

4 February 2020

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Insurance (Prompt Settlement of Claims for Uninhabitable Residential Property) Bill

Please find attached our advice about the consistency of this Bill with the New Zealand Bill of Rights Act 1990. We have concluded that the Bill appears to be **consistent** with that Act.

Details of the Bill

Member:	Stuart Smith	Bill Type:	Member's Bill
Committee:	Not Applicable (Non-Government Bill)	Meeting Date:	11/02/2020

Recommendations

Note the attached advice about the consistency of the Bill with the New Zealand Bill of Rights Act 1990.	YES / DISCUSS
Direct the Ministry of Justice to publish the advice on its website.	YES / NO
Refer a copy of the advice to the Minister of Commerce and Consumer Affairs.	YES / NO
Refer a copy of the advice to the Minister of Justice.	YES / NO
Refer a copy of the advice to Stuart Smith.	YES / NO

Contacts for telephone discussion (if required)

Name	Position	Telephone		1st contact
		(work)	(a/h)	
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Hon David Parker
Attorney-General
/ / 2020

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1. We have considered whether the Insurance (Prompt Settlement of Claims for Uninhabitable Residential Property) Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill proposes to facilitate swift resolution of uninhabitable property claims lodged with insurance companies. The Bill aims to provide:
 - a. a legal framework and parameters for when insurance companies must act by;
 - b. an opportunity for the timeframe to be extended in extreme circumstances at the Minister's discretion;
 - c. a faster response and resolution for claimants;
 - d. less stress and emotional burden for claimants affected by drawn out insurance claims; and
 - e. clarity surrounding the claim process regarding targets and deadlines.
3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

Jeff Orr
Chief Legal Counsel
Office of Legal Counsel