

INFORMATION FOR UWU MEMBERS

Floods and Claiming Insurance: What you need to know

Large parts of Queensland and NSW have been hit hard by extreme flooding, leaving tens of thousands of residents without power and with huge clean up bills.

Insurance Catastrophe

The [Insurance Council of Australia \(ICA\)](#) has declared an Insurance Catastrophe which serves to escalate and prioritise the insurance industry's response for affected policyholders.



Under the Catastrophe declaration:

1. Claims from affected policyholders will be given priority by insurers.
2. Claims will be triaged to direct urgent assistance to the worst-affected property owners.
3. ICA representatives will be mobilised to work with local agencies and services and affected policyholders as soon as emergency services say it is safe to do so.
4. Insurers will mobilise disaster response specialists to assist affected customers with claims and assessments as soon as emergency services say it is safe to.
5. An industry taskforce has been established to identify and address issues arising from this catastrophe.
6. The insurance industry has made this Catastrophe Declaration to activate services and support for affected homeowners and businesses and reassure them that their insurer is there to help.

So, what can you do?

Here is what you need to know if you have to make an insurance claim:

- ▶ Contact your insurer as soon as possible to lodge a claim (you may save time by lodging online)
- ▶ Take pictures or videos of damage to your property and possessions as evidence for your claim before cleaning up.
- ▶ Keep samples of materials and fabrics to show your insurance assessor.
- ▶ Remove water or mud-damaged goods from your property that might pose a health risk, such as saturated carpets and soft furnishings.
- ▶ Make a list of each damaged item and include a detailed description, such as brand, model, and serial number if possible.
- ▶ Store damaged or destroyed items somewhere safe.
- ▶ Speak to your insurer before attempting or authorising any building work (including emergency repairs) and ask for the insurer's permission in writing as the policy might not cover unauthorised work.
- ▶ Do not throw away goods that could be salvaged or repaired.
- ▶ Prioritise safety rather than doing anything that puts anyone at risk.
- ▶ Only return to your property when emergency services give a go signal.
- ▶ If water has entered your property, do not turn on your electricity until an electrician has inspected it.



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**Maurice
Blackburn
Lawyers**

Support for UWU members

Maurice Blackburn have set up a special free help line for UWU members to help navigate the claim process and assist if you get push back from an insurer.

Please contact Maurice Blackburn by calling us on 1800 572 394 or by email:

2022Floods@mauriceblackburn.com.au



What if the insurer disputes my claim?

The important thing to remember is that if you disagree with the insurer's decision, it is not final! Insurers often rely on people not fighting back when their claim is rejected.

You can ask the insurer to review its decision. If possible, we recommend you provide any additional evidence and/or arguments to support your claim.

If your claim is again rejected or the amount the insurer agrees to pay remains in dispute, you can then seek review by the Australian Financial Complaints Authority (AFCA) or through the Courts.

With many definitions of what constitutes flood and storm damage open to interpretation, it may be possible to argue that the insurer's interpretation of a clause in the policy is unreasonable.

The law is also clear that insurers cannot rely on unusual terms in an insurance policy, unless the insurer clearly informed you in writing of the effect of that provision before you signed the contract.



What if I am renting?

If you are renting and feel your rental is unliveable, you usually have the option of ending the tenancy. It's important to know that the tenancy doesn't automatically end, notice has to be given.

If you have to leave the property, rent is still payable up until the notice to end the agreement.

Any renters seeking further advice can contact the RTA on 1300 366 311.



Australian Government Disaster Recovery Payment

The government has set up a temporary Disaster Recovery Payment to help if you've been significantly affected by the floods, including suffering injury or major damage to your home.

You can find out more and make an application here:

www.servicesaustralia.gov.au/south-east-queensland-floods-february-2022-australian-government-disaster-recovery-payment

