



**REINSW**

FOR MEMBERS SINCE 1910

# DISASTER AND FLOOD RELIEF

## *Toolkit*

Updated December 2022

## WARNING

1. Whilst this document is current as at the date on which it was prepared, it may not be current at the time when you access it. You should use the information and data contained in this document at your own risk and ensure that you always access the most current version of the document available through REINSW and independently verify its accuracy, currency and completeness at the time when you seek to rely upon it.
2. REINSW has attempted to extrapolate data and opinions from various information sources and third parties (including, without limitation, government bodies). The document may be amended from time-to-time to take account of any updated positions of sources and third parties that we become aware of.
3. This document is intended for use by REINSW members only and should not be distributed or disclosed to third parties.

## A Message to You from REINSW's CEO, Tim McKibbin & President, Peter Matthews



[WATCH VIDEO HERE](#)



[WATCH VIDEO HERE](#)

## CALL HELPLINE

**02 9264 2343 or email [helpline@reinsw.com.au](mailto:helpline@reinsw.com.au)**

**Open to flood affected non-members as well as members**

All REINSW Helpline enquiries are confidential and there is no limit to the number of times you can contact us.



Robert Anderson, Lyn Kimball, Marie Babka & Jeannine Araghi

**IN A LIFE-THREATENING SITUATION CALL 000**

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## FINANCIAL ASSISTANCE

The NSW government is providing financial help for people affected by the Floods, including a lump sum payment. Applications are now open and close 10th January 2023 to make a claim.

### **Disaster Recovery Payment & Disaster Recovery Assistance**

Disaster recovery payments and allowances are available for flood impacted residence. Visit the link for eligibility and more information. <https://www.service.nsw.gov.au/floods>  
<https://www.nsw.gov.au/floods/financial-support>

### **Disaster Assistance Finder**

Complete the Service NSW online questionnaire to receive a personalised list of available programs and services: <https://disasterassistance.service.nsw.gov.au/>

### **The flood Property Assessment Program**

If you own a residential or commercial property damaged by the February and July 2022 floods, you can register for a free property assessment. - <https://www.nsw.gov.au/floods/financial-support/property-assessment-faqs>

### **Business Financial Support**

If your business or non-for-profit organisation has been impacted by the floods or natural disaster, you may be eligible for financial assistance. Several payments and grants are available including up to \$50,000 available for eligible small businesses, low interest loans, and other payments for business, sole traders, non-for-profit, etc.

More details visit: <https://www.nsw.gov.au/floods/financial-support/businesses>  
<https://www.smallbusiness.nsw.gov.au/news/support-available-flood-affected-businesses-and-individuals>

NSW Government financial business support and resources. Visit <https://www.nsw.gov.au/floods>

OFFICEHQ are offering REINSW members, impacted by flooding, 1 month\* free Australian Based Virtual Reception. For more details visit [Free Call Answering for Flood-Affected REINSW Members \(officehq.com.au\)](https://officehq.com.au)

### **Strengthening your Business**

Strengthening Business is a service under the AusIndustry Entrepreneurs' Programme that connects you with experts to make your business stronger, more resilient and better prepared for the future. Applications close Friday 30th June 2023. <https://business.gov.au/Grants-and-Programs/Strengthening-Business>

### **Housing and Rental Assistance**

The flood recovery rental support payment helps NSW residents in highly impacted suburbs who are unable to live in their home due to the February and March 2022 storms and floods.

For information and payment amounts on the one-off payment to pay for short-term accommodation bookings that were made on or after 22 February 2022 for 14 nights or more, please visit <https://www.service.nsw.gov.au/transaction/apply-flood-recovery-rental-support-payment> or call 13 77 88

<https://www.service.nsw.gov.au/transaction/apply-flood-recovery-rental-support-payment>

## Rural Property Support

The NSW Rural Assistance Authority website provides information for primary producers such as special disaster grants and disaster relief loans. Applications are now open! <https://www.raa.nsw.gov.au/disaster-assistance>

Primary Producers - <https://www.nsw.gov.au/floods/support-for-farmers-and-primary-producers>

## EVACUATION PLAN

Contact Service NSW for help with flood recovery and business support. If there is an evacuation warning in place for your area, be prepared to leave. If a flood warning has been issued for your area:

- Prepare an emergency kit with important documents, medications and items that you might need if you lose power or need to leave in a hurry
- Have an emergency plan in place
- Find the safest route to travel if you need to evacuate and check for any road closures
- Find out where any evacuation centres are set up in your area
- Listen to your local radio station for information, updates and advice
- Contact neighbours, friends and family when flooding is imminent and help move vulnerable people (such as children, the elderly or mobility-impaired) and animals to higher ground
- Never drive, ride or walk-through floodwater.

After flooding, please take necessary health and safety precautions when returning to your property.

### For a list of evacuation centres, please visit:

<https://www.nsw.gov.au/floods/flood-recovery-centres-and-evacuation-centres>

### For updated flood warnings, please visit:

<http://www.bom.gov.au/nsw/warnings/> and road closures <https://www.livetraffic.com/>

## DISASTER EVACUATION DECLARATION

A full list of natural disaster declarations can be found on the NSW Government's website by clicking on the following link:

<https://www.nsw.gov.au/disaster-recovery/natural-disaster-declarations>

## EMERGENCY ACCOMMODATION

The NSW government has built several temporary housing accommodation sites for flood effected communities.

Visit Service NSW for more information.

<https://www.service.nsw.gov.au/news/temporary-accommodation-sites-secured-flood-affected-communities>





## STAYING SAFE AFTER THE FLOOD AND CLEAN UP SUPPORT

If you have been evacuated, ensure you receive an “all clear” from NSW State Emergency Service (SES) before returning home.

For information on roads affected by flooding, check Live Traffic NSW: [https:// www.livetraffic.com/](https://www.livetraffic.com/)

Take all necessary health and safety precautions when returning to your property and read the NSW Health advice for staying healthy during and after a flood. Please note that:

- Floodwater and leftover debris may be contaminated with sewage.
- To prevent illness, minimise contact with floodwater and wear protective clothing, including boots, gloves and eye protection.
- Avoid swimming in rivers, lagoons and estuaries for at least 3 days after heavy rain.
- Avoid mosquito bites by covering up while outside with loose, light-colored clothing and covered footwear, avoiding being outdoors at dawn and dusk and applying insect repellent on exposed skin that contains DEET, picaridin, or oil of lemon eucalyptus.

There is clean-up assistance available to flood-impacted households for the removal of debris, mud and green waste. Cleaning up after a natural disaster can be dangerous so visit these websites before doing so: how to clean up safely and <https://www.ses.nsw.gov.au/flood-resources/after-a-flood/cleaning-up-after-a-flood/>

## FOOD AND ESSENTIALS

The Salvation Army and other emergency support workers will provide food, water, other essentials and personal care items (e.g. blankets, clothing, medication) at an Evacuation Centre. For a list of current evacuation centres: Updated List of Current Evacuation Centres | NSW State Emergency Service.

## RECOVERY CENTRES

<https://www.nsw.gov.au/floods/flood-recovery-centres>

Flood Recovery Centres are there to access recovery services for:

- Replacing ID and personal documents such as birth and marriage certifications, Medicare card, vehicle and vessel registrations and licences, and citizenship documents. Someone might also be eligible for vehicle registration or licensing fee refunds and waivers.
- Mental health and wellbeing services are available as natural disasters, cleaning up and recovery can take a toll on mental and physical health.
- Legal assistance is offered by the Disaster Response Legal Service and Legal Aid. They can assist with everyday legal problems that can arise after a disaster.
- Insurance advice and guidance on claims, policy coverage, and clean-up costs are all available by contacting the Insurance Council of Australia.

## MENTAL HEALTH ASSISTANCE

Research by the Black Dog Institute shows post-traumatic stress disorder (PTSD), psychological distress, depression and anxiety is heightened in flood-affected areas compared to unaffected areas. Please reach out for immediate support and in a life-threatening situation call Triple Zero on 000. See our Useful Resources section below for links to mental health support, crisis hotlines and NSW Health Factsheets

## ANIMAL ASSISTANCE

You can get immediate assistance with animals if you contact: WIRES, Wildlife Rescue Australia, RSPCA or NSW Department of Primary Industries.

## PROPERTY MANAGERS

“What NSW Fair Trading has to say?”

Information for landlords and tenants impacted by the flood:

<https://www.fairtrading.nsw.gov.au/resource-library/floods-and-tenancy-rights>

- When the property is uninhabitable
- When the property is damaged but habitable
- When the tenant has been evacuated from property
- Damage to personal belongings
- Temporary Accommodation
- Rent Repayment
- Disputes

## WHEN THE PROPERTY IS UNINHABITABLE

If the property is wholly or partially uninhabitable because of flood/water damage, your options include:

1. End tenancy – either the landlord or tenant can provide written notice of termination which is effectively the date of the notice. The residential tenancy will then come to an end where the parties agree that the property is wholly or partly uninhabitable or cannot be lawfully usable as a residence. Should a dispute arise, either the tenant or the landlord may apply to the NSW Civil and Administrative Tribunal for a resolution. The health and safety of the tenant must be considered at all times. See Residential Tenancies Act 2010, section 109 (Agreement Frustrated- destruction of, or uninhabitable, premises - <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2010-042#sec.109>  
Fair Trading NSW provide useful information "Floods and Tenancy Rights" - <https://www.fairtrading.nsw.gov.au/resource-library/floods-and-tenancy-rights>
2. The landlord and tenant can also choose to enter into a new tenancy agreement once the property is repaired.
3. Continue tenancy - The landlord and tenant can agree to maintain the tenancy and waive rent during the period the property is uninhabitable. This agreement should be put in writing.
4. If a tenant leaves the property and is unable to take their goods with them, landlords cannot dispose of belongings before notifying the tenant. The Uncollected Goods Act 1995 gives the person in possession of the goods the right to dispose of them after a certain amount of time. If you are experiencing a problem or need to resolve a dispute relating to uncollected goods, you can contact NCAT.

## WHEN THE PROPERTY IS DAMAGED BUT HABITABLE

The landlord and tenant can agree to a rental reduction to compensate for the part of the property that cannot be used. During these conversations, everyone should act with goodwill and agree on a reasonable amount of rent reduction. Any agreement should be put in writing, including when the rent will revert to the pre-reduction amount.

## WHEN THE TENANT HAS BEEN EVACUATED FROM THE PROPERTY

If a tenant has been evacuated and/or is unable to access the property, landlords and tenants are encouraged to negotiate a waiver of rent during the period in which the property cannot be accessed. Any agreement should be put in writing

## DAMAGE TO PERSONAL BELONGINGS

Landlords are not responsible for a tenant's personal belongings in the event of a natural disaster. If a tenant has taken out contents insurance, they would make a claim on their insurance for damage to their personal belongings.

## TEMPORARY ACCOMMODATION

Landlords are not responsible for the cost of temporary accommodation for a tenant during the period in which the property is uninhabitable.

If the property is uninhabitable and a tenant agrees to continue the tenancy, the rent should be waived during the period in which the property cannot be lived in.

For more information from NSW Fair Trading please visit – <https://www.fairtrading.nsw.gov.au/resource-library/floods-and-tenancy-rights>



## QUESTIONS TO ASK TENANTS

**Agents may wish to ask a tenant the following questions to determine the damage to a property:**

- What is the extent of the water damage or flooding?  
Request the tenants to take several photos of all areas impacted by the water. The agent may not be able to access the property due to road closures, etc., so photos will assist in their response and support.

### **In The Event of Flooding**

- Advise the tenant to contact their personal contents insurer (if applicable).
- Arrange for an electrician, as a matter of urgency, to attend the property to ensure electrical safety.
- Arrange a plumber as a matter of urgency (if required).
- Advise the tenant to mop up all free water (if appropriate).
- If there is water damage, take appropriate action to reduce possible damage. This may include contracting a carpet drying specialist or emergency restoration company to dry out affected walls.
- Refrain from drinking tap water until the flood crisis has passed and advise when that water is of drinking standard again.
- Is there still power supply to the property?
- Is there damage to plumbing?

### **Whilst Waiting For A Plumber/Drainer**

- Advise the tenant to turn off appliances that use water including washing machines and dishwashers.
- Advise the tenant not to flush the toilets and not to release any water from baths or tubs.
- Advise the tenant to open all outside doors if it is safe to do so.
- Advise the tenant to use towels or rugs to divert any water.
- Is there any damage/overflow of sewage?

### **In The Event of Sewer Damage:**

- Advise the tenant to contact their insurer to commence a personal contents claim (if applicable).
- Contact the local council if there is damage to mains sewerage pipes.
- Arrange a plumber.
- Advise the tenant not to walk through affected areas then into non-contaminated areas.
- Advise the tenant not to handle any affected items. Items affected by sewage are deemed unsalvageable and must not be handled without proper precautions being taken.
- Is it safe to access the property?
- Is the property livable?
- If the property is not livable does the tenant have somewhere to stay? If not livable, end the tenancy under section 109 of the Residential Tenancies Act as the agreement would be frustrated.

Agents can contact the State Emergency Service for assistance on 132 500. However, in a life-threatening emergency, agents should still call 000.

**\*Each flood affected property should be assessed on its own merits...**

## FAQS

### General

#### **1. What action should I take if a Flood Watch is issued for my area?**

If a Flood Watch is issued for your area, we encourage you to look out for future Flood Watch updates and heed Flood Warnings if these are issued, and to follow the advice of the local emergency services. If flooding develops consider preparing to move livestock, family, and possessions to higher ground. Refer to the Bureau's website for the latest rainfall and river level heights, as well as the latest weather forecast and warning information and, if possible, bookmark these pages for quick access.

<http://www.bom.gov.au/water/floods/floodWarningServices.shtml>

Note: Internet and power supply can be interrupted if conditions worsen quickly. Aim to ensure phones are charged and a power supply by battery or generator is available to a device to maintain news updates on flood warnings.

#### **2. Am I entitled to compensation for office damage, or loss of income such as commission?**

In the event of any damage to your office or loss of income arising from flood, you may be entitled to make a claim with your insurer for this. You should contact your insurer to obtain information on your coverage and entitlements. You may be eligible for Business Disaster Support, see Service NSW:

<https://www.service.nsw.gov.au/floods/financial-assistance>

<http://www.bom.gov.au/water/floods/floodWarningServices.shtml>

## Property Management

### **1. A rental property has been flood affected, however, if the tenant is comfortable to remain in the premises and it is safe to do so, what are the landlord's obligations?**

As per section 109 of the Residential Tenancies Act 2010, if the property is partly or wholly uninhabitable, the agreement may be terminated effective immediately or on a specified date. A written termination notice must be given in accordance with the Act. If it is safe to do so, the tenant may remain in the property with a written mutual agreement.

### **2. Is the landlord responsible to replace or repair my belongings if the property is flood affected?**

The landlord is not required to replace or compensate a tenant's belongings. Insurance for personal contents can only be taken out by the owner of the contents. Tenants are encouraged to have their own contents insurance to cover such circumstances.

### **3. Who determines if the property is uninhabitable?**

There are several ways to determine if the property is uninhabitable. For example, if there is no power supply, it is unsafe, flooded with water, etc. then it would be more than likely that both parties will consider the property to be uninhabitable. However, if it becomes unclear and both parties do not agree, we recommend seeking a qualified professional opinion from experts such as plumbers, electricians, builders and lawyers.

### **4. Is the landlord responsible to provide alternative accommodation?**

No, the landlord is not responsible to provide alternative accommodation. The rent should be abated while the tenant is unable to occupy the property during the flood crisis. Put any agreement in writing, ensuring to include a trigger for the end of the rent abatement period (e.g., authorities have allowed access back to the property).

### **5. What resources can I give my tenants who have no alternative accommodation, and the property is uninhabitable?**

In the coming weeks, the NSW Government will be providing, those who register for Temporary Housing Support Package accommodation support. Also available is up to 16 weeks' rental support to flood victims in temporary accommodation. If tenants are homeless due to the floods, there is emergency accommodation in nearest hotels and motels – for more information or to arrange accommodation, go to NSW floods - information and support services | NSW Government, nearest evacuation centre or call 13 77 88.

### **6. What is best practice in handling tenants who want to remain at the property?**

Natural disasters can have an emotional and mental wellbeing impact, especially for people who have lived in the property for quite some time and have created a life there. We recommend assisting tenants through this emotional time by providing assistance to find alternative accommodation. If it is safe for the tenant to remain in the property, considering sufficient power supply, that the property is mould-free, has clean drinking water etc., we recommend early discussions with the landlord as to how best to accommodate the tenant by way of compensation. All agreements must be in writing and preferably with a date on which the rent amount payable under the residential tenancy agreement will resume.

See our useful resources section below.

## 7. Who is responsible for mould occurring after the event of a flood?

Generally, if the mould first appeared after the flood, then it would likely be the responsibility of the owner to maintain and remove the mould.

## 8. The insurance claim may take some time to process and pay out so what options are available for a landlord who has been impacted by the floods and who cannot meet mortgage repayments?

Some of the major banks such as Westpac and the Commonwealth Bank are providing financial flood relief assistance to their customers. It may be useful for landlords to contact their financial institute and enquire about the options available for financial relief during this time.

## 9. What other resources are available for me to provide to my flood-affected tenants?

See our Useful Resources section below.

## Sales

### 1. If the buyer and the seller have just settled the contract for sale, and the subject property has a history of flooding, does the buyer have a claim against the agent for failing to disclose a material fact?

In addition, the obligation to act in the best interest of the client, an agent also has disclosure obligations under both the Property and Stock Agents Act 2002 and the Australian Consumer Law to not make false or misleading representations to a potential buyer about land or property. This includes wilful concealment of a material fact. If an agent is aware that a property has a history of flooding, they should ensure that they disclose these matters to a buyer. If a buyer does make a claim against you for an alleged failure to disclose a material fact, we recommend that you seek and obtain advice from a qualified legal professional and contact your insurer.

### 2. Can a purchaser rescind the contract if the property is flooded prior to settlement?

Section 66L of the Conveyancing Act 1919 (NSW) - Where land is substantially damaged after the making of a contract for the sale of the land and before the risk in respect of the damage passes to the purchaser, the purchaser may rescind the contract by notice in writing served on the vendor before the completion of the sale and—

- (a) within 28 days after the purchaser first became aware of the damage, or
  - (b) within such longer period as may be agreed to by the vendor and purchaser.
- <https://legacy.legislation.nsw.gov.au/~view/act/1919/6/part6/div4/sec87a>

### 3. What happens with the deposit monies in the trust account? Do I still need written authority from all parties to release monies?

Regardless of any flooding, you are required to continue to comply with statutory obligations around trust money, which includes obtaining written authority from the buyer and seller before releasing any monies.

### 4. Who is responsible to determine if the property is uninhabitable?

If a property, the subject of a contract for sale is flood affected, we recommend that you direct both buyer and seller to seek and obtain advice from a qualified legal professional as soon as possible. It is not the role of an agent to determine whether the flood affected property is unfit for occupation.

### **5. The insurance claim may take some time to process and pay out so what options are available for a vendor who has been impacted by the floods and who cannot meet mortgage repayments?**

Some of the major banks such as Westpac and the Commonwealth Bank are providing financial flood relief assistance to their customers. It may be useful for vendors to contact their financial institute and enquire about the options available for financial relief during this time.

## **Commercial**

The Small Business Commission has prepared a guide to recovering from the disaster. To access this guide, click this link: <https://www.smallbusiness.nsw.gov.au/resources/get-back-business-guiderecovering-disaster>

### **1. Is the landlord responsible for roof leaks?**

Refer to the terms and conditions of the lease or refer to the legal practitioner who prepared the lease. You may want to make enquiries with your insurance company to cover loss or damage or contact the Small Business Commissioner for guidance.

### **2. What resources can an agent provide to commercial tenants if they need business advice, including financial?**

Business Connect is a fully dedicated and personalised service from NSW Government. It provides free professional advice, including financial matters.

<https://business-connectregister.industry.nsw.gov.au/pages/home5.html>

## **Strata**

### **1. Who covers the cost of flood damage to strata lots?**

Strata buildings are covered by insurance in the case of a natural disaster such as floods.

Information with regards to the responsibility of general repair and maintenance can be found here - <https://www.nsw.gov.au/housing-and-property/strata/serving-on-a-committee/repairs-capitalworks>

If there is any loss of use of common property or garages etc., the landlord would need to consider compensation to the tenant during the period in which they are not accessible.

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## USEFUL RESOURCES

### Bureau of Meteorology links

Flood Warning Services: National flood forecasting and warning service: Water Information: Bureau of Meteorology ([bom.gov.au](http://bom.gov.au))

### Humanitarian Services links

State of Emergency Services - Flood | NSW State Emergency Service  
Updated List of Current Evacuation Centres | NSW State Emergency Service  
Service NSW - Storm and flood customer care service | Service NSW  
Salvation Army - Salvos committed to flood-affected communities for the long haul | The Salvation Army Australia  
Red Cross - Act for humanity | Australian Red Cross  
NSW Government's Disaster relief and support - <https://www.nsw.gov.au/disaster-recovery/disaster-relief-and-support>  
Disaster relief and support for individuals and households | NSW Government

### Commercial links

Small Business Commissioner - <https://www.smallbusiness.nsw.gov.au/get-help/featured/nsw-smallbusiness-storms-and-flood-support>  
Disaster relief and support for small businesses - <https://www.nsw.gov.au/disaster-recovery/disasterrelief-and-support/for-small-businesses>

### Insurance links

Realty Protect Landlords Insurance  
Real cover | Professional indemnity insurance for real estate

### NSW Fair Trading links

Landlord and tenant rights - <https://www.fairtrading.nsw.gov.au/resource-library/floods-and-tenancyrights>  
Natural Disaster for tenants - <https://www.fairtrading.nsw.gov.au/housing-and-property/renting/duringa-tenancy/repairs,-maintenance-and-damage#naturaldisasters>

### Temporary Housing and Rental Support

NSW floods - Information and support Services | NSW Government  
<https://www.nsw.gov.au/floods/financial-support>

## Donations

How people can donate or support the flood recovery | NSW Government  
<https://www.nsw.gov.au/floods/recovery/donations>  
Foundations for National Parks and Wildlife  
FNPW Donations - Healing our land

## Go Fund Me

Donate to Fundraisers for the Australia Floods on GoFundMe  
St. Vincent de Paul Society Flood Appeal  
[https://www.vinnies.org.au/page/Find\\_Help/Flood\\_appeal/](https://www.vinnies.org.au/page/Find_Help/Flood_appeal/)

## Givit

GIVIT Appeals | Flood Appeal | Donate To Help People Recovering From Floods in QLD And NSW |  
Donate Money Or Items

## Volunteering

Register your interest to volunteer for disaster recovery organisations:  
<http://www.volunteering.com.au/flood-emergency-volunteers>

## Mental Health Assistance

In a life-threatening situation, call Triple Zero on 000  
Mental Health Line open 24/7 on 1800 011 511  
Lifeline on 13 11 14  
Kids Helpline on 1800 551 800  
Beyond Blue on 1800 51 23 48  
Find other 24/7 crisis lines.

## NSW Health factsheets available

Accessing mental health services in NSW  
Accessing mental health services in northern NSW  
Accessing mental health services in mid-north coast of NSW

## **Sport & Recreation Clubs**

<https://www.nsw.gov.au/disaster-recovery/disaster-relief-and-support/for-sport-and-recreationclubs>

## **Not-for-profit Organisations & Churches**

<https://www.nsw.gov.au/disaster-recovery/disaster-relief-and-support/for-not-for-profitorganisations-and-churches>

## **Local Councils**

<https://www.nsw.gov.au/disaster-recovery/disaster-relief-and-support/for-local-councils>

Agents can contact the State Emergency Service for assistance on 132 500. However, in a life-threatening emergency, agents should still call 000.



Real Estate Institute of New South Wales  
30-32 Wentworth Avenue, Sydney NSW 2000  
PO Box A624 Sydney South NSW Australia 1235  
Telephone: (02) 9264 2343 Fax: (02) 9267 9190