

House of Representatives

Supplementary Order Paper

Tuesday, 7 May 2019

Canterbury Earthquakes Insurance Tribunal Bill

Proposed amendments

Hon Andrew Little, in Committee, to move the following amendments:

Clause 2

Replace *clause 2* (page 4, lines 4 to 11) with:

2 Commencement

This Act comes into force on the later of—

- (a) 10 June 2019; and
- (b) the day after the date of Royal assent.

Clause 23

In *clause 23(1)(b)*, after “party” (page 14, line 17), insert “:”.

After *clause 23(1)(b)* (page 14, after line 17), insert:

- (c) 1 or more support persons, with the approval of the tribunal.

Clause 27

After *clause 27(1)(h)* (page 17, after line 2), insert:

- (ha) direct that arrangements be made to inspect the dwelling house, property, or land to which the claim relates (as long as the consent of the owner or occupier is obtained before entry):

Clause 38

In *clause 38(1)*, replace “set a date for” (page 21, line 35) with “hold”.

Clause 44

After *clause 44(3)* (page 25, after line 14), insert:

- (3A) Despite **section 45**, the tribunal may make an order for costs and expenses that are payable under a contract of insurance between the parties.

Clause 45

In *clause 45(2)*, replace “costs incurred” (page 26, lines 14 and 15) with “costs and expenses incurred” in each place.

Delete *clause 45(2A)* (page 26, lines 16 and 17).

Clause 60

In *clause 60(1)*, replace “capability” (page 30, line 4) with “knowledge”.

Clause 67

In the heading to *clause 67*, replace “Acts” (page 32, line 27) with “enactments”.

In *clause 67*, replace “Acts” (page 32, line 28) with “enactments”.

Schedule 3

Replace *Schedule 3* (page 45, lines 1 to 12) with:

Schedule 3
Consequential amendments to enactments

s 67

Part 1
Act amended

Legal Services Act 2011 (2011 No 4)

In section 4(1), definition of **civil proceedings**, paragraph (a), after “the Care of Children Act 2004,”, insert “the Canterbury Earthquakes Insurance Tribunal Act **2018**,”.

After section 7(1)(p), insert:

- (pa) proceedings before the tribunal under the Canterbury Earthquakes Insurance Tribunal Act **2018**:

Part 2 Legislative instrument amended

Courts Security Regulations 2019 (LI 2019/61)

In Schedule 2, after the item relating to the Alcohol Regulatory and Licensing Authority, insert:

Canterbury Earthquakes Insurance Tribunal

Explanatory note

This Supplementary Order Paper amends the Canterbury Earthquakes Insurance Tribunal Bill to—

- replace the commencement clause (*clause 2*), so that the Bill comes into force on the later of 10 June 2019 and the day after the date of Royal assent:
- amend *clause 23* to enable a party, with the approval of the tribunal, to bring 1 or more support persons to the first case management conference:
- amend *clause 27* to include a power to direct that arrangements be made to inspect the dwelling house, property, or land to which a claim relates (as long as the consent of the owner or occupier is obtained before entry). The tribunal has the same power under—
 - *clause 24(1)(ga)*, at the first case management conference; and
 - *clause 39(1)(i)*, for the purposes of preparing for a hearing and the hearing of a claim:
- remove from *clause 38* a reference to setting a date for a case management conference to prepare for a hearing. This amendment would provide the tribunal with more flexibility:
- clarify that the tribunal may, under *clause 44*, make an order for costs and expenses that are payable under a contract of insurance between the parties. This is in addition to a costs award under *clause 45*:
- amend *clause 45(2)* to refer to “costs and expenses incurred” to be consistent with other provisions in *clause 45*:
- delete *clause 45(2A)*, which is not needed in part because of the new amendment to *clause 44*:
- replace “capability” with “knowledge” in *clause 60(1)*, to be consistent with *clause 55(2)(a)*:
- make a consequential amendment to the Courts Security Regulations 2019 in place of the amendment to the Courts Security Act 1999, but with the same legal effect that the Courts Security Act 1999 applies to the tribunal.

Departmental disclosure statement

The Ministry of Justice considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.