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Claimant Reference Group Meeting Summary

October 15th, 2018

Attendees

- Tom McBrearty
- Mel Bourke
- Ali Jones
- Dean Lester
- Phillipa Moore
- David Townshend
- Jo Petrie
- Linda Ngata
- John Patterson
- Brian Yee (Facilitator)
- Andrew Darlington (Facilitator)
- Renée Walker (EQC)
- Rachael Walkinton (EQC)

Meeting Summary

Welcomes and introduction

- As there were two new members present, a full round of introductions was completed. Brian also took the group through the agenda for the day

Confirm Terms of Reference

- A draft Terms of Reference was circulated prior to the meeting for members to consider
- Changes to the Terms of Reference were agreed and captured, with a revised version to be sent to members for approval
- The significant changes revolved around the relationship between the group and EQC. It was made clear that the group has significant autonomy. A disputes section will be added to the Terms of Reference to outline how any disagreements between the group and EQC will be resolved
- The purpose of the group was also highlighted as not being correct. The purpose was included in the design document which had been circulated to members, but as changes had not been clearly highlighted this was not seen by all members. The group asked for changes to be clearly highlighted in deliverables in future

➔ **Action: MSH to write-up changes to Terms of Reference and circulate to group for approval (with changes clearly highlighted)**

➔ **Action: Discussion around the purpose of the group to be scheduled at a future meeting**

Finalise group design, including key roles of facilitator and chair

- MSH debriefed the group on their conversations with EQC about the design of the CRG. In summary, EQC was highly supportive of the design and the model
- One element of the model that was not finalised in the initial design was how CRG fit into EQC's change approach. MSH presented the "EQC by Design" approach, and showed where the CRG's advice would fit

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- MSH also shared some comments captured during the EQC testing session about what it would take to make the CRG successful
- Finally, the four key roles were defined at discussed – CRG Chair, CRG Members, Facilitator, CRG Sponsor

Discussions with Sid Miller and Renée Walker

- Sid Miller (Chief Executive) and Renée Walker (Deputy Chief Executive Canterbury & External Affairs) joined the meeting
- Sid and Renée spoke to the group about the overall context for EQC, their commitment to making the CRG a success, and some of the challenges they see in the future. Renée also spoke about the Greater Canterbury Claims Resolution Service (GCCRS) and suggested that the CRG would serve as the homeowners panel in the GCCRS
- The members had an opportunity to ask questions of Sid and Renée, covering a wide range of topics. Sid and Renée spent almost three hours speaking to the group

➔ **Confirm with Renée whether the test case mentioned at the meeting will give clarity on who is liable for onsolds, or if the case will only determine whether EQC is or is not liable**

➔ **Find out from Renée what will be communicated to the public prior to the legal outcome of the test case, as this would give homeowners assurance that this issue is being progressed**

Elect Chair

- The group had to elect a Chair. Nominations were requested, resulting in Ali Jones and Tom McBrearty putting themselves forward. After a secret ballot, Tom was appointed Chair with 5 votes to Ali's 4 votes

Collate issues for future discussion

- The group started to develop a pipeline of issues to discuss with EQC. MSH captured ideas and will write these up to be added to over time
- The group identified two issues which were the highest priorities for discussion:
    - Independence of experts (and GCCRS panel members)
    - Definition of natural disaster damage and the standard to repair to

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Claimant Reference Group Meeting Summary

October 30th, 2018

CRG Members in Attendance

- Tom McBrearty, Mel Bourke, Ali Jones, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Linda Ngata, John Patterson

Facilitators

- Brian Yee (Facilitator), Andrew Darlington (Facilitator)

Guests

- Renée Walker (EQC), Felicity Price (EQC), Darren Wright (GCCRS)

Apologies

None

Meeting Summary

Develop and agree group decision making processes

- Between meetings, there was some concern raised about how decisions were being made – specifically in relation to the role of the Chair and what authority the Chair has. To clarify this, we went through a range of scenarios where decisions would have to be made and agreed how the decisions should be made
- The agreed processes are included below
- It was agreed that unless explicitly stated otherwise, the Chair is always representing the Group and should undertake appropriate consultation processes to ensure they canvas the group's views

Agreed processes for making Group decisions

Decision	Agreed process
1. Membership of CRG (adding or removing members)	Members must be nominated by either CRG or EQC. Nominations should be put forward at a CRG meeting and must be seconded by a different CRG member. Once seconded, the Chair and EQC Chief Executive must discuss and agree on the appointment
2. Priorities of issues to raise with EQC	Discussed and voted on in CRG workshops, with Chair holding deciding vote in case of disagreement
3. Agreeing to put an EQC request for advice on group's agenda	CRG should not outright refuse a request for advice, but we should ensure there is clarity about what is being asked for so that it can be prioritised in context of other pieces of work. This means advice may not be given at the meeting immediately following the request being received
4. Agenda items / make-up of meetings	A standard agenda should exist. The agenda should be emailed to all of the group approximately two weeks prior to the meeting with proposed items filled in to ask for any new

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	items to be included.
5. Advice captured during meetings	Consensus group view, with Chair having deciding vote in case of disagreement
6. Sign off advice written-up after meetings	Advice / recommendations should be included in meeting minutes (in substance or as an attachment) and then circulated as draft, and approved at next meeting
7. Approve meeting summaries as accurate	As above
8. Decision to create media releases	Anyone can propose a media release. It can be drafted prior to being proposed if the member would prefer. Agreement on whether to release it or not to be decided as a group, preferably in a meeting (if timeframes allow). Chair has deciding vote in case of disagreement
9. Signing off content of media releases	Draft release should be circulated to the group for feedback. Every member should have the opportunity to approve, object, or suggest changes. Changes should be incorporated. If time is limited and full consultation is not possible, either defer the request or obtain a quorum consensus
10. Decisions about how the group operates outside of meetings (e.g. OIA process / website)	Anyone can propose a change to how the group operates. This must be added to the agenda for a meeting. Decision to be made as a group, preferably in a meeting (if timeframes allow). Chair has deciding vote in case of disagreement
11.Media protocols (e.g. media calling you up)	Refer enquiries to the Chair unless it is an area you have commented on in the past, but must inform Chair and other members that you have engaged with Media. It must be made clear that you aren't speaking for the group

- ➔ **Action: Update Terms of Reference to state that the group should consist of "no more than nine permanent members"**
- ➔ **Action: Create a standard agenda template with regular standing items on it to use as a base for future meetings**
- ➔ **Action: Update Terms of Reference to make a quorum five members**

Agree OIA process

- Prior to this meeting, EQC received an OIA request relating to the CRG and its activities. EQC requested that the group agree a protocol outlining the involvement they would like to have in responding to OIA requests that relate to the group
- A proposed process was put up, which has been included below
- Initial advice from EQC indicated that only documents and information provided to EQC would be covered by the OIA. The group challenged this and suggested that everything the group produces, including correspondence between members which EQC is not copied into may be included in responses to OIA requests

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- Mel also raised that EQC appears to have changed the OIA section on their website to remove the email address that used to be here. The group requested an explanation from EQC for why this was done

Agreed protocol for responding to OIA requests

When EQC receives an OIA request that asks for information about the CRG, the following process will be used:

1. EQC informs the group through the CRG Chair as soon as request is received
2. Once all information is collated (timeframes dependent on scope of request), information is circulated through Chair for feedback
3. CRG has five working days to review information, dependent on scope of request
4. Chair collates any feedback from members and provides to EQC
5. If further consultation is required, process repeats

➔ **Action: Seek clarification from EQC on whether correspondence between group members is covered in the OIA, noting that the group believes it should be**

➔ **Action: Request an explanation from EQC as to why the email address was removed from their OIA page, and request they restore this information**

Presentation from Darren Wright on GCCRS

- Darren Wright, Director - Greater Christchurch Claims Resolution Service (GCCRS) joined the meeting to take the group through the design of the new GCCRS
- Darren shared an overview of the GCCRS and information on the volume of people accessing the service and where they have come from
- Darren acknowledged a number of CRG's concerns such as the independence of experts, and said he would be open to discussing these with the group at a later date
- Darren explained the GCCRS's need for a Homeowner advisory panel, and asked if the CRG would be interested in fulfilling this function. The Homeowner panel will be responsible for raising opportunities for GCCRS to do things better, giving feedback and advice on GCCRS outputs like the customer charter and website, and raising any issues or concerns on behalf of homeowners

➔ **Action: CRG to determine if they want to be the homeowner advisory panel for the GCCRS, and if so, what form this will take**

Discussion with Renée Walker

- Renée Walker joined the meeting for a Q&A session with the members
- The test cases which were mentioned at the previous meeting were discussed again. Renée indicated that there is a briefing for the Minister outlining all the details of the test cases, which will be shared after it has gone to the Minister
- Renée also told the group that Sir Michael Cullen is visiting Christchurch on November 14th. Renée asked the group if they would be interested in meeting Sir Michael Cullen, which the group agreed to. This will also be a good opportunity to explore the design lab

➔ **Action: Organise meeting with Sir Michael Cullen on November 14th**

➔ **Action: Renée to share briefing for the Minister on test cases with CRG when appropriate**

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CRG discussion to clarify issue – "independence of experts"

- Due to being short on time, CRG agreed to delay the bulk of the conversation about this issue to the following meeting. However, to help prepare for and focus the conversation at the next meeting, the group captured a list of questions for EQC to respond to prior to the next meeting. These questions were:

    1. Is it your intent to always use impartial and independent experts?
    2. What is your current documented definition of impartiality and independence with regards to experts?
    3. What is your selection process for engagement of experts? What role/position in EQC completes the procurement process?
    4. How do you communicate to claimants that experts are impartial and independent, and do you think you have to?
    5. Have you changed your instructions and briefs given to professionals over the last five years, and if so how? If yes, how have you applied these changes to claims or assessments that are still in dispute?
    6. How do you ensure that each case manager is giving consistent and clear instructions and briefs across EQC?
    7. What is the quality control process for advice from experts to regularly test their independence and impartiality? Does this include an "insurance review"?

- An extra question was originally included, which the group voted on and agreed to remove. Mel Bourke and Jo Petrie voted to include the question, and requested their disagreement with the group decision to be recorded. The extra question was:

    - Can you provide various examples of instructions and briefs (given to professionals or trades) over the last five years?

- Mel and Jo asked if they could request this information from EQC through the CRG process just for their information and to aid their understanding of the EQC processes. The group agreed with this approach

➔ **Action: Provide questions to EQC and obtain response prior to next meeting**

➔ **Action: Send extra question to EQC and request the answer be sent directly to Mel and Jo**

Request for advice from EQC – "claimant communications"

- Renée Walker and Felicity Price joined the meeting. Felicity has been working with Renée on improving the fact sheets that were provided to the Group. Renée indicated that EQC has been working on their tone of voice, and wanted to know if this was evident in the documents provided to CRG. She also asked if the documents as they stand can be improved to where they need to be, or whether they should start again
- The group asked Renée what the objective of fact sheets was. Renée said it was to help unpack some confusion around various issues people encounter when they are going through the EQC process
- Renée asked the group if EQC should look at doing community meetings or drop-in sessions to discuss and address emerging issues. The group said this was a good idea, but it might be better to have smaller, more constructive groups rather than town hall style information dumps

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- The group then worked through the three documents provided by EQC and discussed issues or improvement ideas with Renée and Felicity. A summary of this feedback is documented below:

Fact sheet – Cap cost review

- This document is very dry. It doesn't feel like it addresses the reader as a person
- The word "cap" does not exist in the Act or insurance policy. These documents need to be connected to the EQC Act rather than using colloquial language like "cap" without a definition
- We suggest making it clear that future claims will be affected if the cash paid out is not used to fix the damage it was intended to fix even though this may be seen as scary or a threat. It is important to emphasise that the purpose of insurance is to physically fix the properties
- There is nothing in this document about damage that results from tardiness or delays in repairing earthquake damage. It should be explained in this document how this relates to cap
- Emergency repairs is not mentioned
- We suggest removing the sentence "when we complete a cap cost review we ensure we comply with the EQC Act" as it is implicit that everything EQC does should comply with the Act
- Consider changing the heading to include "when we are reviewing a previously settled claim" so it is clear when in the process this document would be relevant to a claimant

Fact sheet – EQC claims for a property you have purchased

- Rather than "EQC is..." the sheet should say "We are...". This shows EQC taking more ownership of issues and makes the information feel more personal
- "Customer" and "Homeowner" are used in this document. We prefer "Homeowner"
- We suggest changing "residential property" to "home" on the third line
- There is no mention of the court cases coming up that may change this position. People only get half the story without this context
- "On sold" is not used in this document. It should say "commonly referred to as on sold properties" because this is a term that is being used in the media and the term people are familiar with
- Consider representing this document more visually as a series of "gates" to go through and the process that is used, rather than just text
- Consider framing the document to be aimed at people for who it hasn't gone wrong for yet. E.g. someone who is about to buy a house – what should they do? What do they need to look at and know?

Overcap settlement letter

- EQC shouldn't include an estimate of the total cost to fix a property. They should only state whether the cost is going to be over the EQC cap
- "Your future entitlement to EQC cover may be affected" should say "will be affected". This could even be expanded on to strengthen this point
- "and determine the total cost of repairing the damage" – remove the word total

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General principles applicable to all documents

- Key terms should be highlighted early in the document or in a separate box alongside the content so that people aren't confused when they encounter jargon that they aren't familiar with
- Fact sheets should include a suggestion that people should file these with their insurance policies so they have the information they need if something goes wrong
- Consider doing 2 minute videos about the important points from fact sheets. Videos are easier to digest for some people, and if they are interested they can then explore the detailed document
- EQC should apply instructional design and technical writing processes to these documents rather than viewing them as simply communications

- After Renée and Felicity left the room, the group had a discussion about their level of comfort in giving these recommendations to EQC. Brian pointed out that because the group had discussed the documents with EQC in the room we were unable to ensure that the recommendations EQC heard was a consensus view. The group agreed that the process of constructing recommendations without EQC in the room was important as it gave the group the chance to reach consensus and also gives the group the ability to ensure the recommendations given to EQC are accurate
- The group also raised that they were uncomfortable with this engagement as even with the changes discussed, these documents still had issues, and therefore the group would not be willing to support them. The group agreed EQC should not say that the CRG has endorsed these documents. The following statement was agreed as a cover note for the group's advice:
    - This is our initial feedback based on the questions that we were asked and the time we had in the session. We believe there are grey areas in the documents that could create confusion (e.g. Deed of assignment for private insurers), and even if all of our feedback is addressed we may not endorse releasing these documents.
    - We request that EQC revise these documents to incorporate our feedback and also to address the grey areas to the best of your ability, and then bring these back to the group for a subsequent discussion so we can provide further advice or endorse the documents

➔ **Action: CRG members to review recommendations captured above and approve for release to EQC**

Next meeting

- The group agreed to have two meetings prior to Christmas. The next meeting is on November 19th, with another on December 10th

Meeting closed 4pm

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Claimant Reference Group Meeting Minutes

Date: November 19th, 2018

Time: 9am – 4pm

Location: MBIE, 161 Cashel St

Attendees

CRG Members

Tom McBrearty, Mel Bourke, Ali Jones, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Linda Ngata, John Patterson

Facilitators

Brian Yee (MSH), Andrew Darlington (MSH)

Guests

Renée Walker (EQC), Sid Miller (EQC), Rachael Walkinton (EQC), Conrard Watt (MSH)

Apologies

None

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Minutes

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Confirm today's agenda	9.00am	CRG

- Today's agenda was agreed by the group
- It was agreed that in future meetings, a "general business" agenda item will be added to the end of item 2 "Matters raised by members" to allow discussion of any topics that have arisen between the agenda being finalised and the date of the meeting

1.2	Approve previous meeting's minutes	9.05am	CRG

- Mel raised a potential issue that the CRG and GCCRS panel could be seen as exclusive if they are both made up of the same group of people. Tom stated that his understanding is that Darren Wright is working to avoid this, but wants a panel set up quickly with diversity to come later. Tom undertook to pass on the concerns and clarify this with Darren

➔ **Action: Tom to speak with Darren Wright about the overlap between CRG and the GCCRS panel**

- The group agreed that the recommendations captured in the minutes around the EQC communication documents could be released to EQC along with the associated caveat

➔ **Action: Provide recommendations to EQC and agree when they will report back to the group to show how they used the recommendations**

- Ali moved that the minutes should be approved, Linda seconded

1.3	Review actions log	9.10am	CRG

- The group reviewed the actions from previous meetings and the associated status of each action. No significant issues arose
- The group had a quick debrief on the meeting with Sir Michael Cullen that took place on November 14th. Overall, it was felt to be a very positive engagement. Sir Michael Cullen encouraged CRG to make a submission to the EQC Inquiry, which the group agreed could be good idea. This needs to be prioritised in the context of the group's other work.

➔ **Action: Add "submission to the EQC Inquiry" to the list of issues to be prioritised at the next meeting**

2.	**Matters raised by members**		
2.1	Discuss whether CRG wants a public facing website, and if so what should be on it	9.20am	CRG

- Because of the level of public interest in CRG, it has been proposed that CRG have a page on the EQC website explaining who the group is and what they do
- The group agreed that transparency is critical, and saw a website as a good way of being transparent with interested members of the public
- The group agreed that a page on the EQC website should be set up, and asked EQC to provide a mock-up of the page which should include an overview of why the group was set

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up, how it was set up, who is on the group and how it operates, and also a section for FAQs which members can collate and EQC should provide answers to

- Once the webpage is up and running, the group agreed that the webpage should also include the issues they are working through and their current status, but this can be added at a later date
- John raised a potential challenge around getting information to people with computers. For them, a website isn't going to be very useful. Similarly, Linda raised that Maori will almost always prefer face-to-face as a primary way of communicating. The group agreed to discuss how to reach these groups at a future meeting

➔ **Action: EQC to provide a mock-up of the website for CRG approval at the next meeting**

➔ **Action: Add discussion around how to get information to different groups of people (e.g. no computer, Maori) on the next meeting's agenda**

2.2	Finalise purpose for CRG to be included in Terms of Reference	9.30am	CRG

- Because one of the inputs to this conversation was an excerpt from the group's recent media release, the group had a quick conversation about the media release. Ali apologised for the mistakes with people's associations in the initial release, and said that ideally the group wouldn't have to work under such pressure. Mel shared some feedback she had received from some claimants, saying that they were surprised the CRG appeared to be acting as a "booster group" for EQC. The group agreed to put time on a future agenda to discuss the purpose of media releases and whether the group has to comment on announcements like the inquiry immediately

➔ **Action: Add discussion around purpose of media releases and when group should release one to future agenda**

- The group then discussed what the purpose for the CRG should be recorded as. After a conversation, it was agreed to record the purpose in the terms of reference as:
    - CRG's purpose is to advise EQC, from a claimants' perspective, how to address and improve performance to ensure timely, fair and clear outcomes for claimants, as per the EQC Act. The group will achieve this by focussing their efforts on "ensuring EQC is actively resolving the most important issues openly and transparently with claimants".

➔ **Action: Circulate final version of Terms of Reference to members and EQC**

2.3	Discuss the fees regime currently outlined in Terms of Reference (Mel Bourke)	9.50am	CRG

- Andrew presented a revised version of the remuneration section of the Terms of Reference. This version made it clearer how the fee for members was determined, and what fee should be paid for time outside of standard full day CRG meetings. The group adjusted it resulting in the version below, which was approved for inclusion in the Terms of Reference:
    - **8. REMUNERATION**
    - 8.1 Members will be remunerated in accordance with the Cabinet Fees Framework for Members Appointed to Bodies in which the Crown has an Interest (Cabinet

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Office Circular CO (12) 6). The CRG is classified as a "Group 4: All Other Committees and Other Bodies". The remuneration rate includes preparation time and any follow-up work required for each meeting

- 8.2 Each member will receive $728.00 (excl GST, if any) per full day CRG meeting attended. This is comprised of $364.00 for the meeting, and $364.00 for preparation and follow up work
- 8.3 The Chair will receive $1060.00 (excl GST, if any) per full day CRG meeting attended. The higher fee is for completing the extra responsibilities of the Chair role
- 8.4 Attendance at workshops or meetings outside of the scheduled full day CRG meetings will be remunerated on a pro-rata basis of the full meeting rate, resulting in an hourly rate of $45.50 (excl GST, if any) and $66.25 (excl GST, if any) for the Chair, with a minimum of two hours being reimbursed for any engagement

- The group also discussed how they should be reimbursed for specialty work outside of group meetings such as writing press releases or content for the CRG website. The group agreed that they are all on CRG for their perspectives as homeowners, rather than for their individual expertise, therefore they should not be completing specialist work outside of meetings as part of the CRG arrangement.
- The group did however identify that they would likely need specialist support from time to time, such as writing press releases, or completing stakeholder engagement analysis regarding the group's communications. The group has asked if EQC is willing to make a budget available for the group to spend on expertise as required, which may be group members in a separate professional capacity, or external experts.

➔ **Action: Explore whether EQC is willing to allocate a budget to CRG accessing external expertise as required to assist its work, and if so, how much would this be and what requirements would be placed on how CRG uses it**

2.4	Discuss EQC jobs being advertised & change management approach (emails from Mel Bourke & Jo Petrie)	10.05am	CRG

- As we were short on time, this session was a very brief conversation. Mel explained why she is interested in EQC's change management approach as it seems like EQC is operating in BAU mode rather than having a co-ordinated approach to change management. Ali suggested that any information the group requests needs to be clearly linked back to what the group is here to do and the group needs to be able to explain why they need it
- The outcome of this conversation was an agreement to add "Disconnect between Management's stated intentions and what is happening on the ground, leading to a suspicion that there is a lack of disciplined change management" to the list of issues which will be prioritised at the next meeting.

➔ **Action: Add "Disconnect between Management's stated intentions and what is happening on the ground, leading to a suspicion that there is a lack of disciplined change management" to list of issues for prioritisation**

2.5	Discuss future meeting dates and agendas	10.20am	CRG

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- The group discussed dates for future meetings. An alternative date is required for December due to Sid Miller and Renee Walker's availability, and the group agreed to meet monthly for the next six months.

	Morning break	10.30am	
3.	**Issue raised by CRG – Independence of Experts**		
3.1	Define specific issues and examples which should be raised with EQC (building on EQC's response to CRG's questions)	10.45am	CRG

- Brian re-introduced the processes that CRG uses to raise issues with EQC and explained how today's work fits in. At this meeting we were still in the first process "Develop list of issues supported by evidence". Brian asked the group to try and come up with specific issues supported by evidence to ensure that we could have a good conversation with EQC after lunch
- Brian also explained that "Independence of experts" is a big area and will likely take multiple conversations to fully explore, but the goal for today was to make a start and get some issues on the table
- Prior to this meeting, EQC provided a response to CRG's initial questions in this space. The group had a discussion about this response at an overall level before getting into specific issues. The general feeling was that the response was not at the right level of detail. Specific comments made were:
    - Ali: Defensive. Felt like the "company line". They know what we are asking but are not answering it in a direct way. If this was unintentional, it's really concerning because it means the culture and ways of communicating is not changing. If it was intentional, the lack of understanding is also concerning. As an example of communicating with us, it felt like obfuscating.
    - Dean: Transparent reflection of EQC's position. Written by someone who is beholden to what has been done for 8 years. Recognises that they could have learned more
    - Mel: Represents exactly why we've got the problems we've got
    - David: Took much longer than we would have expected to get these answers. This response doesn't suggest EQC is listening to us.
    - Tom: If the general public was to read this it would absolutely endorse their lack of trust in how the organisation is being run
- The group then spent the rest of the session discussing and agreeing specific issues as outlined in the table below:

Specific problem	**Impact of problem on claimants**	**How we know this is a problem**
1) Experts' reports are not adhering to the Act and the provided instructions	Claimants are not receiving correct information, which results in claimants not getting full and fair entitlement and/or an incorrect repair	• Thousands of remedial repairs • CEDAR report (showing ~60% of building work was wrong)
2) Case Managers are not issuing briefs specific for each claim	Reports and assessment for the property is incomplete and does not have the history of	• Evidence of specific cases

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	the claim (which is often relevant information)	
3) EQC engaged a group of experts to create a technical response to the EQ events that was never intended to comply with the EQC Act. For example, it doesn't recognise damage the same way the Act does, or correctly recognise land damage	Any advice produced that relies on the MBIE guidance will not necessarily meet the standard of the EQC Act	• An email from the leader of group who created guidance saying they were never briefed to, or intended to, meet the EQC Act • Declaratory settlement
4) From the answer to Q5, it would appear that there have been changes to instructions or briefs that have occurred from time to time, but nowhere has evidence been provided as to how these changes are embedded into the organisation and that contractors/case managers are aware of the change	Out of date instructions and processes are likely still being used, and therefore reports would be inaccurate/ incomplete	• Answers provided to CRG questions state the brief is likely to have varied, but do not say anything about training or sharing changes
5) EQC's answer to Q5 about whether briefs have changed appears to be inaccurate	N/A for claimants, but has impact on CRG's trust in EQC's answers	• One example of a brief template dated 2018 provided to CRG Member, suggesting there has been changes as recently as this year
6) EQC and their experts were advising MBIE as an input to the latest MBIE update on rubble foundations, which was based on inaccurate advice and was not impartial because it was not supported by all the expert opinion available. Essentially EQC influenced MBIE and formulated an outcome	People are not getting their houses repaired correctly when new, and as per building regulations. Causes confusion, distress and longevity of the problem	• Huge body of data and reference material from academics and subject matter experts that differs from EQC/MBIE's current view
7) EQC has "inherited" a number of contractual relations with experts from Fletchers EQR, who are still working to the incorrect processes they were trained in	Experts from Fletcher EQR were trained to work to a pre-earthquake condition and in line with the MBIE guidance. Results in people not getting their houses repaired correctly	• Cases and reports still being generated • Q7 answer says there is no structured or systematic review of independence and impartiality
8) There isn't a way for EQC to ensure case managers are giving consistent and clear instructions and briefs across EQC	There is inconsistency which has impacts above	• Answer to Q6 says that a standard briefing document is used, but there is no overall process

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	Lunch	12.30pm	CRG, Renee Walker, Sid Miller, Rachael Walkinton

- At lunch Sid Miller, Renee Walker and Rachael Walkinton from EQC joined the group for unstructured conversation on topics of common interest over lunch

3.2	Present CRG's issues to EQC representatives	1.00pm	CRG, Renee Walker, Sid Miller, Rachael Walkinton

- After lunch, Tom took Sid and Renee through the group's overall feedback on EQC's response to the questions. Sid and Renee were receptive to the feedback and Sid asked for clarification on what "good" would look like. The group said that EQC should answer the question clearly, give a good amount of detail, and don't be afraid to be open. Renee acknowledged that EQC needed to spend more time on the response and needed to keep the audience in mind

3.3	Discuss issues with EQC representatives to identify and agree fundamental problems, and how EQC will work to address them	1.30pm	CRG, Renee Walker, Sid Miller, Rachael Walkinton

- The group walked through the specific issues identified and discussed each one with Sid and Renee. For each issue we asked EQC if they agreed it was a problem, and why or why not
- The result of this conversation is captured in the table below:

Specific problem	**Does EQC agree this is a problem? Why?/not?**
1) Experts' reports are not adhering to the Act and the provided instructions	Yes. It might be useful to separate this issue into "interpretation"(i.e. expert producing report) and "quality of work" (i.e. tradespeople completing repairs) because the causes are likely to be different. There is variability in how processes are carried out by EQC which also impacts this
2) Case Managers are not issuing briefs specific for each claim	Yes. It is a communication issue about how we brief and train our staff and experts to take into account the homeowner's perspective while ensuring objectivity
3) EQC engaged a group of experts to create a technical response to the EQ events that was never intended to comply with the EQC Act. For example, it doesn't recognise damage the same way the Act does, or correctly recognise land damage	Yes. We need to look at this. We need to explore how often the MBIE guidance is being used as the sole guidance, rather than experts also using the Act as guidance. EQC needs to look at how people are being trained to use the guidance today (if at all)
4) From the answer to Q5, it would appear that there have been changes to instructions or briefs that have occurred from time to time, but nowhere has evidence been provided as to how these changes are embedded into the organisation and that contractors/case managers are aware of the change	Yes. Briefs and instructions have changed. We still have an issue with consistency, which is why we're making structural changes to deliver greater consistency. We need to audit everything in circulation, share it, and continually check everything that is being used
5) EQC's answer to Q5 about whether briefs	As above.

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have changed appears to be inaccurate	
6) EQC and their experts were advising MBIE as an input to the latest MBIE update on rubble foundations, which was based on inaccurate advice and was not impartial because it was not supported by all the expert opinion available. Essentially EQC influenced MBIE and formulated an outcome	Not sure at this time. EQC needs to take this back to MBIE and explore whether this is an issue / what the story is
7) EQC has "inherited" a number of contractual relations with experts from Fletchers EQR, who are still working to the incorrect processes they were trained in	Yes. There's a range of things going to be needed to address it, and the issue is more widespread than just the former Fletchers EQR people
8) There isn't a way for EQC to ensure case managers are giving consistent and clear instructions and briefs across EQC	Yes. We have identified a need for training and ongoing quality assurance around areas like this

- It was agreed that the next step was for EQC to come back to the group with proposed work to address these issues. This may be existing work underway or new work that is required. Tom and MSH will work with EQC to help them structure their response in a way that will be useful for a subsequent discussion at CRG

➔ **Action: EQC to provide a response to these issues outlining what EQC proposes to do to resolve them, and when**

- Before moving onto the next session, Renee gave a quick update on the test cases and answered some questions about the briefing that was circulated to members. Renee pointed out that the situation is fast moving and changing very quickly, which is why some of the information in the briefing was no longer relevant

4.	**Request for advice from EQC – Prioritising CRG's involvement**		
4.1	Review list of projects from EQC and select the projects CRG would like to be involved in	3.00pm	CRG, Renee Walker, Sid Miller, Rachael Walkinton

- Renee walked the group through the list of projects that EQC is working on. For each strategic priority she gave a brief overview of what the work is trying to achieve, and the group asked clarification questions
- There was not enough detail or time for the group to identify specific areas to be involved in, although Renee suggested that SP4: Claims Settlement Strategy would be an area that would benefit from CRG involvement. Brian also raised that SP7: Customer was an area CRG should look at getting involved in
- The group requested more detail and agreed to prioritise specific projects at the next meeting

➔ **Action: EQC to provide more detail around the projects in each strategic priority**

➔ **Action: Selecting and prioritising projects to be involved in alongside CRG issues to be put on the agenda at the next meeting**

	Meeting Close	4.00pm	

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Claimant Reference Group Meeting Minutes

Date: December 17th, 2018

Time: 9am – 4pm

Location: Te Karo Room, EQC, Barry Hogan Place

Attendees

CRG Members

Tom McBrearty, Mel Bourke, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie

Facilitators

Brian Yee (MSH), Conrard Watt (MSH)

Guests

Emily Richards (EQC), Rachael Walkinton (EQC)

Apologies

Ali Jones, Linda Ngata, John Patterson

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Minutes

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Confirm today's agenda	9.00am	CRG

- Today's agenda was agreed by the group

1.2	Approve previous meeting's minutes	9.05am	CRG

- Mel moved that the minutes should be approved, Phillipa seconded

1.3	Review actions log	9.10am	CRG

- The group reviewed the actions from previous meetings and the associated status of each action. Minor updates were made to some action items but there were no significant issues
- Tom reported back that EQC are willing to allocate some budget to accessing external expertise. The rest of the group agreed that the budget should be agreed on a case by case basis
- Mel raised the point that she still hasn't heard back regarding receiving the current EQC communications plan and other strategies. The rest of the group agreed that they would like to see these strategies if possible

➔ **Action: Contact EQC to enquire if the CRG are able to access communications plans and other strategy documents**

2.	**Matters raised by members**		
2.1	**Discuss using minutes as a vehicle to capture differences** – Mel has proposed that all opinions should be noted in minutes, with formal votes recorded when there is disagreement, rather than the current level of detail which reflects consensus	9.15am	CRG

- During the discussion about using minutes, the group debated on whether a consensus decision making approach or a detailed minutes approach to decision making, where each topic is voted on and the votes recorded, would be a better suit for CRG
- Brian reiterated that if we vote on all CRG decisions that it would slow the meetings down and that it gives people the option of saying, "Record in the minutes that I disagree", which can turn the minutes into a substitute for healthy debate
- The group decided to keep the current style of minutes and the consensus decision making approach, but on major issues should a member not agree with the group decision, they would be allowed to have it explicitly stated in the minutes that they agreed or disagreed

➔ **Action: Include decision to record disagreements of individual members in the code of conduct to be developed**

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2.2	**Discuss how to best get CRG information to communities who are harder to reach (e.g. no computer, Maori, literacy challenges)** – This came out of the previous meeting. What do we want to share? How can we reach them?	9.30am	CRG

- Dean stated that CRG is conscious that claimants are a divergent and wide-ranging group of society. This wide range needs to be effectively communicated with. How is EQC planning to do this going forward and for a future event?
- Mel stated that communication is one of the biggest issues at EQC and that it would be helpful to see the EQC communications plan to see if this issue is already being looked into by EQC, and that from here EQC should be conducting a stakeholder analysis
- The group decided that it should be up to EQC to ensure these groups are being reached and wanted to enquire about how EQC are ensuring this

➔ **Action: EQC to provide response on communicating with a wide range of communities and how they are ensuring this**

2.3	**Discuss approach to CRG media releases** – What is the purpose of CRG media releases, and therefore would we have done the inquiry release differently? Are there any learnings for next time?	9.45am	CRG

- Discussion took place regarding the purpose of CRG media releases. The group agreed that the purpose of media releases is to communicate what CRG are doing as a group. They also agreed that very rarely would CRG be a vehicle for communicating an opinion on a political initiative or opinions on other private organisation initiatives. If so, it needs to be very carefully considered by the group
- The group also agreed that media releases should never be urgently released and that all members need to agree to the release before-hand

2.4	**Discuss file sharing amongst CRG members** – Currently files are shared via email. Is there appetite for a file management solution?	10.00am	CRG

- The group had a brief conversation on the topic and agreed that a file sharing system was needed. As EQC have said that they are unable to provide a secure file storage system to external parties, the group's preferred solution is to email MSH their documents who then will upload them to a cloud storage system such as dropbox or sharepoint
- At the end of the day, the group concluded that this was EQC's responsibility to determine how best to share files securely

➔ **Action: EQC to implement file sharing system**

2.5	**Discuss webpage content** – Review of the EQC prepared draft content to agree on content to be uploaded in first wave. Discuss request to revisit discussion about making it easy for interested claimants to access CRG Minutes	10.10am	CRG

- The group discussed the mock-up of the website that EQC supplied. The group had a discussion on both the content and the purpose of the website. The group were happy with Ali's additions, but concerns were raised over which FAQs should be answered

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- The outcome of the discussion was that the group decided at this stage to exclude FAQs and to discuss adding them in February after hearing public feedback following the launch of the website. Minutes are also being excluded from the website, but the group wanted to readdress this in February. It was also agreed that the group wanted links to any documents that are referenced on the page
- The group decided that the website content should become a regular agenda item from February onwards

➔ **Action: EQC to set up the CRG webpage, incorporating Ali's additions excluding FAQs**

➔ **Action: Add website content as a regular future agenda item**

	Morning break	10.30am	CRG
2.6	**Discuss payment for reviewing OIA information** – Agree whether reviewing OIA information falls outside the scope of what CRG is already paid for, and if so, how CRG should be remunerated	10.45am	CRG

- After some discussion the group reached a consensus that reviewing the OIA information should not be remunerated and is covered by the half day preparation and follow up work, unless situations like this become a frequent occurrence and the work takes a significant amount of time over and above the allocated half day

2.7	**Missing expertise on the group** – There is a proposal to add land expertise (suggested names include: 9(2)(a) 9(2)(a) 9(2)(a) , 9(2)(a)) and a new immigrant perspective to the group	10.55am	CRG

- The group discussion on missing expertise highlighted that the members do feel that land expertise is missing from the group, and that it is important to have missing perspectives represented through the group
- Tom raised the idea that instead of permanently adding members, when there is a specific issue in the agenda that the group lacks expertise in, e.g. land or immigrant issues, that the group should invite experts to talk about the issue from their perspective
- As a starting point the group decided to bring in a land expert to brief CRG on the topic as a first step. From here it can be decided how best to access their expertise, i.e. do they need to be a member or a guest when needed
- Ideas on who should come in to talk about land were discussed. The group agreed that the most practical option was 9(2)(a) . Mel offered to contact him initially to see if it would ok to give his details to Tom to approach him.

➔ **Action: Mel to initiate CRG contact with 9(2)(a) to see if it's ok for Tom to contact him. Tom to make a formal approach to 9(2)(a) about briefing CRG on land issues and propose costs to EQC for approval**

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2.8	**General business** (other matters that have arisen between agenda being sent and this meeting)	11.15am	CRG

- Four general business items were brought up for the group to discuss

Damages discovered at a later date

- Ali's point about discovering damage past the cut-off date for EQC to repair and customers getting inconsistent responses was discussed first
- The group discussion lead to wanting to ask EQC a question about the issue. Dean emphasised that we know that EQC did not undertake invasive inspections of homes. We now know people are finding damage from concrete slabs under carpet. Where a claim was lodged what is EQC's position about recognising the damage that was discovered and how long do people have to advise EQC of that damage, with regards to the limitations act? The group wanted to wait for EQC's response before deciding if this is a big issue

➔ **Action: EQC to provide response on EQC's position about recognising damage discovered at a later date, including time limitation to determine if this is a major issue**

EQC's technical response to recognise and reinstate structure

- EQC's technical response to recognise and reinstate structure, raised by David was discussed next. The group based a discussion around MBIE guidance not meeting, or ever intending to meet the EQC act. They would like to know exactly what EQC considers earthquake damage
- David stated that he would like EQC to make a public position statement on if MBIE guidance can be relied upon
- The group agreed that this issue was covered under the CRG list of issues that were being prioritised later in the meeting – "MBIE guidance"

Financial constraints for claimants re-opening their claims

- Following this conversation another general business point was brought up by Mel around the financial constraints on claimants wanting to re-open their claims. What certainty can EQC give on making sure people are refunded the payments for these reports and what are the expected timeframes or delays?
- The group agreed that this issue was covered under the CRG list of issues that were being prioritised later in the meeting – "refunding of costs incurred"

Why is EQC permitting an agent to act differently?

- Dean raised a matter that he would like addressed in the January meeting. EQC has appointed Southern Response as agent to act as per the EQC act and as per the MOU. Feedback from claimants is that this is not taking place. Why are they permitting an agent to act differently from the EQC MOU and from the standard of repair required from the EQC Act
- The group agreed to talk further about Dean's issue and flesh it out in the next CRG meeting

➔ **Action: Add discussion on why is EQC permitting an agent to act differently from the EQC MOU and from the standard of repair required from the EQC Act to January's agenda**

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3.	**Build CRG understanding of EQC**		
3.1	Walk-around / tour of EQC	11.25am	CRG, EQC

- The group was taken on a tour of EQC's design lab and were presented with an overview of EQC's older lifecycle of a claim model
- The CRG members asked provoking questions of EQC, mainly around their issue of EQC's understanding of an "insurance response"
- During the tour Rachael offered to give CRG the lifecycle of a claim model that was presented on the tour and would welcome advice and critique on it

➔ **Action: EQC to provide lifecycle of a claim model to CRG so that CRG can advise how it can be enhanced to reflect an "insurance response"**

	Lunch	12.00pm	CRG
4.	**Prioritising CRG's work**		
4.1	Flesh out issues raised by CRG to ensure there is consistent understanding of the issue	12.30pm	CRG

- Brian presented the group with the issues raised in the October meeting with the goal of exploring each issue further to ensure that each member is on the same page about the impact and size of the issue before prioritising them
- The group decided that the "Cost prohibitive nature of proving a claim" issue was a subset of the "Refunding of costs incurred" issue, meaning that it was not needed on the list
- The group ranked the impact and size of the issues from 1-5. For impact, 1 was considered insignificant and 5 was considered of high significance. For size, 1 was considered 0-20% of claimants affected and 5 was considered 80%+ of claimants were affected
- From here the top six priorities were shown with scores of 5 and 5. The group then individually ranked these six priorities and their combined score created the top six issues
- The group then went on to prioritise the following four issues together to create the top ten prioritised issue list as shown in the table below

Priority	Issue	Description of issue	Impact	Size
1	Independence of experts	Lack of impartiality and objectivity of EQC's preferred suppliers.	5	5
2	Definition of natural disaster damage	EQC has inconsistent answers to what the definition of natural disaster damage is. It is critical to have this clear before EQC can begin to implement its Act. In the EQC claim review form it is not well defined	5	5
3	Lack of change management	Disconnect between Management's stated intentions and what is happening on the ground, leading to a suspicion that there is a lack of disciplined change management	5	5
4	MBIE guidance	We want to agree a position on the MBIE guidance with EQC that can be published. This was never intended as an insurance response and is	5	5

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		therefore being used in the wrong way		
5	Mutual agreement / shared brief	These need to be circulated to the homeowner prior to being commissioned because homeowners often know more about the history of the property and can prevent inaccuracies	5	5
6	Standard to be repaired to is well defined but there is inconsistent service delivery	EQC in summary in their Oct 2018 claim review form has the standard of the EQC act correctly described. However, whilst EQC in summary have described the standard of the EQC act correctly, their application of this is inconsistent	5	5
7	Refunding of costs incurred	If people are intending to undertake work, or EQC is instructing them to get reports, there needs to be an efficient way to recover costs	5	2
8	Knowledge of Case Managers	Case Managers have a tendency to be people from a contracting / building background, not an insurance background, which means that the decisions they make and approaches they use may not be correct	3	4
9	Mental and physical health	Wellbeing and insurance responses have been confused and overlapping. Both need to be addressed, but distinct connected responses are required. EQC needs to be clear on its role, and how their insurance response connects with and effects people's wellness (including families and children living in the house)	5	3
10	Support to complete work	When cash payments are given, people are confused what they need to do to get the work done, which can result in work not being completed properly or at all	5	3

4.2	Agree CRG capability building work that needs to be prioritised	2.00pm	CRG

- Brian presented the group with their already identified capability building areas to prioritise or add to. The group decided that "access to the right expertise" needed to be included in the list
- As a group, CRG prioritised their capability building work as follows:
    1. CRG Code of conduct
    2. Access to the right expertise
    3. EQC KPIs
    4. CRG KPIs

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➔ **Action: To merge CRG capability building work with other CRG raised issues and EQC initiatives after they have been prioritised next meeting**

4.3	Select EQC initiatives CRG would like to be involved in	2.30pm	CRG

- After looking through the EQC incentives list, the group decided that it would be too difficult to prioritise them as there was not enough detail for CRG to understand how they would be involved and what the activities under each initiative were. The group felt like they needed to understand EQC's current strategies more as they are currently in the dark about what EQC are doing with their programmes
- During the discussion the group said that they would either like to see further detail or have EQC talk about the initiatives and strategy first
- The group considered that there was a many-to-many relationship between CRG issues and EQC initiatives. Brian commented that this would create a challenge about how our advice would be addressed by EQC when implementing their initiatives. Brian suggested that we need to be more explicit around the linkages
- The group agreed with Brian's idea to ask EQC to define the explicit linkages

➔ **Action: EQC to align CRG issues to their initiatives to show how they will be addressed**

- During this discussion Dean raised the point that he would like future meetings to be held across two days. The group agreed that they felt that there was not enough time to get deep into the real issues. From the claimant's point of view, they believe that we are not making enough progress or contributing as much as we could and it's going too slowly. Brian indicated that he and Tom will contact EQC to ask if this would be a possibility

➔ **Action: Tom/Brian to approach EQC about adding a second day to future meetings**

4.4	Prioritise output of 4.1, 4.2, 4.3 into single prioritised list which will inform future meeting agendas	3.00pm	CRG

- Due to the outcome of agenda item 4.3 a single prioritised list was not created

	Meeting Close	4.00pm	

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Claimant Reference Group Meeting Minutes

Date: 7th & 8th February 2019

Time: 9am – 4pm

Location: MBIE, Cashel St, Room 2.02

Attendees

CRG Members

Tom McBrearty, Mel Bourke, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Ali Jones, Linda Ngata, John Patterson

Facilitators

Brian Yee (MSH), Andrew Darlington (MSH)

Guests

Pou Havea (EQC), Hamish Wall (EQC), Rachael Walkinton (EQC), Renée Walker (EQC), Sid Miller (EQC), Olivia Burns (MSH – observer as part of her induction)

Apologies

John Patterson (All day 8th), Ali Jones (morning 8th), David Townshend (afternoon 8th)

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Minutes

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Confirm today's agenda	9.00am	CRG

- Before getting into the planned agenda items Tom raised with the group some feedback that he and Brian received from Sid and Renée after the December CRG meeting. He told the group that EQC felt they were "up front and quite aggressive"
- CRG discussed this feedback and agreed that if EQC wants to give feedback in the future it should be specific so that the group is clear on what the issue is. In the absence of specificity the group discussed whether EQC's feedback was valid and decided that the way CRG engaged at the last meeting was appropriate
- CRG noted that their role is to push EQC hard to get the changes that the people they represent need. They need to have hard conversations and ask hard questions, and this is likely to be seen as up front and aggressive by people who are not prepared for these conversations. The group requested that EQC ensures the people who engage with CRG have the knowledge required to make productive progress with the group and the resilience to have hard conversations without taking it personally
- Following this conversation the agenda for today's meeting was confirmed

1.2	Approve previous meeting's minutes	9.05am	CRG

- Minutes from the December meeting were emailed to members on December 21st however these were not printed as part of the material for this meeting. As a result they were not able to be approved and will need to be approved at the next meeting

➔ **Action: December meeting minutes to be approved at next CRG meeting**

1.3	Review actions log	9.10am	CRG

- Andrew took the group through the actions log and highlighted that all actions are on track or completed
- Regarding action 33 to contact 9(2)(a) [redacted] Tom stated he had made contact and 9(2)(a) has asked how much time he can have on the CRG agenda. The group agreed to plan for a 90 minute session with 9(2)(a) at a future meeting

➔ **Action: Include time on one of the upcoming CRG meeting agendas for 9(2)(a) [redacted] to give an overview of land issues to the group**

#	Item	Time	Attendees
2.	**Matters raised by members**		
2.1	**General business** (other matters that have arisen between agenda being sent and this meeting) • ILVRs are not being published semi-annually in a prominent place on their website (Raised by Mel)	9:15am	CRG

- Mel was contacted by a claimant who had noticed that EQC's ILVRs are not being published semi-annually in a prominent place on the EQC website as recommended in Christine Stevenson's report. CRG confirmed this is a claimant issue and therefore something they should be interested in. CRG has asked EQC to remedy this and provide a response that can be passed on to the claimant that raised this issue

➔ **Action: EQC to publish outstanding ILVR reports and provide a response that can be passed on to the claimant who raised this issue**

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- Ali shared with the group that her experiences with the standard channels into EQC (e.g. 0800 DAMAGE) were not reflective of the changes she hears about from Sid and Renée in CRG meetings. The group agreed that they aren't seeing improvements on the ground and believe there is a disconnect within EQC
- CRG has prioritised 'change management' as the number three issue to be discussed by the group which will focus on this issue. Andrew said that the group can start gathering examples of disconnects as they arise in preparation for this discussion

3.	**EQC strategy presentation**		
3.1	SOI, Canterbury strategy one-page overview, programme initiatives including culture	9.30am	CRG, EQC

- Sid Miller, Renée Walker, Rachael Walkinton and Tupou Havea from EQC joined the meeting
- Prior to the meeting EQC provided the group with documents (EQC Reputation Research Report, EQC – Canterbury Programme – Strategy Overview, EQC Moving the Dial, EQC People Plan) which members had read. The conversation with Sid and Renée was focused on these documents but jumped from topic to topic as the conversation evolved. The key topics and points discussed were
    - Renée and Sid started the conversation by stating that the input CRG had provided EQC is driving change within the business but they acknowledge that this change is difficult to see on the ground level and they have not done enough to demonstrate the changes
    - Renée said that EQC needs to get better at communicating the 'why'. She believes that EQC has the right intentions but this is not always apparent to claimants. Renée stated that she wants the group to know what EQC is doing and why they are doing it so that if claimants contact group members they can help provide some context
    - The group raised the feedback they had received earlier in the day with Sid and Renée. Sid stated that he expects the group to challenge the organisation and tell them what is going on. He will make sure that the EQC people sent in to the room in the future can deal with the level of conversation that the group wants to have with EQC. Sid also stated that the group is trusted by him in terms of how they represent claimants
    - Mel observed that EQC talks a lot about lessons learned and said that it would be good to know what lessons EQC thinks have been learned and compare these with CRG's thoughts on lessons that have been learned. This could be further supplemented with tangible examples of change

➔ **Action: EQC to capture lessons learned and tangible examples of change, and provide this to CRG as an input to a conversation at a future meeting**

    - Renée acknowledges that some of the legal battles between EQC and claimants have been costly and time consuming. She states that they are making efforts to take cases out of litigation and into dispute resolution to reach an outcome sooner and at a lower cost to both EQC and the claimant. Sid said that he would like to bring what EQC has been doing in the legal space to a future meeting to get CRG's perspective

➔ **Action: Session for EQC to present changes they have made in a legal space to be scheduled in a future CRG meeting**

    - In one of the documents provided to the group, EQC indicated they have asked Engineering NZ to audit their internal processes around how they engage and use

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expert engineering advice. David suggested that a claimant representative should sit alongside the ENZ process to ensure impartiality and Renée agreed with this idea

➔ **Action: EQC to ensure that there is a claimant perspective involved in the Engineering NZ review**

- In one of the documents provided to the group, EQC referenced the recent *Fitzgerald Case*. CRG felt that EQC should not be using this single case to justify positions as there are multiple other cases and decisions which need to be interpreted together. CRG was concerned that EQC would use the *Fitzgerald Case* the way they have observed other organisations using it
- The group started discussing the reputational research report and expressed a concern that EQC seemed to be measuring success based on claimant satisfaction. Mel highlighted that sometimes happy customers are only happy because they are unaware of the service they are entitled to and that needs to be considered. Ali stated that happiness can't be a measure for success, instead success should be measured by reducing the number of outstanding claims as people are tired of the cheerleading

4.	**EQC initiatives and CRG issues linkages presentation**		
4.1	EQC to provide more detail around the projects in each strategic priority and to outline the linkages between their initiatives and EQC issues	12.30pm	CRG, EQC

- Hamish Wall from EQC joined the meeting. Hamish has been working to prepare the Canterbury Programme Approach and Initiatives List which were provided to CRG prior to the meeting
- Hamish and Renée talked through the Canterbury Programme Approach. Renée indicated that the relative priorities of the initiatives had changes as the #1 priority for her now is reviewing the operating model for EQC
- Brian asked Renée which areas she believed CRG could add most value to. She said the operating model, life of a claim and people plan

5.	**Prioritising CRG's work**		
5.1	Select EQC initiatives CRG would like to be involved in	1.30pm	CRG

- Before selecting areas CRG should be involved in the group had a discussion about sub committees and how these could be used to progress issues outside of the meeting cycle. The group agreed that a sub committee would have to be at least 2 members and the output of the sub committee would have to come back to the full group for approval before being finalised
- Sub committees would be best used when there is a specific document or policy that needs to be developed or improved. Experts from CRG would work collaboratively with experts from EQC
- The group then discussed EQC's analysis showing how CRG's top 10 prioritised issues align to EQC's initiatives. The group felt that this analysis was incomplete and undertook their own comparisons. As a result of this, the group believes that their issues align to;
  - Design a people strategy (EQC priority #1)
  - Investigate opportunities to reduce the number of reopened claims (EQC priority #9)
  - Review the customer journey for further enhancements (EQC priority #16)
  - Design the target operating model (Was EQC priority #20, now EQC priority #1)

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- As a result of this analysis, CRG can advise EQC that these four initiatives should be the highest priority from a claimants perspective. Going forward, CRG will continue working through their list of specific issues but invites EQC to start their own projects and table any issues that they uncover in these areas. CRG's perspective will always be focused on the needs of claimants

5.2	Prioritise output of 5.1, CRG issues and CRG capability projects into single prioritised list which will inform future meeting agendas	2.30pm	CRG

- As a result of the decision above, we did not need to prioritise the EQC initiatives in the context of CRG's issues
- At the end of the meeting, Mel and Tom tabled a new issue that they wanted to discuss with the group. Mel said that they had met with a claimant the day before who was willing to come to the group and tell his story about his experience dealing with EQC and Southern Response (as an agent of EQC under the memorandum of understanding). Brian challenged the group to consider what issue this claimants story is representative of to ensure that CRG remains focused on the big issues rather than single claims
- The group agreed that there is a big issue they would like to discuss around the Southern Response memorandum of understanding and how it is not working for claimants. Brian asked the group to prioritise this issue in the context of the 10 issues already identified. The group was unable to do this as they are not sure about the size of the problem. As a result, CRG has requested EQC to provide some data about the MOU so this issue can be prioritised and so this claimant can tell their story at the meeting where this issue will be discussed

➔ **Action: EQC to provide the number of EQC claims that have not been settled over cap and are being handled by Southern Response as agents under the MOU**

➔ **Action: Southern Response MOU to be fleshed out as an issue and prioritised at the next meeting**

	Meeting Close	4.00pm	

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Minutes – 8th February

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Debrief on day one	9.00am	CRG

- The group had a brief discussion on how the previous day went, particularly the sessions with EQC. The group found the previous day's sessions interesting and enjoyed the conversations with Renée and Sid, however they said that if EQC is presenting material it would be better for them to walk through the material before taking general questions
- The group also discussed the role of the facilitator and the chair, and asked whose role it is to ensure the conversations are focussed. Brian and Tom agreed that during working sessions it is the role of the facilitator to keep the work on track, but during presentations from EQC it is the Chair's role to keep the group's conversation and questions focussed to get the most from the time available
- The group also discussed a story that had been shared the previous day about a claimant receiving a phone call from EQC on Waitangi Day. The group believes that this is not appropriate and requested Tom to formally advise EQC of this position

➔ **Action: Tom to write letter to EQC stating CRG's disappointment that EQC contacted a claimant on Waitangi Day**

2.	**EQC to present lifecycle of a claim model with CRG**		
2.1	EQC to present and explain their "lifecycle of a claim" model which was previously seen by the CRG on their tour of EQC	9.15am	CRG, EQC

- Renée Walker, Rachael Walkinton and Pou Havea joined the group at this time
- EQC had provided the group with a document called "Canterbury Claims: Lifecycle of a Claim". Renée walked the group through this presentation which outlined the overall process that a claim follows and the timeframes that claims are taking to progress through each step

3.	**CRG to advise on lifecycle of a claim model**		
3.1	CRG to give advice on how lifecycle of a claim model can be enhanced to reflect an "insurance response"	11:00am	CRG

- After the briefing from EQC, the group started to discuss the ideas they had for improvement to the process. The outcome of this conversation was the 13 ideas in the table below:

Idea for improvement	Why is this better for the claimant?	Relevant part of process
1) Extend the process to include the steps required to access knowledge of if the home has been reinstated (e.g. follow up with home owners after cash settlements to see if repairs have been carried out) • Even if claim is over cap EQC should still	This aligns with the EQC mission and intention of the Act	New steps required at end of process. Ideally before "Close" to establish mindset that this is part of EQC's role

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have a role from a governmental perspective		
2) An ability to empower and support the claimant to undertake the required work. This means that where EQC understands what the claimant wants to do, EQC supports this (i.e. EQC elects for the claimants preferred approach if appropriate)	This puts the claimant at the heart of the decision making process and therefore should result in better outcomes for the claimant. This would also reduce the cost of the assessment phase as there is not a need for EQC and the claimant to obtain separate reports and undertake repetitive inspections	As early as possible in the process
3) The process needs to include steps for EQC to appropriately educate a diverse demographic of homeowners in the insurance claim process of the options and the consequences of each option	A well supported and educated person who makes more informed decisions and realises the expectations and outcomes that are required of them	Prior to any decision the homeowner has to make, but with enough time for homeowner to consider options
4) Guide people away from a D.I.Y approach by providing a funding allowance for a navigator/advocate to help the claimant navigate the claims preparation. This might require legislative change	If the claimant can demonstrate transparency around the work they will be fully compensated for the cost of the repair as long as it's reasonable	At start of Assess phase
5) Recognise that multi-unit buildings are 'whole buildings' and have complications and challenges beyond a one unit claim such as; cross lease, body corporates and multiple insurers	EQC attended to single units and didn't support the claimant which they now need to do by recognising that they are part of a wider ownership group	A separate end-to-end process is required for multi-unit claims
6) As a group we cannot see the current process as described in this document being consistently applied on the ground. Therefore if the changes we are suggesting are going to be rolled out, there must be a parallel competency based training programme to ensure the new processes are consistently applied	Ensures that the benefits of the improved process to claimants are realised to every claimant as quickly as possible	Not part of process design, but needs to be done alongside this process
7) Have the option of requesting a change in claims manager	The claimant ends up with someone they can work with better and more efficiently,	At any point in the assess phase

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	there may be a reduction in stress to the claimant if there are fewer or no clashes between the two parties. This will also provide intelligence to EQC about which claims managers are and aren't performing well in the claimants eyes	
8) There should be prompts built into the process to seek feedback from the homeowners on what they want and what does and doesn't work for them. This feedback should inform changes to how the individual claim is being dealt with but also feed into an organisation process to identify systemic issues and improvements	Help establish a level of trust between EQC and the claimant, builds EQC's reputation, identifies potential risks before they become issues, an opportunity to clarify and reinforce the options that exist	At key milestones throughout the process
9) The first point of contact for a claimant should be with a very experienced, insurance knowledgeable staff member who has the empathetic skills required to gather the right information about claimants needs, priorities and intentions at the triage allocation phase	EQC understands what the claimants needs are and can make decisions to expedite/slow down a claim. It would also give EQC a personal understanding of each claim. This will also increase trust in EQC and their reputation	The Validate phase (specifically the role which does this phase)
10) Include a focus on the costs incurred by the claimant. These costs will probably fall into one of four categories and these need to be identified. • A reimbursement under the operational instruction • Repair cost, election needs to be considered • Unreasonable cost as per 9(2)(a) [redacted] • Ex gratia	Greater transparency about what costs will be paid out, how and when	Early in the process to achieve an understanding of the costs incurred by the claimant
11) Agreed policies and standards around what a complete body of assessments looks like in different circumstances	The engineer needs a full body of assessments in order to provide an accurate report, which will reduce the risk of missed damage and missed	Assess phase

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	repairs (which will highlight contractor liability for fraud)	
12) It is unclear how this process incorporates the land aspects of claims	Land is complex and hard to understand for most homeowners	Throughout
13) Homeowners should be allowed on site during managed repair process/builders maintain grounds for safety	Establishing trust and inclusion for the homeowner in the process, monitoring the builders action	Settle phase

3.2	CRG to provide advice on the model to EQC	1.30pm	CRG, EQC

- Baden Ewart, Brendan Sylvia and Hamish Wall joined the meeting at 1.30pm
- Dean Lester presented the table above to the EQC team, who asked clarification questions throughout
- At the end of Dean's presentation, Renée thanked the group for their work and committed to coming back at the next meeting to give an update on progress, and then future meetings as required

➔ **Action: Renée to present an update on changes to the Lifecycle of a Claim at the next CRG meeting**

4.	**EQC to provide a response to the agreed issues around independence of experts**		
4.1	Response provided by EQC, followed by a mutual commitment to an action plan of tasks with deadlines	3.00pm	CRG, EQC

- Renée started this session by acknowledging that she knows EQC's responses aren't hitting the mark yet, but they are working hard in this area. She said it's hard to find information internally because information can be fragmented
- The group and EQC talked through roughly half of the responses from EQC, with particular focus on the potential for GCCRS resources to be used to develop a policy around what makes an expert independent. On this point, Renée advised that the homeowners group at GCCRS would have to make this request – Tom committed to do so
- The group and EQC also talked about the MBIE guidance. The group challenged EQC to consider removing reference to the MBIE guidance since the Building Code, Building Act and EQC Act supercede it anyway. Renée committed to taking a sample of engineering reports and seeing how many are reliant on the MBIE guidance to begin understanding how reliant EQC is (or isn't) on this guidance

➔ **Action: EQC to review a sample of engineering reports and see how many of them are reliant on the MBIE guidance (and to what extent they are reliant)**

- The meeting ended before all responses could be discussed and an action plan could be agreed. This will be added to the agenda for the next meeting

➔ **Action: Complete discussion of response to independence of experts and agreement of action plan at the next meeting**

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	Meeting Close	4.00pm	

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Claimant Reference Group Meeting Minutes

Date: 21st February 2019

- Time: 9am – 4pm

Location: MBIE, Cashel St, Room 2.02

Attendees

CRG Members

Tom McBrearty, Mel Bourke, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Ali Jones, Linda Ngata, John Patterson

Facilitators

Brian Yee (MSH), Olivia Burns (MSH)

Guests

Sid Miller (EQC), Renée Walker (EQC), Pou Havea (EQC), Hamish Wall (EQC), Baden Ewart (EQC), Martin Connell (EQC), Ros Jermyn (EQC)

Apologies

Mel Bourke to leave at 3:30 for another meeting

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Minutes – 21st February

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Confirm today's agenda	9.00am	CRG

- Tom advised the group that John has resigned from the CRG because of health issues. In the last two day meeting he found himself very tired after day one and he gave apologies for day two. Tom acknowledged his positive contribution to the group to date
- Agenda confirmed

➔ **Action: Tom to discuss finding a suitable replacement for John who represents a older persons perspective with Renee**

1.2	Approve previous two meeting's minutes	9.05am	CRG

- It was raised that section 2.2 of the December minutes singled out Maori, and the explanation should make it clearer who is included in the 'harder to reach' communities
- In section 4.3 of the December minutes it is recorded that Dean wanted future meetings to be held across two days. Dean would like this amended mean 'the next few' meetings not all future meetings
- Members requested a hard copy of all papers sent to their home addresses as they don't have the printing capabilities

➔ **Action: December minutes to be amended in section 2.2 to say 'communities who may require different ways of communicating (e.g. no computer, literacy issues)**

➔ **Action: Amend December minutes section 4.3 to say 'the next few meetings' instead of 'future meetings'**

➔ **Action: Advise Pou to send hard copies of all papers to members for every meeting**

- Minutes then approved by Phillipa and seconded by Dean

1.3	Review actions log	9.10am	CRG

- Group members discussed which members would like to take part in EQC's project centred around communicating with a wide range of communities. Ali, Jo and Mel put their names forward to participate in this and the group agreed on these three to be involved in this project – *Note: Mel has since emailed Tom to advise that she won't be participating in this project*
- The group would like EQC to hear from land claims specialist 9(2)(a) for an hour at the next meeting as 9(2)(a) has significant knowledge and can give a claimant perspective on the process that they believe would provide good learnings for EQC

➔ **Action: Advise EQC that CRG has nominated Ali, Jo and Mel to be involved in the communications project**

➔ **Action: Tom to follow up with 9(2)(a) to invite him to speak at the next meeting and brief him on the purpose**

- Agenda item 2.1 was brought forward so that the issues raised in general business could be prioritised in agenda item 1.4

2.	**Matters raised by members**		
2.1	**General business** (other matters that have arisen between agenda being sent and this meeting)	9:45am	CRG

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- Dean raised the issue of unexpected events uncovering previously incomplete/incorrect repairs. He stated that this was an issue that they could easily resolve with EQC so it was added to the list to be prioritised
- It was also raised by the group that there are many claimants experiencing issues with the legacy of uncomplete work - Any future claimable event will be reviewed by the insurer to deduct any work that wasn't done or will claim that because the work wasn't done it will be considered a contributor to the damage. It was decided that this should be added to the list for prioritisation
- Mel raised 4 issues to be 'fleshed out' at the next meeting and then prioritised for discussion at a later date. These were; faulty workmanship, What makes a good assessment, As is/where is attempting to get full insurance and the calibre of the assessors the private insurers are using.

➔ **Action: Add EQC Liaison with insurers when faulty repair work found by homeowner to CRG prioritised list of issue. The group that this should be on the agenda for the next meeting**

➔ **Acton: Legacy of uncompleted work to CRG prioritised list of issues:**

- **Faulty workmanship**
- **What makes a good assessment?**
- **As is/where is attempting to get full insurance**
- **The calibre of the assessors the private insurers are using**

1.4	Discuss new potential CRG work and review prioritisation of future work • Slot new issues into prioritised list • MSH to present forward meeting plan	9.15am	CRG

- David raised the following three questions which were sent to the members in an email dated 11/2/19.
  - Q1. If a building element had a specific 'functional' ability that existed immediately prior to a qualifying event, where that 'functional' ability has been degraded by the physically altered state caused by that event, does the degraded 'functional' ability constitute 'natural disaster damage' and therefore need to be restored?
  - Q2. Is the loss covered by the Earthquake Commission Act 1993 only if that 'functional' ability was explicitly required or intended when the element was new?
  - Q3. If the 'functional' ability has been degraded, is required to be restored, and is now explicitly required by the building performance standards of today (dictated by the Building Act and the Building Code), should the degraded 'functional' ability of the element be 'upgraded' to meet the performance standards defined by the current Building Code?
- The group agreed that we should send them to EQC to respond, even through David had send then questions to Sid directly in a personal email
- Dean raised that the method used for prioritisation of issues was too rigid to allow for issues that crop up between meetings and could be addressed at the next meeting. The group generally agreed that there should be some flexible time allowed for urgent discussions but that the prioritisation method was necessary for their larger issues

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- **Action: Send questions raised by David about 'Clarity around insurance response to structural damage' to EQC for their response to CRG**
- **Action: Flexible time to be incorporated into the meeting to allow members to raise and discuss new issues that crop up between meetings**
- **Action: Allow 30 minutes at the end of meetings to discuss what issues should be included in the next agenda priorities**
- **Action: Add Southern Response MOU to the next agenda**

3.	CRG Code of Conduct		
3.1	CRG working session to begin developing CRG code of conduct (as per action from December meeting)	10.15am	CRG

- This did not get addressed because the previous session went significantly over time

- **Action: Move code of conduct conversation to the next agenda**

4.	Lifecycle of a claim		
4.1	Verbal update from Renée on any progress or improvements made since last meeting	11.15am	CRG, EQC

- Renee, Pou, Hamish, Baden, Martin and Ros arrived to discuss the improvements EQC has undertaken since the last meeting and the 'Workshop for Engineers' presentation
- The group raised that 3 days before a meeting was not enough time to receive a document and go through it. EQC agreed and said they didn't expect them to read the whole documents, but they will give them more time in the future. It was noted that this meeting was very close to the previous one, i.e. only two weeks apart.
- EQC addressed the following ideas for improvement. This piece of advice was developed in the 7/8th February meeting. A summary of Renee's response presented during the meeting is outlined in the last column of the table below:

Idea for improvement	Why is this better for the claimant?	Relevant part of process	Renee verbal response during 21/2/19 meeting
1) Extend the process to include the steps required to access knowledge of if the home has been reinstated (e.g. follow up with home owners after cash settlements to see if repairs have been carried out) Even if claim is over cap EQC should still have a role from a governmental perspective	This aligns with the EQC mission and intention of the Act	New steps required at end of process. Ideally before "Close" to establish mindset that this is part of EQC's role	Agreed that this needs to be done, is a work in process
2) An ability to empower and support the claimant to undertake the required work. This means that where EQC understands what the claimant wants to do, EQC	This puts the claimant at the heart of the decision making process and therefore should result in better outcomes for the	As early as possible in the process	This is happening for some claims,; one request was turned around in 12 minutes so

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supports this (i.e. EQC elects for the claimants preferred approach if appropriate)	claimant. This would also reduce the cost of the assessment phase as there is not a need for EQC and the claimant to obtain separate reports and undertake repetitive inspections		there is some improvement
3) The process needs to include steps for EQC to appropriately educate a diverse demographic of homeowners in the insurance claim process of the options and the consequences of each option	A well supported and educated person who makes more informed decisions and realises the expectations and outcomes that are required of them	Prior to any decision the homeowner has to make, but with enough time for homeowner to consider options	They agree to do this however have not begun as it is a large undertaking
4) Guide people away from a D.I.Y approach by providing a funding allowance for a navigator/advocate to help the claimant navigate the claims preparation. This might require legislative change	If the claimant can demonstrate transparency around the work they will be fully compensated for the cost of the repair as long as it's reasonable	At start of Assess phase	Working towards guidelines for support
5) Recognise that multi-unit buildings are 'whole buildings' and have complications and challenges beyond a one unit claim such as; cross lease, body corporates and multiple insurers	EQC attended to single units and didn't support the claimant which they now need to do by recognising that they are part of a wider ownership group	A separate end-to-end process is required for multi-unit claims	This is part of the assessment process and has been agreed for future events
6) As a group we cannot see the current process as described in this document being consistently applied on the ground. Therefore if the changes we are suggesting are going to be rolled out, there must be a parallel competency based training programme to ensure the new processes are consistently applied	Ensures that the benefits of the improved process to claimants are realised to every claimant as quickly as possible	Not part of process design, but needs to be done alongside this process	EQC are currently pulling all the documentation out of the organisation and then finding the most comprehensive and best processes to follow e.g. the Kaikoura manual
7) Have the option of requesting a change in claims manager	The claimant ends up with someone they can work with better and more efficiently, there may be a reduction in stress to the claimant if there are fewer or no clashes between the	At any point in the assess phase	This is happening and they're in currently putting something onto the website so people are more aware that this is possible

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	two parties. This will also provide intelligence to EQC about which claims managers are and aren't performing well in the claimants eyes		
8) There should be prompts built into the process to seek feedback from the homeowners on what they want and what does and doesn't work for them. This feedback should inform changes to how the individual claim is being dealt with but also feed into an organisation process to identify systemic issues and improvements	Help establish a level of trust between EQC and the claimant, builds EQC's reputation, identifies potential risks before they become issues, an opportunity to clarify and reinforce the options that exist	At key milestones throughout the process	Renee has spoken to the research team, aiming to build in questions about the more recent actions to see if they are improving the experience in comparison to where it was 8 years ago
9) The first point of contact for a claimant should be with a very experienced, insurance knowledgeable staff member who has the empathetic skills required to gather the right information about claimants needs, priorities and intentions at the triage allocation phase	EQC understands what the claimants needs are and can make decisions to expedite/slow down a claim. It would also give EQC a personal understanding of each claim. This will also increase trust in EQC and their reputation	The Validate phase (specifically the role which does this phase)	On the 1st of march calls will officially go directly to a claims team
10) Include a focus on the costs incurred by the claimant. These costs will probably fall into one of four categories and these need to be identified. A reimbursement under the operational instruction Repair cost, election needs to be considered Unreasonable cost as per 9(2)(a) 9(2)(a) Ex gratia	Greater transparency about what costs will be paid out, how and when	Early in the process to achieve an understanding of the costs incurred by the claimant	EQC are putting reserving in to make sure costs are being paid
11) Agreed policies and standards around what a complete body of assessments looks like in different circumstances	The engineer needs a full body of assessments in order to provide an accurate report, which will reduce the risk of missed damage and missed repairs (which will highlight contractor liability for fraud)	Assess phase	Agreed that there is work to do here but action hasn't been taken yet

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12) It is unclear how this process incorporates the land aspects of claims	Land is complex and hard to understand for most homeowners	Throughout	Agreed that there is work to do here but action hasn't been taken yet
13) Homeowners should be allowed on site during managed repair process/builders maintain grounds for safety	Establishing trust and inclusion for the homeowner in the process, monitoring the builders action	Settle phase	This was agreed that homeowners should be able to visit but guidelines have to be uploaded to the site

- During the interactive discussion between EQC and CRG, the a few action points were agreed

➔ **Action: Renee to get full and final discharge information under the fair-trading act**

➔ **Action: Renee to take claim off website that says you should determine your own structural damage before re-opening a claim**

➔ **Action: EQC to discuss 'necessary amount of damage' with CRG**

➔ **Action: Follow up with EQC to ask which issues from the 'Life Cycle of a Claim' ideas for improvement they would like to engage with CRG for advice**

5.	**"Workshop for Engineers" presentation**		
5.1	Finish discussing EQC's response to "independence of experts", including agreeing action points for EQC and CRG	12.30pm	CRG, EQC

- EQC and CRG discussed their response to specific problems identified in CRG's 'Independence of Experts' response (which was table at the last CRG meeting)
- The group asks if Engineering NZ are the right people to carry out the review and ask if the MBIE guidelines are being used at EQC as this document suggests they are. EQC acknowledged that in the absence of anything else to use, they have had to rely on the MBIE guidelines
- CRG asks EQC if There can be an audit/QA process of reports from EQC to chase up engineers. Martin stated that they already do reviews for those who elect an independent, but it could be good to look at reports that are poor
- The group raised that there are a number of properties that are still engaged without briefs as Citizens don't always know that they need a brief when engaging an engineer. EQC said there is one on the ENZ website but asked GRG to provide guidance on what they think is necessary in order to build a portfolio of reports

➔ **Action: Impartial Independent Review –**

- **1. EQC to involve members in the EQC review by ENZ**
- **2. CRG to nominate some names for people to carry out the review instead/alongside ENZ. ENZ**
- **3. EQC to share brief to CRG that ENZ has given them for their feedback**

➔ **Action: MBIE Guidelines – EQC to come up with a statement around their position and bring it back to the group for their feedback**

➔ **Action: Brief for engaging experts –**

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- **1. EQC to Provide on the EQC website a brief template and indicate that it is an example you could use, but give people alternative options.**
- **2. CRG to provide guidance on which reports they think are necessary in order to build a portfolio of evidence (early engagement of experts e.g. builders, homeowners)**

➔ **Action: Redacted documents – EQC to share Mel's specific claimant story with Anthony Honeybone as an example of when Fitzgerald v IAG was used improperly**

5.2	Collaborative working session with EQC to identify any improvements or issues that need to be resolved with "Workshop for Engineers" presentation	1.30pm	CRG, EQC

- The group went around the table and highlighted the key issues they had with the 'Workshop for Engineers' document. Their comments are below

Document reference	**Issue**
Pg. 6	This document does not give any reference to being an insurance policy response in relation to the following specific issues - Betterment is represented as maybe not existing all the time however the *EQC Act 1993* is a betterment act - Need to put more focus on 'restating as new' - The balance of this is lost as this is not about their building code - The emphasis on alternatives gives the wrong impression
Overarching	This does not seem to reflect a learning and development strategic plan, and therefore the purpose of the training programme is not clear
Overarching	It's a superficial document with not much substance behind it. The document is open to interpretation and full of inconsistencies
Pg. 21	No photographs of the interior space of ring foundations
Pg. 22	By categorising the foundations like this in the images it effectively dictates this is how you should always categorise them
Pg. 26	Cracks in plaster board which may indicate structural damage
Pg. 27	Some depth is missing in this page about what makes up a complete assessment
Overarching	The document appears property centric, not people centric
Pg. 17	Information gathering revenues do not include homeowners, photos of the house prior
Pg. 24	Without context the light, medium and heavy damage sections can read differently than intended
Pg. 36	If all building work must comply with the building code, when is there an exemption for that when it's being touched for repairs?
Pg. 17	Preparation and information – should other sources of information be considered
Pg. 12	This whole slide is not applicable
Overarching	Kaikoura response for insurers highlights gaps in this document in relation to insurance response
Overarching	The intention of who should be using this document is unclear

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- Following the feedback from members Renee agreed to rewrite the document from a homeowners perspective to give to engineers
- Renee agreed to come back to CRG for their feedback once the document has been rewritten

➔ **Action: Renee to bring back the revised 'Workshop for Engineers' document for CRG to give feedback**

- Sid then arrived at the meeting and the group had a short discussion with him about their staff video that includes beads on a string, and how this may upset a group of people. Sid and Renee responded that they were confident the staff would understand the intentions of this video. Sid and Renee stated that that this was an internal staff video, but they were comfortable that they would be able to defend the video it if the public saw it

	Meeting Close	4.00pm	

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Claimant Reference Group Meeting Minutes

Date: 17th & 18th April 2019

Time: 9am – 4pm

Location: Te Karo, Voyager Building – Barry Hogan Place

Attendees

CRG Members

Tom McBrearty, Mel Bourke, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Ali Jones, Linda Ngata

Facilitators

Brian Yee (MSH), Olivia Burns (MSH)

Guests

Tupou Havea (EQC), Renee Walker (EQC), Sid Miller (EQC), Rachael Walkinton (EQC), Baden Ewart (EQC), Martin Connell (EQC), Tony Liefting (EQC), Benesia Smith (EQC), Robyn Hillbourne (EQC), Anthony Honeybone (Southern Response), 9(2)(a)

Apologies

Jo Petrie at a meeting from 12:00-2:15 on the 17th

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Agenda – 17th April

#	Item	Time	Attendees
1.	**Welcome and housekeeping**		
1.1	Member only time	9.00am	CRG
1.2	Confirm today's agenda	9.10am	CRG, MSH

- The group was advised that 9(2)(a) session would be recorded by EQC
- MSH advised CRG that they had added a point raised by David via email about direction on the use of MBIE guidelines to the agenda
- Ali, Tom and Mel informed the group that they are on the advisory group for the Dame's inquiry into EQC
- When the code of conduct point was raised, the group added that it would be appropriate to have a conversation about conflicts of interest within the group that should be noted down

1.3	Approve previous meeting's minutes	9.15am	CRG, MSH

- Minutes approved by Mel, seconded by Ali

1.4	Review actions log	9.20am	CRG, MSH

- It was raised by David that aligning the actions log to their issues list may give a clearer idea of how much progress was being made in each area, and more context for the actions. David agreed to send a template to MSH of how the actions list could be structured
- Mel raised that the minutes and actions list would be easier to compare if each action was given an ID in the minutes
- Brian raised the point that actions should ideally come from agreed plans with EQC based on the advice given, rather than raising actions from updates

➔ **Action 74: Add column to actions list to indicate the agenda item they arose from**

➔ **Action 75: Tom to consider David's proposed spreadsheet as an alternative to capturing/ tracking action points**

2.	**Matters raised by members**		
2.1	• New items to be raised and discussed in meeting – *Note this standard agenda item has been extended to allow members to discuss issues during the meeting*	9:25am	CRG, MSH

- The group discussed the points that David raised via email around 'direction on the use of MBIE Guidance', as engineering firms continue to use and rely on the MBIE Guidance today as if it is an insurance response, defines damage as an insurance policy and determines the standard to meet with any restoration, however it does none of those things. It was raised by Dean that Tom had circulated a piece of documentation to the CRG on this that supported some of their views
- Brian reminded the group that MBIE guidance was discussed at the previous meeting and resulted in the action point 'EQC to come up with a statement around their position and bring it back to the group for their feedback'. From this, there was a discussion about whether this would be a public statement, and the group decided they would like to give EQC advice for what they should include in a public statement around the MBIE guidelines

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- Ali mentioned that it might not be a good idea to do any joint media releases with EQC, as the CRG needs to appear independent. Dean agreed that they need to appear independent and also expressed that he wasn't completely comfortable with putting out media releases as a group. The CRG decided that this point would need to be added to a future agenda for discussion
- Mel raised that there is no quality system to measure if standards are being met in engineering reports, and that reports need to be audited against a measurement criterion before they are accepted. The group agreed that they would like confirmation that EQC has a quality system in place to audit reports

➔ **Action 76: CRG to provide the following 4 statements for EQC to consider in their public statement as clarification on how to use the guidelines**

- **The starting point in an insurance response is to recognise 'damage' in accordance with the insurance policy contract (Earthquake Commission Act 1993 or the private insurance policy contract). MBIE Guidance does not do that.**
- **MBIE Guidance does not define an insurance contract standard of reinstatement. Rather, it provides repair and reinstatement options that may be used by relevant experts, if they determine the methods will restore the damage to the policy contract standard of reinstatement.**
- **MBIE Guidance is not a 'deemed to comply' solution under the Building Act 2004, rather, it is only a guide and if used does not relieve any person of the obligation to consider any matter to which that information relates according to the circumstances of the particular case.**
- **Any experts who use the MBIE Guidance take personal liability for ensuring the methods used meet both the insurance policy contract (if instructed to) and any other applicable legislation, including the Building Act 2004.**

➔ **Action 77: Future agenda item for the CRG to discuss their policy & approach to external communications**

➔ **Action 78: EQC to confirm that they have a quality system in place including KPI's to audit engineering reports**

	Morning break	10:15am	CRG, MSH
2.2	Discuss new potential CRG work and review prioritisation of future work • Flesh out previous meetings issues raised (Faulty workmanship, what makes a good assessment, as is/where is attempting to get full insurance & the calibre of the assessors the private insurers are using) • Slot new issues into prioritised list	10:30am	CRG, MSH

- Mel described the key issues around 'faulty/failed/deficient workmanship/scope' - In a cash paid environment (within policy) when an election is made by EQC or the insurer, the homeowner selects their professionals. However, if the scope by which the repair is based upon is faulty or the original assessment has missed damage and/or the professionals (tradespeople) do not do the work in a tradesman-like manner the pathway to resolution

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needs to be determined, inclusive of homeowner, insurer/EQC liability. This issue is to be added to the prioritised list and addressed at a later meeting

- Mel has done research on the Bachelor of Engineering and it does not include education on how to assess natural disaster damage in residential property in New Zealand / Canterbury. She would like to see some form of training for people who are contracted by the EQC to describe natural disaster damage, residential homes and that the people doing that work are experts in their field. Mel walked the group through these papers. It was agreed that this was a substantial issue and should be added to the prioritised list.
- *Note - The document Mel tabled, "What Makes an Expert" is a draft and may include both technical and grammatical errors as it is a work in progress. It is under review and a final will be tabled with the CRG and submitted to the Inquiry*

➔ **Action 79: Add fleshed out issues (Faulty/failed/deficient workmanship/scope & the calibre of the assessors the private insurers and EQC are using) to prioritised list & prioritise**

➔ **Action 80: Flesh out other 3 issues (What makes a good assessment, As is/ where is attempting to get full insurance & Accessing records of issues re house repairs as it relates to changes to the EQC Act Feb 2019), prioritise and add to prioritised list**

3.	**Southern Response MOU**		
3.1	• 9(2)(a) to talk on his experience with Southern Response • Open time for questions	11:30am	CRG, EQC, Anthony Honeybone, 9(2)(a) MSH

- EQC staff, Anthony Honeybone, 9(2)(a) and 9(2)(a) support person arrived for the 'claimant experience with Southern Response' session
- 9(2)(a) discussed his claim that went through Southern Response, and how challenging his experience was. He bought a lot of evidence and images to support the points he was making about sub-standard reports/repairs, and provided an example to EQC and Anthony about how claimants have been treated by Southern Response and the personal impact that the experience had on him.
- The Harrison Grierson report produced for 9(2)(a) home recommended lifting the house and replacing the foundation. Southern Response offered this as a resolution to 9(2)(a) and both parties were happy with the proposed repair, and 9(2)(a) congratulated the members of Southern Response on their professional conduct. After this, Southern Response then said they had decided to repair the foundation with epoxy resin and high top filler, which he believed would be less effective, 9(2)(a) just wanted the fix that was originally agreed
- In summary, it was agreed that the key issue is that there was a way forward for all parties, but option 2 which was presented and agreed with was subsequently removed without adequate explanation
- Anthony Honeybone acknowledged that the customer experience was unacceptable and shouldn't have happened. He said he needed to understand the shift in repair method and get a resolution, which 9(2)(a) was grateful for, however the CRG made it clear to Anthony that fixing this individual case did not help all the other claimants that are going through similar situations to 9(2)(a) and there were systemic issues that needed to be addressed at Southern Response. Anthony volunteered to attend a future meeting to discuss what he could do

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about these systemic issues and the group agreed that this was a good idea, with Tom raising that a representative from the GCCRS should also be a part of the discussion

➔ **Action 81: Future agenda item for Southern Response, GCCRS, EQC and CRG to all attend a meeting about solving systemic issues for claimants**

	Lunch	1:00pm	CRG, EQC, MSH
4.	**Clarity around insurance response to structural damage**		
4.1	• EQC to respond to 3 issues raised by David	1:30pm	CRG, MSH, EQC

- David emailed three questions to EQC in February and they responded to these in this session. David gave some background to these three issues, providing examples. EQC's responses are outlined below:

Question	**EQC response**
1. If a building element had a specific 'functional' ability that existed immediately prior to a qualifying event, where that 'functional' ability has been degraded by the physically altered state caused by that event, does the degraded 'functional' ability constitute 'natural disaster damage' and therefore need to be restored? 2. Is the loss covered by the Earthquake Commission Act 1993 only if that 'functional' ability was explicitly required or intended when the element was new? 3. If the 'functional' ability has been degraded, is required to be restored, and is now explicitly required by the building performance standards of today (dictated by the Building Act and the Building Code), should the degraded 'functional' ability of the element be 'upgraded' to meet the performance standards defined by the current Building Code?	• If there is cosmetic damage and a cosmetic repair is appropriate EQC will go down that path • If there is structural damage and a replacement of an element is required then EQC would begin structural replacement/ fixes and upgrade the lining to modern code in areas where the damage has been quantified • This depends on the elements, some things you can repair to the code at the time as provided in The Building Act– case by case is the key • There are other solutions that are not prescriptive, if you are able to demonstrate that an alternative has provided a positive resolution in the past then it could be considered a valid means of building code compliance. • Flextural capacity of the beam is being taken from damaged to current code for signoff – context on the nature of the damage is needed to make these decisions • When determining what standard to repair to, the Engineering NZ Letter of Engagement Schedule 1 - 'the required standard' can be used

- In conclusion EQC's general response to these questions was that you always repair to current code or more, but you do have to take into account the nature and context of the damage in each case

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- David felt that these responses answered the questions appropriately, but believe that they don't always see this viewpoint shared by engineers
- Mel raised the issue that engineers are not educated to a standard that makes them 'experts', and she would like to see engineers educated to a higher standard and for their work to be audited. Baeden responded that there needs to be a dynamic toolkit for engineers to turn to when they're looking for expert information so they can make the best decisions possible. There is a local business, 'Streamliners' which may help with this. There is a rile that EQC could play as a systems integrator, bringing the perspectives and interest of the various parties to bear on the dwelling – home owners, assessors, underwriters, insurers and builders
- Renee responded 'yes yes and yes' to these three points, and David was happy with this answer, but would like it in a written response to solidify the point

5.	**Transitioning CRG to a less structured management approach**		
5.1	• Renee and the team to discuss what has been working well and what needs improvement from EQC's perspective • CRG to analyse the current process and determine what we should do more of, less of, start doing and stop doing	2:30pm	CRG, MSH, EQC

- Brian asked EQC to outline what they think is working well in terms of the CRG and how it's operating, and what isn't working. The responses are in the following table:

Who	What's working	What's not working	Suggestions for improvement
Renee	• Open conversations – we are progressing a lot of things outside the meetings, there is some good information flowing both ways • The group expertise – EQC learns a lot about claimant issues • Long discussions that seem off topic are actually full of rich information	• It is difficult to keep communication regular with the group when we only meet monthly • There is more we need to do with communicating the purpose • The framework is challenging to fit into and we often go off topic • Two days monthly is a lot of time to dedicate • Information updates instead of putting plans into place	• Offline meetings about smaller issues • Can we take some conversations out of here and put it into the GCCRS or Dame Sylvia • Renee would like to not be the only person that can respond to CRG issues so she needs to bring other people up to her level
Sid	• Open conversations • Faith in the group to continue giving great honest feedback		• Key discussions about planned issues 40% of meeting time, 60% open flexible conversations • While compensation may be a good idea, it

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			is important that the CRG remains entirely independant

- Several CRG members then offered their views

Who	What's working	What's not working	Suggestions for improvement
Tom	• Two day meetings are more productive	• CRG can't keep up with EQC's pace • We don't want to be seen as 'working for EQC'	• Two day meetings for CRG, first day to discuss big issues and formulate advice, second day to discuss with EQC and present advice
Dean		• Be careful not to present 'CRG is working for EQC' because this can have negative consequences for members	
Jo		• If there's more prep, we spend a lot of time reading and filtering information, and EQC is resourced and does all of this, however the CRG doesn't have any resourcing – could people in the group be resourced for certain projects	• There's value in meeting without EQC and condensing ideas so when we see EQC then there's more opportunity value
Ali		• Personal favours shouldn't be happening, we shouldn't be able to call Renee directly	• We need to make more progress on the small stuff that's easy to tick off
Mel	• Good information is coming out of the group	• CRG often goes off agenda and doesn't have to reschedule the agenda • Uncomfortable about the OIA with personal comments between MSH and EQC about emailed comments about individual members	• Written clarity on an agenda as to who is managing the parking space and where ideas go • Group should be more self directed and wouldn't need a facilitator • Themes for meetings would be good so that CRG can get further on issues • Quick wins should be wiped off on days quickly

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			• Minutes should be circulated, reviewed online and then sorted • The group could form to be a standalone claimants group to put some balance in the scales

- It was agreed that this discussion should continue on the following day so that CRG has time alone to look at how they would like to continue on with their meetings

➔ **Action 82: Tom to consider EQC and CRG feedback when designing new way of operating**

	Meeting Close	4.00pm	

Agenda – 18th April

#	Item	Time	Attendees
1.	**Presentation on public inquiry into EQC**		
1.1	Benesia Smith (EQC Head of Inquiry) to talk about the public inquiry • Brief update on why it is happening and what it will look like going forward • Open time for questions	9:00am	CRG, MSH, EQC

- Benesia discussed the project and the approach that is being taken, stating that they are being open and transparent and putting everything on the table for the public inquiry, they know that the only way forward is to put all the deficiencies to Dame Sylvia and focus on the future. This transparency will be apparent as the inquiry continues and information is made publicly accessible
- Tom asks if people who have confidentiality agreements have been written to. Benesia's response is that the data storage system doesn't have an accurate record of those details, which leads into a bigger issue – that there is a need for a much more capable data system. Over the years EQC has been asked countless times to provide a number of claims received and they are unable to accurately provide this number
- Benesia raises that EQC used to have high regard publicly, and this has changed significantly so a focus of the inquiry is creating a future with trust and confidence in EQC's ability to respond to disaster, because they are well aware that the way the Canterbury quakes were and are dealt with was flawed. The group raised that there is a trust issue with EQC because there were many cases where claimants were called liars etc. Mel raised that part of moving forward to a positive future is making sure these issues are resolved
- Benesia offered to come back in the future as she felt the conversation was positive and productive and Dean responded that the CRG has a number of issues they'd be happy to discuss with her, the group agreed. Brian reminded the group that their purpose is very similar to the inquiry, so asked what she would like from the group and wether CRG should make a submission

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- Benesia invites the members of the CRG to write submissions to the inquiry, and the members acknowledged that they will make these submissions as individuals, not a group so they can include their wide variety of perspectives

	Assess EQC progress against issues list		
1.2	• EQC to present how the agreed actions from earlier CRG advice address the prioritised list of issues • CRG to respond on whether they are satisfied with how the actions resolve their issues	9:45am	CRG, MSH, EQC

- Brian outlined the purpose of this session and asked Pou and the EQC team to talk briefly through her table. Before Pou began, a discussion around how CRG could make more progress on their issues list arose when Dean addressed that he feels like the CRG is far behind EQC in terms of how far they move between meetings.
- There was a discussion about what isn't working with the structured approach to meetings, and how they feel the little details keep getting in the way of them coming up with big, evidence based pieces of advice
- Renee and Dean raised the pilot they have recently begun for a new way of communicating with claimants that have a claims preparer that they can be empowered to undertake repairs. The group prioritised hearing more about this pilot so time was made for Dean to talk. The following is Dean's description of his approach:
- Description of Pilot: To empower the homeowner to undertake the repairs and therefore satisfy the intention of the EQC Act
- What are the problems the pilot is trying to addess?
    - That the homeowner has been excluded from the work on their home
    - The homeowner regains confidence in EQC supporting them in repairing their home
    - That EQC has been 'soft' in ensuring that homes are correctly repaired
- The approach:
    - A discussion is had with the homeowner about their current situation and how they see the outcome (what are you doing, what will you do, and what you've already done)
    - Are these the origional homeowners or an onsold?
    - Are they committed to repairing their home? Do they understand the principle? Overcoming the bias of going against the indeminty principle
    - Who would you use to undertake the work? EQC will support you in undertaking the work
        - We have not agreed on the correct wording to refect this but the understanding is that there is an election at this point
    - What is the homeowner providing in terms of the way forward
        - What are the quick wins in this claim? What are the connections to EQC?
        - Establish with homeowner if the elected builder will be someone they can trust
        - Will the expert be helpful for them?
    - Review with the homeowner what they want to happen next
        - Stop any scoping process EQC is undertaking because it's wasted money for EQC
        - Loook under the floor, which will expose EQC to incorrect repairs

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        - EQC presented with the way forward which is that the claimant is undertaking repairs
    - Meet with EQC to state authority to act on behalf of the client and that they're taking repairs
        - Allocated to whoever the settlement specialist is, present the way forward (EQC pays cost of repairs) settlement specialist protests and they will discuss and get things back on track
        - Make progress payment to claimant
        - Homeowner can begin undertaking the repairs with this cashflow
    - Generated a way for the homeowner to provide feedback
        - Up front stories are told to EQC of the claimant's experience
- The group discussed how this pilot has currently been working and how they could formalise this process to be something that other claims preparers could undertake, as currently this process is only available for Dean. The group decided that a sub group could be formed to standardise this method so other claims preparers can use it
- Dean raised that if this process were to be formalised he would like there to be a way for his intellectual property to be protected, which the group supported.

➔ **Action 83: Engage a sub committee consisting of members of the CRG, EQC and/or other relevant subject matter experts that documents a future state process including:**

- **The effects that the trial programme has had**
- **What we would expect from that trial programme**
- **What information we expect the claimants to be provided with**
- **In such a way that gives consideration to and protection of any intellectual property**
- ***Note: This is for that EQC has decided to pay cash, claimants are undertaking their own repairs, and they have/want a claims manager to prepare the information***

- The group then decided to identify the key issue that this pilot was trying to address, and some of their recommendations for EQC going forward
    - Key problem - There is not a consistent response from EQC when responding to claimants who are attempting to reopen a claim for a perceived failure. For example, some people can supply a photo and a claim will be reopened, some others have to pay thousands for an engineers report
    - Recommendation - EQC needs to be more welcoming to issues and be less defensive when dealing with claimants who are attempting to reopen a claim for a perceived failure. They should begin with asking open relevant questions e.g. what information do you have?
    - Recommendation - We want EQC to measure how many calls they are getting related to perceived failures (could come via email, meeting, phone calls), how those calls are being dealt with and the outcome of each call e.g. have they appointed a settlements specialist?
    - Engaging a sub committee consisting of subject matter experts to identify the pros and cons of establishing a regulatory framework for being a recognised expert e.g. To be a recognised claims manager in the future you may require some form of registration/qualification

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➔ **Action 84: EQC to take on a more welcoming approach to claimants calling to re-open claims**

➔ **Action 85: EQC to measure how many calls they are getting related to perceived failures, how these calls are being dealt with and how these calls were being dealt with**

➔ **Action 86: Add 'EQC to engage a sub committee of subject matter experts to discuss the idea of a regulatory framework for recognising experts e.g. To be a recognised claims manager in the future you may require some form of registration/qualification' to the issues list for future discussion**

	Morning break	10:30am	CRG, MSH
2.	**Definitions of natural disaster damage**		
2.1	• EQC has inconsistent answers to what the definition of natural disaster damage is, and standards on how to repair it. It is critical to have this clear before EQC can begin to implement its Act	11:00am	CRG, MSH

- This discussion was pushed to a later meeting because of the length of the previous session, the group prioritised the previous discussion over this.
- Dean's pilot with EQC. The following is Dean's description of his approach:

➔ **Action 87: Add definitions of natural disaster damage discussion to a future agenda**

	Lunch	1:00pm	CRG, MSH
3.	**Code of conduct**		
3.1	• CRG working session to begin developing CRG code of conduct (as per action from December meeting and deferred from February meeting)	1:30am	CRG, MSH

- It was decided that the code of conduct discussion could be had offline by using a template from another group's code of conduct and edited via email

➔ **Action 88: Tom to send an example code of conduct to members for their edits/ideas and collate code of conduct for member approval**

4.	**Discuss facilitation approach**		
4.1	• CRG to discuss how they would like to go forward with future meetings in terms of the facilitation/management	3:30pm	CRG

- MSH not present for this discussion

	Meeting Close	4.00pm	

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Claimant Reference Group Minutes Day 1

Date: 29th May 2019
Time: 9am -4pm
Location: **EQC Office – Pukeko Room, Princess Street Building**

Attendees

CRG Members:
Tom McBrearty
Mel Bourke
Dean Lester
Phillipa Moore
David Townshend
Jo Petrie
Ali Jones
Linda Ngata
Angela McIndoe

Minute Taker: Angela McIndoe

Apologies:

- Linda Ngata will leave at 3.30pm
- Mel left meeting at 11.00am, returned at 12.55pm

Agenda Items

#	Item	Time
1.	Welcome & housekeeping	
1.1	Confirm todays' agenda	9.00am
1.2	Approve previous April meetings minutes	9.10am
2.	Code of conduct and Conflicts of Interest	10am
	Morning Break	**10.30am**
2.	Continue code of conduct & conflict of interest discussion	10.45am
3.	Consider outstanding items from CRG (based on MSH profile notes)	12pm
	Lunch	**1pm**
3.	Continue outstanding items from CRG (based on MSH profile notes) discussion	1.30pm
3.1	Matters raised by members – determine whether this goes onto the issues list	2pm
4.	Confirm draft list of issues for EQC	3.30pm
	Meeting closed	4pm

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Tracking for future meetings

Item outline	Action required	Person or group responsible & Action Date for reply
Future Agenda Items	• Conflict of Interest review • Baden – one hour on Engineering • Cash Settlement Issues • Standing Agenda: Media releases / opportunities • Standing Agenda: Review Actions sheet	**Tom**
Future Guests	• Felicity - Update • Pat Bowler - Update • Ros: highlight issues and discussion, suggestions for improvements, training leadership development rollouts – with goal to also future proof any future events. • Ros: Separate session to talk about "Readiness Project" Now is focus on Canterbury	**Tom**
Future Long Term Planning Ideas	• Claims specialists independent supporting claimants as a response longer term • Percentage of EQC set aside for independent evaluations • Capturing knowledge • Claimants Counsel – empower claimants • CRG recommendation – government NEVER dip into the EQC fund, ring fence completely so EQC operations cannot be run by government, treasury • Long term positioning paper to be considered in future • Reinsurance in future (global warming) may go up • 9(2)(a) review	

Minutes Day 1, 29 May 2019

Confirm todays agenda

- Day 1: No further agenda items raised

1.2	Approve previous April meetings minutes

- Minutes of previous meeting held on 17th & 18th April 2019 were not approved as there were several amendments to be made. Amended minutes will be distributed to the Group for approval by email, and formally approved at the next meeting.

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- *Item 4. David noted that it was recorded that agreed, but did not at time. Email sent to correct how action should be worded – minutes have not been updated. Change to record as in email (Tom to provide) - updated*
- *Item 4.1 second bullet point - Dean – remove "repair to current code or more" needs to be removed or commented on to clarify. – comment added for Tom*
- *Item 4.1: bullet point Mel raised – words "not educated" replace with should receive appropriate training. - updated*
- *Item 2.1: bullet before 76: "is" should say "doesn't appear" to be a quality system - updated*
- *Spelling Baeden (last bullet point in 4.0 - corrected*
- *Item 5: suggestion Silvia spelling - corrected*
- *Item 5: (Tom's note in table – change second bullet to "We are not working for EQC" - updated*
- *Item 5. (Deans note – Ensure we do not present CRG working for EQC - updated*
- *Ali - add : ally's position was "issue should not escalate to the point where someone as senior as deputy executive needs to be contacted, and change : and change to shouldn't :have to" - updated*
- *5.1 spelling – Sid – independent - updated*
- *1.1 – Jo in table : ideas - … prior to EQC … updated*
- *Column before : "could people in the group change - change could to suggest and add after projects .. rather than everyone having to cover everything. - updated*
- *Day 2. 1.2: Put Pilot in " " and remove from minutes from The approach to which the group supported. - updated*
- *Day 1: 3.0 : Southern Response MOU – remove* 9(2)(a) *name (add a claimant representative as a guest). reason for guest was to gain systemic issues understanding – remove all bullet points.*
    - *Action 81 item: reword – "have a discussion to identify systemic issues relating to claimants trying to resolve claims with southern response so these systemic issues can be raised and addressed (include GCCRS).*

Leave in Anthony Honeybone offered to attend meeting to discuss …

- *(spelling bought not brought)*

- *Further meeting minutes once distributed can be approved online by email. Standing agenda items will be matters arising from minutes*

1.3	Matters Arising:

Comment in minutes 1.2 "EQC has been "soft" in ensuring that homes are correctly repaired" – Dean comments that front page of paper today highlights Legacy issues that arise.

Mel advised her document "What Makes an Expert" is now finalised (with name change)

- **Action 89: Mel will distribute this document to this group for comment, and add hyperlink of submission to inquiry into these minutes.**

Media Releases

- **Actions 90: Media releases – create standing agenda items for Media releases/opportunities, how do we communicate with our communities. Media suggestion – Letter to the editor from Tom as chair of CRG. Ali will send suggestions to group for consideration**

Cash settlement issues

- **Actions 91: To be raised at next meeting. In relation to issues that can arise with cash settlement as in Kaikoura Star article (Tom will distribute to group). Mel will distribute EQC S7, 8 and 9 to the group.**

Confidentiality Agreement –

- **Action 92: Tom will approach Renee regarding release of** 9(2)(a) **from Confidentiality Agreement – gain formal of this**

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Item raised for information:

Dean advised EQC moving to lead repairs and then discuss with appropriate private insurer, Tower Insurance are not in agreement with this process.

1. Code of Conduct and Conflicts of Interest

- **Code of Conduct**: Respect what each other say, don't talk over others, polite respectful conversation.

- **Conflict of Interest:** Perceived or real: perceived can be more of an issues than real. If you are contracted - work with/for in any way, personal or business to EQC, or other related conflicts this should be recorded.
  - ➡ **Action93: Collate individual conflicts and send to Tom in preparation for next meeting. (add to agenda)**

3. Review outstanding items from CRG Actions List (based on MSH profile notes)

List needs to be rationalised, history as per meeting date referred to needs to be checked/added and commentary added.

- ➡ **Action 94: Agreements from EQC need to be followed through and held to account, we need to agree actions, set timeframe and follow up to record status / progress. Hold to account – perhaps using Website**
- ➡ **Action 95: David will send example of list created that reflects status / records. Consider hyperlinks. Tom to work with sub group to rationalise and update list, enable tracking and history of actions, change "Who" to owner and add timeframes**

Below is list of comments made at today's meeting for list update.

- 47: 9(2)(a) name recorded, are these list public?
- 30: Mel set up DropBox at today's meeting
- 31: Ali advised complete but bigger issue – Ali to draft simple bones of comms strategy and media protocol
- 32: needs updating
- 33: Tom still to do
- 34: Tom to check on status
- 35: still open
- 36: EQC needs to continue to advise as evolves
- 37: combine with 36 – problem needs to be clarified
- 41: outstanding (Tom and Renee)
- 42: check on website that these are in place
- 43: ongoing with Renee – Tom will chase
- 44: Update on agenda on 30 May 2019
- 45: Query what is "Engineering NZ Review" – Tom to discuss with Renee and Sid. (try to get answer today)
  - Mixed messages
- 46: Get update on EQC claims with SR that are being handled under MRU
- 47: Remove 9(2)(a) name
- 49: connect to earlier number
- 51: update required – working behaviour vs ??
- 52: Tom kept John in look with meeting output, John will attend if he feels appropriate
- 55: still to do – hard copies for meetings
- 56: No involvement with to date with Ali, Jo or Mel
- 57: Tom to update with Renee and Sid
- 58: Protocol 1 like – raises question EQC / Tower
- 59: change owner to Brian / Dean

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- 60: NZ Engineering instruction – check response 17 April.
- 65: needs discussion. Dean feels EQC should not be able to give full and final discharge
    - Dean add? Admission of liability – agree between parties and cash payment.
- 66: removed as far as we can see
- 67: Not sure of meaning –
- 68: same as 67
- 69: Join with Engineering Review and clarify requirements
- 72: Mel advised she has discussed with Renee – (seems intimating) – was evidence that lawyers are using. Mel to follow up on feedback/status with Renee
- 73: mixed messages – revised document to be presented
- 75: David to send example
- 76: EQC still to clarify. Mel give summary - suggest add comment to include statement if statements have been used, or not, if not why not. (add 5th point – clarify reliance of use of guidance).
- 78 same as 76:
- 79 combine with : re cash settled repairs (item 2.2 in minutes) – reword and add Mel as owner (cash payments)
- 80 – add Mel as owner (when people go to get insurance later – there is no history available)
- 81: Discussion item for future meeting. (same as action 81 in minutes)
- 84, 85: on agenda tomorrow (do EQC know they need to answer 84, 85 Tom to request
- 86: put on future agenda
- 87: future agenda item (may relate to Baden's update tomorrow)

MBIE guidance is not an insurance response, but when there is an insurance response it is not a matter for MBIE guidance. MBIE guidance can be used by people with pot of money for repairs, as per section 175.

3.1 Matters raised by members – determine whether this goes onto the issues list

Engineering NZ concerns document – Ali summarised draft document and asked group for feedback. (from HOAG Group not CRG)– discussion on who this document is being prepared for – Ali suggests The Minister.

- Good to ask ECQ how many of claims involve structural engineering? 90% claims not using structural engineers. We and other groups should not be micro-managing Engineering NZ – should not need to
- What is quality system to show links back
- GCCRS – making engineering decisions
- What do we want to achieve in this meeting – we understand and are on same page:
    - Jo's document start is good – but Tom suggests more details, history,
    - Jo – advised: to date written up and documented – minute and use as tool
    - To decide if we want to record concerns with GCCRS process, brainstormed
        - Update with history / overview / solutions – reduce to 2/4 pages
        - Set up SME group to be accessed and available for Judges.
        - Hold two day workshop with these people and interested parties
    - From HOAG – inviting Dave as input
    - Ask questions at ENZ meeting that can inform document
- Who attending ENZ meetings – Engineers not respected at meetings, public lost confidence. Suggest some decisions need to be taken back from ENZ Committee, more subject matter experts (collaboration of experts).
- How do we get the best outcome.

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- Must have credibility and independence. What is impartiality? – take from ENZ documents – "this is not being reflected in actions". "help me understand how your actions reflect that" Use others in this group areas of expertise to enhance / show evidence in report.
- How are those advising Indemnity clause? What is path for challenge / issues.
- Structural engineers within scope of contract: ENZ agreement – how do we help ENZ close gaps
  - ➡ **Action 96: Ali to update document and distribute to group for feedback.**

4. Confirm draft list of issues for EQC

- This topic not covered at this meeting

Meeting Closed at 4.00pm

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Claimant Reference Group Agenda Day 2

Date: 30th May 2019
Time: 9am - 4pm
Location: **MBIE Office Cashel Street, Room 201**

Attendees

CRG Members:

Tom McBrearty, Mel Bourke, Dean Lester, Phillipa Moore, David Townshend, Jo Petrie, Ali Jones, Linda Ngata

Guests (EQC):

Pou Havea, Pat Bowler, Ros Jermyn, Robyn Hilbourne & Baden Ewart

Minute Taker: Angela McIndoe

Apologies:

Renee Walker, Sid Miller

Ali Jones left meeting at 1.15pm

Agenda Items

#	Item	Time	Notes
1.	Welcome & housekeeping		
1.1	Confirm todays' agenda	9.00am	
2.	Front Line Update – Call routing, team changes, claim review form update	11.15am	Ros Jermyn
3.	Claims Profiling – Claims numbers	9.05am	Robyn Hilbourne
3.1	Claims system enhancements & customer provided report reimbursement update	10am	Robyn Hilbourne
	Morning Break	**11am**	
4.	Update on changes on Legal	11.45am	Pat Bowler
5.	Tone of Voice	12.15pm	Felicity Price
6.	Technical update from Baden	12.45pm	Baden Ewart
	Lunch	**1.15pm**	EQC will be exiting the meeting at this point
7.	CRG – Debrief from the days presentations. Confirm if the draft list of issues from yesterday change based on todays' discussion	1.45pm	
8.1	Next meeting agenda, action points – agreed issues to send to EQC to provide response to	3pm	
	Meeting closed	4pm	

1.1	Confirm todays' agenda

Action item 83 missing

Diversity and Inclusion Project – Pou to provide update

Time to discuss ENZ document further

When lodging a consent application, asks if you are doing insurance repairs is it earthquake repair.

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2.	Front Line Update – Call routing, team changes, claim review form update	11.15am	Ros Jermyn

Ros Jermyn: Manager of new and incoming enquiries, GCCSR workflow
Robin Hilbourne: Senior Claims Analyst

Ros spoke to group to provide update on current focus and feedback on previous questions.

- Regarding feedback re claim review form for remedial issues online: EQC appreciate feedback customers are giving and are relaxing need from customers, giving choice to complete or not, can advise directly and be guided by EQC staff. Website is to be updated to clarify options. Phone contact centre is directed to claim managers who will ask for clarity and advise best way forward.
- Further work to be done around engineering requirements – what are the right questions for claimants to ask. Currently Directed to ENZ site – but Ros advised work still being done in this area.
- Dean advised there is confusion around instructions – This group is meeting with ENZ next week – advised this is an urgent matter to be sorted out (lack of adherence to insurance response which is set out by way of definition in instructions, along with ethics requirements and impartial behaviour)
- Ros advised Baden working on consistency – believe instructions are in place – the issue is adherence to these.
- Mel – have clients with issues of incorrect advice where engineer may be required (structural vs cosmetic). Customer managed repairs – difficult to understand how to proceed as no project manager assisting.
- Dave – indicators for structural damage 2009 – good document. What has changed over the years to ensure correct structural / cosmetic damage is determined
- Mel - Consulting with pool of experts who are currently all within EQC – consider including outside experts and having flow chart to determine where process failed
- Phillipa – when home owner finds EQ damage, EQC should check full assessment of home to ensure all covered – not just one issue as reported
  - **Action 97: At future meeting have session to work with Ros to highlight issues and discussion, suggestions for improvements, training leadership development rollouts. Tom – this group happy to work together to assist with process – with goal to also future proof any future events.**
  - **Action 98: Separate session to talk about "Readiness Project" Now is focus on Canterbury**
- Suggestions for EQC to proactively identify potential ongoing claims:
  - Look at properties assessed by known engineer who did considerable incorrect assessment
  - Look at properties who had work completed by known contractors who did faulty work

2.1	Claims system enhancements & customer provided report reimbursement update	10am	Robyn Hilbourne

Presentation: Robyn continued her presentation
Purpose: Improving our claims system to enable a better customer experience.
Comments:

- New claims system designed for future proof, rather than Canterbury focus

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- Payment process – some by cheque – some by bank, Goal for single payment that is itemised for customer
  - **Action 99: EQC – send to CRG show staff manual on how payment is made by to a client. Can we be confident electronic banking process in place and followed.**
- Customer reimbursement of professional fees: To improve this issue EQC have applied a tag to customer to highlight, around 350 of 500 reimbursements have been made and work being done on others.
- Frustration of CRG – needs to be a process in place, clear. If flexibility this needs to be in process.
  - **Action 100 – provide policy statement to CRG, and show us your policy statement, how is this being rolled out to staff – so we can go back to customers and advise process.**
  - **Action 101: If EQC agent is not reimbursing what does customer do?**
- Kaikoura data and records
  - **Action 102: Interface of EQC and private insurers Kaikoura, what information does EQC have on context how many claims were paid as under cap and how many by private insurers over EQC liability. What does the claims record for EQC look like?**
- Next Steps: Single bulk claims payment – but options in place for separation of payment if required.
- Poor visibility of historic financial information – bring into new system
- Minimise multiple handoffs and expedited claims process
- V8 system – investigating EQC can make it work, if not what options available. EQC do have others systems that are being monitored. Options being looked at to enable more clarity

3.0	Claims Profiling – Claims numbers	9.05am	Robyn Hilbourne

Robyn presented to the group:

Purpose: to gain greater understanding of the profile of claims re-entering the Canterbury claim workstream and identify opportunities.

Comments:

- If issues in more than one area – stats only show in primary area
- Data shows EQC are speeding up resolution, but not slowing in incoming claims
- Next steps –Future of Canterbury Work – this is where our group can help
- Drainage – should be part of overall assessment – moving forward this should be part of overall assessment – is costly – but needs to be done, next step is to drill down to find issues – inter-connections between foundations and drainage.

  - **Action 103: ECAN needs to be part of these discussion groups – Tom offered to get parties together, including NgTahu (Tom will work with EQC to arrange)**
  - **Action 104: Can EQC provide their staff manual (end to end process) to this group**

4.	Tone of Voice / customer interaction	12.15pm	Felicity Price

Felicity Price: Comms and Customer Relations.

Felicity heard a presentation from City Council on how it introduced and embedded a culture change in the tone of voice used to communicate with customers, and recognised EQC should work on this. What you say (values) and how you say it (Personality)

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- Internal workshops agreed on the shift required to change communication to being more appropriate
- Participants agreed on the goal of FRESH, which stands for Fair, Responsive, Empathetic, Straightforward and Helpful
- Customers vs Claimants issue raised by CRG – EQC aims to treat all people fairly

➡ **Action 105: EQC take back to Tone of Voice working group and suggest external groups, including CRG are involved in how we want EQC to be seen.**

Felicity – advised CRG was part of inspiration as we told of our concerns of how ECQ spoke to customers.

Next steps – working on Q&A and coaching. Need to understand and reflect different cultures, different customer needs (facts vs handholding). Points to consider if not already:

- This group suggesting starting training at Board and Executive level
- Also suggested training EQC staff on dealing with angry people
- Asked EQC to detail any action points from phone calls to be emailed to the claimant asap
- Working with different cultures at EQC to communicate clearly
- Frustrated customers
- Need to understand Insurance details behind queries
- Written style should also be considered
- Be aware of promises made – so not to create brand damage
- Clearly define next steps – when will next contact be made etc

5.	Update on changes on Legal	11.45am	Pat Bowler

Pat Bowler: Interim General Counsel of EQC

- Pat advised there was a restructure of legal group earlier this year, legal operating model was seen by board and SMT as being inappropriately focused and skilled, not providing capability that EQC needed in particular in claims management. Evolution of legal function was seen to have quite an influence on culture with more focus on litigation.
- PWC carried out review of Legal, Pat was legal consultant for this process. Recommendations approved by Board for change required. Pat facilitated change process, started in March this year, moving to less litigation model. Staff changes resulted in Pat moving into current role and continuing with change process.
- Previous Law firm has been replaced with 3 law firms.
- Board made decision on which new law firms contracted.
- Consideration needs to be given regarding Maori and other cultural impacts, Pat agrees and will take away to ensure covered adequately.
- Tom – GCCRS beginning to use judicial at high level – "potentially" making decisions beyond their understanding – is this something Pat can do to influence. Pat understands problem, but has not encountered. Can only take concern back and talk to colleagues.
- Dean supported Pat and team and said this is being seen as improvement in process.

➡ **Action 106: Pat – come along to future meeting**

6.	Diversity and Inclusion work		Pou

Pou gave the team an update on newly initiated project Diversity and Inclusion:

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- Strategy for this not in place at this stage.
- Next meeting invite Josh Lyndsay.
- Work in pipeline at present, how we better educate Maori and other communities around Hazard.
- Pou has had conversation with Jo and Linda on best way forward, and who to progress with. Jo suggests using Moari groups to assist with reaching out to other communities.

7.	Technical update from Baden	12.45pm	Baden Ewart

Boden and Martin

Martin provided a brief update on engineering space.

➡ **Action 107: discussion around interpretation of whether or not calculations can be "robust" can they be used to substantiate a technical argument.**

Dean – Why are engineers instructed to use different briefs. Dean using ENZ brief.

ENZ – EQC brief needs to be the same, need to get to exactly the same brief nationwide

➡ **Action 108: Martin to Reframe to add as Schedule 5 to existing ENZ brief, or agree with ENZ how to change existing document– Beydon and Martin will take this away and work towards this outcome. Consider getting core team together to agree wording and process – will update back to group**

- Feedback form GCCRS general technical panel – gathering data. Feedback around confirmed next steps. This will be then sent to ENZ for discussion. Must have reason for "don't agree" – how does it respond to the brief.
- Wording in some engineering reports too brief, too technical, not including insurance representative.
- Epoxy issues – looking at repairs, patterns emerging, some from this team will be bought into conversations when required. Epoxy – paper that was distributed with week. The BMC report is a literature review and does not constitute new research into the composition or applications of epoxy resin. EQC are not using this document as a policy document.
  - ➡ **Action 109: Baden to advise staff in EQC that this is not a formal policy document.**
  - ➡ **Action 110: Baden to attend next meeting - discuss agenda for next meeting / following meetings. (one hour)**

8.	CRG – Debrief from the days presentations. Confirm if the draft list of issues from yesterday change based on todays' discussion	1.45pm	

- Dean – Tone of Voice workshops – Good to see this happening, but feels still a culture of EQC are experts.
- Good to see changes in Legal, improvements in culture that will come from that.
- Good to see Engineering being open to our suggestions for using ENZ as standard and agreement to work to amend to create one various of truth
- There will always be natural tension – there should be an expectation from the claimant that you can rely on EQC – there is an obligation. Home owners do not have anyone to support them.
- EQC insurance thinking short and long term future (history)
- Not seeing EQC thinking back to code of ethics, treaty etc

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ENZ meeting Agenda topics discussed for meeting next week as below:

Engineering meeting next week: 6th May. Dave will attend individually.
Top items for agenda:

1. Letter of engagement (Dean)
    a. ENZ Instructions
    b. Our expectation is that this is being used, and we have discussed with EQC and this is their expectation as well - do you agree
2. Expectation on members
    a. To use your letter of engagement for insurance response
    b. If not why not
    c. We are representing the claimant
3. As the CRG - expectations
    a. that a claimant WILL use the letter because it is generally good
4. ENZ best practice
    a. Insurance space presenting for members are you using the concepts?
5. "gap analysis – redo to "damage" and "required standard"
    a. Two different opinions/two different instructions compare to a point of truth
    b. Identify your differences revert to required standards
6. Experts / SME's
    a. Kardon (2012)
    b. When an insurance claim is involved must be appropriate experts
7. General Issues
    a. HOAG concerns – Philippa's document
8. Independence of Experts
    a. Circuit Breaking

8.1	Next meeting agenda, action points – agreed issues to send to EQC to provide response to	3pm	

Not covered at this meeting

Meeting closed at 3.40pm

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Claimant Reference Group Minutes 13 June 2019

Date: 13 June 2019
Time: 9am -4pm
Location: **Ministry of Business, Innovation and Employment, 161 Cashel Street, Christchurch**

Attendees

CRG Members:
Tom McBrearty
Mel Bourke
Dean Lester
Phillipa Moore
David Townshend
Jo Petrie
Ali Jones

Guests (EQC)

Pou Havea, Sid Miller, Renee Walker, Ros Jermyn, Andrew Martin and Olivia Payne

Minute Taker: Annika Seddon

Apologies: Linda Ngata, Ali Jones for early departure

Noted: Dean Lester and Ali Jones are apologies for the 25th of July meeting

Agenda Items

1.	Welcome & housekeeping	
1.1	Confirm today's agenda	9:00am
1.2	Review and pass May agenda	9:05am
1.3	Update on members action points from May	10:30am
	Morning Break	**11 am**
2.	Renee and Sid to provide update on business Quality Assurance and any other changes	11:15am
	Lunch	**1.15pm**
3.	Claim Review workshop & Q&A	1:45pm
	EQC to exit meeting	**3pm**
4.	CRG to work through Claim Review workshop and determine advice to be provided	3.05pm
5.	Preparation for Ministers meeting tomorrow	3.30pm
	Meeting closure	4.00pm

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Tracking for future meetings

Item outline	Action required	Person or group responsible & Action Date for reply
Future agenda items	Media releases Planning for future preparedness for claimants Customer Managed Repair (presented by Dean and Mel) Matters arising: Issues that can arise with cash settlement	**Tom/Mel**
Future guests	9(2)(a) [redacted] Olivia Payne re: OIA team and new non-authorised customer process based on the new EQC act.	**Tom**
Future Long Term Planning Ideas	Discuss if Baden could come to the next Engineering NZ meeting	**Tom**

Minutes 13 June 2019

1.1 Confirm todays agenda

Not covered

1.2 Approve May meetings minutes

The group reviewed the minutes of the May Claimant Reference Group meeting with the following amendments:

- *Ensure that the name of the claimant that gave his experience with Southern Response be redacted in the final version of the minutes*
- *"Maori" has been misspelled throughout the minutes, and "Maori groups" should be replaced by ""Māori organisations".*
- *Correct the spelling of Ali's name from "Ally" to "Ali"*
- *An action point summary should be added in a separate document at the end of the minutes*
- *Item 7 p.10, Correct the spelling of "Boden" to "Baden"*

Action 111: Tom to check if the finalised April minutes have been sent out and put on Dropbox so that they can be confirmed

- *p.10 #6 under work in pipeline at present, change "how we educate Māori" to "how we better inform and support Māori and other communities around Hazard by using more appropriate channels of communication"*

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- *p.11 , #8– amend Dean's comment to: "good to see EQC being open to our suggestion to use Engineering NZ instruction as standard in their own schedule with the addition of their own appendices"*

Action 112: EQC to confirm in writing that they will adopt the ENZ instruction with the addition of their own appendices

Action 113: Mel to update all actions in the A3 document on Dropbox.

Action 114: Mel to create a standard template for the minutes and agenda, and add "Media Releases" as a future agenda topic

Action 115: EQC land claims are not transferable, but is it in a policy statement? Ask EQC for an update on the case between IAG and Tower vs. EQC around the enhancements of foundations.

Action 116: We understand that land claims can be complicated, so therefore EQC can talk to legal, but a claimant representative could do similar through 9(2)(a)

- **inclusive of the declaratory judgement (example: Kaikōura and Eketāhuna)**
- **how is the EQC applying it?**

Action 117: Tom to ask EQC to request 9(2)(a)

Action: 118: Ask Renee, if a statement is given on quality, can it be made public (i.e. on the website)

Action 119: Discussion around planning for future preparedness for claimants to be added as a future agenda item

Action 120: "Customer Managed Repair" presented by Dean and Mel to be added as a future agenda item

1.3	Update on members action points from May

The group reviewed the action points from May

Action 89: Completed

Action 90: Carried forward, to be added as a standard agenda item

Action 91: Should have added this to meeting agenda –to be discussed at matters arising. Mel has added the relevant documents to Dropbox.

Action 92: Tom has spoken to Renee about this, the lawyers are not keen to change on how confidentiality agreements work, as they don't want set a precedent. They are focused on liability issues.

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Action 93: Tom is currently collating it, if there are no more by the end of the week then there are no conflicts of interest. Members to advise if they have a claim ongoing.

Action 94: in progress, Phillipa noted that more updates should be on the website

Action 95: completed

Action 96: completed

Action 97: completed

Action 98: Tom to check with Ros, unsure if this was completed

Action 99: carried forward

Action 100: carried forward

Action: 101: carried forward

Action 102: carried forward - an urgent update required, this information should be easy to access for EQC.

Action 103: process has started, but will be ongoing

Action 104: Question to be asked today

Action 105: with Felicity. She has asked for more time, there should be an update at the next meeting. Questions raised were: What is their implementation process? How is the rollout going, and can the CRG help? Is the CRG the sole feedback?

Action 106: agreed

Action 107: completed

Action 108: waiting for update

Action 109: Need to ask for confirmation from Baden that that has gone out

Action 110: waiting for update

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The group discussed the question posed by Renee and Sid about quality assurance:
What are the 3 key areas that you suggest we work on from a claimant's perspective?

The following areas were discussed:

1. Instructions to/for experts
2. Elections/ what is the customer managed repair process (settled by cash)
3. Claimant information/education/communications (how are they going to educate claimants for the above?)
4. Legacy Issues
5. Consistency/Quality

The meeting adjourned at 11am and reconvened at 11.15am

2. Renee and Sid to provide update on business quality assurance and other changes

Sid, Renee and Pou joined the meeting.

Sid gave an overview of the area of the business he's been most involved in recently:

1. Embedding a new approach to the legal side of things with a focus on implementation. Pat is doing a good job, he sees where the issues are and then gets them back into the business.

2. The organisational restructure is currently in the consultation phase. Their focus is on how to make the change quicker. They have considered points that the CRG has raised and are aiming for a standardised approach. They are hoping to rationalise into one claims area with a single focus leadership to implement change faster, then more resources can be applied.

Sid clarified that there are two claims functions: "Canterbury claims" and "other events claims". The consultation closes today, so they will go through the feedback and look to implement it as quickly as possible. Then there will be some transition.

Tom asked if during this period of normalisation, the EQC would be ready should another huge event happen tomorrow

Sid responded that he did not agree that they are currently in a steady state, as there is a lot of improvement to implement. There are still 2,800 unresolved claims that they trying to resolve as quickly as possible. There is also an inquiry going on and a review of treasury around broader insurance.

They do have a plan, and the capacity to deal with 5,000 claims. They also have further capacity through third party claims administrators (i.e. Gallagher Bassett) and agency model (Kaikōura). They have been working on building the culture of being adaptive and responding quickly by deploying a workforce to the site of the event and improving their technology to get people mobile.

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Renee and Sid were confident in the ability of the business to cope with an influx of new claims should another event occur and want to concentrate their current efforts on customer experience Renee will forward a working document to the group detailing the framework of ensuring quality assurance and would like feedback from CRG on what their focus should be.

Renee stated that they still have a have a construction team and claims divide. She would like to bring those technical people into claims, to ensure quality. The reopened claims are usually due to the quality of assessment and repair.

The insurance companies say that their risked based pricing is not based on anything other than location, however they can refuse cover. There will be a ministerial insurance taskforce formed whose focus will be on Wellington but Renee feels it should be national, and that a homeowner representative be on the taskforce.

The group expressed its wish that the EQC be more forceful when informing the claimant on the implications should they not reinstate proper repairs with cash pay outs.

Dean noted that there needs to be a balance. The payment is an attractive option, but there needs to be some very direct wording with it.

David noted that this is an insurance question first and foremost and the roles of the insurer and regulator are very unclear, since they are so closely intertwined.

Renee stated that the choice to receive cash pay outs needs to be maintained for the remaining customers. She also expressed a need for more third party review and quality reviews, to ensure they meet the conditions of the Act and deliver best outcomes for the homeowner.

Sid stated that he would be interested in quantifying the number of situations where claimants receive cash but haven't or only partially repaired, and haven't been able to get insurance.

Ali stated that the EQC must help reduce failed repairs and get out of global consenting by getting the Council involved. Ali noted that there is confusion at the EQC level because there are cases where the EQC will assess and want to repair, but then say they need to reassess in order to cash settle.

Ali asked how the EQC will communicate the changes it is making and has made, so that the public is reassured.

Renee stated that they will continue to drive improvements whilst waiting for the inquiry to come back. Then they will communicate the changes to the public.

Mel raised the issue of the need to push for full disclosure when people are buying houses, buyers must have as one of the conditions of the offer evidence of work being done. The EQC needs to be following up with claimants to make sure the work has been done so they can get insurance.

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Renee gave an update on the Southern Response pilot
The group is made up of five EQC people and five Southern Response people. They are trying to make a more streamlined process for the homeowner with less handover as opposed to just taking it to cap and not looking at the outcome.

The group discussed the competing priorities for different companies involved in the insurance response. Many companies are rushing to settle but this also potentially means their jobs are at risk.

David suggested letting the claimants decide if they want to go with Southern Response or the EQC.

Action 121: to suggest letting the claimants decide if they want to go with Southern Response or EQC to the Minister

Sid explained that he is working on the resilience area of the organisation. He's been looking at the work done on research, how it operates and how to improve it. Dr. Di McCarthy is doing some research into it and would like advice from the CRG on what areas to focus her research on based on what has happened in Canterbury, particularly the social side.
The conversation can easily get focused on the insurance but we need to improve our understanding of what we can do in order to get premiums to go down. What else do we need to be doing across the wider house buying market, getting the right information, the photographs and general future proofing.

Dean suggested that a good research question would be "What is needed for Christchurch to become a competitive insurance market again?" Asking insurance companies what they need so that a homeowner can actually obtain more than a single quotation.

David suggested that another research topic should be the overall cost of not settling claims the first time. This would cover the cost to the taxpayer, not just "re-repairs", but also the cost to the health systems (short and long term).

Renee noted that there have been duplicates in some services and not enough of others, especially in mental health.

Jo expressed her keen interest in the EQC resilience research. She noted that Tower has stopped insuring properties from the City Centre Eastward, and worried that those homes will become increasingly vulnerable. A high proportion of Māori live east so will be disproportionately affected.

Sid will set up a meeting with Di, Jo, Phillipa and Mel to discuss social aspects and culture of research with the Māori community as well as EQC's role in the research, reliance and recovery around that.

Renee noted that the EQC had recently conducted a customer satisfaction survey on claimants that had settled. The customer experience over the last 6 months in Canterbury was at 62% for the last 6 months and 48% overall but "manner" and "well informed" overall satisfaction had gone up.

Phillipa suggested that the EQC survey people with unsettled claims.

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Ali the meeting left at 12.38pm

Tom asked if the Treasury could come talk to CRG and give them an update.

Action 122: Sid to talk to the Board Chair about a meeting with Treasury.

Dean asked about the rollout of "tone of voice". Renee explained it hadn't gone too far because the person in charge has recently returned from a six week holiday. She will provide an update soon.

Dean asked for the statistics on how many repairs have been above or below cap.

Dean asked for an update on the adoption of the Engineering NZ guidelines by the EQC, and Pou replied that Baden will be giving an update on it at the July meeting.

It was suggested that Baden attend the next meeting between Engineering NZ and the CRG, CRG to discuss and advise.

Mel stated that there has to be overlap between builders, structural engineers, project management and the architect, etc. and they all need to fully understand what an "insurance response" is.

Renee asked the group for some suggestions for the focus of their quality assurance.
The group identified the following points:

- Identify damage properly/underassessment (quality of repair is a symptom of)
- Structural damage was assessed at cosmetic
- Staff – are they getting enough training with relation to upskill to recognise things that help a client and if they are motivated a very strong letter and here is the correct information to get you started instead of it being stalled.

Renee and Sid left the meeting

The meeting adjourned at 1.30pm and reconvened at 1:50pm

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3. Claim Review workshop & Q&A

Ros Jermyn, Olivia Payne and Andrew Martin joined the meeting

Olivia is the Contact Centre manager and is also part of an OIA team in Wellington.
Andy Martin is the Settlement Solutions team leader
Olivia explained how claimant calls are handled at the EQC.

When a customer calls and they will get a "warm handshake" introduction and be asked short, basic questions, this will then be explained to the claim manager in Andy's team and then the call will be handed over. The claim manager does not ask questions from a script but tries to ask very friendly questions and build trust with the customer. The claim manger makes the decision if it's a "simple" or "complex" query. If it is a "simple" query the claim manager will deal with it directly, but if it is "complex" they can decide to transfer the claimant to the specialist claim team. The claim manager (specialist or other) will provide the claimant with their direct dial number and email address.

Andy's team was formed to deal with simple queries (i.e. invoices needing reimbursement, full assessments, cash assessments and top ups, finalised assessments, contents) they are asking claimants if they have had drainage assessments and if not, they invite them to have it done.

Tom asked if the person the claimant initially speaks to could stay on the line for the handover, Olivia agreed this was a good idea.

There has been an increase in people emailing so that they have a written record. EQC have a 24 hour turn around for out of hours calls or emails. They also try to communicate with customers every 30 days, even if there has been no advancement on their case.

Private insurance companies have customer contact agreements as well. With Kaikōura, the EQC is making contact every 30 days but other companies could be just sending a newsletter.

Andy explained that if the customer comes back for remedial issue, they may offer a full assessment depending on the gravity of the remedial work. Andy's team is keeping a record of who did the work and what the customer was doing when the issue was discovered. Andy is looking at a way of bringing all that information together.

Ros Jermyn left the meeting at 2.05pm

Action 123: Mel to send Andy a summary of what to look for in assessments.

Andy and Olivia asked the group for suggestions on how to improve the claimant experience.

Tom suggested that triage is not a great word to use.

David cautioned against using the word "complex" with claimants.

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The CRG agreed that "customer" is not an ideal word as it signifies a choice and an ongoing relationship and that "claimant" is preferred.

Phillipa suggested that the EQC ask their questions and then remind the claimants to make a list of anything that comes up upon reflection, possibly even sending an email checklist (sticky doors or countertops, cladding, water, etc.)

Pou asked if the CRG could put together what they think should be on the checklist and send it through to Andy.

Action 124: CRG to put together a list of red flag issues for homeowners to put on a checklist for Andy's team to send out before a site visit.

Jo suggested that Andy's team ask if there are any cultural considerations when visiting claimant's homes (i.e. taking shoes off, karakia).

Tom suggested really listening to the claimant at the beginning of the conversation and then at the end of the call ask "When we first spoke you mentioned X, have we covered it off?"

Andy responded that his team does repeat the issue back to the customer to make sure that they've understood the problem and what the action will be.

Olivia noted that she would be happy to come back to talk more in detail about OIA team and new non-authorised customer process based on the new EQC act.

Olivia, Andy and Pou left the meeting at 3pm

4. CRG to work through Claim Review Workshop and determine advice to be provided

Covered

5. Preparation for Ministers meeting 14 June

The group discussed the following topics for discussion with the Minister

1. Welcome
- acknowledging what's been achieved
    - Mandated – impartiality/ HOAG can help identify where there are gaps in the mandate
    - EQC talking/acting/change positive

2. GCCRS
- provides a structured path
- EQC and SR have to engage, homeowner has some expertise available

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- short-term solution for CES/disputes – gives an alternative to court
- helps get experts involved
- Issue within GCCRS – HOAG feedback
    - Not fully reflective of an insurance response (includes, engineering and brokers)
    - Training not adequate

3. Insurance response

- ENZ brief/knowledge
- Experts brief/knowledge
- Our recommendations re: instructions

4. Legacy Issues

- Culture of discharge claims
- Not doing work = degrading housing stock
- On-solds

5. Portion of XYZ for claims prep./loss adjustor/claims homeowner = future GCCRS model (homeowner only)

Dean suggested that the following three topics were key:

1. EQC and SR have to engage, homeowner has some expertise available
2. ENZ brief/knowledge/ accountability
3. Legacy Issues

- Culture of discharge claims
- Not doing work = degrading housing stock
- On-solds

The meeting closed at 4.00 pm

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Claimant Reference Group Minutes 4 July 2019

Date: 4 July 2019
Time: 9am -4pm
Location: **Ministry of Business, Innovation and Employment, 161 Cashel Street, Christchurch**

Attendees

CRG Members:
Tom McBrearty
Mel Bourke
Dean Lester
Phillipa Moore
David Townshend
Jo Petrie
Ali Jones
Linda Ngata

Minute Taker: Annika Seddon

Agenda Items

#	Item	Time	Notes
1.	Welcome & housekeeping		
1.1	Confirm todays' agenda	9.00am	
2	Approve June meeting minutes	9.05am	
3	Review actions list	9.15am	Members to provide updates on their assigned actions.
3.1	Mel on "Customer Managed Repair" presentation.	9.30am	This is to be presented to EQC at the end of the month
4.	Debrief from Ministers meeting and ENZ meeting	10.30am	
5.	Discuss Conflict of Interest	10.55am	See attached list.
	Morning Break	**11am**	
6.	Checklist workshop	11.15am	Members to provide advice on a checklist that EQC can provide to claimants on where to look if they have concerns with their home.
7.	Flesh out issue "Definition of natural disaster damage"	12pm	Group to determine whether this is still an issue. What is the issue for claimants? How does this affect claimants? What is the advice to be provided to EQC at the end of the month?
	Lunch	**1.15pm**	
8.	Collate and benefits of GCCRS, EQC and Southern Response meeting to present to EQC as advice	1.45pm	To be presented to EQC at the end of the month
9.	Sid request – Research and Resilience	2.15pm	In June meeting, Sid put a request to the group about Research and Resilience areas that he should focus on as part of his project. Advice to be presented back to EQC
10.	EQC Guidance note	3pm	David to outline email key point-next step
	Meeting closure	4pm	

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Tracking for future meetings

Item outline	Action required	Person or group responsible & Action Date for reply
Future agenda items	August 2019 Guidance Note workshop	**Tom**
	Checklist workshop	**Tom**
	What is an expert? workshop	**Tom**
	August 26th case reminder	**Tom**
	Discuss if CRG meet with claims handlers or engineers to inform them what reasonable expectations are from a claimant's perspective.	**Tom**
Future guests	Pat Bowler	**Tom**
Future Long Term Planning Ideas		**Tom**

Minutes 4 July 2019

1. Confirm today's agenda

Phillipa noted that she would like to add an agenda item at the end of the meeting.

2. Approve June meetings minutes

The group reviewed and approved the minutes of the June Claimant Reference Group meeting with the following amendments:

Jo to reword a paragraph on p.7

Tom reminded the group that modifications to the minutes be done by email prior to the meeting so the final copy can be approved during the meeting.

3. Update on members action points from June

The group reviewed the action points from June

Mel suggested adding a category field in order to help filter action points.

The following action points were updated by Mel during the meeting:

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Action 125: David to send Mel the sample action item spreadsheet.

Amendment to Action 76 – Action to EQC to respond to the 4 statements provided by David, Tom to follow up with EQC by 15th of July, EQC to respond by the 24th/25th July meeting.

Action 81 – discussion deferred to agenda item 8

Action 87 – completed

Action 91 – completed

Action 93 – Tom to seek advice on whether conflicts of interest be a standing item on the agenda.

Action 98 – Tom to remind Pou and Renee

Action 99 – Tom to follow up

Action 100 – Tom to follow up - deadline is 18th of July

Action 101 – Tom to follow up - deadline is 18th of July

Action: 102 – Waiting for answer – deadline is 20th of July

Action 103 – Deadline 10th of July

Action 104: same as action 99. Email link to be requested

Action 105: Update at next meeting (24th July).

Action 106: This is an open-ended invitation. Pat Bowler is too busy at the moment, but Tom will request his attendance at the next meeting because of the August 2015 document

Action 108: Baden and Martin to confirm in writing from close of business today. They will be attending the next meeting

Action 109: Baden agreed to advise all staff and EQC of how it is to be used, limitations and provide CRG with a documented position. He was also to provide details of dissemination.

Action:113: ongoing

Action 115: ongoing – Renee and Pat to present at next meeting July 24th

Action:116: see 115

Action 117: carried forward – deadline is 11th of July

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Actions 118 through 124 were not reviewed during this meeting.

3.1 Mel on "Customer Managed Repair" presentation

Mel gave a presentation on "Customer Managed Repair."

The meeting adjourned at 11.32 am and reconvened at 11.48 am

There was a discussion around the need for a process for EQC claims.

The meeting adjourned at 12.24 pm and reconvened at 12.45 pm (fire drill)

The conversation was put on hold.

4. Debrief from Ministers meeting and ENZ meeting

Linda thought the meeting went very well and got value out of it. She thanked Dean for his presentation.

The group noted that the CRG 12 month term would expire at the end of October at which time an appropriate process will take place.

The Minister said that the CRG had been budgeted for in this year's budget.

The group discussed on solds.

Action 126: Ali to advise about the wording for this action point regarding test case funding

Action 127: Add to agenda – to be mindful about the case on the 26th of August

The group thanked Dean for leading the discussion at the previous ENZ meeting and discussed agenda points for tomorrow's meeting.

- ENZ to respond to issues raised at previous meeting
- CRG to cover points, not covered at the previous meeting
- Ali's question concerning geotech reviews getting through their panel with someone commenting outside of their scope of expertise
- Reiterate the importance of their work to the futures of claimants by citing specific instances.
- Dean – suggested generating a "Christchurch earthquake tab" on their website.

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Action 128: Tom to ask ENZ to comment on the BMC report and ENZ=SESOC present position. (Email was sent during the meeting)

The meeting adjourned at 1:28pm and reconvened at 1:50

5.	Discuss Conflict of Interest

Covered

6.	Checklist workshop

In response to a request from Pou for CRG to put together a list of red flag issues for homeowners to put on a checklist for Andy's team to send out before a site visit, the group noted the following items:

- Shaved doors
- Shaved/altered windows (aluminium and wood)
- Sticky doors and windows
- No subfloor assessments
- Carpet hasn't been lifted (inadequate assessment)
- No geotechnical assessments
- Drainage
- Fresh cracking to finishes
- Concrete slab reinforcements
- Broken brickwork

David mentioned that there were checklists given out directly after the earthquakes as well as one made by the EQC in 2009 that could be used as a guide.

Action 129: To arrange a joint two-hour workshop with relevant staff to develop a checklist for homeowners (clear objective to be provided prior to the meeting)

7.	Flesh out issue "Definition of natural disaster damage"

The group backs the Engineering New Zealand document as treaty.

Mel noted that consideration needs to be given to the people who have the right expertise, and it cannot always be assumed that a structural engineer is the right person to identify damage due to natural disaster.

Action 130: To request a workshop on what defines an expert on this subject (Engineers, builders, etc.)

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8.	Collate and benefits of GCCRS, EQC and Southern Response meeting to present to EQC as advice

The group expressed support for EQC's efforts. There have been more claims handled in an EQC style.

It was suggested that claimants be allowed to decide if they wanted to go with Southern Response or EQC (Action 121).

9.	Sid request – Research and Resilience

Jo noted that she would like more information on what research has already been done, and would like to meet with Sid to discuss.

Action 130: Sid to set up a meeting with Di, Jo, Phillipa and Mel to discuss social aspects and culture of research with the Maori community as well as EQC's role in the research, resilience and recovery.

10.	EQC Guidance note

The group discussed the EQC guidance note dated August 2015 that David had recently obtained.

The group felt the document contained good fundamental principles and a clear pathway for resolving claims.

The group decided that there was significant benefit in setting up a meeting to generate an August 2019 iteration of the EQC Guidance note. The meeting should take place as part of a regular CRG meeting and include:

- At least three people from the EQC
- CRG members
- Lawyers (including the one involved in the joint statement)
- Darren from GCCRS
- A representative from ENZ (to show commitment to widening insurance knowledge)

The objectives of the meeting will be to discuss:

- the document and make updates (if not already done)
- implementation of the updated document
- the document's relevance to the claimant

Tom commented on the increase in the number of contractors at EQC. He had been told that many people had chosen to go on contract because it suited them and it enabled them to work for other insurance agencies.

The group discussed the media release composed by Ali about contacting the EQC if homeowners think they have damage. Ali to send the draft to Felicity and Renee before uploading it later today.

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The group would consider another media release around the BMC report depending on ENZ's position tomorrow.

Phillipa tabled an email from her personal claim. She suggested that CRG meet with claim handlers, not to train them, but to inform them what reasonable expectations are from a claimant's perspective.

Action 131: to add as a discussion item for next meeting – should CRG meet with claims handlers or engineers to inform them what reasonable expectations are from a claimant's perspective.

The meeting closed at 3.52 pm