regional hydrology reports must be released as a fundamental principle and the FOS would not move from this position.
 - it is up to RACQI whether the hydrologist provides a statement as well.
 - John talked about hydrologists and others being invited by the FOS to attend meetings etc held in the field.
 - the FOS and the applicant are entitled to these reports, they are fundamental to understanding all of the considerations and what was included and excluded in considerations.
 - other insurers were releasing their hydrology reports.
 - John suggested that RACQI would only have 5 or so of these. Graham confirmed that the number was closer to 15 - 18.
 - John went on to state that if RACQI goes down the track of not releasing the regional hydrology reports, FOS would assume that RACQI was not releasing these reports because information in the reports would be prejudicial to RACQI's position.

- Graham responded by talking to the specific provisions of the RACQI Household PDS and the fact that because of the flash flood/storm water cover provided the regional reports were specific to this PDS.
- Graham clarified that RACQI, from the outset anticipated a number of issues arising out of the Queensland flood events, including the possibility of class actions and put together a team of experts to assist with assessing claims in light of this. This included legal advisors, hydrologist, Loss Adjusters etc. and that the legal experts briefed the hydrologists to ensure information was received to enable them to provide legal advice to RACQI.
- Graham reaffirmed that in his view the regional hydrology reports were, and remain, subject to legal and professional privilege.
- There was a discussion around RACQI's concerns as to the FOS position as communicated by John. John advised that it was up to RACQI to understand whether it continued with a position of the regional reports being subject to legal professional privilege, but the FOS would treat matters as he had outlined.
- John stated that in the event that the customer raised any contradictory information to the hydrologists affidavit that in the absence of a regional hydrology report the FOS would be forced to accept what the customer says because it couldn't be sure that the affidavit was independent and not a 'hired gun' report which had been prepared without independence, i.e. on legal instruction.
- There was a general discussion regarding the possibility of class actions. John expressed a view that it was unlikely the hydrology would be the topic of class actions and more likely this would be point of sale, insurance contracts act etc. Bradley stated that he didn't disagree with this opinion but it was possible that hydrology could be, or form a part of any tactical aspect of class actions.
- John then made the point that there was already a 'systemic' issue for RACQI relating to the non provision of reports and that this and our communication with customers was a matter that would be referred to the FOS code compliance area to investigate systemic/breach of code.
- He had advised the code compliance area not to deal with issues such as these at this time, but to deal with them later once the priority had shifted from claims decisions.
- There was a general discussion around this issue of systemic problems and breach of code. Bradley talked about RACQI's market share and the fact that we were by far and away the insurer with the largest market share who was not paying for flood and that this would be reflected in the level of feedback being communicated to the FOS by customers. John said that the non release of the regional hydrology reports was central to these systemic issues as was communication because in respect of other insurers who released their reports, there were less issues.
- John said that RACQI might need to consider further what it needed to do in this area depending on it's stance on the regional hydrology reports. It could well be that the Code of Compliance committee formed a view that there was no systemic issue/breach, but RACQI might want to consider how it might release information to customers, legal aid etc i.e. website etc.
- Bradley asked John whether there was any way that John could see where RACQI's stance in relation to the legal/professional privilege of the reports could be maintained whilst satisfying

the FOS's requirements. John responded by reaffirming the points made earlier around the treatment of disputes by FOS when regional reports are not provided and that he could only give this feedback and it was up to RACQI as to what position it adopted.

- Graham stressed again that the regional hydrology reports were commissioned by the legal experts for the purposes of giving legal advice to RACQI and that they were also commissioned in contemplation of litigation on that basis. RACQI had been advised that the reports are clearly subject to legal/professional privilege.
- John stressed again that it was up to RACQI whether to adopt this position but in his view in there were also considerations for RACQI around issues such as reputational damage.
- In response to the raising of systemic issues by John, Graham raised the issue that if the reports were now released to FOS at this time effectively that put RACQI in a difficult position if it then received notice of a systemic issue, i.e. it would have already waived the legal professional privilege by releasing the reports to the FOS. Graham clarified this further by saying that his concern was that effectively by releasing the regional reports to the FOS, it compromised the position adopted with customers etc up to this point that the reports were legally privileged. In response John suggested that this probably wasn't a concern in his view as RACQI would have had a legitimate belief that it had provided adequate information to customers etc up to this time.
- Graham asked that if RACQI, after this meeting, in talking to it's lawyers, reached a position where the regional hydrology reports needed to be released to the FOS could it choose to do so either by releasing them all at one time to FOS, i.e. independently of each submission or could we alternatively provide as part of the submission process. John expressed a view that either would be appropriate.
- The meeting finished with an understanding that RACQI would consider further in conjunction with it's legal advisors and revert.



Our Ref: CGW 10098073

14 July 2011

Mr John Price FOS
Ombudsman - General Insurance
GPO Box 3
MELBOURNE VIC 3001

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited

As previously advised, our view is that the regional hydrology reports obtained for our client are subject to legal professional privilege.

FOS has indicated to us that its view is that the reports must be disclosed to comply with our client's obligations under the General Insurance Code of Practice. Our client does not agree with this position. However given that FOS' stated position and its indication that a continued failure to provide the reports on the basis of the claim of privilege will lead FOS to drawing inferences adverse to our client, our client proposes now to provide the reports to it. This is done for the purposes of enabling FOS to consider the reports in relation to the various complaints which have been referred to it. In doing so, our client is not to be taken to be waiving privilege in any respect.

Enclosed is a disc containing copies of the regional hydrology reports. There is one hydrology report which has just come to hand and which we are considering. This will be provided in the near future. In the meantime, the enclosed disc contains the balance copies of the regional hydrology reports.

They are provided on the basis that they are to be used only for the purposes of reviews of complaints in accordance with the General Insurance Code of Practice and that you will take appropriate steps to protect the privacy of the individuals referred to in the reports.

Yours faithfully
COOPER GRACE WARD

Chris Ward
Managing Partner

T
F
E

CGW10098073 3958332v1



Dale, Graham

From: John Price [REDACTED]
Sent: Friday, 15 July 2011 12:20 PM
To: DALE, Graham
Cc: HEATH, Bradley
Subject: Provision of Hydrology reports
Attachments: Cooper Grace Ward 14 July.pdf

Graham

Thank you for your call yesterday.

I received the disc containing the regional hydrology reports from Cooper Grace Ward and have attached a copy of the accompanying letter.

As you will see the solicitors are still claiming privilege and as such these reports cannot be exchanged with the applicants or their advisors. Unless the reports are exchanged as part of the EDR process, they will not be relied upon as part of any determination.

From the balance of the letter I assume it is intended that the reports be relied upon in the determination of the disputes. Privilege will need to be waived for the purpose of exchanging the reports with the applicants and their advisors for this to occur.

Hopefully this is just a misunderstanding and these matters can be advanced.

Regards

John

**John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited**

P: [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Our Ref: CGW 10098073

14 July 2011

Mr John Price FOS
Ombudsman - General Insurance
GPO Box 3
MELBOURNE VIC 3001

Level 21, 400 George Street
Brisbane 4000 Australia

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ABN 75 591 906 639

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They are provided on the basis that they are to be used only for the purposes of reviews of complaints in accordance with the General Insurance Code of Practice and that you will take appropriate steps to protect the privacy of the individuals referred to in the reports.

Yours faithfully

COOPER GRACE WARD



Chris Ward
Managing Partner

T [Redacted]
F [Redacted]
E [Redacted]

CGW10098073 3958332v1



Dale, Graham

From: DALE, Graham
Sent: Monday, 18 July 2011 5:01 PM
To: 'John Price'
Cc: Chris Ward; HEATH, Bradley
Subject: RE: Provision of Hydrology reports

Importance: High

Thanks for your email John – sorry I couldn't get back to you on Friday.

I understand the point you are making.

Although we still claim privilege over the reports, you are correct that it is our intention that the reports be relied upon in the determination of disputes. We agree to the reports being provided to Insureds and or their representatives who have made complaints in accordance with the Code of Practice (assuming that appropriate steps are of course taken to protect the privacy of individuals mentioned in the reports).

With urgency, I am currently working through establishing a process to directly send the relevant reports to appropriate Insureds or their legal representatives. This is quite complex. The reports have already been provided to Legal Aid Queensland at the same time that they were provided to FOS.

If you have any queries, please don't hesitate to give me a call and we can discuss.

Regards

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Friday, 15 July 2011 12:20 PM
To: DALE, Graham
Cc: HEATH, Bradley
Subject: Provision of Hydrology reports

Graham
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Hopefully this is just a misunderstanding and these matters can be advanced.

Regards

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Dale, Graham

From: DALE, Graham
Sent: Thursday, 21 July 2011 12:52 PM
To: 'John Price'
Cc: [REDACTED] FAULKNER, Paul
Subject: Hydrology and a couple of other matters
Attachments: RACQI FOS 21072011.xlsx

Good afternoon John. Paul Faulkner has touched based with me following your discussion with him yesterday.

Regional Hydrology Reports

I understand that you have requested RACQI provide information to assist FOS with locating the region for each dispute.

Attached is a table which provides that information for the disputes for which RACQI submissions have been made.

Just a couple of other points which may be of assistance:

- The statements provided with our submissions also refer to the relevant region.
- The data within the tables contained in the reports is 'searchable' e.g. you can locate a claim in the tables by searching by the claim number.
- The reports are iterative in terms of their development and a chronological approach should be taken (by date of issue) in terms of their interpretation

As per my email of Monday, we will be sending the relevant reports to Insureds or their legal representatives as appropriate and are working through this with urgency.

[REDACTED]

I have now personally reviewed this matter. I am happy to settle this particular matter at \$2,000 all up if this is an acceptable negotiation for the Insured. Please have your case manager or similar advise Paul and he will facilitate.

Conciliation/Negotiation

I can confirm that it is our position that we will not rule out conciliation/negotiation. This is something we discussed when we met with you on the 4th of July where you advised us that, whilst 'flood' claims, given their size and ramifications etc would still proceed through a determination process, there was a likelihood that a process of attempted conciliation would be used more often across the board for things such as disputes over quantum etc. Brad and I were both happy with that approach.

John- if there is anything else you need or I can do to assist – please let me know.

Regards
Graham

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia

1

2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309
Email: [REDACTED] Web: www.racqinsurance.com.au

Personal Assistant [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

Claim Number	FOS Reference	Name	Region
	242632		Brisbane
	237141		Brisbane
	243562		Ipswich
	239045		Ipswich
	245716		Emerald
	233682		Middle Brisbane
	246848		Brisbane
	246492		Brisbane
	231717		Ipswich
	241868		Ipswich
	243069		Ipswich
	234637		Ipswich
	242058		Ipswich
	245761		Emerald
	241852		Brisbane
	246850		Brisbane
	245344		Ipswich
	245269		Brisbane
	245378		Ipswich
	245163		Brisbane
	239447		Emerald
	243793		Brisbane
	241145		Brisbane
	239722		Brisbane
	241188		Brisbane
	246852		Ipswich
	242460		Brisbane
	246495		Brisbane
	245384		Brisbane
	245470		Ipswich
	242183		Middle Brisbane
	246164		Ipswich
	245382		Brisbane
	242055		Brisbane
	242427		Brisbane
	241171		Brisbane
	246171		Ipswich
	234622		Brisbane
	237076		Ipswich
	241994		Rockhampton
	242425		Ipswich
	243230		Ipswich
	243417		Ipswich
	242658		Ipswich

Faulkner, Paul

From: John Price [REDACTED]
Sent: Thursday, 21 July 2011 1:52 PM
To: DALE, Graham
Cc: [REDACTED] FAULKNER, Paul
Subject: RE: Hydrology and a couple of other matters

Hi Graham

Thanks for the further information. We will let you know how we go locating the regional reports.

On [REDACTED] I have spoken to [REDACTED] about the offer of \$2000. She has indicated acceptance although she has not spoken to her Husband. I am sure there will be no problem there.

We will forward confirmation of the offer/ settlement to the Applicants for signing.

Regards

John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: + [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

Please consider the environment before printing this email

From: DALE, Graham [mailto:[REDACTED]]
Sent: Thursday, 21 July 2011 12:52 PM
To: John Price
Cc: [REDACTED] FAULKNER, Paul
Subject: Hydrology and a couple of other matters

Good afternoon John. Paul Faulkner has touched based with me following your discussion with him yesterday.

Regional Hydrology Reports

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- The statements provided with our submissions also refer to the relevant region.
- The data within the tables contained in the reports is 'searchable' e.g. you can locate a claim in the tables by searching by the claim number.
- The reports are iterative in terms of their development and a chronological approach should be taken (by date of issue) in terms of their interpretation

As per my email of Monday, we will be sending the relevant reports to Insureds or their legal representatives as appropriate and are working through this with urgency.

[REDACTED]

I have now personally reviewed this matter. I am happy to settle this particular matter at \$2,000 all up if this is an acceptable negotiation for the Insured. Please have your case manager or similar advise Paul and he will facilitate.

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John- if there is anything else you need or I can do to assist – please let me know.

Regards
Graham

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

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Personal Assistant [REDACTED]
Telephone: [REDACTED]
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Dale, Graham

From: John Price [REDACTED]
Sent: Wednesday, 10 August 2011 11:05 AM
To: DALE, Graham
Cc: [REDACTED]
Subject: Hydrologist reports

Hello Graham

Caxton Legal Service have advised that they have not received the disc covering the hydrologist reports relied upon by RACQ

It is my understanding that the discs were to be provided to all relevant Legal Services.

Can you please confirm that you will provide the relevant hydrologist reports to Caxton LS so they are able to provide considered response to these disputes.

Could you also confirm you will supply a copy of the additional hydrology information (if any) relied upon in relation to the "flash

Flooding effecting the Bremmer river.

If there are any issues with this please give me a call

Regards

**John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited**

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

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Dale, Graham

From: DALE, Graham
Sent: Monday, 15 August 2011 7:12 PM
To: 'John Price'
Subject: RE: Hydrologist reports

John – apologies for delay in coming back to you.

I confirm that the relevant hydrology reports will be supplied to Caxton LS (and other legal representatives of our customers) -we will have them with them very shortly. The Ipswich hydrology reports, which are iterative, include a view of the issues which led to the decision to accept a large number of claims in the Ipswich region which had previously been declined.

Regards

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] 115 | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Wednesday, 10 August 2011 11:05 AM
To: DALE, Graham
Cc: 'jodi [REDACTED]'; Virginia Fenner
Subject: Hydrologist reports

Hello Graham

Caxton Legal Service have advised that they have not received the disc covering the hydrologist reports relied upon by RACQ

It is my understanding that the discs were to be provided to all relevant Legal Services.

Can you please confirm that you will provide the relevant hydrologist reports to Caxton LS so they are able to provide considered response to these disputes.

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Dale, Graham

From: John Price [redacted]
Sent: Friday, 9 September 2011 11:25 AM
To: Dale, Graham
Cc: Heath, Bradley
Subject: FW: Hydrology reports
Attachments: image001.gif; image003.png; image002.jpg; image004.png; image005.png; image007.jpg; RACQ Hydrology Reports

Hi Graham

It appears from the discussions I have had with Caxton that the exchange of information in particular the hydrology is still not occurring in a manner consistent with either your code obligations or the FOS TOR's. This may be due to a misunderstanding by the solicitors of your obligations but needs to be addressed.

As you can see from the attached email and the information below this is causing considerable frustration and additional delay. It is not my understanding as to what has been previously agreed.

As I have previously advised should the reports not be exchanged then as per our terms of reference the reports will not be relied upon in reaching a determination.

The issues are already with the Systemic and Code team for investigation but I would like to have this dealt with post haste to prevent additional delays for the consumers.

I look forward to your response.

John

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Please consider the environment before printing this email

From: Jodi Gardner [mailto:[redacted]]
Sent: Wednesday, 31 August 2011 3:00 PM
To: John Price
Subject: FW: Hydrology reports

Dear John

As per my previous email, please see email below from Bridget Burton.

Kind regards

Jodi

Jodi Gardner
Consumer Lawyer, Flood and Cyclone Unit



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From: Bridget Burton
Sent: Tuesday, 30 August 2011 5:25 PM
To: Jodi Gardner
Subject: FW: Hydrology reports

Hi Jodi

I note that you are helping a client to make a complaint to FOS about some of the actions of RACQ. This email can be forwarded to FOS together with the clients complaint about the provision of the hydro reports being subject to obligations of confidentiality.

Further to the below correspondence, I spoke with Michael May twice regarding this issue. Firstly before the initial email to clarify written correspondence we had received from him which seemed to say that the reports are provided on the basis of certain restrictions. You can find a letter to this effect on some but not all client files and may wish to attach a copy of one to this email when you forward it on.

I spoke to him again today in response to his email from Friday of last week. In this conversation he said to me that I could provide categories of use to which the clients may put the documents. I said that I expect most clients will want to share information with tenants and family etc to seek comment, or with experts at their local council or similar, but that I did not wish to seek full instructions for all 25 clients regarding proposed use before opening the mail with the disc in it. It seems to be to be unnecessarily time consuming, and there will be some clients who will not want to submit themselves to imposed obligations 'on principle' because RACQ has been so difficult to deal with. I asked him to seek instructions from his client that they would provide the reports in accordance with the FOS Terms of Reference with no additional restrictions and he said he could but they would be 'very unlikely' to agree to that. I said that in my conversation with John Price it seemed to me that he expected them to provide the documents in accordance with the TOR. At this stage, it seemed that Michael May and I had reached stalemate on the issue and I said I would speak to John Price again, which I did.

It would be very helpful if FOS could indicate whether this client and our clients in general must submit to the additional (and slightly vaguely construed) additional restrictions regarding confidentiality that RACQ are seeking to impose in order to maintain their 'right' to claim legal professional privilege over these documents.

Thanks,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

Caxton Legal Centre Inc.

1 Manning Street

South Brisbane QLD 4101

T: (07 [REDACTED])

F: (07 [REDACTED])

E: [REDACTED]

W: www.caxton.org.au

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From: Michael May [mailto:[REDACTED]]
Sent: Friday, 26 August 2011 2:00 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

Could you please confirm which third parties (or which types of third parties) you expect your clients would be providing the documents to and the purpose of this?

Kind regards

Michael May | Senior Associate



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— A & P O —

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Level 21, 400 George Street, Brisbane 4000 Australia GPO Box 834, Brisbane 4001
Assistant: [REDACTED]

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Winner – Australasian Law Awards Gold Employer of Choice 2011
Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)
Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Friday, 26 August 2011 1:09 PM
To: Michael May
Cc: Scott McDougall
Subject: RE: Hydrology reports

Dear Michael

I spoke with John Price at some length about this on Wednesday and he confirmed for me that FOS does not expect our clients to keep information received through the FOS process confidential. Part 7 of the FOS Terms of Reference refers to the 'without prejudice' nature of the FOS process but this is not the same as requiring confidentiality.

My impression from my conversation with John Price is that he accepts that some sharing of documents would occur, and that it would not be in breach of the obligations that parties agree to when they submit to the FOS process.

Can you please confirm that your client similarly accepts that the documents may be shared by some of our clients with third parties and that this in no way breaches any obligation owed by our clients to your client?

Once such confirmation is received we will open the envelope from your office containing the disc, which we received on Tuesday of this week (23 August 2011), and begin the process of distributing the relevant information to our clients.

Thank you again for your help to resolve this.

Regards,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

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F: (07) 3846 7483

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From: Bridget Burton
Sent: Tuesday, 23 August 2011 2:47 PM
To: 'Michael May'
Subject: RE: Hydrology reports

Dear Michael,

I am expecting to speak with John Price tomorrow morning (when he is back from South Australia) regarding FOS' expectations in relation to confidentiality and will get back to you on Thursday.

Thank you again for your time today.

Regards,

Bridget Burton

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(Tues, Thurs, Fri)

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From: Michael May [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 12:05 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

The reports have been provided for the purposes of determination/resolution of complaints under the General Insurance Code of Practice. As you have noted, our client has made a claim for privilege in respect of the reports.

Accordingly, our client's expectation is that the reports will be used only for the purposes of determination/resolution of complaints/disputes under the Code.

Our client does not require your clients to specifically state that they accept our client's claim for privilege. The claim for privilege has been made, and if there is any conduct inconsistent with the claim for privilege, that cannot be said to have been done with our client's consent. Accordingly, any such conduct will not, as we see it, have any impact on our client's claim for privilege.

We do not see how our client's request that the reports only be used for the purposes of determination/resolution of complaints/disputes under the Code is in any way onerous. As you know, it is very common for there to be confidential exchanges of information between the parties during the course of disputes on a without prejudice basis. Perhaps you could clarify why this presents a difficulty for your clients and for what other purposes your clients seek to use the reports.

Kind regards

Michael May | Senior Associate



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Assistant: [REDACTED]

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Winner – Australasian Law Awards Gold Employer of Choice 2011
Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)
Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 10:25 AM
To: Michael May
Subject: Hydrology reports

Dear Michael

Thank you for speaking with me this morning. In relation to the hydrology reports, we and our clients understand the without prejudice nature of the FOS proceedings and that documents provided through the FOS dispute resolution process cannot be used in court.

We are concerned, however, that the claim you maintain in relation to legal professional privilege seeks to set up obligations on the part of our clients that some of our clients will be unable or unprepared to accept.

From my conversation with you this morning in respect of this claim to privilege, it seems that your client expects all our clients to maintain total confidentiality in relation to the hydrology reports. This is a very onerous obligation and, in our view, goes much further than the normal FOS requirement regarding not using the documents in court.

Whilst we ultimately take the view that the claim of privilege will be extraordinarily difficult for your client to maintain, we are concerned about exposing our clients to allegations, demands and possible litigation if your client feels aggrieved by any perceived breaches in the future.

Can you please clarify exactly what your client's expectations are of our clients' use of the hydrology reports, particularly as regards confidentiality?

We will then need to check with John Price of FOS regarding his expectations in relation to your client's provision of the reports, and whether the obligations you seek to impose are consistent with Part 7 of the FOS Terms of Reference. Whilst we accept the normal restrictions of the FOS process, we will not be recommending to our clients that they accept additional restrictions unless it is completely necessary.

We undertake not to view any disc received from you or your client until this matter is resolved.

Regards,

Bridget Burton

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Dale, Graham

From: Jodi Gardner [REDACTED]
Sent: Wednesday, 31 August 2011 2:59 PM
To: John Price
Subject: RACQ Hydrology Reports

Dear John

Caxton Legal Centre (**Caxton**) is assisting Mr [REDACTED] to make a complaint to the Financial Ombudsman Service (**FOS**) about some of the actions of RACQ.

Mr [REDACTED] has already lodged a dispute with FOS and his case number is [REDACTED]. RACQ are requesting that he accept additional restrictions on the use of the hydrology reports provided under the FOS Terms of Reference (**TOF**). Mr [REDACTED] does not want to accept these additional restrictions and has requested that Caxton make a complaint about RACQ's actions in this regard. In addition to this document, I will forward you a copy of an email drafted by Bridget Burton from our office that provides additional background to the information and discusses the conversations that she has been having with RACQ's legal representatives.

It is difficult for Caxton clients with RACQ to progress their matters until this issue has been resolved. In light of this, would it be possible for FOS to consider this complaint as a matter of urgency?

Please contact me on (07) [REDACTED] if you would like to discuss.

Kind regards

Jodi

Jodi Gardner
Consumer Lawyer, Flood and Cyclone Unit



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Dale, Graham

From: Dale, Graham
Sent: Wednesday, 14 September 2011 10:09 AM
To: 'John Price'
Cc: Heath, Bradley; [REDACTED]
Subject: FW: Hydrology reports
Attachments: image001.gif; image003.png; image002.jpg; image004.png; image005.png; RACQ Hydrology Reports ; image006.jpg

John ,

Thank you for email and apologies for the delay in responding. Late last week (particularly Friday) I received a number of extensive requests for further information from the Queensland Floods Commission of Inquiry which has had me out of action for the last week (and will have me out of action for the remainder of this week).

My understanding is that the hydrology reports have been provided to FOS and Caxton as foreshadowed to you some time ago. Caxton have detailed information about the hydrology decisions made by RACQ Insurance (and have had for some time) and I don't understand there to be any obstacle to them progressing the matters they are handling for their clients. However, in light of the comments in your email, I will undertake another review of the situation in relation to hydrology reports and will provide you and Caxton with a response specifically clarifying the position.

I would be grateful if you could let me have a further short indulgence of time (until COB Monday) to come back to you given the above mentioned circumstances.

Kind regards
Graham Dale

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] | Facsimile: +61 (7) 3841 6309
Email: [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant [REDACTED]

Telephone: [REDACTED]
Email: [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Friday, 9 September 2011 11:25 AM
To: Dale, Graham
Cc: Heath, Bradley
Subject: FW: Hydrology reports

Hi Graham

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As I have previously advised should the reports not be exchanged then as per our terms of reference the reports will not be relied upon in reaching a determination.

The issues are already with the Systemic and Code team for investigation but I would like to have this dealt with post haste to prevent additional delays for the consumers.

I look forward to your response.

John

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From: Jodi Gardner [mailto:[REDACTED]]

Sent: Wednesday, 31 August 2011 3:00 PM

To: John Price

Subject: FW: Hydrology reports

Dear John

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Kind regards

Jodi

Jodi Gardner

Consumer Lawyer, Flood and Cyclone Unit



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From: Bridget Burton

Sent: Tuesday, 30 August 2011 5:25 PM

To: Jodi Gardner

Subject: FW: Hydrology reports

Hi Jodi

I note that you are helping a client to make a complaint to FOS about some of the actions of RACQ. This email can be forwarded to FOS together with the clients complaint about the provision of the hydro reports being subject to obligations of confidentiality.

Further to the below correspondence, I spoke with Michael May twice regarding this issue. Firstly before the initial email to clarify written correspondence we had received from him which seemed to say that the reports are provided on the basis of certain restrictions. You can find a letter to this effect on some but not all client files and may wish to attach a copy of one to this email when you forward it on.

I spoke to him again today in response to his email from Friday of last week. In this conversation he said to me that I could provide categories of use to which the clients may put the documents. I said that I expect most clients will want to share information with tenants and family etc to seek comment, or with experts at their local council or similar, but that I did not wish to seek full instructions for all 25 clients regarding proposed use before opening the mail with the disc in it. It seems to be to be unnecessarily time consuming, and there will be some clients who will not want to submit themselves to imposed obligations 'on principle' because RACQ has been so difficult to deal with. I asked him to seek instructions from his client that they would provide the reports in accordance with the FOS Terms of Reference with no additional restrictions and he said he could but they would be 'very unlikely' to agree to that. I said that in my conversation with John Price it seemed to me that he expected them to provide the documents in accordance with the TOR. At this stage, it seemed that Michael May and I had reached stalemate on the issue and I said I would speak to John Price again, which I did.

It would be very helpful if FOS could indicate whether this client and our clients in general must submit to the additional (and slightly vaguely construed) additional restrictions regarding confidentiality that RACQ are seeking to impose in order to maintain their 'right' to claim legal professional privilege over these documents.

Thanks,

Bridget Burton

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Subject: RE: Hydrology reports

Dear Bridget

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Kind regards

Michael May | Senior Associate



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Sent: Friday, 26 August 2011 1:09 PM
To: Michael May
Cc: Scott McDougall
Subject: RE: Hydrology reports

Dear Michael

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Can you please confirm that your client similarly accepts that the documents may be shared by some of our clients with third parties and that this in no way breaches any obligation owed by our clients to your client?

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Thank you again for your help to resolve this.

Regards,

Bridget Burton

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Subject: RE: Hydrology reports

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Thank you again for your time today.

Regards,

Bridget Burton

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From: Michael May [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 12:05 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

The reports have been provided for the purposes of determination/resolution of complaints under the General Insurance Code of Practice. As you have noted, our client has made a claim for privilege in respect of the reports.

Accordingly, our client's expectation is that the reports will be used only for the purposes of determination/resolution of complaints/disputes under the Code.

Our client does not require your clients to specifically state that they accept our client's claim for privilege. The claim for privilege has been made, and if there is any conduct inconsistent with the claim for privilege, that cannot be said to have been done with our client's consent. Accordingly, any such conduct will not, as we see it, have any impact on our client's claim for privilege.

We do not see how our client's request that the reports only be used for the purposes of determination/resolution of complaints/disputes under the Code is in any way onerous. As you know, it is very common for there to be confidential exchanges of information between the parties during the course of disputes on a without prejudice basis. Perhaps you could clarify why this presents a difficulty for your clients and for what other purposes your clients seek to use the reports.

Kind regards

Michael May | Senior Associate



T [REDACTED] F 61 7 3231 8988 E [REDACTED] W www.cgw.com.au
Level 21, 400 George Street, Brisbane 4000 Australia GPO Box 834, Brisbane 4001
Assistant: [REDACTED]

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Winner – Australasian Law Awards Gold Employer of Choice 2011
Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)
Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 10:25 AM
To: Michael May
Subject: Hydrology reports

Dear Michael

Thank you for speaking with me this morning. In relation to the hydrology reports, we and our clients understand the without prejudice nature of the FOS proceedings and that documents provided through the FOS dispute resolution process cannot be used in court.

We are concerned, however, that the claim you maintain in relation to legal professional privilege seeks to set up obligations on the part of our clients that some of our clients will be unable or unprepared to accept.

From my conversation with you this morning in respect of this claim to privilege, it seems that your client expects all our clients to maintain total confidentiality in relation to the hydrology reports. This is a very onerous obligation and, in our view, goes much further than the normal FOS requirement regarding not using the documents in court.

Whilst we ultimately take the view that the claim of privilege will be extraordinarily difficult for your client to maintain, we are concerned about exposing our clients to allegations, demands and possible litigation if your client feels aggrieved by any perceived breaches in the future.

Can you please clarify exactly what your client's expectations are of our clients' use of the hydrology reports, particularly as regards confidentiality?

We will then need to check with John Price of FOS regarding his expectations in relation to your client's provision of the reports, and whether the obligations you seek to impose are consistent with Part 7 of the FOS Terms of Reference. Whilst we accept the normal restrictions of the FOS process, we will not be recommending to our clients that they accept additional restrictions unless it is completely necessary.

We undertake not to view any disc received from you or your client until this matter is resolved.

Regards,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

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F: (07) 3846 7483

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Dale, Graham

From: John Price [REDACTED]
Sent: Wednesday, 14 September 2011 1:13 PM
To: Dale, Graham
Cc: Heath, Bradley [REDACTED]
Subject: RE: Hydrology reports
Attachments: image002.jpg; image004.png; image005.png; image007.jpg; image008.png; image009.gif

Thanks Graham
I'll pass this onto Caxton LS
Cheers

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

Please consider the environment before printing this email

From: Dale, Graham [mailto:[REDACTED]]
Sent: Wednesday, 14 September 2011 10:09 AM
To: John Price
Cc: Heath, Bradley; [REDACTED]
Subject: FW: Hydrology reports

John,

Thank you for email and apologies for the delay in responding. Late last week (particularly Friday) I received a number of extensive requests for further information from the Queensland Floods Commission of Inquiry which has had me out of action for the last week (and will have me out of action for the remainder of this week).

My understanding is that the hydrology reports have been provided to FOS and Caxton as foreshadowed to you some time ago. Caxton have detailed information about the hydrology decisions made by RACQ Insurance (and have had for some time) and I don't understand there to be any obstacle to them progressing the matters they are handling for their clients. However, in light of the comments in your email, I will undertake another review of the situation in relation to hydrology reports and will provide you and Caxton with a response specifically clarifying the position.

I would be grateful if you could let me have a further short indulgence of time (until COB Monday) to come back to you given the above mentioned circumstances.

Kind regards
Graham Dale

Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309
Email: graham.dale@racq.com.au | Web: www.racqinsurance.com.au

Personal Assistant [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

From: John Price [mailto: [REDACTED]]
Sent: Friday, 9 September 2011 11:25 AM
To: Dale, Graham
Cc: Heath, Bradley
Subject: FW: Hydrology reports

Hi Graham

It appears from the discussions I have had with Caxton that the exchange of information in particular the hydrology is still not occurring in a manner consistent with either your code obligations or the FOS TOR's. This may be due to a misunderstanding by the solicitors of your obligations but needs to be addressed.

As you can see from the attached email and the information below this is causing considerable frustration and additional delay. It is not my understanding as to what has been previously agreed.

As I have previously advised should the reports not be exchanged then as per our terms of reference the reports will not be relied upon in reaching a determination.

The issues are already with the Systemic and Code team for investigation but I would like to have this dealt with post haste to prevent additional delays for the consumers.

I look forward to your response.

John

**John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited**

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From: Jodi Gardner [mailto: [REDACTED]]
Sent: Wednesday, 31 August 2011 3:00 PM
To: John Price
Subject: FW: Hydrology reports

Dear John

As per my previous email, please see email below from Bridget Burton.

Kind regards

Jodi

Jodi Gardner
Consumer Lawyer, Flood and Cyclone Unit



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From: Bridget Burton
Sent: Tuesday, 30 August 2011 5:25 PM
To: Jodi Gardner
Subject: FW: Hydrology reports

Hi Jodi

I note that you are helping a client to make a complaint to FOS about some of the actions of RACQ. This email can be forwarded to FOS together with the clients complaint about the provision of the hydro reports being subject to obligations of confidentiality.

Further to the below correspondence, I spoke with Michael May twice regarding this issue. Firstly before the initial email to clarify written correspondence we had received from him which seemed to say that the reports are provided on the basis of certain restrictions. You can find a letter to this effect on some but not all client files and may wish to attach a copy of one to this email when you forward it on.

I spoke to him again today in response to his email from Friday of last week. In this conversation he said to me that I could provide categories of use to which the clients may put the documents. I said that I expect most clients will want to share information with tenants and family etc to seek comment, or with experts at their local council or similar, but that I did not wish to seek full instructions for all 25 clients regarding proposed use before opening the mail with the disc in it. It seems to be to be unnecessarily time consuming, and there will be some clients who will not want to submit themselves to imposed obligations 'on principle' because RACQ has been so difficult to deal with. I asked him to seek instructions from his client that they would provide the reports in accordance with the FOS Terms of Reference with no additional restrictions and he said he could but they would be 'very unlikely' to agree to that. I said that in my conversation with John Price it seemed to me that he expected them to provide the documents in accordance with the TOR. At this stage, it seemed that Michael May and I had reached stalemate on the issue and I said I would speak to John Price again, which I did.

It would be very helpful if FOS could indicate whether this client and our clients in general must submit to the additional (and slightly vaguely construed) additional restrictions regarding confidentiality that RACQ are seeking to impose in order to maintain their 'right' to claim legal professional privilege over these documents.

Thanks,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

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From: Michael May [mailto: [REDACTED]]
Sent: Friday, 26 August 2011 2:00 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

Could you please confirm which third parties (or which types of third parties) you expect your clients would be providing the documents to and the purpose of this?

Kind regards

Michael May | Senior Associate



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Winner – Australasian Law Awards Gold Employer of Choice 2011
Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)
Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto: [REDACTED]]
Sent: Friday, 26 August 2011 1:09 PM
To: Michael May
Cc: Scott McDougall
Subject: RE: Hydrology reports

Dear Michael

I spoke with John Price at some length about this on Wednesday and he confirmed for me that FOS does not expect our clients to keep information received through the FOS process confidential. Part 7 of the FOS Terms of Reference refers to the 'without prejudice' nature of the FOS process but this is not the same as requiring confidentiality.

My impression from my conversation with John Price is that he accepts that some sharing of documents would occur, and that it would not be in breach of the obligations that parties agree to when they submit to the FOS process.

Can you please confirm that your client similarly accepts that the documents may be shared by some of our clients with third parties and that this in no way breaches any obligation owed by our clients to your client?

Once such confirmation is received we will open the envelope from your office containing the disc, which we received on Tuesday of this week (23 August 2011), and begin the process of distributing the relevant information to our clients.

Thank you again for your help to resolve this.

Regards,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

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From: Bridget Burton
Sent: Tuesday, 23 August 2011 2:47 PM
To: 'Michael May'
Subject: RE: Hydrology reports

Dear Michael,

I am expecting to speak with John Price tomorrow morning (when he is back from South Australia) regarding FOS' expectations in relation to confidentiality and will get back to you on Thursday.

Thank you again for your time today.

Regards,

Bridget Burton

Coordinator Consumer Law Service
(Tues, Thurs, Fri)

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F: (07) 3846 7483

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From: Michael May [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 12:05 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

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The reports have been provided for the purposes of determination/resolution of complaints under the General Insurance Code of Practice. As you have noted, our client has made a claim for privilege in respect of the reports.

Accordingly, our client's expectation is that the reports will be used only for the purposes of determination/resolution of complaints/disputes under the Code.

Our client does not require your clients to specifically state that they accept our client's claim for privilege. The claim for privilege has been made, and if there is any conduct inconsistent with the claim for privilege, that cannot be said to have been done with our client's consent. Accordingly, any such conduct will not, as we see it, have any impact on our client's claim for privilege.

We do not see how our client's request that the reports only be used for the purposes of determination/resolution of complaints/disputes under the Code is in any way onerous. As you know, it is very common for there to be confidential exchanges of information between the parties during the course of disputes on a without prejudice basis. Perhaps you could clarify why this presents a difficulty for your clients and for what other purposes your clients seek to use the reports.

Kind regards

Michael May | Senior Associate



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Assistant: [REDACTED]

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Winner – Australasian Law Awards Gold Employer of Choice 2011
Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)
Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 10:25 AM
To: Michael May
Subject: Hydrology reports

Dear Michael

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We are concerned, however, that the claim you maintain in relation to legal professional privilege seeks to set up obligations on the part of our clients that some of our clients will be unable or unprepared to accept.

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Can you please clarify exactly what your client's expectations are of our clients' use of the hydrology reports, particularly as regards confidentiality?

We will then need to check with John Price of FOS regarding his expectations in relation to your client's provision of the reports, and whether the obligations you seek to impose are consistent with Part 7 of the FOS Terms of Reference. Whilst we accept the normal restrictions of the FOS process, we will not be recommending to our clients that they accept additional restrictions unless it is completely necessary.

We undertake not to view any disc received from you or your client until this matter is resolved.

Regards,

Bridget Burton

Coordinator Consumer Law Service

(Tues, Thurs, Fri)

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Dale, Graham

From: Dale, Graham
Sent: Monday, 19 September 2011 2:44 PM
To: John Price
Cc: Heath, Bradley; Magee, Michael
Subject: Re: Hydrology reports

Good afternoon John

I have spoken with the lawyers about your email and have asked them to provide a response to Caxton directly and forward a copy to you as well. I understand this will be going out by COB today. Let me know if you have any queries.

Regards

Sent from my iphone
Graham Dale
General Manager Personal Insurance Claims
RACQ Insurance

PO Box 3004
Logan City DC. QLD. 4114
2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia
Telephone: [REDACTED]
Email: Graham.Dale@racqi.com.au

On 14/09/2011, at 1:13 PM, "John Price" [REDACTED] wrote:

Thanks Graham

I'll pass this onto Caxton LS

Cheers

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

[REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au
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From: Dale, Graham [mailto:[REDACTED]]
Sent: Wednesday, 14 September 2011 10:09 AM
To: John Price
Cc: Heath, Bradley; Magee, Michael
Subject: FW: Hydrology reports

John ,

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My understanding is that the hydrology reports have been provided to FOS and Caxton as foreshadowed to you some time ago. Caxton have detailed information about the hydrology decisions made by RACQ Insurance (and have had for some time) and I don't understand there to be any obstacle to them progressing the matters they are handling for their clients. However, in light of the comments in your email, I will undertake another review of the situation in relation to hydrology reports and will provide you and Caxton with a response specifically clarifying the position.

I would be grateful if you could let me have a further short indulgence of time (until COB Monday) to come back to you given the above mentioned circumstances.

Kind regards

Graham Dale

Graham Dale

General Manager Personal Insurance Claims

RACQ Insurance Limited

PO Box 4, Springwood, Queensland, 4127, Australia

2649 Logan Road Eight Mile Plains, Queensland, 4113, Australia

Telephone: [REDACTED] Facsimile: +61 (7) 3841 6309

Email [REDACTED] | Web: www.racqinsurance.com.au

Personal Assistant: [REDACTED]

Telephone: [REDACTED]

Email [REDACTED]

From: John Price [mailto:[REDACTED]]
Sent: Friday, 9 September 2011 11:25 AM
To: Dale, Graham
Cc: Heath, Bradley
Subject: FW: Hydrology reports

Hi Graham

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The issues are already with the Systemic and Code team for investigation but I would like to have this dealt with post haste to prevent additional delays for the consumers.

I look forward to your response.

John

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From: Jodi Gardner [mailto:[REDACTED]]
Sent: Wednesday, 31 August 2011 3:00 PM
To: John Price
Subject: FW: Hydrology reports

Dear John

As per my previous email, please see email below from Bridget Burton.

Kind regards

Jodi

Jodi Gardner

Consumer Lawyer, Flood and Cyclone Unit

<image002.jpg>

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From: Bridget Burton
Sent: Tuesday, 30 August 2011 5:25 PM
To: Jodi Gardner
Subject: FW: Hydrology reports

Hi Jodi

I note that you are helping a client to make a complaint to FOS about some of the actions of RACQ. This email can be forwarded to FOS together with the clients complaint about the provision of the hydro reports being subject to obligations of confidentiality.

Further to the below correspondence, I spoke with Michael May twice regarding this issue. Firstly before the initial email to clarify written correspondence we had received from him which seemed to say that the reports are provided on the basis of certain restrictions. You can find a letter to this effect on some but not all client files and may wish to attach a copy of one to this email when you forward it on.

I spoke to him again today in response to his email from Friday of last week. In this conversation he said to me that I could provide categories of use to which the clients may put the documents. I said that I expect most clients will want to share information with tenants and family etc to seek comment, or with experts at their local council or similar, but that I did not wish to seek full instructions for all 25 clients regarding proposed use before opening the mail with the disc in it. It seems to be to be unnecessarily time consuming, and there will be some clients who will not want to submit themselves to imposed obligations 'on principle' because RACQ has been so difficult to deal with. I asked him to seek instructions from his client that they would provide the reports in accordance with the FOS Terms of Reference with no additional restrictions and he said he could but they would be 'very unlikely' to agree to that. I said that in my conversation with John Price it seemed to me that he expected them to provide the documents in accordance with the TOR. At this stage, it seemed that Michael May and I had reached stalemate on the issue and I said I would speak to John Price again, which I did.

It would be very helpful if FOS could indicate whether this client and our clients in general must submit to the additional (and slightly vaguely construed) additional restrictions regarding confidentiality that RACQ are seeking to impose in order to maintain their 'right' to claim legal professional privilege over these documents.

Thanks,

Bridget Burton

Coordinator Consumer Law Service

(Tues, Thurs, Fri)

Caxton Legal Centre Inc.

1 Manning Street

South Brisbane QLD 4101

T: (07) 3214 6333

F: (07) 3846 7483

E: [REDACTED]

W: www.caxton.org.au

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From: Michael May [mailto:[REDACTED]]
Sent: Friday, 26 August 2011 2:00 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

Could you please confirm which third parties (or which types of third parties) you expect your clients would be providing the documents to and the purpose of this?

Kind regards

Michael May | Senior Associate

<image008.png>

T [REDACTED] W www.cgw.com.au
Level 21, 400 George Street, Brisbane 4000 Australia GPO Box 834, Brisbane 4001

Assistant: [REDACTED]

Winner – EOWA Employer of Choice for Women Citation 2009, 2010 and 2011

Winner – Australasian Law Awards Gold Employer of Choice 2011

Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)

Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Friday, 26 August 2011 1:09 PM
To: Michael May
Cc: Scott McDougall
Subject: RE: Hydrology reports

Dear Michael

I spoke with John Price at some length about this on Wednesday and he confirmed for me that FOS does not expect our clients to keep information received through the FOS process confidential. Part 7 of the FOS Terms of Reference refers to the 'without prejudice' nature of the FOS process but this is not the same as requiring confidentiality.

My impression from my conversation with John Price is that he accepts that some sharing of documents would occur, and that it would not be in breach of the obligations that parties agree to when they submit to the FOS process.

Can you please confirm that your client similarly accepts that the documents may be shared by some of our clients with third parties and that this in no way breaches any obligation owed by our clients to your client?

Once such confirmation is received we will open the envelope from your office containing the disc, which we received on Tuesday of this week (23 August 2011), and begin the process of distributing the relevant information to our clients.

Thank you again for your help to resolve this.

Regards,

Bridget Burton

Coordinator Consumer Law Service

(Tues, Thurs, Fri)

Caxton Legal Centre Inc.

1 Manning Street

South Brisbane QLD 4101

T: (07) 3214 6333

F: (07) 3846 7483

E: 

W: www.caxton.org.au

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From: Bridget Burton
Sent: Tuesday, 23 August 2011 2:47 PM
To: 'Michael May'
Subject: RE: Hydrology reports

Dear Michael,

I am expecting to speak with John Price tomorrow morning (when he is back from South Australia) regarding FOS' expectations in relation to confidentiality and will get back to you on Thursday.

Thank you again for your time today.

Regards,

Bridget Burton

Coordinator Consumer Law Service

(Tues, Thurs, Fri)

Caxton Legal Centre Inc.

1 Manning Street

South Brisbane QLD 4101

T: (07) 3214 6333

F: (07) 3846 7483

E: 

W: www.caxton.org.au

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From: Michael May [mailto:]
Sent: Tuesday, 23 August 2011 12:05 PM
To: Bridget Burton
Cc: Rocco Russo
Subject: RE: Hydrology reports

Dear Bridget

Thank you for your email.

The reports have been provided for the purposes of determination/resolution of complaints under the General Insurance Code of Practice. As you have noted, our client has made a claim for privilege in respect of the reports.

Accordingly, our client's expectation is that the reports will be used only for the purposes of determination/resolution of complaints/disputes under the Code.

Our client does not require your clients to specifically state that they accept our client's claim for privilege. The claim for privilege has been made, and if there is any conduct inconsistent with the claim for privilege, that cannot be said to have been done with our client's consent. Accordingly, any such conduct will not, as we see it, have any impact on our client's claim for privilege.

We do not see how our client's request that the reports only be used for the purposes of determination/resolution of complaints/disputes under the Code is in any way onerous. As you know, it is very common for there to be confidential exchanges of information between the parties during the course of disputes on a without prejudice basis. Perhaps you could clarify why this presents a difficulty for your clients and for what other purposes your clients seek to use the reports.

Kind regards

Michael May | Senior Associate

<image009.gif>

T [REDACTED] F 61 7 3231 8988 E [REDACTED] W www.cgw.com.au
Level 21, 400 George Street, Brisbane 4000 Australia GPO Box 834, Brisbane 4001

Assistant [REDACTED]

Winner – EOWA Employer of Choice for Women Citation 2009, 2010 and 2011

Winner – Australasian Law Awards Gold Employer of Choice 2011

Finalist – ALB Australasian Law Awards 2008, 2010 and 2011 (Best Brisbane Firm)

Winner – BRW Client Choice Awards 2009 and 2010 - Best Australian Law Firm (revenue less than \$50m)

From: Bridget Burton [mailto:[REDACTED]]
Sent: Tuesday, 23 August 2011 10:25 AM
To: Michael May
Subject: Hydrology reports

Dear Michael

Thank you for speaking with me this morning. In relation to the hydrology reports, we and our clients understand the without prejudice nature of the FOS proceedings and that documents provided through the FOS dispute resolution process cannot be used in court.

We are concerned, however, that the claim you maintain in relation to legal professional privilege seeks to set up obligations on the part of our clients that some of our clients will be unable or unprepared to accept.

From my conversation with you this morning in respect of this claim to privilege, it seems that your client expects all our clients to maintain total confidentiality in relation to the hydrology reports. This is a very onerous obligation and, in our view, goes much further than the normal FOS requirement regarding not using the documents in court.

Whilst we ultimately take the view that the claim of privilege will be extraordinarily difficult for your client to maintain, we are concerned about exposing our clients to allegations, demands and possible litigation if your client feels aggrieved by any perceived breaches in the future.

Can you please clarify exactly what your client's expectations are of our clients' use of the hydrology reports, particularly as regards confidentiality?

We will then need to check with John Price of FOS regarding his expectations in relation to your client's provision of the reports, and whether the obligations you seek to impose are consistent with Part 7 of the FOS Terms of Reference. Whilst we accept the normal restrictions of the FOS process, we will not be recommending to our clients that they accept additional restrictions unless it is completely necessary.

We undertake not to view any disc received from you or your client until this matter is resolved.

Regards,

Bridget Burton

Coordinator Consumer Law Service

(Tues, Thurs, Fri)

Caxton Legal Centre Inc.

1 Manning Street

South Brisbane QLD 4101

T: (07) 3214 6333

F: (07) 3846 7483

E: 

W: www.caxton.org.au

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This communication has been sent on behalf of RACQ Insurance Limited [RACQI]. The information contained in this communication may be privileged and confidential. If you are not the intended recipient, any use, disclosure or copying of this communication is expressly prohibited.

If you have received this communication in error, please delete it immediately. RACQI and its associated entities do not warrant or represent that this communication [including any enclosed files] is free from electronic viruses, faults or defects.

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Our ref: RXR 10091926

19 September 2011

Mr John Price
General Insurance Ombudsman
Financial Ombudsman Service

Email [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Mr Price

RACQ Insurance Limited - Provision of Hydrology Reports

As you are aware, we act for RACQ Insurance Limited.

Mr Graham Dale has provided us with a copy of your email to him dated 9 September 2011 and asked us to respond further on RACQ Insurance's behalf.

As you know, we have previously provided to Caxton Legal Centre the information on which RACQ Insurance Limited has relied in assessing its customer's claims and complaints. This information has been provided under Sections 3.4.3 and 6.4.3 of the Code of Practice.

We do not read the Code of Conduct or the Terms of Reference as stating that RACQ Insurance Limited is required to provide copies of its hydrology reports. Our client has provided copies of the hydrology reports as a result of your statement that the Financial Ombudsman Service intended drawing adverse findings against RACQ Insurance if it failed to do so. This information has also been provided to complainants.

Caxton Legal Centre has sought clarification of the use they and their clients can make of the reports.

We attach a copy of our letter to Caxton Legal Centre which deals with this issue.

Yours faithfully

COOPER GRACE WARD

[REDACTED]
Rocco Russo

Partner

T [REDACTED]

F [REDACTED]

E [REDACTED]

RXR10096653 4068292v2





Our ref: RXR 10091926

19 September 2011

Ms Jodi Gardiner
Caxton Legal Centre
1 Manning Street
SOUTH BRISBANE QLD 4101

Email: [REDACTED]

Level 21, 400 George Street
Brisbane 4000 Australia

GPO Box 834, Brisbane 4001

T 61 7 3231 2444

F 61 7 3221 4356

www.cgw.com.au

ABN 95 591 906 639

Dear Ms Gardiner

RACQ Insurance Limited - Hydrology Reports

We refer to our previous emails and discussions regarding the hydrology reports obtained on behalf of RACQ Insurance Limited.

The General Insurance Ombudsman, Mr John Price, has provided a copy of emails your office has sent to him subsequent to the reports being provided to you. We have been instructed to respond on behalf of RACQ Insurance.

On 19 August 2011 we provided to you copies of each of the hydrology reports that relate to the clients you represent in relation to our client's claims decisions (and the complaints that either have been made or are in the course of being made).

The reports have been provided to you under or so as to satisfy Sections 3.4.3 and 6.1.4 of the Code of Practice.

We have also provided copies of these reports to the Financial Ombudsman Service. We are not sure whether FOS has also provided to you copies of these reports under Section 8.4 of the Terms of Reference. In any event, if you have not been provided with those reports by FOS you may take it that they are provided to you (for your clients) under or to satisfy the requirements of the Terms of Reference.

You have expressed some concern as to whether our clients or we have restricted the use to which you or your clients may put to the reports.

Your clients (through you) have the reports. They are given to you (for your clients) in accordance with the Code and Terms of Reference. You (for your clients) may use the reports in whatever way follows from your having them in those circumstances and our client does not wish to separately impose any additional restriction on that use.

Yours faithfully
COOPER GRACE WARD

[REDACTED]

Rocco Russo
Partner

T [REDACTED]
F [REDACTED]
E [REDACTED]

RXR10096653 4068308v1



28 September 2011

FOSSIC SI Ref: 258133

Mr Paul Faulkner
Manager Customer Dispute Resolution
RACQ Insurance Limited
P O Box 3004
Logan City DC Qld 4114

Dear Mr Faulkner

Possible Systemic Issue: Failure to Exchange Information – Hydrology Reports

An issue concerning the exchange of RACQ Insurance Limited's (RACQ) full hydrology reports, with FOS and a number of applicants or their legal representatives, has been referred to me by John Price, Ombudsman General Insurance, for investigation.

I am aware that RACQ and its legal representatives, Cooper Grace Ward Lawyers (CGWL), have had a number of discussions, including correspondence, with John Price about this matter. However, as this matter involved several disputes, FOS is required to formally notify your company of a possible systemic issue, in accordance with paragraph 11.2(b) of the FOS Terms of Reference.

Possible Systemic Issue

The disputes:

Based on the information currently available to FOS, it is my understanding that FOS received a number of disputes from RACQ customers following the Queensland floods. The majority of these disputes arose from RACQ's denial of indemnity (whether partial or full) on the basis that the loss or damage suffered was caused by flood, which RACQ's policies specifically exclude from cover.

Denial of access to full hydrology reports and provision of information sheets:

Applicants and/or their legal representatives unsuccessfully attempted to obtain access to RACQ's full hydrology reports. CGWL informed them that RACQ was not required to release the full hydrology reports because content was subject to privacy law and was legally privileged and so protected from disclosure by law. RACQ substituted "information sheets" and provided these to its customers.

The information sheets were identified as "*Report by RACQ Insurance Limited on its investigations into [Queensland area] flood*". Each information sheet stated that it had been prepared by RACQ to provide its policyholders with details of the investigations it conducted into a number of areas in Queensland. The information sheets consisted of a brief statement about RACQ's:

- Investigations into the particular area;
- Investigation findings; and
- View of the impact of the findings on the application of its policy including that as the majority of properties in each of the relevant areas were damaged due to flooding caused by rain that fell more than 24 hours prior to the flood occurring, such damage was excluded by the policy. The information sheet also noted that some areas may have suffered damage at different times or as a result of different causes specific to the particular location and that decisions about these claims would be made on a case by case basis.

FOS' request to release the full hydrology reports:

It is FOS' view that where hydrology is relied upon to deny a claim the information, including the hydrology report, should be provided so that an insured is fully informed and has an opportunity to respond to issues that may arise from the hydrological findings. The provision of a partial hydrology report or an extract disadvantages the insured.

Where an insurer wishes to rely on expert opinion in support of its position in response to a claim, it has been FOS' practice, as well as that of the former Insurance Ombudsman Service, for an insurer to disclose the expert's report in an unaltered form. The full report provides context to the expert's opinion, through consideration of the comments and observations which shaped the expert's view.

When FOS initially sought access to the full hydrology reports in accordance with paragraph 7.2 (see Appendix A) of the FOS Terms of Reference (TOR), CGWL stated that RACQ had a reasonable excuse for withholding the full hydrology reports, citing privacy concerns and protection from disclosure by law. CGWL explained that:

- RACQ had instructed CGWL to provide legal advice on various issues arising from the Queensland floods, including RACQ's obligation to pay claims. In order to provide such advice evidence about the nature and timing of the flooding was required, and so a number of hydrology reports were obtained. CGWL concluded that as the dominant purpose of the hydrology reports was to provide legal advice to RACQ about its obligations to pay claims, the hydrology reports were legally privileged documents and therefore not subject to disclosure.
- The hydrology reports were prepared on a regional basis, and as a result contained information about a number of insureds' properties, including their names, addresses and claims numbers. As the hydrology reports contained personal information subject to the *Privacy Act 1988 (Cth)* RACQ was not obliged to provide the reports.

Mr Price informed CGWL on 15 June 2011 that RACQ intended to rely on the full hydrology reports in the determination of the disputes. As a result, the principal purpose for obtaining the hydrology reports was to determine whether RACQ was required to indemnify customers in respect of claims arising from the Queensland floods. In these circumstances legal professional privilege did not apply to the hydrology reports. Mr Price stated that if RACQ or CGWL elected not to provide the

full hydrology reports an adverse inference could be drawn, in accordance with paragraph 7.5a) of the TOR (see Appendix A). Mr Price also informed CGWL that any issues concerning the privacy of other individuals could be easily addressed by "blacking out" such information, a method widely used and of long standing.

Mr Price requested CGWL to immediately release the full hydrology reports to FOS and the relevant applicants or their legal representatives, in accordance with paragraph 7.2. He indicated that if the full hydrology reports were not provided he would progress disputes to determination within 14 days, based on the information available to FOS and in accordance with FOS' normal practice.

Continuing delays and lack of understanding of RACQ's obligations:

Despite Mr Price's request for the immediate release of the hydrology reports it was evident that by 15 July 2011 FOS was continuing to experience difficulties. CGWL had continued to claim that legal professional privilege applied to the reports, preventing FOS from providing them to applicants/legal representatives.

RACQ's response dated 18 July 2011 demonstrated a continued lack of understanding of its obligations under the TOR in relation to disputes before FOS and the release of the hydrology reports. RACQ's obligation to comply with FOS' request for the hydrology reports was paramount and the Code's provisions were irrelevant.

While RACQ reiterated that it would provide the full hydrology reports, the difficulties have continued. It appears that CGWL may have initially restricted the release of the hydrology reports to Caxton Legal Centre which prompted it to contact Mr Price. In responding to Caxton Legal Centre's concerns CGWL stated on 19 September 2011 that the reports were provided in response to sections 3.4.3 and 6.1.4 of the Code and the use of the reports was unrestricted.

When CGWL responded to Mr Price (also on 19 September 2011) it confirmed that the hydrology reports were being provided to Caxton Legal Centre under sections 3.4.3 and 6.1.4 of the Code, and also stated that:

"We do not read the Code of Conduct or the Terms of Reference as stating that RACQ Insurance Limited is required to provide copies of its hydrology reports. Our client has provided copies of the hydrology reports as a result of your statement that the Financial Ombudsman Service intended drawing adverse findings against RACQ Insurance if it failed to do so. This information has also been provided to complainants."

CGWL's view demonstrates a continued lack of understanding of the FOS TOR, and in particular RACQ's obligations in relation to the TOR and the Code. In relation to TOR, it must be clearly understood that RACQ/CGWL is required to release the full hydrology reports for the following reasons:

1. The TOR requires RACQ/CGWL to comply with FOS' request to provide the full hydrology reports, within a specified timeframe, unless one of the exceptions to paragraph 7.2 applies.
2. In the event that RACQ/CGWL fails to release the full hydrology reports FOS may take the steps it considers reasonable in the circumstances including determining disputes on the basis that an adverse inference may be drawn from the failure to provide the reports. See paragraph 7.5a) in particular.
3. FOS is required by paragraph 8.4 of the TOR to ensure that the applicants/legal representatives (and RACQ/CGWL) are provided with access to documentation, information and material upon which FOS proposes to rely in its determination of each dispute, unless disclosure is protected by the application of special circumstances.
4. The Ombudsman General Insurance, John Price, did not determine that special circumstances applied to protect the full hydrology reports from disclosure to either FOS or the applicants/legal representatives. Therefore, FOS required the provision of the full hydrology reports.
5. While RACQ/CGWL can refuse to release information to the applicants/legal representatives, including the full hydrology reports, paragraph 8.4c) prevents FOS from using the full hydrology reports to reach a decision adverse to the applicants unless FOS determines that special circumstances apply. As noted above, special circumstances do not apply.
6. Further in the absence of special circumstances, the FOS TOR (or the Code) does not authorise CGWL or RACQ to attach restrictions to the use of the hydrology reports.

Information required by FOS to assess this matter:

In order that we can assess whether this matter represents a definite systemic issue, we require the following information by Monday 31 October 2011:

1. Please confirm that RACQ and CGWL are complying with FOS' request to release the full hydrology reports to applicants or their legal representatives in a timely manner and without restriction.
2. Please provide the number of applicants (ie those who have disputes currently before FOS) that have not as yet received the reports.
3. Please provide the number of applicants (with current disputes before FOS or disputes that have already been determined) that were not initially provided with the full hydrology reports.
4. In relation to the information sheets used by RACQ please provide the following information:
 - a. When were these information sheets being provided to RACQ customers?
 - b. How were the information sheets provided and what other information, documents or material accompanied them? For example, were the information sheets provided at the time the claim denial letters were forwarded to the relevant customers? Please provide copies of all relevant documents including correspondence with customers.
 - c. Is RACQ continuing to use these information sheets and in which circumstances?

5. Please explain why there was a lengthy delay in providing the full hydrology reports to the applicants or legal representatives, following Mr Price's request on 15 June 2011 to immediately release the reports.
6. Please provide copies of all covering letters used by RACQ and/or CGWL when forwarding the hydrology reports to applicants or their legal representatives, such as Caxton Legal Service.
7. Please outline the steps that RACQ intends to implement to ensure that its senior staff and CGWL fully understand RACQ's obligations under the TOR with respect to the provision of information at FOS' request, within the timeframe stipulated by FOS, and without any restriction being attached to the use of that information (where special circumstances do not apply).

Please include any further information regarding this issue which has not been included in our request, as part of your response, and ensure that you respond fully and within the timeframe noted. This will assist us in reaching a prompt decision about whether a systemic problem exists, which will occur in consultation with Mr Price.

A summary of our approach to systemic issues, and our obligation to report systemic issues to the Australian Securities and Investments Commission is set out in pages 94 - 96 of the Guidelines to the Terms of Reference.

Possible breaches of the General Insurance Code of Practice (the Code):

As this matter also raises possible breaches of sections 3.4.1 and 3.4.3 of the Code, I will also be writing to Tony McKeaten.

Please don't hesitate to contact me [REDACTED] or via [REDACTED] if you have any queries about this matter.

Yours sincerely

[REDACTED]

[REDACTED]

Manager – Systemic and Code Review Team, General Insurance

Appendix A: Relevant paragraphs of the FOS Terms of Reference

Paragraph 7.2 of the FOS Terms of Reference (TOR) provides as follows:

7.2 Provision of information by the parties to the Dispute

FOS may require a party to a Dispute to provide to, or procure for, FOS any information that FOS considers necessary. That party must comply with FOS' request within the timeframe specified by FOS except where the party satisfies FOS that:

- a) to provide information would breach a duty of confidentiality to a third party and, despite best endeavours, the third party's consent to the disclosure of the information has not been able to be obtained;*
- b) to provide the information would breach a Court order or prejudice a current investigation by the police or other law enforcement agency; or*
- c) the information does not or no longer exists or is not within the party's reasonable possession or control.*

Paragraph 7.5 of the TOR provides as follows:

7.5 Consequences of non-compliance by either party with a FOS request

Where a party to a Dispute without reasonable excuse fails to provide or procure information or to take any other step requested by FOS within the timeframe specified by FOS, FOS may take the steps it considers reasonable in the circumstances.

This may include:

- a) proceeding with the resolution of the Dispute on the basis that an adverse inference may be drawn from that party's failure to comply with FOS's request;*
or
- b) where the Applicant fails to comply with a FOS request - refusing to continue consideration of the Dispute.*

Paragraph 8.4 of the TOR provides:

8.4 FOS's obligation to provide information to the parties

a) Subject to paragraph b), before making a Determination, FOS must ensure that the parties to the Dispute are provided with access to the documentation, information and material upon which FOS proposes to rely in its Determination.

b) Notwithstanding paragraph a):

- (i) FOS is not obliged to make available to the parties any memoranda, analysis or other documents generated by FOS's employees or contractors; and*
 - (ii) FOS must not disclose to a party to a Dispute information provided by another party to the Dispute where the party supplying the information has refused consent to this (and, in the absence of a clear statement to the contrary, FOS is entitled to assume that consent is given to the material in its entirety being provided to the other parties to the Dispute).*
- c) If a party to a Dispute refuses consent to provide information to another party to the Dispute, FOS is not entitled to use that information to reach a decision*

adverse to the party to whom confidential information is denied unless FOS determines that special circumstances apply.

Faulkner, Paul

From: Faulkner, Paul
Sent: Wednesday, 28 September 2011 2:49 PM
To: 'John Price'
Subject: [REDACTED] - FOS Ref 241145

Good afternoon John,

At the site inspection at the Leivers property, you asked for the identity of the employee of Water Technology who initially inspected the property on 15 April 2011. The employee was Julian Skipworth, and his relevant qualification is Bachelor of Engineering (Environmental) (Honours) from the University of Southern Queensland.

During the inspection you indicated that the fact that the original site inspection was performed by someone other than the person who prepared the statement relied upon in FOS was something that might be taken into account in considering that statement. I believe you may have mentioned that Mr Clark's evidence could be deemed inadmissible, or that there would be some scope for an inference to be drawn about that evidence. We seek to make submissions on that issue.

At the outset, we respectfully note that clause 8.1 of the FOS Terms of Reference provides that FOS is not bound by the rules of evidence. If FOS does intend to apply the rules of evidence, the Member submits they should be applied equally to both the Applicant and the Member. If that were to be the case, the Member would seek to make submissions about the inadmissibility of evidence being led by the Applicant. Accordingly, could you please let us know if FOS does intend to apply the rules of evidence in this matter.

Further, we do not understand what inference could be drawn arising from the fact that no statement has been provided by Mr Skipworth. If FOS does intend to consider drawing such an inference, can I please ask that we be given notice of precisely what inference is proposed to be drawn, and the basis on which it is allegedly open to be drawn (particularly in light of the statement of Mr Clark), so that we can consider whether to obtain a statement from Mr Skipworth.

Please let me know should you wish to discuss matters raised above.

Kind regards,

Paul Faulkner
Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains

P [REDACTED] F 07 3219 0489
Email: [REDACTED] Web: www.racqinsurance.com.au

Faulkner, Paul

From: John Price [REDACTED]
Sent: Wednesday, 28 September 2011 4:13 PM
To: Faulkner, Paul
Subject: RE: [REDACTED] - FOS Ref 241145

Hi Paul

Thanks for the information however the Panel has already met on this matter and determined the dispute. As I recall I indicated to you that the Panel was meeting the following week and to try and provide the info before then. I don't recall saying the statement from Clark would be inadmissible. That is definitely not the case. The issue in these type of situations is the weight that is given to the information supplied as compared to other information that may be available. This has always been the case.

In relation to the other issues raised as you are well aware FOS reaches its determination based on the exchange of information. If information is not provided it cannot be relied upon. This has been made abundantly clear to RACQ in particular regarding the exchange of hydrology and statements.

It is certainly open for an adverse inference to be drawn against a party to a dispute should the party choose not to supply information and again this has been the position at all times. That does not mean an adverse inference will always be drawn but depends again on a review of all the information provided. It is a fundamental part of the decision making process. I am happy to discuss this with you further should that be required.

One thing that does concern me is that the employee's name you have provided (Skipworth) is different to the person (David Cox) referred to in the statement from Clark (see para 31 of the statement) as the Water Technology representative who had discussions with the applicant on 15 April. Are you able to explain this?

Regards
John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] | Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

Please consider the environment before printing this email

From: Faulkner, Paul [REDACTED]
Sent: Wednesday, 28 September 2011 2:49 PM
To: John Price
Subject: [REDACTED] - FOS Ref 241145

Good afternoon John,

At the site inspection at the Leivers property, you asked for the identity of the employee of Water Technology who initially inspected the property on 15 April 2011. The employee was Julian Skipworth, and his relevant qualification is Bachelor of Engineering (Environmental) (Honours) from the University of Southern Queensland.

During the inspection you indicated that the fact that the original site inspection was performed by someone other than the person who prepared the statement relied upon in FOS was something that might be taken into account in considering that statement. I believe you may have mentioned that Mr Clark's evidence could be deemed inadmissible, or that there would be some scope for an inference to be drawn about that evidence. We seek to make submissions on that issue.

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Please let me know should you wish to discuss matters raised above.

Kind regards,

Paul Faulkner

Customer Dispute Resolution Manager

RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114

2649 Logan Rd, Eight Mile Plains

P [REDACTED] | F 07 3219 0489

Email: [REDACTED] | Web: www.racqinsurance.com.au

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Faulkner, Paul

From: Faulkner, Paul
Sent: Thursday, 29 September 2011 3:36 PM
To: 'John Price'
Subject: RE: [REDACTED] - FOS Ref 241145

Hi John

Thank you for the clarification on the matters raised below.

In relation to the reference to David Cox in the statement, Mr Clark has confirmed that the reference to Mr Cox in his statement was an error. We apologise for any confusion caused. Mr Clark would be happy to provide a statement clarifying this if necessary, although I assume that will not be the case if the dispute has already been determined.

Please let me know if there is anything further I can provide to assist.

Kind regards,

Paul Faulkner
Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
2649 Logan Rd, Eight Mile Plains
P [REDACTED] F 07 3219 0489
Email: [REDACTED] | Web: www.racqinsurance.com.au

From: John Price [mailto:[REDACTED]]
Sent: Wednesday, 28 September 2011 4:13 PM
To: Faulkner, Paul
Subject: RE: [REDACTED] - FOS Ref 241145

Hi Paul

Thanks for the information however the Panel has already met on this matter and determined the dispute. As I recall I indicated to you that the Panel was meeting the following week and to try and provide the info before then. I don't recall saying the statement from Clark would be inadmissible. That is definitely not the case. The issue in these type of situations is the weight that is given to the information supplied as compared to other information that may be available. This has always been the case.

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One thing that does concern me is that the employee's name you have provided [REDACTED] is different to the person (David Cox) referred to in the statement from Clark (see para 31 of the statement) as the Water Technology representative who had discussions with the applicant on 15 April. Are you able to explain this?

Regards
John

John Price | General Insurance Ombudsman
Financial Ombudsman Service Limited

P: [REDACTED] Fax: +61 3 9621 2060 | Toll Free: 1300 78 08 08 | www.fos.org.au

Please consider the environment before printing this email

From: Faulkner, Paul [mailto:[REDACTED]]
Sent: Wednesday, 28 September 2011 2:49 PM
To: John Price
Subject: [REDACTED] - FOS Ref 241145

Good afternoon John,

At the site inspection at the [REDACTED] property, you asked for the identity of the employee of Water Technology who initially inspected the property on 15 April 2011. The employee was Julian Skipworth, and his relevant qualification is Bachelor of Engineering (Environmental) (Honours) from the University of Southern Queensland.

During the inspection you indicated that the fact that the original site inspection was performed by someone other than the person who prepared the statement relied upon in FOS was something that might be taken into account in considering that statement. I believe you may have mentioned that Mr Clark's evidence could be deemed inadmissible, or that there would be some scope for an inference to be drawn about that evidence. We seek to make submissions on that issue.

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Please let me know should you wish to discuss matters raised above.

Kind regards,

Paul Faulkner
Customer Dispute Resolution Manager
RACQ Insurance Limited

PO Box 3004 Logan City QLD 4114
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P: [REDACTED] | F 07 3219 0489

Email: [REDACTED] Web: www.racqinsurance.com.au

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Exhibit 4



ASIC

Australian Securities & Investments Commission

Level 5, 100 Market Street, Sydney
GPO Box 9827 Sydney NSW 2001
DX 653 Sydney

Telephone: (02) 9911 2000
Facsimile: (02) 9911 2414

13 September 2011

Mr Andrew Sharman
Compliance Manager and Company Secretary
RACQ Insurance Limited
PO Box 4
SPRINGWOOD QLD 4127

By Email: [REDACTED]

Dear Mr Sharman,

Re: Home and contents policies - flood cover

As you will be aware, the Australian Securities and Investments Commission (ASIC) is Australia's corporate, markets and financial services regulator. ASIC's responsibilities include enforcement of the consumer protection provisions of the *Australian Securities and Investments Commission Act 2001* (the ASIC Act) as well as the administration of the *Insurance Contracts Act 1984* (the IC Act).

Areas of interest

We are requesting some information in relation to claims made as a result of the recent natural disasters, in particular the flooding that affected Brisbane and other parts of Queensland earlier this year.

1. *RACQ's Media Release of 2 August 2011 titled "RACQ Insurance announces claims re-assessment" (the Media Release)*

We seek to understand the basis for the original refusal of the claims referred to in the Media Release, the reason why these denials were reversed and whether RACQ believes it is likely that any further claims previously denied will be overturned as a result of the information referred to in the Media Release.

Please also advise whether RACQ is aware of any customers who may be affected by RACQ's decision, but to date have not received a payment for any reason, including but not limited to either withdrawing a claim before a determination or not making an initial claim.

Please also advise whether RACQ has considered whether section 57 of the *Insurance Contracts Act 1984* may apply to any of those previously denied claims and, if so, has determined whether the relevant policy holders will be paid interest.

2. *Hydrology reports*

We have received a number of complaints in relation to RACQ's purported refusal to supply claimants with access to a copy of the relevant hydrologist report.

We seek your advice as to whether this is correct, and if so, on what basis access would be denied to the relevant hydrologist report. Please also confirm whether this remains an issue for claimants after RACQ's reversal of previously denied claims referred to in the Media Release of 2 August.

We ask that you respond to this letter by 21 September 2011.

This request is being made without the use of ASIC's compulsory powers. Please advise immediately should you require a Notice pursuant to ASIC's statutory powers in order to provide a comprehensive response to this letter.

Please contact Emma Curtis [REDACTED] or Peter King [REDACTED] if you have any questions about this letter.

Yours sincerely,

[REDACTED]

Emma Curtis
Senior Manager
Deposit Takers, Credit & Insurers

Sharman, Andrew

From: Sharman, Andrew
Sent: Monday, 19 September 2011 11:38 AM
To: 'Peter King'
Cc: Emma Curtis; Boyd Honor; 'HEATH, Bradley'
Subject: ASIC Letter Dated 13th September 2011

Peter

I refer to your letter dated 13th September 2011.

Recently the Queensland Floods Commission of Inquiry (COI) has requested a very large amount of information relating to RACQ Insurance's response to the Queensland Floods for the hearings which are resuming in Brisbane today. RACQ Insurance is, and has been intensively over the last 2 weeks or so, in the process of gathering that information for the COI and will be delivering that information to the COI over the next week or so.

Some of the information being gathered for the COI is relevant to the queries raised in your letter. So that relevant aspects of the information currently being gathered for the COI can also be provided to ASIC in response to your queries we would be grateful if you would allow a short extension of time to respond to your letter.

We would be grateful if you could allow us until Friday 28th September 2011 to respond.

Regards

Andrew Sharman
Executive Manager Governance, Risk & Compliance/Company Secretary
RACQ Insurance Limited
2649 Logan Road, Eight Mile Plains
PO Box 4 Springwood 4127
Phone: (07) [REDACTED]
Fax (07) 3423 1975
Mobile: [REDACTED]
Email: [REDACTED]

28 September 2011

Ms Emma Curtis
Senior Specialist
Deposit Takers, Credit & Insurers
Australian Securities & Investments Commission
GPO Box 9827
SYDNEY NSW 2001

By Email: [REDACTED]

Dear Ms Curtis

Re: Home and contents policies – flood cover

We refer to your letter dated 13 September 2011.

Area of interest 1 – RACQ's media release of 2 August 2011

1. We understand ASIC's request for information to relate to the following matters.
 - (a) The basis for the original refusal of the claims referred to in the 2 August media release.
 - (b) The reason why these denials were reversed.
 - (c) Whether RACQ Insurance believes it is likely that any further claims previously declined will be reversed as a result of the information referred to in the media release.
 - (d) Whether RACQ Insurance is aware of any policyholders who may be affected by RACQ Insurance's decision but have not received a payment for any reason, including but not limited to either withdrawing a claim before a determination or not making an initial claim.
 - (e) Whether RACQ Insurance has considered whether s 57 of the *Insurance Contracts Act 1984* (Cth) (**ICA**) may apply to any of the previously denied claims and, if so, has determined whether the relevant policyholders will be paid interest.
2. RACQ Insurance responds as follows.

Basis of original refusal of claims

3. RACQ Insurance's Household PDS defines flash flooding and stormwater runoff (which is covered by the policy) as a sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater runoff. Damage caused by flood (defined as rising water which enters the home as a result of it running off or overflowing from any origin or cause) is excluded from cover (unless additional cover is applied for separately).

4. This means that in order to decide inundation claims in the Ipswich area, it was necessary to determine the cause of the flooding (and the timing of the damage). This was done by obtaining expert reports from hydrologists. RACQ Insurance used Mr Stephen Clark of Water Technology and staff under his supervision as its hydrologists for the Queensland Floods.
5. Water Technology produced its original report on the flooding which took place in the Ipswich area on 9 March 2011. A copy of this report is attached to this letter as **Attachment 1**. This report contains schedules of policyholders. We have not covered the names of the policyholders (or the details of their claims) as it is relevant to answering ASIC's questions that these names be disclosed. However, in the interests of protecting the privacy of policyholders we request that ASIC treat this information confidentially.
6. In part the original report identifies that flooding in certain downstream parts of the Bremer River in the Ipswich region had been affected by tailwater from the Brisbane River. The Brisbane River was swollen from the releases from the Wivenhoe Dam that had commenced from 7 January 2011 and which were increased on and from 9 January 2011 and from further rainfall which commenced on 9 January 2011.
7. In order to investigate the causes of the flooding in the Ipswich area Water Technology utilised a computer programme known as MIKE11. The MIKE11 computer programme requires data about the catchments, rivers and flood plains to be inputted. The data is then used to construct a model for a particular river system using the MIKE11 program. Water Technology had constructed their own model of the Bremer River using data that was then available to them. This data was limited, in the sense that it did not include, for example, cross sectional information about the Bremer River below the water level. Using the information then at its disposal Water Technology modelled the causes of flooding in the Ipswich area and the effect on that flooding of the tailwater in the Brisbane River.
8. Water Technology's original report in relation to Ipswich was provided to RACQ Insurance's lawyers (Cooper Grace Ward (CGW)) on 9 March 2011. The report indicated that on the basis of the available data (having run the MIKE 11 model), absent the high Brisbane River tailwater at the junction of the Bremer River the water in the Bremer River would largely have been contained within its banks.
9. The effect of this report was that the high level of the Brisbane River was a material cause of the Ipswich flooding. The same report (as well as Water Technology's report obtained for Brisbane) indicated that a significant cause of the high level of water in the Brisbane River was the Wivenhoe release rather than rain within the preceding 24 hours, and this was therefore not covered by the policy.
10. The original report from Water Technology was based on all of the data then available to Water Technology. It provided, as the author stated, a reasonable estimate of the impact on the Bremer River of the tailwater effect of the Brisbane River.
11. Accordingly, RACQ Insurance declined a number of claims on the basis that a real cause of the flooding to those properties was the flooding of the Brisbane River (essentially due to releases from the Wivenhoe Dam, being rain which occurred more than 24 hours prior to the flooding and was therefore excluded under the policy).

The reason these decisions were reversed

12. Water Technology believed that local authorities and government authorities had a MIKE 11 model containing more complete data with the model outputs calibrated against actual results ("more complete MIKE 11 model").

13. Prior to preparing its original report requests had been made, initially by Water Technology and then by Cooper Grace Ward (CGW), for a complete MIKE 11 model from SEQ Water, the Brisbane City Council (BCC) and the Ipswich City Council.
14. Water Technology believed that this data might exist as a result of work Water Technology was aware that the relevant agencies had previously undertaken, but Water Technology did not know:
 - (a) whether this data existed in the form that Water Technology hoped;
 - (b) whether the data would be made available, or how long it would take to obtain it, if at all;
 - (c) whether the data would lead to different results from the results Water Technology would obtain using the data they already had.
15. There was throughout January and February 2011 pressure from policyholders and others for speedy decisions on claims in the Ipswich area.
16. As RACQ Insurance did not know if the more complete MIKE11 model would become available to Water Technology, or what it might contain, it made its decision as to causation initially on the basis of Water Technology's original report (which indicated that Water Technology had run its MIKE 11 simulation for the Bremer River using the data available to them), on the basis that a real cause of the flooding to those properties was the flooding of the Brisbane River (essentially due to releases from the Wivenhoe Dam, being rain which occurred more than 24 hours prior to the flooding and was therefore excluded flooding under the policy).
17. Subsequently Water Technology was provided with the BCC MIKE 11 model. When the BCC model was examined it contained data concerning the Brisbane River catchment and its configuration and also data concerning the Bremer River catchment and its configuration. This latter aspect was something that Water Technology had hoped would be part of the BCC model but did not expect that it would be provided in that detail in the BCC model (as distinct from the models which had been sought from the Ipswich City Council and SEQ Water but which had not been provided). This was useful for Water Technology's analysis of the Ipswich region. Thereafter the hydrologists were able to carry out further investigations of the cause of flooding in the Ipswich area using that model. This additional work was complicated and time consuming; it was not simply a matter of plugging in a disk and running off a new set of graphs. The steps that needed to be taken are detailed in pages 3 to 5 of the supplementary Water Technology report (referred to below).
18. Water Technology provided a supplementary report dated 14 June 2011 to CGW using the BCC MIKE 11 model. This report is attached to this letter as **Attachment 2**. Again, RACQ Insurance requests that ASIC treat the schedules to the supplementary Water Technology report confidentially to protect the privacy of the policyholders referred to in the schedules. The supplementary report addressed the effect of the Brisbane River tailwater at the junction of the Bremer and Brisbane Rivers again.
19. The data in the supplementary report identifies that the elevated level of the Brisbane River had an influence on the level of the Bremer River but not as substantial as Water Technology had concluded in its original report. In terms of policy response, it was necessary to consider whether the effect of the Brisbane River tailwater was still to be regarded as a real cause of the loss or not. RACQ Insurance sought advice from CGW. CGW conducted a detailed legal review of the position and sought the advice (on a number of issues and occasions) of counsel. CGW's advice was provided to RACQ Insurance on 11 July 2011 together with the Water Technology supplementary report. Subsequent further advice was obtained over the next week or so clarifying matters which RACQ Insurance wished clarified in respect of the supplementary report.

20. Having received and considered the supplementary report and legal advice, on 2 August 2011 RACQ Insurance made the announcement the subject of ASIC's first area of interest. **Attachment 3** is a schedule which sets out these 247 claims and relevant details about them.
21. Written notification was sent by express post that same day, and attempts were made to contact all affected customers by telephone. Some policyholders were reached on 2 August 2011, but a large number were only reached on 3 or 4 August. During the telephone call where affected customers were informed of this decision, the operator also attempted to put in place arrangements to assess and settle the claims where possible (refer to Attachment 3 for details).
22. Prior to the announcement, RACQ Insurance took a number of steps to ensure that once the decision was announced, claims would be processed as quickly as possible. These steps included:
 - (a) A full reconciliation and analysis of the claims impacted by the reassessment to ensure all affected customers' claims were identified and required contact and other key information was centrally recorded.
 - (b) Development of a specific claims management strategy to support the effective and empathetic management of the claims. This included resource allocation to support the immediate requirement to personally contact all affected customers to communicate the decision and make loss adjustment appointments and ongoing prompt management of settlements and payments.
 - (c) Reassignment of internal loss adjusting personnel who would travel to Ipswich and meet personally with each affected policyholder to assess and manage the claim in conjunction with the customer.
 - (d) The preparation of scripting and letters to support the communication of the decisions.
 - (e) Communication with other areas of the claims team to ensure consistent and clear customer communications (this included management of the anticipated inbound calls following the announcement of the reassessment from those who were and were not impacted).
23. Many policyholders (in total 194) affected by this decision had received money from RACQ's Special Fund. Although the Special Fund was set up for the benefit of policyholders not entitled to indemnity under the policy, RACQ Insurance decided not to deduct the amount of those payments from the settlements of their claims or otherwise attempt to recover those payments.

Does RACQ Insurance believe it is likely that any further claims previously declined will be reversed as a result of the information referred to in the media release?

24. RACQ Insurance does not believe it is likely that any further claims previously declined will be reversed as a result of the information referred to in the media release.

Is RACQ Insurance aware of any policyholders who may be affected by RACQ Insurance's decision but have not received a payment for any reason, including but not limited to either a policyholder withdrawing a claim before a determination or not making an initial claim?

25. RACQ Insurance is aware of five policyholders who upon being informed of the decision to pay their claim chose to not pursue their claims because of the trivial nature of the damage sustained from the inundation of their properties.

RACQ Insurance Limited ABN 50 009 704 152

 **Motoring**  **Insurance**  **Travel**  **Finance**

26. RACQ Insurance is not aware of any policyholders who may be affected by RACQ Insurance's decision but who did not make an initial claim. RACQ Insurance took a number of steps to encourage the lodgement of all claims. These steps included:
- (a) issuing specific instructions to the team handling claims relating to the floods that RACQ Insurance's usual policy of lodging claims should apply – that is, that all claims relating to inundation should be lodged regardless of whether the cause of the inundation may have appeared to be "Flood" (and thus not covered under the policy) so that they could be properly investigated;
 - (b) including prominent advertisements on the website of RACQ and RACQ Insurance encouraging customers to make claims;
 - (c) through RACQ's General Manager of External Relations, arranging for a media release to be issued on 16 January 2011 which encouraged customers to contact RACQ Insurance and make a claim; and
 - (d) announcing publicly the decision to reverse the claims decisions in the Ipswich area.
27. In light of that approach, the publicity surrounding the issue, and the special fund established by RACQ to make compassionate payments to RACQ Insurance customers most in need, RACQ Insurance believes it is reasonably likely that any RACQ Insurance customer affected who wished to lodge a claim would have done so.

Has RACQ Insurance considered whether s 57 of the Insurance Contracts Act 1984 (Cth) (ICA) may apply to any of the previously denied claims and, if so, has it determined whether the relevant policyholders will be paid interest?

28. RACQ Insurance has considered whether section 57 of the ICA may apply and has determined that it does not.
29. Section 57 of the ICA provides that interest is payable on any amount that an insurer is liable to pay to an insured under a contract of insurance for the period commencing on the day as from which it was unreasonable for the insurer to have withheld payment of the amount.
30. As has been stated by Nicholas J in the NSW Supreme Court,¹ "the question of reasonableness is to be judged by reference to the true position in respect of the claim with allowance to be made for the insurer to have a reasonable period of time within which to investigate the claim and to consider its position". This is a question of fact to be determined having regard to all the circumstances of the case.
31. While every case must be considered on its facts, the case of *Elilade Pty Ltd v Nonpareil Pty Ltd* [2002] FCA 909 is instructive.
32. On the facts of *Elilade*, the court considered it reasonable for the insurer to have taken 3 months to instruct loss assessors, a further 7 months to make an offer and then another month to agree on quantum in the context of a complex flood claim with multiple causes of loss.
33. The Queensland floods created an unprecedented challenge for RACQ Insurance to respond to. The total number of claims arising from Cyclone Tasha in December 2010 and the flooding in Central and Southern Queensland in January 2011, as at 31 August 2011, was 6,235. Taken together with the claims arising from a series of severe storms in Brisbane and the south east in mid December 2010 and Cyclone Yasi which crossed the Queensland Coast on 2 February, 2011, RACQ Insurance received over 15,800 claims in a period of a little over 2 months.

¹ *Diosdado Sayseng v Kellogg Superannuation Pty Ltd* [2007] NSWSC 857 at [7].

34. The factors which are relevant to the reasonableness of the time taken to pay claims include:
- (a) the scale of the disasters and the consequent volume of claims;
 - (b) the limited availability of hydrologists with the relevant expertise;
 - (c) the complexity of the hydrological issues raised by the flooding in the context of our policy; and
 - (d) the difficulties encountered in obtaining the necessary data for the hydrologists to use for their models.
35. In respect of the Ipswich claims in particular, as noted above, the hydrology issues involved not only an analysis of the Bremer River catchment and waterway levels, but also Wivenhoe and the Brisbane River.
36. The decision made to approve claims previously declined arose directly from the provision of Water Technology's supplementary report based on the utilisation of a more complete MIKE 11 model which had been sought but which was not available to Water Technology at the time of the original report.
37. The other steps taken by RACQ Insurance (referred to above) have ensured accelerated treatment and payment of these claims since 2 August 2011.
38. RACQ Insurance considers that its claims response time was reasonable in all the circumstances and that there is no period during which interest in accordance with section 57 is payable on the relevant claims.

Area of interest 2 – Release of hydrology reports

39. We understand ASIC's request for information to relate to the following matters:
- (a) Whether RACQ Insurance has refused to supply claimants with copies of hydrology reports;
 - (b) If so, on what basis has access been denied; and
 - (c) Whether this remains an issue for claimants after RACQ Insurance's reversal of previously denied claims referred to in the media release of 2 August 2011.

Has RACQ Insurance refused to supply claimants with copies of hydrology reports?

40. RACQ Insurance initially did not provide claimants with copies of hydrology reports. However, wherever a claimant requested a copy of a hydrology report, they were offered or provided with a detailed information sheet which set out key hydrology findings for their region in a format which was intended to be easy for consumers to understand.
41. Additionally, any policyholder who made a complaint to the Financial Ombudsman Service was provided with a detailed individual report for their property from the author of the regional hydrology report that related to their region.
42. For the reasons set out below, this is no longer the position adopted by RACQ Insurance and since on or about 19 August 2011, any policyholder who requests a copy of a hydrology report is given a copy.

On what basis was access to hydrology reports denied?

43. Water Technology was engaged by CGW to prepare those reports on RACQ Insurance's behalf and the reports were provided to CGW for the dominant purposes of:
 - (a) RACQ Insurance obtaining legal advice as to issues of causation and whether claims should be accepted pursuant to the terms of the policy; and
 - (b) Use in or in connection with litigation which RACQ Insurance reasonably anticipated as a result of the Queensland floods, given the large number of claims and the amount of adverse publicity given to insurers declining claims.
44. RACQ Insurance accordingly considered that the hydrology reports were privileged.
45. Additionally, the hydrology reports were prepared on a regional basis and included schedules containing personal information about numerous RACQ Insurance policyholders. RACQ Insurance considered that the inclusion of personal information about individual policyholders gave rise to obligations under the *Privacy Act 1988* (Cth) not to disclose that information.
46. Clause 3.4.3 of the General Insurance Code of Practice (**Code**) provides that policyholders are to have access to information relied on by the insurer to assess their claim. However, in "special circumstances" (such as where information is subject to privacy laws, where information is protected from disclosure by law, or where the release of the information may be prejudicial to the insurer in relation to a dispute about the claim) or where a claim is being or has been investigated the insurer may decline to release information and reports (although not unreasonably).
47. Clause 6.1.4 of the Code contains similar wording in respect of complaints.
48. RACQ Insurance took the view that these exceptions to the obligation to provide access to information preserved the operation of legal professional privilege (as a substantive right not to be lightly abrogated) as well as confirming that the obligations of the *Privacy Act 1988* (Cth) took precedence over the Code. "Information" was provided to the insured, as far as was possible without waiving that privilege or disclosing personal information about other insureds.
49. RACQ Insurance maintains that it was entitled to take the approach that it did. Its decision to now provide copies of the reports is not a concession by it that it was not entitled to refuse to provide copies of the reports. The reasons for RACQ Insurance's decision in this regard are set out further below.

Is the release of hydrology reports to claimants still an issue after RACQ Insurance's reversal of previously denied claims referred to in the media release of 2 August 2011?

50. As stated above, RACQ Insurance has since 19 August 2011 provided copies of its hydrology reports (but not the schedules identifying other insureds) to any policyholder who requests a copy. This decision, however, is not a result of the re-assessment of claims in Ipswich. The reasons for RACQ Insurance's decision to provide copies of the hydrology reports to a policyholder who requests a copy are discussed below.
51. As mentioned above, RACQ Insurance arranged for the preparation of a series of information sheets for each region summarising Water Technology's findings in detail, which were provided to policyholders upon request. Copies of these information sheets for each region are attached to this letter as **Attachment 4**. These provide detailed information in plain English as to RACQ Insurance's reasons for the decisions.

52. Also attached (as **Attachment 5**) are examples of the detailed customer specific statements from the relevant hydrologist dealing with policyholders' specific properties in complaints before FOS, also as mentioned above.
53. FOS entered into correspondence with CGW and RACQ Insurance about the provision of the hydrology reports, as did Caxton Legal Centre (Caxton) and Legal Aid Queensland (LAQ), each acting for a number of RACQ Insurance policyholders.
54. From around late July or early August 2011 FOS indicated to RACQ Insurance that it would draw adverse inferences about the content of the principal hydrology reports if they were not disclosed to FOS for use in determining disputes. This was despite the other hydrology evidence which RACQ Insurance was providing in relation to the particular disputes being considered by FOS.
55. In that circumstance, RACQ Insurance determined that it would provide copies of the hydrology reports to FOS and to Caxton, LAQ and to unrepresented policyholders who had disputed the decision on their claim with RACQ Insurance.
56. Following on from this, a decision was made to release the hydrology reports to any policyholder on request.

The current status of the hydrology reports

57. Copies of all of the hydrology reports have now been provided to FOS and to Caxton and LAQ and to unrepresented policyholders who had made a complaint relating to hydrology issues.

We trust that the responses provided in this letter are satisfactory. Please advise us if there are any additional matters with which RACQ Insurance can assist, or if further explanation or amplification would be helpful in relation to any of the matters set out above or in the attachments to this letter.

Yours faithfully



Bradley Heath
Chief Executive Officer
RACQ Insurance Limited

ATTACHMENT 1

Investigation of the January 2011 Inundation Event - Ipswich



CONFIDENTIAL AND SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Date: **March 2011**

Client: **Cooper Grace Ward Lawyers**



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Water Technology Pty Ltd
93 Boundary Street
West End QLD 4101
Telephone (07) 3105 1460
Fax (07) 3846 5144
ACN No. 093 377 283
ABN No. 60 093 377 283

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1 INTRODUCTION

This report has been undertaken by Water Technology, specialist flooding engineers. The purpose of the report is to provide advice to Cooper Grace Ward Lawyers (CGW), who is acting on behalf of RACQ Insurance Limited (RACQI), on the cause of inundation events that occurred across the Ipswich Region in January 2011. This report has been prepared upon a geographical basis. It is recognised that individual properties within the geographical zone the subject of this report may be affected by issues that are specific to those properties. Water Technology has identified a number of properties in this category and has been instructed to undertake further investigations in relation to them. These further investigations will be reported upon separately.

We note that this report is confidential and for internal use by the client to assist them in processing claims for the particular event, time and location described above.

This is a technical report and the author has made opinions based on generally accepted engineering industry standard definitions for stormwater and flooding terminology for the purposes of classifying the particular inundation event that occurred as noted above. It is noted that these classifications are site specific and therefore the author has also provided additional information where necessary in order for the client to make a determination on whether a particular claim falls within RACQI's policy coverage. The decision of whether or not to pay a claim rests solely and entirely with the insurance company.

This report and any attachments have been prepared for the purpose of gathering information and/or for the purpose of giving and/or receiving legal advice and/or the giving and/or receiving of legal advice and is both confidential and subject to legal professional privilege.

2 GUIDELINES AND TERMINOLOGY

The terminology used in this report is provided in Table 2.1. This terminology is based on the glossaries of following documents and information from the Bureau of Meteorology, with additional information and examples provided by Water Technology to further clarify the use in this report:

1. "Floodplain Management in Australia: Best Practice Principles and Guidelines – SCARM Report 73", 2000, CSIRO.
2. "Queensland Urban Drainage Manual", Second Edition, 2008, Queensland Government Natural Resources and Water.
3. "Mitigating the Adverse Impacts of Flood, Bushfire and Landslide - State Planning Policy Guideline SPP1/03", June 2003, Queensland Government.
4. "Australian Rainfall and Runoff – Volume 1 – A Guide to Flood Estimation", 1998, Institution of Engineers Australia.
5. Bureau of Meteorology (2011) definitions and terminology as listed on their webpage http://www.bom.gov.au/hydro/flood/flooding.shtml#definitions_terminology

Table 2.1 Standard Terminology

Term	Definition
Annual Exceedance Probability (AEP)	The probability of exceedance of a given discharge within a period of one year. Can be expressed as a percentage (eg 1% change in any one year) or 1 in Y [years] (eg a probability of 1 in 100). This report will generally use ARI terminology.
Average Recurrence Interval (ARI)	The average or expected period between exceedances of a given discharge expressed in years. This is a another method of expressing the magnitude of a particular event in probabilistic terms (eg a "100 year ARI flood" can also be described as a flood with an AEP of "1%" or "1 in 100"). The ARI of a flood event is a statistical estimate that gives no indication of when a flood of that size or larger will occur next.
Backwater	No definition in documents listed above. We define as a body or area of water where there is little or no current that is connected to a drainage system or receiving water either above or below ground (pipe drainage). The water level of the backwater area is governed by the adjacent drainage system or receiving water.
Breakout	No definition in the documents listed above. Breakout flows occur when flow in a river system reaches a level high enough to engage a wider or an alternate flow path other than the normally defined channel.
Catchment	The area of land contributing stormwater runoff to a particular site or point under consideration. It always relates to a particular location and includes the catchments of tributary streams as well as the main stream.

Term	Definition
Critical Storm Duration	The duration of the storm event that produces the largest flood discharge at the location of interest. Critical storm duration depends on the catchment size, topography (slope, drainage path, presence of storages or basins), magnitude of storm, land use of the catchment (eg urban, rural or forest). In general terms the critical storm duration provides an indication of how long a catchment takes to deliver peak flow to a particular point of interest following rainfall commencement. When the rainfall is not at a constant intensity the timing of the peak flood will depend on the temporal pattern of rainfall.
Detention Basin	A large, open, free draining basin that temporarily “detains” collected stormwater runoff. These basins are normally maintained in a dry condition between storm events.
Drainage System	A system of gully [street or field] inlets, pipes, overland flow paths, open channels, culverts and detention basins used to convey runoff to its receiving waters.
Flash Flood	Sudden and unexpected flooding caused by local heavy rainfall either at the site in question or upstream. Often defined as flooding within six hours of the rain which causes flooding.
Flood	The temporary inundation of land by expanses of water that overtop the natural or artificial banks of a watercourse, including a drainage channel, stream, creek, river, estuary, lake or dam, or any associated water holding structure. A flood can be caused by excessive rainfall, storm surge, dambreak or a tsunami.
Local Runoff	Refer to “Runoff” and “Stormwater Flooding”.
Minor flood level	A flood level that causes inconvenience. Low-lying areas next to watercourses are inundated which may require the removal of stock and equipment. Minor roads may be closed and low-level bridges submerged.
Moderate flood level	In addition to the above for minor flooding, the evacuation of some houses may be required. Main traffic routes may be covered with flood waters. The area of inundation is substantial in rural areas requiring the removal of stock.
Major flood level	In addition to the above for minor and moderate flooding, extensive rural areas and/or urban areas are inundated. Properties and towns are likely to be isolated and major traffic routes likely to be closed. Evacuation of people from flood affected areas may be required.
Rainfall Intensity	The rate at which rain falls, typically measured in mm/hour. Rainfall intensity varies throughout a storm. This variation is called a temporal pattern.
Receiving Waters	A body of water (normally sea, river, creek or larger drainage system) that receives flow from a generally smaller (tributary) drainage system.

Term	Definition
Runoff	<p>That part of rainfall which is not lost to infiltration, evaporation, transpiration or depressions in the ground.</p> <p>We add that for the purposes of investigating or studying a flood it is the amount of rainfall that drains along the surface and into the “drainage system” or directly into receiving waters. Local runoff is that which occurs locally to a point in question (i.e. within a backyard) and has not yet reached a drainage system.</p>
Stormwater Flooding	<p>CSIRO (2000) defines as “inundation by local runoff caused by heavier than usual rainfall. Stormwater flooding can be caused by local runoff exceeding the capacity of an urban stormwater drainage system or by the backwater effects of mainstream flooding causing urban stormwater drainage systems to overflow.”</p> <p>We add that the capacity of the local stormwater drainage system to drain runoff can be lessened by backwater effects of a downstream receiving water system or by obstructions. Inundation caused by backwater surcharging out of a stormwater drainage system from a flood would not necessarily be classed as stormwater flooding as the source of water or the flood level reached may not be caused by local runoff.</p>
Surface Water or Inundation	<p>Any water collecting on the ground or in an open drainage system or receiving water body.</p> <p>In this report we use these terms to discuss water before it is categorised into flood, stormwater or other.</p>

CGW has provided the following definitions for the purposes of this report:

- a) **Flood** – is rising water which enters a home as the result of it running off or overflowing from any origin or cause;
- b) **Flash flood and stormwater runoff** – is a sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater runoff; and
- c) **Water inundation** – is the influx of water onto the property (i.e. the expression is not being used to refer only to properties which have been completely immersed in water).

In preparing this report the author is therefore cognisant of clarifying the time to flood as the time taken between the commencement of “flood-causing” rainfall and the time for a particular site to be flooded as RACQI’s definition will result in a wider geographic region meeting this definition than the standard definition defined in CSIRO (2000).

3 PURPOSE AND SCOPE OF THE REPORT

The purpose of the report is to provide advice to Cooper Grace Ward Lawyers on the cause of inundation events that occurred across the Ipswich region in January 2011.

This report is confidential and for internal use by the client to assist them in processing claims for the particular event, time and location described above.

This report is based on:

- A desktop review of rainfall and flow data for the Rivers and Creeks to these inundation events.
- A review of available news and gathered internet footage and photos.
- A review of historic flooding.
- Site inspections.
- Discussions with the owners and witnesses of inundated properties.

4 METEOROLOGY

The National Climate Centre's Special Climate Statement 24 (BoM, 25 January, 2011) provides an overview of the January 2011 rainfall which resulted in the inundation event in Ipswich. Several extracts of this report are quoted below:

Major Rain Events of the Period

...

10 to 12 January. An upper-level low combined with a humid easterly flow to bring very heavy rain to southeast Queensland and northeast New South Wales. The heaviest falls were in the areas north and west of Brisbane. ... Three-day totals exceeded 200 mm over most of the area bounded by Brisbane, Gympie and Toowoomba, including the majority of the Brisbane River Catchment. Further south, totals exceeding 100 mm extended to the coast and adjacent ranges of New South Wales north of Coffs Harbour, locally approaching 200 mm on parts of the Northern Tablelands, and also extended into inland southern Queensland as far west as Dalby. The heavy rain covered a smaller area than was the case in the late December event. The highest daily totals observed in the Bureau's regular network were 298.0 mm at Peachester and 282.6 mm at Maleny on 10 January, while the highest three-day totals were 648.4 mm at Mount Glorious and 617.5 mm at Peachester. Intense short-period falls also occurred during the event, with one-hour falls in excess of 60 mm occurring on both 10 and 11 January at numerous stations in various locations north and west of Brisbane. It is possible that higher short-period falls occurred in areas between observing sites.

...

Extreme Daily Rainfall Totals for the Period

...

Peak rainfalls from the 1974 event were substantially heavier than those in 2011. Many stations in the 1974 event experienced daily totals which exceeded 400 mm; the highest were 563.2 mm at Mount Tamborine and 561.5 mm at Wundurra, in the Gold Coast hinterland, while in the Brisbane area 475.8 mm fell on 26 January at Enoggera Reservoir.. 1974 also saw much heavier rainfall in metropolitan Brisbane than 2011, with Brisbane's three-day and peak one-day totals of 600.4 mm and 314.0 mm in 1974 comparing with 166.2 mm and 110.8 mm in 2011. However, in 1974 the heaviest rains were close to the coast, whereas in 2011 heavy falls spread further inland, and on the western fringe of the Brisbane River catchment and on the Great Dividing Range 2011 was the wetter of the two events (Figure 5 ...). The weeks prior to the 1974 event, whilst wetter than normal, were also less wet than the equivalent weeks prior to the 2011 event.

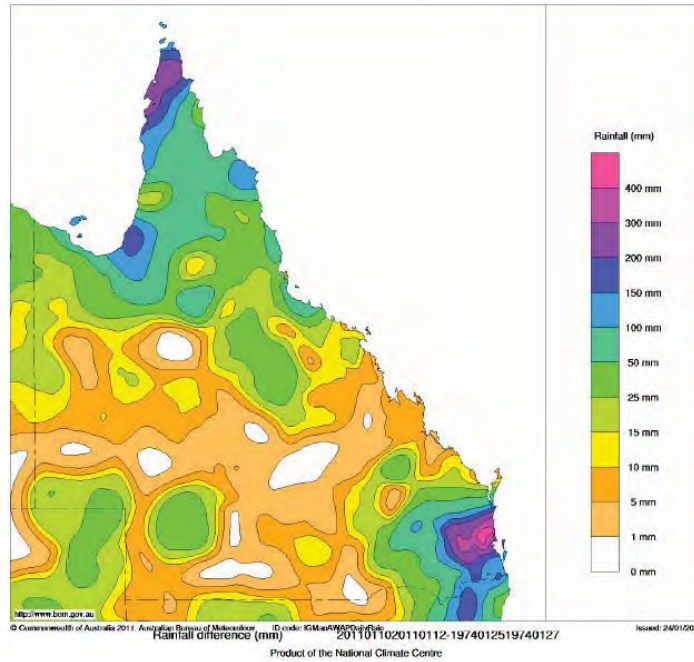


Figure 4-1 Three day rainfalls for 10 to 12 January 2011
(extract from Figure 5 - BOM, 2011)

Floods resulting from the rainfall

The most destructive floods during the period occurred during the second week of January in the southeast corner of Queensland and adjacent border areas of New South Wales. There was major flooding through most of the Brisbane River catchment, most severely in the Lockyer and Bremer catchments where numerous flood height records were set ..., along with the Toowoomba area just outside the Brisbane catchment. In Brisbane it was the second-highest flood of the last 100 years, after January 1974. The flooding caused substantial loss of life, and thousands of properties were inundated in metropolitan Brisbane and elsewhere. Major flooding with inundation of properties also extended inland to the upper Condamine-Balonne catchment, with Chinchilla and Dalby being severely affected for the second time in less than a month. ...

5 RAINFALL AND STREAM GAUGING STATIONS

Figure 5.1 and Figure 5.2 show the rainfall and stream gauging stations the entire catchment and the Ipswich area, respectively.

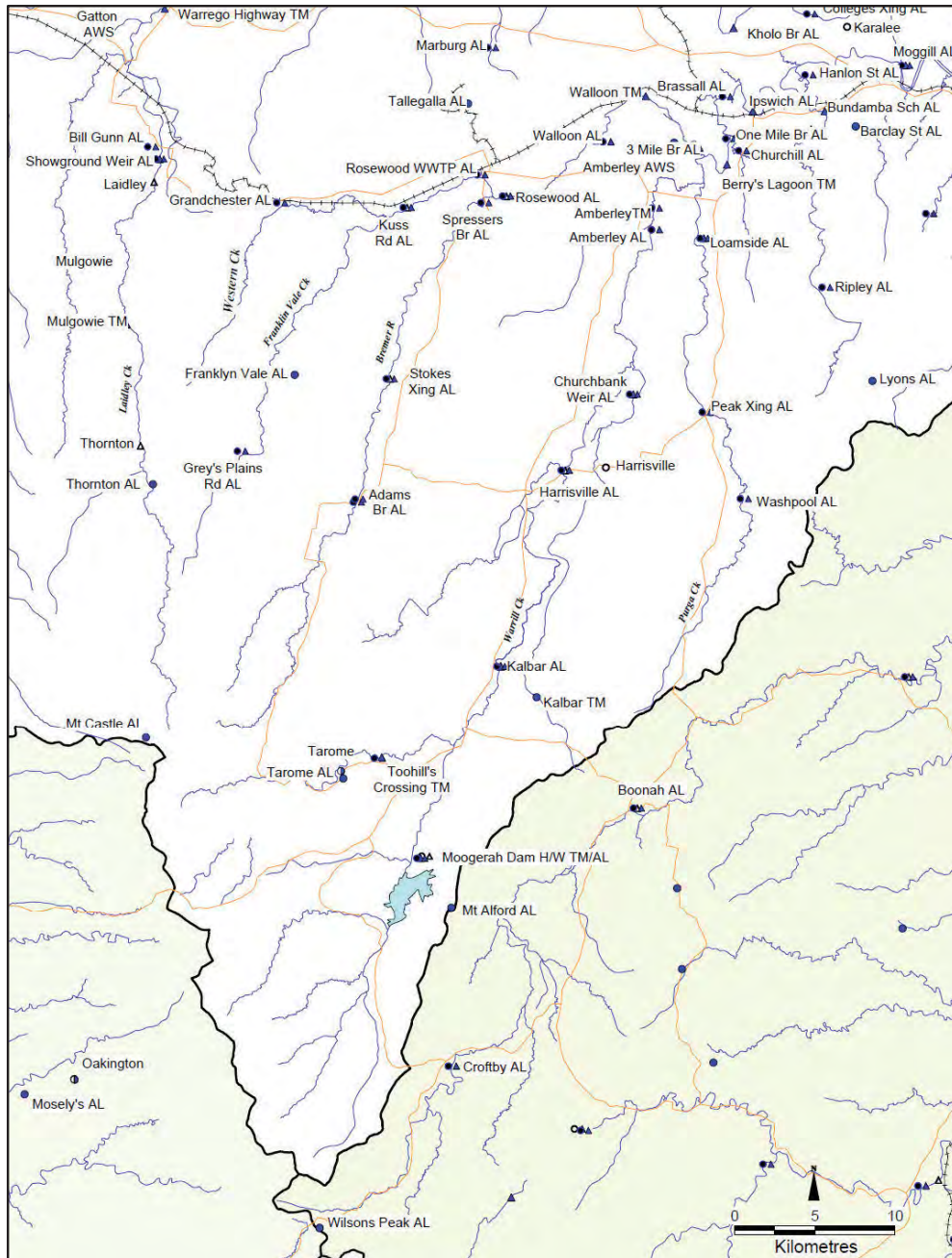


Figure 5.1 Ipswich Catchment Rainfall and Stream Gauging Stations – Catchment

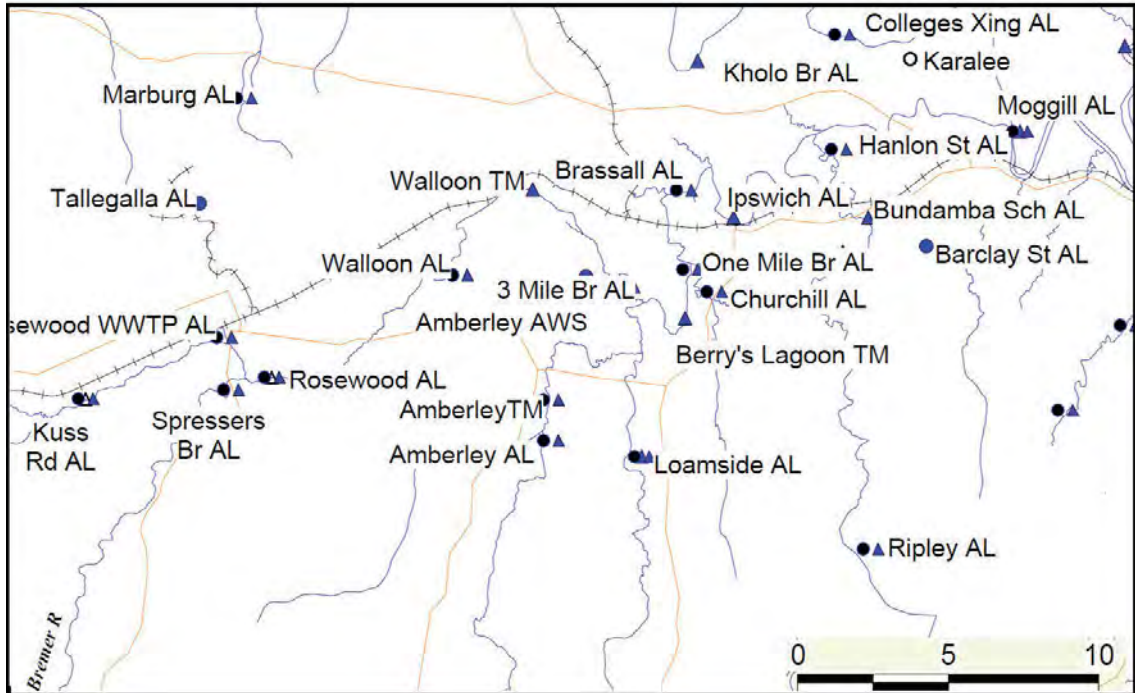


Figure 5.2 Ipswich Catchment Rainfall and Stream Gauging Stations – Ipswich Area

6 RAINFALL

Heavy rain fell in the Bremer River catchment on 11 January 2011 which, combined with the lesser rain on 9 and 10 January, resulted in increased Bremer River discharges and water levels. Figure 6.1 and Figure 6.2 show hourly and cumulative rainfall totals, respectively. Figure 6.1 and Figure 6.2 show that the rainfall was varied throughout the catchment. Intense rainfall fell in the upper Bremer River catchment (Tallegalla), the upper Bundamba Creek catchment (Lyons Bridge), moderate to heavy rainfall fell in the Warrill Creek catchment (Amberley and Tarome) and only low to moderate rain fell in the Ipswich City area (Bundamba, Brassall).

Figure 6.3 shows the intensity-frequency-duration (IFD) chart for Ipswich, together with the severities of the recorded rainfall at four locations in the catchment. Figure 6.3 shows the rainfall at Tallegalla was extreme, with the 12, 24, 48 and 72 hour intensities greater than the 100 year rainfall average recurrence interval (ARI).

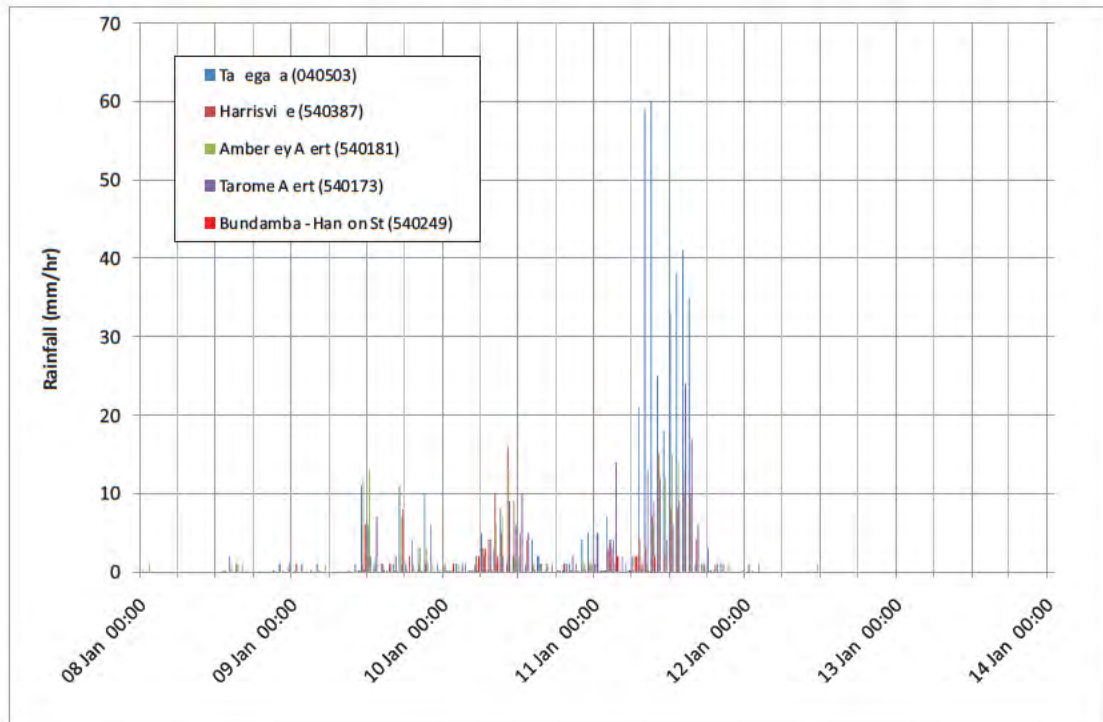


Figure 6.1 Hourly Rainfall Totals at Selected Rainfall Stations

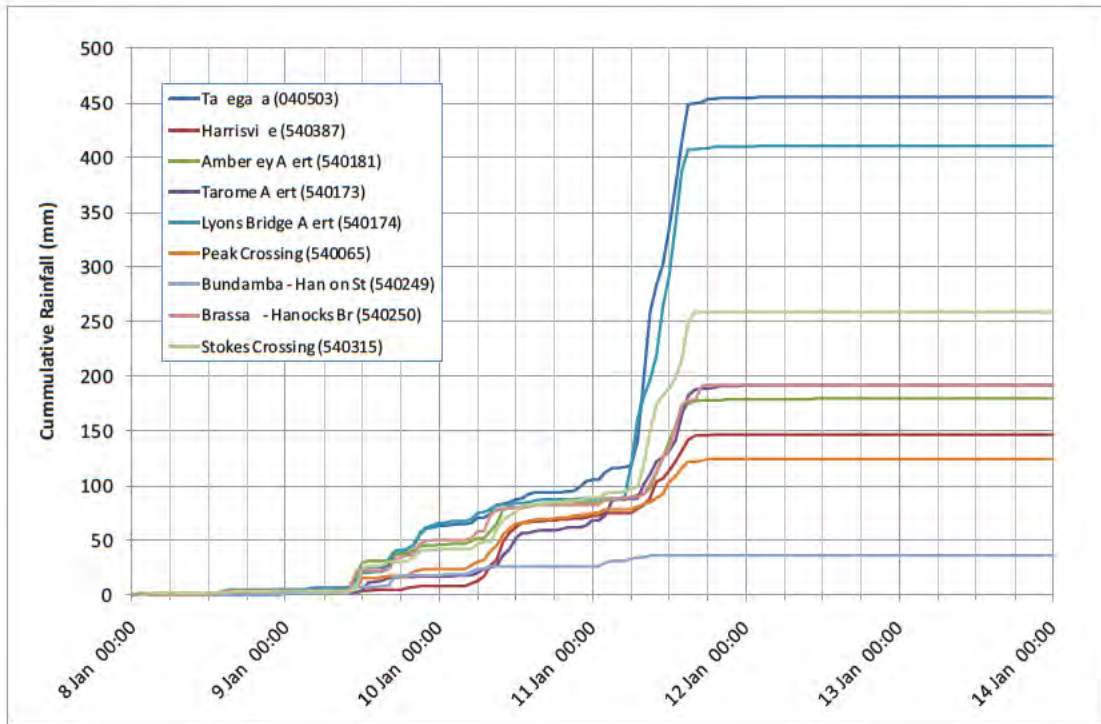


Figure 6.2 Cumulative Rainfall Totals at Selected Rainfall Stations

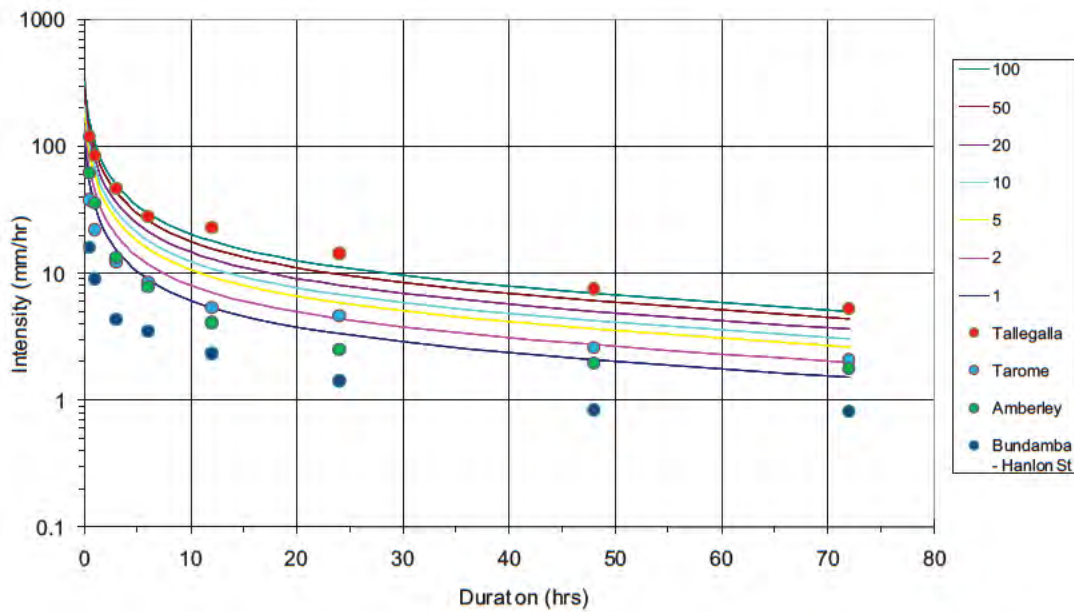


Figure 6.3 Intensity-Frequency-Duration Analysis of Selected Rainfall Stations within the Catchment

7 BREMER RIVER LEVELS

7.1 General

Figure 7.1 and Figure 7.2 show the translation of the January 2011 flood through Ipswich. Table 7.1 shows the timeline of the flood wave along the Bremer River. The adopted stream gauging stations are on the following rivers:

- Warrill Creek: - Churchbank Weir.
- Bremer River: - Walloon Alert, One Mile, Ipswich
- Brisbane River: - Moggill (just downstream of the junction of the Bremer and Brisbane Rivers)

Table 7.1 Timeline of Events in the Bremer River, Warrill Creek and Brisbane River

Time / Date	Elapsed Time Since Rainfall Commencement (hrs)	River	Event
0600 hrs 11 Jan	0		At Tallegalla, the rainfall causing the event commenced
0800 hrs 11 Jan	2	Bremer R	The Bremer River at Walloon shows a rapid response to the rainfall with the river commencing to rise
1700 hrs 11 Jan	11	Bremer R	The Bremer River at Walloon Peaks at 31.87 m
2100 hrs 11 Jan	15	Warrill Ck	Churchbank Weir (Warrill Ck) shows only small flows for the event. This is consistent with the generally low rainfall totals recorded for the Warrill Ck catchment.
0100 hrs 12 Jan	19	Bremer R	The Bremer River at One Mile peaks at 21.35 m AHD
1300 hrs 12 Jan	29	Bremer R	The Bremer River at Ipswich peaks at 19.4 m AHD
1500 hrs 12 Jan	31	Brisbane R	The Brisbane River at Moggill [040812] peaks at 17.87 m AHD

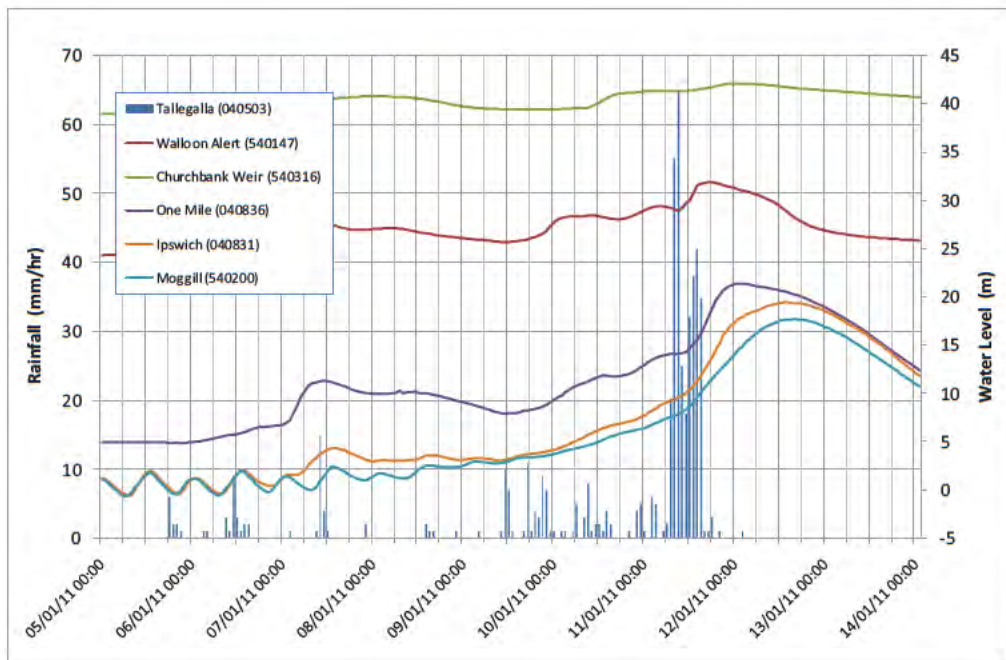


Figure 7.1 Translation of the January 2011 Flood Through Ipswich

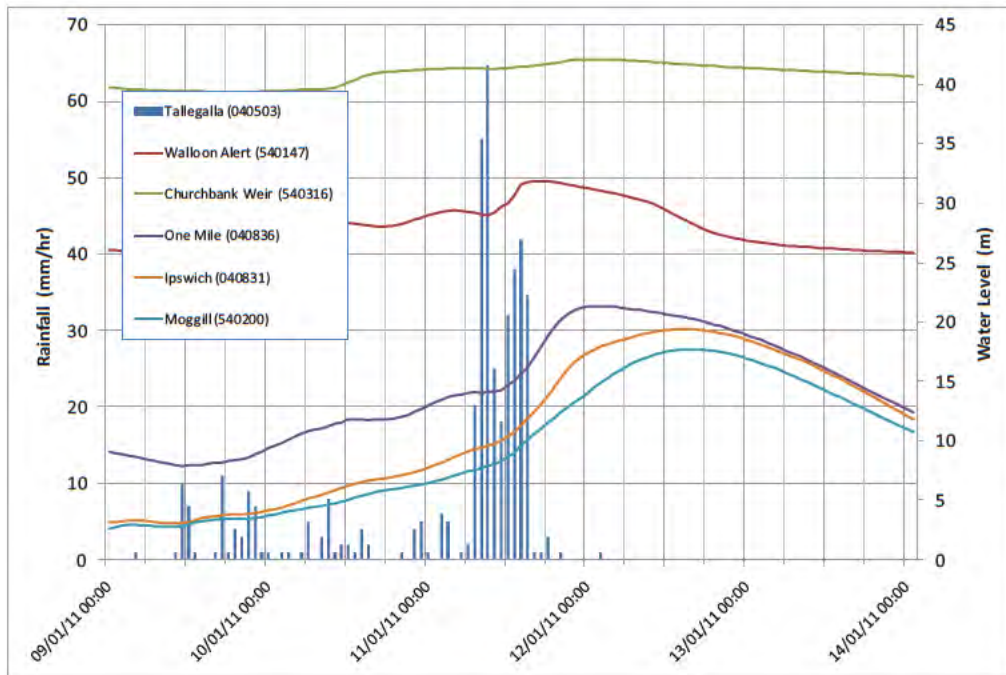


Figure 7.2 Translation of the January 2011 Flood Through Ipswich – Enlarged Image

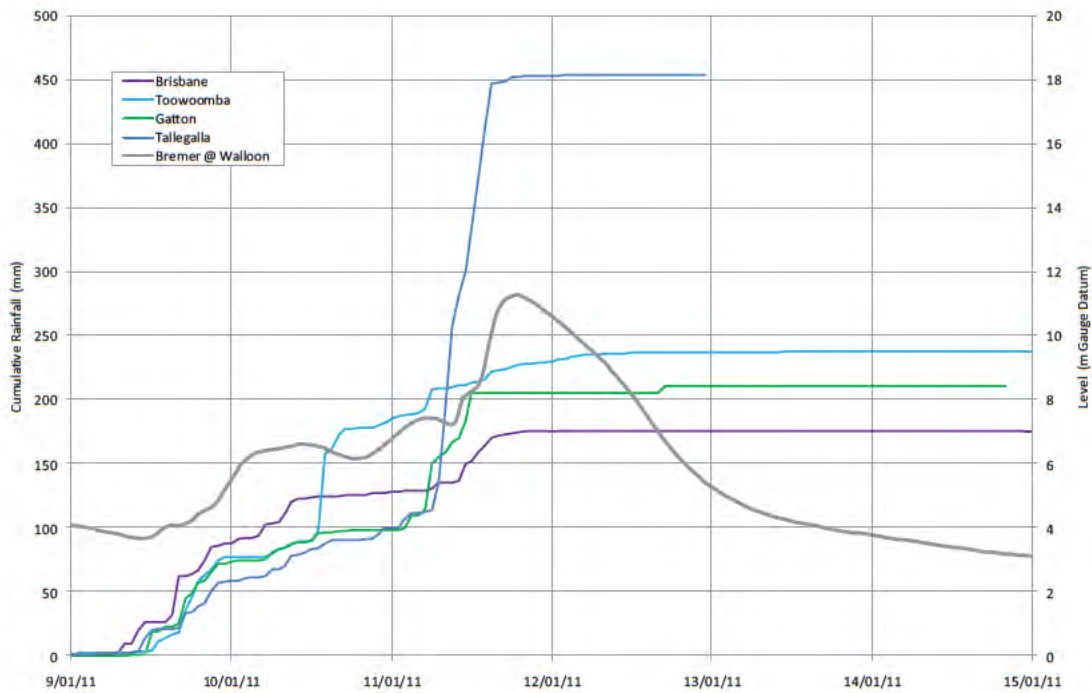


Figure 7-3 Cumulative Rainfall Records (selected) in the catchment below Wivenhoe Dam and Bremer River height at Walloon

Figure 7-3 shows the cumulative rainfall for selected rainfall gauges in and adjacent to the Brisbane River catchment, together with river heights for the Bremer River at Walloon.

At the time of writing of this report, there was limited discharge information available at gauging stations. Figure 7-4 provides an indication of the relative magnitude of the discharges within the Brisbane River at Savages Crossing (# 143001) and the Bremer River at Walloon (# 143107).

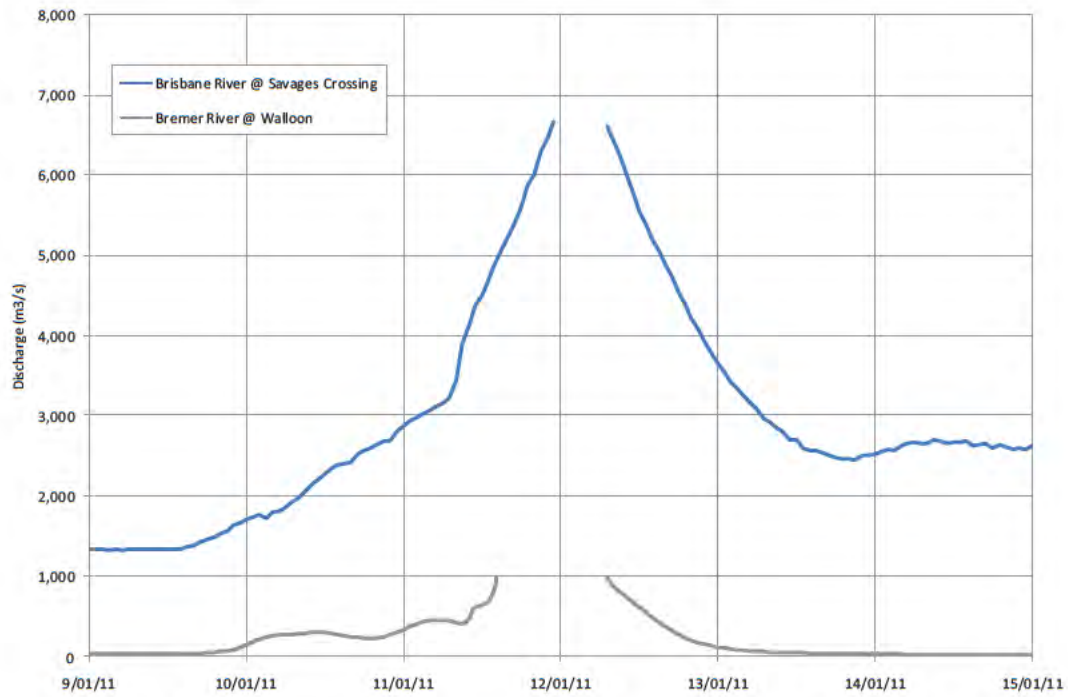


Figure 7-4 Brisbane and Bremer River Discharge Comparisons

Note that this comparison is limited by the amount of information available at the time of preparation of this report.

7.2 Discussion

Figure 7.2 shows rainfall occurring on the 9th and 10th of January. That led to an increase in the river level as measured at the Walloon gauge reaching the minor flood level (5m) and approaching the moderate flood level (6.5m) on the 10th of January. That rainfall does not appear to have had an appreciable impact on river levels downstream as also shown in Figure 7.2, nor is the inundation associated with the minor to moderate flood level likely to have an impact in the vicinity of the Walloon Gauge.

Figure 7.3 shows heavy rainfall commencing 06:00 11th January resulted in a rapid increase in the Bremer River level at Walloon gauge.

Figure 7.1, Figure 7.2 and Table 7.1 provide an indication of the impact of the Brisbane River on Bremer River flood levels. In particular, Figure 7.2 indicates that

- There is a clear peak in water level for the Walloon alert gauge at 1700 11 January 2011 associated with the peak flow from the Bremer River catchment.
- The One Mile gauge peak level (at 0100 12 January) is associated with the combined effects of peak flow from the Bremer River and increased Brisbane River levels from the junction of the Bremer and Brisbane Rivers.
- The peak water level for the Bremer River at Ipswich (1300 12 January) occurs just slightly before the peak water level at the Brisbane River Moggill Gauge occurs (1500 12 January).
- The general shape of the gauge record for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge record at Moggill. This indicates that water levels at the Ipswich gauge are significantly influenced by the Brisbane River “Tailwater”. Tailwater in this instance refers to elevated Brisbane River levels at the Brisbane and Bremer River junction leading to an elevation of water levels in the Bremer River. Without the model referred to in Section 8.2 we are not presently able to identify the extent of the effect of that tailwater upstream of the Ipswich gauge.

There are some locations upstream of Ipswich where in our opinion the levels of the Bremer River are unlikely to be affected at all or materially affected by the effect of the Brisbane River tailwater. As mentioned above, without the model referred to in Section 8.2 we are not presently able to identify the upstream extent of the affect of the tailwater. We have however, in Schedule C to this report identified those properties, which, without the benefit of that modelling we are confident that any flooding would be unaffected by the influence of the tailwater of the Brisbane River.

8 BRISBANE RIVER IMPACT ON BREMER RIVER WATER LEVELS

8.1 Overview

An assessment was made of the impact of the Brisbane River water levels on the Bremer River Water levels to provide a preliminary estimate of which properties (if any) would have been inundated by the Bremer River in the absence of elevated Brisbane River levels.

8.2 Methodology

A hydraulic model of the Brisbane and Bremer Rivers has been previously developed by others for use in flood planning and management of the rivers. Requests to access this model or equivalent have recently been made to SEQWater, Brisbane City Council and Ipswich City Council. Unfortunately, at the time of writing of this report, no response to whether or not this model is available has been received.

In order to undertake a preliminary assessment of the impact of Brisbane River tailwater levels, a course MIKE-11 hydraulic model was developed based upon survey data available at the time of writing of this report for Ipswich and estimated river discharges based upon the recorded rainfall and river discharge data. This model was checked for broad consistency to the recorded inundation levels in Ipswich.

The MIKE-11 hydraulic model was used to model the effect of the rain in the catchment of the Bremer River through Ipswich City under two conditions:

- A Brisbane River level of 17.87 m AHD (which represents the peak level at the Moggill gauge on the 12th January) to represent the January 2011 Event.
- A lowered Brisbane River level to represent the effect of the rain in the Bremer River catchment without a corresponding flood in the Brisbane River.

Figure 8.1 shows the modelling results. The following is of note with respect to Figure 8.1:

- The blue line provides a good representation (when compared available flood imagery www.nearmap.com.au and the Queensland Reconstruction Authority Interactive mapping tool (<http://qldreconstruction.org.au/your-community-reconstruction-updates/interactive-map>) of the recorded inundation extent.
- The yellow line shows that, based upon the modelling assumptions, without elevated Brisbane River levels, Bremer River flows would have been essentially confined within bank.
- The majority of properties that were inundated by river water are located between the two river level estimates.

The approach adopted provides a reasonable estimate of the extent of the Bremer River inundation making an assumption that there were not elevated water levels within the Brisbane River, but conservative in the sense that it shows the level below which the Bremer River would not have fallen making that assumption.

For a more accurate estimate the previously developed model should be used or alternatively this current model could be calibrated.

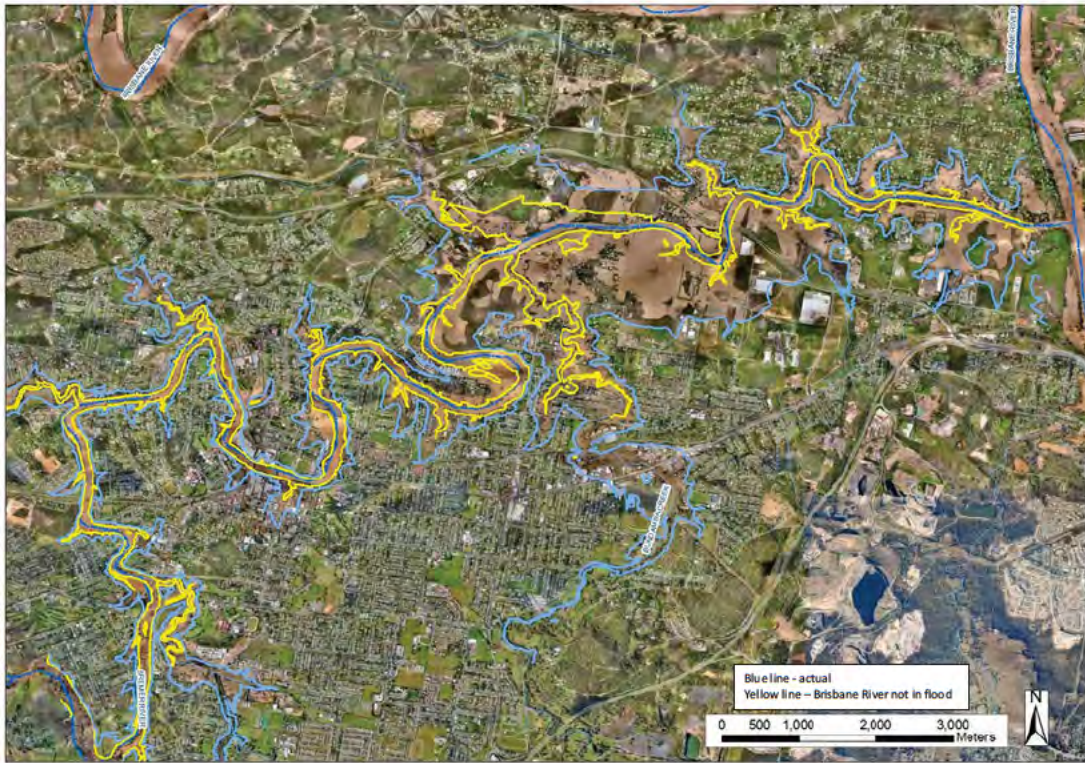


Figure 8.1 Modeled Bremer River Inundation Extents for the January 2011 Event With and Without High Brisbane River Tailwater

9 BRISBANE RIVER INUNDATION

Areas of Ipswich City downstream of the Bremer River – Brisbane River confluence were inundated by the Brisbane River during the January 2011 event.

9.1 The Brisbane River Catchment Above Wivenhoe Dam

- Wivenhoe Dam experienced significant inflows over the period 9th (Sunday), 10th (Monday) and 11th (Tuesday) of January associated with rainfall in the catchment above Wivenhoe during this same period.
- Rainfall commenced at approximately 06:00 on the 9th (Sunday) of January.
- These inflows contributed to a peak outflow from Wivenhoe occurring at approximately 00:00 (midnight) on the 12th (Wednesday) of January.
- Significant Wivenhoe discharges occurred greater than 24 hours after the commencement of the rainfall event that lead to the significant inflows into Wivenhoe dam. Therefore, any inundation directly associated with the Brisbane River flows below Wivenhoe dam would be attributable to the rain event that commenced at approximately 06:00 9th January (and indeed earlier rainfall).

9.2 Brisbane River Catchment Below Wivenhoe Dam

- No rainfall was recorded at the Brisbane Rainfall Gauge within the 24 hours preceding the peak Brisbane River level.
- A significant rainfall event occurred at Tallegalla in the Upper Bremer River catchment between approximately 06:00 and 15:00 on 11th January.
- Figure 7-3 shows the rapid response of the Bremer River at Walloon to the Tallegalla rainfall.
- The available gauging information presented in Figure 7-4 indicates that in terms of peak flow, the Bremer River contributed of the order of 15-25% of the Brisbane River flow. This is a necessarily imprecise figure because it is based on derived discharge information (which is both incomplete and in any event imprecise) and there are additional catchments contributing to both the Brisbane and Bremer River flows downstream of these gauges.
- Due to high Brisbane River tailwater levels there would have been some attenuation of the peak flow rate in the lower reaches of the Bremer River.
- This means that the overall contribution of water from the Bremer River to the Brisbane River (in terms of peak flow) is likely to be less than the estimate above. Based on the data currently available it is not possible to quantify how much less.

10 CONCLUSIONS

10.1 Bremer River Inundation

From our review of the available data for the January 2011 event we have formed the following opinions with regard to Bremer River inundation in the Ipswich area:

- Heavy rainfall commenced within the Bremer River Catchment at approximately 0600 hrs 11 January 2011.
- The Bremer River peaked at the One Mile Gauge at 0100 hrs 12 January (19 hrs later).
- The Bremer River peaked at the Ipswich Gauge at 1300 hrs 12 January (29 hrs later).
- There are some locations upstream of Ipswich where in our opinion the levels of the Bremer River are unlikely to be affected at all or materially affected by the effect of the Brisbane River tailwater. As mentioned above, without the model referred to in Section 8.2 we are not presently able to identify the upstream extent of the effect of the tailwater. We have however, in Schedule C to this report identified those properties, which, without the benefit of that modelling we are confident that any flooding would be unaffected by the influence of the tailwater of the Brisbane River.
- Bremer River water levels within the lower reaches were impacted by high Brisbane River tailwater levels. These properties are included in Schedule B Part 1 as indicated below.
- Preliminary modelling showed that the Brisbane River tailwater level substantially increased water levels in the lower Bremer River.

10.2 Site Specific Issues

As mentioned at the outset Water Technology has identified from within the properties listed in Schedule B Part 1 a number of properties where, in addition to flooding as described under the preceding heading, it is possible flooding may have occurred by some different mechanism.

These properties have been identified as requiring further investigation based upon site specific criteria including proximity to elevated floodplain features and potentially restrictive drainage culverts/channels.

These properties will be the subject of further investigations which will be reported upon separately. They have been listed in Schedule B Part 3.

10.3 Brisbane River Inundation

From our review of the available data for the event of January, 2011 we have formed the following opinions with regard to direct Brisbane River inundation in the Ipswich area:

- Damage directly associated with Brisbane River inundation generally in the Goodna area post 06:00 on the 12th (Wednesday) of January has been caused by "flood".
- A small proportion of the overall depth of the Brisbane River generally in the Goodna area pre 06:00 on the 12th (Wednesday) may be partially attributable to rainfall that fell within the catchments downstream of Wivenhoe Dam in the preceding 24 hours.
- Thereafter, the Brisbane River water level continued to rise steadily to its peak level recorded (at the Moggill Gauge) at approximately 15:00 on the 12th (Wednesday) January.

The properties referred to above are generally in the Goodna area and inundated by flood are identified in Schedule A.

As mentioned above, it is possible that some individual properties within the list in Schedule A similarly may have been affected by stormwater runoff, either because of their particular location or because of characteristics unique to those properties. Further investigations would be required to identify the existence of properties which fall into this category, if any. Water Technology has been instructed to seek to identify any properties that fall within this category. It has not been possible at the time of writing this report to identify any such properties.

10.4 Schedule B

Schedule B lists the sites where it has not been possible to formulate an opinion at the time of provision of this report. It includes properties inundated by that part of the Bremer River which was affected by the elevated Brisbane River tailwater (Schedule B Part 1) and properties which appear to be outside the inundation zone (Schedule B Part 2) but which may or may not be subject to the same inundation mechanism in respect of the properties listed in Schedule B part 1.

11 REFERENCES

Bureau of Meteorology, 2011, Special Climate Statement 24, "Frequent heavy rain events in late 2010/early 2011 lead to widespread flooding across eastern Australia". First issued 7th January, 2011, Updated 25th January, 2011.

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Bureau of Meteorology, 2011, Definitions and Terminology,

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CSIRO, 2000, "Floodplain Management in Australia: Best Practice Principles and Guidelines – SCARM Report 73".

Institution of Engineers Australia, 1998, "Australian Rainfall and Runoff – Volume 1 – A Guide to Flood Estimation".

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Queensland Government Natural Resources and Water, 2008, "Queensland Urban Drainage Manual", Second Edition.

Queensland Reconstruction Authority Interactive mapping tool

<http://qldreconstruction.org.au/your-community-reconstruction-updates/interactive-map>

Queensland Government, June 2003, "Mitigating the Adverse Impacts of Flood, Bushfire and Landslide - State Planning Policy Guideline SPP1/03".

12 AUTHORS QUALIFICATIONS

The author of this report is Mr Stephen Quinton Clark. In arriving at my opinions in this report, I have been assisted by the following Water Technology staff who have carried out certain work under my direction and supervision:

Dr Richard Walton
Mr Chris Catalano
Mr Sachi Canning
Mr Daniel Rodger

I have reviewed their work and the opinions expressed in this report are my own.

Details of qualifications are provided in Table 12-1 below.

Table 12-1 Authors Qualifications

Full Name	Stephen Quinton Clark
Job Position	Director
Location	Brisbane, Queensland
Qualifications	Bachelor of Civil Engineering (Hons), UQ, 1988 Master of Engineering Science, UQ, 1999 National Professional Engineers Register (NPER) Registered Professional Engineer Queensland (RPEQ)
Key Areas of Relevant Expertise	Hydrologic and hydraulic engineering, floodplain management and flood warning

This report contains my preliminary views on the January, 2011 flood event within the Ipswich Local Government Area. It is preliminary essentially because not all inspections have been completed and not all relevant data is available. In due course should you wish it, I will prepare a final report after the completion of those further investigations (by me or by others). That report, that has been requested by CGW, should be prepared in the form required by the rules of court for an expert witnesses report, given the possibility of litigation arising.

However, subject to those further investigations, this preliminary report refers to all material matters of which I am currently aware and could reasonably obtain at the time of writing which might affect my conclusions.



.....
Mr Stephen Quinton Clark

ATTACHMENT 2

Subject to Legal Professional Privilege

Cooper Grace Ward
Level 21 400 George St
Brisbane QLD 4001

Attn: Andrew Ward

Dear Andrew,

SUBJECT: INDEPENDENT ANALYSIS – WATER INUNDATION – IPSWICH REGION

We refer to our report dated March 2011 (the report) and subsequent letters of 14 March, 20 March, 25 March, 29 March, 6 April, 14 April 2011, two letters of 19 April 2011, 6 May 2011, 16 May 2011, 19 May 2011 and 6 June 2011.

The purpose of this update is to report on Water Technology's further investigations into the likely cause of Bremer river inundation within the city of Ipswich.

1.0 Background

Section 7 of the report contained the following discussion:

"Figure 7.1, Figure 7.2 and Table 7.1 provide an indication of the impact of the Brisbane River on Bremer River flood levels. In particular, Figure 7.2 indicates that

- There is a clear peak in water level for the Walloon alert gauge at 1700 11 January 2011 associated with the peak flow from the Bremer River catchment.
- The One Mile gauge peak level (at 0100 12 January) is associated with the combined effects of peak flow from the Bremer River and increased Brisbane River levels from the junction of the Bremer and Brisbane Rivers.
- The peak water level for the Bremer River at Ipswich (1300 12 January) occurs just slightly before the peak water level at the Brisbane River Moggill Gauge occurs (1500 12 January).
- The general shape of the gauge record for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge record at Moggill. This indicates that water levels at the Ipswich gauge are significantly influenced by the Brisbane River "Tailwater". Tailwater in this instance refers to elevated Brisbane River levels at the Brisbane and Bremer River junction leading to an elevation of water levels in the Bremer River. Without the model referred to in Section 8.2 we are not presently able to identify the extent of the effect of that tailwater upstream of the Ipswich gauge.

There are some locations upstream of Ipswich where in our opinion the levels of the Bremer River are unlikely to be affected at all or materially affected by the effect of the Brisbane River tailwater. As mentioned above, without the model referred to in Section 8.2 we are not presently able to identify the upstream extent of the affect of the tailwater. We have however, in Schedule C to this report identified those properties, which, without the benefit of that modelling we are confident that any flooding would be unaffected by the influence of the tailwater of the Brisbane River.”

Since the preparation of the report, Water Technology has now been provided with the Brisbane River Mike 11 model and other relevant information. This model has been used to further investigate the impact of the Brisbane River on Bremer River flood levels as is discussed in the following sections.

2.0 Previous Analysis

The report presented the results of the preliminary analysis of the Bremer River undertaken prior to Water Technology having access to the Brisbane River Mike 11 model. This previous analysis also utilised a Mike11 model developed from terrain information and preliminary discharge estimates for the January 2011 event in the Bremer River that were available to the Water Technology at the time.

This model was checked for broad consistency to the recorded inundation levels in Ipswich.

Section 8 of the report states:

“Figure 8.1 shows the modelling results. The following is of note with respect to Figure 8.1:

- The blue line provides a good representation (when compared available flood imagery www.nearmap.com.au and the Queensland Reconstruction Authority Interactive mapping tool (<http://qldreconstruction.org.au/your-community-reconstruction-updates/interactive-map>) of the recorded inundation extent.
- The yellow line shows that, based upon the modelling assumptions, without elevated Brisbane River levels, Bremer River flows would have been essentially confined within bank.
- The majority of properties that were inundated by river water are located between the two river level estimates.

The approach adopted provides a reasonable estimate of the extent of the Bremer River inundation making an assumption that there were not elevated water levels within the Brisbane River, but conservative in the sense that it shows the level below which the Bremer River would not have fallen making that assumption. For a more accurate estimate the previously developed model should be used or alternatively this current model could be calibrated.”

3.0 Water Technology’s Further Analysis

While the above original analysis was conducted using the best available information, Water Technology’s subsequent analysis has had the benefit of substantial further information which only became available after the original analysis was performed, including:

- The Brisbane River Mike11 model (provided by Brisbane City Council), which contained important information that Water Technology did not have access to (for example Water Technology did not have any information about characteristics of any of the river systems below the water level when performing the original analysis),
- LIDAR terrain information (provided by DERM) covering the area under consideration, which was much more detailed than the terrain information Water Technology had access to when performing the original analysis,

- SEQWater’s submission to the Queensland Floods Commission of Inquiry “January 2011 Flood Event – Report on the operation of Somerset Dam and Wivenhoe Dam” 2 March 2011, which contained information (particularly with regard to Bremer River catchment inflows) that was not available at the time of the original analysis.

Following receipt of the above information, Water Technology undertook a further analysis of the inundation mechanisms along the length of the Bremer River. Please note that for the purposes of this investigation, the area of interest is defined as the Bremer River from Amberley to the junction with the Brisbane River.

The steps that were carried out by Water Technology to complete this further analysis are as follows:

1. The Brisbane River Mike11 model provided by Brisbane City Council was established on Water Technology’s system.
2. The Brisbane River model is large and covers from Wivenhoe Dam wall to the mouth of the Brisbane River together with a selection of major tributaries to the Brisbane River downstream of Wivenhoe Dam wall. Water Technology therefore simplified the model structure in the area of interest ie the Bremer River from Amberley to its junction with the Brisbane River. The revised model structure is shown in Attachment A.
3. The inflow of water into the Bremer River from the catchment (upstream of the Bremer River / Warrill Creek junction) in the relevant period was fed into the model. These inflows were based on a combination of gauge observations and information presented in SEQWater’s submission to the Queensland Floods Commission of Inquiry “January 2011 Flood Event – Report on the operation of Somerset Dam and Wivenhoe Dam” 2 March 2011.
4. The inflow of water into the Brisbane River from both Wivenhoe Dam and Lockyer Creek based on information presented in SEQWater’s submission to the Queensland Floods Commission of Inquiry was also fed into the model.
5. The model was used to simulate the January 2011 flood event over the period 8 January 2011 to 14 January 2011. This enabled time histories of water levels for the January 2011 event at various locations throughout the Brisbane and Bremer River system to be produced.
6. The time histories of water level as produced by the model were checked against water levels as recorded at gauging stations.

In particular, water levels as recorded on the Brisbane River at the Moggill Gauge and the Bremer River at the One Mile, Brassall and Ipswich gauges were examined in detail. In addition, the Bundamba (Hanlon’s Bridge) gauge on Bundamba Creek was examined. This gauge is located just upstream of the junction of Bundamba Creek and the Bremer River and (for this particular event) provides an accurate indication of elevated Bremer River water levels.

The general shape and peak water levels recorded at the Brassall gauge are inconsistent with the One Mile Creek gauge and Ipswich gauge records suggesting that there is some inaccuracy in the Brassall Gauge record. The source of these inconsistencies has not been examined, but the Brassall gauge record has not been used for detailed comparisons.

7. Other sources of information used to check the model predictions included the inundation information provided by the Insurance Council of Australia and the flood photography available through www.nearmap.com.
8. The comparison with the available gauge records and other relevant information indicated that the model as received did not reproduce the January 2011 event accurately in the area of interest. Sources of inaccuracy could include any (or all) of the following:

- a. Uncertainty in catchment inflows,
 - b. Uncertainty in the original model accuracy through the area of interest,
 - c. Modifications to the terrain since model establishment,
9. In order to accurately reproduce the observed water levels for the January 2011 event, the hydraulic “roughness” of the model throughout the Bremer River was adjusted in order to ensure accurate representation of gauged water levels across the full range of water levels experienced.
10. For example, it was observed that the peak water level on the Brisbane River at the Moggill Gauge was approximately 1.7m lower than the peak water level of the Bremer River as indicated by the Bundamba (Hanlons Bridge) gauge. Given the closeness of these two gauges this appeared to be an anomaly.
11. Water Technology took steps to verify that these recorded peak water levels were correct. These steps included:
- a. Conducting a detailed comparison of the Ipswich, Bundamba (Hanlon St) and Moggill gauge records over the period of the January 2011 event,
 - b. Comparing the recorded inundation extent reported by the Insurance Council of Australia with the topographic data,
 - c. Reviewing available information on flood surface profiles through this area from previous flood events (eg 1974).
12. Having confirmed that the recorded peak water levels were consistent with other data, Water Technology investigated the possibility that cross section data included in the Brisbane River Mike11 model may have been missing key (restrictive) cross sections in the lower reaches of the Bremer River. Water Technology did this by comparing cross section data within the received model to topographic information (based on LIDAR). This analysis confirmed that the cross section data in the received model was consistent with topographic information in the area considered.
13. Having confirmed the above matters, Water Technology considered adjusting other parameters in the model to replicate the behaviour referred to in paragraph 10 above across the full range of recorded water levels. Ultimately, the adjustment made was to modify the hydraulic roughness around the junction of the Brisbane and Bremer Rivers (which necessitated consequential modifications throughout the rest of the Bremer River model) to replicate the recorded event. The modification that was made was to introduce higher roughness values into the upper levels of the cross sections of the Bremer River.
14. Although there are other variables (in particular Bremer River inflows) I believe it was appropriate to make the adjustments referred to in paragraph 13 for the following reasons:
- a. Of the possible parameters the greatest uncertainty is associated with roughness because it is inherently difficult to quantify, and the roughness parameter actually incorporates the effect of a large number of varying physical processes (eg topographic features not represented by the cross sections, meandering, obstructions and vegetation).
 - b. It was not possible to replicate in the model both the peak and rising limbs of the observed event through the lower reaches of the Bremer River without modifying the hydraulic roughness description.

- c. There did not appear to be any principled basis to depart from the Bremer River inflow information derived using information contained in SEQWater's submission to the Queensland Floods Commission of Inquiry "January 2011 Flood Event – Report on the operation of Somerset Dam and Wivenhoe Dam" 2 March 2011.
 - d. While not commonly done in Australia, the approach of varying roughness vertically is commonly used internationally in narrow, deep rivers. Relative to the characteristics of most Australian rivers, this section of the Bremer River is quite narrow and therefore, in my opinion, it is appropriate to adopt this international practice.
15. Once the model accurately reproduced the behaviour of the January 2011 event in the area of interest, two further simulations were performed. These were:
- a. Low Brisbane Tailwater - Water flowing into the Bremer River from the catchment upstream of the junction between Bremer River and Warrill Creek at the rate reported by SEQWater in the period from 8 to 14 January 2011, but assuming typical levels of tailwater in the Brisbane River at the same time;
 - b. Low Flow – normal inflows from both the Bremer and Brisbane River catchments.
16. The output of the model following the completion of the simulations is a series of time histories of flows and levels throughout the modelled area for each scenario. These time histories enable the respective contributions from the relevant inputs to be determined, in this case the inputs being the inputs from the inflow into the Bremer River on the one hand, and the Brisbane River tailwater, on the other.

The time histories of water levels at key gauge stations are presented in Attachment B. The thick blue line shows the actual recorded water level at each of the gauges. The thin blue line shows the results of this model recreating the January 2011 event. The red line shows the results of the model using the Low Brisbane Tailwater scenario. The green line shows the results of the model using the Low Flow scenario.

A long section of the Bremer River with the various scenarios plotted is presented in Attachment C. The thin blue line shows the peak water level predicted by this model recreating the January 2011 event. The red line shows the peak water level predicted by this model based on the Low Brisbane Tailwater. The green line shows the peak water level predicted by this model based on the Low Flow. The invert (or base) of the river is also plotted on the long section by a brown line.

17. The results of the simulations were applied to terrain data to generate inundation lines that represent the likely effects of the modelled scenarios.

These inundation lines are presented in Attachment D. The thick blue line shows the inundation extent as provided by the Insurance Council. The red line shows the inundation extent predicted by the model based on the Low Brisbane Tailwater.

4.0 Conclusions

The simulations of the Bremer River conducted during the course of this analysis should still be regarded as provisional. A comprehensive investigation of the study area would involve a thorough review of the hydrology and hydraulics of the study area and a complete recalibration of the modified Brisbane River Mike11 model.

However, in my opinion, the analysis conducted is suitable to provide an indication of the order of magnitude of the effects of the Brisbane River tailwater on inundation within the Bremer River.

Based on the simulations conducted using the modified Brisbane River Mike11 model, attachments B and C indicate that:

- At the One Mile gauge, the elevated Brisbane River levels are predicted to have increased the Bremer River level by approximately 0.5m,
- Attachment C clearly shows the sloping water surface through this reach of the river containing the One Mile gauge, extending down to approximately the Ipswich gauge,
- At the Ipswich gauge, the elevated Brisbane River levels are predicted to have increased the Bremer River level by approximately 4m,
- Attachment C shows the water surface slope “flattening out” as the floodplain broadens downstream of the Ipswich gauge,
- Levels downstream of the Ipswich gauge appear to be controlled by a combination of the tailwater level in the Brisbane River and the restrictive cross sections near the mouth of the Bremer River. For the simulated January 2011 event, the high Brisbane River tailwater appears to be the dominant factor. For the low Brisbane River tailwater simulation, the restrictive cross sections near the mouth appear to be the dominant factor.
- At the Bundamba gauge, the elevated Brisbane River levels are predicted to have increased the Bremer River level by approximately 5m.

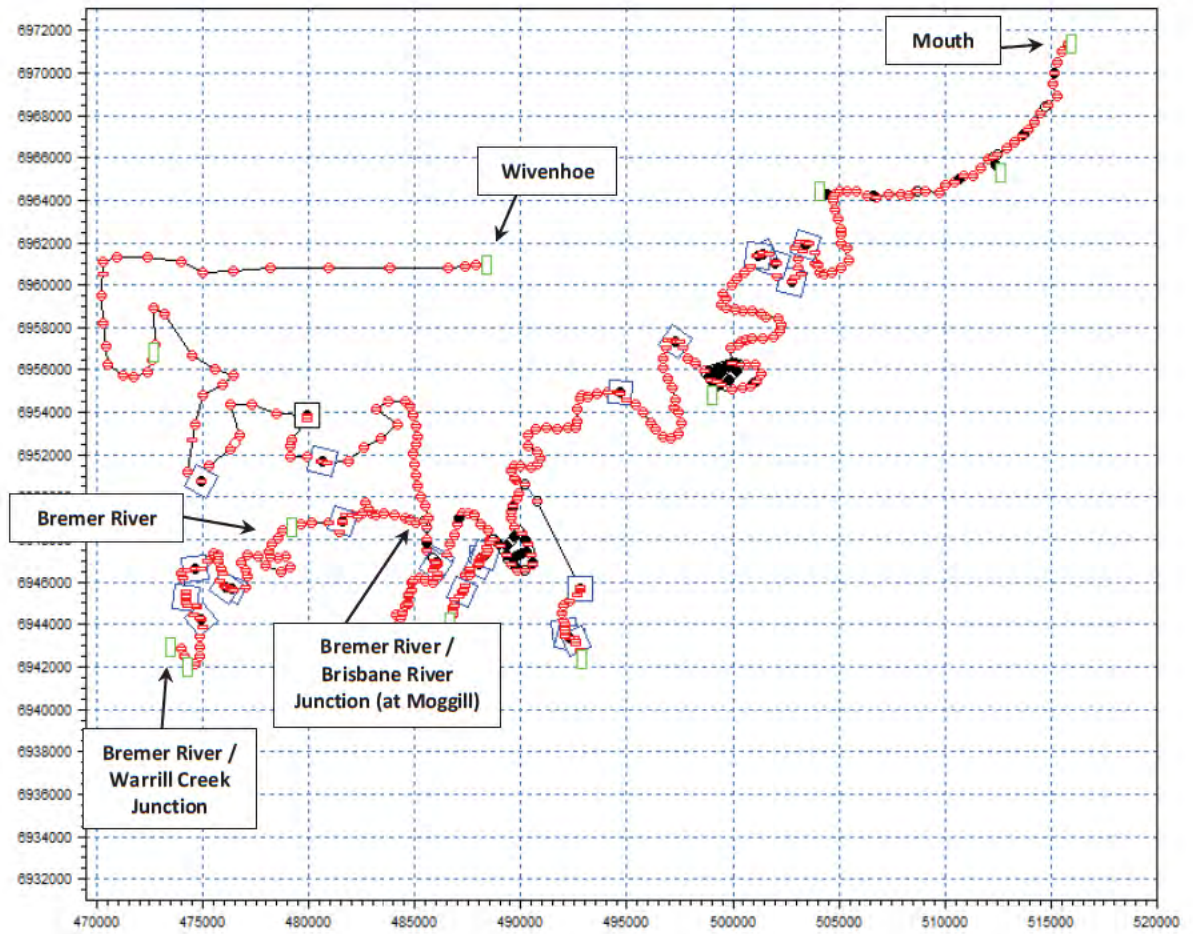
Please do not hesitate to contact me if you have any queries.

For and on behalf of
Water Technology Pty Ltd



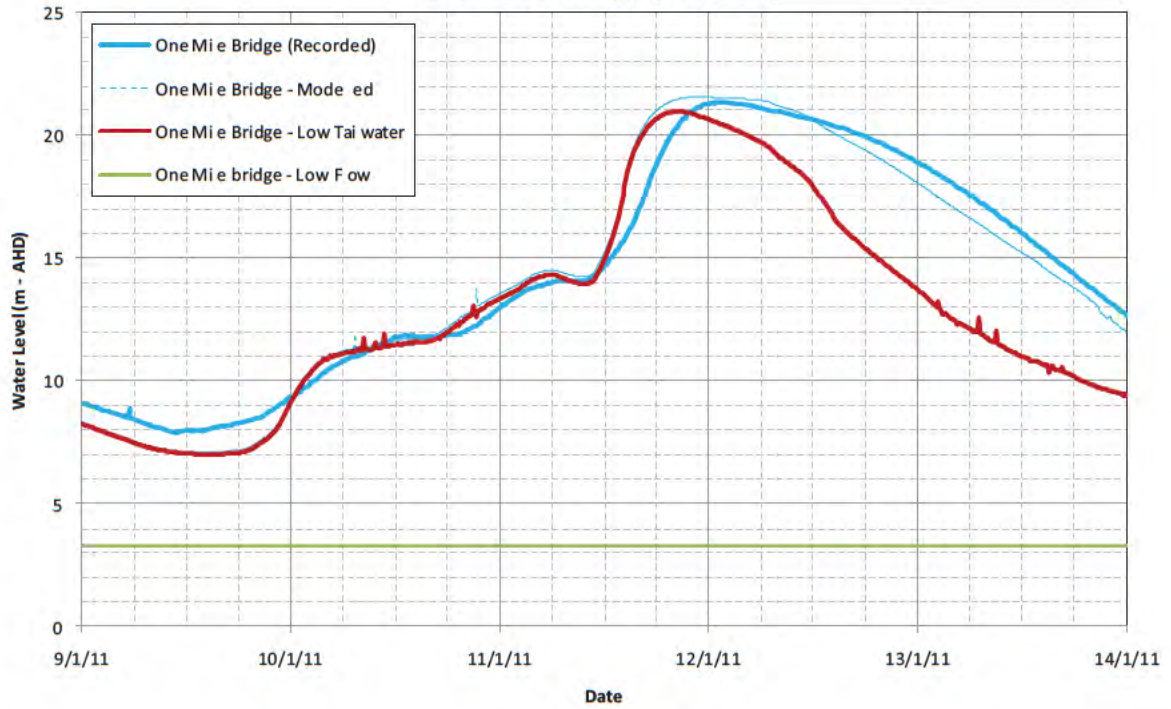
Mr Steve Clark
Director

Attachment A – Overview

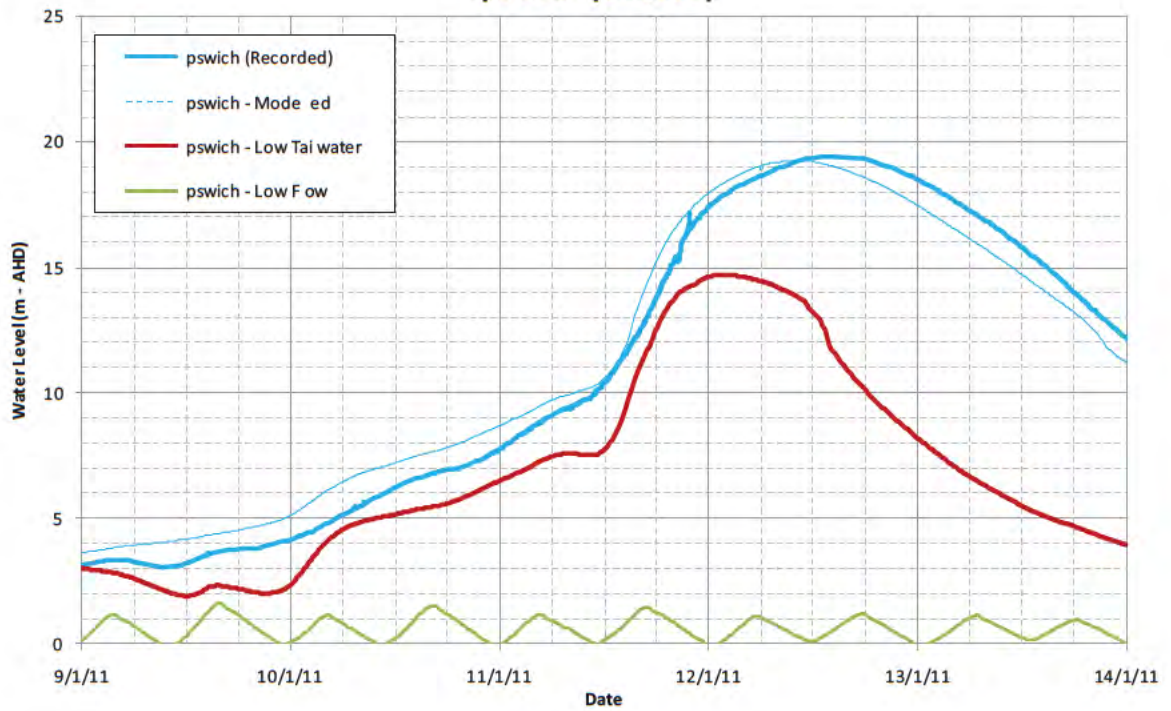


Attachment B Time histories of water level at key gauges

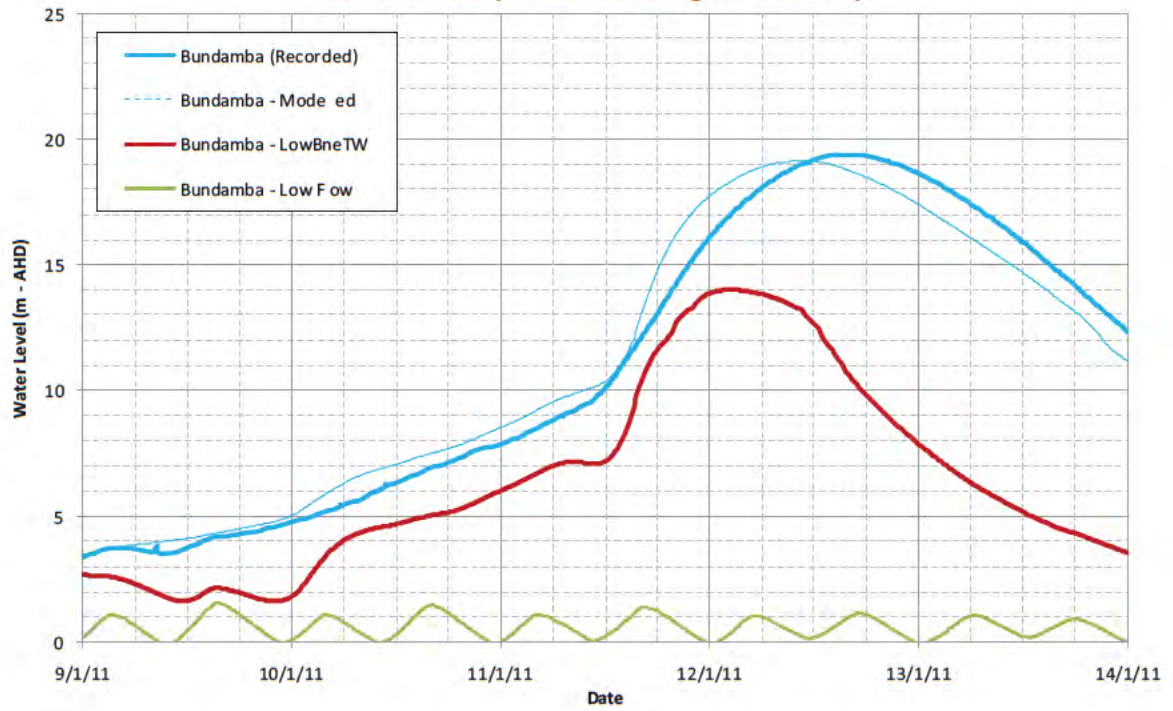
One Mile Bridge (040836)



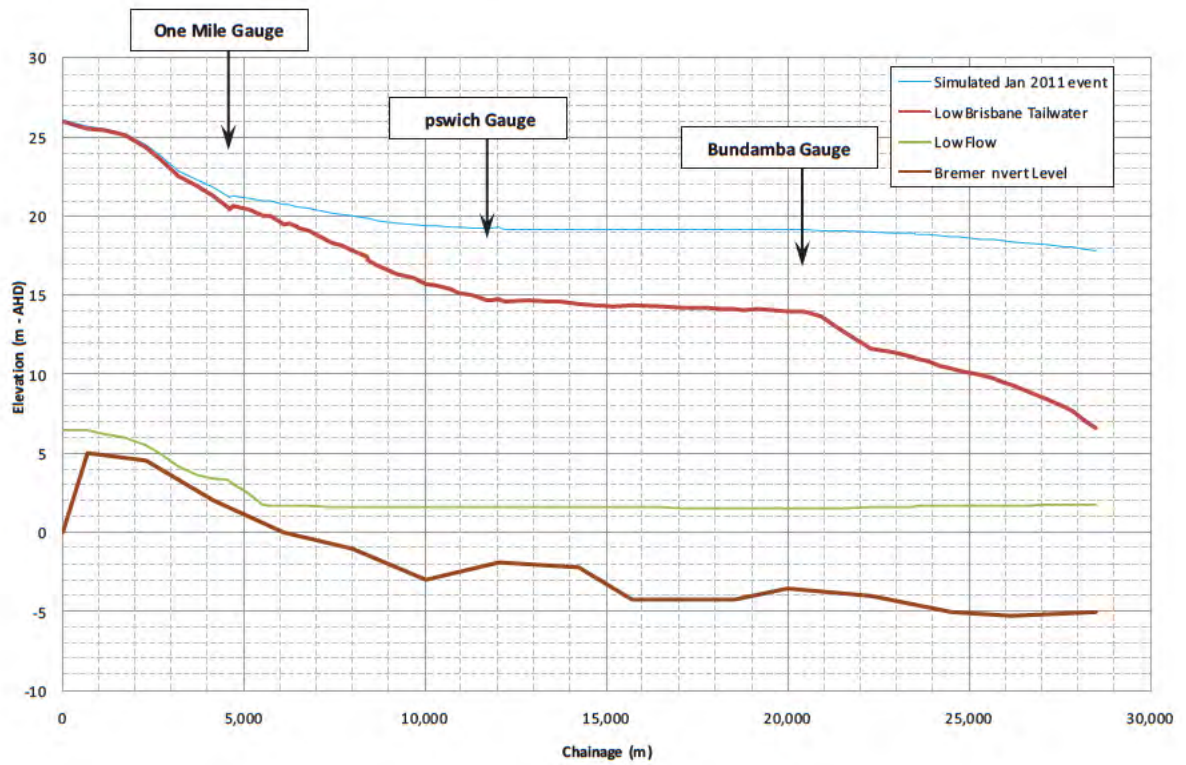
Ipswich (040831)



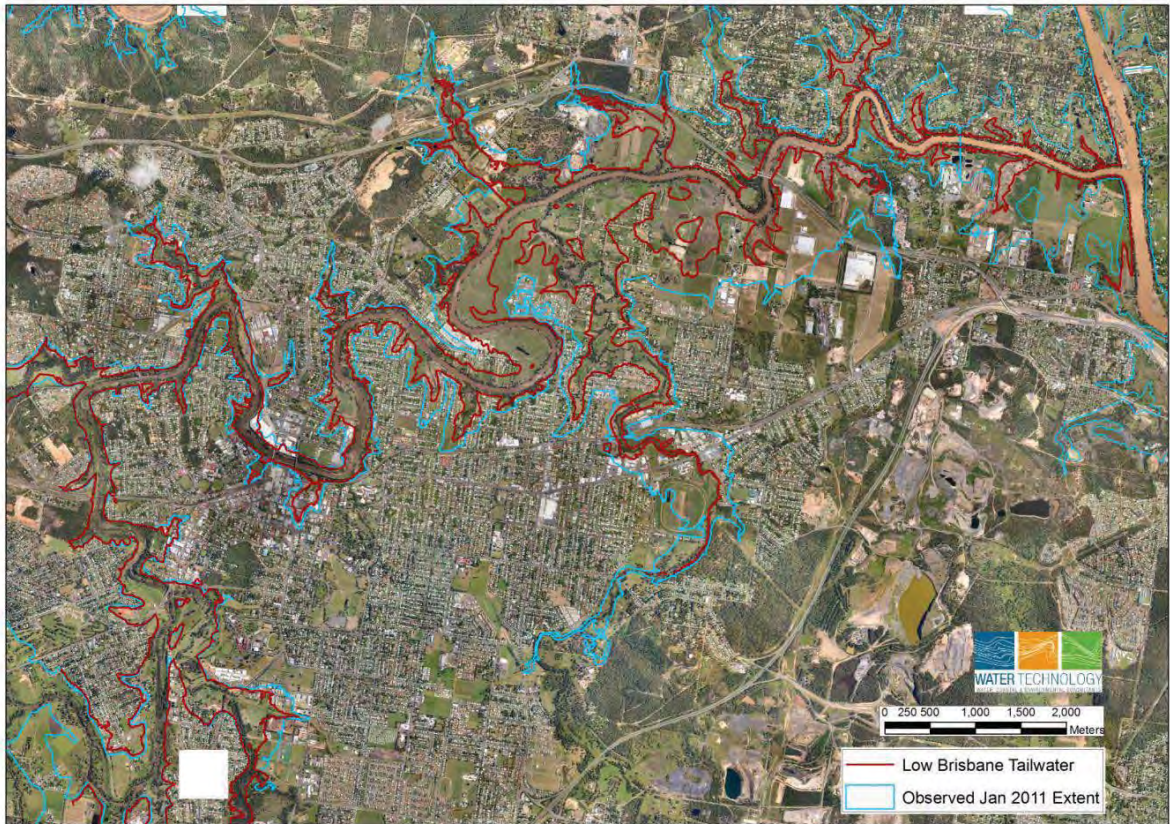
Bundamba (Hanlons Bridge - 540249)



Attachment C – Bremer River Long Section



**Attachment D – Aerial Photographs with inundation lines with the Insurance Council of Australia
Inundation Zone (thick blue line) and flood extents for the Low Brisbane Tailwater
scenario (red line)**



ATTACHMENT 3

C-aim Details			Compass on Fund				Claim Progress Details															
Claim Number	Customer	Loc/City	RISKADDRESS/NE1	Date	Paid	Letter Sent Date	Facilitally Unable to Contact Message Left-Date	Successful Telephone Contact Date	Successful Telephone Contact Time	Customer Reaction	Date Assessment Completed	Assessment Completed	Cash Sett ed Offered & Accepted	Total C aim Amount - Building	Total Claim Amount - Contents	Sum Insured - Building	Sum Insured - Contents	Bu iding Settlement Date	Contents Settlement Date	Date Claim Closed	Or ginal Decis on Date	
				2/08/2011				2/08/2011	3:30:00 PM	5. D sb e ef	9/08/2011	9/08/2011		\$34,934.00	\$25,217.00	\$215,000.00	\$54,000.00	11/08/2011	11/08/2011	11/08/2011	18/03/2011	
				27/04/2011	\$2,500	2/08/2011		2/08/2011	4:00:00 PM	2. Happ ness / Sat st fact on	17/08/2011	17/08/2011			\$25,000.00	\$50,000.00		18/08/2011	18/08/2011	15/04/2011		
				29/03/2011	\$12,500	2/08/2011	3/08/2011	5/08/2011	9:15:00 AM	2. Happ ness / Sat s act on	26/08/2011	26/08/2011		\$26,925.77	\$16,580.00	\$270,000.00	\$59,000.00	2/09/2011	2/09/2011	6/09/2011	18/03/2011	
				24/03/2011	\$12,500	2/08/2011		2/08/2011	5:00:00 PM	2. Happ ness / Sat s act on	8/08/2011	8/08/2011		\$235,000.00	\$62,700.00	\$470,000.00	\$170,000.00		14/08/2011		18/03/2011	
				22/03/2011	\$12,500	2/08/2011		3/08/2011	10:15:00 AM	2. Happ ness / Sat s act on	11/08/2011	11/08/2011		\$204,000.00	\$25,000.00	\$204,000.00	\$46,000.00	18/08/2011	18/08/2011	18/03/2011		
				21/03/2011	\$10,000	2/08/2011		3/08/2011	4:15:00 PM	3. No C ear Emot on	18/08/2011	18/08/2011		\$55,838.58	\$204,000.00			19/09/2011	22/09/2011	18/03/2011		
				24/05/2011	\$12,500	2/08/2011		3/08/2011	2:35:00 PM	2. Happ ness / Sat s act on	23/08/2011	23/08/2011		\$114,388.44	\$122,000.00	\$82,000.00	\$82,000.00	1/09/2011	1/09/2011	17/05/2011		
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				8/04/2011	\$10,000	2/08/2011		4/08/2011	1:45:00 PM	2. Happ ness / Sat st fact on	16/08/2011	16/08/2011			\$231,000.00						7/04/2011	
				11/04/2011	\$12,500	2/08/2011		3/08/2011	10:00:00 AM	2. Happ ness / Sat st fact on	10/08/2011	10/08/2011		\$42,219.23	\$25,000.00	\$162,000.00	\$42,000.00	9/09/2011	9/09/2011	13/09/2011	7/04/2011	
				11/04/2011	\$5,000	2/08/2011		2/08/2011	4:50:00 PM	2. Happ ness / Sat s act on	8/08/2011	8/08/2011		\$68,973.96	\$258,000.00			19/09/2011			7/04/2011	
				23/03/2011	\$10,000	2/08/2011		5/08/2011	2:05:00 PM	2. Happ ness / Sat s act on	29/08/2011	29/08/2011		\$16,837.85	\$269,000.00			7/09/2011	7/09/2011	7/09/2011	18/03/2011	
				15/04/2011	\$12,500	2/08/2011		4/08/2011	3:27:00 PM	1. Anger / D sbat st fact on	23/08/2011	23/08/2011		\$65,160.72	\$12,602.42	\$251,150.00	\$58,000.00	7/09/2011	25/08/2011	13/09/2011	7/04/2011	
				3/08/2011	\$10,000	2/08/2011		3/08/2011	3:16:00 PM	2. Happ ness / Sat s act on	17/08/2011	17/08/2011		\$130,000.00	\$25,000.00	\$260,000.00	\$40,000.00	22/08/2011	22/08/2011	1/09/2011	18/03/2011	
				29/03/2011	\$12,500	2/08/2011		2/08/2011	1:39:00 PM	2. Happ ness / Sat s act on	8/08/2011	8/08/2011		\$93,710.29	\$43,000.00	\$333,000.00	\$86,000.00	21/09/2011	22/08/2011	21/09/2011	18/03/2011	
				14/04/2011	\$2,500	2/08/2011		2/08/2011	2:25:00 PM	2. Re ef	9/08/2011	9/08/2011		\$120,000.00	\$27,000.00	\$290,000.00	\$54,000.00	2/09/2011	2/09/2011	7/04/2011		
				23/03/2011	\$12,500	2/08/2011		15/08/2011	9:32:00 AM	2. Happ ness / Sat s act on	25/08/2011	25/08/2011		\$54,556.56	\$32,500.00	\$250,000.00	\$65,000.00	31/08/2011	11/08/2011	2/09/2011	18/03/2011	
				11/04/2011	\$12,500	2/08/2011		4/08/2011	11:26:00 AM	1. Anger / D sbat st fact on	18/08/2011	18/08/2011		\$91,400.00	\$38,520.00	\$175,000.00	\$64,000.00	24/08/2011	24/08/2011	24/08/2011	7/04/2011	
				4/04/2011	\$10,000	2/08/2011	3/08/2011	5/08/2011	8:43:00 AM	2. Happ ness / Sat st fact on	23/08/2011	24/08/2011		\$187,829.03		\$350,000.00		2/09/2011	2/09/2011	2/09/2011	29/03/2011	
						2/08/2011		3/08/2011	12:45:00 PM	2. Happ ness / Sat st fact on	26/08/2011	26/08/2011			\$25,000.00		\$31,000.00		9/09/2011	9/09/2011	18/03/2011	
				22/03/2011	\$12,500	2/08/2011		4/08/2011	10:42:00 AM	2. Happ ness / Sat s act on	19/08/2011	19/08/2011		\$38,388.17	\$28,000.00	\$333,000.00	\$53,000.00	23/08/2011	23/08/2011	23/08/2011	18/03/2011	
				24/03/2011	\$12,500	2/08/2011	4/08/2011	4/08/2011	3:40:00 PM	2. Happ ness / Sat s act on	25/08/2011	25/08/2011			\$20,000.00	\$20,000.00	\$170,000.00		16/09/2011		18/03/2011	
				4/04/2011	\$12,500	2/08/2011		5/08/2011	9:00:00 AM	5. D sb e ef	23/08/2011	23/08/2011		\$63,265.08	\$25,000.00	\$210,000.00	\$19,000.00	3/09/2011	2/09/2011	2/09/2011	29/03/2011	
				23/03/2011	\$12,500	2/08/2011		3/08/2011	12:30:00 PM	2. Happ ness / Sat s act on	19/08/2011	19/08/2011			\$54,000.00	\$23,000.00	\$108,000.00		23/08/2011		18/03/2011	
				2/08/2011		2/08/2011		3/08/2011	2:12:00 PM	2. Happ ness / Sat st fact on	29/08/2011	29/08/2011			\$196,000.00						15/04/2011	
				6/04/2011	\$10,000	2/08/2011		3/08/2011	4:00:00 PM	3. No C ear Emot on	16/08/2011	16/08/2011			\$275,000.00						29/03/2011	
						2/08/2011		3/08/2011	11:00:00 AM	3. No C ear Emot on	8/08/2011	8/08/2011					\$55,000.00				7/04/2011	
				3/05/2011	\$2,500	2/08/2011		3/08/2011	9:30:00 AM	5. D sb e ef	12/08/2011	12/08/2011			\$176,370.00		\$33,000.00		15/08/2011	15/08/2011	15/04/2011	
						2/08/2011		3/08/2011	8:47:00 PM	2. Happ ness / Sat st fact on	9/08/2011	9/08/2011		\$30,983.81	\$35,702.00	\$315,000.00	\$129,000.00	23/08/2011	10/08/2011	9/09/2011	18/03/2011	
				23/03/2011	\$12,500	2/08/2011		3/08/2011	5:00:00 PM	2. Happ ness / Sat st fact on	16/08/2011	16/08/2011		\$24,963.60	\$25,000.00	\$348,000.00	\$36,000.00	19/08/2011	19/08/2011	8/09/2011	18/03/2011	
				1/04/2011	\$12,500	2/08/2011		4/08/2011	11:32:00 AM	2. Happ ness / Sat st fact on	22/08/2011	22/08/2011		\$28,111.60	\$25,000.00	\$319,000.00	\$43,700.00	24/08/2011	24/08/2011	24/08/2011	18/03/2011	
				22/03/2011	\$2,500	2/08/2011		3/08/2011	1:40:00 PM	2. Happ ness / Sat st fact on	19/08/2011	19/08/2011			\$33,500.00		\$55,000.00		24/08/2011	31/08/2011	18/03/2011	
				27/04/2011	\$12,500	2/08/2011		3/08/2011	1:20:00 PM	3. No C ear Emot on	15/08/2011	15/08/2011		\$17,779.80	\$269,000.00		\$86,000.00		16/08/2011		15/04/2011	
				22/03/2011	\$12,500	2/08/2011		4/08/2011	1:05:00 PM	3. No C ear Emot on	12/08/2011	12/08/2011		\$82,391.10	\$45,500.00	\$197,000.00	\$91,000.00	7/09/2011	15/08/2011	22/09/2011	18/03/2011	
				6/04/2011	\$12,500	2/08/2011		2/08/2011	2:45:00 PM	3. No C ear Emot on	8/08/2011	8/08/2011		\$151,500.00	\$76,000.00	\$152,000.00	\$10,000.00	10/08/2011	10/08/2011	10/08/2011	18/03/2011	
				5/04/2011	\$12,500	2/08/2011		2/08/2011	2:40:00 PM	3. No C ear Emot on	9/08/2011	9/08/2011		\$104,913.27	\$31,700.00	\$215,000.00	\$64,000.00	1/09/2011	10/08/2011	1/09/2011	18/03/2011	
						2/08/2011		3/08/2011	2:55:00 PM	2. Happ ness / Sat st fact on	16/08/2011	16/08/2011		\$1,750.00		\$253,000.00					29/03/2011	
				22/03/2011	\$12,500	2/08/2011		4/08/2011	12:40:00 PM	2. Happ ness / Sat st fact on	26/08/2011	26/08/2011		\$183,465.00	\$51,070.00	\$375,000.00	\$136,000.00	8/09/2011	8/09/2011	8/09/2011	18/03/2011	
				31/03/2011	\$12,500	2/08/2011		3/08/2011	2:35:00 PM	2. Happ ness / Sat s act on	16/08/2011	16/08/2011		\$105,269.80	\$307,000.00	\$108,000.00	\$108,000.00	5/09/2011	18/08/2011	5/09/2011	18/03/2011	
				5/04/2011	\$12,500	2/08/2011		3/08/2011	3:45:00 PM	3. No C ear Emot on	15/08/2011	15/08/2011		\$34,810.00	\$31,210.00	\$365,000.00	\$70,000.00	16/08/2011	16/08/2011	16/08/2011	29/03/2011	
				21/03/2011	\$12,500	2/08/2011		4/08/2011	5:50:00 PM	2. Happ ness / Sat st fact on	23/08/2011	23/08/2011		\$68,017.84	\$15,725.96	\$242,000.00	\$69,000.00	16/09/2011	2/09/2011	16/09/2011	18/03/2011	
				22/03/2011	\$2,500	2/08/2011		2/08/2011	1:35:00 PM	2. Happ ness / Sat st fact on	13/08/2011	13/08/2011			\$30,000.00		\$60,000.00		16/08/2011		18/03/2011	
				18/04/2011	\$12,500	2/08/2011	3/08/2011	3/08/2011	4:15:00 PM	2. Re ef	17/08/2011	17/08/2011		\$20,806.00	\$13,000.00	\$178,000.00	\$13,000.00	23/08/2011	23/08/2011	23/08/2011	15/04/2011	
				24/03/2011	\$12,500	2/08/2011		4/08/2011	2:25:00 PM	2. Happ ness / Sat s act on	18/08/2011	18/08/2011			\$19,831.00	\$208,000.00	\$96,000.00				18/03/2011	
				2/08/2011		2/08/2011		2/08/2011	2:55:00 PM	2. Happ ness / Sat st fact on	8/08/2011	8/08/2011			\$10,692.50	\$220,000.00	\$91,000.00				15/04/2011	
				1/04/2011	\$12,500	2/08/2011		3/08/2011	10:55:00 AM	2. Happ ness / Sat st fact on	10/08/2011	10/08/2011		\$21,980.61	\$11,170.00	\$448,000.00	\$117,000.00	11/08/2011	11/08/2011	11/08/2011	29/03	

C-aim Details		Compass on Fund				Claim Progress Data																	
Claim Number	Customer	Loc/City	RISKADDRESS/NE1	Date	Paid	Letter Sent Date	Facilitally Unable to Contact Message Left- Date	Successful Telephone Contact Date	Successful Telephone Contact Time	Customer Reaction	Date Assessment Scheduled	Assessment Completed	Cash Sett ed Offered & Accepted	Total C aim Amount - Building	Total Claim Amounts - Contents	Sum Insured - Building	Sum Insured - Contents	Bu iding Settlement Date	Contents Settlement Date	Date Claim Closed	Original Decis on Date		
		NORTH BOVDAL		27/04/2011	\$10,000	2/08/2011		2/08/2011	4:30:00 PM	2. Happ ness / Sat st fact on	11/08/2011	11/08/2011	Bu d ng on y				\$312,000.00				15/04/2011		
		MOORES POCKET		24/03/2011	\$12,500	2/08/2011		4/08/2011	9:30:00 AM	2. Happ ness / Sat st fact on	22/08/2011	22/08/2011	Bu d ng & Contents	\$40,678.28	\$25,000.00	\$420,000.00	\$33,000.00	24/08/2011	24/08/2011		18/03/2011		
		BRASSALL		6/05/2011	\$2,500	2/08/2011		3/08/2011	12:14:00 PM	2. Happ ness / Sat st fact on	9/08/2011	9/08/2011	Contents on y		\$15,720.00	\$0.00	\$54,000.00		10/08/2011	10/08/2011		15/04/2011	
		NORTH BOVDAL		28/04/2011	\$7,500	2/08/2011		5/08/2011	12:45:00 PM	2. Happ ness / Sat st fact on	26/08/2011	26/08/2011	Bu d ng & Contents	\$87,500.00	\$29,500.00	\$175,000.00	\$59,000.00	29/08/2011	29/08/2011		15/04/2011		
		NORTH BOVDAL		20/04/2011	\$12,500	2/08/2011		3/08/2011	1:45:00 PM	4. Re ef	15/08/2011	15/08/2011	Bu d ng & Contents		\$25,000.00	\$265,000.00	\$33,000.00	1/09/2011	1/09/2011		7/04/2011		
		EAST PSW CH		8/04/2011	\$12,500	2/08/2011		3/08/2011	10:00:00 AM	4. Re ef	15/08/2011	15/08/2011	Bu d ng & Contents	\$95,738.28	\$13,196.00	\$189,000.00	\$104,000.00	13/09/2011	13/09/2011		7/04/2011		
		EAST PSW CH		22/03/2011	\$12,500	2/08/2011		4/08/2011	3:50:00 PM	2. Happ ness / Sat st fact on	23/08/2011	23/08/2011	Bu d ng & Contents		\$330,000.00	\$120,000.00					18/03/2011		
		BUNDAMBA		21/03/2011	\$2,500	2/08/2011	3/08/2011	3/08/2011	11:40:00 AM	3. No C ear Emot on	15/08/2011	15/08/2011	Bu d ng & Contents	\$50,555.83	\$19,692.00	\$262,000.00	\$97,000.00	18/08/2011	18/08/2011		22/08/2011	18/03/2011	
		BAS N POCKET		13/04/2011	\$2,500	2/08/2011	3/08/2011	3/08/2011	7:12:00 AM	2. Happ ness / Sat st fact on	10/08/2011	10/08/2011	Contents on y		\$11,642.00	\$64,000.00	\$64,000.00		12/08/2011	12/08/2011		18/03/2011	
		R VERY EW		3/05/2011	\$12,500	2/08/2011		4/08/2011	9:30:00 AM	2. Happ ness / Sat st fact on	29/08/2011	29/08/2011	Bu d ng & Contents	\$88,500.00	\$26,000.00	\$177,000.00	\$177,000.00	2/09/2011	2/09/2011		12/04/2011		
		BARELLAN PO NT		22/03/2011	\$12,500	2/08/2011		3/08/2011	1:15:00 PM	4. Re ef	19/08/2011	19/08/2011	Bu d ng & Contents	\$137,330.30	\$64,369.70	\$141,000.00	\$141,000.00	26/08/2011	26/08/2011		18/03/2011		
		KARALEE		6/05/2011	\$12,500	2/08/2011		4/08/2011	8:40:00 PM	2. Happ ness / Sat st fact on	24/08/2011	24/08/2011	Bu d ng & Contents	\$113,469.00	\$37,500.00	\$301,000.00	\$75,000.00	5/09/2011	5/09/2011		14/09/2011	15/04/2011	
		MOORES POCKET		21/04/2011	\$12,500	2/08/2011		4/08/2011	12:20:00 PM	2. Happ ness / Sat st fact on	25/08/2011	25/08/2011	Bu d ng & Contents	\$32,350.36	\$15,478.50	\$157,000.00	\$85,000.00	6/09/2011	6/09/2011		15/04/2011		
		MOORES POCKET		21/04/2011	\$12,500	2/08/2011		4/08/2011	11:45:00 AM	2. Happ ness / Sat st fact on	23/08/2011	23/08/2011	Bu d ng & Contents	\$2,627.97	\$21,795.00	\$215,000.00	\$65,000.00	25/08/2011	25/08/2011		15/04/2011		
		T VOL		22/03/2011	\$12,500	2/08/2011		4/08/2011	13:49:00 AM	2. Happ ness / Sat st fact on	24/08/2011	24/08/2011	Bu d ng & Contents		\$35,500.00	\$194,000.00	\$71,000.00	29/08/2011	29/08/2011		18/03/2011		
		NORTH BOVDAL		13/04/2011	\$2,500	2/08/2011		3/08/2011	9:30:00 AM	2. Happ ness / Sat st fact on	12/08/2011	12/08/2011	Contents on y		\$27,000.00	\$54,000.00	\$54,000.00	16/08/2011	16/08/2011		7/04/2011		
		MOORES POCKET		24/03/2011	\$12,500	2/08/2011		4/08/2011	10:05:00 AM	3. No C ear Emot on	23/08/2011	23/08/2011	Contents on y		\$45,000.00	\$257,000.00	\$96,000.00	25/08/2011	25/08/2011		18/03/2011		
		NORTH BOVDAL		19/04/2011	\$10,000	2/08/2011		4/08/2011	1:00:00 PM	4. Re ef	18/08/2011	18/08/2011	Bu d ng & Contents		\$35,000.00	\$265,000.00	\$70,000.00	19/08/2011	19/08/2011		7/04/2011		
		NORTH BOVDAL		27/04/2011	\$10,000	2/08/2011		3/08/2011	8:30:00 AM	2. Happ ness / Sat st fact on	23/08/2011	23/08/2011	Bu d ng on y	\$117,500.00		\$227,000.00		1/09/2011	1/09/2011		15/04/2011		
		NORTH BOVDAL		28/04/2011	\$2,500	2/08/2011		4/08/2011	3:30:00 PM	3. No C ear Emot on	4/08/2011	4/08/2011	Contents on y		\$8,080.00	\$64,000.00	\$64,000.00	24/08/2011	24/08/2011		15/04/2011		
		NORTH BOVDAL		12/04/2011	\$10,000	2/08/2011		3/08/2011	3:15:00 PM	2. No C ear Emot on	15/08/2011	15/08/2011	Bu d ng on y	\$80,500.00		\$161,000.00		12/09/2011	12/09/2011		7/04/2011		
		BAS N POCKET		21/04/2011	\$12,500	2/08/2011		2/08/2011	3:15:00 PM	3. D sbe ef	9/08/2011	9/08/2011	Bu d ng & Contents	\$60,378.00	\$22,000.00	\$132,000.00	\$21,000.00	11/08/2011	11/08/2011		21/04/2011		
		BOVDAL		13/04/2011	\$12,500	2/08/2011	4/08/2011	4/08/2011	4:40:00 PM	4. Re ef	25/08/2011	25/08/2011	Bu d ng & Contents	\$1,703.00	\$10,379.00	\$152,000.00	\$60,000.00	30/08/2011	30/08/2011		7/04/2011		
		BUNDAMBA		13/04/2011	\$12,500	2/08/2011		4/08/2011	8:30:00 AM	2. Happ ness / Sat st fact on	18/08/2011	18/08/2011	Bu d ng & Contents	\$97,500.00	\$40,000.00	\$156,000.00	\$60,000.00	19/08/2011	19/08/2011		18/03/2011		
		KARALEE		19/04/2011	\$12,500	2/08/2011		4/08/2011	10:00:00 AM	2. Happ ness / Sat st fact on	22/08/2011	22/08/2011	Bu d ng & Contents	\$142,340.07	\$54,200.00	\$323,000.00	\$108,000.00	3/09/2011	2/09/2011		20/09/2011	18/03/2011	
		KARALEE		27/04/2011	\$12,500	2/08/2011		2/08/2011	4:00:00 PM	2. Happ ness / Sat st fact on	12/08/2011	12/08/2011	Bu d ng & Contents	\$102,269.36	\$45,000.00	\$530,000.00	\$90,000.00	22/08/2011	22/08/2011		21/04/2011		
		BRASSALL		12/04/2011	\$2,500	2/08/2011		8/08/2011	2:36:00 PM	4. Re ef	8/08/2011	8/08/2011	Contents on y		\$25,000.00	\$25,000.00		9/08/2011	9/08/2011		7/04/2011		
		KARALEE		27/04/2011	\$12,500	2/08/2011		4/08/2011	2:20:00 PM	2. Happ ness / Sat st fact on	23/08/2011	23/08/2011	Bu d ng & Contents	\$81,016.80	\$36,500.00	\$227,000.00	\$73,000.00	29/08/2011	29/08/2011		21/04/2011		
		EAST PSW CH		13/04/2011	\$12,500	2/08/2011		3/08/2011	12:37:00 PM	4. Re ef	11/08/2011	11/08/2011	Bu d ng & Contents	\$114,085.95	\$40,000.00	\$246,000.00	\$46,000.00	8/09/2011	12/08/2011		18/03/2011		
		NORTH PSW CH		22/03/2011	\$12,500	2/08/2011		3/08/2011	1:25:00 PM	2. Happ ness / Sat st fact on	9/08/2011	9/08/2011	Bu d ng & Contents	\$46,105.00	\$26,067.00	\$322,000.00	\$116,000.00	12/08/2011	12/08/2011		16/08/2011	18/03/2011	
		NORTH BOVDAL		28/04/2011	\$12,500	2/08/2011		4/08/2011	4:32:00 PM	2. Happ ness / Sat st fact on	24/08/2011	24/08/2011	Bu d ng & Contents	\$91,200.00	\$23,075.00	\$174,000.00	\$116,000.00	7/09/2011	7/09/2011		15/04/2011		
		NORTH BOVDAL		24/03/2011	\$2,500	2/08/2011		3/08/2011	2:14:00 AM	2. Happ ness / Sat st fact on	12/08/2011	12/08/2011	Contents on y		\$20,000.00	\$20,000.00		16/08/2011	16/08/2011		18/03/2011		
		T VOL		22/03/2011	\$12,500	2/08/2011		2/08/2011	10:00:00 AM	3. No C ear Emot on	8/08/2011	8/08/2011	Bu d ng & Contents		\$404,000.00	\$76,000.00					18/03/2011		
		NORTH BOVDAL		14/04/2011	\$12,500	2/08/2011		3/08/2011	11:45:00 AM	3. D sbe ef	29/08/2011	29/08/2011	Bu d ng & Contents	\$70,880.02	\$22,700.00	\$255,000.00	\$31,000.00	20/09/2011	30/08/2011		7/04/2011		
		MOORES POCKET		6/04/2011	\$2,500	2/08/2011		4/08/2011	1:55:00 PM	3. No C ear Emot on	4/08/2011	4/08/2011	Contents on y		\$40,000.00	\$79,000.00		10/08/2011	11/08/2011		29/03/2011		
		R VERY EW		20/04/2011	\$12,500	2/08/2011		4/08/2011	1:25:00 PM	4. Re ef	29/08/2011	29/08/2011	Bu d ng & Contents	\$91,200.00	\$50,000.00	\$100,000.00	\$100,000.00	8/09/2011	8/09/2011		15/04/2011		
		BOVDAL		27/04/2011	\$12,500	2/08/2011		3/08/2011	9:00:00 AM	2. Happ ness / Sat st fact on	10/08/2011	10/08/2011	Bu d ng & Contents	\$40,111.95	\$47,500.00	\$224,000.00	\$95,000.00	11/08/2011	11/08/2011		15/04/2011		
		T VOL		23/03/2011	\$12,500	2/08/2011		3/08/2011	4:40:00 PM	2. Happ ness / Sat st fact on	18/08/2011	18/08/2011	Bu d ng & Contents	\$34,104.80	\$25,000.00	\$26,000.00	\$26,000.00	22/08/2011	22/08/2011		18/03/2011		
		MOORES POCKET		21/04/2011	\$12,500	2/08/2011		5/08/2011	4:32:00 PM	2. Happ ness / Sat st fact on	11/08/2011	11/08/2011	Bu d ng & Contents	\$420.00	\$7,480.00	\$207,000.00	\$51,000.00	12/08/2011	12/08/2011		29/03/2011		
		LE CHARDT		4/04/2011	\$12,500	2/08/2011		3/08/2011	9:30:00 AM	4. Re ef	10/08/2011	10/08/2011	Bu d ng & Contents	\$35,470.84	\$25,000.00	\$250,000.00	\$50,000.00	1/09/2011	11/08/2011		29/03/2011		
		BRASSALL		22/03/2011	\$2,500	2/08/2011		2/08/2011	10:53:00 AM	4. Re ef	18/08/2011	18/08/2011	Contents on y		\$25,000.00	\$49,000.00		19/08/2011	19/08/2011		18/03/2011		
		NORTH BOVDAL		12/04/2011	\$12,500	2/08/2011		2/08/2011	3:50:00 PM	3. No C ear Emot on	8/08/2011	8/08/2011	Bu d ng & Contents	\$203,000.00	\$39,500.00	\$406,000.00	\$79,000.00	8/08/2011	8/08/2011		11/08/2011	7/04/2011	
		NORTH PSW CH		27/04/2011	\$12,500	2/08/2011		3/08/2011	8:55:00 AM	2. Happ ness / Sat st act on	11/08/2011	11/08/2011	Bu d ng & Contents	\$4,644.00	\$25,500.00	\$248,000.00	\$43,000.00	15/08/2011	15/08/2011		15/04/2011		
		NORTH BOVDAL		29/04/2011	\$12,500	2/08/2011		4/08/201															

C Claim Details			Compass on Fund		Claim Progress Details																
Claim Number	Customer	Loc/City	RISKADDRESS/NE1	Date	Paid	Letter Sent Date	Facility Unable to Contact Message Left-Date	Successful Telephone Contact Date	Successful Telephone Contact Time	Customer Reaction	Date Scheduled	Assessment Completed	Cash Sett ed Offered & Accepted	Total Claim Amount - Building	Total Claim Amount - Contents	Sum Insured - Building	Sum Insured - Contents	Bu idng Settlement Date	Contents Settlement Date	Date Claim Closed	Original Dedic on Date
WEST PSW CH				23/03/2011	\$12,500	2/08/2011		4/08/2011	12:00:00 PM	1. Happ ness / Sat stact on	25/08/2011	25/08/2011		\$69,500.00	\$25,25.90	\$157,000.00	\$51,000.00	29/08/2011		18/03/2011	
BUNDAMBA				2/08/2011		2/08/2011		2/08/2011	4:35:00 PM	4. Re ef	9/08/2011	9/08/2011		\$29,500.00	\$139,000.00	\$47,000.00	\$139,000.00	1/09/2011	1/09/2011	18/03/2011	
NORTH BOVDAL				11/04/2011	\$12,500	2/08/2011		4/08/2011	10:00:00 AM	4. Re ef	16/08/2011	16/08/2011		\$35,309.77	\$7,522.00	\$136,000.00	\$42,000.00	1/09/2011	1/09/2011	5/09/2011	7/04/2011
NORTH PSW CH				2/08/2011		2/08/2011		3/08/2011	8:50:00 AM	4. Re ef	11/08/2011	11/08/2011		\$3,200.00	\$19,532.98	\$33,000.00	\$76,000.00	12/08/2011	12/08/2011	18/08/2011	15/04/2011
EAST PSW CH				1/04/2011	\$12,500	2/08/2011		3/08/2011	11:50:00 AM	1. Anger / D ssat stact on	15/08/2011	15/08/2011		\$121,300.00	\$25,000.00	\$215,000.00	\$45,000.00	8/09/2011	16/08/2011	18/03/2011	
BUNDAMBA				2/08/2011		2/08/2011		4/08/2011	9:55:00 AM	1. No C ear Emot on	24/08/2011	24/08/2011				\$325,000.00				7/04/2011	
KARALEE				7/04/2011	\$2,500	2/08/2011		3/08/2011	10:30:00 AM	2. Happ ness / Sat s act on	17/08/2011	17/08/2011			\$25,000.00		\$50,000.00	22/08/2011	22/08/2011	18/03/2011	
BUNDAMBA				2/08/2011		2/08/2011		3/08/2011	11:00:00 AM	1. Anger / D ssat stact on	15/08/2011	15/08/2011					\$36,000.00			29/03/2011	
BRASSAL				4/06/2011	\$12,500	2/08/2011	5/08/2011	2/08/2011	5:15:00 PM	1. Happ ness / Sat stact on	8/08/2011	8/08/2011		\$60,085.40	\$25,000.00	\$290,000.00	\$47,000.00	3/08/2011	9/08/2011	15/04/2011	15/04/2011
NORTH BOVDAL				28/04/2011	\$10,000	2/08/2011		5/08/2011	12:15:00 PM	4. Re ef	26/08/2011	26/08/2011		\$60,895.00		\$238,000.00		30/08/2011	1/09/2011	15/04/2011	
LE CHARDT				2/08/2011		2/08/2011		3/08/2011	4:45:00 PM	4. Re ef	17/08/2011	17/08/2011			\$3,500.00		\$22,000.00	17/08/2011	17/08/2011	18/03/2011	
NORTH BOVDAL				20/04/2011	\$7,500	2/08/2011		3/08/2011	4:00:00 PM	2. Happ ness / Sat stact on	15/08/2011	15/08/2011		\$85,200.00	\$25,000.00	\$153,000.00	\$39,000.00	18/08/2011	18/08/2011	22/08/2011	15/04/2011
MOORES POCKET				31/03/2011	\$12,500	2/08/2011	4/08/2011	4/08/2011	2:45:00 PM	2. Happ ness / Sat stact on	26/08/2011	26/08/2011			\$25,000.00		\$50,000.00	6/09/2011		29/03/2011	
BUNDAMBA				11/04/2011	\$12,500	2/08/2011		3/08/2011	9:45:00 AM	2. Happ ness / Sat stact on	11/08/2011	11/08/2011		\$32,124.83	\$35,000.00	\$260,000.00	\$70,000.00	12/08/2011	12/08/2011	18/03/2011	
NORTH BOVDAL				13/04/2011	\$2,500	2/08/2011		4/08/2011	4:54:00 PM	1. D sbe ef	24/08/2011	24/08/2011			\$25,000.00		\$35,000.00	25/08/2011	25/08/2011	15/04/2011	
NORTH BOVDAL				2/08/2011		2/08/2011		3/08/2011	10:30:00 AM	2. Happ ness / Sat stact on	10/08/2011	10/08/2011			\$11,135.00		\$32,000.00	11/08/2011	11/08/2011	15/04/2011	
NORTH PSW CH				28/04/2011	\$12,500	2/08/2011		3/08/2011	10:10:00 AM	1. Anger / D ssat stact on	24/08/2011	24/08/2011		\$3,650.00	\$9,017.00	\$269,000.00	\$69,000.00	25/08/2011	25/08/2011	26/08/2011	15/04/2011
EAST PSW CH				2/08/2011		2/08/2011		4/08/2011	12:52:00 PM	4. Re ef	15/08/2011	15/08/2011			\$4,000.00	\$0.00	\$59,000.00	15/08/2011	15/08/2011	29/03/2011	
NORTH PSW CH				22/03/2011	\$2,500	2/08/2011		3/08/2011	11:35:00 AM	2. Happ ness / Sat stact on	15/08/2011	15/08/2011			\$7,764.00		\$33,000.00	18/08/2011	18/08/2011	18/03/2011	
BUNDAMBA				11/03/2011	\$12,500	2/08/2011		2/08/2011	4:25:00 PM	2. Happ ness / Sat stact on	9/08/2011	9/08/2011		\$80,500.00	\$40,500.00	\$161,000.00	\$81,000.00	10/08/2011	20/09/2011	20/09/2011	18/03/2011
T VOL				12/05/2011	\$12,500	2/08/2011		3/08/2011	4:45:00 PM	2. Happ ness / Sat stact on	16/08/2011	16/08/2011			\$25,000.00	\$430,000.00	\$43,000.00	23/08/2011		10/05/2011	
MOORES POCKET				2/08/2011		2/08/2011		4/08/2011	10:50:00 AM	2. Happ ness / Sat stact on	23/08/2011	23/08/2011		\$10,283.70	\$10,240.00	\$34,000.00	\$34,000.00	25/08/2011	25/08/2011	18/03/2011	
BUNDAMBA				22/03/2011	\$2,500	2/08/2011		3/08/2011	8:45:00 AM	2. Happ ness / Sat stact on	10/08/2011	10/08/2011			\$8,000.00		\$16,000.00	12/08/2011	12/08/2011	18/03/2011	
T VOL				28/04/2011	\$2,500	2/08/2011	3/08/2011	3/08/2011	3:15:00 PM	1. No C ear Emot on	12/08/2011	12/08/2011			\$22,000.00		\$38,000.00	15/08/2011	15/08/2011	15/04/2011	
NORTH BOVDAL				27/04/2011	\$12,500	2/08/2011		4/08/2011	10:40:00 AM	2. Happ ness / Sat s act on	16/08/2011	16/08/2011		\$112,613.23	\$38,000.00	\$400,000.00	\$71,000.00	15/09/2011	15/09/2011	15/04/2011	
T VOL				2/08/2011		2/08/2011		2/08/2011	10:40:00 AM	1. No C ear Emot on	10/08/2011	10/08/2011			\$348,000.00		\$117,000.00			15/04/2011	
NORTH BOVDAL				20/04/2011	\$12,500	2/08/2011		4/08/2011	3:29:00 PM	2. Happ ness / Sat s act on	22/08/2011	22/08/2011		\$115,900.00	\$27,500.00	\$231,000.00	\$55,000.00	6/09/2011	23/08/2011	8/09/2011	15/04/2011
NORTH PSW CH				2/08/2011		2/08/2011		3/08/2011	11:15:00 AM	2. Happ ness / Sat stact on	12/08/2011	12/08/2011		\$39,633.25	\$26,821.00	\$390,000.00	\$110,000.00	15/08/2011	15/08/2011	15/04/2011	
BUNDAMBA				23/03/2011	\$12,500	2/08/2011		2/08/2011	2:45:00 PM	1. No C ear Emot on	9/08/2011	9/08/2011		\$180,317.45	\$17,430.00	\$55,000.00	\$103,000.00	24/08/2011	24/08/2011	26/08/2011	18/03/2011
T VOL				23/03/2011	\$12,500	2/08/2011		4/08/2011	11:18:00 AM	2. Happ ness / Sat s act on	19/08/2011	19/08/2011		\$28,012.83	\$25,000.00	\$301,000.00	\$50,000.00	23/08/2011	23/08/2011	18/03/2011	
NORTH PSW CH				2/08/2011		2/08/2011		3/08/2011	9:50:00 AM	1. No C ear Emot on	11/08/2011	11/08/2011		\$4,952.14		\$26,000.00		7/09/2011	7/09/2011	29/03/2011	
BUNDAMBA				4/04/2011	\$11,500	2/08/2011		2/08/2011	3:45:00 PM	4. Re ef	8/08/2011	8/08/2011		\$145,000.00	\$58,400.00	\$290,000.00	\$108,000.00	21/09/2011	10/08/2011	21/09/2011	29/03/2011
BRASSAL				29/04/2011	\$12,500	2/08/2011		3/08/2011	10:00:00 AM	4. Re ef	9/08/2011	9/08/2011		\$101,008.84	\$33,500.00	\$412,000.00	\$65,000.00	13/09/2011	10/08/2011	22/09/2011	15/04/2011
MOORES POCKET				19/04/2011	\$12,500	2/08/2011		4/08/2011	11:00:00 AM	4. Re ef	8/09/2011	8/09/2011		\$46,325.65	\$59,500.00	\$258,000.00	\$119,000.00	8/09/2011	8/09/2011	18/03/2011	
NORTH BOVDAL				11/04/2011	\$2,500	2/08/2011	3/08/2011	5/08/2011	12:05:00 PM	1. D sbe ef	26/08/2011	26/08/2011			\$24,610.00		\$65,000.00	29/08/2011	30/08/2011	7/04/2011	
NORTH BOVDAL				12/04/2011	\$12,500	2/08/2011		4/08/2011	1:20:00 PM	2. Happ ness / Sat s act on	22/08/2011	22/08/2011		\$14,468.25	\$25,000.00	\$133,000.00	\$50,000.00	1/09/2011	23/08/2011	2/09/2011	7/04/2011
NORTH BOVDAL				22/03/2011	\$10,000	2/08/2011	4/08/2011	5/08/2011	9:20:00 AM	2. Happ ness / Sat s act on	24/08/2011	24/08/2011		\$66,331.70		\$29,000.00		1/09/2011		5/09/2011	18/03/2011
MOORES POCKET				22/03/2011	\$12,500	2/08/2011		4/08/2011	11:25:00 AM	1. No C ear Emot on	23/08/2011	17/08/2011		\$38,575.23	\$38,750.00	\$245,000.00	\$77,500.00	19/08/2011	19/08/2011	13/08/2011	18/03/2011
NORTH BOVDAL				28/04/2011	\$2,500	2/08/2011	4/08/2011	4/08/2011	3:15:00 PM	2. Happ ness / Sat s act on	19/08/2011	19/08/2011			\$20,019.00		\$42,000.00	22/08/2011	22/08/2011	15/04/2011	
WOODDID				2/08/2011		2/08/2011		3/08/2011	2:50:00 PM	4. Re ef	10/08/2011	10/08/2011		\$46,861.49	\$6,000.00	\$269,000.00	\$14,000.00	6/09/2011	11/08/2011	18/03/2011	
BOVDAL				16/05/2011	\$12,500	2/08/2011		3/08/2011	12:45:00 PM	4. Re ef	11/08/2011	11/08/2011				\$142,000.00	\$15,000.00			18/03/2011	
WEST PSW CH				20/06/2011	\$12,500	2/08/2011		5/08/2011	10:40:00 AM	4. Re ef	26/08/2011	26/08/2011		\$97,445.44	\$13,000.00	\$313,000.00	\$30,000.00	30/08/2011	30/08/2011	1/09/2011	18/03/2011
EAST PSW CH				29/03/2011	\$12,500	2/08/2011		4/08/2011	4:30:00 PM	2. Happ ness / Sat s act on	22/08/2011	22/08/2011				\$280,000.00	\$50,000.00			15/04/2011	
KARALEE				3/05/2011	\$10,000	2/08/2011		4/08/2011	10:25:00 AM	1. No C ear Emot on	24/08/2011	24/08/2011		\$89,723.00		\$290,000.00		16/09/2011	21/09/2011	15/04/2011	
MOORES POCKET				22/03/2011	\$12,500	2/08/2011	4/08/2011	4/08/2011	2:25:00 PM	2. Happ ness / Sat stact on	26/08/2011	26/08/2011			\$51,000.00	\$458,000.00	\$102,000.00	8/09/2011	8/09/2011	18/03/2011	
BARELLAN PO NT				21/03/2011	\$12,500	2/08/2011		3/08/2011	12:30:00 PM	2. Happ ness / Sat stact on	19/08/2011	19/08/2011		\$74,926.00	\$45,000.00	\$468,000.00	\$50,000.00	8/09/2011	8/09/2011	12/09/2011	18/03/2011
BARELLAN PO NT																					

C-claim Details			Compass on Fund			Claim Progress Details																
Claim Number	Customer	Loc/City	RISKADDRESS/NE1	Date	Paid	Letter Sent Date	Facility Unable to Contact Message Left-Date	Successful Telephone Contact Date	Successful Telephone Contact Time	Customer Reaction	Date Assessment Scheduled	Assessment Completed	Cash Sett ed Offered & Accepted	Total C-claim Amount - Building	Total Claim Amount - Contents	Sum Insured - Building	Sum Insured - Contents	Build Settlement Date	Contents Settlement Date	Date Claim Closed	Original Date on Date	
	EAST PSW CH T VOL			15/04/2011	\$12,500	2/08/2011		4/08/2011	3:50:00 PM	Happ ness / Sat stact on	22/08/2011	22/08/2011	Bu d ng & Contents	\$83,570.88	\$25,000.00	\$12,000.00	\$30,000.00	24/08/2011	24/08/2011	24/08/2011	29/03/2011	
	LE CHARDT			6/04/2011	\$12,500	2/08/2011		4/08/2011	10:10:00 AM	Happ ness / Sat stact on	18/08/2011	18/08/2011	No cash sett ement	\$31,418.38	\$39,995.25	\$377,000.00	\$82,000.00		23/08/2011	23/08/2011	23/08/2011	15/04/2011
	NORTH BDOVAL			1/04/2011	\$12,500	2/08/2011		3/08/2011	4:25:00 PM	Happ ness / Sat stact on	16/08/2011	16/08/2011	Bu d ng & Contents	\$134,500.00	\$31,000.00	\$307,000.00	\$76,000.00	20/09/2011	20/09/2011	20/09/2011	15/04/2011	
	WEST PSW CH			31/03/2011	\$12,500	2/08/2011		4/08/2011	9:20:00 AM	Re ef	12/08/2011	12/08/2011	No cash sett ement	\$2,728.20	\$24,734.00	\$269,000.00	\$136,000.00	2/09/2011	15/08/2011	15/08/2011	18/03/2011	
	NORTH BDOVAL			19/04/2011	\$10,000	2/08/2011		4/08/2011	2:40:00 PM	Happ ness / Sat stact on	19/08/2011	19/08/2011	Bu d ng on y		\$30,000.00	\$194,000.00	\$60,000.00	29/08/2011	23/08/2011	29/03/2011	29/03/2011	
	BRASSALL			24/03/2011	\$12,500	2/08/2011		4/08/2011	1:42:00 PM	No C ear Emot on	26/08/2011	26/08/2011	Bu d ng & Contents	\$36,617.07	\$19,403.00	\$210,000.00	\$70,000.00	19/09/2011	19/09/2011	22/09/2011	18/03/2011	
	KARALEE			13/04/2011	\$12,500	2/08/2011		4/08/2011	1:05:00 PM	Happ ness / Sat stact on	29/08/2011	29/08/2011	Bu d ng & Contents	\$127,764.40	\$64,500.00	\$336,000.00	\$129,000.00	6/09/2011	6/09/2011	14/09/2011	7/04/2011	
	T VOL			4/04/2011	\$12,500	2/08/2011		4/08/2011	10:40:00 AM	Re ef	25/08/2011	25/08/2011	Bu d ng & Contents	\$103,802.07	\$16,300.00	\$381,000.00	\$61,000.00	26/08/2011	26/08/2011	26/08/2011	18/03/2011	
	MOORES POCKET			2/08/2011	\$12,500	2/08/2011		4/08/2011	10:00:00 AM	No C ear Emot on	4/08/2011	4/08/2011	Bu d ng on y		\$129,000.00						18/03/2011	
	EAST PSW CH			13/04/2011	\$10,000	2/08/2011		3/08/2011	1:25:00 PM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Bu d ng & Contents	\$88,880.00	\$8,189.00	\$161,000.00	\$13,000.00	7/09/2011	12/08/2011	12/08/2011	18/03/2011	
	KARALEE			23/03/2011	\$12,500	2/08/2011		3/08/2011	11:15:00 AM	Re ef	15/08/2011	15/08/2011	Bu d ng & Contents	\$145,500.00	\$27,000.00	\$291,000.00	\$54,000.00	19/08/2011	19/08/2011	19/08/2011	18/03/2011	
	T VOL			22/03/2011	\$12,500	2/08/2011		4/08/2011	10:20:00 AM	No C ear Emot on	22/08/2011	22/08/2011	Bu d ng & Contents	\$33,200.00	\$51,500.00	\$291,000.00	\$103,000.00	25/08/2011	25/08/2011	26/08/2011	18/03/2011	
	BRASSALL			29/04/2011	\$2,500	2/08/2011		3/08/2011	9:50:00 AM	Happ ness / Sat stact on	9/08/2011	9/08/2011	Contents on y		\$25,000.00		\$30,000.00				15/04/2011	15/04/2011
	BRASSALL			27/04/2011	\$12,500	2/08/2011		3/08/2011	4:31:00 PM	No C ear Emot on	8/08/2011	8/08/2011	Bu d ng & Contents	\$40,086.73	\$3,900.00	\$178,000.00	\$46,000.00	10/08/2011	10/08/2011	10/08/2011	21/04/2011	
	T VOL			29/03/2011	\$12,500	2/08/2011		4/08/2011	10:15:00 AM	Re ef	19/08/2011	19/08/2011	Bu d ng & Contents	\$6,080.20	\$208,000.00	\$89,000.00	\$89,000.00	22/08/2011	22/08/2011	18/03/2011	18/03/2011	
	MOORES POCKET			11/04/2011	\$10,000	2/08/2011	3/08/2011	4/08/2011	1:20:00 PM	Happ ness / Sat stact on	4/08/2011	4/08/2011	Contents on y		\$1,600.00	\$0.00	\$25,000.00				12/08/2011	29/03/2011
	BDOVAL			20/04/2011	\$10,000	2/08/2011		3/08/2011	10:00:00 AM	D. abs. ef.	24/08/2011	24/08/2011	Bu d ng on y	\$60,276.33	\$1,600.00	\$169,000.00		14/09/2011		16/09/2011	7/04/2011	
	EAST PSW CH			27/04/2011	\$2,500	2/08/2011		4/08/2011	9:15:00 AM	D. abs. ef.	18/08/2011	18/08/2011	Bu d ng on y	\$145,000.00		\$290,000.00		22/08/2011		23/08/2011	15/04/2011	
	EAST PSW CH			27/04/2011	\$2,500	2/08/2011		4/08/2011	9:00:00 PM	No C ear Emot on	12/08/2011	12/08/2011	Contents on y		\$16,558.00	\$0.00	\$25,000.00		18/08/2011	18/08/2011	15/04/2011	15/04/2011
	BUNDAMBA			13/04/2011	\$10,000	2/08/2011		3/08/2011	1:20:00 PM	Happ ness / Sat stact on	16/08/2011	16/08/2011	Bu d ng on y	\$82,120.00	\$66,000.00	\$162,000.00	\$32,000.00	23/09/2011	23/09/2011	23/09/2011	29/03/2011	
	NORTH BDOVAL			13/04/2011	\$12,500	2/08/2011		4/08/2011	10:25:00 AM	Happ ness / Sat stact on	16/08/2011	16/08/2011	Bu d ng & Contents	\$178,450.00	\$25,000.00	\$330,000.00	\$36,000.00	7/09/2011	7/09/2011	14/09/2011	15/04/2011	
	NORTH BDOVAL			12/04/2011	\$12,500	2/08/2011		3/08/2011	9:00:00 AM	Happ ness / Sat stact on	10/08/2011	10/08/2011	Bu d ng & Contents	\$52,100.40	\$50,793.80	\$289,000.00	\$69,000.00	6/09/2011	6/09/2011	6/09/2011	7/04/2011	
	EAST PSW CH			4/04/2011	\$12,500	2/08/2011		3/08/2011	11:50:00 AM	Happ ness / Sat stact on	18/08/2011	18/08/2011	Bu d ng & Contents	\$184,494.00	\$27,500.00	\$375,000.00	\$55,000.00	12/09/2011	12/09/2011	21/09/2011	29/03/2011	
	BUNDAMBA			23/03/2011	\$12,500	2/08/2011		3/08/2011	2:30:00 PM	No C ear Emot on	12/08/2011	12/08/2011	Bu d ng & Contents	\$124,153.56	\$60,500.00	\$477,000.00	\$131,000.00	5/09/2011	5/09/2011	6/09/2011	29/03/2011	
	NORTH BDOVAL			28/04/2011	\$2,500	2/08/2011		4/08/2011	11:00:00 AM	D. abs. ef.	5/09/2011	5/09/2011	Contents on y		\$866.00		\$34,000.00				15/09/2011	15/04/2011
	BARELLAN PO NT			27/04/2011	\$2,500	2/08/2011		3/08/2011	12:00:00 AM	Re ef	18/08/2011	18/08/2011	Contents on y		\$25,500.00		\$51,000.00				22/08/2011	15/04/2011
	NORTH BDOVAL			11/04/2011	\$2,500	2/08/2011		4/08/2011	1:20:00 PM	Happ ness / Sat stact on	24/08/2011	24/08/2011	Contents on y		\$10,000.00		\$20,000.00				25/08/2011	7/04/2011
	NORTH BDOVAL			12/04/2011	\$12,500	2/08/2011		3/08/2011	4:15:00 PM	Happ ness / Sat stact on	12/08/2011	12/08/2011	Bu d ng & Contents	\$21,141.57	\$2,976.60	\$323,000.00	\$96,000.00	2/09/2011	2/09/2011	7/04/2011	7/04/2011	
	BUNDAMBA			21/04/2011	\$12,500	2/08/2011		3/08/2011	2:55:00 PM	Happ ness / Sat stact on	10/08/2011	10/08/2011	Bu d ng & Contents	\$48,500.00	\$25,000.00	\$97,000.00	\$42,000.00	16/08/2011	16/08/2011	16/08/2011	15/04/2011	
	EAST PSW CH			2/08/2011	\$12,500	2/08/2011		4/08/2011	12:23:00 PM	Re ef	4/08/2011	4/08/2011	Bu d ng & Contents	\$694.55	\$5,820.00	\$21,000.00	\$69,000.00	6/09/2011	6/09/2011	6/09/2011	29/03/2011	
	T VOL			14/04/2011	\$12,500	2/08/2011		4/08/2011	4:24:00 PM	Happ ness / Sat stact on	10/08/2011	10/08/2011	Bu d ng & Contents	\$73,887.00	\$34,500.00	\$406,000.00	\$69,000.00	31/08/2011	31/08/2011	31/08/2011	29/03/2011	
	MOORES POCKET			22/03/2011	\$12,500	2/08/2011		3/08/2011	4:50:00 PM	Happ ness / Sat stact on	16/08/2011	16/08/2011	Bu d ng & Contents	\$30,469.36	\$14,154.00	\$25,000.00	\$88,000.00	12/09/2011	18/08/2011	18/03/2011	18/03/2011	
	EAST PSW CH			3/04/2011	\$12,500	2/08/2011		3/08/2011	10:40:00 AM	Happ ness / Sat stact on	15/08/2011	15/08/2011	Bu d ng & Contents	\$10,400.00	\$26,449.00	\$268,000.00	\$89,000.00		18/08/2011		29/03/2011	
	EAST PSW CH			20/04/2011	\$12,500	2/08/2011		4/08/2011	3:08:00 PM	Re ef	21/08/2011	21/08/2011	Bu d ng & Contents	\$76,511.70	\$18,430.00	\$290,000.00	\$42,000.00	24/08/2011	24/08/2011	24/08/2011	15/04/2011	
	BRASSALL			21/03/2011	\$10,000	2/08/2011		3/08/2011	11:00:00 AM	No C ear Emot on	18/08/2011	18/08/2011	Bu d ng on y	\$14,701.38		\$159,000.00		26/08/2011		26/08/2011	18/03/2011	
	NORTH BDOVAL			23/03/2011	\$12,500	2/08/2011		4/08/2011	3:38:00 PM	Happ ness / Sat stact on	22/08/2011	22/08/2011	Bu d ng & Contents	\$113,093.00	\$40,015.00	\$298,000.00	\$100,000.00				18/03/2011	
	BUNDAMBA			29/03/2011	\$12,500	2/08/2011		3/08/2011	9:00:00 AM	Happ ness / Sat stact on	10/08/2011	10/08/2011	Bu d ng & Contents	\$113,093.00	\$40,015.00	\$107,000.00	\$90,000.00	6/09/2011	12/08/2011	14/09/2011	18/03/2011	
	T VOL			1/04/2011	\$12,500	2/08/2011		4/08/2011	9:30:00 AM	Happ ness / Sat stact on	8/08/2011	8/08/2011	Bu d ng & Contents	\$15,511.00	\$23,841.00	\$300,000.00	\$90,000.00	9/08/2011	9/08/2011	19/08/2011	29/03/2011	
	NORTH BDOVAL			28/04/2011	\$12,500	2/08/2011		4/08/2011	2:00:00 PM	Happ ness / Sat stact on	18/08/2011	18/08/2011	Bu d ng & Contents	\$2,962.00	\$4,947.55	\$278,000.00	\$75,000.00	19/08/2011	19/08/2011	19/08/2011	7/04/2011	
	NORTH PSW CH			28/04/2011	\$12,500	2/08/2011	3/08/2011	5/08/2011	10:00:00 AM	Happ ness / Sat stact on	24/08/2011	24/08/2011	Bu d ng & Contents	\$16,933.50	\$16,380.00	\$168,000.00	\$77,000.00	25/08/2011	25/08/2011	25/08/2011	15/04/2011	
	T VOL			29/04/2011	\$2,500	2/08/2011		3/08/2011	11:15:00 AM	No C ear Emot on	2/08/2011	9/08/2011	Contents on y		\$7,645.00		\$30,000.00				19/08/2011	15/04/2011
	MOORES POCKET			6/04/2011	\$12,500	2/08/2011		4/08/2011	1:00:00 PM	No C ear Emot on	25/08/2011	25/08/2011	Bu d ng & Contents	\$108,901.00	\$66,500.00	\$92,000.00	\$57,000.00	6/09/2011	6/09/2011	12/09/2011	18/03/2011	
	T VOL			6/04/2011	\$12,500	2/08/2011		4/08/2011	1:00:00 PM	No C ear Emot on	25/08/2011	25/08/2011	Bu d ng & Contents	\$46,000.00	\$28,500.00	\$92,000.00	\$57,000.00	30/08/2011	30/08/2011	30/08/2011	29/03/2011	
	NORTH BDOVAL			6/06/2011	\$2,500	2/08/2011		3/08/2011	5:20:00 PM	Happ ness / Sat stact on	19/08/2011											

C-aim Details				Compass on Fund		Claim Progress Details															
Claim Number	Customer	Loc/City	RISKADDRESS/NE1	Date	Paid	Letter Sent Date	Facility Unable to Contact Message Left-Date	Successful Telephone Contact Date	Successful Telephone Contact Time	Customer Reaction	Date Assessment Scheduled	Assessment Completed	Cash Settled Offered & Accepted	Total C-aim Amount - Building	Total Claim Amount - Contents	Sum Insured - Building	Sum Insured - Contents	Building Settlement Date	Contents Settlement Date	Date Claim Closed	Original Date on Date
		WOODEND				2/08/2011		4/08/2011	9:05:00 AM	No C-ear Emot on	18/08/2011	18/08/2011	Bu d ng on y	\$8,823.88		\$229,000.00	\$79,000.00	19/08/2011		22/09/2011	18/02/2011
		BACK POCKET				2/08/2011		2/08/2011	11:12:00 AM	D use ef	24/08/2011	24/08/2011	Bu d ng & Contents	\$18,228.00	\$32,000.00	\$81,000.00	\$81,000.00	25/08/2011		25/08/2011	15/04/2011
		NORTH BOVDAL		9/05/2011	\$12,500	2/08/2011		4/08/2011	8:15:00 AM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Bu d ng & Contents	\$94,500.00	\$53,000.00	\$411,000.00	\$106,000.00	15/08/2011		15/08/2011	15/04/2011
		NORTH BOVDAL		9/05/2011	\$10,000	2/08/2011		4/08/2011	8:15:00 AM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Bu d ng on y	\$94,500.00	\$189,000.00	\$189,000.00	\$189,000.00	1/09/2011		1/09/2011	7/04/2011
		NORTH PSW CH		3/04/2011	\$12,500	2/08/2011		3/08/2011	1:45:00 PM	Happ ness / Sat stact on	26/08/2011	26/08/2011	Bu d ng & Contents	\$70,983.47	\$27,800.00	\$318,200.00	\$56,200.00	7/09/2011		14/09/2011	29/03/2011
		EAST PSW CH				2/08/2011		4/08/2011	1:17:00 PM	Happ ness / Sat stact on	19/08/2011	19/08/2011	Bu d ng & Contents	\$23,199.00	\$23,199.00	\$250,000.00	\$50,000.00	22/08/2011		22/08/2011	18/03/2011
		EAST PSW CH		14/04/2011	\$2,500	2/08/2011		4/08/2011	1:38:00 PM	Happ ness / Sat stact on	22/08/2011	22/08/2011	Contents on y	\$14,283.65	\$14,283.65	\$42,000.00	\$42,000.00	23/08/2011		23/08/2011	29/03/2011
		BARRELLA/PO NT		18/04/2011	\$12,500	2/08/2011		3/08/2011	4:50:00 PM	Happ ness / Sat stact on	22/08/2011	22/08/2011	Bu d ng & Contents	\$123,500.00	\$25,000.00	\$247,000.00	\$36,000.00	31/08/2011		13/09/2011	18/03/2011
		BUNDAMBIA		1/04/2011	\$2,500	2/08/2011		3/08/2011	1:35:00 PM	Happ ness / Sat stact on	22/08/2011	22/08/2011	Contents on y	\$25,000.00	\$25,000.00	\$26,000.00	\$26,000.00	7/09/2011		19/09/2011	18/03/2011
		WOODEND		1/04/2011	\$10,000	2/08/2011		3/08/2011	2:33:00 PM	Re ef	10/08/2011	10/08/2011	Bu d ng & Contents	\$68,801.70	\$15,635.80	\$269,000.00	\$64,000.00	11/08/2011		19/08/2011	29/03/2011
		BACK POCKET		24/06/2011	\$12,500	2/08/2011		3/08/2011	12:05:00 PM	Happ ness / Sat stact on	9/08/2011	9/08/2011	Bu d ng on y	\$93,222.00	\$32,500.00	\$207,000.00	\$65,000.00	19/08/2011		11/08/2011	29/03/2011
		KARALEE		24/03/2011	\$12,500	2/08/2011		3/08/2011	3:15:00 PM	Happ ness / Sat stact on	17/08/2011	17/08/2011	Bu d ng & Contents	\$99,800.29	\$5,785.00	\$463,000.00	\$175,000.00	1/09/2011		1/09/2011	15/04/2011
		BACK POCKET		24/03/2011	\$12,500	2/08/2011		4/08/2011	1:50:00 PM	Happ ness / Sat stact on	29/08/2011	29/08/2011	Bu d ng & Contents	\$14,334.00	\$336,000.00	\$112,000.00	\$112,000.00	2/09/2011		2/09/2011	15/04/2011
		KARALEE		4/04/2011	\$10,000	2/08/2011		4/08/2011	4:30:00 PM	Happ ness / Sat stact on	29/08/2011	29/08/2011	Contents on y	\$125,000.00	\$125,000.00	\$125,000.00	\$125,000.00	7/04/2011		7/04/2011	7/04/2011
		EAST PSW CH		4/05/2011	\$12,000	2/08/2011		3/08/2011	2:05:00 PM	Re ef	11/08/2011	11/08/2011	Bu d ng & Contents	\$40,000.00	\$27,500.00	\$153,000.00	\$55,000.00	16/08/2011		12/08/2011	15/04/2011
		KARALEE		22/03/2011	\$12,500	2/08/2011		3/08/2011	2:40:00 PM	Happ ness / Sat stact on	17/08/2011	17/08/2011	Bu d ng & Contents	\$150,217.00	\$60,000.00	\$512,000.00	\$121,000.00	21/09/2011		21/09/2011	18/03/2011
		BUNDAMBIA		24/03/2011	\$12,500	2/08/2011		3/08/2011	10:00:00 AM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Bu d ng & Contents	\$114,248.57	\$40,500.00	\$281,000.00	\$69,000.00	2/09/2011		31/08/2011	18/03/2011
		NORTH BOVDAL		11/03/2011	\$2,500	2/08/2011		3/08/2011	11:40:00 AM	Happ ness / Sat stact on	15/08/2011	15/08/2011	Contents on y	\$27,000.00	\$27,000.00	\$54,000.00	\$54,000.00	16/08/2011		16/08/2011	29/03/2011
		BRASSALL		11/04/2011	\$6,500	2/08/2011		4/08/2011	11:14:00 AM	D use ef	19/08/2011	19/08/2011	Bu d ng & Contents	\$5,041.50	\$19,999.00	\$199,000.00	\$83,000.00	30/08/2011		30/08/2011	29/03/2011
		BOVDAL		2/08/2011		5/08/2011	5/08/2011	5/08/2011	12:50:00 PM	Happ ness / Sat stact on	29/08/2011	29/08/2011	Bu d ng & Contents	\$14,937.00	\$165,000.00	\$75,000.00	\$75,000.00	30/08/2011		30/08/2011	15/04/2011
		BUNDAMBIA		2/08/2011		3/08/2011		3/08/2011	12:35:00 PM	Happ ness / Sat stact on	12/08/2011	12/08/2011	Contents on y	\$19,000.00	\$19,000.00	\$19,000.00	\$19,000.00	16/08/2011		16/08/2011	29/03/2011
		BRASSALL		21/04/2011	\$2,500	2/08/2011		4/08/2011	9:35:00 AM	Re ef	19/08/2011	19/08/2011	Contents on y	\$121,500.00	\$27,500.00	\$55,000.00	\$55,000.00	22/08/2011		22/08/2011	15/04/2011
		EAST PSW CH		27/04/2011	\$10,000	2/08/2011		3/08/2011	11:44:00 AM	Re ef	11/08/2011	11/08/2011	Bu d ng on y	\$9,055.13	\$9,055.13	\$477,000.00	\$56,000.00	8/09/2011		29/08/2011	29/03/2011
		EAST PSW CH		2/08/2011		2/08/2011		4/08/2011	4:35:00 PM	No C-ear Emot on	26/08/2011	26/08/2011	Contents on y	\$25,329.46	\$135,000.00	\$135,000.00	\$135,000.00	23/08/2011		23/08/2011	29/03/2011
		NORTH BOVDAL		27/04/2011	\$2,500	2/08/2011		4/08/2011	11:45:00 AM	Happ ness / Sat stact on	12/08/2011	12/08/2011	Contents on y	\$25,000.00	\$25,000.00	\$20,000.00	\$20,000.00	15/08/2011		15/08/2011	15/04/2011
		NORTH BOVDAL		14/04/2011	\$2,500	2/08/2011		4/08/2011	4:45:00 PM	Happ ness / Sat stact on	26/08/2011	26/08/2011	Contents on y	\$14,995.81	\$20,000.00	\$20,000.00	\$20,000.00	29/08/2011		25/08/2011	29/03/2011
		PSW CH		14/04/2011	\$2,500	2/08/2011		3/08/2011	9:50:00 AM	Happ ness / Sat stact on	10/08/2011	10/08/2011	Contents on y	\$14,347.00	\$0.00	\$31,000.00	\$31,000.00	11/08/2011		11/08/2011	29/03/2011
		NORTH PSW CH		3/05/2011	\$2,500	2/08/2011		4/08/2011	1:15:00 PM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Contents on y	\$24,000.00	\$24,000.00	\$24,000.00	\$24,000.00	7/09/2011		8/09/2011	29/03/2011
		NORTH PSW CH		4/04/2011	\$12,500	2/08/2011		3/08/2011	10:40:00 AM	Happ ness / Sat stact on	11/08/2011	11/08/2011	Bu d ng & Contents	\$69,343.23	\$25,000.00	\$177,000.00	\$35,000.00	19/09/2011		19/09/2011	29/03/2011
		NORTH BOVDAL		26/05/2011	\$2,500	2/08/2011		3/08/2011	2:30:00 PM	Re ef	8/09/2011	8/09/2011	Contents on y	\$27,000.00	\$27,000.00	\$54,000.00	\$54,000.00	8/09/2011		12/09/2011	17/04/2011
		NORTH BOVDAL		2/08/2011		2/08/2011		4/08/2011	4:15:00 PM	Happ ness / Sat stact on	25/08/2011	25/08/2011	Bu d ng on y	\$12,474.78	\$12,474.78	\$326,000.00	\$326,000.00	30/08/2011		30/08/2011	30/06/2011

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ATTACHMENT 4

Hydrology Information Sheets

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REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO BRISBANE FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Brisbane in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Brisbane. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Brisbane and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which is reported to have peaked at approximately before midnight on 11 January 2011.
3. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River which worked its way down the River towards Brisbane. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
4. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. This is a necessarily imprecise figure because some important data is still not available to us.
5. Due to the high Brisbane River tailwater levels there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than the above estimate but we cannot presently say by how much less.
6. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River was the rain which fell some days earlier and its subsequent release from the Wivenhoe Dam.
7. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Brisbane were inundated as a result of the release of water from Wivenhoe Dam that followed the rainfall in the Brisbane River catchment that commenced on 9 January 2011.
10. This does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy. Claims for loss or damage in Brisbane will, therefore, generally not be covered.
11. There may be some properties which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3728852v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO BUNDABERG FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in the Bundaberg region in December 2010.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Bundaberg region. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Bundaberg region and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Burnett River catchment area (south of Bundaberg) between 16 December 2010 and 19 December 2010. This rain caused the Burnett River catchment to be saturated.
3. There was further substantial rainfall in the Burnett River catchment between 22 and 28 December 2010. The heaviest rain fell on the morning of 25 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha which was first declared a tropical low on 24 December 2010.
4. The Burnett River levels rose and ultimately peaked on 30 December 2010.
5. There was localised rainfall in Bundaberg on 27 and 28 December 2010. However, this rain had no appreciable effect on the peak flood level on 30 December 2010.
6. The rain which fell between 22 and 28 December 2010 (and particularly the rain on 25 December 2010) was the principal cause of inundation in Bundaberg which peaked on 30 December 2010.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. The majority of properties that reported damage in the Bundaberg region were inundated as a result of flooding due to rain that fell more than 24 hours prior to the flood occurring (i.e. rain which fell between 22 and 28 December 2010) and are therefore not covered by the Policy.
9. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3728865v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO THE CABOOLTURE REGION

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in the Caboolture region in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Caboolture region (comprising the area in and around the Bureau of Meteorology stations at Wamuran, Upper Caboolture, Caboolture WTP, Round Mt AL, Morayfield AL, Burpengary AL WTP, Beachmere and Browns Creek). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment for the Caboolture region and the rate and speed at which water flowed through the catchment.

The key results

2. A substantial amount of rain fell in the Caboolture region on 11 January 2011, with the heaviest rain falling between approximately 5.00am and 2.00pm on 11 January 2011.
3. The rainfall intensities recorded over the western areas in the Caboolture region were significantly higher than those recorded near the coast and to the southwest of Caboolture.
4. Peak inundation levels were recorded at a number of the Bureau of Meteorology stations in the Caboolture region, including Upper Caboolture at 10.00am on 11 January 2011 (within 5 hours of the commencement of the rainfall event), Caboolture WTP at approximately 1.30pm on 11 January 2011 (within 8 hours of the commencement of the rainfall event) and for all areas downstream of these locations within 12 – 14 hours of the commencement of the rainfall event.
5. There are some parts of the Caboolture region that are not directly connected with a water course that had a water level gauge. However, the nature of the rainfall patterns in the Caboolture region, including those areas where rain and water level gauges are available, suggests that peak inundation would have occurred in these areas within the course of the (9 hour) rainfall event.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. The majority of properties that reported damage in the Caboolture region were inundated as a result of flooding due to rain that fell within 24 hours of the flood occurring and are, therefore, covered by the Policy.
8. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3732481v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO CHINCHILLA FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Chinchilla in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Chinchilla. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Chinchilla and the rate and speed at which water flowed through that catchment.

The key results

2. Chinchilla was inundated by two different flood events, which peaked on 28 December 2010 and 12 January 2011 respectively.

28 December 2010 event

3. Charleys Creek had an elevated water level on the days leading up to the peak.
4. Heavy rainfall commenced in the catchment at approximately 2.00am on 23 December 2010. Its impact on the level of Charleys Creek was small and the water had largely drained away within 24 hours.
5. Further rainfall commenced at approximately 6.00pm on 25 December 2010. The level of Charleys Creek did not change materially within the next 24 hours. The water level did not rise above the Major flood height (6 metres) until around 3.00am on 27 December 2010 and it did not peak (at 7.24 metres) until around 6.00am on 28 December 2010 (approximately 60 hours after the second rainfall event commenced).

12 January 2011 event

6. Further heavy rain fell in the catchment from around 12.00pm on 10 January 2011.
7. 24 hours after the commencement of this rainfall, the level of Charleys Creek increased significantly to approximately 6.53 metres. The level of Charleys Creek then continued to rise in the absence of any further rain, peaking at approximately 7.00am on 12 January 2011 at 7.45 metres (approximately 31 hours after the commencement of the rainfall).

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. The majority of properties that reported damage in Chinchilla on 28 December 2010 were inundated as a result of flooding due to rain that fell outside 24 hours of the flood occurring. These claims will, therefore, not be covered by the policy.
10. The majority of properties that were inundated on 28 December 2010 were inundated for a second time on 12 January 2011. As noted, the inundation on 12 January 2011 was the result of rain that fell within 24 hours of the flood occurring and is therefore covered by the policy. Therefore, any damage that can be shown to have been caused *exclusively* by the 12 January 2011 flooding will be covered under the policy.

Individual Properties

11. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO DALBY FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Dalby in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Dalby. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Dalby and the rate and speed at which water flowed through that catchment.

The key results

2. Dalby was inundated by three different flood events occurring on 20 December 2010, 27 December 2010 and 10 January 2011.

20 December 2010 Event

3. Rain starting in the catchment around 8.00pm on 16 December 2010 had the effect of elevating the Myall Creek water levels.
4. By around 6.00am on 20 December 2010 the Myall Creek water level had risen to approximately 2.3 metres. It reached its peak of 2.84 metres at around 2.00pm on 20 December 2010.

27 December 2010 Event

5. The level of the Myall Creek was slightly elevated by earlier rainfall.
6. The inundation peak on 27 December 2010 was a result of rain falling between approximately 7.00pm on 25 December 2010 and approximately 2.00pm on 27 December 2010. By 7.00pm on 26 December 2010 (24 hours after the rain commenced), the water level was approximately the same as that at the commencement of the rainfall – around 0.74 metres.
7. From this time, as a result of further heavy rain, the Myall Creek water level began to rise again. The water level peaked at 3.54 metres at approximately 7.00pm on 27 December 2010 (48 hours after commencement of the rainfall event).
8. The majority of the rainfall that led to the peak fell in the period 32 hours preceding it.

10 January 2011 Event

9. The level of the Myall Creek was elevated due to rain falling on 6 and 7 January 2011. This rain caused the Myall Creek level to rise to a height of approximately 2.54 metres at around 7.00am on 7 January 2011. By around 3.00pm on 9 January 2011, most of this water had drained away.
10. Heavy rain starting falling at approximately 11.00am on 9 January 2011. By approximately 11.00am on 10 January 2011 the Myall Creek water level had risen considerably to 3.39 metres. The water level peaked at 3.74 metres at approximately 5.00pm on 10 January 2011 (32 hours after the rainfall commenced).
11. The peak water level was attributable to rain that commenced falling more than 24 hours before the peak, but significant rain continued to fall within 24 hours of the peak and which caused Myall Creek to continue to rise to its ultimate peak.

Impact on application of policy

12. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.

13. Damage caused by the water level reaching 2.3 metres at the Myall Creek gauge around 20 December 2010 would be a result of rain that fell within 24 hours of the flood. To the extent that claims relate to damage caused by this water level, they will be covered by the policy.
14. The dominant cause of damage caused by the water levels beyond this (ie above 2.3 metres and up to the peak level of 2.94 metres at the Myall Creek gauge) on 20 December 2010 was rain that fell more than 24 hours earlier. Accordingly, a claim for such damage is not be covered by the policy.
15. The flood that occurred on 27 December 2010, which peaked at 3.54 metres at approximately 7.00pm on 27 December 2010, was caused by rain which had commenced falling 48 hours earlier. Consequently, damage caused by this flood will not be covered by the policy.
16. Any damage caused *exclusively* by the water level of 3.5 metres at approximately 12noon on 10 January 2011 will be covered. Damage caused thereafter is not covered as this will have resulted from rain that fell more than 24 hours before that damage occurred.

Individual Properties

17. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

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**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(APPROACHING THE BREMER RIVER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (approaching the Bremer River and Brisbane River junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (approaching the Bremer River and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River causing inundation to some properties upstream of the junction of the Bremer and Brisbane Rivers.
4. As this water headed down the Bremer River towards the junction with the Brisbane River, the Brisbane River started to have a major effect. The level of the Brisbane River was elevated at this time due to earlier rain and releases from the Wivenhoe Dam due in particular to rain which fell in the dam's catchment area from around 6.00am on 9 January 2011. The elevated level of the Brisbane River meant that the water from the Bremer River could not flow into the Brisbane River at the same rate as it normally would.
5. Accordingly, for properties along the Bremer River approaching the junction with the Brisbane River, there were two mechanisms contributing to the flooding – one being the rain which had recently fallen in the Bremer River catchment and the other being the elevated level of the Brisbane River which inhibited that water's flow into the Brisbane River.
6. The peak of the Bremer River at One Mile (21.35m AHD) at approximately 1.00am on 12 January 2011 was attributable to the combined effects of flow from the Bremer River and the elevated levels of the Brisbane River. Likewise, the shape of the gauge results for the Bremer River at Ipswich is similar to the general shape of the Brisbane River gauge results at the Brisbane River Moggill Gauge, indicating that the Brisbane River was having a major influence on the levels of the Bremer River in this area.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. As noted, the area comprising areas of the Bremer River approaching the junction of the Bremer River and the Brisbane River were flooded by a combination of:
 - (a) the rain in the upper part of the catchment (which had occurred within 24 hours); and
 - (b) the effect of the elevated levels of the Brisbane River (which was caused by the release of water from the Wivenhoe Dam following rain which fell more than 24 hours before the event).
9. As the rain which fell within 24 hours was not the dominant cause of the flooding in this area, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQ's standard policy and is therefore not covered.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3741104v1

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(DOWNSTREAM OF THE BREMER AND BRISBANE RIVER JUNCTION)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (downstream of the Bremer and Brisbane River junction) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River junction). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards the junction of the Bremer and Brisbane Rivers.
4. There are some areas of Ipswich downstream of the junction between the Bremer River and the Brisbane River (such as Goodna) which were inundated. The Brisbane River Moggill Gauge indicates that the peak water level around this area occurred around 3.00pm on 12 January 2011.
5. This flooding was attributable to the release of water from the Wivenhoe Dam. Some of the rain which began falling in the Bremer River catchment around 6.00am on 11 January 2011 would have flowed into the Brisbane River by this point, but the overwhelming cause of the flooding in these areas was the flood water from the Brisbane River that had been released from Wivenhoe Dam in particular as a result of the heavy rain that had fallen in the dam's catchment area since 6.00 am on 9 January 2011.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. As noted, the areas around Goodna, where the peak inundation by the Brisbane River occurred at around 3.00pm on 12 January 2011.
8. The dominant cause of this inundation was the rain which fell in the Wivenhoe Dam catchment in particular the rain commencing around 6.00am on 9 January 2011 which was then released into the Brisbane River.
9. Damage caused to properties by this event is not covered under the policy.

Individual Properties

10. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQ Insurance is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

**REPORT BY RACQ INSURANCE LIMITED ON ITS
INVESTIGATIONS INTO IPSWICH FLOODS
(UPPER BREMER RIVER CATCHMENT AREA)**

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Ipswich (in the upper Bremer River catchment area) in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Ipswich (downstream of the Bremer and Brisbane River). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Ipswich and the rate and speed at which water flowed through that catchment.

The key results

2. A substantial amount of rain fell in the Bremer River catchment from around 6.00am on 11 January 2011. At approximately 5.00pm on 11 January 2011 the Bremer River peaked at Walloon at 31.87m.
3. This water travelled down the Bremer River towards to the junction of the Bremer and Brisbane Rivers and, in the areas approaching the junction of the Bremer and Brisbane Rivers, began to interact with the Brisbane River.
4. However, there are some upstream areas of the Bremer River (those covered by this report) where the Bremer River is unlikely to have been materially affected by the Brisbane river, and therefore any inundation is attributable to the rain which fell in the Bremer River catchment from around 6.00am on 11 January 2011.

Impact on application of policy

5. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
6. As stated above, the upstream areas of the Bremer River covered by this report were flooded by rain which fell not more than 24 hours earlier (starting at 6.00am on 11 January 2011).
7. The flooding in these upstream areas meets the requirements of "Flash flood or stormwater run-off" as defined in RACQI's standard policy and is therefore covered.

Individual Properties

8. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

AJW10091926 3740966v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO THE LOWER LOCKYER VALLEY FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in the Lower Lockyer Valley in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Lower Lockyer Valley. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Lower Lockyer Valley and the rate and speed at which water flowed through that catchment.
2. The Lower Lockyer includes the following:
 - (a) Lockyer Creek Reach from the Catchment Divide to Gatton;
 - (b) Laidley Creek extending downstream to Laidley; and
 - (c) Downstream Reaches to Brisbane River junction.

The key results

Lockyer Creek Reach from the Catchment Divide to Gatton

3. A substantial amount of rain fell in the Lockyer Creek Reach from the Catchment Divide to Gatton over the period 5 January 2011 to 11 January 2011, with the heaviest rain falling between 9 January 2011 and 11 January 2011.
4. The rainfall and river gauge data that is available for this area indicates that each rainfall event had an impact on the catchment causing flood peaks within 24 hours of each rainfall event.

Laidley Creek extending downstream to Laidley

5. A substantial amount of rain fell in Laidley Creek extending downstream to Laidley over the period 5 January 2011 to 11 January 2011, with the heaviest rain falling between 9 January 2011 and 11 January 2011.
6. The rainfall and river gauge data that is available for this area indicates that each rainfall event had an impact on the catchment causing flood peaks within 24 hours of each rainfall event.

Downstream Reaches to Brisbane River junction

7. A substantial amount of rain fell in Downstream Reaches to Brisbane River junction over the period 5 January 2011 to 11 January 2011, with the heaviest rain falling between 9 January 2011 and 11 January 2011.
8. The peak water level which occurred at approximately midnight on 6 January 2011, was attributable to rainfall which fell in the preceding 24 hours.
9. The peak water level which occurred at approximately 06:00 on 10 January 2011, was attributable to rainfall which fell in the preceding 24 hours augmenting somewhat elevated water levels themselves caused by rain which had fallen earlier than the preceding 24 hours.
10. The peak water level which occurred at approximately 18:00 on 11 January 2011, was attributable to rainfall which fell in the preceding 24 hours augmenting substantially elevated water levels themselves caused by rain which had fallen earlier than the preceding 24 hours.

Impact on application of policy

11. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
12. The majority of properties that reported damage in the Lockyer Creek Reach from the Catchment Divide to Gatton and Laidley Creek extending downstream to Laidley were inundated as a result of flooding due to rain that fell within 24 hours of the flood occurring. These claims will, therefore, be covered by the Policy.
13. For properties that reported damage in the Downstream Reaches to Brisbane River junction, the inundation was the result of rain that fell both within, and outside of, 24 hours of the flood occurring.
14. Without accessing further information and undertaking further investigations it is not possible at this stage to confirm whether the requirements of "Flash flood or stormwater run-off" as defined in RACQI's standard policy are satisfied. Further investigations are being undertaken to assess the cause of inundation for properties in this part of the Lower Lockyer Valley.
15. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3732475v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO MIDDLE BRISBANE RIVER REACHES FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policy holders with details of the investigations it has carried out into the flooding which occurred across the Middle Brisbane River Reaches region (**Middle Brisbane**) in January 2011. Middle Brisbane includes the areas of Fernvale, Lowood, Wivenhoe Pocket and other locations in the vicinity of these areas.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Middle Brisbane. These investigations have included site investigations of each insured's property by loss adjusters and, in some cases, hydrologists and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Middle Brisbane and the rate and speed at which water flowed through that catchment.

The key results

2. There were two events that occurred on 11 January 2011 causing inundation in Middle Brisbane:
 - (a) the overflowing of local creeks and streams and the presence of stormwater run-off attributable to significant rain that fell over the Middle Brisbane catchment area between approximately 4:00am and 3:00pm on 11 January 2011 (**First Event**);
 - (b) the rising Brisbane River after approximately 4:00 pm on 11 January 2011 which was caused by significant releases of water from Wivenhoe Dam. The majority of the water released from Wivenhoe Dam at this time had fallen as rain over the Wivenhoe Dam catchment area on 9 January 2011 or earlier (**Second Event**).
3. While the First Event and Second Event occurred on the same day, they are distinct events and the inundation from the First Event had largely receded prior to the commencement of the Second Event.

Impact on application of the policy

4. RACQ Insurance's standard policy (**Policy**) provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined in the Policy as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
5. Damage suffered during the First Event was a result of flooding that was attributable to rain that fell within 24 hours of the flood occurring. Damage caused by the First Event will be covered by the Policy as it meets the definition of "Flash flood or stormwater run-off".
6. Damage caused by the Second Event was a result of direct inundation of rising waters from the Brisbane River. The water which caused this inundation had generally fallen as rain on or before 9 January 2011 and was stored in the Wivenhoe Dam before being released on 11 January 2011.
7. Accordingly, this rain had fallen more than 24 hours prior to the inundation occurring and damage caused to properties by the Second Event will not be covered by the Policy.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO MORETON BAY FLOODS.

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in the "Moreton Bay investigation area" in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in the Moreton Bay investigation area (comprising the area in and around the Bureau of Meteorology stations at Baxters Creek, Dayboro WTP, Kobbie Creek AL, Mt Samson, Lake Kurwongbah, North Pine Dam, Cedar Creek, Mt Glorious, Samford Village, Upper Kedron and Deagon). These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment for the Moreton Bay investigation area and the rate and speed at which water flowed through the catchment.

The key results

2. A substantial amount of rain fell in the Moreton Bay investigation area, commencing at approximately 5.00am on 11 January 2011 and continuing until approximately 2.00pm on the same day.
3. Peak inundation levels were recorded at a number of the Bureau of Meteorology stations in the Moreton Bay investigation area (including, Baxters Creek, Kobbie Creek, Cedar Creek, North Pine Dam, Samford Village, Lake Kurwongbah and Deagon) within 9 hours of the commencement of the rainfall event.
4. In some parts of the Moreton Bay investigation area, there were multiple rain events which led to local river/creek systems peaking more than once. This is reflected at the rain and river gauges at North Pine Dam, Lake Kurwongbah and Samford Village amongst others.
5. In each case, the peak in the river level caused by the rain event receded quickly before the subsequent rain event led to a further peak in the river/creek.
6. There are some parts of the Moreton Bay investigation area that are not directly connected with a water course that had a water level gauge. However, the nature of the rainfall patterns in the Moreton Bay investigation area, including those areas where rain and water level gauges are available, suggests that peak inundation would have occurred in these areas within the course of the (9 hour) rainfall event.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. The majority of properties that reported damage in the Moreton Bay investigation area were inundated as a result of rain that fell within 24 hours of the flood occurring and are, therefore, covered by the Policy.
9. There may be some properties within the Moreton Bay investigation area which have suffered damage which is not explained by the mechanisms set out above but which occurred at different times or as a result of different causes specific to their location. Decisions on these claims will be made on a case by case basis.

AJW10091926 3732486v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO OAKEY FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Oakey in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Oakey. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Oakey and the rate and speed at which water flowed through that catchment.

The key results

2. Significant rain fell in the Oakey Creek catchment over the period from 9 to 11 January 2011. Other moderate rainfalls were also experienced in the preceding four days.
3. The heaviest rain fell in the catchment over three main periods at around noon to 11.00pm on 9 January 2011, noon to 6.00pm on 10 January 2011 and midnight on 10 January 2011 to noon on 11 January 2011.
4. Stream gauging station data has been requested but has not been made available at this point. However, the rainfall data and other available evidence indicates that:
 - (a) it is most likely that the 9 and 10 January 2011 rainfall resulted in elevated levels in Oakey Creek. However, the Creek did not reach a level to cause flooding on 10 January 2011;
 - (b) the 11 January 2011 rainfall further increased Oakey Creek discharges and inundation of the Town occurred;
 - (c) the inundation that occurred on 11 January 2011 was a result of the rainfall that occurred over 9, 10 and 11 January 2011.
5. However, without this stream gauging data, it is not possible to identify the specific time at which the flood waters rose to a level which caused damage to property.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. Without accessing further river gauge information, it is not possible at this stage to confirm whether the requirements of "Flash flood or stormwater run-off", as defined in RACQ's standard policy, is satisfied. Further investigations are being undertaken to assess the cause of inundation for properties in Oakey.

JET10091926 3775230v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO REGIONAL FITZROY FLOODS (THEODORE)

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Regional Fitzroy (Theodore) in December 2010/January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Regional Fitzroy (Theodore). These investigations have included site investigations of each insured property by loss adjusters, site inspections of selected properties by hydrologists and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for the Fitzroy River and the rate and speed at which water flowed through that catchment.

The key results

2. Theodore was inundated to varying extents during the period from 23 December 2010 to 7 January 2011. The inundation of Theodore peaked on 1 January 2011 when the level of the Dawson River at Theodore was recorded at 14.7 metres.
3. Heavy rainfall commenced in the upper reaches of the Theodore Catchment (at Injune and Taroom) on 17 December 2010 and continued falling until 19 December 2010. As a result of this rain, the levels of the Dawson River had risen well above the Major Flood Level of 12 metres on 23 December 2010.
4. A rainfall event on 22 December 2010 maintained the high levels of the Dawson River.
5. Further rain falling throughout the upper catchment on 25 and 26 December 2010 caused the Dawson River to continue to rise. The river reached 14.4 metres at approximately 5.00am on 28 December 2010, which is more than 2 metres over the major flood level (when the township of Theodore was evacuated).
6. The Dawson River receded slightly, only to rise again to the ultimate peak of 14.7 metres on 1 January 2011. This was again the result of rain that had commenced falling more than 24 hours earlier.
7. The high tailwater level in the Dawson River may have had a significant effect on the levels of Castle Creek, adjacent to the Theodore township. However, given that the rain that caused the overflow of both those waterways had commenced falling more than 24 hours before those events occurred, their respective contributions to the inundation of Theodore is not relevant.

Impact on application of policy

8. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
9. Each of the claims received by RACQ Insurance reporting damage in Theodore over the period from 23 December 2010 to 1 January 2011 were inundated as a result of flooding due to rain that fell outside 24 hours of the flood occurring. These claims will, therefore, not be covered by the policy.

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO ROCKHAMPTON FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with some further details of the investigations it has carried out into the flooding which occurred in Rockhampton in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Rockhampton. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Rockhampton and the rate and speed at which water flowed through that catchment.

The key results

2. The Fitzroy River was elevated during December 2010. It reached a Moderate flood level on 14 December 2010 which peaked at 7.65m on 16 December 2010. This was attributable primarily to the cumulative rainfall that fell between 1 to 4 December 2010 with some further contribution from rainfall on 11 and 12 December 2010
3. The river then fell to 5.5m on 23 December 2010 and from there began to rise due to the widespread rainfall occurring from 23 to 28 December 2010. This rainfall was associated with a moist easterly flow brought into the region by Cyclone Tasha, which was first declared a tropical low on 24 December 2010.
4. The Fitzroy River then flooded with a peak at 9.2m on or about 4 January 2011. The period of time that the river was in flood was substantial. It maintained levels of over 9m till 11 January 2011 and was over the Major flood level of 8.5m for the period from 1 to 14 January 2011.
5. There was local rainfall in the City of Rockhampton around the times that the Fitzroy River level was peaking (eg on 6 January 2011). However, this rainfall was of a relatively low intensity and occurred after the flood had peaked.

Impact on application of policy

6. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
7. RACQ Insurance's findings indicate that the flooding which occurred in Rockhampton in January 2011 was the result of rain which had fallen between 23 and 28 December 2010. As this rain fell more than 24 hours before the flooding, it does not meet the requirements of "Flash flood or stormwater run-off" as defined in RACQI's standard policy and is therefore not covered by the Policy.

AJW10091926 3728860v1

REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO THE SUNSHINE COAST FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred on the Sunshine Coast in January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods on the Sunshine Coast. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Sunshine Coast and the rate and speed at which water flowed through that catchment.

The key results

2. The most significant rainfall event for this region occurred on 11 January 2011. The area gauges for Palmwoods, Warana bridge, Nambour and West Woombye experienced three peaks of rainfall on 9, 10 and 11 January 2011.
3. At the Warana bridge Nambour and West Woombye gauges each peak had subsided before the next significant rainfall event occurred.
4. The Palmwoods Sports Ground station, before the 11 January 2011 event, the water had receded to the minor flood level of 3.5 meters. The peak on 11 January 2011 was recorded at 5.0 meters gauge datum. This inundation occurred in less than twenty-four hours.
5. The Tewantin gauge shows that there were two peaks, 9 January and 11 January 2011. The 9 January 2011 peak was not above the anticipated high tide level and the 11 January event was only slightly above (less than 0.2 meters). This downpour could have exceeded the capacity of the stormwater system.
6. The Picnic Point station had one peak on 11 January 2011 with minor rainfall occurring in the days prior to the inundation. The gauge maintained higher levels than expected due to the freshwater discharge from the Maroochy River system. Due to the intensity of the rain, it is possible that the stormwater drainage system would have failed.

Impact on application of policy

7. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.
8. Any damage that arises from the flood events detailed above is likely to fall within the definition of Flash flood or stormwater run-off. To the extent that claims relate to damage caused by these inundations, they will be covered by the policy.

Individual Properties

9. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

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REPORT BY RACQ INSURANCE LIMITED ON ITS INVESTIGATIONS INTO WARWICK FLOODS

This document has been prepared by RACQ Insurance Limited to provide its policyholders with details of the investigations it has carried out into the flooding which occurred in Warwick in December 2010 and January 2011.

RACQ Insurance's investigations

1. RACQ Insurance has carried out extensive investigations into the floods in Warwick. These investigations have included site investigations of each insured property by loss adjusters and an analysis of relevant hydrology data, including rainfall measurements, river heights, the topography of the catchment area for Warwick and the rate and speed at which water flowed through that catchment.

The key results

2. Warwick was inundated by two different flood events, which peaked on 27 December 2010 and 11 January 2011 respectively.

27 December 2010

3. Rain in the catchment starting around 1.00am on 26 December 2010 had the effect of elevating the Condamine River levels (at the Warwick and Murrays Bridge gauges). This rainfall continued for approximately 37 hours until around 2.00pm on 27 December 2010.
4. 24 hours after the commencement of this rain, the Condamine River level was approximately 2.56m at the Warwick gauge, well below the Minor flood level of 4.0 metres.
5. The Condamine River level did not reach the Major flood level height of 6 metres until around 4.30pm on 27 December 2010 (approximately 40.5 hours after rainfall commencement).
6. The maximum inundation level of 7.09m at Warwick occurred at around 9.00pm on 27 December 2010 (44 hours after the rainfall commenced). The majority of the rainfall that led to this peak fell in the period commencing within 24 hours of the peak occurring.

11 January 2011

7. The 11 January 2011 event was attributable to the combined effect of a number of storms commencing at around 4.00am on 6 January 2011. The first storm caused the Condamine River to rise, with each successive storm either increasing or maintaining the elevated water level.
8. Between around 4.00am on 6 January 2011 and 3.00pm on around 10 January 2011, the maximum height of the Condamine River was approximately 3.3 metres (below the Minor flood level of 4 metres).
9. A storm commencing at around 6.00am on 10 January 2011 resulted in the Condamine River reaching the Moderate flood level of 5 metres at around 10.00pm on 10 January 2011 and a further storm commencing around 8.00am on 11 January 2011 contributed to the Condamine River level peaking at 7.73 metres at around 8.00pm on 11 January 2011.
10. The majority of the rainfall that led to this peak fell in the period commencing within 24 hours of the peak occurring.

Impact on application of policy

11. RACQ Insurance's standard policy provides coverage for loss or damage caused by "Flash flood or stormwater run-off". That expression is defined as "A sudden flood caused by heavy rain that fell no more than 24 hours prior to the flash flood or stormwater run-off". Otherwise, RACQ Insurance's standard policy does not cover flooding.

12. The flooding on both 27 December 2010 and 11 January 2011 was contributed to by rain which fell more than 24 hours earlier, however, our investigations lead us to conclude that the real cause of the peak flooding on those days was heavy rain that fell within 24 hours of those peaks occurring.
13. Accordingly, both of these flood events meet the requirements of "Flash flood and stormwater run off "as defined in RACQI's standard policy and are therefore covered.

Individual Properties

14. There may be some areas which have suffered damage at different times or as a result of different causes specific to their location. RACQI is continuing to investigate these areas and decisions on these claims will be made on a case by case basis.

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ATTACHMENT 5

FINANCIAL OMBUDSMAN SERVICE

NUMBER: [REDACTED]

Applicant: [REDACTED]

AND

Financial Service Provider: **RACQ INSURANCE LIMITED**

STATEMENT

I, **Stephen Quinton Clark**, of [REDACTED] Boundary Street, West End, Brisbane in the State of Queensland state as follows:

Qualifications

1. I am specialist flooding engineer and Director of Water Technology Pty Ltd at [REDACTED] Boundary Street, West End, Brisbane. My key areas of expertise are hydrologic and hydraulic engineering, floodplain management and flood warning.
2. I have the following qualifications: Bachelor of Civil Engineering (Hons) from the University of Queensland, Masters of Engineering Science from the University of Queensland, National Professional Engineers Register and Registered Professional Engineer Queensland. I attach as **EXHIBIT SQC01** to this affidavit a copy of my curriculum vitae.

My engagement

3. In January 2011, in the aftermath of the Queensland floods, Cooper Grace Ward Lawyers on behalf of RACQ Insurance limited engaged me to assist with hydrological investigations into the Queensland floods. Since then I have been engaged on an ongoing basis (and am still engaged) to assist in determining claims by insured customers. Below I identify investigations which are specifically relevant to the property of [REDACTED] (the applicant in this FOS dispute) at [REDACTED] Moggill Road, Pinjarra Hills (**the Subject Property**).

Process for considering the Subject Property

4. To determine the cause of the inundation of the Subject Property I started by considering the regional factors which led to the inundation in Brisbane generally. I then performed a site specific review of the Subject Property to consider whether the inundation of the Subject Property may have been the result of stormwater run-off.
5. I believe this approach is an appropriate way to assess the cause of the inundation at the Subject Property because the factors which led to the rise in the Brisbane River occurred on a regional basis. The rise in the Brisbane River (which was caused by the mechanisms explained below) is what would have led to the inundation of the vast majority of properties which were inundated in the Brisbane region. However, inundation caused by stormwater

[REDACTED]

[REDACTED]

runoff is generally very site specific, and so it is necessary to consider site specific features of the Subject Property to determine whether stormwater run-off may have caused the inundation.

Inundation event Brisbane

6. I have carried out extensive investigations into the inundation which occurred in Brisbane in January 2011.
7. In particular my investigations were to determine whether the inundation in that region was caused by heavy rain that fell no more than 24 hours prior to the flood or whether it was the result of some other cause.
8. The area I looked at includes the Brisbane River catchment up to Brisbane.
9. In forming my opinion set out below I considered meteorology data, rainfall data in the Brisbane River and Wivenhoe Dam catchment area and stream gauge data for the Brisbane River. The rainfall data was collected from the gauging stations at Caboonbah, Mt Stanley and Crows Nest. The stream gauge data was collected from the gauging stations at Lowood, Moggill, Gregor Creek, Jindalee and the Brisbane City gauge. I attach as **EXHIBIT SQC02** data the above mentioned data

Regional Conclusions

10. Based on the above data I conclude as follows.
11. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9.00am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which peaked late in the evening on 11 January 2011. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River. This water worked its way down the Brisbane River towards Brisbane.
12. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
13. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. Due to the high Brisbane River tailwater levels, there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than 15% to 25% but it is not possible at this stage to precisely say by how much less.
14. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River



was the rain which fell some days earlier over the Wivenhoe Dam catchment and its subsequent release from Wivenhoe Dam.

15. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Further investigations – terrain data

16. As already mentioned, the above analysis was performed on a regional basis. Stormwater issues are generally very site specific. Accordingly, I undertook further steps to identify whether the cause of the inundation to the Subject Property may have been stormwater.
17. CSIRO defines Stormwater Flooding as:
inundation by local runoff caused by heavier than usual rainfall. Stormwater flooding can be caused by local runoff exceeding the capacity of an urban stormwater drainage system or by the backwater effects of mainstream flooding causing urban stormwater drainage systems to overflow.
18. When considering terrain data, the main thing that I considered is whether the Subject Property is higher than the surrounding areas. This would suggest a lower likelihood of stormwater and/or flash flood issues (and the converse also applies).
19. I attach as **EXHIBIT SQC03** to this statement a copy of the terrain data for the Subject Property.
20. This shows that the level of the Subject Property varies from a low point of approximately RL 8m AHD to RL 15.3m AHD at the low point adjacent to Moggill Road, to a high point in excess of RL 15m AHD. The house and garage on the Subject Property are approximately RL 12.5m AHD.
21. Pullen Pullen Creek is approximately 450m West of the Subject Property. It runs generally in a North-South direction before turning East and running in a South-Easterly direction to the Brisbane River. I attach as **EXHIBIT SQC04** an aerial photograph of the area on 13 January 2011 obtained from www.nearmap.com.au. The photograph shows where the backwater from the Brisbane River has flowed into the Pullen Pullen Creek.
22. The terrain data also shows that there is a high point approximately 250m to the East of the Subject Property. There is also a gully (**the Gully**) running from this high point through to Pullen Pullen Creek. The Gully appears to be located on the property immediately to the South of the Subject Property. The lowest point of the Gully adjacent to Moggill Road in the vicinity of the Subject Property is approximately RL 6.5m AHD. The Gully drains to Pullen Pullen Creek via large stormwater culverts underneath Moggill Road.
23. I will refer further to this terrain data when discussing the Applicant's version of events below.



Applicant's version of events

24. I have reviewed a copy of the Applicant's two page position paper which was attached to the Applicant's FOS dispute form.

Timing of inundation

25. The Applicant's position paper provides important information relating to the timing of the inundation of the house on the Subject Property. It is helpful to compare that information to data regarding the timing of the rising of the Brisbane Rive in the vicinity of the Subject Property.
26. **EXHIBIT SQC05** to this statement is a graph intended to show the timing of the rising of the Brisbane River. On it are plotted, the level of the Brisbane River at the Moggill Alert Gauge, the level of the Brisbane River at the Jindalee Alert Gauge, an interpolated level of the Brisbane River at the point at which Pullen Pullen Creek enters the Brisbane River, the level of the Pullen Pullen Creek at Pinjarra Road, a line marking the minimum property height based on the above data and a line marking the approximate level of the house and garage on the Subject Property. The interpolated line showing the level of the Brisbane River at the Pullen Pullen Creek junction was derived based on an inverse distance weighted interpolation of the Subject Property's location between the Moggill Alert Gauge and the Jindalee Alert Gauge.
27. At times when the level of flow in the Pullen Pullen Creek is not significantly elevated and the level of flow in the Brisbane river is elevated, the interpolated line would, in my view, accurately show the level of the Pullen Pullen Creek adjacent to the Subject Property. As the data set out below shows, while there was some rainfall around midday on 11 January 2011 in this area, there was no significant rainfall after that time. Therefore, in my view the level of flow in the Pullen Pullen Creek from late on 11 January 2011 would not have been significantly elevated because higher levels of flow attributable to rainfall on 11 January 2011 would have dissipated by this time. This is confirmed by the level shown on the Pullen Pullen Creek Alert Gauge on Exhibit SQC05.
28. I will now compare the data shown in Exhibit SQC05 to the Applicant's version of events.
29. The first point that the Applicant makes is that at 3.00am on 12 January 2011 there was "no sign of flooding". This is consistent with the data regarding the level of the Brisbane River. Exhibit SQC05 shows that at 3.00am on 12 January 2011 the water had not reached a level sufficient to inundate the house and garage on the Subject Property.
30. The next point that the Applicant mentions is that by 6.00am on 12 January 2011 the water was "lapping at the garage". This is also consistent with the data regarding the level of the Brisbane River. Exhibit SQC05 shows that at 6.00am on 12 January 2011 the water was just slightly below the level sufficient to inundate the house and garage on the Subject Property.



31. The Applicant also says that the house on the Subject Property was flooded to a height of approximately 1.3m on 12 January 2011. This is also consistent with the data regarding the level of the Brisbane River. Exhibit SQC05 shows that the peak level of the Brisbane River was roughly 1.3m above the estimated level of the house and garage on the Subject Property, and that this peak level occurred on 12 January 2011.
32. The Applicant's account of the event further confirms my view that the inundation of the Subject Property was caused by the rising level of the Brisbane River, and not by stormwater or other local run-off.

Local rainfall

33. The Applicant claims that there was water running down what I have described above as the Gully on 12 January 2011. This is difficult to reconcile with the available data.
34. I attach as **EXHIBIT SQC06** to this statement a copy of the rainfall record for the Pullenvale rainfall gauge and the results of an intensity analysis for the same gauge for the period from 9 January 2011 to 15 January 2011. The Pullenvale gauge is approximately 2.4 kilometres from the Subject Property and in my view is representative of the rain that would have fallen in the vicinity of the Subject Property.
35. The gauge records show that approximately 120mm of rain fell over the period 9 January 2011 to 10 January 2011. A further approximately 100mm fell during the course of the day on 11 January 2011. The most intense rainfall on 11 January 2011 was recorded around midday; the majority of rainfall on that day had ceased by 6.00pm.
36. The intensity analysis shows that for all shorter durations (ie rainfall events lasting between 12 and 24 hours) the rainfall was of very low intensity (ie between 1 in 1 year and 1 in 2 year events). For longer duration events (ie rainfall events lasting 72 hours) the rainfall was still of relatively moderate intensity (ie a 1 in 5 year event). The relevant durations for present purposes are the shorter duration events because Pullen Pullen Creek is a relatively short creek and so run-off from longer duration events would drain away before it could accumulate.
37. In my opinion this rainfall might have caused elevated flows in the Gully on 11 January 2011, but that these flows would not have been sufficient to inundate the house on the Subject Property. Elevated flows due to the run-off from the rainfall on 11 January 2011 would, in my opinion, have dissipated by late in the evening on 11 January 2011.
38. I do not think that this rainfall would have caused run-off in the Gully on 12 January 2011, as the Applicant appears to be claiming.
39. Overall, the above rainfall data further supports my conclusion that the Subject Property was inundated by the rising level of the Brisbane River and not by stormwater or other local run-off.



Conclusion


40. On the basis of the above matters, I conclude that the cause of the inundation of the Subject Property was the rising level of the Brisbane River, which was itself caused by rain which fell more than 24 hours earlier.

41. I conclude that the Subject Property was not inundated by stormwater or other local run-off.

All the facts and circumstances above are within my own knowledge save such as are from information only and the means of my knowledge and source of information appear on the face of this my statement.

SIGNED by **STEPHEN QUINTON CLARK** on 27/6/11 at Brisbane in the presence of:


Stephen Quinton Clark


Witness



Curriculum Vitae

Steve Clark

BE Hons (Civil), MEng Sc, CPEng, MIEAUST

Director

Fields of Expertise

- Water, floodplain and coastal engineering
- Numerical models
- Risk/vulnerability assessments
- Hydrologic and hydraulic modelling
- Hydraulic assessment and design
- Environmental monitoring programs.

Education

- Bachelor of Engineering with Honours, University of Queensland, 1988.
- Masters of Engineering Science, University of Queensland, 1999. Thesis submitted was entitled "The Entrainment of Sediment due to Oscillatory Flows In the Sheet Flow Regime".
- Accredited Water Efficiency Assessor with the Queensland Water Commission

Professional Affiliations

- Registered Professional Engineer, Queensland.
- National Professional Engineers Register
- Member, Engineers Australia
- Member, River Basin Management Society
- Member, Australian Water and Wastewater Association
- Member, Stormwater Industry Association

Countries of Experience

- Australia
- China
- Indonesia

Awards

- Kenneth A. Thiess Prize, 1988

Professional History

2006-present	Water Technology Pty Ltd (QLD) Manager, Brisbane Office
2001-present	Water Technology Pty Ltd Director
1999-2001	Lawson and Treloar Pty Ltd (VIC) Manager, Water Resources
1997 - 1999	Lawson and Treloar Pty Ltd (VIC) Senior Engineer
1994 - 1997	Lawson and Treloar Pty Ltd (QLD) Engineer
1989 - 1994	Connell Wagner Pty Ltd (QLD) Engineer

Fields of Special Competence Career Summary

Steve has over 20 years experience as a specialist in the water resources field. He has an Honours Degree in Engineering and a Masters of Engineering Science from the University of Queensland. Following graduation he worked for approximately 10 years throughout Queensland in waterway & floodplain management and infrastructure investigations. These investigations have included work throughout Brisbane and the Nerang River floodplain on the Gold Coast, Maroochydore, the Noosa River and Lakes system, the Pioneer River floodplain at Mackay, the Tully Murray system and numerous investigations on the Barron River Floodplain.

From 1996 Steve was based in Melbourne Victoria during which time he undertook various flood studies and floodplain management plans for both the Victorian and New South Wales offices of Lawson and Treloar. Of note, between 2002 and 2005 Steve was the principal hydraulic modeller on the Yangtze River Flood Warning and Control Project, a major 5 year AUSAID project in China. As Director of the Brisbane office of Water Technology, Steve has been involved in a diversity of high-profile projects such as managing the hydraulic component of the Pimpama Case Study, National Coastal Vulnerability Assessment for the Federal Department of Climate Change.

Key Projects

- Gwydir Wetlands Hydrodynamic Modelling, Northern NSW *Department of Environment, Climate Change and Water*. (2009 - current)
- North East Business Park Flood Study, Caboolture QLD *Moreton Bay Regional Council* (2007- current)
- Ensham Mine Flood Forecasting System, Emerald QLD *Ensham Resources* (2009-2010)
- Regional Planning Project (Flooding), Toowoomba QLD *Toowoomba Regional Council* (2009).
- Inner City Bypass (ICB) Tunnel Flooding Investigation, Brisbane *Northern Busway Alliance* (2009)
- National Coastal Vulnerability Assessment - Pimpama Case Study, Gold Coast QLD *Federal Dept. Climate Change* (2008)
- Mangoola Coal Mine Water Management System, Hunter Valley NSW, *ATC Williams for Xstrata Coal* (2006-2008)
- Creek Diversions, Mine Water Management Plan, Blackwater QLD, *BMA Coal* (2008)
- Ballina Salinity Infiltration Study, Ballina NSW, *Ballina Shire Council and Department of Commerce, NSW* (2007-2008)
- Water Efficiency Management Plans, South East QLD, *Austral Bricks*, (2007)
- Lower Goulburn Floodplain Rehabilitation Project, VIC, *Goulburn Broken CMA* (2006)
- Yangtze River Flood Control and Management Project, China *Sagric International for AusAid* (2002-2005)

Boundary Street, West End, QLD, 4101, Australia

Telephone: [REDACTED] Facsimile: +61 (0)7 3846 5144

email: [REDACTED]

EXPERT ADVICE***Water Technology***

Kunda Park Central vs Sunshine Coast Regional Council P&E Court Appeal 1057/08 (current). Engaged by Sunshine Coast Regional Council this current project involves the provision of review and expert advice services.

Comiskey Group vs Moreton Bay Regional Council P&E Court Appeal BD 210 of 2010 (current). Expert review, including review of flood related aspects of the proposed development including immunity requirements, stability and emergency management.

Stockland Development Pty Ltd vs Sunshine Coast Regional Council P&E Court Appeal 2282/09 (current). Expert review, including specialist hydraulic modelling of the development, and report preparation.

North East Business Park Pty Ltd vs Moreton Bay Regional Council P&E Court Appeal 254/10 and 255/10 (current). Provision of expert review services of the North East Business Park Development flood study and stormwater management plan for Moreton Bay Regional Council over a period of ~ 2 years. Work included a review of hydraulic modelling, comparison of results with previous flood levels, assessment of compliance with Council floodplain management requirements, identifying any impacts associated with the development and consequent implications, and a report summarising the review findings. Review of the stormwater management plan included a review of reporting and MUSIC modelling, review of relevant standards, comparison of reported results with relevant standards and a report summarising the review findings.

Amendment C70 – Boroondara Planning Scheme. Preparation (and subsequent presentation to VCAT) of an expert witness report for Stockland Pty Ltd summarising the flooding aspects of the proposal and design work undertaken to date for a major commercial and residential in inner Melbourne.

Abacus Hampton Retirement Trust vs Bayside City Council. Preparation of an expert witness report for Abacus Hampton Retirement Trust and subsequent presentation to VCAT regarding the flooding and drainage provisions of a proposed apartment block in a highly urbanised area.

Kaldumb Pty Ltd vs East Gippsland Catchment Management Authority. Preparation of an expert witness report for Kaldumb Pty Ltd and subsequent presentation to VCAT regarding flooding aspects associated with a potential industrial subdivision of floodprone (rural) land.

Lawson and Treloar

Strathmerton Deviation - VicRoads. Presentation to a panel hearing in Strathmerton regarding the hydraulic assessment and flooding implications of several potential highway alignments.

INTERNATIONAL EXPERIENCE

Yangtze River (China) Flood Control and Management Project (YRFCMP). The YRFCMP is a joint project of the Chinese and Australian Governments (managed via AusAid), Steve has recently completed undertaking a series of long term deployments in Wuhan, China. Since 2002, he has provided specialist advice on the procurement, establishment and implementation of hydraulic modelling systems within the overall flood management and warning systems.

The final stage of technical work focussed on (quantitatively) improving the accuracy and speed of flood warning procedures and the development of a Decision Support System that combines the current flood forecasting capabilities with web based assessment of flood management options for use in a real time context.

In conjunction with the technical development work, an extensive capacity building program was undertaken. As part of this program Steve had direct inputs into technical capacity building for the Flood Forecasting System and Decision Support System, the underlying hydraulic models and more generally took an active part in "train the trainer" courses.

Lombok (Indonesia) Resort Development Investigations (1995-97) for Lombok Tourism Development Corporation. Site Engineer for the site monitoring program design and initial site work involving site inspections and instrument deployment. Senior Engineer for subsequent preliminary design work included internal canals, lake systems and coastal works for a major resort development. Preliminary water balance, yield modelling and water quality considerations were addressed.

Site work was undertaken at a local level. 2 Australian engineers provided technical input, direction and training, while the site staff undertook the instrument installations, deployments, retrievals and general site measurements. This provided both an intensive initial data gathering exercise, and provided the necessary training for local staff to establish an ongoing monitoring program. The results of the results of the ongoing monitoring program were subsequently used in later stages of the design.

International Team Support (90-95) for various projects. While with Connell Wagner's Water Group, Steve was a hydraulic engineer as part of the Brisbane Office support and design team for projects undertaken by various overseas offices in Papua New Guinea, (Kainantu Water Supply and Sewerage Schemes) and China (Liaoning Urban Infrastructure Project).

WATERWAY/FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Gwydir Wetlands Hydrodynamic Modelling (2009 - current) for NSW Department of Environment, Climate Change and Water.

Project Manager and specialist hydraulic modeller for this major eco-hydraulics investigation aimed at developing advanced hydrodynamic modelling tools to assist in the environmental management of the Gwydir Wetlands.

National Coastal Vulnerability Assessment - Pimpama Case Study (2008) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice,

analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

Burngrove and Deep Creek Diversion, Mine Water Management Plan (2008) for BMA Coal. This project involved the conceptual mine water management plan associated with creek diversions. The mine water management plan aimed to achieve clean water flows in Burngrove and Deep Creeks, Blackwater. A digital terrain model and aerial orthophotos were used in conjunction with the BMA Coal Water Management Strategy to identify current sources of dirty water to the creeks and possible solutions to rectify the problem. Suggestions for achieving clean water flows included altered decant return arrangements, rearrangement of the drainage system and construction of sediment dams.

Coal Seam Gas Effluent Discharge Investigation (2008) for Origin Energy. Project Manager providing specialist hydrologic and hydraulic inputs into the preparation of an Environmental Management Plan for Origin Energy's proposed coal seam gas project at Talinga, which aims to provide up to 90TJ/day of coal seam gas to the Darling Downs Power Station. Part of this project involves the installation of an advanced water treatment (reverse osmosis) facility which will provide purified water for beneficial uses. A series of investigations have been undertaken to investigate the potential discharge of this water to the Condamine River and identify constraints and opportunities associated with this process. Investigations have included Hec-Ras modelling of sediment deposition and scouring and use of the DERM IQQM between the Condamine Weir and Beardmore Dam

Yallock Outfall Sediment Trap and Ephemeral Wetland Functional Design for Melbourne Water. Water Technology is providing specialist hydraulic design services to the team (Neil Craigie, Pat Condina, Landstart, Sandra Brizga and Ecology Australia) undertaking the functional design. The aims of this investigation are to establish the functional design, ensure no adverse impact on adjacent areas and to demonstrate both of these to stakeholders.

Niddrie Quarry Stream Rehabilitation Project for Melbourne Water via Neil Craigie. Provision of specialist hydraulic design services for rehabilitation design for this urban waterway.

Lawson and Treloar

Mitta Mitta Geomorphic Investigation for North East CMA.

Badger Creek Geomorphic Investigation for Melbourne Water. Provision of specialist hydraulic analysis and design services to as part of a multidisciplinary team investigating sand management issues.

Glenelg River Sand Management Investigations. Provision of specialist hydraulic and sediment transport analysis/modelling as part of a multidisciplinary team investigating sand management issues.

Tambo River Geomorphic Investigation. The 1998 Tambo River event caused significant damage in the floodplain. Specialist two dimensional hydraulic modelling was undertaken as part of an integrated study approach considering flooding, longer term geomorphological processes and potential waterway management options

Upper Oxley Creek for Logan City Council. Full 2D modelling of the rehabilitation requirements of a reach of Oxley Creek.

Secondment to Brisbane City Council Works Design, Hydraulics Group. Duties included provision of specialist hydraulic design services, assessment flooding and mitigation works following the September 1996 flood event, liaison with the Parks & Environment Sections with regard to vegetation issues and subsequent hydraulic assessments.

PLANNING

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. The flooding study will identify areas at risk of inundation and their impact on current and future development. In addition Q100 hazard categories will be identified. The stormwater analysis will define and map stormwater corridors, and define trunk drainage infrastructure needed currently and for future development.

Toowoomba Regional Council Regional Planning Project (Flooding) (2009). The aim of the project was to produce a new planning scheme policy for the TRC following the amalgamation of eight councils into one. Involved review of existing flood studies, collation of GIS flood data, collation of pseudo-flood data (e.g. waterway extent, previous flood overlays) and rating the quality of each dataset. Also included the provision of expert advice on the best way to account for the uncertainty in the different qualities of flood information in the new planning scheme policy. Involved extensive collaboration with Council staff and other project team professionals (e.g. planners, scientists, engineers).

INFRASTRUCTURE INVESTIGATIONS/DESIGN

Water Technology

Ensham Mine Flood Forecasting (2009-2010) for Ensham Resources. Project Manager for the development and calibration of a hydrologic flood forecasting model to provide Ensham Mine with in-house warning of floods from the Nogoa River (QLD). Historically, Ensham has experienced difficulty in gaining access to information and/or forecasts during events. The real time model developed will provide easier access and a greater level of detail and accuracy than is currently available.

Inner City Bypass (ICB) Tunnel Flooding Investigation (2009 - current) for the Northern Busway Alliance. Assessment of the cause of flooding of the Brisbane ICB flooding in November 2008. Results were used to assist in the settlement of compensation claims by the Brisbane City Council against the Northern Busway Alliance.

Mine Water Management System Design (2006-2008) for the Xstrata Mangoola coal mine in NSW. Detailed event and long term modelling has been undertaken within the Goldsim modelling system to analyse potential risks to the mine associated with water availability. A Monte Carlo approach was utilised as part of the design process for on site storages and quantifying risks associated with water supply and potentially discharge from site.

Ballina Salinity Investigations for Ballina Shire Council and Department of Commerce. Co-ordination of salinity testing program and associated analysis to identify sources of saline infiltration into the Ballina Sewer Network with the aim of reducing salinity at the Ballina Treatment Works. The ultimate aim of the project is to reduce salinity levels to the point where re-use of the waste water is possible without the installation of an RO plant.

Scour Investigation, Princess Highway crossing of Mitchell River at Bairnsdale for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge. Numerous mitigation options were investigated prior to VicRoads determining that the preferred option was structural reinforcement of the existing bridge.

Scour Investigation, Princess Highway crossing of Tambo River at Swan Reach for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge.

Calder Freeway, Carlruhe Section Specialist Hydraulic Design for John Holland via EGIS. Detailed hydraulic analysis and design of the new Calder Freeway crossing of the Campaspe River.

Heany Park Review for Fisher Stewart. Provision of expert (3rd party) review services for drainage design of an existing subdivision.

Lawson and Treloar

Hydraulic assessment of proposed Shepparton Bypass for VicRoads. Hydraulic analysis of the proposed Shepparton Bypass (Western Route) for presentation at the Panel Hearings.

Princes West Project for Leightons/GHD. Detailed hydraulic assessment and design as part of the successful Design and Construct bid. Design services were provided to both optimise the proposed design, and provide detailed information as to the potential impacts to key stakeholders.

Princes West Project for VicRoads. Comprehensive and detailed hydrologic and hydraulic assessment of the existing status of the Princes West freeway between Melbourne and Geelong for VicRoads. Crossing upgrades were designed for varying levels of immunity and various configurations. Also included was extensive consultation with relevant stakeholders and authorities along the route of the proposed upgrades.

Goulburn Valley Highway Hydraulic Assessment. Hydraulic Assessment and design of several potential alignments (in the vicinity of Strathmerton) across both the Murray River and it's floodplain. Full two dimensional modelling has been used to define flow paths on a broad scale. Detailed modelling was undertaken in the vicinity of the proposed route embankments as input to structure design.

Specialist Hydraulic Investigations/Design Projects. Numerous investigations/preliminary designs undertaken for VicRoads including:

- North Arm Bridge (Lakes Entrance) Afflux Study
- Home Creek, Goulburn River
- Hallam Bypass (Eummemmering Creek)
- Swansea Road Duplication (Olinda Creek)

Hendra Doomben Relief Drainage Investigation. Detailed MOUSE modelling of a severely under-capacity stormwater drainage network and relief system design.

Hemmant Master Drainage Study. Detailed MIKE 11 & MOUSE modelling of a low lying residential area. Included analysis and assessment of flooding hazard, design of mitigation works. Initial study results have transferred to BCC's GIS system for over-the-counter interrogation.

Brookbent Road (1996) for Brisbane City Council. Detailed hydraulic assessment of the effect of the failure of the Brookbent Road crossing (embankment) during the March '96 Oxley Creek event. Sensitivity of upstream, floodprone areas to various proposed crossing reinstatement options has been conducted.

Mudgeeraba Connection Road for Gold Coast City Council. Evaluation using quasi 2D modelling of the effects of various hydraulic structure configurations for a proposed road crossing of a floodplain.

Cairns International Airport Master Drainage Study for Cairns Port Authority. Major trunk drainage system analysis and design utilising fully unsteady analysis techniques. Tools being utilised include MIKE21, MIKE11 and MOUSE.

RTA Route Selection Study, Wollongong (1994), including runoff-routing and MIKE 11 modelling of Macquarie Rivulet and Lake Illawarra.

Connell Wagner

Eastern Corridor Study, Brisbane - Gold Coast 1991. Assessment of the hydraulic impact of various proposed alignment options of the duplication of the Pacific Highway.

Relief Drainage System Design, Albion Windsor, Brisbane 1990. Upgrade of an existing inadequate pipe drainage system (Capital cost \$2 million)

Burdekin River Irrigation Area Modelling, Ayre 1989. Additional modelling of the Northcote Section of the Burdekin Area utilising the MIKE-11 modelling package

FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). Project Manager for several flood studies of towns in the Western Downs. WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. Flood studies will be conducted for Chinchilla, Tara, Miles and Jandowae; and the Dalby flood study will be reviewed.

North East Business Park Flood Study (current). Expert reviewer for Moreton Bay Regional Council engaged to review floodplain management and water quality (stormwater management planning) aspects of the proposed development.

Lower Goulburn Floodplain Rehabilitation Project for Goulburn Broken CMA via SKM. Provision of specialist hydraulic modelling services for the largest hydraulic analysis project undertaken to date in Victoria, as part of one of the largest floodplain rehabilitation projects proposed. The terrain being used for this project incorporates the latest in aerial laser scanning technology which provides an extremely detailed data set (requiring special processing techniques) for the entire study area.

Flooding Investigations for the Wimmera CMA. Project Manager for the Horsham Flood Study, the Dimboola Flood Study and the Glenorchy to Horsham Flood Scoping Study. The three studies have been undertaken using a risk management approach with the key outcome being an increased understanding of exposure of the communities to flooding. Project scopes have included extensive community and authority consultation, detailed survey (field and photogrammetric), detailed hydrology and hydraulics and the provision of maps associated with reporting requirements.

Little Yarra Flood Mapping for Melbourne Water. Detailed Hydrologic and Hydraulic analysis to enable flood mapping of the Little Yarra River to Yarra junction.

Lawson and Treloar

Shepparton Floodplain Management Investigation for Shepparton City Council. Project Manager for the hydraulic investigation and design portion (to delivery of design events stage) of the largest floodplain management investigation undertaken at the time in Victoria.

Myrtleford Floodplain Management Study. Project Manager for the hydraulic analysis component of the project, the outputs of which were inundation maps for existing conditions, mitigation option design and mitigation option mapping.

Traralgon Floodplain Management Study (1998) for Shire of Traralgon. Project Manager for the hydraulic analysis portion of this project aimed at providing a comprehensive understanding of the flooding mechanisms is being gained through this state of the art fully two dimensional, dynamic flooding investigation.

Euroa Floodplain Management Study (1997) for Shire of Strathbogie. Project Manager for the hydraulic analysis portion of this Floodplain Management Study. A comprehensive understanding of the damaging and complex flooding regime at Euroa was provided through full two dimensional hydraulic modelling. Subsequently, the impact of various potential flood protection measures (mitigation schemes, both structural and non-structural) and flood warning systems were assessed.

High Definition Flood Study, Wallsend Plattsburg – Detailed hydraulic assessment using full two dimensional unsteady analysis of several severely floodprone (urban) areas of Newcastle, including analysis and provision of results for incorporation into Council's GIS system.

Nerang River Flood Mitigation Assessment. Assessment of the potential for flood mitigation works on the Nerang River floodplain utilising existing hydraulic structures and/or additional works.

Flood Study of Oxley Creek (1996/97) for Brisbane City Council to augment BCC's Waterways Strategy Plan. Oxley Creek is the most technically challenging creek in the Brisbane area with dramatic changes recorded over time as part of the creeks natural morphology and in response to significant sand extraction operations. Primary outcomes are the delineation of flood regulation lines based on hydrologic and hydraulic analysis. Secondary outcomes are the assessment of hydraulic structures, the effects of catchment development and the development of revegetation strategies.

Upper Barron Delta Modelling. Full 2D modelling of the Upper Barron Delta was conducted using a course grid model for the entire Barron Delta and a fine grid model for the upper portions. The purpose of the investigation was to examine the impact of both proposed developments and sand extractions on flooding through existing residential areas.

Flood Study of the Noosa River System for Noosa Council. This study forms the basis for a flood plain management study aiming to develop a floodplain management plan. Components of the study include:

- evaluation of the hydrologic and hydraulic characteristics of the Noosa River catchment and determination of its flooding characteristics,
- integration of model results into Noosa Council's existing GIS information networks.

Tully Murray Water Management Scheme for Department of Primary Industries, Water Resources. Detailed floodplain modelling and hydraulic design of a master drainage plan. Tools being used include RAFTS, MIKE11 and MIKE21.

Emerald Floodplain Scoping Study (1994) for the Department of Primary Industries, Water Resources. This study was conducted to identify the methodology, data requirements and approximate costs associated with work necessary to develop a floodplain management plan for the Emerald floodplain system.

Ironbark Creek T.C.M. Study (1994), including data interface preparation.

Connell Wagner

Barron Delta Flooding Checks, Cairns (1989-1994). Ongoing work associated with the investigation of the effects of proposed developments upon flooding in the Barron Delta area, using the ESTRY numerical model.

Woodford Flood Study, Nambour 1993. Hydrologic (RORB) and hydraulic (HEC-2) investigation of a proposed development involving floodway encroachment.

Bulimba Creek East Master Drainage Study, Brisbane 1990-1991. Catchment management consideration of environmental values, economic analysis and public involvement.

Eudlo Creek Flood Study, Maroochydore 1989. Development of a MIKE 11 model of Lower Eudlo Creek for road crossings and flood mitigation.

DEVELOPMENT PROPOSALS ASSESSMENT/DESIGN

Water Technology

Provision of specialist hydrologic and hydraulic design services associated with several proposed developments in south east Queensland and Northern NSW. Some examples are:

Bethania Flooding Assessment (2009-2010) for AV Jennings. Project Manager for the assessment of flooding impacts of a proposed 4 ha residential development in Logan, QLD. Work included MikeFlood hydraulic modelling and WBNM hydrological modelling.

Everton Park Proposed Reconfiguration of a Lot (2009) for Conics Pty Ltd. Project Manager for the investigation of 100 year ARI flooding for a property in Everton Park, QLD. A Brisbane City Council Mike11 model was updated with new survey and a new inundation extent was defined.

Eight Mile Plains Stormwater Management Assessment (2008) for Lambert and Rehbein. Project Manager for the assessment of stormwater impacts of a proposed child care centre in Eight Mile Plains, QLD. Work included MikeStorm modelling to conceptually design onsite stormwater detention (in the form of underground tanks).

North Shearwater Precinct Development – Local Environment Study (2008) for Great Lakes Council. Project Manager for the Water Technology component of hydrology, flooding and local drainage aspects of the LES for the North Shearwater precinct development, NSW. Work involved hydrologic (WBNM) and hydraulic analysis (Mike21) of pre and post development cases, including consideration of elevated downstream estuary levels due to climate change and more extreme climate change scenarios. Water Technology was sub contracted to GeoLink for this project.

Northeast Parkhurst Master Plan – Stage 1 – Flooding Constraints (2008) for Wolters Consulting. Review of previous work related to flood constraints that has implications for the Master Planning process for the Northeast Parkhurst development, Rockhampton. Work included review of aerial photography/flooding/contour data of the area, desktop review of a previous flood report in terms of hydrological and hydraulic analysis, review of site opportunities and constraints for flooding relating to sustainability design principles, and implications for the Master Planning process.

Mackay Christian College Local Drainage Investigation (2007) for Sanders Turner Ellick Architects. Project Manager for the assessment of flooding impacts of a proposed school and residential development in Mackay,

QLD. Work included Mike21 hydraulic modelling linked to MOUSE for assessment of flooding and stormwater networks.

Lawson and Treloar

"The Waterways" Development. Provision of hydraulic analysis and design services associated with both floodplain conveyance and wetland operational issues.

Stamford Park Investigations. Provision of hydraulic analysis and design services to City of Knox associated with Corhanwarrabul Creek.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Hydraulic Investigation of the "Colorada" Levee banks, Emerald Floodplain (1994). In order to quantify the likely impacts on Nogoia River flooding, an investigation was conducted into the hydraulic behaviour of a proposed levee bank.

Connell Wagner

Cubberria Creek Villa Development, Brisbane 1992. Hydrologic (RORB) and hydraulic (HEC-2) Investigation of Cubberria Creek for a proposed villa development including analysis of floodway encroachment by the development

COASTAL INVESTIGATIONS, ASSESSMENT AND DESIGN

Water Technology

National Coastal Vulnerability Assessment - Pimpama Case Study (2008-2009) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice, analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

"The Waterways" Development. Provision of detailed hydraulic analysis and design services investigating the flushing regime of the constructed lake/canal system.

Lawson and Treloar

Port of Geelong Channel Improvement Program. Undertook fieldwork and associated reporting as part of the dredge operation monitoring program.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Connell Wagner

Green Island Coral Dredging - Impact Assessment Study (1993). Engineer responsible for field work including extensive sediment sampling, water quality monitoring and current metering.

Detailed design of **Dalrymple Bay Coal Terminal Berth 2 Extension (1992)** providing a second berth for vessels up to 200,000 DWT. Member of the design team for the offshore structural works component.

Dredging and reclamation strategy for Port Development Works, Townsville (1992). Development of an implementation plan for capital works at the Port of Townsville with specific regard to dredging and reclamation options in terms of technical performance, implementation advantages or disadvantages and capital cost.

Wellington Point Canal Estate, Moreton Bay 1992. Investigation of proposed marina and associated dredged entrance channel. Numerical modelling (RUBICON) was undertaken to investigate entrance channel stability and canal flushing.

Stage 2 Embley Estuary Environmental Monitoring, Weipa 1993. Engineer responsible for the water quality aspects of a multidisciplinary field work program designed to establish baseline data for the Embley River Estuary. Subsequent work included the formulation of a long term work and modelling program.

Weipa Sediment Sampling and Monitoring Program for the Albatross Bay Dumpsite, (1992) for Department of Transport. Supervision of field work over a 6 month period following channel maintenance dredging and associated dumping including extensive sediment sampling, water quality monitoring and benthic community monitoring.

Weipa Environmental Monitoring Program, (1991) for Department of Transport. Supervision of field work over a 6 month period following dredging and dumping including water quality and benthic community monitoring.

Long Term Strategy for Spoil Disposal, Port of Cairns (1991-1993). Examination of all possible land and sea disposal sites and methods for the disposal of maintenance dredge spoil from the Cairns shipping channel using a generalised, logical two pass screening process.

Cairns Port Authority Offshore Spoil Dump Studies (1989 -1993).

Following monitoring and assessment work over a three year period, short (approximately 6 months) and long (greater than 12 months) term monitoring programs were established. These

programs (with a budget in excess of \$1.5 million) to date have included:

- numerical modelling of dredge induced plumes
- numerical prediction of deposited spoil resuspension and dispersion over the short and long term
- field work program utilising state-of-the-art dredge and dump monitoring techniques (seabed, surface and aerial operations) and the analysis of gathered data
- detailed analysis (including statistical work) of long term current, wave, wind etc. records
- installation of long term monitoring equipment (current meters, waverider buoy, tide gauge, anemometer, fixed bed turbidity meters)
- flume work aimed at quantifying the threshold of movement of Cairns Harbour Dredge Spoil
- preparation of public information reports

Offshore Spoil Dump Study, Port of Mackay (1991), evaluation of the impact of spoil disposal via both surface and aerial monitoring programs

Mandurah Ocean Marina Study, Western Australia (1989). Numerical hydraulic modelling (RUBICON) of the estuarine lake system and associated sediment transport modelling to assess the impact of dredging a new ocean entrance channel and the construction of a marina.

WATER EFFICIENCY MANAGEMENT PLANS

Water Technology

Australbricks Rochedale and Riverview plants. Preparation of a Water Efficiency Management plan and investigation of potential water savings associated with construction of an on-site storage for rainwater harvesting. Funding applications for construction of the storage were prepared and funding was successfully obtained for this major project. Following construction, substantial water savings have been realised.

"Palm Lodge" Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

Peel St Homeless Men's Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

RELEVANT PUBLICATIONS

Clark, SQ, Wen, L. & Bishop, WA, *"RERP Gwydir Wetland Hydrodynamic Model Development Overview"*. 18th QLD Water Symposium, Brisbane, Australia, 2010.

Clark, SQ *"Hydraulic Roughness Characteristics of the Yangtze River"*, 16th Queensland Water Symposium, University of Queensland, July, 2007.

Markar, MS, Clark, SQ, Min Yaowu and Zheng Jing, *"Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment"*, Australian Journal of Water Resources, Vol 10, No 1, May 2006.

Betts, HW, Joy, CS, Markar, MS, Clark, SQ, Sterling, E., Gooda, M., Jin Xingping, Wu Daoxi, 2005b. *"The Achievements of the Yangtze River Flood Control and Management Project"*, The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005a. China

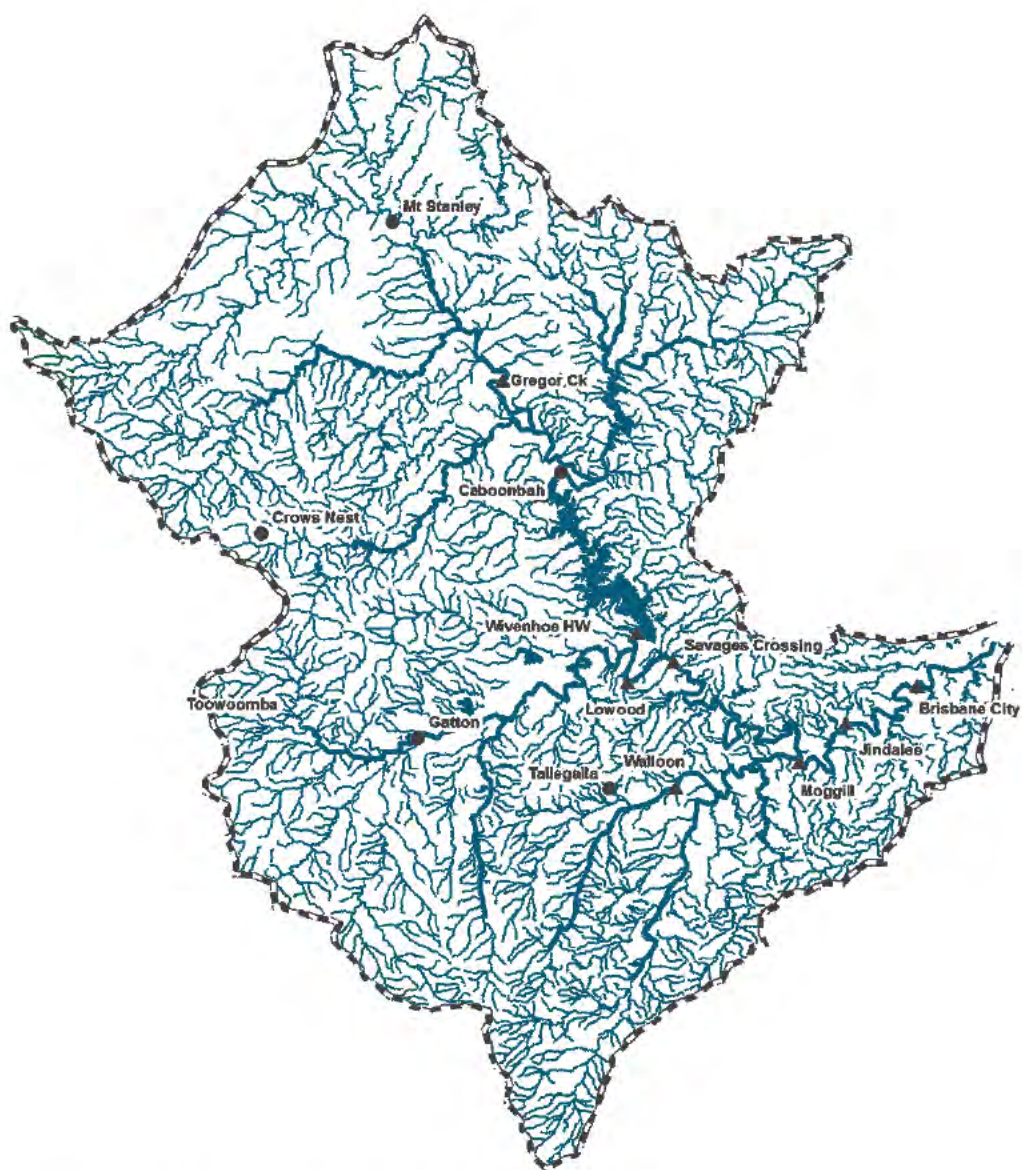
Clark, SQ, Womersley, TJ, Min Yaowu., Zhang Fangwei., Huang Wei, *"Two Dimensional Modelling of the Dongting Lakes in support of the Flood Forecasting and Options Analysis Systems of the Yangtze River Flood"*

- Control and Management Project*, The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005. China
- Markar, MS, Clark SQ, Min Yaowu, Zhang Fang Wei & Zhou Hongmei *"Trialling of a new flood forecasting system for the Yangtze River in China"*, The 2nd International Yellow River Forum Zhengzhou, 18-21 October, 2005. China.
- Betts, HW, Sterling, E., Clark, SQ, Markar, MS, M. Chen, Huang Wei, *"Flood Management Decision Making in the Yangtze River"*. 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark SQ, Markar, MS, Womersley, TJ, Min Yaowu, Zhang Fangwei & Huang Wei *"Overview of supporting modeling systems developed for the Yangtze River Flood Control and Management Project"*, 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Markar, MS, Clark, SQ, Betts, HW, Gooda, M, Min Yaowu, Chen Yali, *"Improved flood warning for the Yangtze River in China"*, 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark, SQ, Markar, MS, Betts, HW, Gooda, M, Min Yaowu, Zhang, Fangwei, Huang Wei, *"Use of Numerical Modelling in Support of Yangtze River Flood Forecasting and Decision Making"*, Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Betts, HW, Sterling, E, Clark, SQ, Wu Daoxi, Wong Jingquan, *"An Options Analysis System for Flood Management Decision Making in the Yangtze River Catchment, China"*. Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Markar, MS, Clark, SQ, Malone, T, Gooda, M., Chen Yali, Min Yaowu., *"A New Flood Forecasting System for the Yangtze River in China"*. Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Clark, SQ, Markar, MS, Min Yaowu, Wu Daoxi, *"Overview of Hydraulic modelling of the Yangtze River for Flood Forecasting Purposes"*, 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Markar, MS, Clark, SQ, Min Yaowu, Zheng Jing, *"Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment."*, 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Clark, SQ, Muncaster, S., Reithmuller, E., *"Horsham Flood Study"*, Third Victorian Flood Management Conference, Horsham, Australia, 2003.
- Tierney, G., Dando, T., McCowan, A., Clark, SQ, Womersley, TJ., *"Development of a detailed hydraulic model using ALS data as part of the Lower Goulburn Floodplain Rehabilitation Scheme"*, Third Victorian Flood Management Conference, Horsham, Australia, 2003.
- Clark, SQ & Mallory, G. *"Geelong Freeway Upgrade: Drainage Design for a Highway that Crosses a Complex Floodplain"* Hydraulics in Civil Engineering, Hobart, Australia, 2001.
- Robertson, P., Daly, M., Clark, SQ, *"An Overview of Floodplain Management Planning and Implementation in Traralgon"* Second Victorian Flood Management Conference, Traralgon, Australia, 2001.
- Craigie, NM, Brizga, S. Clark, SQ, Candy, R. *"Integrated Hydraulic and Geomorphological Investigations of the Tambo River"* Xth World Water Congress, Melbourne, Australia, 2000.
- Bishop, WA, Collins, NI, Callaghan, DP. and Clark, SQ *"Detailed Two Dimensional Flood Modelling of Urban Developments"*, 8th International Conference on Urban Storm Drainage, 1999.
- Clark, S. & Nielsen, P, 1996, *"Sheet Bed Flow Modelled as Pure Convection"*, 25th International Conference on Coastal Engineering, Orlando, USA, 1996.
- Collins, N. & Clark, SQ, *"Full Two-Dimensional Floodplain Modelling"*, 8th Queensland Hydrology Symposium, IEAust, Queensland Division, Brisbane, Australia, 1995.
- Collins, N. McAdam, M. & Clark, SQ, *"Long Term Environmental Planning - Weipa Port Dredging"*. 11th Australasian Conferenc

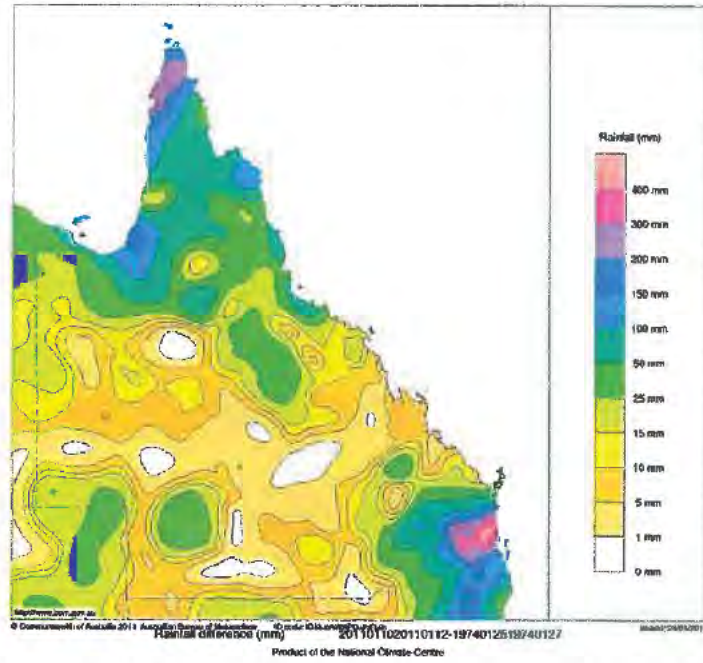
EXHIBIT SQC02



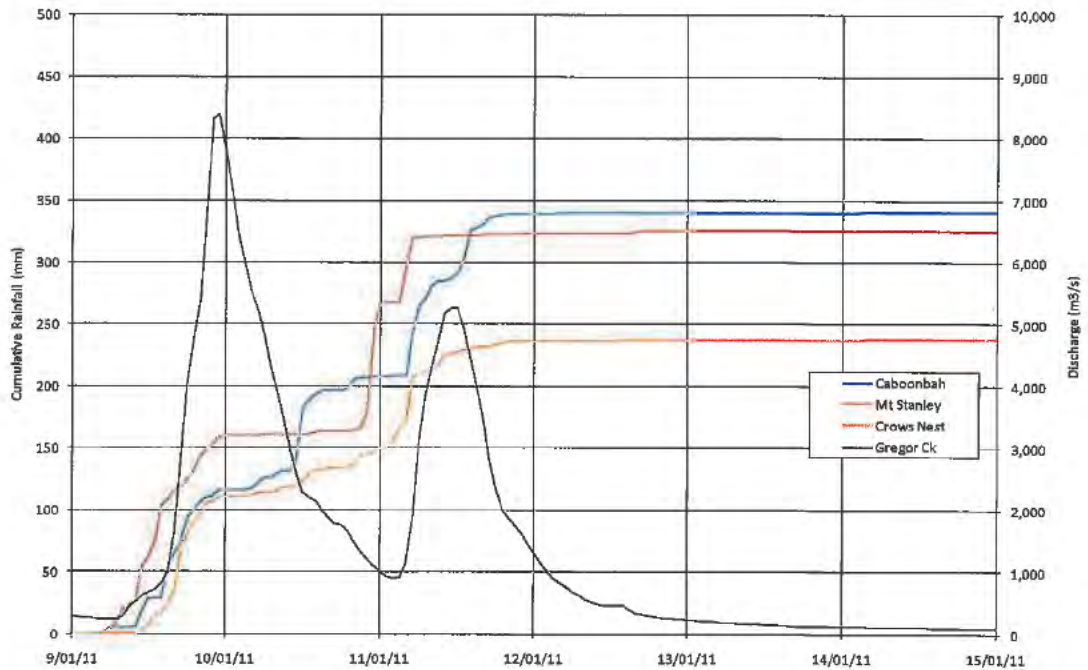
"Brisbane Area"



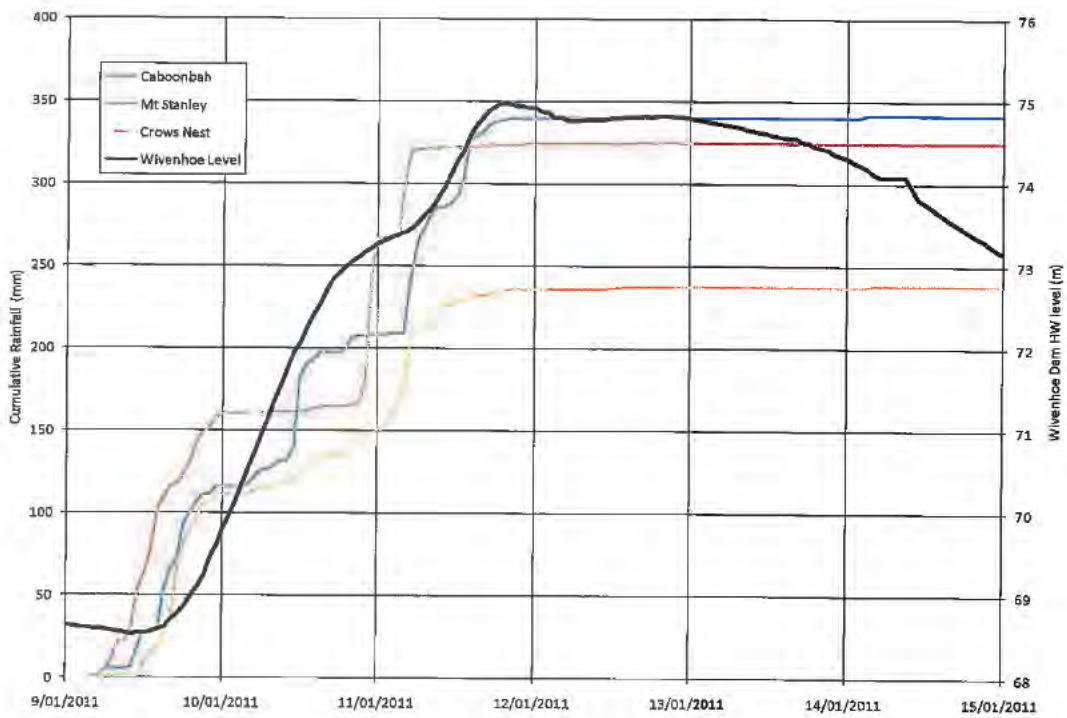
Brisbane River Catchment and Selected Brisbane River Gauging Stations



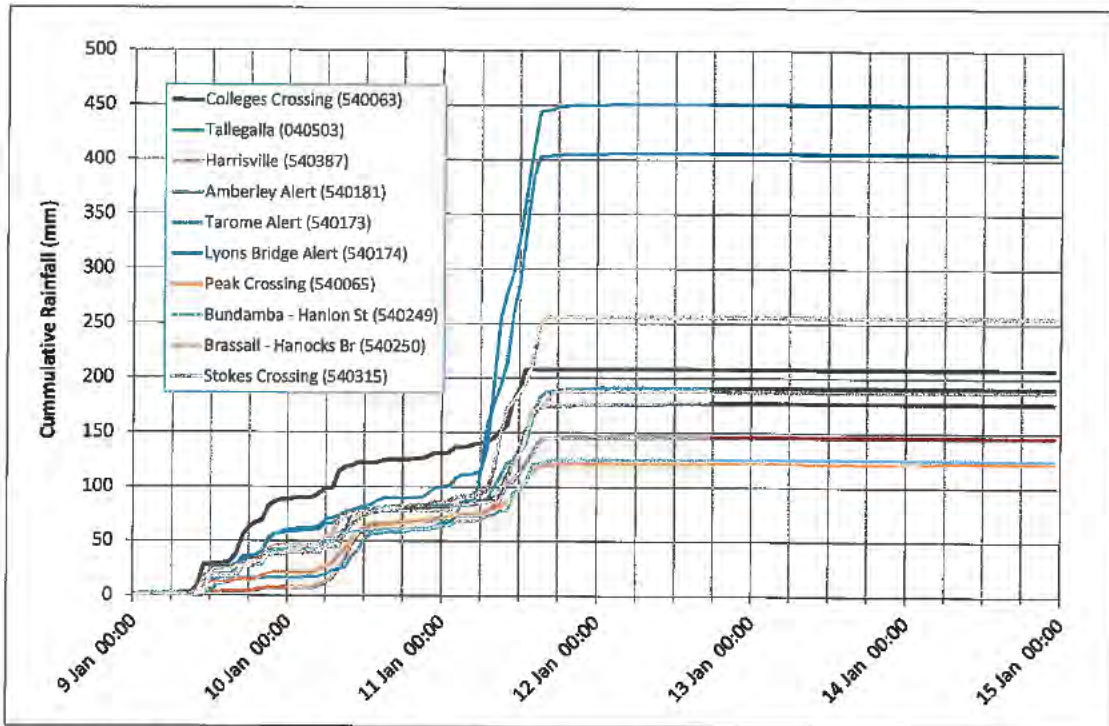
Three day rainfalls for 10 to 12 January 2011 (extract from Figure 5 - BOM, 2011)



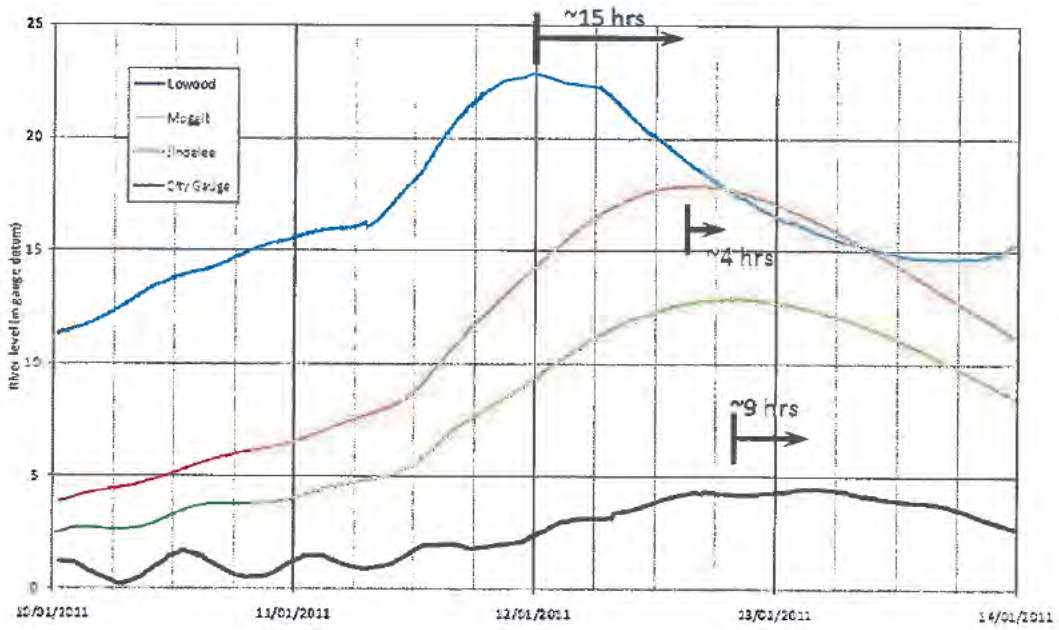
Cumulative Rainfall Records totals and Brisbane River (Gregor Ck) inflows to Wivenhoe Dam (9th to 15th January, 2011)



Cumulative Rainfall Records (selected) in the catchment above Wivenhoe Dam and Wivenhoe Dam Levels



Cumulative Rainfall Records (selected) in the catchments below Wivenhoe Dam



Recorded Brisbane River Levels at Gauges Below Wivenhoe Dam

EXHIBIT SQC 03



Topographic Plot of Site



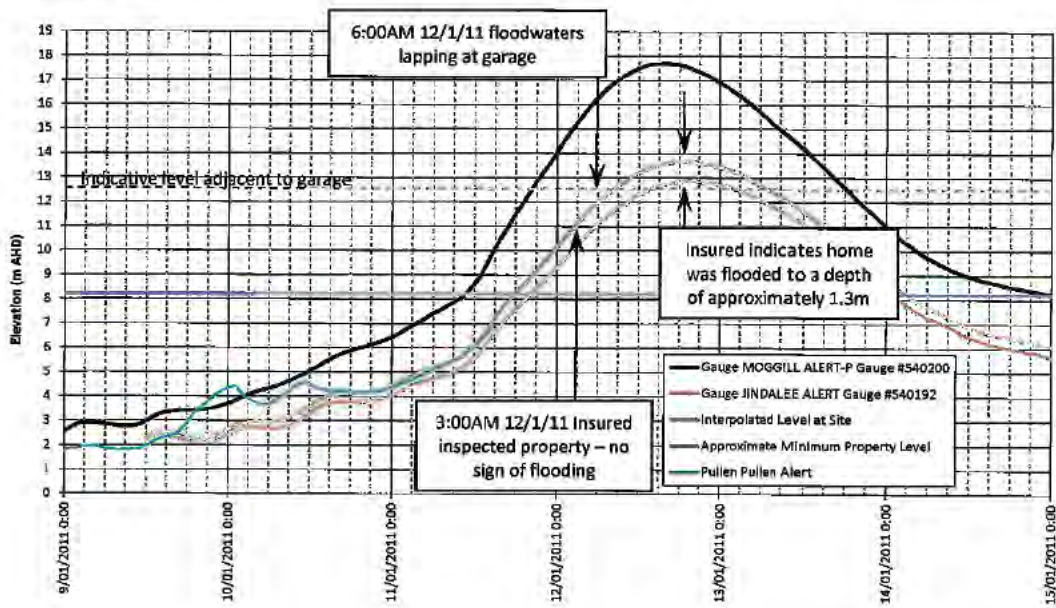
Aerial Image of the Site (Nearmap 2011)

EXHIBIT SQC 04



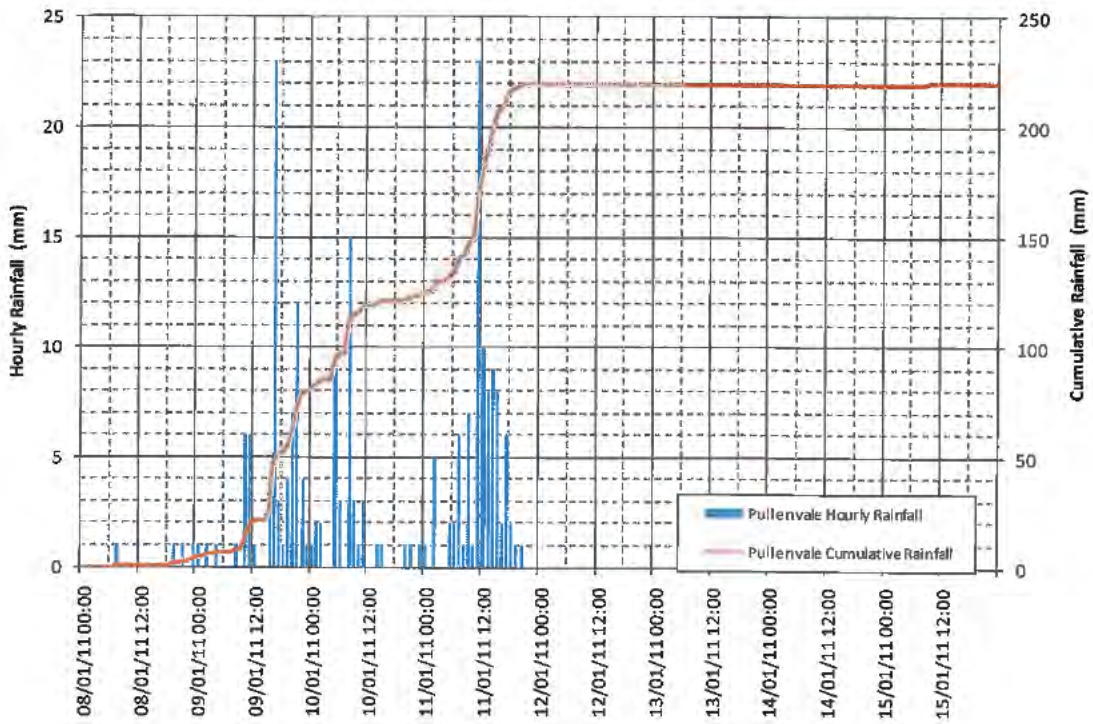
Aerial photo of the downstream reaches of Pullen Pullen Creek and the junction with the Brisbane River (reproduced from www.nearmap.com.au) taken on 13 January 2011.

EXHIBIT SQC 05

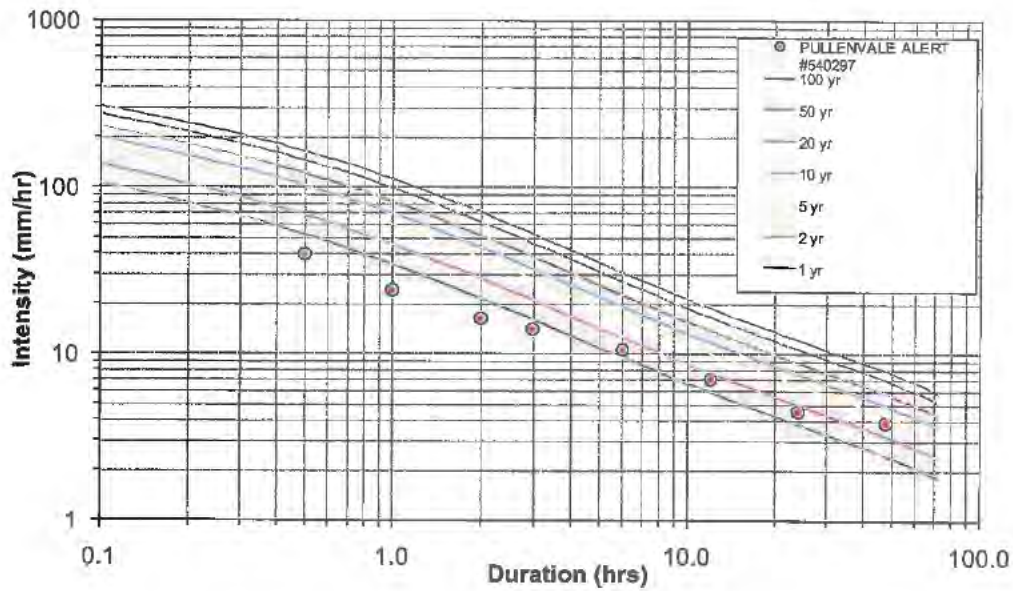


Brisbane River Water Levels near the Property and Minimum Property Level

EXHIBIT SQC 06



Rainfall Record for the Pullenvale Alert Station



Rainfall Intensity Frequency Duration Analysis for the Pullenvale Alert Station

FINANCIAL OMBUDSMAN SERVICE

NUMBER: [REDACTED]

Applicant: [REDACTED]

AND

Financial Service Provider: **RACQ INSURANCE LIMITED**

STATEMENT

I, **Stephen Quinton Clark**, of [REDACTED] Boundary Street, West End, Brisbane in the State of Queensland state as follows:

Qualifications

1. I am specialist flooding engineer and Director of Water Technology Pty Ltd at [REDACTED] Boundary Street, West End, Brisbane. My key areas of expertise are hydrologic and hydraulic engineering, floodplain management and flood warning.
2. I have the following qualifications: Bachelor of Civil Engineering (Hons) from the University of Queensland, Masters of Engineering Science from the University of Queensland, National Professional Engineers Register and Registered Professional Engineer Queensland. I attach as **EXHIBIT SQC01** to this affidavit a copy of my curriculum vitae.

My engagement

3. In January 2011, in the aftermath of the Queensland floods, Cooper Grace Ward Lawyers on behalf of RACQ Insurance limited engaged me to assist with hydrological investigations into the Queensland floods. Since then I have been engaged on an ongoing basis (and am still engaged) to assist in determining claims by insured customers. Below I identify investigations which are specifically relevant to the property of [REDACTED] [REDACTED] (the Applicant in this FOS dispute) at [REDACTED] Schmidt Road, Fernvale (**the Subject Property**).

Process for considering the Subject Property

4. To determine the cause of the inundation of the Subject Property I started by considering the regional factors which led to the inundation in Brisbane (including Fernvale) generally. I then performed a site specific review of the Subject Property to consider whether the inundation of the Subject Property may have been the result of stormwater run-off.
5. I believe this approach is an appropriate way to assess the cause of the inundation at the Subject Property because the factors which led to the rise in the Brisbane River occurred on a regional basis. The rise in the Brisbane River (which was caused by the mechanisms explained below) is what would have led to the inundation of the vast majority of properties

[REDACTED]

[REDACTED]

which were inundated in Brisbane. However, inundation caused by stormwater runoff is generally very site specific, and so it is necessary to consider site specific features of the Subject Property to determine whether stormwater run-off may have caused the inundation.

Inundation event

6. I have carried out extensive investigations into the inundation which occurred in Middle Brisbane in January 2011. By "Middle Brisbane" I mean the area generally depicted in the picture which is **EXHIBIT SQC02** to this statement, and in particular the immediate downstream flow area of the Brisbane River from Wivenhoe Dam through the areas in the vicinity of Wivenhoe Pocket, Lowood and Fernvale. The area I looked at includes the Fernvale region.
7. In particular my investigations were to determine whether the inundation in that region was caused by heavy rain that fell no more than 24 hours prior to the inundation or whether it was the result of some other cause.
8. In forming my opinion set out below I considered meteorology data, rainfall data in Middle Brisbane area and stream gauge data in the Middle Brisbane area. The rainfall data was collected from gauges at Lowood and Savages Crossing. The stream gauge data was collected from gauge stations on the Brisbane River at Lowood and Savages Crossing and the Lockyer Creek at O'Reilly's Weir. I attach as **EXHIBIT SQC03** copies of the above mentioned data.
9. As I explain below, in the course of examining the flood in Middle Brisbane it was necessary to consider the effect of release of water from Wivenhoe Dam on the middle reaches of the Brisbane River. I attach as **EXHIBIT SQC04** data I considered in relation to the Wivenhoe Dam catchment area (being rainfall data from rainfall gauges at Caboonbah, Mount Stanley, Crows Nest; level gauge records for Wivenhoe Dam headwater; derived discharges for the stream gauge at Gregor Creek). Also included in this data is the discharge history published by SEQ Water for Wivenhoe Dam for the relevant period.
10. I have also considered rainfall in the Lockyer Creek catchment. I attach as **EXHIBIT SQC05** data I considered in this regard, being rainfall data from rainfall gauges at Gatton, Toowoomba and Tallegalla and stream data from stream gauges at Glenore Grove, Lyons Bridge, Rifle Range Road and O'Reilly's Weir.

Regional conclusions

11. Based on the above data I conclude as follows.
12. There were two possible mechanisms operating in relation to the flooding in Fernvale – one being the rain which had recently fallen in Fernvale and the other being the elevated levels of the Brisbane River (which is discussed further below).



Local Rainfall

13. In relation to the rain which had recently fallen in Fernvale the data I considered demonstrated that there was heavy rainfall which fell in and around the Fernvale area between 4.00am and 3.00pm on 11 January 2011. The intensity of the rainfall during these periods was sufficient to cause localised flash flooding or stormwater damage to some properties in Fernvale. However, for the reasons explained below under the heading "Site specific issues", I do not believe that the house on the Subject Property experienced inundation from such a cause.

Elevated levels of the Brisbane River

14. In relation to elevated levels of the Brisbane River, the data I considered demonstrated that the rising Brisbane River water level at Lowood and Savage's Crossing is attributable to the release of water from the Wivenhoe Dam which occurred on 11 January 2011 and, to a lesser extent, Lockyer Creek inflows and local catchment run-off. The relative significance of these three factors is discussed further below.
15. Wivenhoe Dam experienced significant inflows between the period from 6.00am on 9 January 2011 to 11 January 2011 associated with rainfall in the catchment above Wivenhoe during the same period. These inflows contributed to a peak outflow from Wivenhoe Dam occurring between approximately 7.00pm and 9.00pm on 12 January 2011. Any inundation directly associated with the Brisbane River flows below Wivenhoe Dam would be attributable to the rain event that commenced at approximately 6.00am on 9 January 2011 (and indeed earlier rainfall).
16. The Brisbane River level at Lowood peaked at shortly after midnight on 12 January 2011. The fact that the peak at Lowood occurred very shortly after the peak release from Wivenhoe Dam is a strong indicator that the main factor in the peak water level at Lowood was the release of water from the Wivenhoe Dam. This is confirmed by the fact that the shape of the hydrograph for the Brisbane River at Lowood is similar to the shape of the hydrograph of the Wivenhoe Dam releases and is significantly different from the shape of the hydrograph of the Lockyer Creek at Lyons Bridge.
17. Therefore, the water contributed by the Lockyer Creek inflows to the water level of the Brisbane River at Lowood, compared with the water released from Wivenhoe Dam, was substantially smaller (although not insignificant). The water contributed by local catchment run-off, compared with the water released from Wivenhoe Dam, was insignificant. In any event, the majority of the Lockyer Creek inflows were attributable to rain that fell in the Lockyer Creek catchment between 5 January 2011 and 11 January 2011.
18. On this basis, I am confident that the peak water level of the Brisbane River at Lowood (and in areas downstream including Fernvale) is attributable to rain that fell more than 24 hours earlier.



19. I should also note that the mechanism of the inundation in Fernvale involves breakout flow from the Brisbane River, rather than simply water overflowing the banks of the Brisbane River in the vicinity of the relevant properties. By "breakout flow", I mean that as the Brisbane River travels East, near where it crosses the Brisbane Valley Highway, there is an area of low ground to the South. During times of elevated flow, this area of low ground becomes a flow path for some of the water, and so a limb of the Brisbane River branches out to the South East near the Brisbane Valley Highway, flows through Fernvale into Ferny Gully and re-joins the Brisbane River. **EXHIBIT SQC06** contains images showing this flow path.

Further investigations – terrain data

20. As already mentioned, the above analysis was performed on a regional basis. Stormwater issues are generally very site specific. Accordingly, I undertook further steps to identify whether the cause of the inundation to the Subject Property may have been stormwater.

21. CSIRO defines Stormwater Flooding as:

inundation by local runoff caused by heavier than usual rainfall. Stormwater flooding can be caused by local runoff exceeding the capacity of an urban stormwater drainage system or by the backwater effects of mainstream flooding causing urban stormwater drainage systems to overflow.

22. To determine whether the Subject Property may have been affected by stormwater and/or flash flooding I looked at data regarding the terrain level of the Subject Property and surrounding areas, and considered information obtained from interviewing the Applicants and neighbours.

Terrain data

23. I attach as **EXHIBIT SQC07** to this statement a copy of the terrain data for the Subject Property.
24. When considering terrain data, the main thing that I considered is whether the Subject Property is higher than the surrounding areas. This would suggest a lower likelihood of stormwater and/or flash flood issues (and the converse also applies).
25. Exhibit SQC07 shows that the level of the Subject Property varies from approximately RL 42.5m AHD at the Schmidt Road side of the Subject Property to slightly under RL 42m AHD at the rear of the Subject Property. There are drainage channels along either side of Schmidt Road.
26. Ferny Gully is 400m to the South East of the Subject Property on the other side of Poole Road. This gully flows into the Brisbane River, which is approximately 2.5 km to the North East. Ferny Gully has a fairly substantial catchment area. In other words, the surface area collecting rainfall that would drain into Ferny Gully is quite large.



27. There is a constructed drainage channel to the North West of the Subject Property. The drains on either side of Schmidt Road would drain through this channel to Ferny Gully.

Interviews

28. Water Technology made several visits to the Fernvale area, including a site visit of the Subject Property on 6 April 2011. **EXHIBIT SQC08** to this statement contains various photographs taken by Water Technology at the 6 April 2011 site inspection, as well as a photograph provided by the resident of 19 Schmidt Street (which is near the Subject Property).
29. Water Technology staff also spoke to [REDACTED] by telephone on 17 May 2011. During that telephone conversation, [REDACTED] said that:
- a) It was raining for the whole day during 10 January 2011 and the morning of 11 January 2011.
 - b) On the morning of 11 January 2011, Poole Street had flooded, and the water almost came into the house on the Subject Property (although it did not actually come into the house).
 - c) This water subsequently drained away within half an hour.
 - d) Late in the afternoon on 11 January 2011, the water appeared again and everyone (including the Mocosches) evacuated.
 - e) By 5.45pm the house on the Subject Property was inundated.
 - f) The water which inundated the house on the Subject Property came from the North.
 - g) The water which inundated the house on the Subject Property was fast moving.
30. All of the above comments are entirely consistent with the house on the Subject Property having been inundated by breakout flow from the Brisbane River upstream of Fernvale. The water which approached but did not enter the house on the Subject Property in the morning on 11 January 2011 was, in my view attributable to local run-off caused by the heavy rain between 4.00am and 3.00pm on 11 January 2011. However, the water which arrived in the afternoon on 11 January 2011 was attributable to the elevated flows in Brisbane River – these elevated flows were caused by the release of water from Wivenhoe Dam which was in turn attributable to rain that had fallen in the Wivenhoe Dam catchment area more than 24 hours earlier.
31. In my view it is not surprising that the Brisbane River water was fast moving at this location given its proximity to Wivenhoe Dam, the rapid increase in flow in this section of the Brisbane River caused by the discharges from Wivenhoe Dam, and the relatively steep nature of the Brisbane River and surrounding areas in Fernvale.



Conclusion

- 32. On the basis of the above matters, I conclude that the cause of the inundation of the house on the Subject Property was breakout flow from the Brisbane River, which was itself caused by rain which fell more than 24 hours earlier.
- 33. I conclude that the house on the Subject Property was not inundated by stormwater or other local run-off.

All the facts and circumstances above are within my own knowledge save such as are from information only and the means of my knowledge and source of information appear on the face of this my statement.

SIGNED by **STEPHEN QUINTON CLARK** on 27.6.11 at Brisbane in the presence of:



Stephen Quinton Clark



Witness



Curriculum Vitae

Steve Clark

BE Hons (CIVIL), MEng Sc, CPEng, MIEAUST

Director

Fields of Expertise

- Water, floodplain and coastal engineering
- Numerical models
- Risk/vulnerability assessments
- Hydrologic and hydraulic modelling
- Hydraulic assessment and design
- Environmental monitoring programs.

Education

- Bachelor of Engineering with Honours, University of Queensland, 1988.
- Masters of Engineering Science, University of Queensland, 1999. Thesis submitted was entitled "The Entrainment of Sediment due to Oscillatory Flows in the Sheet Flow Regime".
- Accredited Water Efficiency Assessor with the Queensland Water Commission

Professional Affiliations

- Registered Professional Engineer, Queensland.
- National Professional Engineers Register
- Member, Engineers Australia
- Member, River Basin Management Society
- Member, Australian Water and Wastewater Association
- Member, Stormwater Industry Association

Countries of Experience

- Australia
- China
- Indonesia

Awards

- Kenneth A. Thies Prize, 1988

Professional History

2006-present	Water Technology Pty Ltd (QLD) Manager, Brisbane Office
2001-present	Water Technology Pty Ltd Director
1999-2001	Lawson and Treloar Pty Ltd (VIC) Manager, Water Resources
1997 - 1999	Lawson and Treloar Pty Ltd (VIC) Senior Engineer
1994 - 1997	Lawson and Treloar Pty Ltd (QLD) Engineer
1989 - 1994	Connell Wagner Pty Ltd (QLD) Engineer

Fields of Special Competence Career Summary

Steve has over 20 years experience as a specialist in the water resources field. He has an Honours Degree in Engineering and a Masters of Engineering Science from the University of Queensland. Following graduation he worked for approximately 10 years throughout Queensland in waterway & floodplain management and Infrastructure investigations. These investigations have included work throughout Brisbane and the Nerang River floodplain on the Gold Coast, Maroochydore, the Noosa River and Lakes system, the Pioneer River floodplain at Mackay, the Tully Murray system and numerous investigations on the Barron River Floodplain.

From 1996 Steve was based in Melbourne Victoria during which time he undertook various flood studies and floodplain management plans for both the Victorian and New South Wales offices of Lawson and Treloar. Of note, between 2002 and 2005 Steve was the principal hydraulic modeller on the Yangtze River Flood Warning and Control Project, a major 5 year AUSAID project in China. As Director of the Brisbane office of Water Technology, Steve has been involved in a diversity of high-profile projects such as managing the hydraulic component of the Pimpama Case Study, National Coastal Vulnerability Assessment for the Federal Department of Climate Change.

Key Projects

- Gwydir Wetlands Hydrodynamic Modelling, Northern NSW *Department of Environment, Climate Change and Water*. (2009 - current)
- North East Business Park Flood Study, Caboolture QLD *Moreton Bay Regional Council* (2007- current)
- Ensham Mine Flood Forecasting System, Emerald QLD *Ensham Resources* (2009-2010)
- Regional Planning Project (Flooding), Toowoomba QLD *Toowoomba Regional Council* (2009).
- Inner City Bypass (ICB) Tunnel Flooding Investigation, Brisbane *Northern Busway Alliance* (2009)
- National Coastal Vulnerability Assessment - Pimpama Case Study, Gold Coast QLD *Federal Dept. Climate Change* (2008)
- Mangoola Coal Mine Water Management System, Hunter Valley NSW, *ATC Williams for Xstrata Coal* (2006-2008)
- Creek Diversions, Mine Water Management Plan, Blackwater QLD, *BMA Coal* (2008)
- Ballina Salinity Infiltration Study, Ballina NSW, *Ballina Shire Council and Department of Commerce, NSW* (2007-2008)
- Water Efficiency Management Plans, South East QLD, *Austral Bricks*, (2007)
- Lower Goulburn Floodplain Rehabilitation Project, VIC, *Goulburn Broken CMA* (2006)
- Yangtze River Flood Control and Management Project, China *Sagrie International for AusAid* (2002-2005)

Boundary Street, West End, QLD, 4101, Australia
 Telephone: [REDACTED] Facsimile: +61 (0)7 3846 5144
 email: [REDACTED]

EXPERT ADVICE***Water Technology***

Kunda Park Central vs Sunshine Coast Regional Council P&E Court Appeal 1057/08 (current). Engaged by Sunshine Coast Regional Council this current project involves the provision of review and expert advice services.

Comiskey Group vs Moreton Bay Regional Council P&E Court Appeal BD 210 of 2010 (current). Expert review, including review of flood related aspects of the proposed development including immunity requirements, stability and emergency management.

Stockland Development Pty Ltd vs Sunshine Coast Regional Council P&E Court Appeal 2282/09 (current). Expert review, including specialist hydraulic modelling of the development, and report preparation.

North East Business Park Pty Ltd vs Moreton Bay Regional Council P&E Court Appeal 254/10 and 255/10 (current). Provision of expert review services of the North East Business Park Development flood study and stormwater management plan for Moreton Bay Regional Council over a period of ~ 2 years. Work included a review of hydraulic modelling, comparison of results with previous flood levels, assessment of compliance with Council floodplain management requirements, identifying any impacts associated with the development and consequent implications, and a report summarising the review findings. Review of the stormwater management plan included a review of reporting and MUSIC modelling, review of relevant standards, comparison of reported results with relevant standards and a report summarising the review findings.

Amendment C70 – Boroondara Planning Scheme. Preparation (and subsequent presentation to VCAT) of an expert witness report for Stockland Pty Ltd summarising the flooding aspects of the proposal and design work undertaken to date for a major commercial and residential in inner Melbourne.

Abacus Hampton Retirement Trust vs Bayside City Council. Preparation of an expert witness report for Abacus Hampton Retirement Trust and subsequent presentation to VCAT regarding the flooding and drainage provisions of a proposed apartment block in a highly urbanised area.

Kaldumb Pty Ltd vs East Gippsland Catchment Management Authority. Preparation of an expert witness report for Kaldumb Pty Ltd and subsequent presentation to VCAT regarding flooding aspects associated with a potential industrial subdivision of floodprone (rural) land.

Lawson and Treloar

Strathmerton Deviation - VicRoads. Presentation to a panel hearing in Strathmerton regarding the hydraulic assessment and flooding implications of several potential highway alignments.

INTERNATIONAL EXPERIENCE

Yangtze River (China) Flood Control and Management Project (YRFCMP). The YRFCMP is a joint project of the Chinese and Australian Governments (managed via AusAid), Steve has recently completed undertaking a series of long term deployments in Wuhan, China. Since 2002, he has provided specialist advice on the procurement, establishment and implementation of hydraulic modelling systems within the overall flood management and warning systems.

The final stage of technical work focussed on (quantitatively) improving the accuracy and speed of flood warning procedures and the development of a Decision Support System that combines the current flood forecasting capabilities with web based assessment of flood management options for use in a real time context.

In conjunction with the technical development work, an extensive capacity building program was undertaken. As part of this program Steve had direct inputs into technical capacity building for the Flood Forecasting System and Decision Support System, the underlying hydraulic models and more generally took an active part in "train the trainer" courses.

Lombok (Indonesia) Resort Development Investigations (1995-97) for Lombok Tourism Development Corporation. Site Engineer for the site monitoring program design and initial site work involving site inspections and instrument deployment. Senior Engineer for subsequent preliminary design work included internal canals, lake systems and coastal works for a major resort development. Preliminary water balance, yield modelling and water quality considerations were addressed.

Site work was undertaken at a local level. 2 Australian engineers provided technical input, direction and training, while the site staff undertook the instrument installations, deployments, retrievals and general site measurements. This provided both an intensive initial data gathering exercise, and provided the necessary training for local staff to establish an ongoing monitoring program. The results of the results of the ongoing monitoring program were subsequently used in later stages of the design.

International Team Support (90-95) for various projects. While with Connell Wagner's Water Group, Steve was a hydraulic engineer as part of the Brisbane Office support and design team for projects undertaken by various overseas offices in Papua New Guinea, (Kainantu Water Supply and Sewerage Schemes) and China (Liaoning Urban Infrastructure Project).

WATERWAY/FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Gwydir Wetlands Hydrodynamic Modelling (2009 - current) for NSW Department of Environment, Climate Change and Water.

Project Manager and specialist hydraulic modeller for this major eco-hydraulics investigation aimed at developing advanced hydrodynamic modelling tools to assist in the environmental management of the Gwydir Wetlands.

National Coastal Vulnerability Assessment - Pimpama Case Study (2008) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice,

analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

Burngrove and Deep Creek Diversion, Mine Water Management Plan (2008) for BMA Coal. This project involved the conceptual mine water management plan associated with creek diversions. The mine water management plan aimed to achieve clean water flows in Burngrove and Deep Creeks, Blackwater. A digital terrain model and aerial orthophotos were used in conjunction with the BMA Coal Water Management Strategy to identify current sources of dirty water to the creeks and possible solutions to rectify the problem. Suggestions for achieving clean water flows included altered decant return arrangements, rearrangement of the drainage system and construction of sediment dams.

Coal Seam Gas Effluent Discharge Investigation (2008) for Origin Energy. Project Manager providing specialist hydrologic and hydraulic inputs into the preparation of an Environmental Management Plan for Origin Energy's proposed coal seam gas project at Talinga, which aims to provide up to 90TJ/day of coal seam gas to the Darling Downs Power Station. Part of this project involves the installation of an advanced water treatment (reverse osmosis) facility which will provide purified water for beneficial uses. A series of investigations have been undertaken to investigate the potential discharge of this water to the Condamine River and identify constraints and opportunities associated with this process. Investigations have included Hec-Ras modelling of sediment deposition and scouring and use of the DERM IQQM between the Condamine Weir and Beardmore Dam

Yallock Outfall Sediment Trap and Ephemeral Wetland Functional Design for Melbourne Water. Water Technology is providing specialist hydraulic design services to the team (Neil Craigie, Pat Condina, Landstart, Sandra Brizga and Ecology Australia) undertaking the functional design. The aims of this investigation are to establish the functional design, ensure no adverse impact on adjacent areas and to demonstrate both of these to stakeholders.

Niddrie Quarry Stream Rehabilitation Project for Melbourne Water via Neil Craigie. Provision of specialist hydraulic design services for rehabilitation design for this urban waterway.

Lawson and Treloar

Mitta Mitta Geomorphic Investigation for North East CMA.

Badger Creek Geomorphic Investigation for Melbourne Water. Provision of specialist hydraulic analysis and design services to as part of a multidisciplinary team investigating sand management issues.

Gleneig River Sand Management Investigations. Provision of specialist hydraulic and sediment transport analysis/modelling as part of a multidisciplinary team investigating sand management issues.

Tambo River Geomorphic Investigation. The 1998 Tambo River event caused significant damage in the floodplain. Specialist two dimensional hydraulic modelling was undertaken as part of an integrated study approach considering flooding, longer term geomorphological processes and potential waterway management options

Upper Oxley Creek for Logan City Council. Full 2D modelling of the rehabilitation requirements of a reach of Oxley Creek.

Secondment to Brisbane City Council Works Design, Hydraulics Group. Duties included provision of specialist hydraulic design services, assessment flooding and mitigation works following the September 1996 flood event, liaison with the Parks & Environment Sections with regard to vegetation issues and subsequent hydraulic assessments.

PLANNING

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. The flooding study will identify areas at risk of inundation and their impact on current and future development. In addition Q100 hazard categories will be identified. The stormwater analysis will define and map stormwater corridors, and define trunk drainage infrastructure needed currently and for future development.

Toowoomba Regional Council Regional Planning Project (Flooding) (2009). The aim of the project was to produce a new planning scheme policy for the TRC following the amalgamation of eight councils into one. Involved review of existing flood studies, collation of GIS flood data, collation of pseudo-flood data (e.g. waterway extent, previous flood overlays) and rating the quality of each dataset. Also included the provision of expert advice on the best way to account for the uncertainty in the different qualities of flood information in the new planning scheme policy. Involved extensive collaboration with Council staff and other project team professionals (e.g. planners, scientists, engineers).

INFRASTRUCTURE INVESTIGATIONS/DESIGN***Water Technology***

Ensham Mine Flood Forecasting (2009-2010) for Ensham Resources. Project Manager for the development and calibration of a hydrologic flood forecasting model to provide Ensham Mine with in-house warning of floods from the Nogoa River (QLD). Historically, Ensham has experienced difficulty in gaining access to information and/or forecasts during events. The real time model developed will provide easier access and a greater level of detail and accuracy than is currently available.

Inner City Bypass (ICB) Tunnel Flooding Investigation (2009 - current) for the Northern Busway Alliance. Assessment of the cause of flooding of the Brisbane ICB flooding in November 2008. Results were used to assist in the settlement of compensation claims by the Brisbane City Council against the Northern Busway Alliance.

Mine Water Management System Design (2006-2008) for the Xstrata Mangoola coal mine in NSW. Detailed event and long term modelling has been undertaken within the Goldsim modelling system to analyse potential risks to the mine associated with water availability. A Monte Carlo approach was utilised as part of the design process for on site storages and quantifying risks associated with water supply and potentially discharge from site.

Ballina Salinity Investigations for Ballina Shire Council and Department of Commerce. Co-ordination of salinity testing program and associated analysis to identify sources of saline infiltration into the Ballina Sewer Network with the aim of reducing salinity at the Ballina Treatment Works. The ultimate aim of the project is to reduce salinity levels to the point where re-use of the waste water is possible without the installation of an RO plant.

Scour Investigation, Princess Highway crossing of Mitchell River at Bairnsdale for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge. Numerous mitigation options were investigated prior to VicRoads determining that the preferred option was structural reinforcement of the existing bridge.

Scour Investigation, Princess Highway crossing of Tambo River at Swan Reach for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge.

Calder Freeway, Carlsruhe Section Specialist Hydraulic Design for John Holland via EGIS. Detailed hydraulic analysis and design of the new Calder Freeway crossing of the Campaspe River.

Heany Park Review for Fisher Stewart. Provision of expert (3rd party) review services for drainage design of an existing subdivision.

Lawson and Treloar

Hydraulic assessment of proposed Shepparton Bypass for VicRoads. Hydraulic analysis of the proposed Shepparton Bypass (Western Route) for presentation at the Panel Hearings.

Princes West Project for Leightons/GHD. Detailed hydraulic assessment and design as part of the successful Design and Construct bid. Design services were provided to both optimise the proposed design, and provide detailed information as to the potential impacts to key stakeholders.

Princes West Project for VicRoads. Comprehensive and detailed hydrologic and hydraulic assessment of the existing status of the Princes West freeway between Melbourne and Geelong for VicRoads. Crossing upgrades were designed for varying levels of immunity and various configurations. Also included was extensive consultation with relevant stakeholders and authorities along the route of the proposed upgrades.

Goulburn Valley Highway Hydraulic Assessment. Hydraulic Assessment and design of several potential alignments (in the vicinity of Strathmerton) across both the Murray River and it's floodplain. Full two dimensional modelling has been used to define flow paths on a broad scale. Detailed modelling was undertaken in the vicinity of the proposed route embankments as input to structure design.

Specialist Hydraulic Investigations/Design Projects. Numerous investigations/preliminary designs undertaken for VicRoads including:

- North Arm Bridge (Lakes Entrance) Afflux Study
- Home Creek, Goulburn River
- Hallam Bypass (Eummemmering Creek)
- Swansea Road Duplication (Olinda Creek)

Hendra Doomben Relief Drainage Investigation. Detailed MOUSE modelling of a severely under-capacity stormwater drainage network and relief system design.

Hemmant Master Drainage Study. Detailed MIKE 11 & MOUSE modelling of a low lying residential area. Included analysis and assessment of flooding hazard, design of mitigation works. Initial study results have transferred to BCC's GIS system for over-the-counter interrogation.

Brookbent Road (1996) for Brisbane City Council. Detailed hydraulic assessment of the effect of the failure of the Brookbent Road crossing (embankment) during the March '96 Oxley Creek event. Sensitivity of upstream, floodprone areas to various proposed crossing reinstatement options has been conducted.

Mudgeeraba Connection Road for Gold Coast City Council. Evaluation using quasi 2D modelling of the effects of various hydraulic structure configurations for a proposed road crossing of a floodplain.

Cairns International Airport Master Drainage Study for Cairns Port Authority. Major trunk drainage system analysis and design utilising fully unsteady analysis techniques. Tools being utilised include MIKE21, MIKE11 and MOUSE.

RTA Route Selection Study, Wollongong (1994), including runoff-routing and MIKE 11 modelling of Macquarie Rivulet and Lake Illawarra.

Connell Wagner

Eastern Corridor Study, Brisbane - Gold Coast 1991. Assessment of the hydraulic impact of various proposed alignment options of the duplication of the Pacific Highway.

Relief Drainage System Design, Albion Windsor, Brisbane 1990. Upgrade of an existing inadequate pipe drainage system (Capital cost \$2 million)

Burdekin River Irrigation Area Modelling, Ayre 1989. Additional modelling of the Northcote Section of the Burdekin Area utilising the MIKE-11 modelling package

FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). Project Manager for several flood studies of towns in the Western Downs. WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. Flood studies will be conducted for Chinchilla, Tara, Miles and Jandowae; and the Dalby flood study will be reviewed.

North East Business Park Flood Study (current). Expert reviewer for Moreton Bay Regional Council engaged to review floodplain management and water quality (stormwater management planning) aspects of the proposed development.

Lower Goulburn Floodplain Rehabilitation Project for Goulburn Broken CMA via SKM. Provision of specialist hydraulic modelling services for the largest hydraulic analysis project undertaken to date in Victoria, as part of one of the largest floodplain rehabilitation projects proposed. The terrain being used for this project incorporates the latest in aerial laser scanning technology which provides an extremely detailed data set (requiring special processing techniques) for the entire study area.

Flooding Investigations for the Wimmera CMA. Project Manager for the Horsham Flood Study, the Dimboola Flood Study and the Glenorchy to Horsham Flood Scoping Study. The three studies have been undertaken using a risk management approach with the key outcome being an increased understanding of exposure of the communities to flooding. Project scopes have included extensive community and authority consultation, detailed survey (field and photogrammetric), detailed hydrology and hydraulics and the provision of maps associated with reporting requirements.

Little Yarra Flood Mapping for Melbourne Water. Detailed Hydrologic and Hydraulic analysis to enable flood mapping of the Little Yarra River to Yarra junction.

Lawson and Treloar

Shepparton Floodplain Management Investigation for Shepparton City Council. Project Manager for the hydraulic investigation and design portion (to delivery of design events stage) of the largest floodplain management investigation undertaken at the time in Victoria.

Myrtleford Floodplain Management Study. Project Manager for the hydraulic analysis component of the project, the outputs of which were inundation maps for existing conditions, mitigation option design and mitigation option mapping.

Traralgon Floodplain Management Study (1998) for Shire of Traralgon. Project Manager for the hydraulic analysis portion of this project aimed at providing a comprehensive understanding of the flooding mechanisms is being gained through this state of the art fully two dimensional, dynamic flooding investigation.

Euroa Floodplain Management Study (1997) for Shire of Strathbogie. Project Manager for the hydraulic analysis portion of this Floodplain Management Study. A comprehensive understanding of the damaging and complex flooding regime at Euroa was provided through full two dimensional hydraulic modelling. Subsequently, the impact of various potential flood protection measures (mitigation schemes, both structural and non-structural) and flood warning systems were assessed.

High Definition Flood Study, Wallsend Plattsburg – Detailed hydraulic assessment using full two dimensional unsteady analysis of several severely floodprone (urban) areas of Newcastle, including analysis and provision of results for incorporation into Council's GIS system.

Nerang River Flood Mitigation Assessment. Assessment of the potential for flood mitigation works on the Nerang River floodplain utilising existing hydraulic structures and/or additional works.

Flood Study of Oxley Creek (1996/97) for Brisbane City Council to augment BCC's Waterways Strategy Plan. Oxley Creek is the most technically challenging creek in the Brisbane area with dramatic changes recorded over time as part of the creeks natural morphology and in response to significant sand extraction operations. Primary outcomes are the delineation of flood regulation lines based on hydrologic and hydraulic analysis. Secondary outcomes are the assessment of hydraulic structures, the effects of catchment development and the development of revegetation strategies.

Upper Barron Delta Modelling. Full 2D modelling of the Upper Barron Delta was conducted using a course grid model for the entire Barron Delta and a fine grid model for the upper portions. The purpose of the investigation was to examine the impact of both proposed developments and sand extractions on flooding through existing residential areas.

Flood Study of the Noosa River System for Noosa Council. This study forms the basis for a flood plain management study aiming to develop a floodplain management plan. Components of the study include:

- evaluation of the hydrologic and hydraulic characteristics of the Noosa River catchment and determination of its flooding characteristics,
- integration of model results into Noosa Council's existing GIS information networks.

Tully Murray Water Management Scheme for Department of Primary Industries, Water Resources. Detailed floodplain modelling and hydraulic design of a master drainage plan. Tools being used include RAFTS, MIKE11 and MIKE21.

Emerald Floodplain Scoping Study (1994) for the Department of Primary Industries, Water Resources. This study was conducted to identify the methodology, data requirements and approximate costs associated with work necessary to develop a floodplain management plan for the Emerald floodplain system.

Ironbark Creek T.C.M. Study (1994), including data interface preparation.

Connell Wagner

Barron Delta Flooding Checks, Cairns (1989-1994). Ongoing work associated with the investigation of the effects of proposed developments upon flooding in the Barron Delta area, using the ESTRY numerical model.

Woodford Flood Study, Nambour 1993. Hydrologic (RORB) and hydraulic (HEC-2) investigation of a proposed development involving floodway encroachment.

Bulimba Creek East Master Drainage Study, Brisbane 1990-1991. Catchment management consideration of environmental values, economic analysis and public involvement.

Eudlo Creek Flood Study, Maroochydore 1989. Development of a MIKE 11 model of Lower Eudlo Creek for road crossings and flood mitigation.

DEVELOPMENT PROPOSALS ASSESSMENT/DESIGN

Water Technology

Provision of specialist hydrologic and hydraulic design services associated with several proposed developments in south east Queensland and Northern NSW. Some examples are:

Bethania Flooding Assessment (2009-2010) for AV Jennings. Project Manager for the assessment of flooding impacts of a proposed 4 ha residential development in Logan, QLD. Work included MikeFlood hydraulic modelling and WBNM hydrological modelling.

Everton Park Proposed Reconfiguration of a Lot (2009) for Conics Pty Ltd. Project Manager for the investigation of 100 year ARI flooding for a property in Everton Park, QLD. A Brisbane City Council Mike11 model was updated with new survey and a new inundation extent was defined.

Eight Mile Plains Stormwater Management Assessment (2008) for Lambert and Rehbein. Project Manager for the assessment of stormwater impacts of a proposed child care centre in Eight Mile Plains, QLD. Work included MikeStorm modelling to conceptually design onsite stormwater detention (in the form of underground tanks).

North Shearwater Precinct Development – Local Environment Study (2008) for Great Lakes Council. Project Manager for the Water Technology component of hydrology, flooding and local drainage aspects of the LES for the North Shearwater precinct development, NSW. Work involved hydrologic (WBNM) and hydraulic analysis (Mike21) of pre and post development cases, including consideration of elevated downstream estuary levels due to climate change and more extreme climate change scenarios. Water Technology was sub contracted to GeoLink for this project.

Northeast Parkhurst Master Plan – Stage 1 – Flooding Constraints (2008) for Wolters Consulting. Review of previous work related to flood constraints that has implications for the Master Planning process for the Northeast Parkhurst development, Rockhampton. Work included review of aerial photography/flooding/contour data of the area, desktop review of a previous flood report in terms of hydrological and hydraulic analysis, review of site opportunities and constraints for flooding relating to sustainability design principles, and implications for the Master Planning process.

Mackay Christian College Local Drainage Investigation (2007) for Sanders Turner Ellick Architects. Project Manager for the assessment of flooding impacts of a proposed school and residential development in Mackay,

QLD. Work included Mike21 hydraulic modelling linked to MOUSE for assessment of flooding and stormwater networks.

Lawson and Treloar

"The Waterways" Development. Provision of hydraulic analysis and design services associated with both floodplain conveyance and wetland operational issues.

Stamford Park Investigations. Provision of hydraulic analysis and design services to City of Knox associated with Corhanwarrabul Creek.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Hydraulic Investigation of the "Colorada" Levee banks, Emerald Floodplain (1994). In order to quantify the likely impacts on Nogoia River flooding, an investigation was conducted into the hydraulic behaviour of a proposed levee bank.

Connell Wagner

Cubberla Creek Villa Development, Brisbane 1992. Hydrologic (RORB) and hydraulic (HEC-2) investigation of Cubberla Creek for a proposed villa development including analysis of floodway encroachment by the development

COASTAL INVESTIGATIONS, ASSESSMENT AND DESIGN

Water Technology

National Coastal Vulnerability Assessment - Pimpama Case Study (2008-2009) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice, analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

"The Waterways" Development. Provision of detailed hydraulic analysis and design services investigating the flushing regime of the constructed lake/canal system.

Lawson and Treloar

Port of Geelong Channel Improvement Program. Undertook fieldwork and associated reporting as part of the dredge operation monitoring program.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Connell Wagner

Green Island Coral Dredging - Impact Assessment Study (1993). Engineer responsible for field work including extensive sediment sampling, water quality monitoring and current metering.

Detailed design of **Dalrymple Bay Coal Terminal Berth 2 Extension (1992)** providing a second berth for vessels up to 200,000 DWT. Member of the design team for the offshore structural works component.

Dredging and reclamation strategy for Port Development Works, Townsville (1992). Development of an implementation plan for capital works at the Port of Townsville with specific regard to dredging and reclamation options in terms of technical performance, implementation advantages or disadvantages and capital cost.

Wellington Point Canal Estate, Moreton Bay 1992. Investigation of proposed marina and associated dredged entrance channel. Numerical modelling (RUBICON) was undertaken to investigate entrance channel stability and canal flushing.

Stage 2 Embley Estuary Environmental Monitoring, Weipa 1993. Engineer responsible for the water quality aspects of a multidisciplinary field work program designed to establish baseline data for the Embley River Estuary. Subsequent work included the formulation of a long term work and modelling program.

Weipa Sediment Sampling and Monitoring Program for the Albatross Bay Dumpsite, (1992) for Department of Transport. Supervision of field work over a 6 month period following channel maintenance dredging and associated dumping including extensive sediment sampling, water quality monitoring and benthic community monitoring.

Weipa Environmental Monitoring Program, (1991) for Department of Transport. Supervision of field work over a 6 month period following dredging and dumping including water quality and benthic community monitoring.

Long Term Strategy for Spoil Disposal, Port of Cairns (1991-1993). Examination of all possible land and sea disposal sites and methods for the disposal of maintenance dredge spoil from the Cairns shipping channel using a generalised, logical two pass screening process.

Cairns Port Authority Offshore Spoil Dump Studies (1989 -1993).

Following monitoring and assessment work over a three year period, short (approximately 6 months) and long (greater than 12 months) term monitoring programs were established. These

programs (with a budget in excess of \$1.5 million) to date have included:

- numerical modelling of dredge induced plumes
- numerical prediction of deposited spoil resuspension and dispersion over the short and long term
- field work program utilising state-of-the-art dredge and dump monitoring techniques (seabed, surface and aerial operations) and the analysis of gathered data
- detailed analysis (including statistical work) of long term current, wave, wind etc. records
- installation of long term monitoring equipment (current meters, waverider buoy, tide gauge, anemometer, fixed bed turbidity meters)
- flume work aimed at quantifying the threshold of movement of Cairns Harbour Dredge Spoil
- preparation of public information reports

Offshore Spoil Dump Study, Port of Mackay (1991), evaluation of the impact of spoil disposal via both surface and aerial monitoring programs

Mandurah Ocean Marina Study, Western Australia (1989). Numerical hydraulic modelling (RUBICON) of the estuarine lake system and associated sediment transport modelling to assess the impact of dredging a new ocean entrance channel and the construction of a marina.

WATER EFFICIENCY MANAGEMENT PLANS

Water Technology

Australbricks Rochedale and Riverview plants. Preparation of a Water Efficiency Management plan and investigation of potential water savings associated with construction of an on-site storage for rainwater harvesting. Funding applications for construction of the storage were prepared and funding was successfully obtained for this major project. Following construction, substantial water savings have been realised.

"Palm Lodge" Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

Peel St Homeless Men's Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

RELEVANT PUBLICATIONS

Clark, SQ, Wen, L. & Bishop, WA, *"RERP Gwydir Wetland Hydrodynamic Model Development Overview"*. 18th QLD Water Symposium, Brisbane, Australia, 2010.

Clark, SQ *"Hydraulic Roughness Characteristics of the Yangtze River"*, 16th Queensland Water Symposium, University of Queensland, July, 2007.

Markar, MS, Clark, SQ, Min Yaowu and Zheng Jing, *"Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment"*, Australian Journal of Water Resources, Vol 10, No 1, May 2006.

Betts, HW, Joy, CS, Markar, MS, Clark, SQ, Sterling, E., Gooda, M., Jin Xingping, Wu Daoxi, 2005b. *"The Achievements of the Yangtze River Flood Control and Management Project"*, The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005a. China

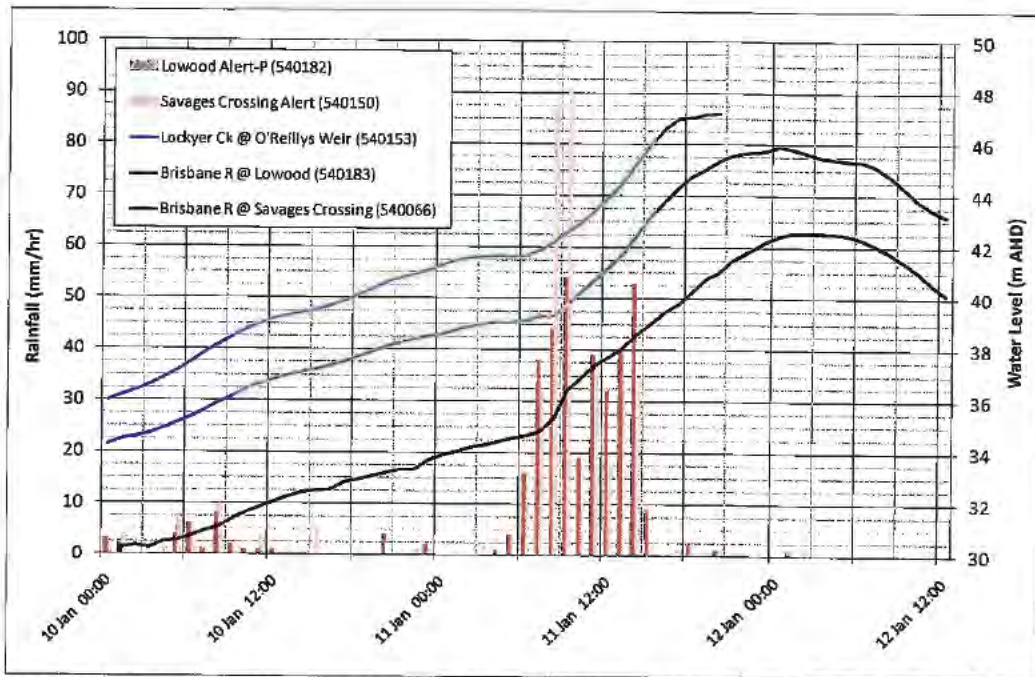
Clark, SQ, Womersley, TJ, Min Yaowu., Zhang Fangwei., Huang Wei, *"Two Dimensional Modelling of the Dongting Lakes in support of the Flood Forecasting and Options Analysis Systems of the Yangtze River Flood"*

- Control and Management Project*", The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005. China
- Markar, MS, Clark SQ, Min Yaowu, Zhang Fang Wei & Zhou Hongmei "*Trialling of a new flood forecasting system for the Yangtze River in China*", The 2nd International Yellow River Forum Zhengzhou, 18-21 October, 2005. China.
- Betts, HW, Sterling, E., Clark, SQ, Markar, MS, M. Chen, Huang Wei, "*Flood Management Decision Making in the Yangtze River*". 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark SQ, Markar, MS, Womersley, TJ, Min Yaowu, Zhang Fangwei & Huang Wei "*Overview of supporting modeling systems developed for the Yangtze River Flood Control and Management Project*", 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Markar, MS, Clark, SQ, Betts, HW, Gooda, M, Min Yaowu, Chen Yali, "*Improved flood warning for the Yangtze River in China*", 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark, SQ, Markar, MS, Betts, HW, Gooda, M, Min Yaowu, Zhang, Fangwei, Huang Wei, "*Use of Numerical Modelling in Support of Yangtze River Flood Forecasting and Decision Making*", Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Betts, HW, Sterling, E, Clark, SQ, Wu Daoxi, Wong Jingquan, "*An Options Analysis System for Flood Management Decision Making in the Yangtze River Catchment, China*". Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Markar, MS, Clark, SQ, Malone, T, Gooda, M., Chen Yali, Min Yaowu., "*A New Flood Forecasting System for the Yangtze River in China*". Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Clark, SQ, Markar, MS, Min Yaowu, Wu Daoxi, "*Overview of Hydraulic modelling of the Yangtze River for Flood Forecasting Purposes*", 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Markar, MS, Clark, SQ, Min Yaowu, Zheng Jing, "*Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment.*", 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Clark, SQ, Muncaster, S., Reithmuller, E., "*Horsham Flood Study*", Third Victorian Flood Management Conference, Horsham, Australia, 2003.
- Tierney, G., Dando, T., McCowan, A., Clark, SQ, Womersley, TJ., "*Development of a detailed hydraulic model using ALS data as part of the Lower Goulburn Floodplain Rehabilitation Scheme*", Third Victorian Flood Management Conference, Horsham, Australia, 2003.
- Clark, SQ & Mallory, G. "*Geelong Freeway Upgrade: Drainage Design for a Highway that Crosses a Complex Floodplain*" Hydraulics in Civil Engineering, Hobart, Australia, 2001.
- Robertson, P., Daly, M., Clark, SQ, "*An Overview of Floodplain Management Planning and Implementation in Traralgon*" Second Victorian Flood Management Conference, Traralgon, Australia, 2001.
- Craigie, NM, Brizga, S. Clark, SQ, Candy, R. "*Integrated Hydraulic and Geomorphological Investigations of the Tambo River*" Xth World Water Congress, Melbourne, Australia, 2000.
- Bishop, WA, Collins, NI, Callaghan, DP, and Clark, SQ "*Detailed Two Dimensional Flood Modelling of Urban Developments*", 8th International Conference on Urban Storm Drainage, 1999.
- Clark, S. & Nielsen, P, 1996, "*Sheet Bed Flow Modelled as Pure Convection*", 25th International Conference on Coastal Engineering, Orlando, USA, 1996.
- Collins, N. & Clark, SQ, "*Full Two-Dimensional Floodplain Modelling*", 8th Queensland Hydrology Symposium, IEAust, Queensland Division, Brisbane, Australia, 1995.
- Collins, N. McAdam, M. & Clark, SQ, "*Long Term Environmental Planning - Weipa Port Dredging*". 11th Australasian Conferenc



"Fernvale Area"

EXHIBIT SQC03

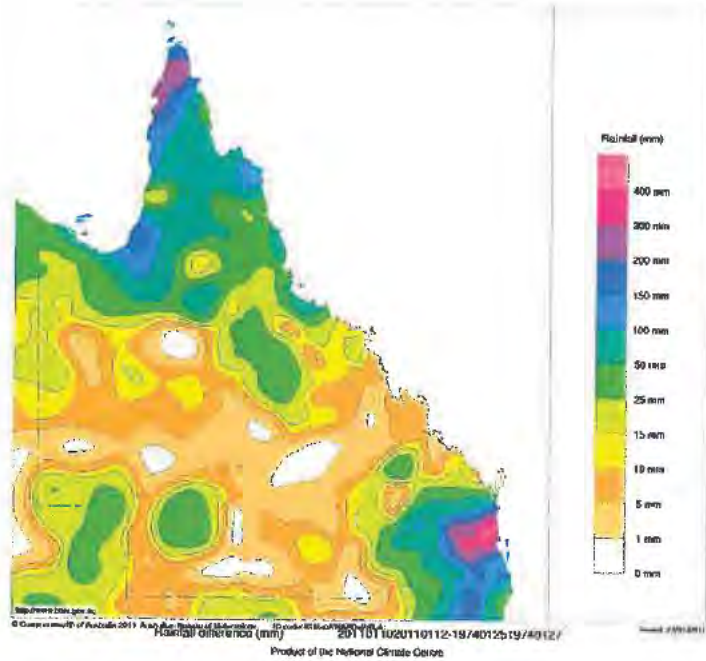


Hourly Rainfall Totals at Lowood Alert and Savages Crossing Alert Rainfall Stations; and River Water Level Time Histories for Lockyer Creek at O'Reillys Weir, Brisbane River at Lowood and the Brisbane River at Savages Crossing.

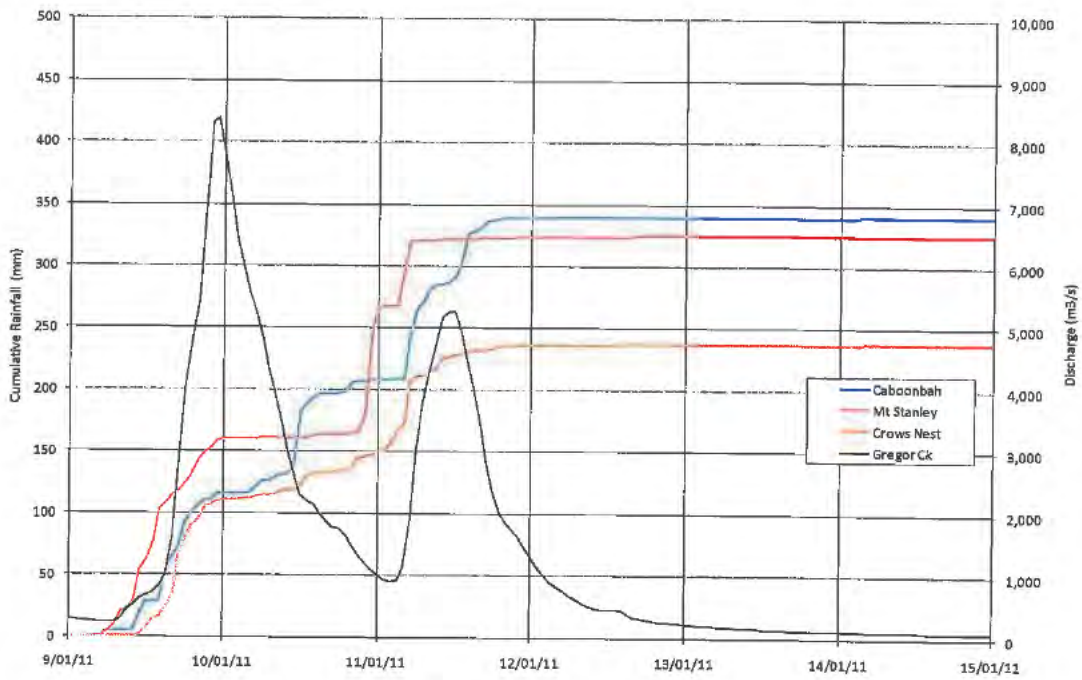
EXHIBIT SQC04



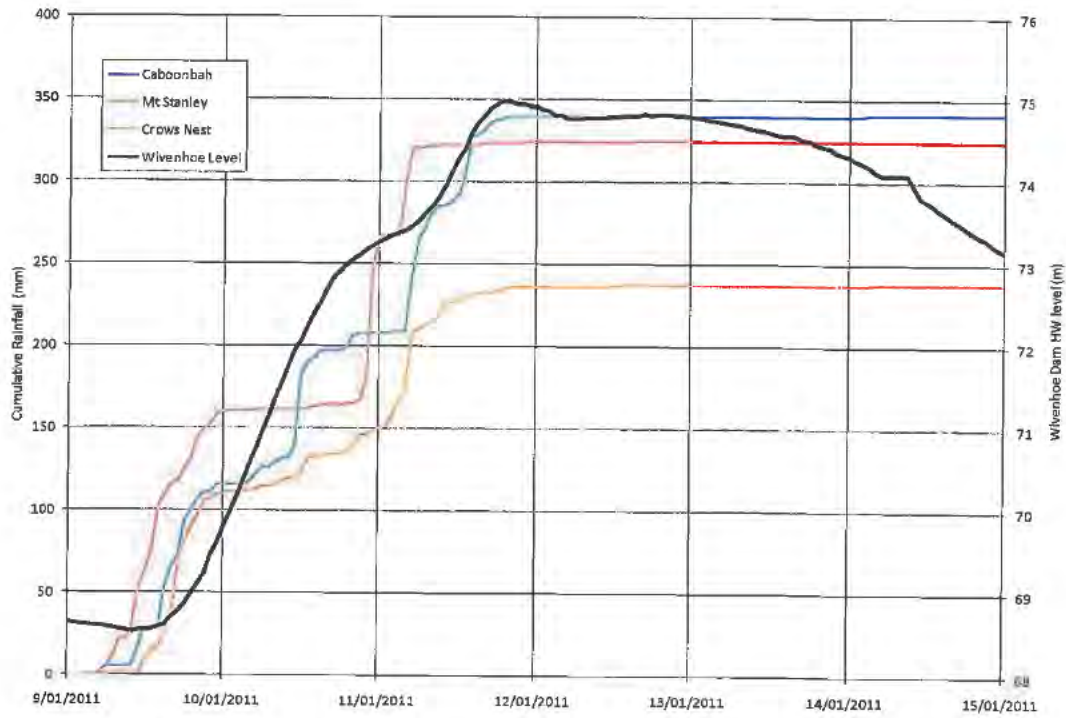
Brisbane River Catchment and Selected Brisbane River Gauging Stations



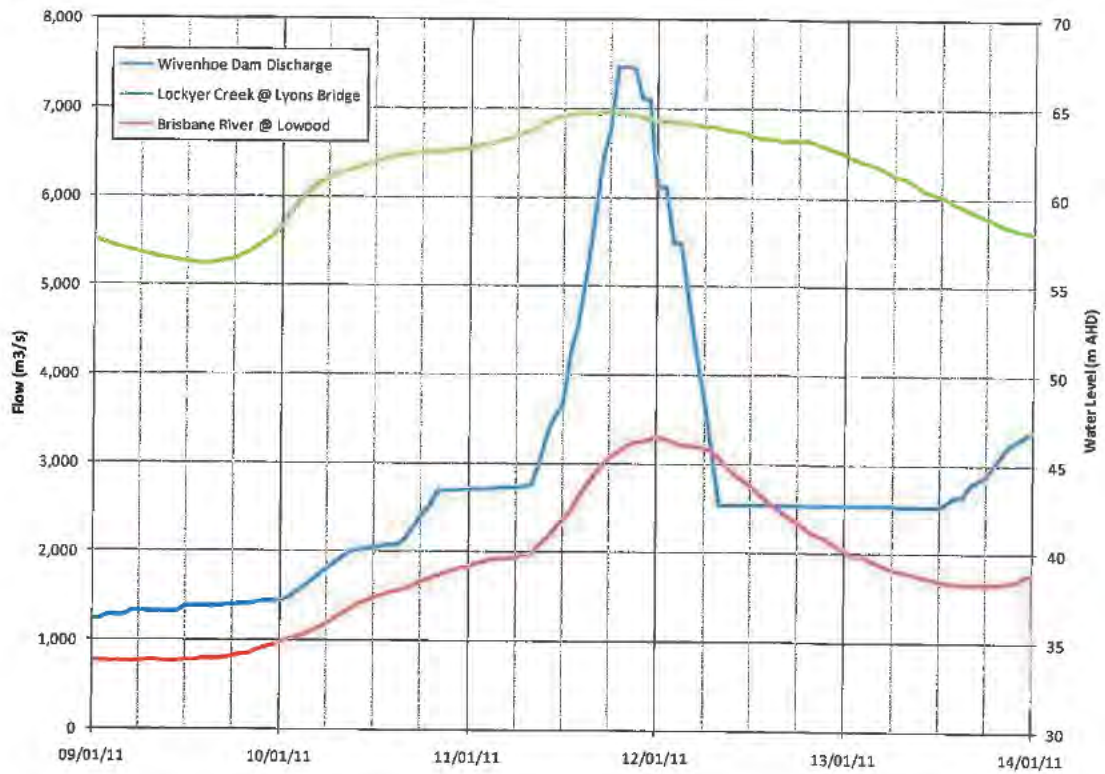
Three day rainfalls for 10 to 12 January 2011 (extract from Figure 5 - BOM, 2011)



Cumulative Rainfall Records totals and Brisbane River (Gregor Ck) inflows to Wivenhoe Dam (9th to 15th January, 2011)

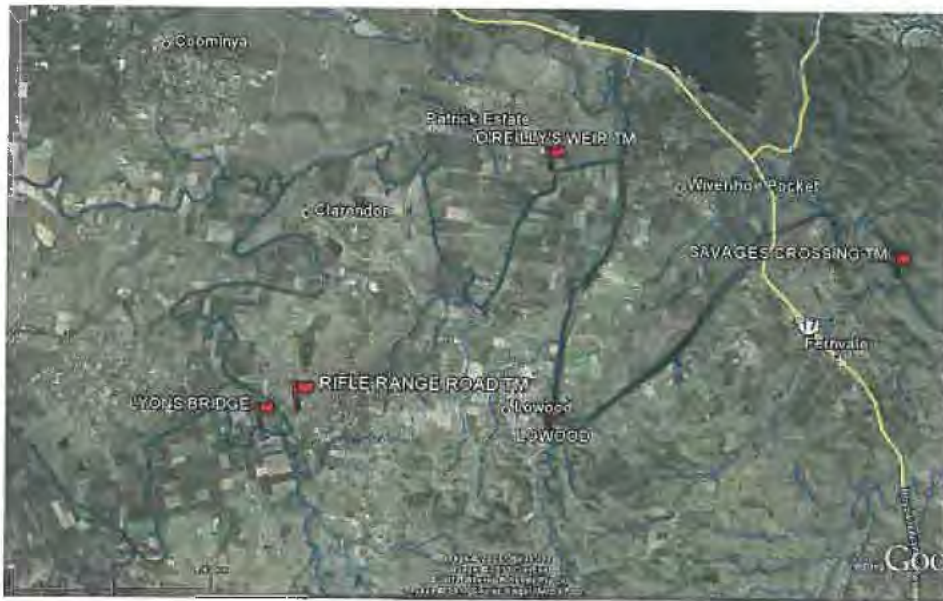


Cumulative Rainfall Records (selected) in the catchment above Wivenhoe Dam and Wivenhoe Dam Levels

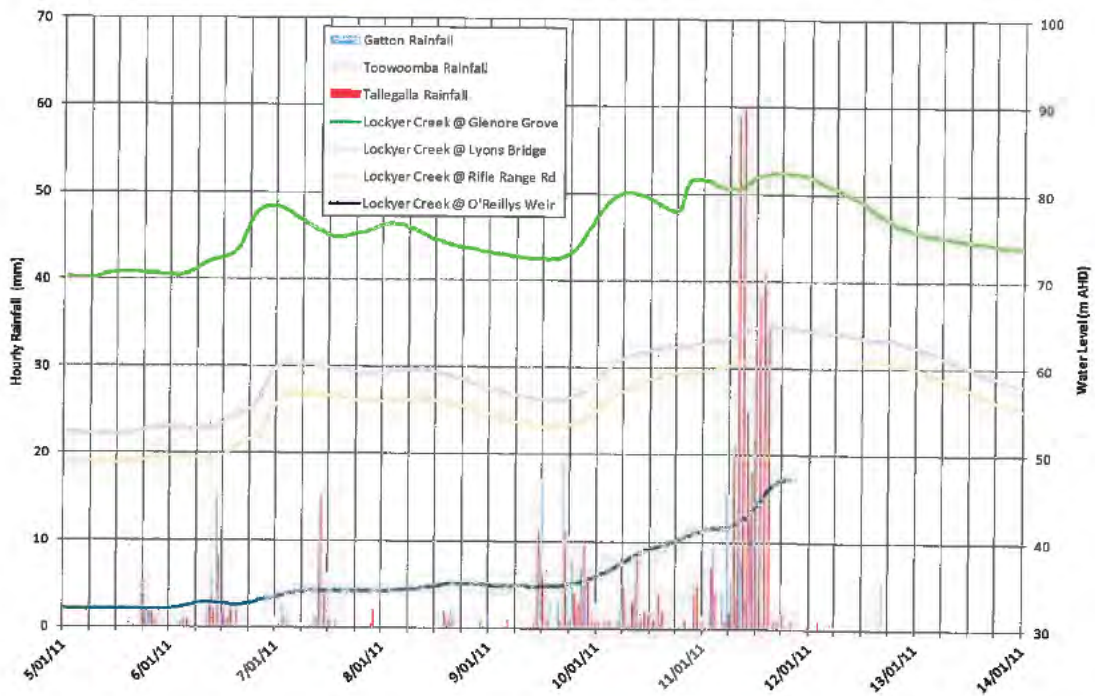


Wivenhoe Discharge, Lockyer Creek at Lyons Bridge and Brisbane River at Lowood.

EXHIBIT SQC 05



Location of Selected Stream Gauging Stations in the Lower Lockyer Creek and Middle Brisbane River Catchments (Brisbane R – Lockyer Ck Confluence) (Google Earth 2011)

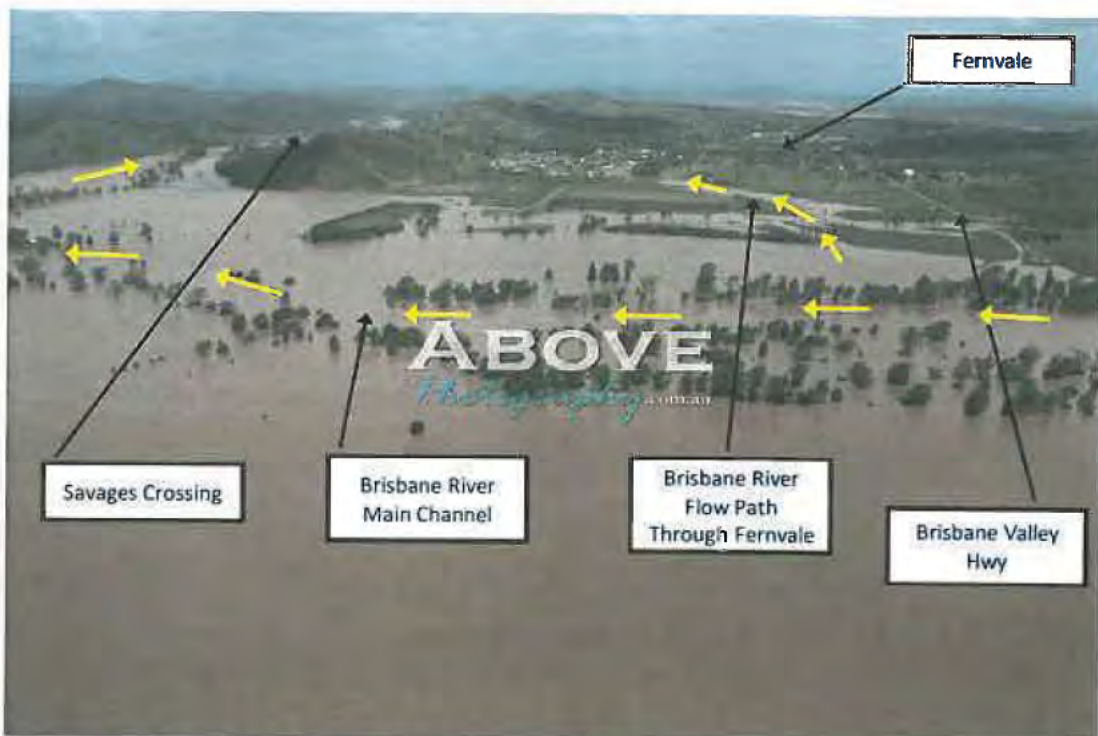


Available Gauge Data for the Lower Reaches of Lockyer Creek

EXHIBIT SQC 06



Fernvale and the Brisbane River (source – Google Earth 2011)

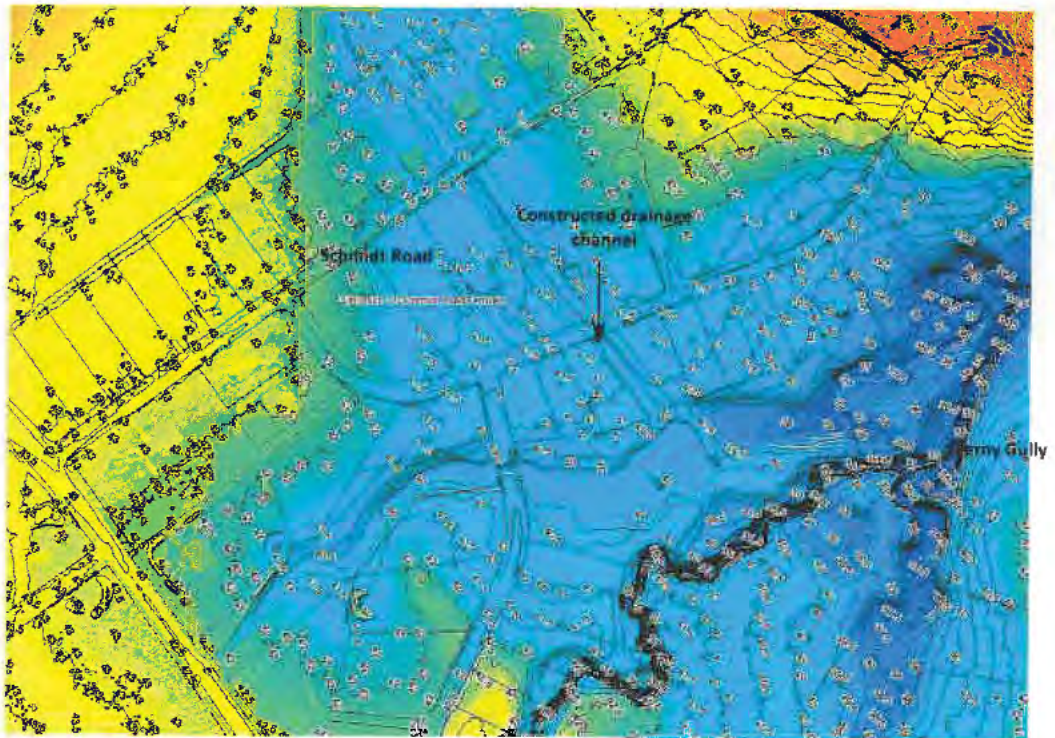


Brisbane River flooding of Fernvale (source www.abovephotography.com.au)

EXHIBIT SQC 07



Aerial Image of the Site (Google Earth 2011)



Topographic Plot of Site

EXHIBIT SQC 08



Site Visit 6/4/2011



Site Visit 6/4/2011



Site Visit 6/4/2011



Site Visit 6/4/2011



Local Stormwater Ponding, Looking from [redacted] Schmidt St Towards Poole Rd
(circa 09:00 on 11 January 2011 - source: Residents at [redacted] Schmitt St Fernvale)

FINANCIAL OMBUDSMAN SERVICE

NUMBER: [REDACTED]

Applicant: [REDACTED]

AND

Financial Service Provider: **RACQ INSURANCE LIMITED**

STATEMENT

I, **Stephen Quinton Clark**, of [REDACTED] Boundary Street, West End, Brisbane in the State of Queensland state as follows:

Qualifications

1. I am specialist flooding engineer and Director of Water Technology Pty Ltd at [REDACTED] Boundary Street, West End, Brisbane. My key areas of expertise are hydrologic and hydraulic engineering, floodplain management and flood warning.
2. I have the following qualifications: Bachelor of Civil Engineering (Hons) from the University of Queensland, Masters of Engineering Science from the University of Queensland, National Professional Engineers Register and Registered Professional Engineer Queensland. I attach as **EXHIBIT SQC01** to this affidavit a copy of my curriculum vitae.

My engagement

3. In January 2011, in the aftermath of the Queensland floods, Cooper Grace Ward Lawyers on behalf of RACQ Insurance limited engaged me to assist with hydrological investigations into the Queensland floods. Since then I have been engaged on an ongoing basis (and am still engaged) to assist in determining claims by insured customers. Below I identify investigations which are specifically relevant to the property of [REDACTED] (the Applicant in this FOS dispute) at [REDACTED] Sydney Street, Fairfield (**the Subject Property**).

Process for considering the Subject Property

4. To determine the cause of the inundation of the Subject Property I started by considering the regional factors which led to the inundation in Brisbane generally. I then performed a site specific review of the Subject Property to consider whether the inundation of the Subject Property may have been the result of stormwater run-off.
5. I believe this approach is an appropriate way to assess the cause of the inundation at the Subject Property because the factors which led to the rise in the Brisbane River occurred on a regional basis. The rise in the Brisbane River (which was caused by the mechanisms explained below) is what would have led to the inundation of the vast majority of properties which were inundated in the Brisbane region. However, inundation caused by stormwater

[REDACTED]

[REDACTED]

runoff is generally very site specific, and so it is necessary to consider site specific features of the Subject Property to determine whether stormwater run-off may have caused the inundation.

Inundation event Brisbane

6. I have carried out extensive investigations into the inundation which occurred in Brisbane in January 2011.
7. In particular my investigations were to determine whether the inundation in that region was caused by heavy rain that fell no more than 24 hours prior to the flood or whether it was the result of some other cause.
8. The area I looked at includes the Brisbane River catchment up to Brisbane.
9. In forming my opinion set out below I considered meteorology data, rainfall data in the Brisbane River and Wivenhoe Dam catchment area and stream gauge data for the Brisbane River. The rainfall data was collected from the gauging stations at Caboonbah, Mt Stanley, and Crows Nest. The stream gauge data was collected from the gauging stations at Gregor Creek, Lowood, Moggill, Jindalee and the Brisbane City gauge. I attach as **EXHIBIT SQC02** data the above mentioned data.

Regional Conclusions – Brisbane

10. Based on the above data I conclude as follows.
11. A substantial amount of rain fell in the Brisbane River catchment above Wivenhoe Dam both before, but particularly over the period 9, 10 and 11 January 2011 commencing at approximately 9.00am on 9 January 2011. This rain caused significant inflows into the Wivenhoe Dam, the level of which peaked late in the evening on 11 January 2011. There were significant discharges of this water from the Wivenhoe Dam which flowed into the Brisbane River. This water worked its way down the Brisbane River towards Brisbane.
12. A substantial amount of rain also fell in the Bremer River catchment from around 6.00am on 11 January 2011. This rain travelled down the Bremer River towards the junction of the Bremer River and the Brisbane River.
13. The Bremer River contributed in the order of 15% to 25% of the Brisbane River's peak flow. Due to the high Brisbane River tailwater levels, there was some attenuation of the peak flow rate in the lower reaches of the Bremer River. This means that the overall contribution of the Bremer River to the Brisbane River is likely to be less than 15% to 25% but it is not possible at this stage to precisely say by how much less.
14. A small proportion of the overall depth of the Brisbane River prior to 6.00am on 12 January 2011 may be partially attributable to the rain that fell in the Bremer River catchment on 11 January 2011. However, the overwhelming influence on the flooding of the Brisbane River



was the rain which fell some days earlier over the Wivenhoe Dam catchment and its subsequent release from Wivenhoe Dam.

15. After 6.00am on 12 January 2011, the Brisbane River continued to rise to its peak level of 4.45m (recorded at the Brisbane City Gauge at approximately 4.00am on 13 January 2011).

Further investigations

16. As already mentioned, the above analysis was performed on a regional basis. Stormwater issues are generally very site specific. Accordingly, I undertook further steps to identify whether the cause of the inundation to the Subject Property may have been stormwater.

17. CSIRO defines Stormwater Flooding as:

inundation by local runoff caused by heavier than usual rainfall. Stormwater flooding can be caused by local runoff exceeding the capacity of an urban stormwater drainage system or by the backwater effects of mainstream flooding causing urban stormwater drainage systems to overflow.

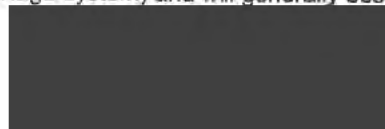
18. The further investigations I undertook to identify whether the cause of the inundation to the Subject Property may have been stormwater were: reviewing terrain data, comparing the reported time of inundation with the timing of the rise of the Brisbane River, and comparing the reported time of inundation with local rainfall data.

Terrain data

19. When considering terrain data, the main thing that I considered is whether the Subject Property is higher than the surrounding areas. This would suggest a lower likelihood of stormwater and/or flash flood issues (and the converse also applies).
20. I attach as **EXHIBIT SQC03** to this statement a copy of the terrain data for the Subject Property.
21. I attach as **EXHIBIT SQC04** to this statement a copy of the Brisbane City Council FloodWise data for the Subject Property.
22. This shows that the level of the Subject Property varies from approximately RL 4.3m AHD to RL 6.9m AHD. There is stormwater infrastructure on Sydney Street, including curb and channelling and stormwater pits. The Subject Property is on the higher side of Sydney Street, and site inspections conducted by Water Technology indicated that the house itself is elevated from the ground.
23. The terrain information suggests that it would be unlikely that the Subject Property would experience significant stormwater problems from stormwater or other local run-off.

Minimal local rainfall at time of reported inundation

24. Inundation resulting from stormwater or other local run-off generally requires intense levels of rain (ie sufficient to overcome the stormwater drainage system) and will generally occur at



the same time as that intense rain or immediately after it (eg within 1 hour for localised stormwater inundation). This is because inundation by stormwater or other local run-off arises because the rate at which the water drains away through the stormwater system is less than the rate at which new water is added by the intense rainfall. Once the intense burst of rainfall is over, the rate at which the run-off is drained away will eventually exceed the rate at which new water is added, and so the overall water level will drop. All of this means that inundation by stormwater or other local run-off responds quickly to heavy local rainfall. This type of inundation will occur quickly after the intense rain has started falling and will generally (depending on variables such as catchment size) recede quickly after the intense rain has ceased falling.

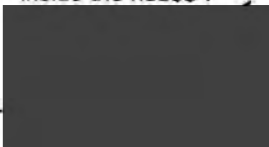
25. I attach as **EXHIBIT SQC05** to this statement a copy of the rainfall record for the East Brisbane Alert rainfall gauge and the results of an intensity analysis for the same gauge for the period from 9 to 15 January 2011. The East Brisbane Alert gauge is approximately 3.2 kilometres from the Subject Property and in my view is representative of the rain that would have fallen in the vicinity of the Subject Property.
26. The gauge records show that approximately 116mm of rain fell over the period 9 January 2011 to 10 January 2011. A further approximately 43mm fell during the course of the day on 11 January 2011. The majority of the rainfall on 11 January 2011 was in two bursts, one around 11.00am and another at 5.00pm.
27. However, the intensity analysis shows that the rainfall was of very low intensity throughout this period (ie a less than 1 in 1 year event). In my opinion it is unlikely that rainfall of this magnitude would cause stormwater or other run-off inundation of the Subject Property.

Timing of the rise of the Brisbane River

28. The terrain data can also be compared with the time of inundation reported by the Applicant (between 6.00pm on 11 January 2011 and 6.00am on 12 January 2011) to show that the time of inundation coincides with the timing of the rise of the Brisbane River.
29. **EXHIBIT SQC06** to this statement is a graph intended to show the timing of the rising of the Brisbane River compared to the approximate level of the Subject Property. On it are plotted, the level of the Brisbane River at the Moggil Gauge, the level of the Brisbane River at the Oxley Creek Mouth Gauge, an interpolated level of the Brisbane River at the Subject Property, and a line marking the minimum property height based on the above FloodWise report. The interpolated line showing the level of the Brisbane River at the Subject Property was derived based on an inverse distance weighted interpolation of the Subject Property's location between the Moggil Gauge and the Oxley Creek Mouth Gauge. I note that the maximum water level shown by the interpolated line is approximately 7.5m whereas the FloodWise report indicates a maximum water level of 7.8m for the Subject Property during the January inundation event. This suggests that the interpolated line may be slightly lower than the actual event for the Subject Property.



30. Exhibit SQC06 shows that the Brisbane River was at a level of RL 3m AHD around midday on 11 January 2011. There is a low point in Brougham Street approximately 90m to the East of the Subject Property which is at a level of below RL 3m AHD. Therefore, the level of the Brisbane River probably explains the water that the Applicants saw pooling in Brougham Street in the middle of the afternoon on 11 January 2011.
31. Although that water may not have travelled from the Brisbane River to the Subject Property over land, I believe that it would have been water that backed up from the Brisbane River. The way that this can occur is as follows. Stormwater drains generally drain to major watercourses. In the Brisbane region, the stormwater system would generally drain into the Brisbane River. As river levels rise, they eventually rise above the level of the pipes which drain the stormwater into the river. As the river level continues to rise, the levels within the stormwater system are dominated by the level at the outlet to the river. Therefore, as the river level rises, water will travel back up the stormwater pipes. If there is an area of higher ground between the watercourse and a given property, it is possible for the property to be inundated by the rising level of the river, even though the water has not travelled directly from the banks of the river to the site of the property because of the obstruction posed by the higher ground. This backflow effect is depicted in "Case 3" in figure 2.1 of the report by the ICA Hydrology Panel, titled "Flooding in the Brisbane River Catchment, January 2011". A copy of that diagram is attached as **EXHIBIT SQC07**.
32. Exhibit SQC06 also shows that the Brisbane River was at a level of RL 3.8m AHD around 6.00pm on 11 January 2011. I note that the insured has provided photographs showing that the water was at the intersection between Sydney Street and Brougham Street at approximately 5.45pm on 11 January 2011 (a copy of that photograph is **EXHIBIT SQC08** to this statement). The terrain data indicates that the level of that intersection is between RL 3.5m AHD and RL 4m AHD. This is consistent with the water at that intersection being water from the rising Brisbane River level.
33. Exhibit SQC06 shows that the Brisbane River would have been sufficient to inundate the minimum level on the Subject Property around 10.00pm on 11 January 2011.
34. Exhibit SQC06 shows that at around 6.00am on 12 January 2011 the level of the Brisbane River was approximately 1.5m higher than the minimum level of the Subject Property. Given that the house on the Subject Property is raised and will probably not be located on the minimum height of the Subject Property, this is consistent with the Applicant's observations of the water being above [REDACTED] knees inside the house on the Subject Property around this time.
35. Exhibit SQC06 shows that that the level of the Brisbane River rose approximately 1m between 6.00am on 12 January 2011 and 3.00pm on 12 January 2011. This is also consistent with the Applicant's claim that [REDACTED] returned to the Subject Property on the afternoon of 12 January 2011 and that by that time the water was "as high as their necks inside the house".



36. All of the above information (including the Applicant's version of events as set out in the Applicant's FOS dispute form, the email from [REDACTED] to FOS dated 14 March 2011 and the 10 page document titled [REDACTED] Sydney Street, Fairfield, QLD 4103. Storm Water Damage Report") supports my conclusion that the Subject Property was inundated by the rising level of the Brisbane River.

Conclusion

37. On the basis of the above matters, I conclude that the cause of the inundation of the Subject Property was the rising level of the Brisbane River, which was itself caused by rain which fell more than 24 hours earlier.

38. I conclude that the Subject Property was not inundated by stormwater or other local run-off.

All the facts and circumstances above are within my own knowledge save such as are from information only and the means of my knowledge and source of information appear on the face of this my statement.

SIGNED by **STEPHEN QUINTON CLARK** on 29/6/11 at Brisbane in the presence of:

[REDACTED]

Stephen Quinton Clark

[REDACTED]

Witness



Curriculum Vitae

Steve Clark

BE Hons (Civil), MEng Sc. CPEng, MIEAUST

Director

Fields of Expertise

- * Water, floodplain and coastal engineering
- * Numerical models
- * Risk/vulnerability assessments
- * Hydrologic and hydraulic modelling
- * Hydraulic assessment and design
- * Environmental monitoring programs.

Education

- * Bachelor of Engineering with Honours, University of Queensland, 1988.
- * Masters of Engineering Science, University of Queensland, 1999. Thesis submitted was entitled "The Entrainment of Sediment due to Oscillatory Flows in the Sheet Flow Regime".
- * Accredited Water Efficiency Assessor with the Queensland Water Commission

Professional Affiliations

- * Registered Professional Engineer, Queensland.
- * National Professional Engineers Register
- * Member, Engineers Australia
- * Member, River Basin Management Society
- * Member, Australian Water and Wastewater Association
- * Member, Stormwater Industry Association

Countries of Experience

- * Australia
- * China
- * Indonesia

Awards

- * Kenneth A. Thiess Prize, 1988

Professional History

2006-present	Water Technology Pty Ltd (QLD) Manager, Brisbane Office
2001-present	Water Technology Pty Ltd Director
1999-2001	Lawson and Treloar Pty Ltd (VIC) Manager, Water Resources
1997 - 1999	Lawson and Treloar Pty Ltd (VIC) Senior Engineer
1994 - 1997	Lawson and Treloar Pty Ltd (QLD) Engineer
1989 - 1994	Connell Wagner Pty Ltd (QLD) Engineer

Fields of Special Competence Career Summary

Steve has over 20 years experience as a specialist in the water resources field. He has an Honours Degree in Engineering and a Masters of Engineering Science from the University of Queensland. Following graduation he worked for approximately 10 years throughout Queensland in waterway & floodplain management and infrastructure investigations. These investigations have included work throughout Brisbane and the Nerang River floodplain on the Gold Coast, Maroochydore, the Noosa River and Lakes system, the Pioneer River floodplain at Mackay, the Tully Murray system and numerous investigations on the Barron River Floodplain.

From 1996 Steve was based in Melbourne Victoria during which time he undertook various flood studies and floodplain management plans for both the Victorian and New South Wales offices of Lawson and Treloar. Of note, between 2002 and 2005 Steve was the principal hydraulic modeller on the Yangtze River Flood Warning and Control Project, a major 5 year AUSAID project in China. As Director of the Brisbane office of Water Technology, Steve has been involved in a diversity of high-profile projects such as managing the hydraulic component of the Pimpama Case Study, National Coastal Vulnerability Assessment for the Federal Department of Climate Change.

Key Projects

- * Gwydir Wetlands Hydrodynamic Modelling, Northern NSW *Department of Environment, Climate Change and Water*. (2009 - current)
- * North East Business Park Flood Study, Caboolture QLD *Moreton Bay Regional Council* (2007- current)
- * Ensham Mine Flood Forecasting System, Emerald QLD *Ensham Resources* (2009-2010)
- * Regional Planning Project (Flooding), Toowoomba QLD *Toowoomba Regional Council* (2009).
- * Inner City Bypass (ICB) Tunnel Flooding Investigation, Brisbane *Northern Busway Alliance* (2009)
- * National Coastal Vulnerability Assessment - Pimpama Case Study, Gold Coast QLD *Federal Dept. Climate Change* (2008)
- * Mangoola Coal Mine Water Management System, Hunter Valley NSW, *ATC Williams for Xstrata Coal* (2006-2008)
- * Creek Diversions, Mine Water Management Plan, Blackwater QLD, *BMA Coal* (2008)
- * Ballina Salinity Infiltration Study, Ballina NSW, *Ballina Shire Council and Department of Commerce, NSW* (2007-2008)
- * Water Efficiency Management Plans, South East QLD, *Austral Bricks*, (2007)
- * Lower Goulburn Floodplain Rehabilitation Project, VIC, *Goulburn Broken CMA* (2006)
- * Yangtze River Flood Control and Management Project, China *Sagric International for AusAid* (2002-2005)

Boundary Street, West End, QLD, 4101, Australia
 Telephone: [REDACTED] Facsimile: +61 (0)7 3846 5144
 email: [REDACTED]

EXPERT ADVICE***Water Technology***

Kunda Park Central vs Sunshine Coast Regional Council P&E Court Appeal 1057/08 (current). Engaged by Sunshine Coast Regional Council this current project involves the provision of review and expert advice services.

Comiskey Group vs Moreton Bay Regional Council P&E Court Appeal BD 210 of 2010 (current). Expert review, including review of flood related aspects of the proposed development including immunity requirements, stability and emergency management.

Stockland Development Pty Ltd vs Sunshine Coast Regional Council P&E Court Appeal 2282/09 (current). Expert review, including specialist hydraulic modelling of the development, and report preparation.

North East Business Park Pty Ltd vs Moreton Bay Regional Council P&E Court Appeal 254/10 and 255/10 (current). Provision of expert review services of the North East Business Park Development flood study and stormwater management plan for Moreton Bay Regional Council over a period of ~ 2 years. Work included a review of hydraulic modelling, comparison of results with previous flood levels, assessment of compliance with Council floodplain management requirements, identifying any impacts associated with the development and consequent implications, and a report summarising the review findings. Review of the stormwater management plan included a review of reporting and MUSIC modelling, review of relevant standards, comparison of reported results with relevant standards and a report summarising the review findings.

Amendment C70 – Boroondara Planning Scheme. Preparation (and subsequent presentation to VCAT) of an expert witness report for Stockland Pty Ltd summarising the flooding aspects of the proposal and design work undertaken to date for a major commercial and residential in inner Melbourne.

Abacus Hampton Retirement Trust vs Bayside City Council. Preparation of an expert witness report for Abacus Hampton Retirement Trust and subsequent presentation to VCAT regarding the flooding and drainage provisions of a proposed apartment block in a highly urbanised area.

Kaldumb Pty Ltd vs East Gippsland Catchment Management Authority. Preparation of an expert witness report for Kaldumb Pty Ltd and subsequent presentation to VCAT regarding flooding aspects associated with a potential industrial subdivision of floodprone (rural) land.

Lawson and Treloar

Strathmerton Deviation - VicRoads. Presentation to a panel hearing in Strathmerton regarding the hydraulic assessment and flooding implications of several potential highway alignments.

INTERNATIONAL EXPERIENCE

Yangtze River (China) Flood Control and Management Project (YRFCMP). The YRFCMP is a joint project of the Chinese and Australian Governments (managed via AusAid), Steve has recently completed undertaking a series of long term deployments in Wuhan, China. Since 2002, he has provided specialist advice on the procurement, establishment and implementation of hydraulic modelling systems within the overall flood management and warning systems.

The final stage of technical work focussed on (quantitatively) improving the accuracy and speed of flood warning procedures and the development of a Decision Support System that combines the current flood forecasting capabilities with web based assessment of flood management options for use in a real time context.

In conjunction with the technical development work, an extensive capacity building program was undertaken. As part of this program Steve had direct inputs into technical capacity building for the Flood Forecasting System and Decision Support System, the underlying hydraulic models and more generally took an active part in "train the trainer" courses.

Lombok (Indonesia) Resort Development Investigations (1995-97) for Lombok Tourism Development Corporation. Site Engineer for the site monitoring program design and initial site work involving site inspections and instrument deployment. Senior Engineer for subsequent preliminary design work included internal canals, lake systems and coastal works for a major resort development. Preliminary water balance, yield modelling and water quality considerations were addressed.

Site work was undertaken at a local level. 2 Australian engineers provided technical input, direction and training, while the site staff undertook the instrument installations, deployments, retrievals and general site measurements. This provided both an intensive initial data gathering exercise, and provided the necessary training for local staff to establish an ongoing monitoring program. The results of the results of the ongoing monitoring program were subsequently used in later stages of the design.

International Team Support (90-95) for various projects. While with Connell Wagner's Water Group, Steve was a hydraulic engineer as part of the Brisbane Office support and design team for projects undertaken by various overseas offices in Papua New Guinea, (Kainantu Water Supply and Sewerage Schemes) and China (Liaoning Urban Infrastructure Project).

WATERWAY/FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Gwydir Wetlands Hydrodynamic Modelling (2009 - current) for NSW Department of Environment, Climate Change and Water.

Project Manager and specialist hydraulic modeller for this major eco-hydraulics investigation aimed at developing advanced hydrodynamic modelling tools to assist in the environmental management of the Gwydir Wetlands.

National Coastal Vulnerability Assessment - Pimpama Case Study (2008) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice,

analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

Burngrove and Deep Creek Diversion, Mine Water Management Plan (2008) for BMA Coal. This project involved the conceptual mine water management plan associated with creek diversions. The mine water management plan aimed to achieve clean water flows in Burngrove and Deep Creeks, Blackwater. A digital terrain model and aerial orthophotos were used in conjunction with the BMA Coal Water Management Strategy to identify current sources of dirty water to the creeks and possible solutions to rectify the problem. Suggestions for achieving clean water flows included altered decant return arrangements, rearrangement of the drainage system and construction of sediment dams.

Coal Seam Gas Effluent Discharge Investigation (2008) for Origin Energy. Project Manager providing specialist hydrologic and hydraulic inputs into the preparation of an Environmental Management Plan for Origin Energy's proposed coal seam gas project at Talinga, which aims to provide up to 90TJ/day of coal seam gas to the Darling Downs Power Station. Part of this project involves the installation of an advanced water treatment (reverse osmosis) facility which will provide purified water for beneficial uses. A series of investigations have been undertaken to investigate the potential discharge of this water to the Condamine River and identify constraints and opportunities associated with this process. Investigations have included Hec-Ras modelling of sediment deposition and scouring and use of the DERM IQQM between the Condamine Weir and Beardmore Dam

Yallock Outfall Sediment Trap and Ephemeral Wetland Functional Design for Melbourne Water. Water Technology is providing specialist hydraulic design services to the team (Neil Craigie, Pat Condina, Landstart, Sandra Brizga and Ecology Australia) undertaking the functional design. The aims of this investigation are to establish the functional design, ensure no adverse impact on adjacent areas and to demonstrate both of these to stakeholders.

Niddrie Quarry Stream Rehabilitation Project for Melbourne Water via Neil Craigie. Provision of specialist hydraulic design services for rehabilitation design for this urban waterway.

Lawson and Treloar

Mitta Mitta Geomorphic Investigation for North East CMA.

Badger Creek Geomorphic Investigation for Melbourne Water. Provision of specialist hydraulic analysis and design services to as part of a multidisciplinary team investigating sand management issues.

Gleneel River Sand Management Investigations. Provision of specialist hydraulic and sediment transport analysis/modelling as part of a multidisciplinary team investigating sand management issues.

Tambo River Geomorphic Investigation. The 1998 Tambo River event caused significant damage in the floodplain. Specialist two dimensional hydraulic modelling was undertaken as part of an integrated study approach considering flooding, longer term geomorphological processes and potential waterway management options

Upper Oxley Creek for Logan City Council. Full 2D modelling of the rehabilitation requirements of a reach of Oxley Creek.

Secondment to Brisbane City Council Works Design, Hydraulics Group. Duties included provision of specialist hydraulic design services, assessment flooding and mitigation works following the September 1996 flood event, liaison with the Parks & Environment Sections with regard to vegetation issues and subsequent hydraulic assessments.

PLANNING

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. The flooding study will identify areas at risk of inundation and their impact on current and future development. In addition Q100 hazard categories will be identified. The stormwater analysis will define and map stormwater corridors, and define trunk drainage infrastructure needed currently and for future development.

Toowoomba Regional Council Regional Planning Project (Flooding) (2009). The aim of the project was to produce a new planning scheme policy for the TRC following the amalgamation of eight councils into one. Involved review of existing flood studies, collation of GIS flood data, collation of pseudo-flood data (e.g. waterway extent, previous flood overlays) and rating the quality of each dataset. Also included the provision of expert advice on the best way to account for the uncertainty in the different qualities of flood information in the new planning scheme policy. Involved extensive collaboration with Council staff and other project team professionals (e.g. planners, scientists, engineers).

INFRASTRUCTURE INVESTIGATIONS/DESIGN

Water Technology

Ensham Mine Flood Forecasting (2009-2010) for Ensham Resources. Project Manager for the development and calibration of a hydrologic flood forecasting model to provide Ensham Mine with in-house warning of floods from the Nogoia River (QLD). Historically, Ensham has experienced difficulty in gaining access to information and/or forecasts during events. The real time model developed will provide easier access and a greater level of detail and accuracy than is currently available.

Inner City Bypass (ICB) Tunnel Flooding Investigation (2009 - current) for the Northern Busway Alliance. Assessment of the cause of flooding of the Brisbane ICB flooding in November 2008. Results were used to assist in the settlement of compensation claims by the Brisbane City Council against the Northern Busway Alliance.

Mine Water Management System Design (2006-2008) for the Xstrata Mangoola coal mine in NSW. Detailed event and long term modelling has been undertaken within the Goldsim modelling system to analyse potential risks to the mine associated with water availability. A Monte Carlo approach was utilised as part of the design process for on site storages and quantifying risks associated with water supply and potentially discharge from site.

Ballina Salinity Investigations for Ballina Shire Council and Department of Commerce. Co-ordination of salinity testing program and associated analysis to identify sources of saline infiltration into the Ballina Sewer Network with the aim of reducing salinity at the Ballina Treatment Works. The ultimate aim of the project is to reduce salinity levels to the point where re-use of the waste water is possible without the installation of an RO plant.

Scour Investigation, Princess Highway crossing of Mitchell River at Bairnsdale for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge. Numerous mitigation options were investigated prior to VicRoads determining that the preferred option was structural reinforcement of the existing bridge.

Scour Investigation, Princess Highway crossing of Tambo River at Swan Reach for VicRoads (2006). Detailed hydraulic analysis and scour investigation as inputs to a structural stability analysis of the existing bridge.

Calder Freeway, Carlsruhe Section Specialist Hydraulic Design for John Holland via EGIS. Detailed hydraulic analysis and design of the new Calder Freeway crossing of the Campaspe River.

Heany Park Review for Fisher Stewart. Provision of expert (3rd party) review services for drainage design of an existing subdivision.

Lawson and Treloar

Hydraulic assessment of proposed Shepparton Bypass for VicRoads. Hydraulic analysis of the proposed Shepparton Bypass (Western Route) for presentation at the Panel Hearings.

Princes West Project for Leightons/GHD. Detailed hydraulic assessment and design as part of the successful Design and Construct bid. Design services were provided to both optimise the proposed design, and provide detailed information as to the potential impacts to key stakeholders.

Princes West Project for VicRoads. Comprehensive and detailed hydrologic and hydraulic assessment of the existing status of the Princes West freeway between Melbourne and Geelong for VicRoads. Crossing upgrades were designed for varying levels of immunity and various configurations. Also included was extensive consultation with relevant stakeholders and authorities along the route of the proposed upgrades.

Goulburn Valley Highway Hydraulic Assessment. Hydraulic Assessment and design of several potential alignments (in the vicinity of Strathmerton) across both the Murray River and it's floodplain. Full two dimensional modelling has been used to define flow paths on a broad scale. Detailed modelling was undertaken in the vicinity of the proposed route embankments as input to structure design.

Specialist Hydraulic Investigations/Design Projects. Numerous investigations/preliminary designs undertaken for VicRoads including:

- North Arm Bridge (Lakes Entrance) Afflux Study
- Home Creek, Goulburn River
- Hallam Bypass (Eummemmering Creek)
- Swansea Road Duplication (Olinda Creek)

Hendra Doomben Relief Drainage Investigation. Detailed MOUSE modelling of a severely under-capacity stormwater drainage network and relief system design.

Hemmant Master Drainage Study. Detailed MIKE 11 & MOUSE modelling of a low lying residential area. Included analysis and assessment of flooding hazard, design of mitigation works. Initial study results have transferred to BCC's GIS system for over-the-counter interrogation.

Brookbent Road (1996) for Brisbane City Council. Detailed hydraulic assessment of the effect of the failure of the Brookbent Road crossing (embankment) during the March '96 Oxley Creek event. Sensitivity of upstream, floodprone areas to various proposed crossing reinstatement options has been conducted.

Mudgeeraba Connection Road for Gold Coast City Council. Evaluation using quasi 2D modelling of the effects of various hydraulic structure configurations for a proposed road crossing of a floodplain.

Cairns International Airport Master Drainage Study for Cairns Port Authority. Major trunk drainage system analysis and design utilising fully unsteady analysis techniques. Tools being utilised include MIKE21, MIKE11 and MOUSE.

RTA Route Selection Study, Wollongong (1994), including runoff-routing and MIKE 11 modelling of Macquarie Rivulet and Lake Illawarra.

Connell Wagner

Eastern Corridor Study, Brisbane - Gold Coast 1991. Assessment of the hydraulic impact of various proposed alignment options of the duplication of the Pacific Highway.

Relief Drainage System Design, Albion Windsor, Brisbane 1990. Upgrade of an existing inadequate pipe drainage system (Capital cost \$2 million)

Burdekin River Irrigation Area Modelling, Ayre 1989. Additional modelling of the Northcote Section of the Burdekin Area utilising the MIKE-11 modelling package

FLOODPLAIN MANAGEMENT INVESTIGATIONS

Water Technology

Western Downs Regional Council Planning Scheme Project –Flooding and Stormwater Analysis (2010 – current). Project Manager for several flood studies of towns in the Western Downs. WDRC require a new planning scheme following amalgamation of 6 local councils to form the WDRC. Several towns in WDRC are experiencing rapid growth, and Water Technology is conducting a flooding and stormwater analysis for each town to assist in development of a new planning scheme. Flood studies will be conducted for Chinchilla, Tara, Miles and Jandowae; and the Dalby flood study will be reviewed.

North East Business Park Flood Study (current). Expert reviewer for Moreton Bay Regional Council engaged to review floodplain management and water quality (stormwater management planning) aspects of the proposed development.

Lower Goulburn Floodplain Rehabilitation Project for Goulburn Broken CMA via SKM. Provision of specialist hydraulic modelling services for the largest hydraulic analysis project undertaken to date in Victoria, as part of one of the largest floodplain rehabilitation projects proposed. The terrain being used for this project incorporates the latest in aerial laser scanning technology which provides an extremely detailed data set (requiring special processing techniques) for the entire study area.

Flooding Investigations for the Wimmera CMA. Project Manager for the Horsham Flood Study, the Dimboola Flood Study and the Glenorchy to Horsham Flood Scoping Study. The three studies have been undertaken using a risk management approach with the key outcome being an increased understanding of exposure of the communities to flooding. Project scopes have included extensive community and authority consultation, detailed survey (field and photogrammetric), detailed hydrology and hydraulics and the provision of maps associated with reporting requirements.

Little Yarra Flood Mapping for Melbourne Water. Detailed Hydrologic and Hydraulic analysis to enable flood mapping of the Little Yarra River to Yarra junction.

Lawson and Treloar

Shepparton Floodplain Management Investigation for Shepparton City Council. Project Manager for the hydraulic investigation and design portion (to delivery of design events stage) of the largest floodplain management investigation undertaken at the time in Victoria.

Myrtleford Floodplain Management Study. Project Manager for the hydraulic analysis component of the project, the outputs of which were inundation maps for existing conditions, mitigation option design and mitigation option mapping.

Traralgon Floodplain Management Study (1998) for Shire of Traralgon. Project Manager for the hydraulic analysis portion of this project aimed at providing a comprehensive understanding of the flooding mechanisms is being gained through this state of the art fully two dimensional, dynamic flooding investigation.

Euroa Floodplain Management Study (1997) for Shire of Strathbogie. Project Manager for the hydraulic analysis portion of this Floodplain Management Study. A comprehensive understanding of the damaging and complex flooding regime at Euroa was provided through full two dimensional hydraulic modelling. Subsequently, the impact of various potential flood protection measures (mitigation schemes, both structural and non-structural) and flood warning systems were assessed.

High Definition Flood Study, Wallsend Plattsburg – Detailed hydraulic assessment using full two dimensional unsteady analysis of several severely floodprone (urban) areas of Newcastle, including analysis and provision of results for incorporation into Council's GIS system.

Nerang River Flood Mitigation Assessment. Assessment of the potential for flood mitigation works on the Nerang River floodplain utilising existing hydraulic structures and/or additional works.

Flood Study of Oxley Creek (1996/97) for Brisbane City Council to augment BCC's Waterways Strategy Plan. Oxley Creek is the most technically challenging creek in the Brisbane area with dramatic changes recorded over time as part of the creeks natural morphology and in response to significant sand extraction operations. Primary outcomes are the delineation of flood regulation lines based on hydrologic and hydraulic analysis. Secondary outcomes are the assessment of hydraulic structures, the effects of catchment development and the development of revegetation strategies.

Upper Barron Delta Modelling. Full 2D modelling of the Upper Barron Delta was conducted using a coarse grid model for the entire Barron Delta and a fine grid model for the upper portions. The purpose of the investigation was to examine the impact of both proposed developments and sand extractions on flooding through existing residential areas.

Flood Study of the Noosa River System for Noosa Council. This study forms the basis for a flood plain management study aiming to develop a floodplain management plan. Components of the study include:

- evaluation of the hydrologic and hydraulic characteristics of the Noosa River catchment and determination of its flooding characteristics,
- integration of model results into Noosa Council's existing GIS information networks.

Tully Murray Water Management Scheme for Department of Primary Industries, Water Resources. Detailed floodplain modelling and hydraulic design of a master drainage plan. Tools being used include RAFTS, MIKE11 and MIKE21.

Emerald Floodplain Scoping Study (1994) for the Department of Primary Industries, Water Resources. This study was conducted to identify the methodology, data requirements and approximate costs associated with work necessary to develop a floodplain management plan for the Emerald floodplain system.

Ironbark Creek T.C.M. Study (1994), including data interface preparation.

Connell Wagner

Barron Delta Flooding Checks, Cairns (1989-1994). Ongoing work associated with the Investigation of the effects of proposed developments upon flooding in the Barron Delta area, using the ESTRY numerical model.

Woodford Flood Study, Nambour 1993. Hydrologic (RORB) and hydraulic (HEC-2) investigation of a proposed development involving floodway encroachment.

Bulimba Creek East Master Drainage Study, Brisbane 1990-1991. Catchment management consideration of environmental values, economic analysis and public involvement.

Eudlo Creek Flood Study, Maroochydore 1989. Development of a MIKE 11 model of Lower Eudlo Creek for road crossings and flood mitigation.

DEVELOPMENT PROPOSALS ASSESSMENT/DESIGN

Water Technology

Provision of specialist hydrologic and hydraulic design services associated with several proposed developments in south east Queensland and Northern NSW. Some examples are:

Bethania Flooding Assessment (2009-2010) for AV Jennings. Project Manager for the assessment of flooding impacts of a proposed 4 ha residential development in Logan, QLD. Work included MikeFlood hydraulic modelling and WBNM hydrological modelling.

Everton Park Proposed Reconfiguration of a Lot (2009) for Conics Pty Ltd. Project Manager for the investigation of 100 year ARI flooding for a property in Everton Park, QLD. A Brisbane City Council Mike11 model was updated with new survey and a new inundation extent was defined.

Eight Mile Plains Stormwater Management Assessment (2008) for Lambert and Rehbein. Project Manager for the assessment of stormwater impacts of a proposed child care centre in Eight Mile Plains, QLD. Work included MikeStorm modelling to conceptually design onsite stormwater detention (in the form of underground tanks).

North Shearwater Precinct Development – Local Environment Study (2008) for Great Lakes Council. Project Manager for the Water Technology component of hydrology, flooding and local drainage aspects of the LES for the North Shearwater precinct development, NSW. Work involved hydrologic (WBNM) and hydraulic analysis (Mike21) of pre and post development cases, including consideration of elevated downstream estuary levels due to climate change and more extreme climate change scenarios. Water Technology was sub contracted to Geolink for this project.

Northeast Parkhurst Master Plan – Stage 1 – Flooding Constraints (2008) for Wolters Consulting. Review of previous work related to flood constraints that has implications for the Master Planning process for the Northeast Parkhurst development, Rockhampton. Work included review of aerial photography/flooding/contour data of the area, desktop review of a previous flood report in terms of hydrological and hydraulic analysis, review of site opportunities and constraints for flooding relating to sustainability design principles, and implications for the Master Planning process.

Mackay Christian College Local Drainage Investigation (2007) for Sanders Turner Ellick Architects. Project Manager for the assessment of flooding impacts of a proposed school and residential development in Mackay,

QLD. Work included Mike21 hydraulic modelling linked to MOUSE for assessment of flooding and stormwater networks.

Lawson and Treloar

"The Waterways" Development. Provision of hydraulic analysis and design services associated with both floodplain conveyance and wetland operational issues.

Stamford Park Investigations. Provision of hydraulic analysis and design services to City of Knox associated with Corhanwarrabul Creek.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Hydraulic Investigation of the "Colorada" Levee banks, Emerald Floodplain (1994). In order to quantify the likely impacts on Nogoia River flooding, an investigation was conducted into the hydraulic behaviour of a proposed levee bank.

Connell Wagner

Cubberla Creek Villa Development, Brisbane 1992. Hydrologic (RORB) and hydraulic (HEC-2) investigation of Cubberla Creek for a proposed villa development including analysis of floodway encroachment by the development

COASTAL INVESTIGATIONS, ASSESSMENT AND DESIGN

Water Technology

National Coastal Vulnerability Assessment - Pimpama Case Study (2008-2009) undertaken as part of the Federal Department of Climate Change's assessment of the socio-economic impacts and consequences of climate change for coastal communities in support of the 'first pass' National Coastal Vulnerability Assessment. Our role within the overall study team is to provide specialist hydrologic, hydraulic and coastal process advice, analysis and modelling services in support of the overall coastal vulnerability assessment and specifically the eco-system valuation services.

"The Waterways" Development. Provision of detailed hydraulic analysis and design services investigating the flushing regime of the constructed lake/canal system.

Lawson and Treloar

Port of Geelong Channel Improvement Program. Undertook fieldwork and associated reporting as part of the dredge operation monitoring program.

Emerald Lakes Project Flooding Assessment. Utilising state of the art, two dimensional modelling techniques (including detailed schematisation of canal developments and hydraulic controls such as bridges, culverts, locks and weirs), various development scenarios affecting the Nerang River and associated floodplain system are currently being assessed

Dong Ah Project. This study involved the hydraulic design ranging from preliminary conceptual advice through to detailed quasi 2D modelling of a proposed golf course development. Issues associated with the golf course included zero impact on neighbouring properties, provision of bunding for more common design events, conveyance, flood storage and design level issues for varying land use areas, lake and wetland water quality issues. Subsequent investigations have included water quality considerations and water balance modelling.

Connell Wagner

Green Island Coral Dredging - Impact Assessment Study (1993). Engineer responsible for field work including extensive sediment sampling, water quality monitoring and current metering.

Detailed design of **Dalrymple Bay Coal Terminal Berth 2 Extension (1992)** providing a second berth for vessels up to 200,000 DWT. Member of the design team for the offshore structural works component.

Dredging and reclamation strategy for Port Development Works, Townsville (1992). Development of an implementation plan for capital works at the Port of Townsville with specific regard to dredging and reclamation options in terms of technical performance, implementation advantages or disadvantages and capital cost.

Wellington Point Canal Estate, Moreton Bay 1992. Investigation of proposed marina and associated dredged entrance channel. Numerical modelling (RUBICON) was undertaken to investigate entrance channel stability and canal flushing.

Stage 2 Embley Estuary Environmental Monitoring, Weipa 1993. Engineer responsible for the water quality aspects of a multidisciplinary field work program designed to establish baseline data for the Embley River Estuary. Subsequent work included the formulation of a long term work and modelling program.

Weipa Sediment Sampling and Monitoring Program for the Albatross Bay Dumpsite, (1992) for Department of Transport. Supervision of field work over a 6 month period following channel maintenance dredging and associated dumping including extensive sediment sampling, water quality monitoring and benthic community monitoring.

Weipa Environmental Monitoring Program, (1991) for Department of Transport. Supervision of field work over a 6 month period following dredging and dumping including water quality and benthic community monitoring.

Long Term Strategy for Spoil Disposal, Port of Cairns (1991-1993). Examination of all possible land and sea disposal sites and methods for the disposal of maintenance dredge spoil from the Cairns shipping channel using a generalised, logical two pass screening process.

Cairns Port Authority Offshore Spoil Dump Studies (1989 -1993).

Following monitoring and assessment work over a three year period, short (approximately 6 months) and long (greater than 12 months) term monitoring programs were established. These

programs (with a budget in excess of \$1.5 million) to date have included:

- numerical modelling of dredge induced plumes
- numerical prediction of deposited spoil resuspension and dispersion over the short and long term
- field work program utilising state-of-the-art dredge and dump monitoring techniques (seabed, surface and aerial operations) and the analysis of gathered data
- detailed analysis (including statistical work) of long term current, wave, wind etc. records
- installation of long term monitoring equipment (current meters, waverider buoy, tide gauge, anemometer, fixed bed turbidity meters)
- flume work aimed at quantifying the threshold of movement of Cairns Harbour Dredge Spoil
- preparation of public information reports

Offshore Spoil Dump Study, Port of Mackay (1991), evaluation of the impact of spoil disposal via both surface and aerial monitoring programs

Mandurah Ocean Marina Study, Western Australia (1989). Numerical hydraulic modelling (RUBICON) of the estuarine lake system and associated sediment transport modelling to assess the impact of dredging a new ocean entrance channel and the construction of a marina.

WATER EFFICIENCY MANAGEMENT PLANS

Water Technology

Australbricks Rochedale and Riverview plants. Preparation of a Water Efficiency Management plan and investigation of potential water savings associated with construction of an on-site storage for rainwater harvesting. Funding applications for construction of the storage were prepared and funding was successfully obtained for this major project. Following construction, substantial water savings have been realised.

"Palm Lodge" Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

Peel St Homeless Men's Nursing Home Facility for Ozcare. Preparation of Water Efficiency Management Plan and preparation of funding applications for rebates associated with installation of water efficient fixtures.

RELEVANT PUBLICATIONS

Clark, SQ, Wen, L. & Bishop, WA, *"RERP Gwydir Wetland Hydrodynamic Model Development Overview"*. 18th QLD Water Symposium, Brisbane, Australia, 2010.

Clark, SQ *"Hydraulic Roughness Characteristics of the Yangtze River"*, 16th Queensland Water Symposium, University of Queensland, July, 2007.

Markar, MS, Clark, SQ, Min Yaowu and Zheng Jing, *"Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment"*, Australian Journal of Water Resources, Vol 10, No 1, May 2006.

Betts, HW, Joy, CS, Markar, MS, Clark, SQ, Sterling, E., Gooda, M., Jin Xingping, Wu Daoxi, 2005b. *"The Achievements of the Yangtze River Flood Control and Management Project"*, The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005a. China

Clark, SQ, Womersley, TJ, Min Yaowu., Zhang Fangwei., Huang Wei, *"Two Dimensional Modelling of the Dongting Lakes in support of the Flood Forecasting and Options Analysis Systems of the Yangtze River Flood"*

- Control and Management Project*", The 2nd International Yellow River Forum Zhengzhou, 18-21 October 2005. China
- Markar, MS, Clark SQ, Min Yaowu, Zhang Fang Wei & Zhou Hongmei "Trialling of a new flood forecasting system for the Yangtze River in China", The 2nd International Yellow River Forum Zhengzhou, 18-21 October, 2005. China.
- Betts, HW, Sterling, E., Clark, SQ, Markar, MS, M. Chen, Huang Wei, "Flood Management Decision Making in the Yangtze River". 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark SQ, Markar, MS, Womersley, TJ, Min Yaowu, Zhang Fangwei & Huang Wei "Overview of supporting modeling systems developed for the Yangtze River Flood Control and Management Project", 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Markar, MS, Clark, SQ, Betts, HW, Gooda, M, Min Yaowu, Chen Yali, "Improved flood warning for the Yangtze River in China", 8th International River Symposium, Brisbane, Australia, 5th to 9th September, 2005.
- Clark, SQ, Markar, MS, Betts, HW, Gooda, M, Min Yaowu, Zhang, Fangwei, Huang Wei, "Use of Numerical Modelling in Support of Yangtze River Flood Forecasting and Decision Making", Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Betts, HW, Sterling, E, Clark, SQ, Wu Daoxi, Wong Jingquan, "An Options Analysis System for Flood Management Decision Making in the Yangtze River Catchment, China". Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Markar, MS, Clark, SQ, Malone, T, Gooda, M., Chen Yali, Min Yaowu., "A New Flood Forecasting System for the Yangtze River in China". Third International Symposium on Flood Defence, Nijmegen, 25-27 May 2005. Netherlands
- Clark, SQ, Markar, MS, Min Yaowu, Wu Daoxi, "Overview of Hydraulic modelling of the Yangtze River for Flood Forecasting Purposes", 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Markar, MS, Clark, SQ, Min Yaowu, Zheng Jing, "Evaluation of Hydrologic and Hydraulic Models for Real-Time Flood Forecasting Use in the Yangtze River Catchment.", 8th National Conference on Hydraulic Engineering, Gold Coast, Australia, 2004.
- Clark, SQ, Muncaster, S., Reithmuller, E., "Horsham Flood Study", Third Victorian Flood Management Conference, Horsham, Australia, 2003.
- Tierney, G., Dando, T., McCowan, A., Clark, SQ, Womersley, TJ., "Development of a detailed hydraulic model using ALS data as part of the Lower Goulburn Floodplain Rehabilitation Scheme", Third Victorian Flood Management Conference, Horsham, Australia, 2003.
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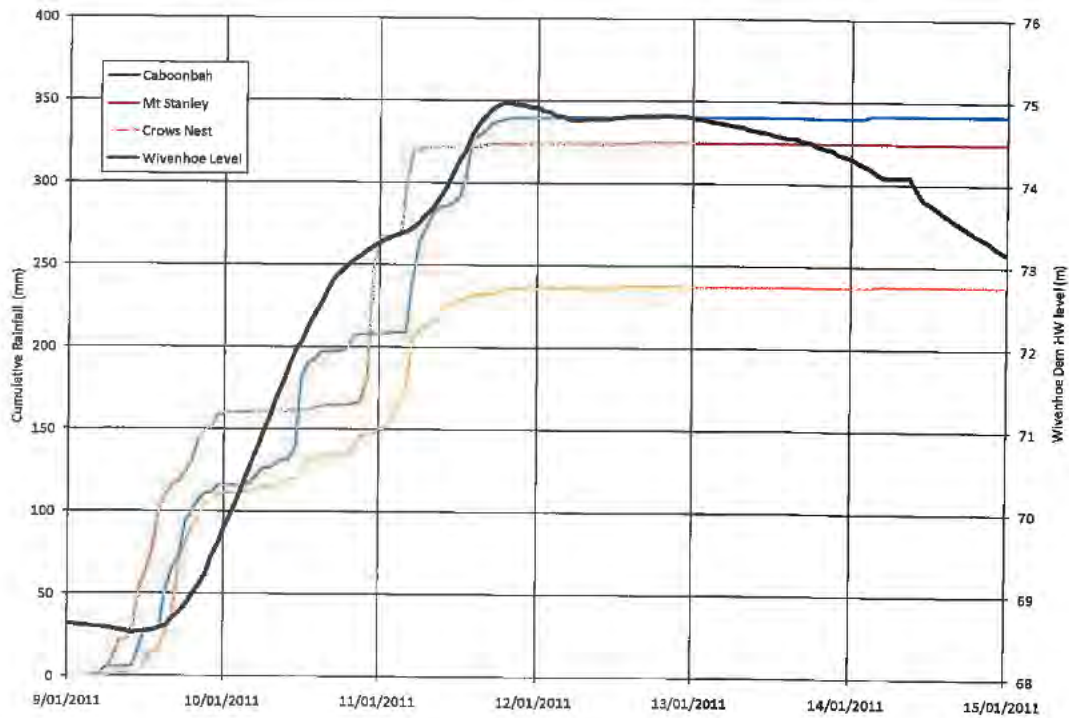
EXHIBIT SQC02



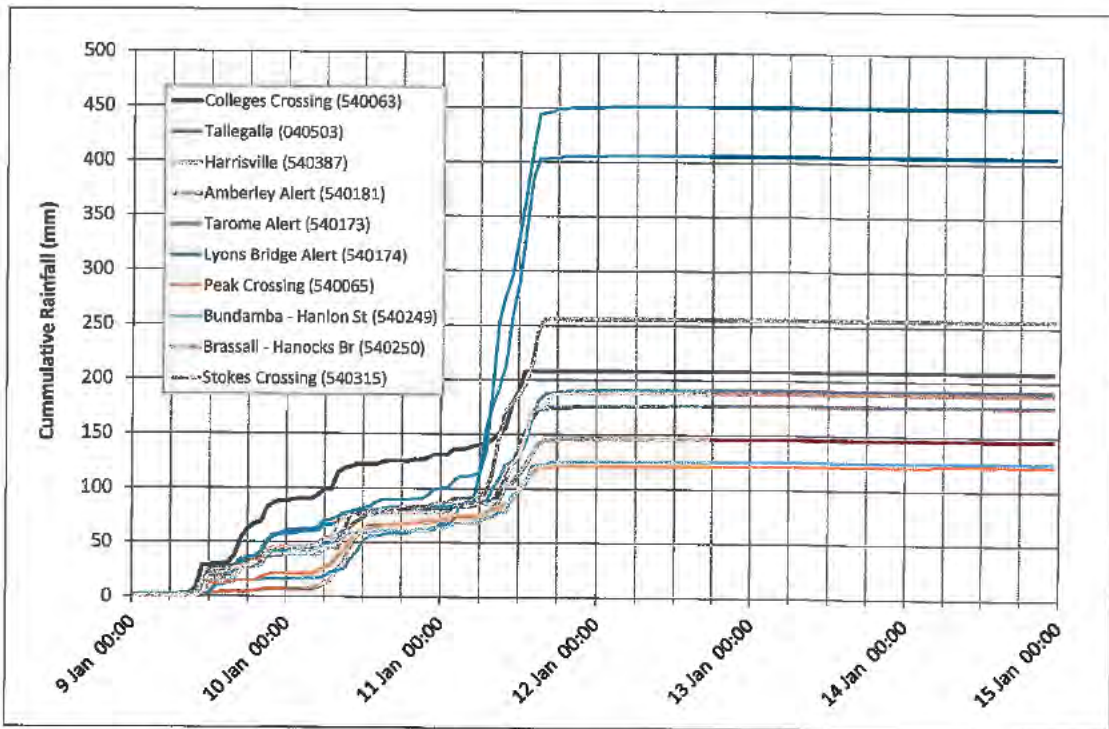
"Brisbane Area"



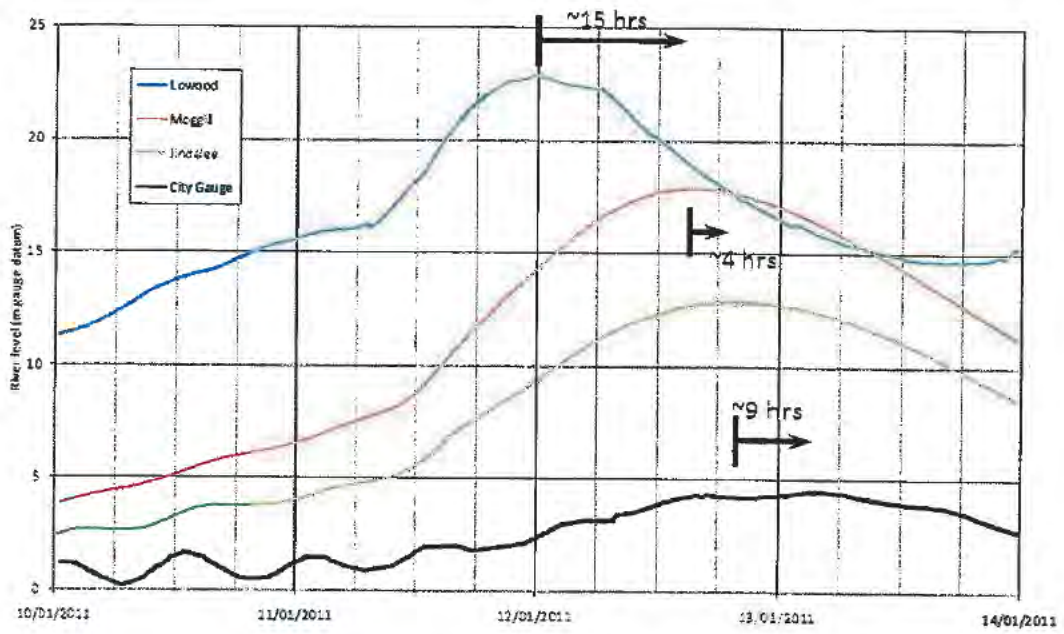
Brisbane River Catchment and Selected Brisbane River Gauging Stations



Cumulative Rainfall Records (selected) in the catchment above Wivenhoe Dam and Wivenhoe Dam Levels



Cumulative Rainfall Records (selected) in the catchments below Wivenhoe Dam



Recorded Brisbane River Levels at Gauges Below Wivenhoe Dam

EXHIBIT SQC 03





Aerial Image of the Site (Nearmap 2011)



Aerial Image of the Site (Nearmap 2011)



Brisbane City Council
FloodWise Property Report

Report Reference
1704841
 29/06/2011 11:27:48

Dedicated to a better Brisbane

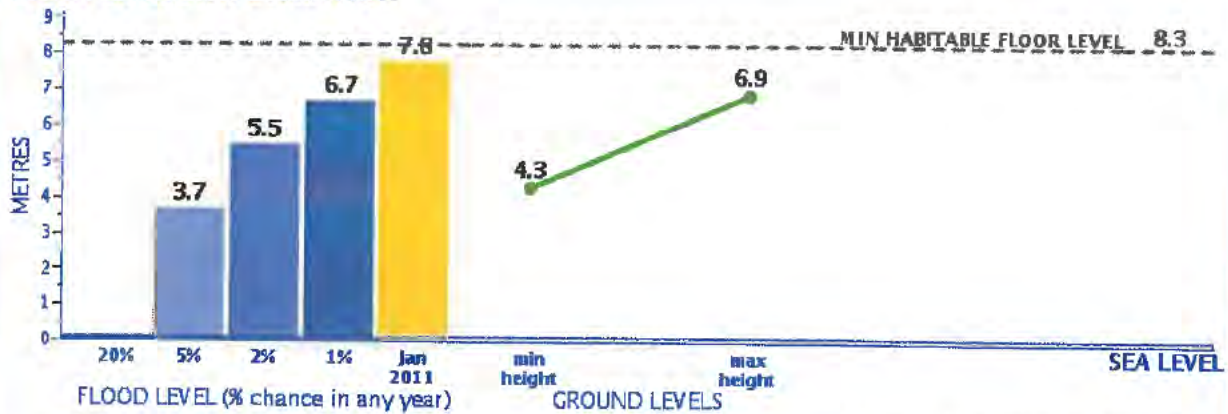
The FloodWise Property Report is a free report to inform Brisbane residents and professionals about flood risks for a specified lot or property so they may better prepare for flooding and to plan and build in accordance with Council requirements. A flood level higher than those shown below can occur in any year, although such events are rare.

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.

PROPERTY DETAILS

Address: SYDNEY ST FAIRFIELD QLD 4103
Lot Details: L.1/SP.157984

FLOOD LEVEL INFORMATION



Flood Levels

The blue bars in the graph above show the percentage chance of that level being reached or exceeded in any year. The orange bar shows the January 2011 flood level at this address or lot.

Ground Levels (Min - Max)

The line above shows this property's lowest and highest ground levels. Confirm with a surveyor.

Minimum Habitable Floor Level

The dotted line in the graph above depicts the minimum height above sea level that habitable areas of development must be constructed to, i.e. lounge, kitchen or bedroom. Council recommends you confirm existing floor levels with a surveyor.



For a detailed summary of anticipated flood levels and flags see technical summary over page.

HIGHEST SOURCE OF FLOODING

RIVER The highest source of flooding affecting this property originates from a river. For more information about flooding in your area you can view and download Council's Flood Flag Maps by visiting www.brisbane.qld.gov.au/floodmap

Technical Summary

Use this summary to supply information about this property to surveyors, builders, certifiers, architects and engineers who may request this FloodWise Property Report. This summary has been designed to be easily read if scanned or faxed.

Property Details

Address: ■ SYDNEY ST FAIRFIELD QLD 4103

Lot Details: L1/SP.157984

Flooding Information

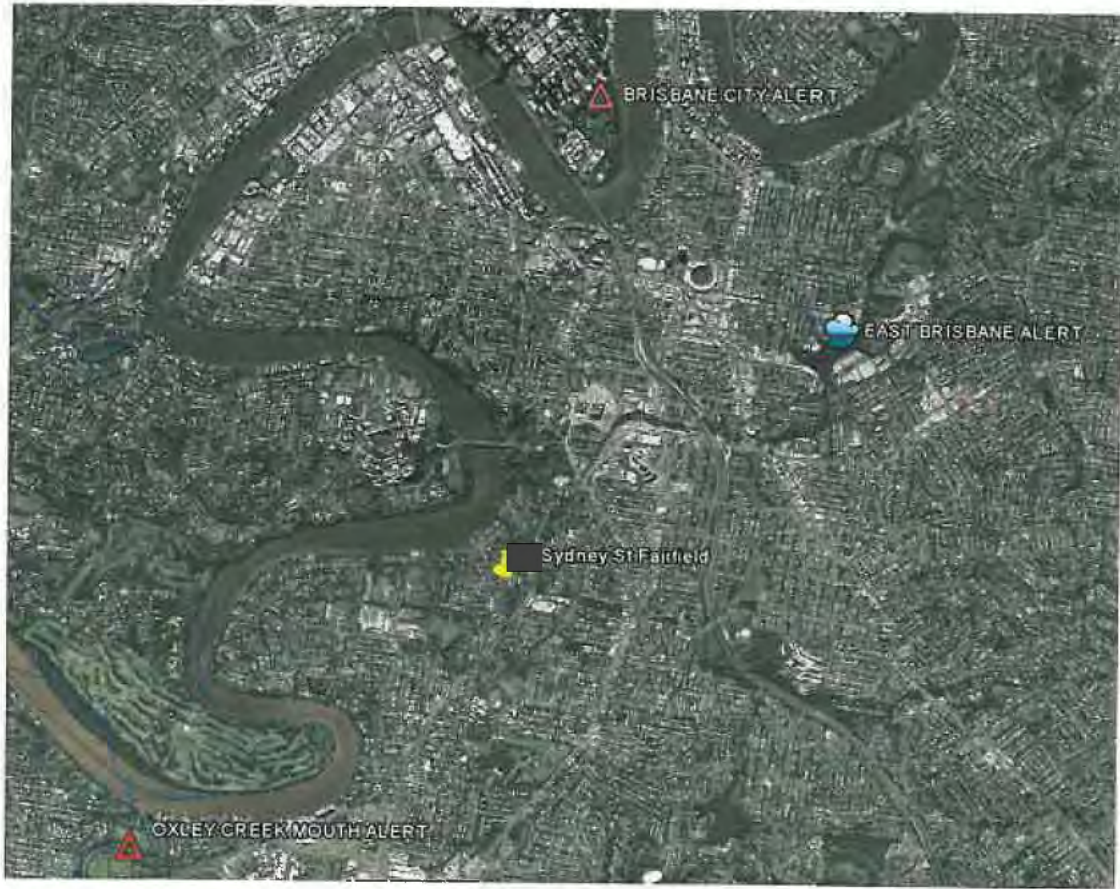
Estimated Peak Flooding Levels

Minimum Ground Level (AHD)	4.3 m	ARI (Years)	% chance	Level (AHD)	Source
Maximum Ground Level (AHD)	6.9 m	5	20%	N/A	
Interim Residential Flood Level (IRFL)	7.8 m	20	5%	3.7 m	RIVER
Interim Residential Flood Level Source	RIVER	50	2%	5.5 m	RIVER
Minimum Habitable Floor Level (AHD)	8.3 m	100 or DFL	1%	6.7 m	RIVER
		January 2011		7.8 m	RIVER

Disclaimer

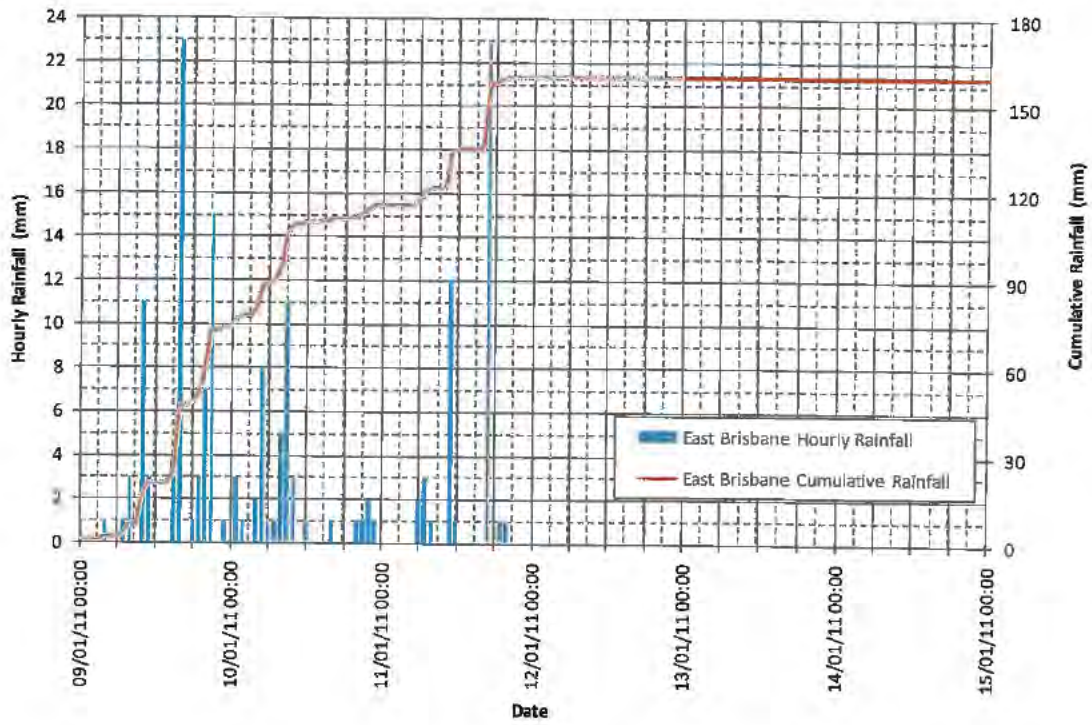
- 1 Defined Flood Levels and Interim Residential Flood Levels, and the Minimum Habitable Floor Levels based on them, are determined from the information available to Council at the date of issue. These flood levels, for a particular property, may change if more detailed information becomes available or changes are made in the method of calculating flood levels.
- 2 Council makes no warranty or representation regarding the accuracy or completeness of a FloodWise Property Report. Council disclaims any responsibility or liability in relation to the use or reliance by any person on a FloodWise Property Report.

EXHIBIT SQC 05

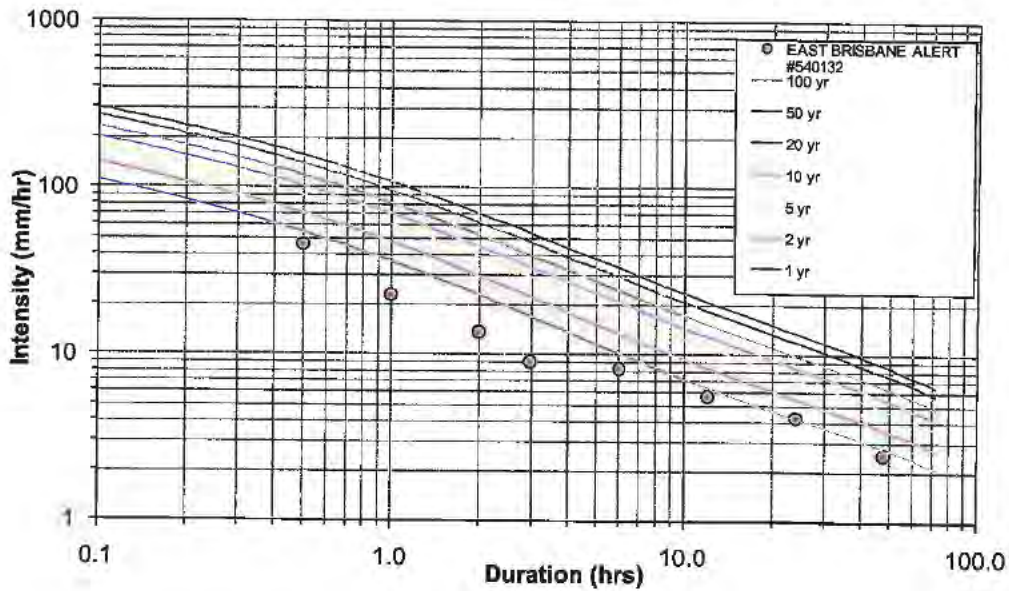


Rainfall and Stream Gauge Locations

EXHIBIT SQC 05

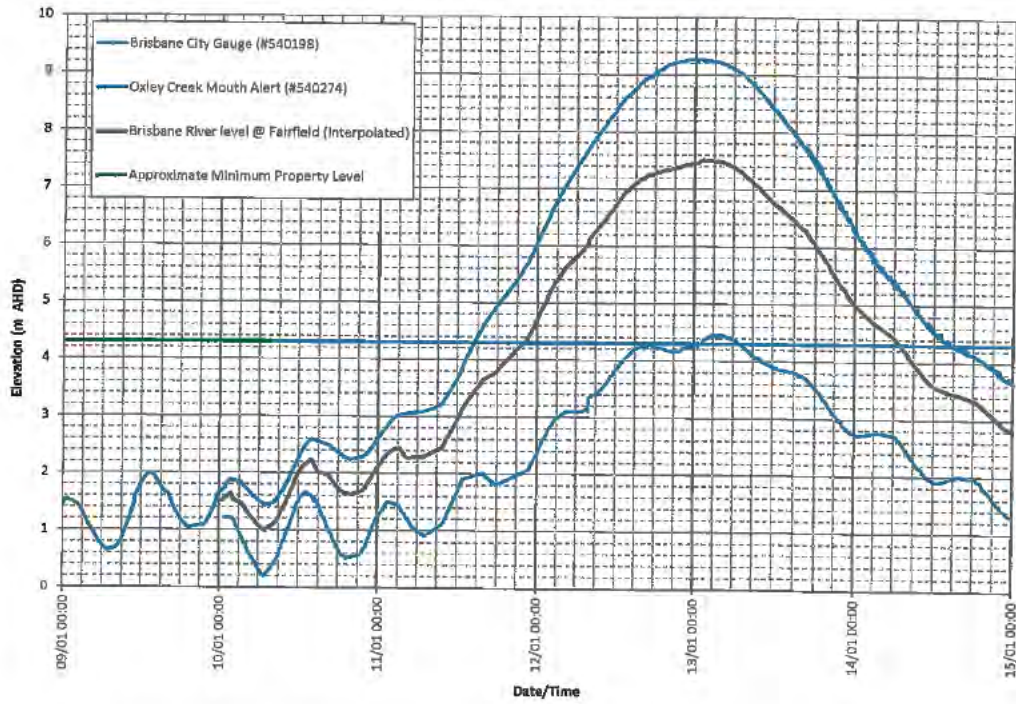


Rainfall Record for the East Brisbane Alert Station



Rainfall Intensity Frequency Duration Analysis for the East Brisbane Alert Station

EXHIBIT SQC 06



Brisbane River Water Levels near the Property and Minimum Property Level

EXHIBIT SQC 07

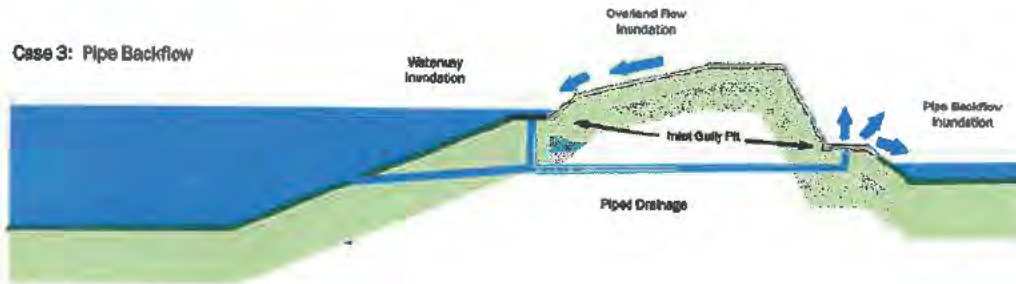
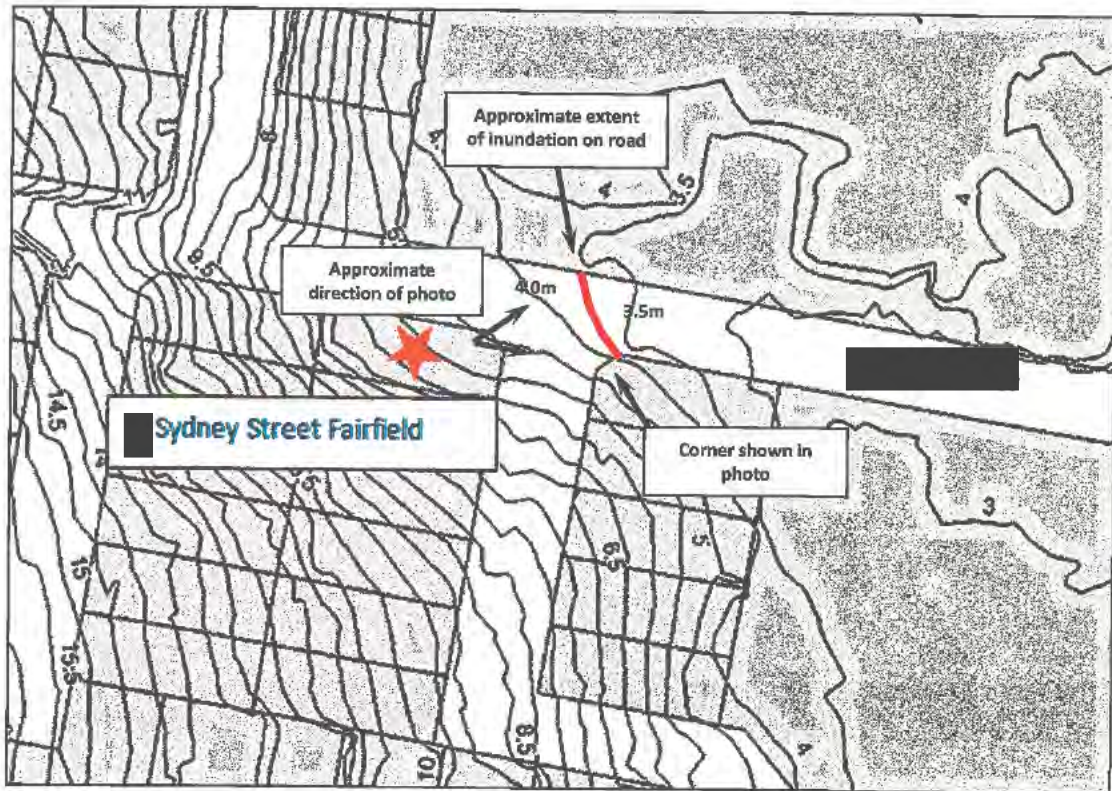


Diagram showing “pipe backflow” reproduced from Insurance Council of Australia report “Flooding in the Brisbane River Catchment January 2011”, 20 February 2011.

EXHIBIT SQC 08



Extracts from Applicants document titled "Sydney St, Fairfield, QLD, 4103. Storm Water Damage report" with my annotations.



Terrain information for the subject property with my annotations.