

LESSONS LEARNED  
**CHRISTCHURCH  
EXPERT EARTHQUAKE  
ENGINEERING PANEL**

LEGACY DOCUMENT 2

PANEL MEMBER INSTRUCTION AND BRIEF



**engineering  
new zealand**  
te ao rangahau

# THE LEGACY PROJECT :: PANEL MEMBER INSTRUCTION AND BRIEF

---

This document forms part of the set of information referred to as the 'Legacy Toolbox Package'. This set of documents was prepared by engineers from the Christchurch Earthquake Expert Engineering Panel and the Engineering Advisory Group. Review and input have also been provided by Engineering New Zealand, GCCRS (now NZCRS) and representatives from the Legal, Insurer and Homeowner Advisory Groups.

## 1. OVERVIEW

Requests for Panel services may be made to Engineering New Zealand by either of the New Zealand Claims Resolution Service (NZCRS), EQC or the Canterbury Earthquake Insurance Tribunal. Engineering New Zealand will then directly and independently engage a Panel Member to carry out that service. To facilitate this process, Engineering New Zealand has developed supporting documentation.

The following services have been provided by the Engineering New Zealand Christchurch Earthquake Expert Engineering Panel. The instruction and brief for each service have been included in this document. Documentation presented for each service is representative of NZCRS referrals only. The exception to this is documentation for the facilitation service, as this has significant differences between NZCRS and Tribunal facilitations.

Example reports have been provided for each service offered. These have been provided by the NZCRS as examples of reports that have made a significant contribution to the resolution of claims; comment is provided for each example as to the reason why.

While documentation and report examples all specifically address earthquake damage, they still provide significant value when writing reports for all natural disaster types.

## 2. INITIAL APPRAISALS

The NZCRS can ask a Panel Member to carry out an Initial Appraisal. This could be under a joint instruction from the homeowner and the insurer. Its purpose is to determine steps that could be taken to resolve the claim.

This typically involves a conversation with the homeowner about their observations of earthquake damage or inadequate repairs, a visual assessment of the home, and a brief report about issues that could require another process under the NZCRS.

## 3. PEER REVIEW

The NZCRS or the Tribunal can ask a Panel Member to carry out a peer review of an engineering assessment of earthquake damage and reinstatement recommendations for a home.

The peer review can include advice about whether sufficient investigations have been carried out, the evidence supports the findings, the report meets the brief, the correct standards have been applied, and the conclusions in the report are robust.

#### 4. REINSTATEMENT RECOMMENDATION

The NZCRS can ask a Panel Member to carry out an engineering assessment, advise on earthquake damage, and recommend an appropriate reinstatement methodology. This process involves a Letter of Agreement to be signed by the homeowner and the insurer prior to the referral, identifying whether the report will be binding on both parties and the agreed reinstatement methodology. This is separate to the Letter of Engagement. It is important to note that homeowners will need to show NZCRS that they have had independent legal advice before they participate in a reinstatement recommendation. This is to ensure the homeowner understands fully the implications of these reports.

#### 5. FACILITATION

A Panel Member can be asked by the NZCRS or the Tribunal to facilitate a meeting between experts, to discuss points of difference and provide recommendations for next steps.

While the principles of facilitation remain the same for both NZCRS and Tribunal facilitations, the process is not the same. This is because of the judicial aspect of a Tribunal facilitation, where all parties are required by law to participate, and points of difference to be discussed are identified by the Tribunal Chair.

##### **NZCRS Facilitation**

The Agreement to Facilitate is signed by all parties and gives the homeowner and insurer engineers attending the facilitation the authority to participate in the facilitation and to make decisions in relation to their report and the Outcome Statement. Participating engineers are required to sign a declaration statement confirming the Outcome Statement accurately reflects the discussions occurring during the facilitation.

##### **Tribunal**

As parties to a Tribunal facilitation are required by law to participate, a signed Agreement to Facilitate document is not required. This is therefore replaced with a Letter of Engagement between Engineering New Zealand and the Panel Member. A guideline for expert conferrals has also been included, this has been prepared by the Tribunal to assist participating experts.

#### 7. DOCUMENTATION TEMPLATES

Engineering New Zealand Instruction and Brief templates can be found in this folder [Instruction and brief templates](#).

## 8. REPORT EXAMPLES

### Initial Appraisal

- **Example A**

GCCRS Comment

“This report overturned an EQC position of ‘nothing to see here’. The claim ended up overcap with the insurer.”

[Initial Appraisal Example A.pdf](#)

- **Example B**

GCCRS Comment

“The homeowner was a lawyer experienced in the CES space and it was evident that the Panel Member made sure sufficient detail was included to justify the findings. The findings largely matched those of EQC this gave the homeowner assurance and the claim resolved.”

[Initial Appraisal Example B.pdf](#)

- **Example C**

GCCRS Comment

“This was a 100-year-old home with extensions and locked in levels. EQC had been to site and declined the claim. GCCRS considered cladding damage was EQ related. The Initial Appraisal found a large crack in the masonry wall that could pose a safety concern. This got EQC back to site within a week. The Panel Member was very thorough on site, recognised the age of home. The outcome was not what homeowner anticipated but instead other damage was found that had not yet been noticed. The previously declined claim resulted in settlement being made with the homeowner. The Initial Appraisal report was instrumental in this. The claim is now settled and closed.”

[Initial Appraisal Example C.pdf](#)

### Peer Review

- **Example A**

GCCRS Comment

“This Peer Review reviewed a homeowner-engaged report. The Peer Review resulted in both the homeowner and EQC changing their position. The engineer’s recommendations were in the middle ground between what EQC had previously agreed to, and what the homeowner's engineer had recommended. EQC also praised the quality of the report.”

[Peer Review Example A.pdf](#)

- **Example B**

GCCRS Comment

“This Peer Review validated EQC position but provided a clear justification that the homeowner could accept.”

[Peer Review Example B.pdf](#)

- **Example C**

GCCRS Comment

“This Peer Review had clearly answered homeowner questions, the Panel Member took time on site with them plus provided written answers in his report which was thorough. The foundation was in poor condition and EQC claimed epoxy repair would suffice, the Peer Review changed this claim. See photo (also included in peer review report):”



[Peer Review Example C.pdf](#)

- **Example D**

GCCRS Comment

“For this Peer Review, the homeowner was concerned about the strategy carried out by EQR for their foundation. The homeowner had previously engaged an engineer to comment who had confirmed the strategy undertaken was appropriate homeowner was still unsure. The Peer Review undertaken confirmed the strategy was correct and lawful. The time spent by the Peer Reviewer with the homeowner on site assisted in his understanding of this. This documentation gave the homeowner confidence he could proceed with selling his home. Minor cosmetic works were required, and the claim was settled and closed. The GCCRS case manager said this is the best example they had of an engineer taking the time to sit with the homeowner, explaining rationale and giving homeowner confidence their concerns had been considered.”

[Peer Review Example D.pdf](#)

- **Example E**

GCCRS Comment

“In this Peer Review the forensic aspects of this report had everything we needed to resolve a claim with someone who otherwise would have gone to court.”

[Peer Review Example E.pdf](#)

## **Reinstatement Recommendation**

- **Example**

GCCRS Comment

“In this reinstatement recommendation report, the damage found and reinstatement recommended was in line with the homeowner’s expert and resulted in the home being a rebuild.”

[Reinstatement Recommendation Report Example.pdf](#)