



THE HIGH COURT OF NEW ZEALAND
TE KŌTI MATUA O AOTEAROA

1 August 2019

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

Busby v IAG New Zealand Ltd [2019] NZHC 1852

Press summary

This summary is provided to assist in the understanding of the Court’s judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The Canterbury Earthquakes Insurance Tribunal was established to provide homeowners affected by the Canterbury earthquakes with access to a cheaper and more flexible means of resolving their dispute. In *Busby v IAG NEW ZEALAND LTD*, the plaintiffs successfully applied for their dispute with their insurer, IAG, to be transferred to the new Tribunal. This is the first application opposed by an insurer. IAG argued that part of the home owners claim was not eligible for transfer because part of the claim was said by IAG to be land damage not damage to the home. The Court held that this argument was part of IAG’s defence to the claim and did not affect the claim’s eligibility for transfer to the Tribunal. The Court also dismissed IAG’s second argument, that the claim involved a novel and complex point of law and should therefore stay in the High Court. The Court held that earthquake cases that have not yet been resolved are likely to involve complex legal issues, and that a case may involve complex issues was not a reason to decline the transfer. The Court concluded that allowing the home owners claim to be transferred to the Tribunal was in the interests of justice.

Associate Judge Lester