



## GCCRS Legal Advisory Group

<b>SUBJECT</b>	<b>Meeting Minutes – 7 June 2019</b>
<b>PRESENT</b>	Victoria Wood (Lawyer, Community Law), Helen Davidson (General Manager, Legal & Policy, Engineering NZ), Hugh Mathews (Independent lawyer)
<b>IN ATTENDANCE</b>	Darren Wright (Director GCCRS), Iain Feist, (Senior Solicitor, MBIE)
<b>APOLOGIES</b>	Miriam Dean (Chair), Nicola Wills (Lawyer, Crown Law), John Hardie (Advisor Internal Disputes Resolution)

### 1. Administration

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#### 1.1 Conflicts of Interest

There were no conflicts of interest.

#### 1.2 Minutes and Actions

Members approved the previous minutes from the 12 April 2019.  
Key points from the previous meeting were reviewed and acknowledged.

#### 1.3 Terms of Reference

The GCCRS Legal Advisory Group Terms of Reference (ToR) were updated to clarify of the group's governance role. The ToR will be published on the GCCRS website.

### 2. Updates

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#### 2.1 GCCRS Operational Update

The GCCRS Monthly Report for April-May 2019 as attached to the agenda, taken as read, was reviewed by the members.

The following points were noted:

1. A marked increase was reported in the rate of claims resolution during the month of May with 121 cases resolved out of 123 cases received.
2. The categorization of claims data continues to be defined as the service expands.
3. A greater number of Southern Response (S/RES) cases are being closed than are being received and 18 facilitations for S/RES cases were settled before the date of the facilitation.

4. Engineering New Zealand (ENZ) is in the process of appointing additional panel members.
5. There is a proposed ministerial announcement to mark the first 1000 consented cases registered with GCCRS.

## **2.2 IDRS Update**

1. The new Christchurch Earthquake Insurance Tribunal (CEIT) will be launched on 10 June. Members reviewed how the two services will work together to ensure a seamless service for the homeowner.
2. During the month CEIT representatives had presented the service to the GCCRS and Community Law (CLC) teams and pathways available to homeowners were described.
3. It was noted that the legislation does not expressly provide that filing in the Tribunal stops the limitation period running and therefore it was considered necessary for a homeowner to file in Court before applying to be transferred to the Tribunal where limitation issues meant the claim could be statute barred.
4. Homeowners would not be able to access IDRS services once a decision is issued by the Tribunal. However it was noted that a mediated settlement could be proposed in a case where the insurer appeals a Tribunal decision, but this would be decided case by case and the consent of both parties would be necessary.

## **3. General Items**

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- 3.1** Members discussed whether GCCRS can assist homeowners who have signed litigation funding contracts with Earthquake Services. It was noted that there are clauses in those agreements relating to confidentiality and that the homeowner (and by implication, their agent) is prevented from dealing or communicating with EQC or the insurer themselves.

It was noted that homeowners should be made aware of this confidentiality clause before electing to sign up with GCCRS and accordingly, all homeowners who are a party to an Earthquake Services contract will be referred to CLC in the first instance.

## **4. Review of Agenda**

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### **4.1 Review of Agenda**

The next Legal Advisory Group meeting is on Friday 9 August 2019 at 1.30pm.

**Meeting closed at 2.45pm**