

# House of Representatives

# Supplementary Order Paper

**Tuesday, 4 December 2018**

## **Earthquake Commission Amendment Bill**

### *Proposed amendment*

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

*New clause 11A*

After *clause 11* (page 7, after line 29), insert:

#### **11A Schedule 3 amended**

In Schedule 3, clause 7, after subclause (5), insert:

- (6) An insured person's private insurer—
  - (a) may be given notice and be delivered a claim and particulars under subclause (1) by the insured person; and
  - (b) for any claims that are received under **paragraph (a)**, is to be considered as having been appointed an agent of the Commission—
    - (i) under subclause (5); and
    - (ii) under section 73(1)(d) of the Crown Entities Act 2004; and
    - (iii) subject to any other agreements between the Commission and the private insurer.
- (7) Any claim delivered to an insured person's private insurer under **subclause (6)(a)** is to be deemed to have been delivered to the Commission under subclause (1) or (2).

### **Explanatory note**

This Supplementary Order Paper inserts *new clause 11A* into the Earthquake Commission Amendment Bill. It seeks to streamline the process for claimants looking to make a claim after an earthquake. This builds on a memorandum of understanding between the Earthquake Commission and private insurers established in 2016, and allows claimants to immediately file a claim with their private insurer rather than going through the process of filing it with the Commission, who would assess the claim and then pass it on to private insurers if damage was assessed at being above \$100,000. This will apply to the new proposed cap of \$150,000.