IN THE CANTERBURY EARTHQUAKES INSURANCE TRIBUNAL

CEIT-0010-2020

IN THE MATTER OF CANTERBURY EARTHQUAKES INSURANCE

TRIBUNAL ACT 2019

BETWEEN G

Applicant

AND EQC

First Respondent

AND SR

Second Respondent (Discontinued)

Date: 3 May 2021

On the papers

DECISION OF MEMBER C D BOYS (NO 3)

[1] On 11 November 2020, I issued a decision on several of the substantive issues between the

the Tribunal, made an application for the correction of what he says is an omission in the decision.

parties to this application (the decision). On 24 April 2021, Mr Adrian Cowie, who gave evidence to

The alleged omission is that, in the decision, I describe Mr Cowie as a "surveyor" when in his CV,

appended to his written evidence, he describes himself as a "surveyor, planner civil and services

engineer.

[2] Mr Cowie's application is made under rule 11.10 of the High Court Rules, the so-called *slip*

rule, which allows the correction of accidental slips or omissions to be made after a judgement is

sealed. While the Tribunal is not subject to the High Court Rules, Section 47(2) of the Canterbury

Earthquakes Insurance Tribunal Act 2019 (the Act) states:

After a copy of a decision is given to the parties, the Tribunal may correct any minor clerical or

typographical errors or errors of a similar nature.

[3] Having considered Mr Cowie's application, I note the following:

> Section 47(2) of the Act provides a similar mechanism for correcting errors as rule (a)

11.10. The section uses the word "may", therefore, the power to amend is discretionary.

(b) The application is made by Mr Cowie personally. In making the application he is not

acting for G, rather it is made in his capacity an "an independent expert who provided

expert evidence to the Tribunal for this proceeding".

(c) The evidence presented was survey evidence, relating to the physical aspects of the

land and dwelling. It was not evidence regarding planning issues, as none were

relevant to this dispute, nor was the evidence meaningfully related to civil and services

engineering issues.

(d) Over 5 months have passed since the decision was issued.

[4] I decline the application for the following reasons:

> (a) Mr Cowie is not a party to these proceedings. He has no standing to make any

application.

There was no omission. Mr Cowie gave evidence as a surveyor, he was described (b)

accordingly. Experts may have many and varied qualifications and expertise, there is

no requirement that the Tribunal list such in detail.

[5] The decision will remain as published.

Canterbury Earthquakes Insurance Tribunal

C D Boys Member