

Statement of Witness

Queensland Floods Commission of Inquiry

<i>Name of Witness</i>	Dennis John WARD
<i>Date of Birth</i>	[REDACTED]
<i>Address and contact details</i>	[REDACTED] Fernvale
<i>Occupation</i>	Manager
<i>Officer taking statement</i>	D/S A VLISMAS
<i>Date taken</i>	22 September 2011

Dennis John WARD states:-

I am a married man with 2 children and reside with my family at [REDACTED] Fernvale. We have resided at this address for approximately eight years, and have resided in the area for approximately 20 years.

The property is in the Somerset Region.

I would describe our property as lowset, with separate garage/shed on 3 acres.

Our property is insured with AAMI Insurance and I have had a house and contents policy with them since 1999.

When we renew our insurance with them a copy of the policy and PDS are provided to us.

On the 9th January 2011 I contacted AAMI Insurance to discuss possible flooding scenarios as a flood appeal was on TV and Suncorp was a major sponsor and advertising their flood coverage. My intention was to change insurer if we weren't covered for "flooding". I described the details of the storm event which did in fact eventuate on the 11th January 2011, and spoke to 2 different people from the insurance company, one of whom was a claims assessor who assured me that I would be covered.

Flooding of the Brisbane River was not discussed as I didn't think this scenario was possible given the role of the Wivenhoe Dam was to play in flood mitigation and our location relative to the river.

After the flooding events of January 2011 I made a detailed submission to the Queensland Floods Commission of Inquiry which included a signed statement and attachments dated then 8th April 2011.

I am able to produce those documents.

Tendered and marked exhibit number

Paragraphs 4 to 11 on pages describe the general lay of the land around our property.

Paragraphs 12 to 20 relate to the previous flood events in this area and actions taken by residents to combat these issues.

In paragraphs 24 to 83 I describe the events of the flooding had on our family and on our property from Sunday the 9th January 2011 to 12th January 2011.

Witness Signature [REDACTED]
Page Number 1

Signature of officer

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Statement of Witness

Queensland Floods Commission of Inquiry

Paragraphs 84 to 94 relate to observations of water levels in and around our house. In these paragraphs I describe that the water level got up to approximately 1 metre inside our house.

On the 12th January 2011 I made an insurance claim by mobile phone in relation to the damage caused to our property by the water.

During this process I was neither discouraged nor encouraged to make the claim. My 3 cars are also insured with AAMI; however the person I spoke to did not ask any questions regarding the state of the cars.

I was advised that an assessor would get to us soon as they could. The assessor eventually visited us about three weeks after the claim was lodged. This was only I had contacted AAMI on three occasions to find out when an assessor would be attending.


On these occasions I was transferred to offices outside Brisbane and they told me that they would make notes and that we had called. The Brisbane office had been flooded and there was no one in Brisbane who could handle my enquiry.

The assessor who came at the end of January was not from AAMI and basically added little value to the claim process. Their assessment stated that the inundation was caused by storm; however AAMI decided that a hydrologist report was required to support this assessment.

The communication with the insurance company was generally poor and it was mainly us contacting them for information. Below is a summary of contact to through to end of March.

- 12 January, Wednesday - Claim Lodged with AAMI.
- End January - Assessor undertook inspection.
- 22 February, Tuesday - I rang AAMI and was advised they were waiting for Hydrologist report for Area. They confirmed they had the assessor's report which stated damage was caused by storm water.
- 22 February, Tuesday - AAMI rang me back that afternoon to advise they would request hydrologist assessment for our property as they needed to apportion percentage of damage that related to storm and that related to flooding.
- 23 February, Wednesday - I rang AAMI to clarify what they meant by apportion percentage of damage as the difference in height of water inundation had not been substantially different and that the damage had already been done by the storm when the 2nd event occurred.
- 3 March, Thursday - Hydrologist inspection of property done. Video of storm water coming across Brisbane Valley Highway, and photos sent to WRM on their request.
- 16 March, Wednesday - I rang WRM water & environment. Advised Hydrologist report sent to AAMI Tuesday 15 March.
- 16 March, Wednesday - I rang AAMI. Advised that Hydrologist report received and that was with "management".
- 21 March, Monday - I rang AAMI. Advised that claim still with "management". When asked for timeframe I was advised that no information had been passed down to the claims area for any claims, and that the staff in claims area had not been given any details of when a decision would be made. They would call us when they had a decision. When requested, they were unwilling to put me through to "management".

I rang AAMI on the morning of the 13th April and was advised that the claim was still with Management. I insisted on being put through to a supervisor.

Witness Signature. 

Page Number 2

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I was told that they could not provide me with any further details, and that "to get information they would have to walk over to where the person sat, and anyway, they weren't in". Naturally, I was upset with the attitude of the person and suggested they pass my mobile number onto the person so they could call me. I received a call around midday that day, advising that they were only covering for 10cm based on the hydrologist report.

I requested a copy of the report, which AAMI supplied without hesitation. I subsequently submitted a detailed review request on the 16th of April, detailing 5 points for grounds of review (listed below). My wife and I did not sleep for a number of nights after receiving the original decision.

Grounds for review request.

1. That advice provided by AAMI prior to the event was that the scenario which occurred on the 11 January 2011 would be covered.
2. That the 'unnamed tributary of Ferny Gully' mentioned in the Water Damage Assessment falls within the general definition of 'Drain'.
3. That the Site Inspection by MRM Water & Environment conducted on 3 March 2011 was not comprehensive.
4. That the Water Damage Assessment is flawed and contains assumptions which are not supported by any reference to hydrology modelling. Topography consideration has not been extensive.
5. That supporting evidence (video and photos) supplied was not included in or referenced in the Water Damage Assessment.

The date for advising a review decision was extended from the original date advised, with a final outcome being received on the 17th August. This was done via email. The review stated "that there was sufficient doubt around the evidence" the original assessment relied on and that the settlement offer would be increased.

I am able to produce that document.
Tendered and Marked exhibit no.

After submitting my submission to them AAMI acknowledged my findings and agreed to pay the claim to cover damages caused by the water to a level of 37 cm within the home and 1 metre through the shed.

This was confirmed in a letter dated 17th May 2011.

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After this letter was received AAMI was acceptable with proceeding forward with the repairs and rebuilding of our home. At times I still had to contact them to see at what stage the claim was at.

Witness Signature
Page Number 3

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We were eventually paid out in 28 July 2011 in respect of our claim.

We had to replace internal wall linings to a height of 1.2 metres, the kitchen, internal doors, bathroom and laundry fittings, floor and wall coverings and trimmings, re painting, repairing tiles, electrical work and the replacement of air conditioning units.

Also the replacement of most of the tools, garden equipment and other assorted items in the shed.

During this process I have been in contact with the Queensland Floods Commission of Inquiry and submitted a number of documents to the commission which I have referred to earlier and produced as exhibits.

I was asked to and appeared as a witness in earlier hearings for the Commission in regards to other issues being investigated by the Commission.

I have also completed a questionnaire in respect to the issues I had with AAMI Insurance.

I am able to produce that questionnaire.

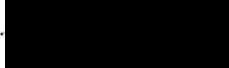
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D J WARD

Justices Act 1886

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

- (1) This written statement by me dated 22/9/2011 and contained in the pages numbered 1 to is true to the best of my knowledge and belief; and
- (2) I make this statement knowing that, if it were admitted as evidence, I may be liable to prosecution for stating in it anything that I know is false.

.....Signed atBrisbane.....this....22ND
.....September.....2011 

Witness Signature.
Page Number 4

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[REDACTED]
8 April 2011

The Commissioner
Queensland Floods Commission of Inquiry
PO Box 1738
BRISBANE QLD 4001

By Facsimile: (07) 3405 9750

Dear Madam

Re: **STATEMENT OF DENNIS WARD – QUEENSLAND FLOODS COMMISSION OF INQUIRY**

We refer to our recent conversation with Laura Grant of your office regarding the statement of Dennis Ward, Coordinator of the Fernvale Community Action Group.

Please find the enclosed signed statement of Dennis Ward with attachments.

As discussed, a hard copy of this statement together with attachments including the video footage as referred to in this statement, will be sent by post.

Yours faithfully

[REDACTED]
Rod Hodgson
Partner
MAURICE BLACKBURN
Accredited Specialist Personal Injury Law



STATEMENT

I, DENNIS WARD of [REDACTED] Fernvale, Queensland, 4306 [REDACTED]

[REDACTED] say that:

1. I make this statement in relation to events and concerns arising from the 2011 Queensland Floods for the Fernvale area for the purposes of the Queensland Flood Commission of Inquiry.
2. I am the Co-ordinator and founding member of the Fernvale Community Action Group and have been involved in all community meetings and discussions canvassing the experiences of members during the January Floods and our concerns arising from this event.
3. I have been a resident of the Fernvale resident for approximately 18 years
4. Approximately 7 years ago I moved to [REDACTED] a few houses up from my previous property. I live there with my wife Sue Jones, and my son Trent [REDACTED] and daughter Meghan [REDACTED]
5. For the entire 18 years, I have lived on the same watercourse. This watercourse starts from a drain which causes water to flow from the South side of the Brisbane Valley Highway between my current property and my Neighbours' property, Dave [REDACTED]. The watercourse then flows down into a lagoon and then feeds into the Brisbane River.
6. Attached and marked "Attachment DW01" is a map showing the watercourse as referred to in paragraph 5.
7. I am familiar with the Somerset topography and know the Fernvale area well. I have witnessed the development of Fernvale over the last 18 years. Over this time I have been able to foster a broad relationship network within the Fernvale Community.

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Dennis Ward

[REDACTED]
(3009110v1)
(TBL)FloodCommission/stat/tbl

8. [REDACTED] and the property I reside, is part of the original settlement of the Fernvale area and this area is essentially flat.
9. During six years previous to the floods, there has been significant development on the Fernvale hillside, above the original settlement area, which is part of the "Residential Corridor" developed by the Somerset Regional Council.
10. As a result of the large scale development in the area, a number of storm drains were put in place by the Council. Some of these drains lead to small holding pools. Once these were full, they would overflow causing the water to continue down hill.
11. The increased number of drains and no design to direct water away when it came to the bottom of the hillside meant that water was redirected into the original settlement area and would arrive at this area in larger volumes and in a shorter period than prior to development.

Previous Flood Events In Fernvale

12. In approximately October 2010, consistent rain was unable to be managed by the storm water drains in place and water flooded across the Brisbane Valley Highway and flooded part of my neighbour's property, Dave [REDACTED]. My property was not affected.
13. In response to this minor flood event, Dave [REDACTED] meet with Wayne Wendt, State MP for Ipswich West, Graeme Lehmann, Mayor for Somerset and Bob Bain, CEO of the Somerset Regional Council, along with an engineer from the Department of Main Roads. They came to Fernvale to discuss the drainage issues in the area.
14. At this meeting and through previous correspondence between residents and the bodies these three gentlemen represent, they were aware of the drainage problems in the Fernvale area. Dave [REDACTED] had requested the 3 x 450mm pipes under the highway be upgraded to increase flow rate.

Dennis Ward

[REDACTED]
(3009110v1)
(TBL)FloodCommission/stat/tbl

15. Prior to this incident, the drains appeared to cope with storms we had had but there was some concern amongst myself and other Fernvale residents as this was a fairly minor event and drainage infrastructure was unable to cope with an increased amount of rain.
16. After this minor flood event, the drain closest to the highway was cleaned to create a faster flow of water through the drain. There was no other major work undertaken in relation to drainage or maintenance of other drains of which I am aware.
17. Dave [REDACTED] had a levy bank on his property which he extended when the drain was cleaned in order to prevent further damage to his property as he believed the work undertaken would only increase water flow to the drain pipes, not resolve the issue.
18. During the last six years, residents that live on the nearby roads, Nardoo Street and Poole Road have advised me that there had been regular instances of minor flooding on this road. In the event of consistent heavy rain, the road itself would turn into a watercourse due to drainage issues causing minor inundations of nearby properties.
19. I had been advised by a number of residents in Nardoo Street and Poole Road that they had contacted the Council a number of times identifying specific storm drainage problems that had resulted in the redirection of water onto their properties..
20. Prior to the flood events in January 2011, Local Council and State Government had been advised and were aware of the drainage issues that were being experienced throughout the Fernvale area.

Previous Wivenhoe dam releases

21. In approximately late 2010, Wivenhoe dam had its first release of water. I remember this as it was quite a big event and there was a large amount of tourist traffic through the area. Out of interest, I even went and viewed it myself on a couple of occasions.

Dennis Ward

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22. I noted that the release of water was different on the two days I went to view it. On the first day there was only one gate open and it was open fairly wide. On the second day I went there, they had all five gates open, but there was only a small opening from each gate.
23. During the releases from the Wivenhoe dam at this time I do not recall there been any inundations or flood events in the Fernvale area.

Events of the January 2011 Floods

DAY ONE: Sunday 9 January 2011

24. There was heavy rain in the Fernvale and surrounding areas throughout the day but there was no flooding at this time.

DAY TWO: Monday 10 January 2010

25. As it had continued to rain heavily through the night I did not go to work in the morning as I was worried about possible flooding. My wife continued with her usual routine and went to work.
26. During the morning, I did not see any signs of floods.
27. At approximately 2pm I was required to take one of our two dogs to the vet, located on the Forest Hill - Fernvale Road which runs between the towns of Fernvale and Lowood. Travelling to the vet I notice that the Brisbane Valley Highway just beyond the turnoff onto Forest Hill - Road was blocked by Police and vehicles turned back.
28. While I was at the vet, my wife was on her way home, driving along the Forest Hill - Fernvale road, which runs close to the Brisbane River. She told me when I returned home from the Vet at approx 2:30pm that on her way home the water level was high in the river and was near to the side of the road.
29. I became concerned for my 17 year old daughter who was at work at the Lowood IGA and was due to finish at 7pm. She drives a small Holden Astra and had only recently got her driver's licence.

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Dennis Ward

30. I thought that the best course of action was for my wife and I to collect her car and pick her up in our Ford Territory, a high clearance vehicle, when she finished work. I feared that if the river continued to rise that the roads would be impassable, or dangerous to navigate in a small car by an inexperienced driver.
31. At approximately 3.30pm my wife, son and I drove to Lowood to collect the car, we stopped at a point just before Lowood and I took photos of the water levels at this time. At approximately 4.15pm my wife and I were returning from collecting my daughter's car and were traveling along Forest Hill - Fernvale Road. I noticed that the water had continued to rise and was now starting to lap over.
32. Due to the fast rate in which the water had risen, I became concerned for the immediate safety of my daughter and the consequences of the rising river for my family and property.
33. I turned around immediately and drove back to my daughter's work. I was driving the Ford Territory at this time. My wife continued on and drove my daughter's car home.
34. When I arrived at my daughter's work I told her that she needed to finish work immediately and that I would drive her home.
35. My daughter advised that she could not finish until 5pm as she was covering another staff member's break and she was due to return at this time. I waited until my daughter finished and we returned home.
36. When we were driving on the Forest Hill - Fernvale Road the water had begun to flood the road and smaller cars were parked to the side as they were unable to cross the water safely. I was able to get through due to the high clearance of my vehicle, but I became increasingly worried due to the rapid increase of water flooding the area.
37. When we arrived home there was no flooding at the property, but this did not alleviate my concerns. As soon as we were inside I put on the TV and scanned the major channels for news or warnings for our area. I also was scanning the Internet for news and also the Bureau of Meteorology website to keep track of

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Dennis Ward

(3009110v1)
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river levels, particularly the level at Savages Crossing, the nearest marker to Fernvale.

38. I concentrated on TV and the Internet rather than the radio for any warnings or updates as we have limited radio reception where we are.
39. From the news we became aware of what was termed the "Lockyer Valley Disaster" where the flooding in the area was extremely fast and many people lost their lives.
40. I started to become anxious about the possible impact on the Somerset and Brisbane Valleys due to the sheer volume of water flowing down the Lockyer and Bremer Rivers.
41. There were numerous media releases at the time regarding the Lockyer Valley but there were no warnings or directions to residents of the Somerset or Brisbane Valleys to prepare for, or consider evacuating due to likely flooding.
42. By approximately 6pm, I decided it was unsafe for my children to be exposed to the very real potential of a significant flash flood. I drove a few Kms along the Brisbane Valley highway towards Ipswich to check if the road was still open. There was no sign of flooding. On my return we packed photographs and other important documents into my daughters car and she drove the two of them to their grandparent's residence in Macgregor. We anxiously waited for the call from my daughter to say she arrived.
43. My mind was turned to the devastating impact of the floods previously in Grantham and I was worried that our lives would be in danger. I placed a ladder at the back of the house with a rope to tie to a post if my wife and I needed to get to the roof and secure ourselves to prevent being washed away. I surmised if people in Grantham had the opportunity to take such measures, there may not have been such a great loss of life.
44. There was still no news or warning regarding our area through any media or emergency services directly and I didn't know what other measures or precautions that we should take.

Dennis Ward

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