



30 November 2023

Consultation on proposed Code of Insured Persons' Rights

Introduction

Citizens Advice Bureaux New Zealand | Ngā Pou Whakawhirinaki o Aotearoa (CAB) welcomes the opportunity to provide a written submission on the proposal for Code of Insured Persons' Rights.

We welcome the development of the Code of Insured Persons as an opportunity to increase people's knowledge of their rights while dealing with Toka Tū Ake EQC. There are two main issues we raise in this submission, first the importance of ensuring that the Code is written in Plain English, and second trying to ensure as much complementarity as possible with the Fair Insurance Code.

Our service

CAB provides a free, confidential, and independent service of information, advice, and advocacy. We help people know and understand their rights and responsibilities, feel empowered to act on them, and find the community services they need. When we see that policies or laws aren't working well for people, we act as a voice for positive social change.

Our service is provided from over eighty locations around the motu by our over 2,000 trained CAB volunteers. In the past financial year (amidst the challenges presented by COVID-19), the CAB assisted with over 325,000 client interactions across the range of issues that affect people in their daily lives, including dealing with insurance issues and the aftermath of natural disasters. In the last year we helped with over 2,000 enquiries which were specifically about insurance.

Every time a person seeks the CAB's help, we record what they sought help with and what we did in response; this gives us unique information about the issues affecting people in communities nationwide.

We are committed to making sure people know their rights and responsibilities and can access the services they need. This means we think about the diverse needs of people in

Aotearoa New Zealand and try to communicate in plain language that people can understand. We provide people with clear, relevant and accurate information about their rights and responsibilities.

Plain English

The primary purpose of the Code is to ensure that people who are dealing with Toka Tū Ake EQC are aware of their rights. It's important that the Code is written in a style which is easy to understand and feels approachable. Currently much of the Code is written in an unnecessarily complicated way, which both makes it harder to understand and much less user friendly.

One example of this is the Purpose section of the Code (1.1), which basically reiterates the wording of the legislation. This can and should be written in a much more straightforward manner, and in a tone which directly addresses the insured person, for example instead of:

“The purpose of this Code, as reflected in section 88 of the Act, is to set out rights of insured persons and obligations of Toka Tū Ake – Natural Hazards Commission (the Commission) that seek to ensure that the Commission is managing and settling claims in a fair and timely manner.”

It could be written more like

“The purpose of this Code, is to provide you with information about your rights and our responsibilities to ensure that your claim is managed and settled in a fair and timely way.”

Another example would be 1.1.a (under ‘Purpose’)

Instead of:

a. confers rights on insured persons, and imposes obligations on the Commission, in relation to how the Commission should deal with insured persons, particularly in relation to the timeliness of managing claims and the fair treatment of insured persons;

A plain language version would be something like:

a. gives rights to insured people and obligations to the Commission for how it deals with insured people. The rights are about treating insured people fairly and managing claims in a timely way.

The use of plain language also supports access to information for people with a range of disabilities who use assistive devices, and for those who need the information to be translated into another language.

We would like to see the Code rewritten by someone experienced in writing in Plain English. Consideration should also be given to restructuring the Code so that information about your rights is up front and the information about definitions etc is at the end of the Code.

Looking at making the code more complementary with the Fair Insurance Code

Given that there is the Fair Insurance Code, which was developed by the Insurance Council of New Zealand and applies to all their members, it would be good to ensure as much complementarity between these codes as possible. This should both be in terms of what rights are provided for by the Codes, as well as the language used to describe those rights.

Specific Feedback on the Rights of Insured People Part 2

In Section 1 we would like to add a reference to being treated in good faith, so it better reflects the language of the Fair Insurance Code, e.g. change to “You have the right to be treated with dignity, and respect and in good faith.”

In section 2 we would like to include reference to effective communications about decisions that have been made, potentially using the same language as the Fair Insurance Code e.g. “We will explain the decisions we make accurately, clearly, concisely and effectively in all our interactions with you.”

In section 3 *You have the right to be fully informed* it would be useful to be clear that it’s not just information that you will provide, but easily understood and accessible information.

In section 5 it would be useful to be clear that you will make it easy for people who want an advocate, not just a support person, to engage with Toka Tū Ake.

While we recognise that Toka Tū Ake absolutely has a right and a responsibility to ensure their staff safety we don’t think that including the proviso “provided that the safety of all can be assured” in 5(b) is appropriate in a consumer facing Code. The wording “b. We will welcome you and your support person(s) to engage with us”, still gives scope for Toka Tū Ake to manage that engagement in a way that ensures safety.

In section 7 it would be good to include more specific information about the timeframes etc for the complaints process. For example, you could include the following information, which [is currently on your website](#):

- The person assigned to investigate your complaint will contact you within five working days to acknowledge the complaint and gather more information.
- Our aim is to investigate and resolve your complaint within two months, however if this is not possible, we will update you with our progress within this timeframe.
- We will continue to keep you regularly updated throughout the process.

- The outcome of the investigation will be discussed with you and confirmed in writing.

In section 9, the phrase “certain disputes claims” is not very clear, and we would like to see a brief explanation of the sorts of claims that can be referred to an external dispute resolution scheme. If there is a particular scheme that is being used, then it should be named it here.

Part 3: Complaint Procedure

It would be useful if this section did include some key information about the complaint procedure. This could include that, if the Commission does refer a complaint, they will inform the complainant in a timely manner and at the earliest opportunity and explain to the complainant why their complaint is being referred, and give the complainant the relevant details, including contact details, for that body.

Part 7: Dispute Resolution

It would be useful to specifically name the dispute resolution scheme that the Commission belongs to. It would also be good to include a Plain English explanation as to what a referable decision is rather than simply referencing a section of the Legislation.

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