

# Flood Insurance Guide

A Maribyrnong  
Community Initiative



# Acknowledgement of Country

We proudly acknowledge the Aboriginal and Torres Strait Islander communities across Naarm/Melbourne's west, their rich cultures, diversity, histories and knowledges, and the deep contribution they make to the life of this region.



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If you need an interpreter, please call the Telephone Interpreter Service on 13 14 50.



# Contributors

Special thanks to Maribyrnong Community Recovery Committee members Andrew Monteiro, Mary Cameron, Mike Caridi, Nazim Bayrak, Paul Larsen and Susan Saunders who were instrumental in the development of this guide. We would also like to thank the Flood Recovery team at Maribyrnong City Council and Andrew Monteiro, for their generous support in making this guide happen.

Special thanks also to Nilaufer Singh, Quyen Nguyen, Wennie van Riet and Nastassja Downey. Nilaufer and Quyen conducted the community conversations that underpin this guide with heart and skill. Wennie van Riet brought the community and professional insights together in this guide. Nastassja's creative flair and graphic design has brought this guide to life.

Finally, we could not have developed this insurance guide without the incredible contributions of our partner organisations cohealth, Consumer Action Law Centre, Disaster Legal Help Victoria, Financial Counselling Victoria, Australian Red Cross and Westjustice, who generously shared their professional insights and expertise.



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# Introduction

On 14 October 2022 a major flood of the Maribyrnong River took place. Over 500 homes were impacted by the flood and hundreds of residents had to leave their homes. The insurance and building repair process for residents took a very long time. Some residents are still unable to return home almost two and a half years after the flood.

Maribyrnong City Council created a Community Recovery Committee and a Social Recovery Sub-Committee with recovery agencies and support services. Both of these committees identified that insurance is not only one of the key barriers to recovery, but for many it has exacerbated the trauma of displacement, adding years to the rebuilding of people's lives.

Floods are unique in the damage they cause and the claims process for flood damaged property is detailed and complex. This insurance support project exists because community members identified the need for clear and accessible information

about flood insurance. They told us an insurance guide which combines information from experts in insurance and law together with community learnings from the 2022 flood, would help others in the same position.

Maribyrnong City Council partnered with GenWest on this project because of their expertise in designing and delivering inclusive and accessible programs. This has been demonstrated through their previous recovery activities and the Our Community, Our Voice report ([genwest.org.au/ocov](http://genwest.org.au/ocov)).

*"If only I had been given a guide and given the right information and instructions of what to do and what not to do after a flood, as I was just going by what my insurance said from the start. This booklet will be useful for me as there are so much for me to learn and understand about flood insurance claims."*

**- Liam\*, resident affected by Maribyrnong River flood 2022**



## Advocacy for change

There have been many inquiries, reports, and recommendations made to address insurance issues since 2022. These include the *Flood Failure to Future Fairness Report* which includes recommendations from the Parliamentary Inquiry into Insurers' Responses to 2022 Major Floods, and *Unsettled: Climate Risk and Cash Settlements in Home Insurance* from Financial Counselling Victoria.

These reports and recommendations aim to make insurance systems simpler, easier to use and effective at compensating people for losses caused by disasters. While this broader conversation about insurance takes place, this project has a local community focus, capturing the learnings from community members and elevating local voices and experiences.

**This guide offers clear and actionable information in navigating the complexities of insurance related to floods. It has been written for the Maribyrnong community and any other Australian community member who lives in or near a flood zone.**

## About this Guide

The content of this guide is based on in-depth conversations with 21 Maribyrnong residents. The conversations were specifically about their experience with insurance following the Maribyrnong River flood in October 2022.

The conversations were held with both homeowners and

renters. They represented both men and women and people from diverse backgrounds such as Vietnamese, Indian, Greek, Italian, Ukrainian and Chilean. Participants were of all ages, ranging from their 20s to their 80s. We refer to their experiences throughout this guide. To protect the privacy of some participants we have

changed some names, indicating the use of pseudonyms with an asterisk (\*) symbol.

Through these conversations, we uncovered the specific concerns and questions that community members wished they had addressed before the October 2022 flood. This guide aims to fill that knowledge gap by providing clear, actionable information and resources to help residents better navigate the complexities

of insurance in the context of a flood.

In each section, the responses to the questions have been carefully compiled and provided by subject experts. This guide contains general information which is only current at the time of publication. It is not a substitute for legal advice. You should seek legal advice in relation to your individual circumstances.

## Thank you

To each of the community members who shared their insurance experiences, we extend our heartfelt gratitude for your willingness to recount your incredible stories and insights. By sharing your experiences, you hoped to provide valuable lessons for future communities. This guide is dedicated to you, in recognition of your contributions and the knowledge you have shared.

Thank you for your courage and generosity in sharing your journey.

The insurance support project was created by the Maribyrnong Community Recovery Committee and delivered by the community, for the community, with project partners GenWest and Maribyrnong City Council.

**This guide is available online and in print in both English and Vietnamese.**





## Section 1

# Why and how should I take out insurance?

### Frequently asked questions in this section:

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The responses to the questions in this section have been provided by Financial Counseling Victoria.

Financial Counseling Victoria is the peak body and professional association for financial counsellors in Victoria. They provide resources and support to financial counsellors and their agencies who assist Victorians experiencing financial difficulty. They work with government, banks, insurers, utilities, debt collection and other stakeholders to improve approaches to financial difficulty for vulnerable Victorians.

Visit their website to find out more: [fcvic.org.au](http://fcvic.org.au)



## Why should I take out insurance?

Insurance helps protect you from losing money if something happens to your property, like a fire, flood, storm, theft, or vandalism.

If you have insurance for your home and things inside it, you can ask your insurance company to pay for repairs or to replace things that were damaged or stolen.

If your home is damaged and you need to stay somewhere else while it gets fixed, your insurance might help pay for temporary accommodation and storage for your belongings.

### For home owners

If you have a loan (mortgage) on your home, the bank or lender will probably ask you to have insurance as part of the agreement.

Home insurance is not the same as mortgage lenders insurance.

- **Home insurance** protects you. It can cover both your belongings and the structure of your home.
- **Lenders mortgage insurance** protects the bank or lender. It helps the lender get their money back if you can't repay the loan. Mortgage insurance does not protect you.

### Important insurance terms

*Insurance policy* – A legal agreement between you and the Insurer that tells you what you are covered for.

*Insurance premium* – What you pay for your insurance, monthly or yearly. If your risk is higher, you may have to pay a higher premium.

*Insurance excess* – How much you need to pay up front, before you receive any money from your insurance when you make a claim.

### For renters

- If you rent your home, you can get a renters insurance policy to protect your belongings.
- Some renters insurance policies help pay for temporary accommodation, lost food, or minor damage caused after a flood or other disaster.
- Different insurance companies cover different types of loss, so you should check with your Insurer to see what you're covered for.

## What is the difference between contents, home and building insurance?

- **Contents insurance** covers your belongings
- **Building insurance** covers the structure of your home or building, and
- **Home insurance** can cover both.

### Contents insurance

Contents Insurance covers your personal belongings inside your home, like furniture, clothing, electronics, and appliances.

If these items are damaged, stolen, or destroyed, contents insurance can help pay to repair or replace them.

### Building insurance

Building insurance covers the structure of your home or building, including the walls, roof, floors, and things that are fixed, like plumbing, electrical systems, and windows.



It helps pay for repairs or rebuilding if your home or building is damaged by things like fire, storms, or vandalism.

### Home insurance

Home Insurance is usually a mix of both contents and building insurance, protecting both your home's structure and the things inside it.

Some home insurance policies might also offer extra coverage for things like living expenses if you can't stay in your home temporarily.

*"In Vietnam, this kind of insurance doesn't exist. I only wish I had known about contents insurance cover."*

**- Chau, resident affected by Maribyrnong River flood 2022**

## What happens if I don't have insurance?

Without insurance, if your property gets damaged, you might not have enough money to fix your home, buy new belongings or rent temporary accommodation.

Having no insurance could leave you without a home, without important things like clothes and furniture, and make it hard for you to manage your money and pay for other living expenses.

*"I didn't have any insurance to claim but I did remember I got given a little bit of money and also got taken to a warehouse through the Council where I got myself a [second-hand] bed, mattress, some crockery and household stuff for me to use at the place I'm living now."*

**- Khu, resident affected by Maribyrnong River flood 2022**

In this example, Maribyrnong City Council referred residents to the Western Emergency Relief Network Warehouse as part of the flood recovery program.

## How do I estimate how much I need to insure my contents and home for?

You will need to estimate how much it would cost to rebuild your home and replace your belongings if they were damaged or destroyed.

This means you will have two separate values: one for the building and one for your belongings (contents).

You can contact the Insurer and ask them for tools and information to help you estimate the amount of cover you need. Insurers won't tell you the amount of cover you need. They only provide information to help you make your own estimate.

To help you calculate these values, you can use an insurance calculator. You can use an independent calculator from the Insurance Council of Australia website ([insurancecouncil.com.au](https://insurancecouncil.com.au)) or use a calculator directly from an insurance provider's website.

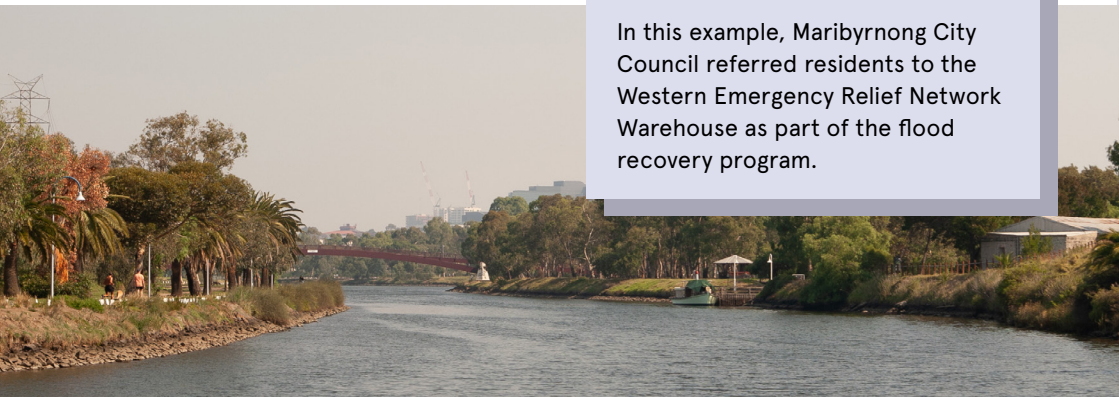
It's a good idea to use more than one calculator to make sure the estimate is accurate. This will give you a better idea of how much coverage you need.

*"I have insured the house for a hell of a lot more now, just to protect us in case the flood happens again."*

**- Stella, resident affected by Maribyrnong River flood 2022**

### Need more information?

**Insurance Council of Australia (ICA):** they are the representative body of the general insurance industry in Australia. They have a calculator ([bit.ly/ICA-calculators](https://bit.ly/ICA-calculators)) to estimate how much to insure your contents or home for. To find out more, visit their website: [insurancecouncil.com.au](https://insurancecouncil.com.au)



## How do I compare the cost and cover for home and contents insurance?

Before you can compare the cost of insurance, you need to:

1. Decide what type of insurance cover you want.
2. Work out the replacement value of your building and contents.
3. Understand any exclusions (things that are not covered) in the insurance policy: Read the policy carefully to know what is not covered, so you understand in which situations you can't make a claim.



### Deciding what type of cover you want

In Australia, there are generally two different types of cover:

1. **Sum-Insured:** This is the maximum amount the Insurer will pay you, based on the amount you estimate will cover the cost of rebuilding your property if it is completely destroyed. You need to carefully estimate this amount to make sure it's enough to rebuild your property.
2. **Total Replacement Cover:** This cover means the Insurer will cover the full cost to repair or rebuild your property to the condition it was in before the damage occurred. This can be helpful if the cost to rebuild is higher than what you estimated.

*Total Replacement Cover is usually more expensive than Sum Insured Cover, but it means you will not be underinsured if you need to rebuild.*

### Understand any exclusions of the insurance policy

Each Insurer's website provides details about the policies they offer.

They often include "Fact Sheets" or "Frequently Asked Questions" (FAQs) that explain the main coverage options.

It's important to know what you **are not** covered for – things that are not covered are called "exclusions".

Exclusions are set out in your Insurance Product Disclosure Statement (PDS). A PDS is a long document and reading one can be difficult. It's helpful to read the Fact Sheets and Frequently Asked Questions provided by Insurers. You can ask an Insurer to explain anything you don't understand.

Knowing the exclusions in each policy helps you compare policies. For example, if you live in a high-risk flood area, you should ask the Insurer if you are covered for flood events.

Make sure the policy suits your needs and covers the risks that are important to you.



Once you know:

1. the type of cover you want;
2. the estimated cost of replacing your building and contents; and
3. understand what each policy covers;

you are ready to ask Insurers for a quote on the annual premium (the total amount you will need to pay per year) for the cover that best suits you.

It's a good idea to get quotes from different Insurers, as the prices can be different.

Remember, buying the cheapest policy is not always the best, as it may not cover everything you want it to.

Once you've decided which policy to buy, let the Insurer know the date you want insurance cover to start.

You'll also need to choose whether you want to pay the premium monthly or for the entire year upfront.

*"Before getting a policy, please ask questions. Get all the information and then sign the contract."*

- Angelina, resident affected by Maribyrnong River flood 2022

## Need more information?

**Financial Rights Legal Centre:** A community legal centre specialising in financial services, including insurance. They have a factsheet on *Understanding your Insurance Policy* ([bit.ly/FRLC-factsheet](https://bit.ly/FRLC-factsheet)). To find out more, visit their website: [financialrights.org.au](https://financialrights.org.au)

**MoneySmart:** This is an online resource to help Australians take control of their money with free tools, tips and guidance. They have a factsheet on *Choosing Home Insurance* ([bit.ly/moneysmart-factsheet](https://bit.ly/moneysmart-factsheet)). To find out more, visit their website: [moneysmart.gov.au](https://moneysmart.gov.au)

**Disaster Legal Help Victoria:** They provide free legal information and referrals to Victorians affected by a disaster. They have a factsheet *About Insurance* ([bit.ly/DLH-factsheet](https://bit.ly/DLH-factsheet)). To find out more, visit their website: [disasterlegalhelp.org.au](https://disasterlegalhelp.org.au)

## What is an insurance broker and what do they do?

An **insurance broker** is a licensed professional who helps you find the right insurance for your needs.

Brokers work with many different insurance companies to compare policies, coverage options, and prices.

Brokers may charge a fee from you or receive a commission (payment) from the insurance company for their help.

Brokers should ask you questions about your insurance needs so they can understand what type of coverage you want. This helps them find the best policy that suits your situation.

They can explain different insurance products, guide you in choosing the best cover, and even assist with claims if needed.

### Things to consider when using an Insurance Broker:

- Make sure you're using an **insurance broker**, not an **agent**. Insurance agents work for the Insurer and they may not offer you the best advice or support. Brokers work for you.

- It's important that the broker fully understands your insurance needs. The more information you provide, the better they can help you find the best insurance policy for you.
- If the broker doesn't understand your needs, you might not be covered for what you need when you make a claim. This could lead to financial loss and legal issues.
- It's a good idea to ask the Broker to provide their advice in writing so you have a clear record of their recommendations.
- If you don't agree with a broker's recommendations, you don't have to continue working with them. Remember, it's your choice who you work with.

You don't need to use a broker to take out insurance. You can contact insurance companies directly.

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Section 2

What should I do before a flood event?

Frequently asked questions in this section:

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The responses to the questions in this section have been provided by Westjustice.

**Westjustice**

Westjustice is a community organisation that provides free legal help to people in the Western suburbs of Melbourne.

They can help with a broad range of everyday legal problems including consumer and insurance disputes, credit and debt, family law and family violence, fines, motor vehicle accidents, tenancy, youth criminal law and more. They have offices in Sunshine and Werribee, as well as several outreach services.

Visit their website to find out more: [westjustice.org.au](http://westjustice.org.au)

## I have home insurance, does this mean I am covered for flood?

### Product Disclosure Statement (PDS) inclusions

You need to start by looking at your Product Disclosure Statement (PDS).

Many insurance policies cover a flood event, however not every insurance policy for a home (including your belongings inside a home) will cover you. Each insurance policy can have different rules for what you are paying to cover depending on the insurance product.

Every insurer must prepare something called a "Product Disclosure Statement" (PDS) for an insurance policy it sells to

members of the public. A PDS is a detailed brochure that will talk about that insurance's product's rules, especially what it does and does not cover. You can look at a PDS (often online) before you decide to buy the insurance product.

*"When we found out we don't have flood cover... Then actually I broke down. Everything is gone, and we have no insurance cover for the flood."*

– Quyen, resident affected by Maribyrnong River flood 2022

### Flood definition

There is a difference between flooding that comes from a river, lake or dam and flooding that comes from rain.

Every PDS must have the same basic definition of what a flood is. The words are:

"The covering of normally dry land by water that has escaped or been released from the normal confines of:

1. any lake, or any river, creek or other natural watercourse, whether or not altered or modified; or
2. any reservoir, canal, or dam."

This definition is about when bodies of water overflow and the water runs into other properties. Insurers must tell you before you take out a policy or renew a policy whether they will cover this kind of flood if it damages your home.

There are a couple of things that this definition **does not** include that could also "flood" your home. For example:

- storm or heavy rains flooding your property;
- something like a pipe bursting somewhere in your home and causing bad water damage.

### Cost of flood cover for insurance

Flood cover for insurance might cost extra and you might need to agree to pay more for it.

Cover for the basic definition of flood might be part of the ordinary price (premium) of your insurance, or it may be something you need to pay extra money for to include. This depends on the insurer, your type of home and where you live.

For example, if your home is near a river that has flooded the area in the past, paying for insurance cover in case of a flood may be something you opt-in to and pay extra for.

Even if you are not covered for a flood from a lake or a river, you could still be covered for water damage inside your home depending on how it happened, but this will depend on what the PDS says.

If you are *unsure* whether your current insurance includes flood cover, you should check your PDS immediately. If you are having trouble understanding it, you can ask your insurer or ask for advice from a community legal centre.

*"In early 2022, I got my contents insurance renewed, which normally also includes flood insurance. With my renewal, I had a letter stating that my contents insurance was the same, but my flood insurance was separated on the policy and was now thousands of dollars extra. I gave a call to the company thinking it was a mistake and they said no, because of floods in the past in the state they decided to put the price of their policy up. I thought that it was too expensive to pay year after year, so I cancelled that. So... I got house and contents and storm insurance, but not flood. That's it. That's all I had."*

– Sonya, resident affected by Maribyrnong River flood 2022

## I have home insurance, does this mean I can access temporary accommodation for as long as I need?

Whether you can get temporary accommodation after something happens to damage your home, and how long you get this for, depends on:

- whether the event that damaged your home is covered by your home insurance;
- what your insurance policy says about temporary accommodation and when you can get it.

Almost every home insurance policy's PDS talks about a maximum time for temporary accommodation (for example, a maximum of 12 months after your

home is damaged or destroyed). Sometimes, the time period is set as a percentage of the sum your home is insured for.

For example, if the "sum insured" under your insurance is \$600,000, the insurer may pay up to 10% of the sum insured amount for your temporary accommodation (\$60,000).

Insurance policies will sometimes talk about temporary accommodation being 'reasonable and necessary'. This means that the insurer might make a decision about:

- whether you could still live in your property safely while repairs are being made;
- the kind of accommodation that will be organised, and where this is.

*The term 'sum insured' is explained in more detail in [section 1, page 15](#).*

### Your accommodation needs

You should think about what kind of accommodation you will need while your home is being fixed and how long you will need it.

If you may need temporary accommodation, you should immediately let your insurer know anything important about:

- any help you or your family need to get into buildings (like ramps and wheelchair space);
- any pets;
- any very important things you or your family need to be close to (like a hospital).

Depending on your situation you may choose to organise your own accommodation (like a rental property) and have the insurer approve it, or seek your claims manager's assistance in finding an acceptable option.

Often, repairs or rebuilding will take longer than the maximum time period. If you realise that work on your home will not be finished when the time period for temporary accommodation in your insurance policy runs out, you should contact your insurer as soon as you are able to.

If you are at risk of being homeless or not sure where you'll be staying, don't move out of your accommodation. It may be possible to organise an extension or another arrangement to keep paying for some of your costs until your home is safe to live in again.

### Cash settlement and temporary accommodation needs

If your insurer offers you a cash settlement, you need to think about whether it will cover the cost of your accommodation.

Sometimes an insurer will offer to resolve your claim by offering you a cash settlement (a payout amount to close your claim). It is important to remember that a cash settlement may not include a separate payment or arrangement for temporary accommodation while your home is repaired or rebuilt.



If you are in temporary accommodation, the insurer may stop paying for this once you accept a settlement.

*We talk about what a cash settlement is in more detail in [section 4, page 63](#).*

Because of this, it is important when considering a cash settlement to think about how much your temporary accommodation may cost during the rebuild, and whether the amount the insurer is offering lets you budget for this.

## I am part of an owners corporation. How do I manage my insurance cover?

Owners corporations (which used to be called body corporates) may already have building insurance for the home you live in.

Apartments, flats or units are often under a type of title (a form of ownership of land) where an owners corporation is created to manage the common areas and shared spaces of the building or structure.

If you own a flat or an apartment, it is likely that you are already a member of the owners corporation.

*"Had I known before, I would have asked the insurance company to pay for [my parents] accommodation and arranged for them a house closer to their damaged house so they could commute easily while it was being constructed."*

**– Stella, resident affected by Maribyrnong River flood 2022**

In Victoria, an owners corporation has a legal duty to take out insurance for all buildings that form part of the owners corporation if a building has more than one level. This insurance has to be to a level which covers:

- The cost necessary to replace, repair or rebuild the property to the same standard as before.
- The payment of costs like rubbish removal and architects for when repairs and rebuilding of flats or units needs to happen.

If you are an owner, you will be paying the price of this insurance through your owners corporation fees. If there is a claim that only affects your home, you may also be asked to pay the excess for the claim.

### Requesting information

If you own a home in an owners corporation you are allowed to see the information about the insurance.

In Victoria, an owner's corporation will usually have a company which professionally manages the collection of payments and organises insurance. These managers must keep records of the details of the insurance for the building. They will let you look at this if you ask so you can learn more about what it does and does not cover.

### Contents insurance

Consider organising your own contents insurance if you live in a unit, flat or an apartment.

Owners corporation insurance will not usually cover the contents inside your home – only structural damage to the building itself. It is a very good idea to organise contents insurance for your home separately.

If you have a one-story property but you share common areas like gardens or driveways, the owners corporation is only required to have insurance for these shared areas. You should check what the owners corporation insurance covers and if you need to organise your own building insurance.

If you have a disagreement or complaint with your owners corporation about taking out insurance, making a claim, or how much you have to pay towards the insurance, you should contact Consumer Affairs Victoria.

### Need more information?

**Consumer Affairs Victoria:** They are Victoria's consumer regulator. They help create a competitive and fair marketplace for businesses and consumers. They have a guide on how owners corporations work ([bit.ly/CAV-ownerscorp](http://bit.ly/CAV-ownerscorp)). To find out more, visit their website: [consumer.vic.gov.au](http://consumer.vic.gov.au).

## What kind of information is on the Product Disclosure Statement (PDS)?

The PDS is the quickest way to understand what your insurance policy will cover and not cover.

The Product Disclosure Statement (PDS) is a document containing important information about the main things to know about your insurance policy. Every insurer must make a PDS available to everyone before they decide to take out insurance. These can usually be found on the insurer's website.

**The PDS lets you know important things the insurer wants you to tell them, including if anything changes.**

The PDS will be the main thing you need to read before you make any claim on your insurance. It will usually include these important things:

- Some information on how much you pay for your insurance policy, when payments are due, and what may affect the cost of your insurance policy. This may talk about the premium, but also when you might have to pay an excess.
- A list of definitions ("meanings") under your insurance policy for important words and phrases which appear in it.
- A list of events which you are insured for under the insurance policy, as well as exceptions for loss and damage which is not covered (for example, the policy might say it covers you for fire, but not if you deliberately set your home on fire).
- A list of events which you are not insured for at all under the insurance policy.
- A list of the maximum amounts that you will be entitled to receive under the policy for certain items, either as a specific dollar amount or as a clear percentage of the amount you have chosen to insure your home for.
- A guide for how you should make a claim and how the insurer goes about settling the claim, including when they may pay you a cash settlement to fix the property yourself instead of fixing the property for you.
- A list of things that you have to do as the insured person. This may include things you need to update the insurer about if they happen to you, or things that have changed since you first entered into the insurance contract.

- An explanation of where to start if you have a complaint with your insurer, including how to contact the insurer and where to go if you are not happy with the insurer's response to the complaint.

If you are currently unsure about what your insurance does and does not cover, it is a good idea to look at the PDS and find out. If you cannot find this online for some reason, your insurer should provide you with a new copy.

*"The insurance companies do take advantage of their clients' lack of information about their rights and their knowledge of their insurance cover but I think we've got a responsibility also when we buy things. I didn't read my PDS, but I will now."*

– Sophia\*, resident affected by Maribyrnong River flood 2022

## What is an emergency plan and why do I need one?

An emergency plan talks about what you and your family will do if an emergency happens where you live.

An emergency plan is a list of decisions and actions you prepare in advance so that you have it ready if a dangerous event happens and affects your home and your safety. In Australia, some examples of emergencies might include:

- Bushfires;
- Floods;
- Unexpected loss of power or water connection to your home.

### What to include in an emergency plan?

Your plan should include the things you need in an emergency, and where you would go first.

Because these emergencies can happen so suddenly, it is important that you have a plan in place in advance that you can use to stay safe. This plan might include:

- What you will use to get updates about the emergency (like a radio);
- What you and your family would still need in an emergency (medication or medical services);



- Who you would go to or talk to in your family, friends and neighbourhood circle first for help, and how to contact them;
- The phone numbers for anyone important like your insurer, your power or water company;
- Where you would go first if you had to leave your home very quickly because of an emergency;
- What you would do about animals or pets;
- An emergency kit of food, water, clothes, documents and other important things that is kept in a part of your home that is easy to get to.

There are resources online which can help you plan a simple and easy emergency plan. One good example is the Australian Red Cross's Rediplan ([bit.ly/ARC-RediPlan](https://bit.ly/ARC-RediPlan)), which is in Plain English.

### **Always have an emergency plan as well as insurance.**

An emergency plan is something you should have as well as your home insurance. Even if you do not currently have insurance, you should make an emergency plan as this can make sure that you, and certain essential things you need, are safe if there is an emergency.

*"You need to imagine knee high water in your home so you can keep valuable things safe. You need to save things not just in cupboards but in fixed cabinets because everything was floating in the house, even heavy goods like my fridge, beds, washing machine etc. Tell people to have fixed, heavy cupboards and things mounted on the walls otherwise everything will tip over."*

**- Sonya, resident affected by Maribyrnong River flood 2022**





## What information do I need to collect now for a future insurance claim?

If you are claiming for belongings which are damaged or destroyed, an insurer will want to see some proof that you own these.

Having more information about the belongings in your home could make dealing with an insurer faster and easier if any of the belongings are damaged and destroyed.

Usually, your insurer will want to see proof that:

- You owned an item;
- If it is a rare or unusual item (like a piece of jewellery) that it cost what you say it cost.

### List of important items

It is a good idea to keep a list of important items you own with photos of the items, and keep it somewhere safe.

As a start, it is a good idea to have:

- A document (like a spreadsheet) that lists the important and valuable items in your home, which may include tools, valuable appliances, jewellery, antiques and collectibles. The document should say how much you think they are worth and what condition they are in.

- Keep this document up-to-date and email it to yourself so that you can access it from a phone or another computer in an emergency.
- It is a good idea, if possible, to also take photos of your valuable belongings and keep these somewhere safe.

Other useful things to keep records of could be:

- Receipts for big purchases, or the packaging or booklet it came with;
- Bank statements showing these purchases.
- It is a good idea to keep photos or screenshots of these safe too.

### Valuable items

Insurers might have special rules for proving information about how much valuable items cost, but they should act reasonably after a disaster.

Some insurance policies may have specific requirements in the PDS about items like jewellery (like a jewellery valuer confirming how much it is worth).

Justice Connect's website has a useful checklist for organising your important documents (including proof of your belongings) in the event of an emergency, and some helpful guides on how to keep copies of these documents in a form where you can get to them by email or online. You can view it at [bit.ly/jcchecklist](https://bit.ly/jcchecklist)

*"You can't trust insurance. That's a big lesson. In future, we will probably handle it more efficiently not relying on our first instincts. We will document everything and take pictures for evidence. There is a lot of emotional stress after a disaster which stops us from being practical and logical. We need to focus on things that are important to process our claim. Also, there are so many possessions that are valuable for us but have no value for the insurance company. So, the next time we will think with a straight head and plan ahead."*

- Bianca\*, resident affected by Maribyrnong River flood 2022





## What home maintenance is needed, to be eligible for a future insurance claim?

Insurance cannot be used to claim for maintaining the property as it gets older and worn down.

It is very important to understand that insurance is not available to pay for the repair of parts of your home as they get old, worn down, or damaged over time and with age. Things done to maintain the home as it gets older are the responsibility of the homeowner.

### Poor conditions can affect your claim

If your home is in poor condition, it might affect a claim after a disaster because the insurer thinks the poor condition of the home is the real cause of the damage.

An insurer cannot refuse to pay a claim for something you are insured for just because the property is old and things need fixing. But it is also a risk that if your property is in very poor condition and it is damaged after something like a storm, the insurer will not agree that the bad weather is the main reason for the damage.

For example, if your roof gutters are blocked and you already had a leaky roof and a storm hits

your property and causes water damage, the insurer could say this was because of the problems the property already had. This could mean you end up getting less money from the insurer, or no money at all.

The *Flood Failure to Future Fairness Report*, published in 2024, recommends that insurers need to provide clearer information in the PDS. The report recommends insurers should give better information to customers about what they mean when they use phrases like 'wear and tear', or when they talk about 'reasonable maintenance'. This means there may be clearer information for homeowners to use in the near future.

### Regular repair and maintenance

There are a few basic things you can do regularly to address the main repair and maintenance issues in a property.

For now, some good things to check in your property and keep up the maintenance for include:

- Regularly cleaning out gutters in a building so they are not blocked.

- Inspect your roof regularly for cracked or missing tiles, gaps or other damage that might make storm damage worse or be causing leaks.
- If you see anything like a damp patch around the bottom of walls or floors in your home that could mean a pipe or hose might be leaking, get a plumber to look at it quickly in case it causes damage to the structure of the home.
- Regularly test your smoke alarms and change the batteries if you need to.
- Look out for things like cracking on external brickwork, or doors and window jamming, which may mean the stumps of the building need repair or replacement.
- Keep records of any maintenance and repairs as this may be requested during claim investigations.

This is not a full list of things you may need to repair or look after in your home, and just because there is a problem with one of these things you may still have a valid claim if something has happened to your home.

However, these are very sensible things to start with to keep your home in good condition and mean that it is unlikely that maintenance of the home could become a disagreement in an insurance claim.

*"After the October 2022 flood, my insurance provider's Structural Engineer documented some photos of defects and said it was pre-existing. I was very fortunate to have a 2020 Earthquake report from the insurance provider that did not have the so called 'pre-existing defect'. This proved my point that the defect was not pre-existing and significantly increased my cash settlement."*

**- Andrew, resident affected by Maribyrnong River flood 2022**



## Section 3

# What do I do immediately after a flood event?

### Frequently asked questions in this section:

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Is it safe to move back into a home that was flood affected?	44



The responses to the questions in this section have been provided in consultation with the Australian Red Cross.



Australian Red Cross is a humanitarian organisation that helps people and their communities prepare for, respond to and recover from emergencies. They have a range of resources and help, before, during and after emergencies.

Visit their website to find out more: [redcross.org.au](https://redcross.org.au)

*"I was in a state of shock. I didn't stop until... I was drenched because I fell into the water and it wasn't great. I sat in the car on a towel, put my son in there and we just drove off and I didn't realise where I was because he fell asleep. So... I didn't realise that I was halfway up. Then I pulled over and took off my dirty wet cold clothes off me. That was after 1.5-2 hours of driving. It was probably Wodonga. I was a long way when I sort of woke up and became a bit more aware. I was in a shock mode and focused on the road and I was present in that moment at what I was doing but it was very... it's a strange feeling when I look back on it. I don't think it was safe for me to drive to be honest."*

– Sophia\*, resident affected by Maribyrnong River flood 2022

## What do I do after my family and I are physically safe?

The safety of you and those around you is most important.

After a flood event, make sure you:

- Don't do anything that puts anyone at risk.
- Only return to a property

or vehicle when emergency services give the go ahead.

- If water has entered your home, don't turn on the electricity until it has been inspected by an electrician.
- Do not drive your car if it has been damaged by water.

The aftermath of a natural hazard can be devastating. Prepare yourself mentally for the possibility of seeing and hearing things that are distressing. Consider leaving children and pets with family or friends in a safe area until you can assess when it is safe and less distressing for them to return. Make sure you have access to required medication and contact your doctor if you need support to access medical supplies.

Once you, your family and your pets are physically safe, check if you have building or home insurance. If you have insurance, contact your insurance company as soon as possible to lodge a claim and seek guidance on the claims process.

For more information on how to make an insurance claim and Financial Hardship after a disaster, see [section 4, page 66](#).

The recovery from an emergency can be a long and sometimes tiring process and it's important to make sure you look after yourself. When they feel comfortable, encourage family members to talk about what has happened. If you or members of your family are finding it difficult to cope, talk to your doctor about getting a mental health care plan or talk to a health practitioner.

### Need more information?

**Australian Red Cross:** a humanitarian organisation that helps people and their communities prepare for, respond to and recover from emergencies. They have a factsheet about *Coping after a Crisis* ([bit.ly/ARC-coping](https://bit.ly/ARC-coping)). For more information visit their website: [redcross.org.au](https://redcross.org.au)

*"If I knew what I know now, it would have been much better. For the first two days I did not realise I could buy new clothes after we lost everything. It was only after my insurance case manager told me we could, they transferred some money to my bank account so we could buy necessities. We also left our dog somewhere else, as our initial accommodation didn't allow us to bring our dog. We didn't know that insurance could offer us better accommodation."*

– Andrew, resident affected by Maribyrnong River flood 2022

## Where can I go after a flood?

After a flood event, you may need to find emergency or temporary accommodation until you can assess if it is safe to return home. There are several options for where you can go after a flood, based on your personal circumstances.

- 1. Insurance:** If you have insurance, contact your provider for options that may be available to you. They may be able to offer you access to temporary accommodation. For more information about what suitable temporary accommodation options your insurer can offer you, see section 2.
- 2. Family and friends:** You may have family and friends who are able to support you.

- 3. Council:** During and after an emergency your local council provides information on available support. Your council may activate an Emergency Relief Centre to help community access this information. Your local council can provide guidance on temporary accommodation options and relief payments from other agencies if they are available.

*"I did not know that we could get accommodation after the flood. We lived in our house after the flood straightaway when we probably should have accessed accommodation elsewhere. So, next time I won't stay in the house because it was awful. The smell of the streets was revolting."*

**- Tina\*, resident affected by Maribyrnong River Flood 2022**

### Need more information?

**Vic Emergency:** this is a website for Victorians to find emergency information and warnings. They provide information on relief support available during an emergency via their Vic Emergency app. For more information visit their website: [emergency.vic.gov.au](https://emergency.vic.gov.au)

## When do I clean up after a flood?

*"We saw the people on our street putting their unusable stuff on the nature strip. So, we did the same. There were people driving past picking up the stuff and so it was all gone before we knew that we were supposed to click pictures for evidence."*

**- Bianca\*, resident affected by Maribyrnong River flood 2022**

Before you start your cleanup, check if you have home insurance with flood cover. If you don't know who your insurer is or if you're not sure if you have flood cover, contact the Insurance Council of Australia (ICA) Disaster Hotline on 1800 734 621.

If you have contents and/or building insurance with flood cover, speak to your insurer before you clean up or authorise

any building work. The amount of evidence needed to prove your loss depends on your type of claim. For more information about what evidence you need to provide for a **general contents claim** or a **total loss claim** under your home contents insurance, see [section 4, page 48](#).

If you believe the insurer is unfairly requesting a list of items, seek legal advice. You can ask for free legal support from the list of services provided in [section 5, page 76](#).

*"I rang insurance the next working day after the flood and they didn't get back to me about a week or two after. During that time my family did all the cleaning of the house by ourselves, which we shouldn't have done as it affected my claim."*

**- Liam\*, resident affected by Maribyrnong River Flood 2022**





### Need more information?

**Department of Health:** This Victorian department helps Victorians stay safe and healthy, including during a disaster. They have factsheets on the potential health risks after a flood ([bit.ly/DoH-flood-risk](http://bit.ly/DoH-flood-risk)). For more information visit their website: [health.vic.gov.au](http://health.vic.gov.au). Their information is also available in other languages.

**Insurance Council of Australia (ICA):** they are the representative body of the general insurance industry in Australia. They have a factsheet on *Cleaning up After a Disaster* ([bit.ly/ICA-cleaning-up](http://bit.ly/ICA-cleaning-up)). For more information visit their website: [insurancecouncil.com.au](http://insurancecouncil.com.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## How do I clean up after a flood?

It is very important that you get the right information when deciding how to clean up your home.

### General safety

Flood waters can be dangerous and may be contaminated. The Department of Health advises to always wear protective equipment for all tasks such as sturdy boots, long pants and sleeves, eye protection and gloves.

- Watch out for insects, spiders and animals.
- If power lines have fallen, move away and contact energy authorities.
- If you have to step in water to get to the fuse box or circuit breaker, call an electrician.

- Electrical equipment should be checked by an electrician before being used.
- Keep children and pets away during the clean up as much as possible.

If a building looks unsafe due to damage, stay out until inspected by a professional. Use a torch to check for hidden damage like sagging floors or ceilings, which may be a sign of structural or water damage.

Leave immediately if you detect gas leaks, strange odours, or hissing sounds. Turn off electricity at the main box if you see sparks, frayed wires, or smell burning insulation.

### First steps to take

Depending on the level of damage, there are some important things to do:

#### 1. Record the damage:

If you have insurance, take pictures of the damage, inform your insurer and request an insurance assessment of the damage. Depending on your policy's terms, you may be covered for drying and cleaning your home. It's important to review your policy disclosure statement (PDS) to confirm whether you have this coverage.

#### 2. Secure your property:

If your home is not liveable, have it secured. Advise power, phone, water and gas companies, and your bank. Have your mail diverted to your temporary address or held until you can provide a temporary address.

#### 3. Drying your home:

Drying your home after water damage can take weeks, with full restoration taking months. Remove all wet items and materials, like drywall and insulation, and dry them outside. Keep doors and windows open on dry days to let moisture escape and leave them slightly ajar on wet days. Use one heater per room to aid drying

without causing damage and check hidden areas for trapped mud. Only after the home is completely dry can you start to remove mould.

#### 4. Cleaning your home:

It is important to thoroughly wash and disinfect every part of your home that has been flooded to avoid contamination.

Prepare a clean-up kit with items like a broom, mop, bucket, and household cleaning supplies. Wear rubber gloves and, for strong chemicals, a mask in well-ventilated areas. Never mix bleach with other chemicals due to the risk of poisonous gas.

Clean one room at a time using a two-bucket method to keep rinse water separate and disinfect surfaces after cleaning. Repeat disinfection after 24–48 hours to eliminate lingering mould or fungi.

Clean walls from the bottom up and replace heavily damaged sections. For windows, remove tape. Handle broken glass with gloves and securely dispose.

*"The insurance contractors came to my house after the flood to Make Safe. When they came did not remove the floorboards in my house. They only removed it 3 months later, after black mould had already had a chance to build up on the sub floor and further damage my property."*

- Andrew, resident affected by Maribyrnong River Flood 2022

### Need more information?

**Australian Red Cross:** a humanitarian organisation that helps people and their communities prepare for, respond to and recover from emergencies. They have a factsheet on *Cleaning up after a Disaster* ([bit.ly/ARC-cleaning-up](http://bit.ly/ARC-cleaning-up)). For more information visit their website: [redcross.org.au](http://redcross.org.au)

**Department of Health:** See [page 40](#).

## What do I do with furniture that appears ok after a flood?

It is very important that you get the right information when deciding what to do with your furniture after a flood.

If you have contents and/or building insurance with flood cover, speak to your insurer first before you clean up and consider what to do with your furniture and appliances.

When considering what to do with your furniture, carefully check the following:

- To dry and restore furniture, remove the back to improve airflow and avoid forcing swollen wooden parts open until dry.

- Solid wood can often be repaired, but wood veneer may warp or separate.
- Use wood alcohol or mineral turpentine to remove mildew, and lanolin-based wood restorers to restore finishes.
- Upholstered furniture absorbs flood contaminants and should be professionally cleaned or discarded.
- For valuable or antique items, get a professional cost estimate to decide if restoration is worthwhile.

*"As the flood water only came up just over our ankles, we thought we could save everything in our home. All our beds and furniture were hardwood, and we searched on the internet and it said with a good clean with mould treatment they would be good to continue to use. But then volunteers told us that we couldn't keep what we thought we could save. They helped us take everything to the front of the house for hard rubbish collection. Only much later we heard this may have been incorrect advice. I still miss my wooden furniture as they were gifts from loved ones to us on our wedding. They have sentimental value which money can't buy."*

- Quyen, resident affected by Maribyrnong River Flood 2022

### Appliances and kitchen items

Before using appliances, you will need to:

- Make sure the sewer line is functional or the septic tank is pumped out.
- Clean and disinfect dishwashers, washing machines, and dryers with safe drinking water, and have refrigerators and freezers checked or replaced if damaged by water.
- Throw away all food, beverages, and medicines exposed to flood water, including sealed cans, and throw away porous kitchen items.

- Wash and disinfect dishes by hand, letting them air-dry, or use a hot full cycle if water is safe and the sewer line is working.

- Special care may be needed for valuables like books and photographs.

If you have contents insurance, contact your insurance provider for costly appliance replacements. For more information about a contents claim, see [section 4, page 48](#).

### Need more information?

**Australian Red Cross:** See [page 42](#).



## Is it safe to move back into a home that was flood affected?

- Wait for the 'all clear' from emergency services agencies.
- Ask the local authorities if you can save items from your home or move back into your home.
- If water has entered your home, don't turn on your electricity until it has been inspected by an electrician.

If your home has been affected by flood, and you have insurance, contact your insurance provider as soon as possible to lodge a claim. Lodging the claim will allow your insurer to organise 'make safe' repairs. These are temporary repairs after a disaster to help prevent further damage and ensure the safety of both the property and its residents.

### How to safely return home

The Victorian Department of Health provides information on the potential health risks after a flood. They advise that when returning to your home after a flood, it is important you are aware of the health and safety risks.

Look out for these things before you enter your home:

- ✓ Flooding can cause sewage to enter your home.
- ✓ Gas or electricity supply may be damaged.
- ✓ The structure of your home may be damaged.
- ✓ Snakes and other animals may take shelter in your home, shed or garden.
- ✓ Throw out stagnant water that has collected in containers in your yard as mosquitoes breed in it.
- ✓ If there is mould in your home, you must get it cleaned before you move back home.

### Avoiding injury or illness

When returning to your home after a flood you can do the following things to avoid injury or illness:

- Never walk, swim, or drive through flood waters, even if it is shallow. Keep children and pets away until it's safe to return.

- Skin contact with floodwater and mud can cause illness and infections. Avoid contact with flood waters and wash your hands with soap regularly.
- Wear waterproof boots and rubber or leather gloves when cleaning up.
- Cover any cuts or sores that might have contact with floodwater. If you are injured or suffer a cut, clean the wound and contact your doctor immediately.
- If you lost power, check the food or medicines in the fridge. You may need to throw them away.
- Don't use a portable generator indoors as they can produce carbon monoxide which can make you very sick.
- Floods can contaminate your drinking water. Check with your water agency that your tap water is safe to drink. If you are not on mains water and think your private water supply is affected by the flood, contact your local council.
- Don't swim in waterways, beaches, or swimming pools as they may be polluted.
- Floods can make parts of your home such as pipes, cement sheeting or tiles shift. If you find asbestos, do not disturb the material and contact your local council.
- If your wastewater system has been affected, reduce your water use and contact a plumber.

### Need more information?

**Department of Health:** See [page 40](#).

**Environment Protection Authority (EPA) Victoria:** EPA is Victoria's environmental regulator. They provide information on the potential health risks after a flood, including how to manage asbestos and waste water ([bit.ly/EPA-health-risk](http://bit.ly/EPA-health-risk)). Visit their website for more information: [epa.vic.gov.au](http://epa.vic.gov.au)

## Section 4

# How do I make an insurance claim?

### Frequently asked questions in this section:

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I have reached a cash settlement, but my bank won't release all the funds, why not?	65
Can I change insurance providers whilst I am in the process of an insurance claim?	65
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The responses to the questions in this section have been provided by Consumer Action Law Centre in collaboration with Disaster Legal Help Victoria.



The Consumer Action Law Centre is a Community Legal Centre that specialises in consumer advocacy.

Consumer Action provides free legal advice and pursues litigation on behalf of vulnerable and disadvantaged consumers across Victoria. They are the largest specialist consumer legal practice in Australia. As well as working with consumers directly, Consumer Action provides legal assistance, financial counselling and professional training to community workers who advocate on behalf of consumers.

Visit their website to find out more: [consumeraction.org.au](http://consumeraction.org.au)

## What can I expect when making a contents insurance claim?

- Contact your insurance company as soon as you can to inform them of the disaster event
- Take photos and videos of the damage after the event, including the entry point of the water or the cause of the damage.
- If your claim is denied, it's not necessarily final—seek independent advice.

If your home contents are damaged in a disaster and you have contents insurance, contact your insurer to make a claim.

Here's what you can expect when making a claim.

### Making a claim:

Contact your insurer as soon as you can. You can claim by calling your insurer over the phone, online or using their paper form which you can request over the phone

If you need urgent financial help because of a disaster, you're entitled to ask your insurer to:

- **fast-track your claim** by assessing and processing your claim faster. You should give the insurer any evidence to support

your claim for financial hardship support within 21 days. The insurer will usually decide within 21 days of your application or might ask for more information; and/or

- pay you an amount of money to help with urgent costs (make an **advance payment**), within 5 business days. Be aware that any amount you are paid as an advance payment, would be subtracted from any final settlement sum.

*Can't remember who your insurer is? Contact the Insurance Council of Australia (ICA) Disaster Hotline on 1800 734 621.*

The insurer must also tell you about:

- the claims process;
- any excess amounts you might have to pay;
- any waiting or no cover periods that need to finish before payments are made; and
- how to contact them about your claim.

## Take photos and videos of the damage

If it is safe to do so, secure your property from further damage – for example, by putting a tarp over contents or moving them under shelter.

Take before and after photographs and videos of what you did to make things safe.

## Providing evidence of damaged contents

The amount of evidence needed to prove your loss will depend on the nature and value of the claim.

For **general contents claim** (meaning you are claiming individual items that are in or around your home) you may need to provide evidence that shows you owned the items you are claiming.

What evidence may be required?

- receipts
- bank statements showing the purchase
- warranties
- photos or videos of the item
- if no other evidence is available, you can use declarations from people who have seen the items

Bianca\* demonstrates how difficult it could be for Maribyrnong residents to receive an outcome on contents insurance claims:

*"They told us, you need to make a list of your lost items and send them to us along with items of equivalent value. We will value and see. So, we prepared an excel sheet with the items that we had with their approximate values (We couldn't put much as they were all used items). Also, for each item we had to put an item's picture with an equivalent picture. So, it took a lot of time. They also asked us to provide receipts of the damaged items but we did not have any. It was not a proper assessment of our loss at all. I wish I'd known to get free legal support to help us."*

– Bianca\*, resident affected by Maribyrnong River Flood 2022

A **total loss claim under your home building and home contents policy** means the insurer will pay the full insured amount according to your policy. In this case the insurer **should not** require proof of ownership or a list of items if that proof was lost during the event and it is clear you owned the items.

If you believe the insurer is unfairly requesting a list of items, seek independent advice.

The insurer must update you about the progress of your claim every 20 business days and respond to your enquiries within 10 business days. If they do not, you might want to make an internal complaint. For more information on an internal complaint, see [section 5, page 70](#).

## Outcomes of insurance claims

Within 10 business days of receiving your claim, your insurer must do one of the following:

- Decide whether to accept or deny your claim, or
- Inform you that they need additional information or an assessment to decide your claim.

If they require more information, they must also tell you:

- A list of what information is required
- Whether a loss assessor will be appointed (a professional who inspects the damage and estimates the cost of the damage)

- An estimate of when they will reach a decision.

You can check whether the event is a catastrophe on the Insurance Council of Australia website by visiting: [bit.ly/IC-help-in-disasters](https://bit.ly/IC-help-in-disasters)

You should receive a decision about your claim within 4 months, unless the Insurance Council of Australia has declared the event a catastrophe in which case a decision should be made within 12 months. If it is taking longer than this, you can make an internal complaint. For more information on internal complaints, see [section 5, page 70](#).

## Need more information?

**Financial Rights Legal Centre:** A community legal centre specialising in financial services, including insurance. They have a factsheet on *Home or Contents Insurance Claims* ([bit.ly/FRLC-claims](https://bit.ly/FRLC-claims)). To find out more, visit their website: [financialrights.org.au](https://financialrights.org.au)

**Insurance Council of Australia (ICA):** they are the representative body of the general insurance industry in Australia. They have a *General Insurance Code of Practice* ([insurancecouncil.com.au/cop](https://insurancecouncil.com.au/cop)). For more information visit their website: [insurancecouncil.com.au](https://insurancecouncil.com.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## Excess

When a contents claim is approved, you may need to pay an 'excess.'

An excess is an amount that you agreed to pay when you took out your policy. You can check your excess amount in your policy schedule.

If you can't pay the excess upfront, your insurer can't deny your claim.

You can:

- Ask to pay in instalments, or
- Request the excess be deducted from your payout.



## What can I expect when making a home insurance claim?

- Ask your insurer about temporary accommodation if your property has been damaged or destroyed and is no longer liveable.
- Document the damage with photos and videos after the event. Write your account of the event while you can still remember it clearly.
- If your claim is denied, it's not necessarily final — seek independent advice.

If your property is damaged in a disaster and you have home insurance, contact your insurer to file a claim. Here's what you can expect when making a claim.

*Not sure who your insurer is? Contact the Insurance Council of Australia (ICA) Disaster Hotline at 1800 734 621.*

### 1. Lodging a claim

Contact your insurer as soon as you can, even if you don't yet have all the information.

You can claim by calling your insurer over the phone, online, or with a paper form.

Lodging the claim will also allow your insurer to organise '**make safe**' repairs. These are temporary repairs after a disaster to help prevent further damage and ensure the safety of both the property and its residents.

If you need urgent financial help because of a disaster, you're entitled to ask your insurer to:

- **fast-track your claim** by assessing and processing your claim faster. You should give the insurer any evidence to support your claim for financial hardship support within 21 days. The insurer will usually decide within 21 days of your application or might ask for more information; and/or
- pay you an amount of money to help with urgent costs (make an **advance payment**), within 5 business days. Any advance payment you receive will be deducted from the final settlement amount.

*"In our [PDS] book it says that the insurance company needs to come help me pack everything in the garage and put it in the storage. They said we have paid you for the contents. I said: 'I wasn't asking for the contents payment. There were things in the garage that were not badly damaged, but they needed to be stored in a facility and the garage had to be cleaned and sanitized by them.' This is what they need to do. It's an inclusion. Most people don't know that."*

– Stella, resident affected by Maribyrnong River Flood 2022

### 2. Temporary accommodation & storage

Ask your insurer about temporary housing if your property is damaged and unliveable. They may provide housing options or let you find your own within a limit, according to your policy.

If you need to pay upfront, keep all receipts. If you can't afford to pay upfront, let your insurer know that you are experiencing financial hardship.

Depending on your policy's terms, you may be covered for storing items in a facility if they cannot be kept on your property due to damage from a disaster.

*The quotes from community members included in this guide relate specifically to their situations and policy terms. Please review your own insurance PDS or contact your insurance provider or legal services to confirm your policy entitlements.*

It's important to review your Policy Disclosure Statement (PDS) to confirm whether you have this coverage.

### 3. Evidence of property post-disaster

Create evidence to support your insurance claim. Take photos and videos of all the damage as soon as you arrive at your property, including the entry points of the flood or the source of damage. Write your account of the event while you can still remember it clearly.

If it is safe to do so, secure your property from further damage.

Take before and after photographs and videos of what you or your insurer did to make things safe.

### 4. Outcomes of insurance claim

Your insurer must decide to accept, deny, or if they require additional information to assess your claim within 10 business days. If further information is required, the insurer must tell you:

- What information is required
- If an assessor will be assigned
- An estimated time of when they will make a decision

*Feeling like your assessor is not treating you fairly? Seek free, independent legal advice.*

### 5. Working with assessors and expert reports

The insurer may send an assessor to inspect the damage. Additional experts and reports may be needed in some cases, like those from engineers. Expert reports, like those from engineers, may be needed.

The final expert report must be completed within 12 weeks. If it is not, your insurer must update you on its progress. You may need an independent expert report, like one from an engineer, to assess the damage, outline necessary repairs, and estimate costs. This can help if your insurer denies your claim.

### 6. If your claim is denied

If your claim is denied, the insurer must explain in writing which part of the claim was rejected and why in writing.

You should request and receive copies of the reports and information on how to file a complaint with your insurer.

If your claim is denied, it's not necessarily final and you should seek legal advice.

You can make an internal dispute resolution complaint about the denial to your insurer, and if you're not happy with the

complaint outcome, you can make a complaint to the free and independent dispute resolution service, the Australian Financial Complaints Authority (AFCA). For more information visit their website: [afca.org.au](http://afca.org.au)

### 7. Review the Scope of Works

If your claim is approved and repairs or rebuilding are needed, you'll receive a written 'Scope of Works,' detailing the repairs and materials to be used.

Make sure to check:

- What will and won't be repaired or replaced
- The materials used
- Any costs you must pay upfront, such as repairs not covered by your policy

If you're unhappy with the scope of works or have questions, contact your insurer. If needed, you can ask for your case to go to the internal complaints team or seek legal advice.

### 8. Excess payments

When a home building claim is approved, you may need to pay an 'excess.'

An excess is an amount that you agreed to pay when you took out your policy. You can check your

excess amount in your policy schedule.

If you can't pay the excess upfront, your insurer can't deny your claim. You can:

- Ask to pay in instalments, or
- request the excess to be deducted from your payout.

### Need more information?

**Financial Rights Legal Centre:** See [page 51](#).

**MoneySmart:** This is an online resource developed by the government. They help Australians take control of their money with free tools, tips and guidance. They have a factsheet on *How to make an Insurance Claim* ([bit.ly/MS-insurance-claim](http://bit.ly/MS-insurance-claim)). For more information visit their website [moneysmart.gov.au](http://moneysmart.gov.au)

**Insurance Council of Australia (ICA):** See [page 51](#).

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).



## Who can assist me to independently check my scope of works and settlement offer?

A '**scope of works**' or 'statement of work' details the repairs and materials required for property repairs after a disaster.

A '**cash settlement**' is an offer of money suggested by your insurer after a scope of works has been completed to resolve your home-building claim.

For assistance with assessing a cash settlement offer, you can seek free, independent **legal advice**.

### 1. Scope of works

After the assessors, experts and any other representatives of the insurer have inspected your property and completed their relevant reports, you will receive a written document known as a '**scope of works**' or 'statement of work' if your claim is accepted. This document details the repairs and materials required for the property repairs.

When reviewing a scope of works, it is important to check:

- What will and won't be repaired or replaced
- The materials used

- Any costs you must pay before work starts like repairs not covered by your policy

### 2. Cash settlements

Under your policy, the insurer usually has the choice to either repair and rebuild your property or pay you a **cash settlement** to settle and close your claim instead. The cash settlement amount can then be used by you to manage the repair and rebuilding process yourself.

If you have been waiting a long time for the outcome of your claim, and you receive a cash settlement offer from your insurer, you might be tempted to accept the offer quickly. However, it's important to take your time and thoroughly review any documents before signing them.

Your insurer must provide you with information to help you understand how it works. A cash settlement offer will usually include an additional increase in the amount on top of your repair quote to cover future unexpected expenses. You usually will not be able to go back to your insurer later to seek more funds if your cash settlement runs out before

you finish the repairs. You can only reopen a cash settlement in limited circumstances, and you should get legal advice first.

If you use your cash settlement for repairs or rebuilding, you must follow all regulations and codes and hire a licensed builder. Failing to do so may result in your home being uninsurable in the future.

For assistance with assessing a cash settlement offer, you can seek free, independent **financial or legal advice**. If there are any aspects of the scope of works or cash settlement offer you are unhappy with, you can:

- seek free, independent legal or financial advice
- seek your assessments, quotes or scope of works from qualified persons
- lodge an internal **complaint** with your insurance company.
- If you are unhappy with the insurer's complaint response, you can complain to the Financial Ombudsman, AFCA. They are a free, independent organisation that investigates and resolves disputes between insurers and policyholders.

This quote demonstrates the importance of seeking free, independent legal advice before accepting a cash settlement offer.

*"I can't say the cash payout was enough or not enough for the repair of the house. It might have been just enough back then but now, everything went up in price so we got trades to do certain parts and we do what we can to keep cost low."*

- Colleen, resident affected by Maribyrnong River Flood 2022

### Need more information?

**Financial Rights Legal Centre:** Financial counselling is a free, independent, and non-judgmental service. A financial counsellor can help you understand your insurance dispute or cash settlement offer, understand the financial effect of your claim, negotiate with the insurance company and refer you to other services. To discuss your claim or be connected with your local financial counsellor, call the National Debt Helpline on 1800 007 007 or visit their website: [ndh.org.au](http://ndh.org.au)

**MoneySmart:** See [page 55](#).

**Choice:** a consumer advocacy group in Australia. They have information on *Cash settlements for home and contents insurance claims* ([bit.ly/choice-insurance-claims](http://bit.ly/choice-insurance-claims)). For more information visit their website [choice.com.au](http://choice.com.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).



## What is the difference between an assessor and an expert?

- An **assessor** (also known as a **loss adjuster**) acts for the insurer. They help approve the claim by checking the details to see if it's valid and meets the terms and conditions of your policy.
- An **external expert**, such as an engineer is engaged by the insurer. They can create an **expert report** for properties requiring specialised advice to assist the insurer in understanding the cause of the damage and the extent of necessary repairs.
- An **independent expert**, such as an engineer or builder, may be engaged by you to prepare an expert report if you wish to challenge the outcome of a claim or the insurer's expert report and/or scope of work.

### What is an assessor (also known as a loss adjuster)?

An **assessor** acts for the insurer. They help approve the claim by checking the details to see if it's valid and meets the terms and conditions of your policy. Sometimes the assessor will need to ask more questions, inspect the property, or talk to

whoever else is involved in the claim, such as another driver, a neighbour, or police.

### What is an external expert and an expert report?

An **external expert** is engaged by an insurer to write an **expert report** for properties that need specialised advice to help understand the cause of the damage or how much repair work is needed.

Examples of external experts include hydrologists (who study water movement), engineers (who understand how buildings work) and other skilled tradespeople such as builders.

An **expert report** can explain the cause of the damage and how it could be fixed. These reports are usually written after the expert visits the property and may also include other information like rainfall data or aerial photos.

An example of when an expert report is used to assess damage is when determining the source of water that caused the damage, especially in situations where you're not covered for flood damage but are covered for stormwater damage.



## What is an independent expert and an expert report?

You can also choose to hire an independent expert to complete an expert report on your behalf if you wish to challenge the outcome of a claim, the insurer's expert report or the scope of works or claim outcome provided by the insurer.

This report can be used as evidence for an internal dispute resolution complaint or an AFCA (Australian Financial Complaints Authority) complaint, as AFCA heavily relies on expert reports during their complaint review. Please note that getting expert reports may come at a cost.

For guidance, you can seek independent legal advice on expert reports and lodging complaints with AFCA.

### Need more information?

**Financial Rights Legal centre:** A community legal centre specialising in financial services, including insurance. For more information visit their website: [financialrights.org.au](https://financialrights.org.au). They have factsheet sheets on:

- *Flood Insurance* ([bit.ly/FRLC-flood-insurance](https://bit.ly/FRLC-flood-insurance))
- *Insurance Complaints to AFCA* ([bit.ly/FRLC-complaints](https://bit.ly/FRLC-complaints))
- *Home and or contents insurance claim refused* ([bit.ly/FRLC-claim-refused](https://bit.ly/FRLC-claim-refused))

**Insurance Council of Australia (ICA):** They are the representative body of the general insurance industry in Australia. They have a factsheet on *Expert Reports* ([bit.ly/ICA-expert-report](https://bit.ly/ICA-expert-report)). For more information visit their website: [insurancecouncil.com.au](https://insurancecouncil.com.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

*"I received a free structural assessment through Emergency Recovery Victoria (ERV). This report enabled me to challenge my insurance provider. They initially did not want to accept this, but in the end, this report, in addition to the follow up external expert I brought in, is what got me over the line to resolve my dispute. I ended up spending 5k on external expert reports, but I got this money back easily, as my cash settlement was much higher after I submitted these additional reports to my insurance provider."*

– Andrew, resident affected by Maribyrnong River Flood 2022

## What is an independent builder and what is their role?

- An independent builder is a professional you may hire to review the information from your insurer about the repairs needed. They can check whether the proposed work and costs are accurate.
- If you are looking to hire a builder practitioner, it is important to make sure they are registered to do the work you need.

An independent builder checks whether the proposed work and costs are accurate. They can also provide quotes that outline the necessary repairs and their costs.

You may wish to hire an independent builder to get a quote if you are unhappy with the insurer's scope of works

assessment or claim outcome. You can use this quote as evidence for an internal dispute resolution complaint or your complaint to the Australian Financial Complaints Authority (AFCA), which bases its decisions on expert opinions.

Thuy demonstrates their experience of using an independent builder to assist with their insurance claim outcome:

*"As to our own experience, and talking to other residents, having an independent builder is very helpful with reports, documents, rebuilding and repairing."*

– Thuy, resident affected by Maribyrnong River flood 2022

Remember that obtaining these quotes might cost you money. However, if the insurer or AFCA decides in your favour, you may be able to claim these costs as part of the complaint outcome.

If you are looking to hire a building practitioner or tradesperson, it is important to make sure they are registered and licensed to do the work you need. Different rules might apply to the tradesperson you hire, or the work being done depending on the job.

To check what you should do before you engage a builder or tradesperson, call the Building Information Line on 1300 557 559 and visit: [bit.ly/cavbuilding](http://bit.ly/cavbuilding)

You can find a registered builder or plumber using the Victorian Building Authority website:

- Builder search: [bit.ly/vbapractitioner](http://bit.ly/vbapractitioner)
- Plumber search: [bit.ly/vbaplumbing](http://bit.ly/vbaplumbing)

### Need more information?

**Consumer Affairs Victoria:** They are Victoria's consumer regulator. They help create a competitive and fair marketplace for businesses and consumers. They have information *about builders, tradespeople and other building practitioners* ([bit.ly/CAV-about-builders](http://bit.ly/CAV-about-builders)). For more information visit their website: [consumer.vic.gov.au](http://consumer.vic.gov.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## What is the difference between a cash settlement and the insurer doing the repair, replace and re-build?

- Consider your options carefully before accepting a cash settlement offer. Seek free, independent legal advice to review the offer and your rights.
- If your insurer approves repairs or rebuilding, the assigned builder will manage the work. They will consult with you about the scope, redesigns, and materials based on your policy.

Once your claim has been accepted, when handling property damage your insurer has two options:

- provide you with a **cash settlement** for you to manage the rebuilding or replacement yourself or;
- they can either **repair, replace, or rebuild** the damaged property.

### Cash settlement

Consider your options carefully before accepting a cash settlement offer. You will want to consider:

- If the insurer handles the repairs or rebuilds, they are responsible for the work. If you are provided with a cash settlement and hire a repairer, you'll need to deal with any issues about the quality of the repairs yourself.
- Insurance companies might get cheaper quotes due to buying in bulk for multiple properties and you may not be able to get the job done at the same price. You may want to consider getting your own quotes from an independent builder to make sure the amount offered is fair.
- Repair costs can be uncertain, and a cash settlement might leave you short on money.

If the insurer insists you handle the repairs, ask if they will give you extra funds known as a 'cash uplift' (e.g., an additional 10–25%) for unexpected costs. You usually can't go back for more money later if you run out.

- If your claim relates to a catastrophe\* and you received a cash settlement or your claim was finalised within 1 month of the catastrophe you can ask for a review of the outcome if, for example, you think the outcome was not complete, accurate or sufficient. You would need to request this review within 12 months of the claim being finalised. Even if you are outside this timeframe, seek legal advice to see what your options are.
- It is very important not to sign anything before you have had time to consider it. Seek free, independent legal advice before accepting the cash settlement offer to make sure you are receiving all payments you are entitled to.

*\*catastrophe as declared by Insurance Council of Australia*



## Repair, replace and re-build

If your insurer agrees to the repairs or rebuild, the builder they assign will usually handle the work on your property.

- You'll be consulted about the scope of works, any redesigns, and the selection of materials and products.
- What you can choose will depend on what's covered by your policy.
- If you have problems with the contractor, you can use the insurer's complaints process to resolve them.

Stella's insurance provider did the rebuild of her house, but she was not happy with their work. Instead of using the insurer's internal complaints process, she hired an independent inspector to check their work:

*"We paid a private inspector to come and give us a report on the construction of the re-build through my insurance. The inspector picked up several things that the builder had not done properly. We used their report to let the builder know what to improve on."*

- Stella, resident affected by Maribyrnong River flood 2022

### Need more information?

**Insurance Council of Australia (ICA):** The representative body of the general insurance industry in Australia. They have a factsheet on *Repair-Replace vs Cash Settlements* ([bit.ly/ICA-repair-cash](https://bit.ly/ICA-repair-cash)). For more information visit their website: [insurancecouncil.com.au](https://insurancecouncil.com.au)

**Financial Rights Legal Centre:** A community legal centre specialising in financial services, including insurance. They have a factsheet about *Flood Insurance* ([bit.ly/FRLC-flood-insurance](https://bit.ly/FRLC-flood-insurance)). For more information visit their website: [financialrights.org.au](https://financialrights.org.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## I have reached a cash settlement, but my bank won't release all the funds, why not?

If you have a mortgage, your mortgage contract may allow the bank to request that the insurance company send the claim payment directly to your lender. This means you may need to work with the bank to access the funds for repairs or rebuilding.

If you encounter issues with your bank not releasing the funds, seek free independent legal advice.

*"I had to work with my bank (NAB) to work through my mortgage requirements and my title of the house in order for them not to retain the funds for re-build."*

- Andrew, resident affected by Maribyrnong River Flood 2022

### Need more information?

**Financial Rights Legal Centre:** See page 61.

**Financial Counselling Victoria:** A peak body for financial counsellors in Victoria. They wrote a report about *Cash Settlements in Home Insurance* ([bit.ly/FCVIC-unsettled](https://bit.ly/FCVIC-unsettled)). For more information visit their website: [fcvic.org.au](https://fcvic.org.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## Can I change insurance providers whilst I am in the process of an insurance claim?

You can change insurance companies at any time. The company that insured you at the time the insured event occurred is the relevant insurer that

you should make a claim with. They would continue to handle the claim if you subsequently changed insurers.

It's important to keep in mind that if you switch insurers and decide to file a claim with the new one for a subsequent disaster event, you may have to manage two separate claims with two different companies.

You must also inform your new insurer about any existing damage, as this is part of your duty to disclose, and check whether they are willing to provide coverage for it.

*"After the claim, my insurance renewal through my bank went up to \$28,000 per year. There was no way I could pay that. So, I went back to my insurance provider separately and they provided me a quote which was still unaffordable at \$15,000. So then I shopped around and I arrived somewhere that I could afford."*

– Sophia\*, resident affected by Maribyrnong River Flood 2022

### Need more information?

**Financial Rights Legal Centre:** A community legal centre specialising in financial services, including insurance. They have a factsheet about *High Insurance Premiums or Cover Refused* ([bit.ly/FRLC-cover](https://bit.ly/FRLC-cover)). For more information visit their website [financialrights.org.au](https://financialrights.org.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

## What do I do if I am in financial hardship?

- Financial counselling is a free and confidential service available for anyone affected by a disaster.
  - For Financial Counselling assistance, contact the National Debt Helpline on 1800 007 007 (9.30am–4.30pm, Monday to Friday).
- If you are facing financial difficulties due to a disaster, you can access free and confidential financial counselling services.
- Speaking with a financial counsellor early on can help you manage your finances, reduce stress, and enable you to concentrate on other aspects of your recovery.
- A financial counsellor can help someone:
- Access relief for utility bills and other payments;
  - understand their government income and other entitlements;
  - negotiate with their bank on debt issues;

- review and understand their insurance options;
- explore their options and can advocate on their behalf.

### National Debt Helpline

For immediate assistance and/or to be connected to your nearest service, contact the National Debt Helpline on 1800 007 007 (9.30am–4.30pm, Monday to Friday).

### Informing your insurer about financial hardship

You should tell your insurer if you are in financial hardship. They must give you details about how to apply for financial hardship support and give you the details for the National Debt Helpline, if appropriate.

You might be entitled to receive financial hardship support. You should give the insurer any evidence to support your claim for financial hardship support within 21 days. The insurer will usually decide within 21 days of your application or might ask for more information.

If you are entitled to financial hardship support, the insurance company might be able to, for example:

- delay a payment date;
- ask that you pay in instalments instead;

- pay a reduced lump sum amount;
- deduct the excess from a cash settlement or claim amount;
- waive cancellation fees;
- waive a debt.

If you disagree with the decision, you can make an internal complaint. For more information on an internal complaint, see [section 5, page 70](#).

### Need more information?

#### Financial Counselling Victoria:

The peak body for financial counsellors in Victoria. They have a factsheet about *Financial Counselling and Disaster Recovery* ([bit.ly/FCVIC-recovery](https://bit.ly/FCVIC-recovery)). For more information visit their website: [fcvic.org.au](https://fcvic.org.au)

#### Insurance Council of

**Australia (ICA):** They are the representative body of the general insurance industry in Australia. They have a *General Insurance Code of Practice* ([bit.ly/ICA-COP](https://bit.ly/ICA-COP)), which includes section 10 on Financial Hardship. For more information visit their website: [insurancecouncil.com.au](https://insurancecouncil.com.au)

You can also ask for **free legal support** from the list of services provided in [section 5, page 76](#).

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## Section 5

# What if I am not happy with how my insurance provider manages my claim?

### Frequently asked questions in this section:

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The responses to the questions in this section have been provided by Disaster Legal Help Victoria in collaboration with Consumer Action Law Centre.



Disaster Legal Help Victoria coordinates legal responses after disaster events and provides free legal information and referrals to Victorians. It is a partnership between the Federation of Community Legal Centres, Justice Connect, the Law Institute of Victoria, Victoria Legal Aid, the Victorian Aboriginal Legal Service, and the Victorian Bar.

Visit their website to find out more: [disasterlegalhelp.org.au](http://disasterlegalhelp.org.au)

## How do I make an internal complaint?

- You have the right to make a complaint about any aspect of your relationship with an insurance company through its internal dispute resolution processes.
- You can make more than one complaint through the duration of your claim, if you find that you have more than one issue relating to the claim over time.
- Tell the insurance company how you want your complaint(s) to be fixed.
- If you are unhappy with the response, you can complain to an independent body, the Australian Financial Complaints Authority (AFCA).

Making an internal complaint means complaining to the insurer directly.

You can make a complaint about any aspect of your relationship with an insurance company. A complaint might be about lengthy delays, how the insurance company has handled your claim, an offer you received or any decision your insurance company has made, the behaviour of the insurance company's staff or contractors including how they have treated you.

Make sure you:

### 1. Tell the insurance company what the problem is

You can call, email or write to the company to say you want to make a complaint. The company's contact details are on your insurance documents, on the insurance company's website and AFCA's website.

It can help to:

- Keep a copy of your complaint;
- Write down the time, date and name of the person you speak to;
- Give the insurance company any documents you want them to look at.

If English is an additional language, ask the insurance company to provide an interpreter.

### 2. Tell them how you want them to fix the problem

A different person will review your complaint (not the person your complaint is about). Tell them how you want them to fix the problem.

### Timeframes apply

The insurance company must update you on the progress of your complaint (at least every 10 business days) unless you agree to a different timeframe.

The insurance company must decide about your complaint within 30 days and send you their decision in writing (unless you are satisfied with their response or there is nothing else required).

### Next steps

If you are unhappy with the outcome of your complaint, ask the insurance company to give you:

- written reasons for their decision; and
- any other information the insurance company used.

When they respond, the insurance company must tell you how to take your complaint to the Australian Financial Complaints Authority (AFCA). Legal and financial counselling services may be able to help you make a complaint. Seek help if you need assistance.

Get legal advice if different issues arise during the course of your claim, for example if you are unsure what to do once you have made a complaint, if you are unsure about the outcome, or if a decision has not been made within the timeframes above.



### Need more information?

**Insurance Council of Australia (ICA):** They are the representative body of the general insurance industry in Australia. They have a **General Insurance Code of Practice** ([bit.ly/ICA-COP](http://bit.ly/ICA-COP)). For more information visit their website: [insurancecouncil.com.au](http://insurancecouncil.com.au).

**Financial Counselling Victoria:** The peak body for financial counsellors in Victoria. They have a factsheet about *Financial Counselling and Disaster Recovery* ([bit.ly/FCVIC-recovery](http://bit.ly/FCVIC-recovery)). For more information visit their website: [fcvic.org.au](http://fcvic.org.au).

You can also **ask for free legal support** from the list of services provided in [section 5, page 76](#).

## When should I engage the Australian Financial Complaints Authority (AFCA)?

- If you have made an internal complaint to your insurer and you are unhappy with the outcome, you can complain to AFCA. You must do this within 2 years of receiving the final internal dispute resolution complaint outcome from your insurer.
- AFCA is free, independent and can make decisions that are binding on insurance companies.
- You may wish to get independent advice before you file a complaint with AFCA.

### What is AFCA?

AFCA can investigate complaints about general insurance products (like car insurance, home and contents insurance, life insurance, travel insurance or superannuation) and financial services.

AFCA does not take sides while making a decision. If you accept AFCA's final decision, the insurance company must follow AFCA's decision.

### Why complain to AFCA?

You can complain to AFCA if:

- you are unhappy with the outcome of your complaint;

- the problem has not been fixed;
- the insurance company has not responded to your complaint within 30 days and they haven't advised you of an expected delay.

AFCA will spend time talking to you and the insurance company to reach a fair decision.

You do not need a lawyer to help you complain to AFCA, but you may wish to get legal advice before filing a complaint with AFCA.

### Before you complain to AFCA

You must take your complaint to your insurance company first. If you are unhappy with the outcome and want to go to AFCA, you should:

1. Identify what you want to complain about;
2. Identify what you want AFCA to do or how you want AFCA to fix the problem;
3. Collect any documents to support your complaint.

### How to complain to AFCA

- On their website: [afca.org.au/make-a-complaint](http://afca.org.au/make-a-complaint)
- By email: [info@afca.org.au](mailto:info@afca.org.au)
- By phone: 1800 931 678

### Tips for your AFCA complaint

You should give AFCA any information that supports your complaint. This might include:

- a timeline of events;
- any expert reports you have;
- quotes for work or the cost of items;
- photographs or videos;
- statements from you or any witnesses;
- other information that might support your complaint like real estate photographs, maps, news reports, meteorological data.

Tell AFCA if you need an interpreter or if you have any special circumstances like financial hardship, disabilities or are experiencing family violence.

If you need more time to collect your information, ask AFCA for more time.

What you send to AFCA will usually be sent to the insurance company. This is so the insurance company can respond to AFCA. If you have concerns about information being shared, tell AFCA or get legal advice.



Once you complain to AFCA, the insurance company might offer to resolve the complaint. You don't have to accept an offer and can ask AFCA to investigate it further. AFCA might make a recommendation about how to resolve the problem. If you are unhappy with the solution proposed or not sure about an offer, get legal advice as soon as possible. You can reject the recommendation if you are not happy with it and ask AFCA to make a final decision.

If your complaint proceeds to final decision, AFCA will decide the outcome. You can choose to accept or reject the decision. If you choose to accept the decision, the insurer must be bound by it.

If you are unhappy with AFCA's decision and reject it, the only other option is to go to court. Court is expensive and you must lodge your claim in court within 6 years of reasonably becoming aware of the circumstances giving rise to your claim. Get legal advice before deciding whether to go to court.

### When to complain to AFCA

1. Within two years of receiving the outcome of the complaint from your insurance company, and

2. Within six years of you reasonably becoming aware that you suffered a loss because of the disaster event.

Get independent advice as soon as possible if you are unsure about your options or rights.

There are some limitations to what kinds of complaints AFCA can consider. Get legal advice or ask AFCA if you are unsure.

If you made a general insurance complaint with AFCA after 1 January 2024 (not about superannuation), the amount of your claim cannot be more than \$1,263,000 and AFCA can't pay you more than \$631,500 in compensation per claim. AFCA also cannot compensate you for indirect financial loss or non-financial loss of more than \$6,300. These limits can change, so you should check what limits apply at the time you complain to AFCA.

*"I rang the AFCA helpline a few times for advice, but in the end, I did not make an official complaint. I was able to resolve my claim with my insurance provider directly."*

**- Andrew, resident affected by Maribyrnong River Flood 2022**



### Need more information?

**Australian Financial Complaints Authority (AFCA):** They provide consumers and small businesses with fair, free and independent dispute resolution for financial complaints. They have a significant event hotline: 1800 337 444. They also have information in other languages ([bit.ly/AFCA-languages](https://bit.ly/AFCA-languages)). For more information visit their website: [afca.org.au](https://afca.org.au) or call: 1800 931 678.

## What free legal support is available?

*"I received information from Disaster Legal Help Vic, Westjustice and Insurance Council of Australia. The information I had gathered from them, guided and lead me to doing everything I needed to support my insurance claim process."*

**-Thuy, resident affected by Maribyrnong River Flood 2022**

If you have experienced a disaster, there are free legal services that can help.

**Consumer Action Law Centre (CALC):** they can provide free legal advice to individuals about insurance law, consumer law, financial products or debt issues if you have experienced a disaster.

- Call: 1800 466 477 on Tuesday, Wednesday and Thursday between 10am – 1pm
- Call: Koori Helpline on 1800 574 457 for First Nations legal support

on Monday – Friday 10am – 1pm and 2pm – 5pm

- For more information visit their website: [consumeraction.org.au](https://consumeraction.org.au)

Local **community legal centres** and **Victoria Legal Aid** can help with a range of legal problems. To find your local community legal centre visit their website: [bit.ly/FCLC-find](https://bit.ly/FCLC-find). To find your local Victoria Legal Aid office visit their website: [bit.ly/VLA-offices](https://bit.ly/VLA-offices)

**Westjustice:** If you live in Maribyrnong, your local community legal centre is Westjustice. For more information visit their website: [westjustice.org.au](https://westjustice.org.au) or call: (03) 9749 7720

**Disaster Legal Help Victoria (DLHV):** They can provide free legal information and referrals to services. For more information visit their website: [disasterlegalhelp.org.au](https://disasterlegalhelp.org.au). You can also call: 1800 113 432 (weekdays 8am – 6pm) or email: [disasterlegalhelp@vla.vic.gov.au](mailto:disasterlegalhelp@vla.vic.gov.au)

## What is the difference between paying for a lawyer and getting help from a community legal centre?

*"It was a waiting game for us from the start with the insurance claim. It took so long for us to get any answers from our insurance on the process of the repair of the house until we got free legal support with writing a letter to the insurance."*

**- My, resident affected by Maribyrnong River Flood 2022**

Most private lawyers will charge a fee for the time they spend, work they do and other costs that might be involved to perform the work for you. Lawyers at community legal centres do not charge fees for their legal work.

All lawyers must follow professional conduct rules. You should ask the lawyer directly questions about costs and anything to do with your case.

Visit the Legal Services Board and Commissioner website to find:

1. Information about what to ask a lawyer, your rights in relation to costs agreements and what to expect when you hire a lawyer:

Visit their website: [bit.ly/VLSBC-ask](https://bit.ly/VLSBC-ask)

2. An accredited specialist or a lawyer that practices in the type of legal problem you have:

Visit their website: [bit.ly/VLSBC-register](https://bit.ly/VLSBC-register)

### Need more information?

**Law Institute Victoria:** They are the peak body for the Victorian legal profession. The Law Institute of Victoria also offers a referral service to help you *Find Your Lawyer Referral Service* ([liv.asn.au/referral](https://liv.asn.au/referral)). For more information visit their website: [liv.asn.au](https://liv.asn.au)

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## Section 6

# How do I maintain my mental health & wellbeing during this time?

### Frequently asked questions in this section:

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How does additional stress from navigating flood recovery and insurance impact my relationships and social connections?	82
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The responses to the questions in this section have been provided by cohealth.



Cohealth provides essential health and support services in Melbourne's CBD, inner-north and inner-west, and the east coast of Tasmania. They provide community health services, advocate for health and social equity, undertake research and develop health promotion initiatives and through our partnerships.

Since the 2022 Maribyrnong Flood, cohealth has provided case management to the Maribyrnong Community through their Recovery Support Program.

Visit their website to find out more: [cohealth.org.au](https://cohealth.org.au)

## How can I look after myself while navigating flood recovery and insurance?

Floods can cause different emotional, psychological, behavioural and physical reactions and challenges that often change over time. And it's not just the flood itself that can cause distress, but all the things that happen afterwards. Dealing with insurance companies, government paperwork, and trying to rebuild

your life can be incredibly stressful.

Often people get so busy and say, "I can't stop or take a break, there is too much to do". The body is running on cortisol, our primary stress hormone, to fuel the tasks. The mind and body are not resting, and this can create tiredness.

*"I was very relaxed before. I could even sleep in peace. But now my mind and my nervous system have been impacted due to the stress caused by insurance process. I go to bed at 10.30 pm but around 1.30-2 am I am already up and can't sleep. I don't like to trouble my daughter and son with my problems. They live away from me and have their own life and family, so I keep my stress to myself."*

- Angelina, resident affected by Maribyrnong River Flood 2022

Some common emotions people can experience are helplessness, fear, anxiety, frustration, anger, grief and loss. People can also experience loss of connection, difficulty planning and a sense of feeling overwhelmed and fatigued.

It's important to know that there is no wrong or right way to experience this difficult time, our reactions and how we cope is different from person to person.

Don't try to do everything yourself, ask for help. Get professional support as needed. This might include support for your mental health and wellbeing. You may also want to get financial or legal advice to help you figure out your finances and deal with insurance claims. These things can make a big difference in how you're feeling.

### Some steps that can help are:

- Start with addressing you and your loved one's immediate needs
- Create routines and don't forget to sleep
- Try to maintain a healthy lifestyle and stay active, this helps reduce stress
- Continue your medical treatments

- Connect with family, friends and community and accept help from them
- Take a break, and more than one!
- Do something you enjoy, self-care gives us energy to continue
- Be kind to yourself!
- Acknowledge your emotions and give yourself permission to feel/experience them. If helpful, write or draw them.
- Practice grounding techniques like deep breathing or mindfulness to stay present
- Stay informed and reach out for professional support as needed
- Set small achievable goals and celebrate the wins no matter how small they are, this helps to see progress and keeps you motivated.

If you need immediate help, call:

**For Emergencies** call 000

**Lifeline** call 13 11 14

**Beyond Blue** call 1300 224 636

**13YARN** call 13 92 76 for national Aboriginal & Torres Strait Islander crisis support line

### Need more information?

It is best to get information and advice earlier, rather than later. Help is available from your doctor, community health services and your recovery support services.

**Emergency Recovery Victoria (ERV):** They provide general recovery information that is relevant to recovering after a disaster. For more information visit their website: [bit.ly/ERVic](https://bit.ly/ERVic)

**Australian Red Cross:** A humanitarian organisation that helps people and their communities prepare for, respond to and recover from emergencies. They have a factsheet about *Coping after a Crisis* ([bit.ly/ARC-coping](https://bit.ly/ARC-coping)). For more information visit their website: [redcross.org.au](https://redcross.org.au)

**Phoenix Australia:** provides information on how to understand and recover from the impacts of trauma. For more information visit their website: [phoenixaustralia.org](https://phoenixaustralia.org)

**Head to Health:** they can help you find the right Australian mental health and wellbeing resources, for yourself or for someone you care about. For more information visit their website: [headtohealth.gov.au](https://headtohealth.gov.au) They also have information available in other languages ([headtohealth.gov.au/accessibility](https://headtohealth.gov.au/accessibility)).

## How does additional stress from navigating flood recovery and insurance impact my relationships and social connections?

Floods and the additional stress afterwards as you go through your recovery journey and dealing with insurance can affect your mental health and wellbeing. This additional stress can affect relationships and our social connections. This time can put

strain on relationships and at times lead to communication breakdowns, misunderstandings and feelings of isolation. You might feel that your friends and family just can't understand what you are going through, as they don't know what you're experiencing.

There can also be a shift in roles, and family members may take on different tasks that change the family dynamics and this could be helpful or unhelpful.

For some relationships after a disaster, there can be an increase in conflict and for some the risk of family violence increases.

Having good social support, and strong community connections, helps with how we recover. It may seem overwhelming but staying connected and seeking help where needed is going to help you with your recovery. At times it can feel like you have been forgotten, and the world has moved on without you. Connecting with others that have gone through the same experience as you, can help you stay connected and also create new social bonds.

Some members of the community may be further isolated and displaced and not know where to get support or what support is available to them.

### Some steps that can help are:

- Communication is key! Talking and listening to each other, will help with understanding each other's needs and what each person is going through.
- Connect with neighbours, friends, family, and other formal connections.
- Pets can be a great source of comfort and can have an impact on how quickly you recover.
- Use technology to help you stay connected no matter where you are – social media, phone calls, emails can help you stay connected to family and friends.
- Build a new network of support. Connect to others that have been through the flood, this will help with supporting each other.
- Use sport activities to connect with others, this is also a great way to help reduce stress.

*"My insurance issues had and still has a negative impact on my mental health and wellbeing. Yes, my mental health, my children's and of course my parents' mental health – my whole family has been affected. We could not cope with the things the insurance company was saying to us."*

– Stella, resident affected by Maribyrnong River Flood 2022

- Ask for and accept help. Reach out to your network of friends and family.
- Reach out to professional support as needed, whether its emotional support or practical assistance, it can help lighten the load.
- If you are a carer and need more support, reach out, it can be challenging to take care of your needs as well as the person you are caring for.

### Need more information?

It is best to get information and advice earlier, rather than later. Help is available from your doctor, community health services, your recovery support service and the Better Health website.

**Better Health Channel:** Provides information about health conditions, health services or tips for healthy living. For more information visit their website: [betterhealth.vic.gov.au](https://betterhealth.vic.gov.au)

**1800respect:** A 24-hour national sexual assault, family and domestic violence counselling line for any Australian who has experienced, or is at risk of, family and domestic violence and/or sexual assault. Call 1800 737 732 or visit their website: [1800respect.org.au](https://1800respect.org.au)

**Mensline:** a free telephone and online counselling service offering support for Australian men anywhere, anytime. Call 1300 789 978 or visit their website: [mensline.org.au](https://mensline.org.au)

**Partners in wellbeing:** Free support and advice to improve your mental health and wellbeing. They also support small business owners. Call 1300 375 330 or visit their website: [partnersinwellbeing.org.au](https://partnersinwellbeing.org.au)

## How can I support children and young people during this time?

*"It's taken just under 2 years to reach settlement, and it has been a complete mental nightmare... If it wasn't for the holiday road trip after the insurance settlement, I don't think I would survive. That trip saved me from breaking apart. Although I know I needed to stay strong and carry on for my kids and family but mentally I know I was at breaking point."*

- Alison, resident affected by Maribyrnong River flood 2022

When parents and caregivers are stressed and busy navigating flood recovery and insurance, children and young people may feel overwhelmed, scared and can lose their sense of safety.

Kids' ability to cope depends on age, their personality, the flood recovery process itself and how much support is given from loved ones and caregivers. Sometimes children show their distress by behaving in ways they did when they were younger. When supporting children and young people, it is important to reassure, comfort and provide

a sense of safety. The first step is to look after yourself! So that you can care and guide your child through this challenging time.

### Some steps that can help are:

- Keep to a familiar routine and if needed create a new tailored one to their current needs.
- Depending on the child's age, ask them what they understand from what is happening, and when asked questions about the flood and the recovery process, try and keep your answers short and age appropriate. Oversharing might create more stress.
- Depending on the age, ask them how they would like to be reassured and what would be helpful to them.
- Avoid exposing children to the damage, the media and adult conversations about the event.
- Avoid making flood recovery the focus at home - this may disrupt their sense of safety.
- Keep an eye on any changes to their behaviour, how they communicate, how they eat and sleep, and how they are





doing at school. If you see any changes, talk to them and as needed, seek support.

- Activities like drawing, playing and talking can help children to express their feelings.
- Keep the school informed and see what supports can be offered from the school. This is a familiar environment and may feel less overwhelming for your child.
- If you feel your family isn't coping, talk to your healthcare professional, a counsellor or family therapist for further help.

*Some Maribyrnong residents mentioned they use Smiling Mind - A free mindfulness and meditation app with dedicated programs for young people.*

*The Smiling Mind App has mental fitness content designed by psychologists with kids' needs in mind. The app has 16 child-focussed collections and over 190 sessions to explore. Children's content in the app is created for kids aged 5-12. Visit their website: [smilingmind.com.au](https://smilingmind.com.au)*

### Need more information?

It is best to get information and advice earlier, rather than later. Help is available from your doctor and community health services. You can also reach out for specific help for children and young people through:

**ReachOut:** Online mental health support and free apps for young people. For more information visit their website: [au.reachout.com](https://au.reachout.com)

**Parentline:** for parenting information and advice. Call 13 22 89 or visit their website: [parentline.com.au](https://parentline.com.au)

**Kids Helpline:** anonymous counselling for young people aged 5 to 25. Call 1800 55 1800 or visit their website: [kidshelpline.com.au](https://kidshelpline.com.au)

**eheadspace:** Mental health and wellbeing support information and services to young people aged 12 to 25 years and their families. Call 1800 650 890 or visit their website: [eheadspace.org.au](https://eheadspace.org.au)

## Glossary of Terms

- **Assessor** (also known as a **loss adjuster**): is a professional who inspects the damage and estimates the cost of the damage. They act for the insurer.
- **Cash settlement**: the amount an insurer may offer you to settle and close your claim instead of repairing or rebuilding your insured asset.
- **External expert**: is a company or a person contracted by an insurer to provide an expert opinion about the likely cause of your loss or damage. They cannot be an Employee or a Service Supplier to the insurer.
- **General contents claim**: this claim means you are claiming individual items that are in or around your home.
- **Home insurance**: this insurance can cover both your belongings and the structure of your home.
- **Independent expert or builder**: this is a professional you may hire to review the information from your insurer about the repairs needed. They can check whether the proposed work and costs are accurate.
- **Insurance broker**: this is a licensed professional who helps you find the right insurance for your needs.
- **Insurance excess**: this is how much you need to pay up front, before you receive any money from your insurance when you make a claim.
- **Insurance policy**: this is a legal agreement between you and the Insurer that tells you what you are covered for.
- **Insurance premium**: this is what you pay for your insurance, monthly or yearly.
- **Internal Complaint / Internal Dispute Resolution / IDR Complaint**: this means a complaint directly to the insurer.

- **Lenders Mortgage Insurance**: this protects the bank or lender. It helps the lender get their money back if you can't repay the loan. Mortgage insurance does not protect you.
- **Make Safe**: this means making temporary repairs after a disaster to help prevent further damage and ensure the safety of both the property and its residents.
- **Scope of works**: this is also sometimes called a 'statement of work'. This details the repairs and materials required for property repairs after a disaster.
- **Sum-Insured**: this is the maximum amount the Insurer will pay you as shown on your policy certificate. This is based on the amount you estimate will cover the cost of rebuilding your home if it is completely destroyed.
- **Total loss claim**: this claim under your home building and home contents policy means the insurer will pay the full insured amount according to your policy.
- **Total Replacement Cover**: this means the Insurer will cover the full cost to repair or rebuild your home to the condition it was in before the damage occurred.



## About Maribyrnong City Council

Maribyrnong City Council is a municipality in the western suburbs of Melbourne, which covers Braybrook, Footscray, Kingsville, Maidstone, Maribyrnong, Seddon, Tottenham, West Footscray and Yarraville. Councils play an important role in preparing for and recovering from emergencies. We work in collaboration with community groups, state emergency services, agencies, businesses and other councils to prepare, plan and recover from emergencies. Council continues to provide support to residents impacted by the Maribyrnong River flood in 2022.

### Maribyrnong City Council:

Civic Precinct and  
Community Hub  
61 Napier Street, Footscray  
PO Box 58  
West Footscray, VIC 3012

P: (03) 9688 0200  
W: [maribyrnong.vic.gov.au](http://maribyrnong.vic.gov.au)



## About GenWest

GenWest is an organisation working towards gender equity in Melbourne's west. We provide services that help victim survivors of family violence. We support communities to lead safe and healthy lives, by running social and education programs for people who experience inequity. We also partner with other organisations to advocate for equal rights and the prevention of family violence.

### GenWest:

317-319 Barkly Street  
Footscray, Naarm/Melbourne  
VIC 3011

P: 1800 936 437  
E: [info@genwest.org.au](mailto:info@genwest.org.au)  
W: [genwest.org.au](http://genwest.org.au)



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