

Hervey Bay  
**Neighbourhood Centre**  
*The Heart Of Our Community*

# NATURAL DISASTERS

## Floods and Storms

Emergency measures and navigating insurance



Wide Bay Burnett  
Community Legal Service



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Neighbourhood Centre  
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# Acknowledgment to Country

We acknowledge the Butchulla people, the Traditional Custodians of the land on which we work and recognise their continuing connection to land, water and community. We pay respect to Elders past, present and emerging, and extend that respect to Aboriginal and Torres Strait Islanders accessing this resource today.



# Disclaimer



The material contained throughout this presentation is provided for general information and educative purposes. The content does not constitute legal advice or recommendations and should not be relied upon as such. Appropriate legal advice regarding your personal and specific circumstances ought to be obtained.

This document is current as at June 2023. Laws may have changed in the meantime. We cannot warrant that the information contained herein will remain accurate over time. Please seek advice in relation to your specific circumstances.

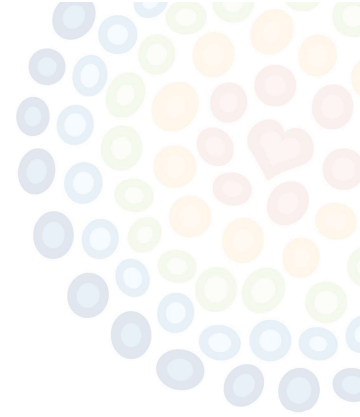


## FLOODS AND STORMS

All Australians are aware that the environment can sometimes turn on us, causing significant disruption, anguish and potentially legal issues including issues surrounding insurance.

The purpose of this resource is to provide you with emergency steps to take in the immediate aftermath of a flood or storm event, and a guide to navigating insurance issues.

This guide is general in nature and is not intended as specific legal advice. Each person's circumstances may be different. If in doubt as to your own situation, please make an appointment with the Wide Bay Community Legal Service for individual advice.





# FIRST THINGS FIRST

- FAILURE TO PLAN IS A PLAN TO FAIL

- Natural disasters are regular events in Australia. We might not be able to predict when the next will occur, but we know that it will.
- Failure to insure can cause very substantial economic loss. It may not be possible to recover this loss from anyone else if you are uninsured. If you have a mortgage, it is usually the case that you will be contractually obliged to keep the property insured at all times. Speak to your bank about the level of insurance cover required.
- It is too late to seek insurance cover once the storm or flood has occurred. It may also not be possible to obtain insurance at the last minute before the storm or flood event occurs.
- Consider your exposure to storm and flood, including the position and contours of your land, when determining the appropriate insurance. Ensure that you are insured for the full replacement value of your home, its contents or your vehicle. As the costs of construction have soared post-pandemic, many people may find that the cover they have taken out in previous years is no longer sufficient. In such a case, even a successful claim may not leave you with enough money to repair the damage or replace your home.
- If your land is flood liable, insurance for flood may be very expensive or unavailable. In such case you should put contingency plans in place including an emergency fund should flood repairs or replacement of contents be required in the absence of insurance. Before purchasing or renting real estate, inquire as to the flood liability of the land and obtain insurance quotes so you are not later taken by surprise if flood insurance is unaffordable or unavailable. Unfortunately, some insurers will no longer agree to provide flood cover to some flood liable properties.





# FIRST THINGS FIRST

- BEFORE THE STORM OR FLOOD


- Ensure that nobody is in life threatening danger – including people who may have mobility issues or may otherwise struggle to evacuate in an emergency, or people who require continuous access to power such as for medical devices. Consider any arrangements which should be made for pets.
- Comply with all emergency directions including, most importantly, any orders to evacuate. Flood water may rise much faster than anticipated and rob you of time to evacuate safely if you do not leave when directed to do so. Attempting to stay in your home may be dangerous for multiple reasons including difficulty or inability of emergency services to later evacuate you; this also may place emergency services personnel in danger. Electricity, telecommunications (including NBN and mobile services), clean water supply and sewerage services may fail. Roads may be cut for an extended period of time. If emergency shelter is established in the community, ensure you are aware of the location. Monitor emergency broadcasts.
- Where possible and safe to do so, secure your property to the best of your ability such as to minimise damage to your home and belongings, for instance by raising or relocating belongings, or sandbagging the premises. Insurance policies may include a requirement to minimise damage (so long as safe to do so).
- Prepare a “go bag” for each household member with essential items such as their regular medications, first aid kit, change of clothes, food, water and emergency items such as a radio and a flashlight or a powerbank for recharging phones. If the order is given to evacuate, as far as possible be ready to leave immediately.
- Save important contact details, such as your insurer’s phone number and your policy number, in your phone.







## AFTER THE EVENT

- Do not return to your house or vehicle until it is safe to do so.
  - Once it is safe to return, take photos of the damage **before** you make any attempt to clean up or fix anything. Take photos inside and outside of anything which might assist you to show the extent of the damage – such as things like the water line, ceiling damage, broken windows or soiled contents. Check to see whether anything has been taken from your home.
  - Try to record the date, time and nature of critical events, such as losing power, water entering into the property, damage caused by loose objects etc. Notes can be kept in your phone. Traumatic events can interfere with memory so try to record events as they occur or as soon after as possible.
  - Contact your insurer as soon as possible to commence a claim.
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## WHICH INSURER DO I CALL


- There are three common types of insurance which may be relevant, including:
  - Home insurance – relevant for structural damage to a property and to fixtures (items fixed to property) inside and outside the property.
  - Contents insurance – relevant for damage to items contained within a property which are not fixtures – including furnishings and belongings.
  - Vehicle insurance
- If your policy does not include coverage for flood damage, you may still have coverage for other types of damage.
- When you call your insurer, they will provide you with a claim number. Save this number in your phone, as the insurer will ask for it each time they speak to you.







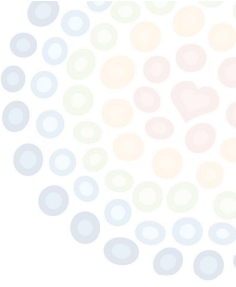
## FLOOD vs STORM DAMAGE

- Home and contents policies usually distinguish between “flood damage” and “storm damage”. Even if you do not have flood cover, some types of damage may still be covered.
  - Insurers agree to cover specific things at specific premises for specific types of damage. It is important to try to ascertain what has been damaged, and how the damage occurred. Coverage may be affected by whether, for instance, damage was caused by rising flood water, or by falling rain water.
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# WHAT IS FLOOD DAMAGE

- The definition of “flood damage” is standardised in Australia:
  - *“Flood” means the covering of normally dry land by water that has escaped or been released from the normal confines of any of the following:*
    - (a) a lake (whether or not it has been altered or modified);
    - (b) a river (whether or not it has been altered or modified);
    - (c) a creek (whether or not it has been altered or modified);
    - (d) another natural watercourse (whether or not it has been altered or modified);
    - (e) a reservoir;
    - (f) a canal;
    - (g) a dam.





## RUN-OFF AND STORM DAMAGE

- RUN-OFF
  - There is no standard definition – you must check your policy document. Rainwater run-off is usually rain which has collected or pooled on the ground or has overflowed from swimming pools – but not where it has mixed with flood water.
- STORM DAMAGE
  - There is no standard definition for storm damage – you must check your policy document. Cover for storm damage may include damage caused by storms, run-off (not combined with flood water), mudslides and landslides.
- You should carefully consider which category of damage has occurred to your property or vehicle before making a claim.
- Example: Your home insurance policy does not contain cover for flood damage, but does include storm damage. The creek beside your house rose and flooded the bottom storey of your home. The wind and rain dislodged a tile on your roof, allowing rainwater to enter and your kitchen ceiling to collapse. The damage to your bottom storey will likely be excluded as flood damage, but the damage to the ceiling may be covered as storm damage.



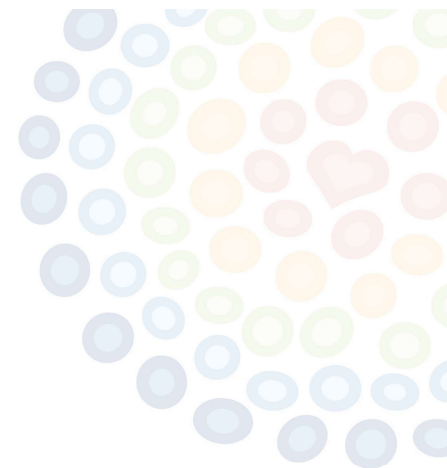
## FREQUENTLY ASKED QUESTIONS

- What information might I need to provide to my insurer?
  - Your address, policy number (the insurer should be able to look you up if you do not have this), when and how water entered your house / vehicle, what has been damaged, whether any further damage has occurred (eg during the clean up or from looting etc). You must be honest with the insurer.
- What items should I submit a claim for?
  - You should only submit claims for items which are insured and which have been damaged in the weather event.
- What if I am unsure whether something is insured?
  - If you are unsure whether or not something is covered by insurance, you should submit the claim anyway.
- My insurer says I don't have flood cover. What other questions should I ask the insurer?
  - You should ask the insurer whether you are covered for storm damage or any other type of coverage relevant to storms or floods. You could also ask for a written outline of why they consider you are not covered under the policy.



## FREQUENTLY ASKED QUESTIONS – CONT'D

- My car / boat was also damaged at home, will I be able to recover for that on my home and contents insurance?
  - Most home and contents insurance policies exclude vehicles such as cars, boats or caravans. You should consider the terms of your vehicle insurance policy if your vehicle is damaged by storm or flood. It is most likely that “comprehensive” cover will include damage from storm or flood. Other policies may have to be carefully checked for coverage.
- What will the insurer do?
  - The insurer will likely ask you to send photos of the damage and will send someone out to take a look. That person will take photos and may also ask you some questions. They will report back to the insurer. The insurer should keep you informed of how the claim is progressing, and if they agree or don't agree to cover the damages claimed. Keep copies of all correspondence or emails you exchange with the insurer, and keep notes of phone discussions (such as putting a note on your phone) noting the name of the person you spoke to, and what was said. You can also ask them to send you an email confirming what you discussed.
  - If you disagree with the insurer's decision, you should also raise any complaints directly with the insurer, who will likely have an internal complaints procedure.
  - If that avenue does not resolve your complaint, you can make a complaint to the Australian Financial Complaints Authority:  
<https://www.afca.org.au/make-a-complaint/complain>



## CHECKLIST – DAMAGES TO YOUR HOME

- Did any trees or branches damage your house / car / fence?
- Was there a landslide or mudslide?
- Are there any signs of rainwater coming in through the roof or ceiling?
- Are any windows broken?
- Is the TV aerial still in place?
- Did the power go off?
- Are any electrical goods that weren't submerged damaged?
- Impact damage - did any cars or boats run into your house causing damage?
- Has anything been stolen?
- Was there food in the fridge / freezer which has gone off?
- Did your pool overflow? Where did that water go? Did it cause damage?
- Did any animals / livestock end up in your house / yard and cause damage?
- Many policies include an amount for things like broken windows, food spoilage etc. – don't be afraid to ask the insurer about this.





# CHECKLIST – HELPING SOMEONE DEAL WITH THEIR INSURER

- Were you at home?
- What was the weather like? Rain, hail, wind, lightning?
- Was it daytime or night time?
- How long had it been raining? Was any rainwater pooling on or near your property?
- Do you have any drains near your property? If yes, were they working or overflowing?
- Did you see the water rising or entering the property? If yes, where was it coming from? What time was this?
- Did the power go off? What time was this?
- Did any trees or other things fall onto your roof, fence, car or anything else?
- Did your roof leak?
- Did any windows break?
- Was there any flying debris that hit your house?
- Did any cars / boats etc. run into your house?
- If your property was inundated, how far up did the water get?
- When did you get back to the property? What did you see on your return?
- What has been done since to clean up?
- Did you have food / medicine in the fridge / freezer?



# Flood or storm damage? What to do



Take photos of all damage



Write down what happened

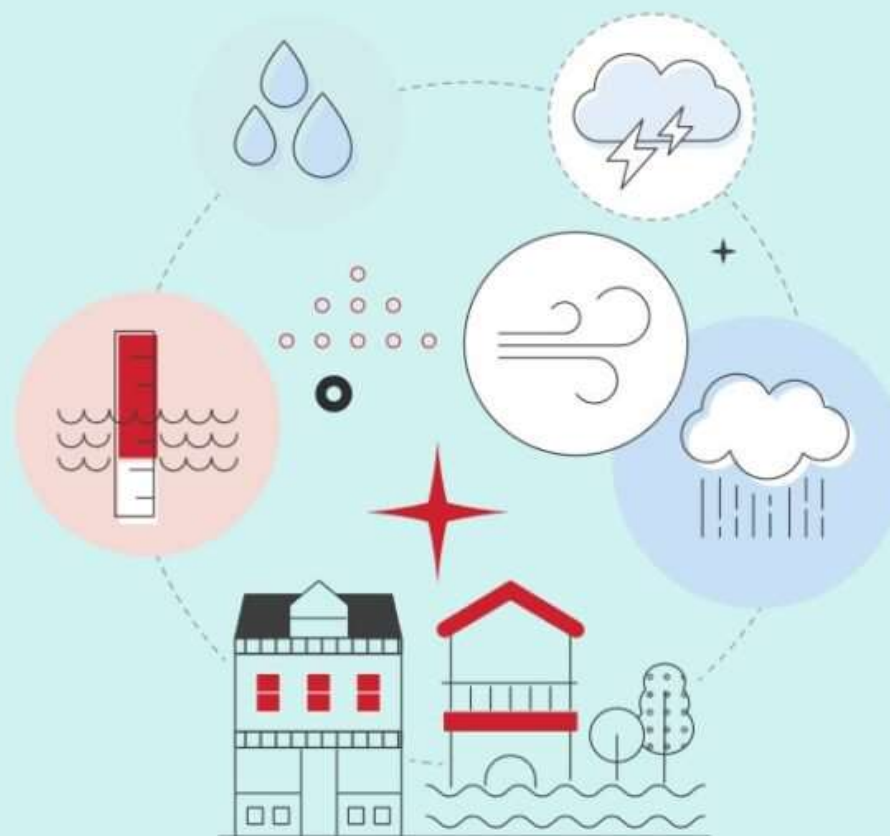


Call all your insurers  
(home, contents, car)

Read your insurance policy, talk to your insurer.

Even if you don't have flood cover, you might have cover for damage caused by **storms** (wind, hail, lightning) or by rainwater (including pooled rain water).

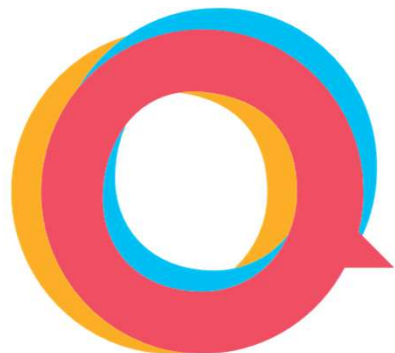
When insurers talk about **flood**, they usually mean water that has come from a lake, dam, river, creek, canal or something similar, over land that is usually dry.



Community  
Legal Centres  
Queensland

# Attribution

This document is a modified version of guidance documents prepared by Community Legal Centres Queensland.



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<https://www.communitylegalqld.org.au>



# Questions

If you would like specific legal advice for your situation, you may contact our Reception for an appointment:

- Wide Bay Burnett Community Legal Service (07) 4194 2663
- Our web inquiry form at [www.wbbcls.com.au](http://www.wbbcls.com.au)

