

FLOOD UPDATE

Our very best wishes and heartfelt sympathy go out to you and all others affected by the devastation throughout Queensland (and other parts of Australia). We also wish you a speedy return to normal family and business life.

[Visit our website](#) to download a Guide on the government assistance available for those affected or you may pass on to someone you know who is.

We wish to help those impacted wherever possible so would like to offer **free initial legal advice over the telephone to those who need it in relation to claims under their house or business insurance policies or related matters**. This is a very difficult and stressful time and we are happy to try and relieve some of that stress.

We also felt it important for you to know that whilst we are one of the lucky businesses unaffected by the floods and business continues fairly well as usual for us there are problems over which we have no control and impact on our ability to get our work done and include:

- many lawyers, accountants, agents, brokers and financial institutions are not yet operating fully or at all so many transactions such as real estate sales and purchases are being disrupted with finance approvals and settlements being delayed;
- documents have been damaged or even lost and will need replacing;
- the courts were closed for a number of days resulting in a postponement of all appearances;
- the Titles Office in the city will not operate until at least 19 January but temporary alternate arrangements at Woolloongabba have been made; and
- some mail deliveries are being affected so please allow a few more days than usual for their arrival.

We will continue to keep all parties informed as things return to normal but rest assured that we will be working to ensure that settlement occurs as planned wherever possible. This process will be impacted by the availability of banks and other law firms.

The legal ramifications of the damage and disruption caused by the floods are obviously wide ranging and include the following which might be helpful to those directly affected:

- In the last few days a client rang us about goods he stored in a warehouse which was inundated by the flood waters. He paid a fee for them to be stored but he did not effect insurance as he thought the company would insure them. Storage operators do not usually insure your property and often will specifically state this in the Agreement they ask you to sign. You need to read and understand the terms of the storage agreement before you sign and ask questions if you are not sure. Do not assume. If you are unsure what your legal position is under your current Agreement firstly read the Agreement and then ring us if you need assistance;
- landlords of **residential properties** can continue to collect rent from tenants but both parties have the right to terminate the tenancy within one (1) month of the event, if the premises are unfit for habitation. What is "unfit" is a subjective test but that will be very clear in many badly flooded properties. A landlord has an obligation to repair and maintain the property;
- landlords of **commercial/industrial premises** will generally not be entitled to rent and other monies whilst the premises are unfit for use but the Lease terms need to be read as usually time frames apply and rights may be lost if not actioned in time. Each lease is different.

We will continue to do whatever it takes to support you during this difficult time, so please let us know if we can assist in any way.