

House of Representatives

Supplementary Order Paper

Wednesday, 8 May 2019

Canterbury Earthquakes Insurance Tribunal Bill

Proposed amendments

Stuart Smith, in Committee, to move the following amendments:

Clause 5

In *clause 5*, in the *definition of claimant, paragraph (a)*, after “policyholder or an insured person (or both)” (page 5, line 33), insert “or an insurer”.

Clause 10

In *clause 10(1)*, replace “**(2) or (3)**” (page 8, line 20) with “**(2), (2A), or (3)**”.

In *clause 10*, after *subclause (2)* (page 8, after line 24), insert:

- (2A) An insurer may bring a claim to the tribunal against at least 1 person who is a policyholder or an insured person (or both), an insurer, or the EQC by making an application under **section 12** that is accepted by the chairperson under **section 13**.

Clause 12

In *clause 12(1)*, after “policyholder or an insured person (or both)” (page 9, line 26), insert “or an insurer”.

In *clause 12(2)*, replace *paragraph (c)* (page 9, line 32) with:

- (c) either—
 - (i) the remedy sought; or
 - (ii) in the cause of an application between insurers, the question agreed to by the parties for the tribunal to answer; and

Clause 16

In *clause 16(1)*, after “policyholder or an insured person (or both)” (page 10, line 32), insert “, or an insurer that is bringing the claim under **section 10(2A)**”.

In *clause 16(3)*, after “policyholder or an insured person (or both)” (page 11, line 9), insert “, or an insurer that is bringing the claim under **section 10(2A)**”.

Clause 43

In *clause 43(3)*, after “policyholder or an insured person, or both,” (page 24, line 34), insert “or an insurer”.

In *clause 43(4)*, after “policyholder or an insured person” (page 24, line 36), insert “, or an insurer that is bringing the claim under **section 10(2A)**”.

Clause 44

In *clause 44(7)(b)*, after “policyholder or insured person,” (page 25, line 26), insert “or an insurer that is bringing the claim under **section 10(2A)**”.

Explanatory note

This Supplementary Order Paper amends the Canterbury Earthquakes Insurance Tribunal Bill. It prevents one-way access to justice and allows insurers to bring a claim to the Tribunal.