



## GCCRS Legal Advisory Group

<b>SUBJECT</b>	<b>Meeting Minutes – 29 November 2018</b>
<b>PRESENT</b>	Miriam Dean (Chair), Victoria Wood, (Lawyer, Community Law), Nicola Wills, (Lawyer, Crown Law), Helen Davidson, (General Manager, Legal & Policy, Engineering NZ) Hugh Mathews (Independent lawyer)
<b>IN ATTENDANCE</b>	Darren Wright (Director GCCRS), Iain Feist, (Senior Solicitor, MBIE), John Hardie (Advisor Internal Disputes Resolution)
<b>APOLOGIES</b>	

### 1. Meeting Administration

---

#### 1.1 Minutes and Actions

Members approved the notes taken on the 26 October as the first GCCRS transitional meeting from Project to Operations.

Hugh Mathews was introduced to the Legal Advisory Group and gave an outline of his background and experience as a litigation partner in civil litigation.

#### 1.2 Review Terms of Reference

The terms of reference amendments were accepted and approved.

#### 1.3 Remuneration

Remuneration was discussed and agreed.

### 2. Updates

---

#### 2.1 General Progress with GCCRS Panels

GCCRS panels of facilitators and decisionmakers have been set up. They will be asked for bios so the lists can be published on the website. Legal Advisory members should do the same.

It was confirmed that advisory group members have finalized the process for facilitations and determinations to achieve a seamless process for homeowner's use.

## **2.2 Information for Homeowners and Advisory Group members**

It was agreed by members that the Internal Dispute Resolution Service (IDRS) content is to provide a clear, concise and accessible user process guide to homeowners.

IDRS is designed to provide a range of choices as a faster, cheaper and a more flexible alternative than court proceedings.

## **2.3 Stakeholder Engagement**

Canterbury Law is hosting a formal presentation of GCCRS on 11 December to be held at the RSA in Christchurch.

## **2.4 IDRS Information sheet**

The IDRS draft information sheet was discussed and changes agreed. The Group is to be sent a final draft for approval. The IDRS process will be applicable after a homeowner is registered with GCCRS and has completed a Consent Form supported by required documentation from both parties before a facilitation or determination can proceed. John Hardie has assisted GCCRS with what must be covered at a triage process before a matter can be facilitated or determined.

## **2.5 “As New” Definition**

The differing positions on this issue were noted. This does not prevent engineering assessments from assessing damage and remedial work on the basis of both interpretations. Homeowners will be advised of all the options open to them where the dispute is what constitutes “As New”. GCCRS will monitor the issue to gauge whether it may be a deterrent to homeowners using the service. It was noted that a judgment is expected soon that may give some clarity on the meaning of “As New”.

## **3. Review of Agenda**

---

### **3.1 Next Steps**

It was agreed that the GCCRS Operational Report would be sent to members of the Legal Advisory Group before the group’s next meeting.

### **3.2 Any other items**

It was noted that an integral component of GCCRS is the expert engineering panel confirmation which will affect the number of facilitation sessions able to come through before Christmas.

The Chair is to speak to SR and EQC re their view on the combined facilitation/ determination process.

**Meeting closed: 4.55pm**