WeCan
C/O 43 Fairford Street
Bishopdale
Christchurch 8053

Dear Ms O’Brien

Re: Official Information Act 1982 Request

Further to the Earthquake Commission’s (EQC’s) letter dated 24 June 2013, I am pleased to advise that we have reconsidered your request dated 13 May 2013 under the Official Information Act 1982 (the Act). As you are aware Hon Clayton Cosgrove also submitted the same request with two alterations.

You have framed your request as follows:

- Under the Official Information’s Act: (Under section 12 sub-section 1 of the Official Information Act 1982 and also deemed to be made pursuant to sub-clause (1) (b) of Principle 6 of the Privacy Act), I request copies of all electronically stored records, hard copies, requested evidence, communications, invoices & receipts of payment for Professional Services
- Under the Parliamentary Privileges’ Act 1688
- Under the Privacy Act 1993
- Under the Human Rights Act 1993

We have interpreted the first bullet point above as applying to each of the numbered questions in your request, rather than as a request in itself. If this interpretation is incorrect we would welcome further clarification. Where logical to do so we have provided information in a form that responds to your questions collectively rather than individually (eg, questions 8-9 about vulnerable claimants).

We should also clarify that we have addressed your request solely under the Act. That is because other legislation referred to in your request does not apply in these circumstances.

In reviewing your request, we have also been guided by the Office of the Ombudsman on how to deal with requests for significant volumes of information. Our consultation with that Office was of a general nature and no guidance was provided by Ombudsman staff on the specifics of your request.

Annex A sets out our decision on the various elements of your request and refers to documents (appended) that have been released. On this occasion, despite the considerable time and costs involved in locating, collating and reviewing large volumes of information covered by this request, I am also pleased to advise that EQC has exercised its discretion not to charge for any costs incurred to date.
Withheld information

Please note that in all documents released with this response the names and other identifying details of all lower level EQC and Fletcher EQR staff have been withheld under section 9(2)(a) of the Act to protect the privacy of these individuals. Where EQC has withheld other information details of the grounds and reasoning for withholding are set out in Annex A.

Finally, we also note that the Act is confined to actual requests for information held. We therefore do not respond to comments, expressions of opinion or requests for 'proof' beyond the information held. We have, however, provided further information about some EQC policies and processes where knowledge about the existence of a policy and/or information generally will assist understanding of EQC's approach to the relevant subject area. Any lack of response from EQC should not be interpreted as agreement with any such comments or opinions.

If you are not satisfied with EQC's decision in relation to this request you have the option of approaching the Office of the Ombudsman for a review of EQC's decisions, and/or processes relating to your request. The Ombudsman can be contracted at PO Box 10 152, Wellington 6143, or Freephone 0800 802 602, or visit [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely

[Signature]

Ian Simpson

Earthquake Commission Chief Executive

Enclosures: Annex A – EQC’s Decision
Annex A – EQC’s Decision

Question 1 - Please supply documentation explaining and proving:

1. What due diligence was undertaken to appoint Fletchers as the main repair / service provider for the Earthquake Commission?
2. Who authorised this action and appointed Fletchers to be the main service provider?
3. Under the Fair Trading Act, please provide copies of information which confirms and proves that all steps were taken to allow other service providers the chance to apply for the position, and the reasons benefits / features identified leading to Fletcher Building receiving the appointment.
4. Please provide all evidence & documentation of Fletcher Building contract submission, and all submissions from other applicants.

Why the home repair programme was set up and the process for procuring a provider of project management services for the home repair programme, including the evaluation and shortlisting processes, are described in Part 2 of the Auditor-General’s (OAG’s) recent report Earthquake Commission: Managing the Canterbury Home Repair Programme. The report is publicly available and can be found at http://www.oag.govt.nz/2013/eqc.

In addition to the processes outlined in the OAG’s report, in November 2010 EQC commissioned a retrospective probity audit of the appointment of the provider of project management services for the Canterbury Home Repair Programme. A copy of this retrospective probity audit by the McHale Group is provided as Appendix 1. Comments on due diligence can be found at section 3.11 of the McHale Group report. The approval process ("who authorised this action") can be found at section 3.12 of the McHale Group report.

As the McHale Group report states, five tenders were received. The enclosed report confirms that all stages of the tender and evaluation process were conducted in a diligent, open, fair and transparent manner. EQC has withheld all of the tender responses it received under sections 9(2)(b)(i), 9(2)(b)(ii) and section 9(2)(ba)(i) of the OIA as all tenders were submitted in confidence and contain details which could prejudice the future commercial position of the companies concerned. Withholding this information ensures EQC is able to engage contractors through a competitive tender process in the future by protecting the information provided confidentially in this tender process.

Question 2 - Please provide documentation & evidence of all procedures in place with EQC to ensure correct transparent billing processes for work provided?

1. Please provide documentation & evidence ensuring all statements / spread sheets provided to EQC / Fletcher Building for payment are fully transparent, and that such documentation is submitted providing all details of work provided, by whom, labour hours listed, materials used & excess materials credited?
2. From September 2010 to May 2013, please supply documentation of all credited building materials, credited back to building supply merchants & credited monies paid directly into the Fletcher’s bank account.
3. Please supply documentation itemising all payments paid by EQC -/- Fletchers to service providers, supported by correctly & fully detailed invoices provided to EQC -/- Fletchers from the service provider?
4. In accordance with the Consumer Guarantees Act, please provide documentation outlining what procedures are in place to ensure work billed by service providers (both by Fletchers...
themselves & those assigned to carry out work by Fletchers) has been supplied & completed by professional service providers and completed to a professional & sustainable level?

5. In accordance with the Consumer Guarantees Act, please provide proof that procedures are in place to ensure work billed by service providers (both by Fletchers themselves & those assigned to carry out work for EQC) has been supplied & completed to an acceptable level in accordance with the New Zealand Building Code, and that this work has been supervised & signed off as being completed to a professional sustainable standard.

EQC has enclosed the following documents to assist in responding to this question:

- Fletcher EQR Contractor Memo – dated 6 June 2012 (Appendix 2);
- Quality Assurance Team; “What we do” – information held on EQC’s intranet (Appendix 3);
- Guideline MS-GL02/MS-GL06/MS-GL07: Contractor and Construction Management and Project Completion (Appendix 4);
- Guideline MS-GL204 (Appendix 4a);
- EQR-07 Project Completion (Appendix 4b);
- EQC-06 Construction Management (Appendix 4c);
- EQC/EQR Investigation Process – Fraudulent Allegations (Appendix 5);
- EQC Fraud Risk Policy (Appendix 6);
- Fraud Risk Escalation Procedures – All Claims and Invoices (Appendix 7); and
- Protected Disclosures Policy (Appendix 8).

The Memo to Contractors (Appendix 2) details the requirements on contractors when submitting invoices to EQC for payment. EQC requires that all invoices be completed in line with this before any payment will be made. EQC confirms that:

- The procurement method for the CHRP substantive repair work is based on receiving a contractor quotation for each property, covering specified repair strategies for identified quantities of work.
- A quotation is submitted by a contractor after it has scoped the property with a Fletcher EQR Contracts Supervisor (and sometimes an EQC representative). The agreed scope of works is that identified by EQC following its initial visit to the property, together with any scope changes resulting from subsequent events.
- Whilst the contractor is required to submit a quotation for the agreed scope of works on a lump-sum basis, a full breakdown of this price is required for Fletcher EQR quantity surveying team to assess. If the quotation is found to be acceptable a Works Order is issued to the contractor, accepting the agreed lump-sum price.
- Once works have begun on a particular property, the contractor is entitled to submit progress payment claims at monthly intervals. Payment claims are fully scrutinised by Fletcher EQR quantity surveyors and the amount of work physically completed is required to be sighted and signed off by the relevant Fletcher EQR contracts supervisor, before the invoice is paid.
- Once a contractor notifies Fletcher EQR that works are complete, the Fletcher EQR contracts supervisor is required to carry out a completion inspection and confirm that the scope of works has been fully completed to the standards of quality expected. The Fletcher EQR quantity surveyor does not release final payment until such confirmation is received.

Appendix 3 contains details of the Quality Assurance Team and provides an overview of their function. This is provided for background and further understanding of the process EQC has in place to ensure quality of repairs and validity of invoices submitted. Details of the sign off process for repairs are contained in the documents at Appendices 4 – 4c. This confirms the process of
confirming all repairs contained within the Scope of Works have been completed to the appropriate standard.

Details of relevant EQC policies around fraud are also provided in the documents released. These provide details of the process in place to identify, investigate and manage allegations of fraud. Some details within these documents are withheld under section 6(c) of the Act where necessary for the maintenance of law. EQC considers that releasing the “triggers” for fraud investigations may lead to more sophisticated forms of fraud and impact on our ability to detect fraud. Accordingly, EQC considers it necessary to withhold this information to ensure we are able to identify and investigate potential fraud in the future.

Your requests for 'all credited building material, credited back to building supply merchants & credited monies paid directly into Fletcher’s bank account' and 'documentation itemising all payments paid by EQC -/- Fletchers to service providers, supported by correctly & fully detailed invoices provided to EQC -/- Fletcher from the service provider?' [sic] are declined under section 18(f) of the Act as this would require substantial collation. EQC has completed more than 50,000 repairs since the CHRP commenced. Accordingly, EQC estimates there would be in excess of 200,000 invoices.

Question 3 - Please provide information which explains why the Earthquake Commission allowed the employment of assessors, who had not had any previous building knowledge / structural training, and allowed these inadequately trained personnel to assess initial structural damage / damage to peoples’ residences?

EQC assessment teams consist of an Estimator and an Assessor. The Estimator is a trade qualified builder and is tasked with identifying and providing a preliminary view and costing of earthquake damage and possible repair strategies.

Accordingly, all assessment teams had a member with expertise sufficient to make an initial assessment of structural damage and other natural disaster damage to peoples’ residences.

The Assessor’s role is primarily to arrange meetings ensuring all relevant parties are in attendance, to complete the necessary paperwork and liaise with customers.

EQC has enclosed the following documents to assist your understanding of how Assessors are appointed and trained:

- Position Description - Assessors (Appendix 9);
- Position Description - Estimators (Appendix 10);
- General Timeline (Appendix 11);
- Extracts from the Contract for Services between EQC and Verifact 2006 (Appendix 12);
- Extracts from the Contract for Services between EQC and Verifact 2009 (Appendix 13);
- Extracts from the Contract for Services between EQC and Verifact 2011 (Appendix 14);
- Extracts from the Contract for Services between EQC and Mainland (Appendix 15); and
- Assessment Team Summary (Appendix 16).

Appendices 9 and 10 provide details of the requirements employees are required to meet for these positions within EQC. EQC’s recruitment processes required all Assessors and Estimators to be considered against these requirements and all have been confirmed to meet, at least, these requirements.

Appendix 11 is included as this provides some background and context to assist you in considering the actions of EQC in recruiting the necessary personnel to commence assessing damage to residential dwellings promptly following the Canterbury events.

Appendices 12 – 15 are the relevant extracts from EQC’s Contract for Services with Verifact and Mainland. The clauses provided detail about the expectations of EQC in relation to the experience and qualifications required for positions with EQC.
Further, by way of background/context EQC confirms:

Assessment teams were trained together to identify earthquake damage and the builder was also trained in the appropriate repair strategy and how to cost this. An Assessor was required to have good interpersonal skills, be able to work for long periods without direct supervision in a very stressful and sometimes dangerous environment immediately following an earthquake. Assessors also needed to be able to follow process, complete complex forms detailing damage and customer information, and be physically fit. EQC needed over a hundred Assessors in a short space of time following the September event.

Question 4 - Please supply information explaining: on what grounds was it decided that 3-5 days of basic building compliance / structural training, would deem the knowledge of such assessors as sufficient, and that reports from such ill equipped assessors would be at all accurate?

As noted above, Assessors have never undertaken structural assessments. This has been the role of the Estimator who is a trade qualified builder.

EQC has enclosed the following documents which detail the Induction training including the areas covered:

- Induction Training Map (Appendix 17);
- Programme for EQC CRP Induction Training Post Feb 2011 (Appendix 18);
- Programme for EQC CRP Induction Training as at June 2011 (Appendix 19);
- EQC Assessor & Estimator Induction Training 7 – 10 September 2011 (Appendix 20);
- EQC Assessor & Estimator Induction Training 1 – 8 October 2012 (Appendix 21);
- Multiunit Building Training Package March 2013 (Appendix 22);
- CRP Induction Training Session Notes (Appendix 23);
- Trainers Guide CRP Induction Training (Appendix 24); and
- Earthquake Damage Assessment Catalogue – Version 1.4 (Appendix 25)

On-going training is provided for all staff including Estimators and Assessors, which has resulted in a significant volume of training material. All training material cannot be provided without substantial collation and research. If there is a particular area of training for which you would like more information please contact us.

Question 5 - Please provide proof and information to confirm and justify:

1. Who made the decision to employ Assessors with no previous building knowledge, to undertake basic damage / structural assessment of victims’ homes?
2. How do EQC or Fletchers deem these initial assessments to be true or adequate.
3. Please provide all written training materials provided to EQC and Fletchers assessors, written mandates & instructions which have been published for their use as instructions, guidelines +/- all training materials provided outlining structural & cosmetic assessment requirements.

See Questions 3 and 4.

EQC has not acted in isolation and has been very active in seeking external professional and technical advice regarding damage assessment. This advice has heavily influenced what and how we carry out damage assessment training. For example:

- for assessment of damage to buildings, EQC has sought and acted on advice from the structural engineering profession and BRANZ. You will note EQC commissioned the ‘Earthquake Damage Assessment Catalogue’ from BRANZ;
for assessment of damage to land, EQC has sought and acted on advice from the
geotechnical engineering profession;
for assessment of damage to contents, EQC has sought advice from and worked closely with
the insurance industry; and
for interpretation of the EQC Act in relation to damage assessment, EQC relies on legal
advice.

EQC also notes that there is significant on-going training and further monitoring as detailed within
Appendix 4.

Your request for copies of all "written training materials provided to EQC and Fletchers assessors,
written mandates & instructions which have been published for their use as instructions, guidelines -
/- all training materials provided outlining structural & cosmetic assessment requirements" is
declined under section 18(f) of the Act as it would require substantial collation to provide a
response.

Question 6 - Under the Employment Contract’s Act, please provide the information which explains
and the evidence to prove:

1. What steps were taken to ensure no bias / discrimination was present when selection
   process for assessors was undertaken.
2. What processes were undertaken to ensure fair & correct assessment of victims’ damage
   was reported.

EQC notes that the Employment Contracts Act (the ECA) is no longer in force as it was replaced by
the Employment Relations Act 2000 (the ERA). Nevertheless, EQC refers you to the details of the
assessment process, including recruitment, training and the position descriptions which detail the
skills required for these roles provided in response to previous questions.

EQC has also enclosed a media release from March 2012 (Appendix 26) which confirms that an
independent review by KSJ Associates (Human Resources specialists) found “EQC’s processes were
appropriate and that it had gone to some lengths to ensure they were fair”. The media release also
notes that “It’s pleasing that the processes used in these unusual circumstances measure up to
external scrutiny, were robust and there was no evidence of bias or nepotism.”

Question 7 - Please provide evidence and information explaining:

1. Why were local tradespeople / professionals with previous known structural knowledge -
   - experience, not employed as building assessors?
2. Under the Employment Act, please explain what clause was used to allow such selection
   process, deeming this action to be legally acceptable?

Please supply the evidence which confirms ‘who’ deemed this process to be acceptable

Local tradespeople, including trade qualified builders, have participated in assessment teams and in
the on-going rebuild work undertaken by the Canterbury Home Repair Programme. This continues to
meet an important component in the Canterbury Home Repair Programme and associated activities
which is to retain skills and people in Canterbury.

EQC considers that our response to question 7(1) makes a response to subsequent parts of your
question redundant.

Questions 8 and 9 - Please provide evidence and copies of:
1. All processes and procedures which EQC had in place to ensure fast & effective identification of those most in need and the most vulnerable, ensuring them to be quickly identified at the time of the September 2010 Earthquake in Christchurch New Zealand.

2. All processes and procedures which EQC had in place to adequately & effectively assist those most in need, and how the most Part were to be identified, allowing them to be effectively processed & prioritised at the time of the September 2010 Earthquake in Christchurch New Zealand.

3. All added processes and procedures which had been identified and instigated after Sept 2010 earthquake and before February 2011 earthquake, which EQC implemented to ensure fast & effective identification of those most in need and the most vulnerable, allowing them to be quickly identified at the time of the September 2010 Earthquake in Christchurch New Zealand.

4. All added processes and procedures which had been identified and instigated after Sept 2010 earthquake and before February 2011 earthquake which EQC implemented to adequately & effectively assist those most in need, identifying the most vulnerable, allowing them to be effectively processed & prioritised at the time of the September 2010 Earthquake in Christchurch, New Zealand.

5. All added processes and procedures which had been identified and instigated post February 2011 Earthquake, which EQC have now implemented to ensure fast & effective identification of those most in need and the most vulnerable to be, ensuring fast, effective relief intervention, should another state disaster ever occur.

Please provide evidence, and all documentation of policy which explains:

➢ May 2013, what processes are now in place to ensure the most vulnerable victims (elderly, those with small children, those with medical conditions) are identified and their repair / rebuilds prioritised?

A summary of the sensitive claims policies since the first event in September 2010 can be found in Appendix 27. This is in accordance with section 16(1)(e) of the Act which provides scope for an organisation to provide a summary of the contents of documents as it would require substantial research and collation which would impair the functions of this organisation to provide the information in the form requested.

Further to the summary enclosed at Appendix 27 EQC has enclosed the following:

➢ Winter Heat Ad (Appendix 28);
➢ Sensitive Claims Fact Sheet (Appendix 29);
➢ Memorandum of Understanding (MoU) between EQC and the Ministry of Social Development (Appendix 30);
➢ High Level Process Flow (Appendix 31);
➢ EQC Canterbury Home Repairs for the Vulnerable (Appendix 32);
➢ Website printout “Canterbury Home Repairs for the Vulnerable (Appendix 33);
➢ Case Management Proposition – Vulnerable Customers dated 27 November 2012 (Appendix 34);
➢ Winter Wellness Ad – 2013 (Appendix 35);
➢ Sensitive Claims Process v1.0 (Appendix 36);
➢ Information Sharing Agreement (Appendix 37);
➢ High Level Vulnerable Process Flow as at 3 Dec 2012 for CHRP (Appendix 38);
Sensitive & Vulnerable Claims Customer Channels Training Document – December 2012 (Appendix 39);
Case Management – Feb 2013 (Appendix 40);
Sensitive & Vulnerable Claims Customer Channels Training Document – April 2013 (Appendix 41);
Winter Wellness Radio Script (Appendix 42);
Sensitive & Vulnerable Claims Customer Channels Training Document – May 2013 (Appendix 43); and
EQC & Winter Wellness Ad (Appendix 44).

Question 10 - Please supply documentation proving sufficient emergency housing has been erected and is readily available to the most vulnerable victims, ensuring their health / lives are sustained to an acceptable living condition (under the Human Rights Act) until such time repair / rebuild on their homes to an acceptable NZ Building Code of Compliance level is complete?

EQC’s obligations are set out in section 5 of the Earthquake Commission Act 1993. As EQC is not responsible for emergency housing this part of your request was transferred to the Ministry of Business, Innovation and Employment in accordance with section 14 of the Act and they provided a response under cover of a letter dated 26 September 2013. Accordingly, this element of your request has been addressed

Question 11 - Please provide evidence and information which explains all processes which are in place to guarantee transparency & accountability of the Earthquake Minister & Earthquake hubb [sic] Staff, ensuring the priority of repair undertaken, is given to those identified as being most at risk?

The information provided in response to Questions 8 and 9 may assist you in understanding the steps EQC has taken to ensure priority of repairs undertaken is given to those identified as being most at risk. EQC provided its policies in relation to vulnerable claimants in response to earlier questions. The policies have been distributed to the appropriate teams to be followed in all cases.

EQC notes the following points:

• EQC employs Community Liaison Officers (CLO), based in Christchurch, to assist vulnerable claimants and support them through the claim and repair processes. In additional all Hub staff are trained in relation to this policy and are able to support CLO’s as appropriate;

• There are many ways that the Minister for the Earthquake Commission is held to account including through the provisions of the Crown Entities Act, Parliamentary processes and procedures as well as general accountability to constituents and those affected by his Ministerial portfolios. The management of customer claims is an operational issue that is managed by the EQC Board and Management. The Minister has set out his expectations for EQC’s management of vulnerable customers’ claims and repairs; and EQC reports to him on this regularly.

Question 12 - Please provide transparent geographic statistics, & evidence showing:

1. The number of EQC Staff who were paid ‘Multiple Over Cap’ payments for their homes, and which hubbs they work for.
2. The number of EQC staff, who are still, as of May 2013, still waiting for over cap payments for their damage to their homes, and under the Fletcher repair strategy?
3. The number of EQC hubb supervisors who have been paid ‘Multiple Over Cap’ payments? And which hubbs these supervisors’ work for.
4. The number of properties in the Ilam Electorate which have been assigned & subsequently paid ‘Multiple over Cap’ payments? Please provide dates confirming when these payments were made.

5. The number of properties in the Ilam Electorate between Sept 2010 and July 2011 which have had repair completed?

6. The number of properties in the Ilam Electorate between July 2011 and May 2013 have had repair completed?

As of May 2013, please supply statistics & information which confirms:

7. The number of TC3 residential properties which have been completely repaired to a sustainable level compliant to The NZ Building Code Standard. Please state the areas in which these properties are situated.

8. The number of TC3 residential properties which now have a definitive ‘acceptable’ rebuild / repair date, ensuring rebuild / repair will comply to the New Zealand Building Code and which would conform to the Human Rights Act, and the Consumer Guarantees Act, to be completed within a reasonable and acceptable time frame. Please state the areas in which these properties are situated.

9. The number of residential properties with-in the Greater Canterbury region which are still not defined under a repair / rebuild classification. Please state the areas in which these properties are situated.

10. The number of residential properties which are still deemed under cap. Please state the areas in which these properties are situated.

11. The number of residential properties which are deemed under cap, but suffered medium to severe structural damage. Please state the areas in which these properties are situated.

12. The number of TC2 residential properties in Christchurch, which have suffered structural damage and deemed by EQC / Fletchers to be repair &70,000.00 or more. Please state the areas in which these properties are situated.

13. The number of TC3 residential properties in Christchurch, which have suffered structural damage and are deemed by EQC / Fletchers to be repair &70,000.00 or more. Please state the areas in which these properties are situated.

14. The number of residential properties in Christchurch which are deemed ‘cosmetic damage / repair only’. Please state the areas in which these properties are situated.

15. The number of residential TC2 properties in Christchurch which are deemed ‘cosmetic damage / repair only’ which have had repairs completed, work inspected & standard of work attained guaranteed to be of a professional sustainable level. Please state the areas in which these properties are situated.

16. The number of residential properties in Christchurch which have suffered moderate structural damage & the number of these properties which have had their repairs / rebuilds completed to the NZ Building Code Standard. Please state the areas in which these properties are situated.

17. The number of residential properties in Christchurch which have suffered severe structural damage & the number of these properties which have had their repairs / rebuilds completed to the NZ Building Code Standard. Please state the areas in which these properties are situated.
Where possible EQC has extracted data from Claims Management System (CMS) also known as ClaimCentre to answer your questions. In some cases, the data does not exist in a form that would provide the answer you have requested.

EQC is unable to run reports for the figures as at May 2013 in accordance with your request as the system takes a “snapshot” at the moment a report is requested. All figures provided in response to these questions are derived from a report we ran from our database as at 23 August 2013.

**Part 1** – Three members of staff have received “multiple cap” payments. The workplace of these staff is not recorded. Further EQC considers that the Privacy of staff would be prejudiced by the provision of these details. Accordingly, your request for confirmation of which hub these staff work in is declined under sections 9(2)(a) and 18(f) of the Act.

**Part 2** – EQC confirms that 25 members of staff are still awaiting cap payments and 265 are currently with Fletcher EQR for managed repairs.

**Part 3** – EQC is unable to provide this data as this is not stored within CMS meaning it is not possible to extract data to respond to this query.

**Part 4** – EQC does not record data by electorate and it cannot provide you information in relation to claims within the Ilam electorate without substantial research and collation. Accordingly, your request is declined under section 18(f) of the Act.

EQC has extracted data in relation to the suburb of Ilam and can confirm that 33 claimants within Ilam have been paid multiple cap payments. A breakdown of the dates of these payments is contained in Appendix 45.

**Part 5** – EQC does not record data by electorate, however, EQC does record data by suburb and it cannot provide you information in relation to claims within the Ilam electorate without substantial research and collation. Accordingly, your request is declined under section 18(f) of the Act. EQC has extracted data in relation to the suburb of Ilam and confirms that 244 properties within the Ilam suburb were repaired by EQC between September 2010 and July 2011.

**Part 6** – EQC does not record data by electorate, however, EQC does record data by suburb and it cannot provide you information in relation to claims within the Ilam electorate without substantial research and collation. Accordingly, your request is declined under section 18(f) of the Act. EQC has extracted data in relation to the suburb of Ilam and confirms that 5008 properties were repaired by EQC between July 2011 and May 2013.

**Part 7** – EQC confirms that 3,494 TC3 residential properties have been repaired. A breakdown of the areas in which these properties are situated is contained in Appendix 45.

**Part 8** – EQC confirms that 6,728 TC3 residential properties have a definitive rebuild/repair date. A breakdown of the areas in which these properties are situated is contained in Appendix 45.

EQC confirms that it works with Fletcher EQR to ensure that managed repairs are completed to an acceptable standard in line with the requirements of the Building Act 2004 and related Regulations. The Human Rights Act and Consumer Guarantees Act do not stipulate requirements to provide information.

**Part 9** – EQC believes it had formed a view of rebuild classification on all detached residential properties by August 2013. This view may not have necessarily been advised at that time to all
private insurers. It is possible however that following subsequent review (generated by a variety of reasons) there may have been some changes between categorizations, for example a property in a repair category moving to over cap. Properties such as this are spread throughout the region.

For the most part the same can be said for residential multi-unit buildings (MUB).

Part 10 – EQC confirms that 140,137 properties are deemed under cap and accordingly, are the sole responsibility of EQC. A breakdown of the areas in which these properties are situated is contained in Appendix 45.

Part 11 – Although EQC’s assessments record the level of damage there is no field in CMS for categorising this as severe, moderate or minor. Accordingly, EQC is unable to run a report to address this question as the data is not recorded in a searchable field. Your request is therefore declined under section 18(f) of the Act as it would require substantial research and collation to manually review all assessments.

Part 12 - EQC confirms that 2,126 TC2 properties have suffered structural damage and are deemed to be within the limits for a managed repair with repair estimates at $70,000 or more. A breakdown of the areas in which these properties are situated is contained in Appendix 45.

Part 13 - EQC confirms that 1,937 TC3 properties have suffered structural damage and are deemed to be within the limits for a managed repair with repair estimates at $70,000 or more. A breakdown of the areas in which these properties are situated is contained in Appendix 45.

Part 14 - Although EQC’s assessments record the level of damage there is no field in CMS for categorising this as cosmetic only. Accordingly, EQC is unable to run a report to address this question as the data is not recorded in a searchable field. Your request is therefore declined under section 18(f) of the Act as it would require substantial research and collation to manually review all assessments.

Part 15 - Although EQC’s assessments record the level of damage there is no field in CMS for categorising this as cosmetic only. Accordingly, EQC is unable to run a report to address this question as the data is not recorded in a searchable field. Your request is therefore declined under section 18(f) of the Act as it would require substantial research and collation to manually review all assessments.

Part 16 - Although EQC’s assessments record the level of damage there is no field in CMS for categorising this as moderate structural damage. Accordingly, EQC is unable to run a report to address this question as the data is not recorded in a searchable field. Your request is therefore declined under section 18(f) of the Act as it would require substantial research and collation to manually review all assessments.

Part 17 - Although EQC’s assessments record the level of damage there is no field in CMS for categorising this as severe structural damage. Accordingly, EQC is unable to run a report to address this question as the data is not recorded in a searchable field. Your request is therefore declined under section 18(f) of the Act as it would require substantial research and collation to manually review all assessments.
Question 13 - Under the Parliamentary Privileges’ Act, and the Official Information’s Act, please provide information and evidence which confirms, at the time of September 2010 and February 2011 earthquakes:

1. How many residential and rental properties did the Honourable Gerry Brownlee own?
2. How many over-cap payments has he received for each of these properties?
3. What dates were their rebuilds/-repairs completed?
4. As of May 2013, how many properties does the Honourable Gerry Brownlee now own (or have Invested Trust Share Interest) within the greater Canterbury Region?
5. How many of these has the Honourable Gerry Brownlee purchased outright / or has a shared interest in, within the past 24 months?
6. When were their repair / rebuild work assigned, and please provide dates of repair / rebuild work completed on each of these properties.
7. Please provide evidence of what priority was given, for each property owned or partly owned by the Honourable Gerry Brownlee, and evidence of how priority was given for the repair / rebuild of these properties.

EQC is responding on behalf of Minister Brownlee's Office as follows:

EQC notes that this request relates to Minister Brownlee’s personal property interests. As such this is not information held in Minister Brownlee’s professional capacity and cannot be considered Official Information. In the event this was considered Official Information EQC notes that this would be withheld under section 9(2)(a) of the Act to protect the privacy of an individual.

EQC notes that Standing Orders require members of Parliament to record and disclose certain personal financial interests. Members must disclose such things as business interests, trusts, involvement in organisations seeking government funding, real estate, debts, overseas travel, and gifts. The Register of Pecuniary and Other Special Interests of Members of Parliament is publicly available and can be found at http://www.parliament.nz.

Question 14 - Please provide evidence and explanation which confirms:

1. What processes & procedures were / are now used to evaluate & determine the apportionment of Cap payments?
2. How do EQC guarantee these apportionments to be accurate?
3. Who / what authority decided upon these procedures, and under the Consumer Guarantees Act.
4. What procedures were taken to ensure these apportionment payments are fair & correct?

To apportion damage between events, EQC uses all available and relevant information. This includes EQC assessments, rapid assessment information, Geo-Tech reports, Insurer preliminary reports and full assessments where available, customer information, claim lodgement details, neighbouring property information etc.

EQC has enclosed:

- Apportionment Fact Sheet (Appendix 46);
- Presentation to RGL 28 February 2012 (Appendix 47);
- Update for the EQC Board 12 September 2012 (Appendix 48);
- Residential Building Repair Apportionment Standard Operating Procedure (Appendix 49);
➢ The Dwelling Repair Apportionment SOP (Appendix 50); and
➢ Summary of Apportionment and Settlement and Land Settlement Steering Committee papers (Appendix 51).

In addition to the documents provided EQC notes:

1. EQC uses assessment data, customer views and geographical comparisons to estimate the apportionment of damage across EQ events.

2. EQC notes that apportionment in the current environment of Canterbury claims cannot be 100% accurate and EQC has developed a process to determine the best estimate of when damage occurred. This process has been reviewed by EQC’s reinsurers who are satisfied that the process is sound and robust. EQC has a number of different reinsurers who are responsible for particular events and therefore have a vested interest in ensuring apportionment is fair and reasonable. The continued support of EQC’s reinsurers is vital to the on-going cover EQC provides to all New Zealanders.

Withheld documents

1. EQC’s apportionment process has been reviewed by two of EQC’s reinsurers. The reports following these reviews are withheld under section 9(2)(b)(ii) of the Act as to release this would be likely to unreasonably prejudice the commercial position of the international reinsurers who commissioned these reports. The reinsurers have previously expressed this view on the grounds that there are many reinsurers supporting the work of EQC and that there are considerable costs involved in auditing/reviewing EQC’s processes, including sending staff to New Zealand. The reinsurers have indicated that the reports would benefit all reinsurers, if publicised, with the costs falling only to those who commissioned the reports. This would therefore result in an unreasonable benefit to the numerous reinsurers who have not reviewed EQC’s process at the expense of those who have.

EQC provides the following extracts of the reports:

Reinsurer one – (page 12) the Manual Apportionment process was well documented and seemed fair and reasonable. They went on to say in their recommendations (page 13) that they found no major issues during the review and found everything to be in good order.

Reinsurer two (conducted by a third party) – in their view liability estimates for EQ1 (Darfield) may be underestimated, whilst liability estimates for EQ2 (Lytton) and EQ3 (Sumner) may be overestimated. They also felt that the apportionment process should be accelerated (a programme of increasing staff numbers and developing a geographic approach to apportionment was underway at the time of this review).

In addition, EQC notes that the continued reinsurance of EQC by international reinsurers should be seen as a guide to the confidence they have in EQC’s management of the Canterbury event claims which includes building claims and apportionment.

2. Memorandum dated 3 September 2013 from Chapman Tripp to EQC Senior Management is withheld under section 9(2)(h) in order to maintain legal professional privilege. It is necessary to withhold this information in order to maintain privilege in relation to this external legal advice.

3. November 2012 Board Paper on Chapman Tripp advice is withheld under section 9(2)(h) in order to maintain legal professional privilege.

4. December 2012 Board Paper on Chapman Tripp advice is withheld under section 9(2)(h) in order to maintain legal professional privilege.
5. Memo to Executive Leadership Team 20 July 2011 is withheld under section 9(2)(h) in order to maintain legal professional privilege.


7. Decision Paper 17 July 2012 – The Relevance of Prior Damage for Apportionment Determinations is withheld under section 9(2)(h) in order to maintain legal professional privilege.

As noted in EQC’s earlier letter dated 11 June 2013, in Part 3 of this question you have asked: who/what authority decided upon these procedures, and under the Consumer Guarantees Act. In relation to the question and under the Consumer Guarantees Act it is not clear what is being requested and clarification is required in order for EQC to respond to this point.

Question 15 - Please provide an explanation which confirms what authority was given to the Earthquake Minister allowing him to:

And please provide evidence substantiating his decision to:

1. Downgrade the New Zealand Building Code, to a now less then sustainable level?
2. Allow the now down-graded building code to supersede the NZ BC at the time of the Earthquakes?
3. Under the Fair Trading Act & Consumer Guarantees Act, under what authority does the Earth Quake Minister have to apply the downgraded building code, when the contract with EQC & Insurance Companies at the time of the September 2010 & February 2011 was the then existing Building Code covering a higher standard of required New Zealand Building Code of Compliance?

EQC’s obligations are set out in section 5 of the Earthquake Commission Act 1993. As EQC is not responsible for changes to the Building Code this part of your request was transferred to the Ministry of Business, Innovation and Employment and they provided a response under cover of a letter dated 26 September 2013. Accordingly, this element of your request has been addressed.

Question 16 - Please provide information which explains the processes which have taken place (e.g.- BRANZ testing) to ensure the new Code of Compliance- (which now allows some lateral spread, cracking in concrete foundations, and foundation subsidence), is sustainable long term, and what makes these amendments to the New Zealand Building Code acceptable under the then already existing Consumer Guarantees Act, which covered -/ -protected our already existing EQC & insurance contracts ensuring repairs- /-rebuild s would comply to the ‘then already existing New Zealand Building Compliance code at the time of the earthquakes?

EQC’s obligations are set out in section 5 of the Earthquake Commission Act 1993. You may wish to refer to this for further information. As EQC is not responsible for changes to the Building Code this part of your request was transferred to the Ministry of Business, Innovation and Employment and they provided a response under cover of a letter dated 26 September 2013. Accordingly, this element of your request has been addressed.

Question 17 - Please provide evidence of guarantees under the newly amended NZ building Code, that all work attained under contractual obligations from our insurance companies & EQC -/-
Fletchers, will be, and is provided by registered professionals, and compliant to the NZ Building Code.

EQC is unable to provide any assurances or comment in relation to repairs conducted by your private insurance as this is outside of EQC’s control and responsibility.

In relation to repairs under the Canterbury Home Repair Programme EQC has provided you with documents, at Appendices 3 and 4 – 4c, which set out the requirements for contractors working with Fletcher EQR as part of the rebuild.

Appendix 3 confirms the role of the Quality Assurance Team in relation to the quality of repairs. Details of the accreditation process for tradesmen working on the residential rebuild are set out in Appendix 4. Details of the sign off process for repairs are contained in the documents at Appendices 4 and 4b. This confirms the process of confirming all repairs contained within the Scope of Works have been completed to the appropriate standard, including compliance with the Building Code. The documents enclosed at Appendices 4a and 4c also provide useful information in relation to the requirements placed on tradesmen contracted to assist with the rebuild.

Question 18 - Please provide an explanation which confirms why these now downgraded Building Codes, are given preference to the previous existing, sustainably proven ‘A Zone’ (high earthquake risk) New Zealand Building Code, and under the NZ EQC & Insurance contractual rights, please provide evidence and explanation which confirms who has the authority to change this code?

EQC’s obligations are set out in section 5 of the Earthquake Commission Act 1993. You may wish to refer to this for further information. As EQC is not responsible for changes to the Building Code this part of your request was transferred to the Ministry of Business, Innovation and Employment and they provided a response under cover of a letter dated 26 September 2013. Accordingly, this element of your request has been addressed.

Question 19 - Please provide substantive evidence proving the new acceptable foundation solutions & framing solutions within the NZ Building Code of Compliance is a more sustainable and a superior level of repair strategy than the previous, now amended 1998 New Zealand Building Code of Compliance?

EQC’s obligations are set out in section 5 of the Earthquake Commission Act 1993. You may wish to refer to this for further information. As EQC is not responsible for changes to the Building Code this part of your request was transferred to the Ministry of Business, Innovation and Employment and they provided a response under cover of a letter dated 26 September 2013. Accordingly, this element of your request has been addressed.

Question 20 – Please provide explanation & evidence confirming the processes and procedures which are in place to decipher the true and exact apportionment of land damage to victims’ properties?

Land apportionment is based on geotechnical and other data and observations provided by qualified engineers. The purpose of land apportionment is to identify the earthquake event which caused damage to the land. An excess will apply to each event where land damage has been shown to have been caused by that event.
EQC refers you to the documents released in Appendices 46 – 51 which may provide further understanding in relation to the apportionment process.

Withheld documents

EQC has identified one report, Flat Land Apportionment Report (FLAR), which it considers may be relevant to this request. This document is subject to legal privilege and is therefore withheld under section 9(2)(h) of the Act.

Question 21 & 22 - Please provide details of what qualifications +/- training the personnel assessing such damage are required and have, and have received?

Please provide all instructed mandates & assessment guidelines these assessors have been provided with to enable them to carry out their assessments to EQC requirements?

EQC has enclosed the document, “Land Damage Assessment Process” (Appendix 52) which sets out the requirements for assessing land damage and confirms the reliance on Tonkin & Taylor, EQC’s geotechnical engineers, to manage, train and supervise land damage Assessors.

EQC confirms on-going training is provided to all which is developed and adapted when additional geotechnical information becomes available from Tonkin & Taylor. This has resulted in a significant volume of training material which cannot be provided without substantial collation and research. Accordingly, the request, as it relates to all training material is declined under section 18(f) of the Act. If there is a particular area of training for which you would like more information please contact us.

EQC also refers you back to documentation provided in response to earlier questions in particular, the Position Descriptions setting out the requirements for these roles. Also enclosed (Appendix 26) is a media release which relates to the recruitment process which you may find informative.

In addition to the information provided for earlier questions and the details set out above EQC notes:

1. The Land Team’s staff were contracted by EQC (HR Christchurch) through Mainland Claims Management Limited (Appendix 15). Most, if not all were returning to EQC having completed earlier building damage assessment roles. In 2013, approximately 140 assessors were inducted and all were trained in (Flat) Land Assessment during three 7-day courses before being deployed to the field. EQC has provided an overview of the topics covered and time involved in training staff (Appendices 17 – 21).

2. The design of the training that the approximately 180 Flat Land Assessors and Estimators received was based on an extensive and exhaustive project-scoped and managed analysis of the requirements needed to carry out this programme of work. The training was scoped and designed by experienced Instructional Designers in consultation with the Flat Land Project Team and was delivered by experienced trainers and subject matter experts.

Withheld documents

EQC has identified one report, Flat Land Apportionment Report (FLAR) which it considers may be relevant to this request. This document is subject to legal privilege and is therefore withheld under section 9(2)(h) of the Act.

Question 23 - Please provide the information which explains and which will confirm that the land damage on each individual residential property is effectively & truthfully apportioned between
three separate events, thus ensuring fair & proper reimbursement for repair under our contract with EQC?

Land apportionment is based on geotechnical and other data and observations provided by qualified engineers. The purpose of land apportionment is to identify the earthquake event which caused damage to the land. An excess will be applied per event where land damage has been shown to have been caused by that event.

Withheld documents

EQC is developing a Land Apportionment Standard Operating Procedure (SOP) which remains in draft form at this time and attracts legal privilege. Accordingly, the Land Apportionment SOP is withheld under section 9(2)(h) in order to maintain legal professional privilege.

Question 24 - Please supply the documentation under the Human Rights Act, the Mental Health Act, and the New Zealand Health Act which will confirm and prove it is acceptable to, after 33 months of a major earthquake:

Allow victims to, for a period well in excess of 6 months:

1. Still not be able to by-pass EQC and deal directly with their insurance companies, thus allowing them to progress with their insurance contractual requirements, and then allow the insurance companies to claw back required refunds for works from EQC? [sic]
2. Live in houses that have leaked since the earthquakes, are unsanitary, growing mould and mildew and are unable to be sufficiently ventilated or heated?
3. Live in houses unable to be secured?
4. Live in houses now without safe access or egress?
5. Not be amended to acceptable Building Compliance conditions (in place at the time of the events) as per their Insurers contractual obligations, allowing victims to start to repair -/- rebuild their futures and alleviating mental stress?
6. Still not have any answers to land classifications or repair strategies or proposals in place allowing victims to go forward.
7. Not have available to them, sufficient emergency housing built -/- supplied to ensure a quality of life for the most vulnerable.
8. Be forced to accept constant changing rules and regulations which supersede the contracts in place at the time of the earthquakes, and now endlessly postpone -/- hinder victims’ abilities to move forward and rebuild / repair their homes.
9. Accept having to wait for alternative -/- cheaper solutions for repair -/- rebuild, when already proven techniques have been accepted and applied to the New Zealand Building Code for ‘A Zone’ high earthquake risk zones.
10. Still be waiting for emergency works to be completed, -enabling victims to endure living in their homes until effective remediation is complete.
11. Through no fault of their own, be void of sufficient heating services, which were not replaced as a priority via Fletchers / EQC emergency works legal requirements.
12. Victims having to now endure a third harsh winter.

No response is required as this is a request for proof as discussed in the covering letter.
Question 25 - Please provide us with the criteria and information which explains the definition between earthquake victims who are eligible for physical help and supplied paid ‘packing’ staff when they have to move out of their homes due to required repair -/- rebuild, and which people are not eligible to have this assistance. It appears to be common practice that Fletcher’s -/- EQC will allow some victims package & removal assistance, and others merely removal assistance. Please provide an information and policy which will explain this discrepancy.

EQC has enclosed the Contents Removal Costs Policy (Appendix 53) which provides some details of the cover available. EQC would highlight that the costs of removal of property from the dwelling, storage and costs of temporary accommodation of persons vacating the dwelling to facilitate repairs are consequential loss for which EQC has no liability under the Act. Notwithstanding, EQC will assist homeowners in certain circumstances, for example where the repair will be significantly assisted by the property being vacated and the private insurer and insured are unable to meet the costs. The enclosed documentation should assist in understanding the circumstances where assistance is available.

Also enclosed are:

➢ Customer Information – Relocation of Contents – taken from EQC’s website (Appendix 54);
➢ Coverage for Contents where Dwelling is to be Demolished (Appendix 55)

Question 26 - Please provide us with the criteria, instruction and evidence which confirms, it is acceptable to be advising elderly people and families with young vulnerable children, and persons with medical conditions, that their house repairs / rebuilds will not be attended to until 2014 – 2018?

You have asked EQC to confirm that it is acceptable to advise that repair/rebuild will not be attended to until 2014-2018. EQC has not provided such advice. Accordingly, your request is declined under section 18 (e) as such information does not exist.

The EQC Customer Services Manager, Mr Bruce Emson, recently advised via the EQC’s website and in a news media interview that “CHRP aims to complete repairs of homes with the most severe damage by the end of this year (2013). Overall, the aim is to have most home repairs completed by the end of 2014”. EQC welcomes you to review our website which confirms this timeframe and provides more detail around the rebuild which may assist your understanding of the processes underway to settle claims and assist in the Christchurch rebuild.

Question 27 - It has been brought to our attention that in 2009 a report called ‘EQC’s Catastrophic Response Capability’ was produced.

1. Please provide us with a full copy of this report, & information confirming the implementation of any recommended changes to EQC policy & procedure which had been implemented as a direct outcome of this report prior to September 2010.

2. Please provide us with all information confirming the implementation of any recommended changes to EQC policy & procedure which have been implemented as a direct outcome of this report post the September 2010 earthquake.

EQC encloses:

➢ Review of Earthquake Commission’s Catastrophe Response Operational Capacity (Appendix 56);
➢ Review of EQC’s Operational Capacity – September 2009 (Appendix 57);
➢ CRP Overview Report – October 2009 (Appendix 58);
➢ CRP Strategy Roadmap – August 2010 (Appendix 59);
➢ Briefing to Incoming Minister December 2011 (Appendix 60);
➢ Catastrophe Response/Business Continuity Plans Memo dated 15 August 2011 (Appendix 61);
➢ Review of EQC’s Operational Capacity (Appendix 62) and
➢ Catastrophe Response Programme (CRP) Strategic Plan – September 2013 (Appendix 63).

EQC does not have a central register of changes implemented as a result of the review at Appendix 56. Following the release of this Report a committee was assembled to consider and implement changes to the CRP. Between May 2009 and August 2010 records were kept of these meetings and the enclosed documentation details the work done to implement changes. Following the September 2010 earthquake the committee managing these changes was dissolved in the interests of activating the CRP in response to that event.

Appendix 57 sets out EQC’s initial response to the recommendations. Appendix 58 sets out, under CRP Review Follow-up, the actions taken and “next steps” as at October 2009. The Briefing to the Incoming Minister at Appendix 60 is publicly available and can be found at http://www.eqc.govt.nz/about-eqc/people/briefing-minister-2011. In order to assist you the full content has been included. This should provide you with a “high level” overview of the actions taken by EQC at that time.

EQC has enclosed the latest Catastrophe Response Plan (Appendix 63) which details further changes that have been made since the Canterbury events.
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<td>Update for the EQC Board 12 September 2012</td>
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<td>49</td>
<td>Residential Building Repair Apportionment Standard Operating Procedure</td>
<td>Names and contact details of administrative staff and other individuals are withheld under section 9(2)(a) to protect the privacy of natural persons.</td>
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<td>50</td>
<td>The Dwelling Repair Apportionment SOP</td>
<td>Identifying details in CMS extracts and other data extracts are withheld under section 9(2)(a) to protect the privacy of the claimant; where these relate to real claims. Names and contact details of administrative staff and other individuals are withheld under section 9(2)(a) to protect the privacy of natural persons.</td>
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<td>51</td>
<td>Summary of Apportionment and Settlement and Land Settlement Steering Committee papers</td>
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<td>52</td>
<td>Land Damage Assessment Process</td>
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<td>53</td>
<td>Contents Removal Costs Policy</td>
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<td>54</td>
<td>Customer Information – Relocation of Contents</td>
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<td>Coverage for Contents where Dwelling is to be Demolished</td>
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<td>56</td>
<td>Review of Earthquake Commission’s Catastrophe Response Operational Capacity</td>
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<td>57</td>
<td>Review of EQC’s Operational Capacity – September 2009</td>
<td>None</td>
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<td>58</td>
<td>CRP Overview Report – October 2009</td>
<td>None</td>
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<td>59</td>
<td>CRP Strategy Roadmap – August 2010</td>
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<td>60</td>
<td>Briefing to incoming Minister December 2011</td>
<td>None</td>
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<td>Catastrophe Response/Business Continuity Plans Memo – August 2011</td>
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<td>Names and contact details of administrative staff and other individuals are withheld under section 9(2)(a) to protect the privacy of natural persons.</td>
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<td>63</td>
<td>Catastrophe Response Programme (CRP) Strategic Plan – September 2013</td>
<td>Names and contact details of administrative staff and other individuals are withheld under section 9(2)(a) to protect the privacy of natural persons.</td>
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