

Final Draft - May 2019

Terms of Reference for the Legal Advisory Group

A. Introduction

1. The Greater Christchurch Claims Resolution Service (the GCCRS) has been established to support the resolution of insurance claims arising from the Christchurch earthquake sequence by providing advisory and resolution services to residential homeowners.
2. The GCCRS Advisory Committee (the Advisory Committee) has been established to achieve the best outcomes for homeowners and assist with the psychosocial recovery and wellbeing of homeowners.
3. These are terms of reference for a GCCRS Legal Advisory Group (Legal Advisory Group) to provide support and assistance to the Advisory Committee and the GCCRS Director.

B. Establishment

4. The Ministry of Business Innovation and Employment (MBIE) will establish the Legal Advisory Group and appoint its members, including a chair.
5. The Legal Advisory Group is not a statutory board and has no legal standing.

C. Purpose

6. To provide the Advisory Committee and GCCRS Director with high level legal and strategic advice on the establishment and delivery of an internal dispute resolution services (IDRS) to resolve claims arising from the Christchurch earthquake sequence brought by homeowners or insurers to the GCCRS.
7. This is likely to include such advice and assistance on:
 - a. the design of the IDRS;
 - b. the operation of the IDRS;
 - c. stakeholder engagement (including the legal profession) to achieve support for the IDRS;
 - d. such other matters as requested by the Advisory Committee.
8. The Group will also facilitate engagement with various interest groups within the legal system in order to prioritise issues and recommend system improvements and new ways of working, without compromising the judicial system or the rights of individuals to use the courts.

D. Governance

9. The Legal Advisory Group will have no formal governance oversight over the GCCRS. MBIE will be accountable and responsible for providing governance oversight over the GCCRS.
10. The Legal Advisory Group will get its work programme and direction from the Advisory Committee. The Director of the GCCRS may ask the Chair of the Legal Advisory Group to progress agreed initiatives to help improve the service delivery of the GCCRS.
11. The Legal Advisory Group will be expected to report to the Advisory Committee on how it is progressing against its objectives and advise on progress against the work programme.
12. The Chair of the Legal Advisory Group will be a member of the Advisory Committee.

E. Membership and term

13. The Legal Advisory Group will be appointed by MBIE and will comprise at a minimum the GCCRS Director, a representative from Community Law, a representative from Crown Law, and two independent (members), one of which will be the Chair of the Legal Advisory Group.
14. Members are appointed for a term of one year.
15. The Chair of the Advisory Committee may appoint or remove members from the Legal Advisory Group at their discretion.

F. Support

16. In liaison with the Chair of the Legal Advisory Group, the GCCRS will provide secretariat support to the Legal Advisory Group including organising meetings of the group, preparing the agenda, recording minutes, and circulating documents.

G. Conflicts of interest

17. The members of the Legal Advisory Group will disclose any potential or perceived conflict of interest to the other members of the Legal Advisory Group. The Legal Advisory Group will decide the best way for conflicts to be managed.