

Victorian offices

Melbourne Reservoir
Dandenong Ringwood
Frankston Sunshine
Geelong Traralgon
Mildura Wangaratta

NSW & ACT offices

Sydney
Parramatta
Canberra

Queensland offices

Brisbane Strathpine
Browns Plains Sunshine Coast
Cairns Townsville
Gold Coast
Rockhampton

House flooded? Know your insurance rights

The recent floods have impacted on hundreds of thousands of people. If you own a house that was flooded, or you are renting and your contents have been affected by the floods, it's important to know your legal rights.

What does my insurance policy cover?

All insurance policies are different. **Storm** or rain damage is covered in almost all **home and contents** insurance policies. This is damage caused by a storm, rain and wind, and local runoff from streets, gutters and stormwater drains.

Some home and contents insurance policies explicitly exclude **floods**. Each insurance company has its own definition for 'flood', but it generally means water flowing from rivers, creeks, dams, lakes or reservoirs that cause damage.

Some policies that exclude flood damage, do nevertheless cover damage caused by flash flooding which is where the damage was caused to your property within 24 hours (or maybe up to 72 hours) of the downpour.

Some other types of insurance policies may cover losses arising from the floods such as **motor vehicle insurance, life insurance, income protection insurance, business interruption insurance etc.**

What should I do?

Submit a claim to your insurance company. Be as detailed as possible and take photos that show the state of your property and contents. **You don't have to prove whether the damage was caused by a storm or a flood, this is up to your insurer.** Make a copy of any claim you submit.

What happens next?

Insurance companies will be processing many claims for the floods, so your claim may take a little while, but insurers must fast track your claim if you are in urgent financial need. If you haven't heard from your insurer within three weeks of submitting your claim, you should complain in writing to the company. Hopefully your claim will be paid in full, however, if this doesn't happen, you have the right to appeal.

Need more information?

If your job has been affected by the floods or you are concerned about exposure to asbestos in the clean up, call 1800 810 812 or visit our website for more information.



Remember

It's important that you submit your claim and have an unsatisfactory outcome before you take these steps.

What are my legal rights?

If your insurance claim is rejected or you feel you have been treated unfairly, you can:

- appeal to your insurance company to reconsider its decision (each company will have its own appeals process, so check their website or call the company)
- take your claim to the Financial Ombudsman Service (1800 337 444)
- seek legal advice

Who provides legal advice?

You can talk to representatives from:

- **Legal Aid Queensland** (1300 651 188)
- **Legal Aid NSW** (1300 663 464)
- **Victorian Legal Aid** (03 9269 0120)
- **Insurance Law Service** (1300 663 464)
- **Maurice Blackburn** (1800 810 812)

Legal Aid and the Insurance Law Service provide free advice regarding your rights.

Maurice Blackburn has the largest plaintiff insurance practice in Australia and ran the leading flood insurance case. We offer free no obligation advice over the phone on insurance issues and will do your case no win, no fee (conditions apply).

Information correct at 19 January 2011.