

TJ & LM Donohoe

Dear Sir,

Following is our written submission for the enquiry into QBSA>

In 2005 we started preparations into building a new home on our Emerald property "██████████" being ██████████ – ██████████.

We appointed ██████████ to prepare the plans of our house.

When the plans were complete our ██████████ asked that arrangements be made for a soil test so he could get the footings designed by an engineer. ██████████ recommended we use ██████████, Emerald. By ██████████ advertisement in our local paper they are QBSA accredited.

We arranged out quote and appointed ██████████ to build our house. The quote to build our house was \$702559.00 and the contract was signed on 15<sup>th</sup> June 2007.

QBSA Certificate of Insurance was issued on 23<sup>rd</sup> July 2007 showing a notified contract value of \$702559.00.

Movement was noticed in the house prior to completion and the ██████████ had ██████████ Emerald do soil tests on 10<sup>th</sup> February 2009 as close to the house as possible. These tests did not agree with the tests done by ██████████.

We lodged a complaint form with QBSA and Receipt was acknowledged in a letter from QBSA dated 19<sup>th</sup> May 2009.

At this point QBSA took levels of the house floor and monitored these at 6 monthly intervals.

QBSA appointed ██████████ of ██████████ to carry out a Structural & Geotechnical Report.

██████████ appointed ██████████ to carry out soil tests. The findings were:

██████████ Classification S

██████████ Classification M-D

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██████████ stated in 7.18

Unfortunately the original Site Classification resulted in the Design & Construction of a Footing System which is significantly less stiff than required.

██████████ of QBSA Rockhampton visited us on 21/11/11 and we were advised that because the Owner had organized the Soil Test the repairs to the house would not be covered by QBSA. We were advised that, had the Builder arranged the Soil Test with the Same Soil Tested ██████████ we would have been covered. To us this sounds like an insurance company desperately trying to get out of paying its dues.

At this same meeting our builder ██████████ stated that he was not aware that the builder had to arrange the Soil Test & he had built many houses on soil tests carried out by the owner.

Our Solicitor ██████████ lodged an appeal with QCAT and a compulsory conference was held at the Emerald Courthouse on ████████ August 2012. At this conference QBSA manager ██████████ refused to meet any cost of repairs to our house.

██████████ are seeking a Barristers option to see if we should pursue this matter further.

We are farmers on the Nogoa River 6km downstream of Emerald & have been devastated by the 2009 & 2011 floods and we are in no position financially to pursue this matter through the courts.

It is common knowledge that QBSA has many claims lodged for repairs similar to ours and we feel QBSA are using this loop hole to get out of paying homeowners their claims.

As a point of interest Central Highlands Regional Council have sold many allotments on which the soil tests were carried out for the council by NATA Certified Soil Testing companies and the results were supplied at auction to the purchaser.

Any home owner unaware of this loop hole will have paid their premium to QBSA to possibly find out they are not covered.

Who's at Fault?

Yours Faithfully,

Terry & Lorraine Donohoe