

Standing on Shaky Ground? The Christchurch Earthquake

challenges and issues for insurance law, the EQC,
the insurance industry, lawyers and the Courts

Hilton Hotel, Princes Wharf, Auckland
Tuesday, 8 April 2014 9.00am-5.00pm

The Christchurch earthquake has presented major challenges for Insurance Law, the New Zealand insurance industry, the EQC and for lawyers and the courts, in responding to the needs of the insured for prompt resolution of their claims in a unique and disastrous context.

Complex issues of policy drafting and insurance law have been litigated extensively and continue to be litigated. The intersection of the EQC and private insurance has proved problematic in various ways. Difficult issues of insurance law have arisen. The courts have devised special processes including an earthquake list to progress cases promptly so that those adversely affected by the earthquake can get on with their lives as quickly as possible.

The presenters are all top level speakers, specialists in their fields and all active in dealing with earthquake claims.

To register for this conference please complete the details below and post to the LRF along with your payment, or email your details to info@legalresearch.org.nz and request an invoice.

Post: PO Box 741, Shortland St, Auckland, 1140, NZ, Phone +64 9 3099540

GST No. 23-367-173

Conference	<i>Standing on Shaky Ground</i>
Name	_____
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PLEASE INDICATE:

Non-member of LRF	\$420.00 (incl GST)
Member	\$336.00 (incl GST)
Academic and Christchurch registrants	\$210.00 (incl GST)
Student	\$105.00 (incl GST)

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Standing on Shaky Ground? Conference Programme

9.00 am	Welcome from the LRF
9.05 am	Introduction by the Chair
9.15 am	<p>Impact of the Christchurch earthquakes on the insurance market and the insurance industry</p> <p>Primary insurance and reinsurance issues; Where are the stresses on the system? What policy terms are under pressure? Comments on the practical issues relating to the claims process and the policy interpretation issues that have emerged.</p> <p>Jacki Johnson <i>Chief Executive Officer, IAG New Zealand Limited</i></p>
10.00 am	<p>Earthquake Claims: reinsurance issues</p> <p>Forms of reinsurance agreements; problems of proving loss; principles applicable to facultative and treaty reinsurances; follow settlements and claims clauses; aggregation; section 9 of the Law Reform Act 1936.</p> <p>Professor Robert Merkin <i>Exeter University (address pre-recorded, attending by video link for discussion)</i></p>
10.45 am	Morning Tea
11.15am	<p>The EQC's role: meeting its raison d'être</p> <p>How has the statutory insurance scheme responded to the challenge of multiple damaging earthquakes? What problems have arisen and how have/are these being addressed?</p> <p>John Knight <i>Partner Chapman Tripp</i></p>
12.00pm	<p>Indemnity issues</p> <p>Measure of indemnity; When indemnity payable; Reinstatement clauses/memoranda; Interpretation/application of such phrases as 'as when new'; Operation of policy provisions providing insurers with election as to whether to rebuild, repair, replace, or pay.</p> <p>Neil Campbell QC <i>Barrister</i></p>
1.00 pm	Lunch
1.45 pm	<p>Business interruption insurance issues</p> <p>The <u>Orient Express</u> case; "Depopulation" effects; "Results which would have been obtained but for the damage"; Wide area damage; Challenging determinations, what evidence do you need?</p> <p>Stephen Hunter <i>Partner Gilbert Walker</i></p>
2.40 pm	<p>"I'll die before my house is fixed": Processing a high volume of litigation promptly, fairly and efficiently</p> <p>The operation of the Christchurch earthquake list; Techniques Judges are using to identify core issues that need to be litigated, and can be litigated, separately; What, typically, will be determinative of these cases, assuming the objective evidence, e.g. quantity surveyors, engineers, can be agreed?; What are typically the issues?; Comment on interpretation so far of particular policy wordings.</p> <p>Justice Wylie <i>Judge in Charge of the Earthquake List</i></p> <p>Peter Woods <i>Partner Anthony Harper Christchurch</i></p>
3.30 pm	<p>Emergent issues Legal issues currently before the courts, or foreshadowed; Areas in need of administrative change; More Insurance Law Reform Acts?</p> <p>Chair and all available speakers, with interaction and comments from the floor</p>
4.00 pm	<p>Closing remarks from the Chair, followed by drinks sponsored by DLA Phillips Fox</p>

ABOUT THE LEGAL RESEARCH FOUNDATION

The Legal Research Foundation is a non-profit organization formed over 45 years ago to develop the relationship between the Faculty of Law at Auckland University and the legal profession. Since then it has become a leading private law reform body in New Zealand.

Our website is undergoing change currently and we expect that to be completed at the end of February. After that time, you can find out more about the LRF by visiting www.legalresearch.org.nz.

Membership of the LRF is available to lawyers and non-lawyers. The benefits of membership include a discounted subscription to the New Zealand Law Review; advance notice of conferences and events, and reduced registration rates for attending them; and the right to attend the Foundation's AGM and dinner.

*The LRF gratefully acknowledges the support it receives from the
Faculty of Law at the University of Auckland*



An annual Regular Membership to the Foundation is \$65 annually. We offer other types of membership including Benefactor, Academic, Junior and Student. To find out more about the Foundation please email info@legalresearch.org.nz. Our website is currently being rebuilt and will be completed in March 2014.

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