

## Trees and insurance

It can be common to claim for fallen trees and branches after a severe weather event, for the damage caused to houses and guttering, fences, cars and neighbouring properties.

### Key points

- Check your homes insurance policy wording to see if there is any cover for damage caused by falling trees or branches.
- If you are unsure about the coverage, contact your insurance provider and they can discuss your cover with you.

### Cover for trees

- In general, the trees themselves are not covered by your house policy. However, the damage that trees cause to insured structures such as houses, garages and fences generally are covered, so are the costs of removing parts of the tree that caused the damage to your home.
- A homeowner will generally not be held liable for damage that their trees cause to other people's property in a severe weather event. However, if it can be proven that they were negligent in not removing rotten trees or had ignored requests for removal, then they may be held liable.

### Tips for tree maintenance

Tree maintenance is one way you can reduce the risks of damage when bad weather strikes.

- Assess the trees around your property before and after severe weather. If they look weakened or damaged, they should be pruned or removed.
- Check with your local council about the rules and regulations around chopping, pruning or trimming a tree on your property, or on the property of your neighbours, or even those on council land. You'll also need to consider if the tree is protected.
- Know your limits – while it may be safe for you to trim the odd branch, it is not the same for the big projects that may damage a home, or harm people, it's best to contact an arborist to take care of this for you.
- If you see a problem or potential hazard with a tree on council property, report it to your council right away.
- Know how your trees will grow before you plant them and avoid placing large ones too close to your house. When in doubt, talk to a gardening professional.



## Frequently asked questions

**I own my own home and have house insurance and the recent severe weather has uprooted all my trees and they are strewn all over my property. Will insurance pay for the removal and clean-up of the trees and debris?**

No, if the trees have not caused damage to an insured structure (e.g., house, fence) then there is unlikely to be cover. Usually, only the part of the tree that caused damage to home will be removed from your property, so that repairs can take place.

**In the recent bad weather, my trees fell on to my house and damaged it – will insurance pay for all the costs involved?**

Because the trees damaged something that was insured (the house) then yes your insurance will pay. However, insurance will cover the costs to fix the house plus any costs to remove parts of trees and debris necessary to fix the house. The cover does not extend to removing the remainder of the tree that is still in the ground. There may be some additional cover available in some policies under the landscaping benefit and the tree removal benefit (cover under each are generally limited to between \$2,000 to \$3000) but again this can be discussed with the insurance provider.

**I was trimming my trees the other day and by accident one of the branches fell on to my neighbour's house and damaged it – who pays?**

If you have house or contents insurance, the liability benefit will respond and your insurance will cover the damage.

**Severe weather has caused my tree to fall through the fence I jointly own with my neighbour and has damaged their house – who pays?**

Your insurance will likely pay for 50% of the fence. Your neighbour (and/or their insurance) will pay for the other 50% of the fence, plus they will pay for the damage to their home may have suffered. Unless it is shown that you were negligent in some way, the liability element of your insurance policy does not respond to this because you did not cause the damage, it was the weather.

**My neighbour's tree has fallen on my garage and damaged it – who pays?**

Your house insurance will cover this if your garage is insured as part of your home policy. Your neighbour is generally not liable because it was the storm that caused the damage, unless it is shown that they were negligent in some way.

**My trampoline has blown into the neighbour's property – what insurance is available?**

If your trampoline is damaged, your insurance will likely cover the replacement of the trampoline. If the trampoline did not damage the neighbour's property, you will just need to seek permission from your neighbour to retrieve it. If it did cause damage, then they (or their insurance) will need to cover the costs of the repair as unless it was your negligence that caused the damage, this would be treated as storm damage.

## Frequently asked questions

### **My car was parked on my property and my neighbour's tree fell on it – who pays?**

If you have comprehensive car insurance then yes, this sort of damage is covered. If the tree fell over due to a storm, then your neighbour doesn't have any liability as it was the weather that caused the damage. However, if the tree fell over while they were cutting it down or it was a tree that for many years they had been asked to remove due to rot and they had ignored many notices, and negligence could be proved, they may be liable. If they have house insurance, cover for this liability is generally covered under their insurance policy.

