SUSTAINABLE MANAGEMENT OF HISTORIC HERITAGE

Guide No. 7

Insurance and Heritage Properties

3 August 2007
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Sustainable Management of Historic Heritage Guidelines

Guide No.7

Insurance and Heritage Properties

The NZHPT acknowledges the assistance of the Insurance Council of New Zealand and the Property Council of New Zealand in developing this guidance.

While the NZHPT acknowledges the contribution of other agencies and organisations, the opinions and views expressed in this guide are those of the NZHPT only.

Author: Robert McClean with the assistance of Elizabeth Cox

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Comments and feedback can be provided to the New Zealand Historic Places Trust Pouhere Taonga about this guideline. Please send comments to:

New Zealand Historic Places Trust Pouhere Taonga
PO Box 2629
Wellington
Email: information@historic.org.nz (Attention: Sustainable management guidance)
Phone 04 472 4341
Fax 04 499 0669

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Introduction: Insurance and Heritage Properties

This guidance has been prepared in response to inquiries about heritage places and insurance. Inquiries are received by the NZHPT on a regular basis relating to cost of insurance and difficulty in obtaining adequate insurance by owners of heritage places. These issues were highlighted in the cover story of Heritage NZ, spring 2004 issue.


New Zealand’s heritage places are a finite and special resource. Each heritage place requires special care and protection. Damage caused by fire is the greatest worldwide threat to heritage buildings. In New Zealand about 15 heritage buildings are destroyed each year as a result of fires.† While buildings can be repaired, the damage is often irreversible.

Normally heritage buildings that are partly damaged by fire are repaired and rebuilt. However when a fire totally destroys a building, it is gone forever. On rare occasions, heritage buildings have been fully reconstructed. For example, Rangiatea Church at Otaki was completely reconstructed after it was totally destroyed by an arsonist in 1995.

This guideline briefly covers New Zealand’s system of historic heritage protection under the Historic Places Act 1993 and the Resource Management Act 1991 (RMA) and aspects of post-disaster repair works. It suggests a number of principles for insurance and heritage properties. These principles go beyond ‘insurance’ issues to promote a wide risk-management approach to caring for a heritage place. The principles are:

- Carrying out regular maintenance and repair.
- Promoting fire safety measures.
- Avoiding vandalism and theft.
- Maintaining adequate documentation.
- Obtaining a valuation.
- Maintaining adequate insurance cover.
- Promoting full information disclosure.

Registration and protection of historic heritage


The Historic Places Act 1993 provides for the establishment and maintenance of a Register of historic places, historic areas, wahi tapu and wahi tapu areas. The purposes of the Register are:

a. To inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas:

b. To notify owners of historic places, historic areas, wahi tapu and wahi tapu areas where necessary for the purposes of this Act:

† NZ Fire Service and NZHPT, Protecting and Preserving what we Value, February 2005
To assist historic places, historic areas, wahi tapu, and wahi tapu areas to be protected under the Resource Management Act 1991.²

Registration under the Historic Places Act 1993, therefore, provides no regulation or protection and the NZHPT does not have statutory powers in legislation in terms of issuing consents/building permits in the event of fire-related damage/repairs.

The NZHPT’s only general regulatory authority, in relation to a heritage building, may arise from a pre-1900 building and site where an archaeological authority may be necessary in the event of demolition, relocation, or major earthworks.

In rare circumstances, special protective provisions can apply to a particular place, if the property is protected by a heritage covenant or heritage order. In these circumstances, any repair works and alterations may require the approval of the NZHPT in addition to local authority consent requirements.

**Archaeological authorities**

Any heritage building that has been constructed before 1900 may also be associated with an archaeological site under the Historic Places Act 1993. Under section 2 of the Historic Places Act 1993, an archaeological site is defined as any place in New Zealand that either – was associated with human activity that occurred before 1900; or is the site of the wreck of any vessel where that wreck occurred before 1900; and – is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Under section 9(2) of the Historic Places Act 1993, the NZHPT may declare any post-1900 site to be covered by the archaeological site definition in section 2 by notice in the *Gazette*.³

Section 10 of the Historic Places Act 1993 directs that an authority is required from the New Zealand Historic Places Trust if there is “reasonable cause” to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

The RMA provides for the sustainable management of natural and physical resources. The Act contains rules that restrict the use of land, the coastal marine area, river and lake beds, water, discharges, and noise.

The primary method of land-use regulation is by regional and district plans prepared under the RMA. These plans contain rules that regulate activities involving listed heritage places and areas. Generally, the majority of district plans regulate repair and maintenance, alterations and additions, relocation, demolition, signage, and subdivision involving listed heritage places and areas. This means that resource consent is normally required to undertake these activities (with the exception of repair and maintenance work) to a listed heritage place.

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² Sec 22(2) Historic Places Act 1993
³ In 2004, the NZHPT declared the Napier Prison Wall an archaeological site under section 9(2) of the Historic Places Act 1993.
Owners of heritage places should contact their local district council about the relevant rules and regulations that may apply to their place.

**Post-disaster repair work**

All repair works involving heritage places should be guided by conservation principles, especially the *ICOMOS New Zealand Charter for the Conservation of Places of Cultural Value*, 1993. This will require that work should:

i. Make use of all relevant conservation values, knowledge, disciplines, arts and crafts;

ii. Show the greatest respect for, and involve the least possible loss of material of cultural heritage value.

iii. Involve the least degree of intervention consistent with long term care of a place.

iv. Take into account the needs, abilities, and resources of owners and communities.

v. Be fully documented and recorded.4

The NZHPT is also promoting a set of principles and assessment criteria as guidance for repair and maintenance to heritage places and areas (see Discussion Papers of this series No.1 principles and issues and No. 2 assessing effects).

In the event of small fires and low-scale damage, repair work should be carried out to avoid loss of material of cultural heritage value and be compatible with the historic character of the place.

Generally a compatible or reconstruction approach which involves new materials matching original design is generally acceptable under the Building Act. All repairs are considered on a case by case basis depending on the extent of damage, significance of original, and repair options.

Repair works to listed heritage buildings are regulated by local authorities using rules in district plans prepared under the RMA. Repair work is generally treated as a permitted activity by local authorities. However, as indicated in the example below from Auckland City Central Area District Plan, repair works to listed heritage buildings are normally permitted on condition that the work is compatible with the heritage values of the place.

In addition to a resource consent required under the RMA, a building consent may or may not be required under the Building Act 2004 depending on the nature of the repair work. Under clause (a) of Schedule 1 of the Building Act 2004, any 'lawful repair and maintenance' does not require a building consent if the work uses ‘comparable materials, or replacement with a comparable component or assembly in the same position.’ Generally this will mean that comparable repair works to fix accidental damage is normally permitted under the Building Act 2004.5

It is important always to check for any permitting or consent requirements with the local authority before any repair work begins.

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4 Adapted from *ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value*, 1993

5 Department of Building and Housing, *Codewords*, January, 2007
The new repair work would be subject to the standards of the Building Act 2004. The principles of the Act include section 4(2)(l) 'the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.' This gives the local authority flexibility with regard to heritage buildings under the Building Act 2004 and a waiver can be applied for to the Department of Building and Housing for work that does not meet aspects of the Building Code because of heritage-related reasons.

**Example: Auckland City Central Area District Plan, Rule relating to Repair and Maintenance of listed heritage places**

**10.9.10.1 Scheduled Buildings, Objects, Properties or Places of Special Value**

The following activities are permitted in relation to any of the above scheduled items.

a) Any of the following works carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those values for which the item has been scheduled:
   - Redecoration
   - Maintenance
   - Repair

b) Any change of use otherwise permitted on the site which is unrelated to the purpose for which the item was scheduled and which does not detract from the values for which it was scheduled.

c) In relation to scheduled site surrounds, routine maintenance including all normal work required to use, maintain, and enjoy existing garden, landscape features or structures and to make minor modifications or additions to these features or structures (but excluding substantial new structures, buildings or excavations), where these actions do not destroy, compromise, damage or impair the appreciation of the heritage values of the site surrounds.

d) In relation to an interior, routine maintenance including all normal work required to use, maintain and enjoy the existing fittings, decoration, trim, surfaces, materials or structures and to make minor modifications or additions to these (excluding demolition or substantial new work).

e) In relation to updating of “plant”, where “plant” is not specifically identified in Appendix 1 Schedule A as being part of the heritage fabric of the building or which does not detract from the values for which the item has been scheduled.

f) In relation to free standing non permanent structures (i.e. tents and marquees) on properties or places of special value for a period of two calendar weeks, and not more than three non-consecutive times a year.

**Auckland City Central Area District Plan definitions:**

Redecoration means the renewal, restoration or new application of, surface finishes, coatings, decorative elements, minor fittings and fixtures, and floor coverings; provided these actions do not destroy, compromise, damage, or impair the appreciation of the heritage values of the element being redecorated.

Repair means restoration or reconstruction beyond the definition of maintenance.

Maintenance means the continuous protective care of the fabric, and is to be distinguished from repair.
In the event of large fires and large-scale damage, owners may decide not to rebuild and instead to demolish the remaining fabric. Sometimes local authorities require resource consent under the RMA for this activity and or they may just issue a building consent under the Building Act 2004. Owners are advised to check with the local authority before demolishing any building or structure.

The NZHPT has no powers to insist that insurance companies and owners rebuild using replica design or materials. Using original material can be very expensive. The majority of NZ historic houses were built in Rimu, Totara etc and the cost of obtaining this material now is prohibitive. Repair using compatible materials and design approach is the most often chosen alternative.

Guidance is available from the NZHPT on altering heritage buildings as outlined in Discussion Paper No. 2 of this guidance series.

**Principles for insurance and heritage properties**

**Carrying out regular maintenance and repair**

Neglecting regular repair and maintenance will result in deterioration and loss of building fabric. If maintenance is not carried out, repairs become progressively more difficult, time consuming and expensive. A poorly maintained building will be more susceptible to fire and other forms of damage and deterioration. A well maintained building will survive damaging events such as a fire or earthquake much better than a poorly maintained building.

It is particularly important that gas, plumbing and electricity systems are in good order and are not subject to deterioration. Electrical wiring and appliances should be inspected by a suitably qualified electrician on, at least, a five yearly basis.

It is not the case that old buildings are necessarily in poor condition. For example, the results of the BRANZ New Zealand 2005 House Condition Survey showed a marked improvement in the condition of older homes, especially those houses 80 years of age or older as a consequence of renovation of older housing stock. As explained by BRANZ:

As older houses have become more popular over the past decades (as illustrated by the increase in building valuations of this group), many have been repaired, modernized, and upgraded; in some cases to the extent that their condition becomes comparable to that of a much newer house (particularly in the interior components). These houses now more than counteract the effect of those houses that continue to deteriorate, and the net result is that the average condition shows an upward movement.

BRANZ has published detailed guidance to assist owners maintain their homes. The NZHPT recommends home owners follow this guidance. Further the NZHPT has guidance available

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7 ibid, p 17
with regards to historic timber and brick structures. In addition there are a range of published books available about understanding and maintaining historic homes.

Conservation plans and condition reports can assist owners with repair and maintenance of heritage buildings. A conservation plan provides a general strategy for the long-term life of a place. It is a document that contains, or refers to, all the reasonably accessible information that can be found about a heritage place. Guidance about preparing conservation plans is available by contacting the NZHPT.

**Promoting fire safety measures**

Preventing fire and other damaging activities should be top priority for any heritage property owner. Fire safety measures will include preparing a fire safety plan and installing smoke-d Detectors and sprinkler systems. The NZHPT and the NZ Fire Service have published guidance on preventing fires at heritage places and marae.

### Promoting Fire Safety

NZ Fire Service and NZHPT, Protecting and Preserving what we Value, February 2005

Carol Caldwell and Hamish MacLennan, *Guidelines for Fire Safety*, NZHPT, 2000

NZHPT, Mahi Whakaoranga, Taonga Marae, Conserving Marae Buildings.

NZ Fire Service, NZHPT, Ministry of Consumer Affairs, Protecting Marae from Fire Nga whakatupato ahi mo te marae, 2005


### Avoiding vandalism and theft

Heritage places have been destroyed as a result of vandalism. It is important that heritage places be secure and protected from vandalism and theft. It is also important that security barriers and design solutions do not compromise heritage values. The Ministry of Justice has published guidance on reducing crime through environmental design. The principles contained in this guidance can be adapted for heritage places. The NZHPT also recommends the advice prepared by Queensland Environmental Protection Agency and the Queensland Parks & Wildlife Service in relation to promoting safety and security in historic buildings (see reference below).

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11 Ministry of Justice, *Crime Prevention through Environmental Design in New Zealand (CPTED)*, Wellington, 2006
Maintaining occupation and use of a place is an important measure in reducing vandalism and theft. Generally, places that are used and ‘lived in’ will not attract unwanted public attention and entry. If a place is not occupied for any length of time, adequate security measures should be initiated.\textsuperscript{12}

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\textbf{Promoting Security of heritage places} \\
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\section*{Maintaining adequate documentation}

Owners of heritage places should maintain adequate documentation, especially a photographic record. In the event of damage, a photographic record is essential to guide any assessment and repair works.

The photographic record provides a visual description of all important internal and external spaces of a property. Ideally, the photographic record should be accompanied by an inventory and scaled drawings that provide a description of all spaces, fixtures and fittings and also provide details of building materials and design. Together this information would form the basis for a conservation plan or condition report.

The photographic record should be updated on, at least, an annual basis. It could be stored in electronic format with copies of CD ROM or other electronic medium stored in a fire-proof container or stored offsite.

If resources permit, a professional photographer should be engaged to prepare the photographic record.

The NZHPT is developing guidance for the taking of photographs for the purpose of registration.\textsuperscript{13} This guidance may be adapted for the purposes of preparing a photographic record. Contact the NZHPT for further information.

Other overseas heritage agencies, such as the US National Parks Service also provide guidance on taking photographs of historic places.\textsuperscript{14}

\begin{flushleft}
\textsuperscript{12} Susan D. Turner, ‘Mothballing your heritage building’ \textit{Heritage}, Heritage Canada, Fall 2005, pp 40-44 \\
\textsuperscript{13} NZHPT, \textit{Taking photographs for the purpose of registration}, draft information sheet, 2007 \\
\textsuperscript{14} US National Parks Service, Photo Policy Expansion, March 2005, \\
\url{http://www.cr.nps.gov/nr/policyexpansion.htm}
\end{flushleft}
Obtaining a valuation

Obtaining an up-to-date valuation for a heritage place is important. All types of insurance cover (total replacement, nominated value, and indemnity policies) should be informed by a recent valuation. Generally, valuations should be updated every five years.

Valuations should be carried out by registered valuers and members of the New Zealand Property Institute. You can obtain information about valuers and the New Zealand Property Institute from [http://www.property.org.nz/](http://www.property.org.nz/).


Any complaints about a service provided by a registered valuer can be submitted to the Registrar, Valuers Registration Board, PO Box 5501, Wellington.15

Maintaining adequate insurance cover

Insurance does not provide protection from damage. Instead it is a system that provides recompense to owners in the event of loss or damage in order that repair or reinstatement may be financed in whole or in part.

There are a range of different types of insurances. The Insurance Council of New Zealand provides consumer advice about insurances such as personal, travel, commercial, home and contents, and motor (see [http://icnz.org.nz/](http://icnz.org.nz/)).

Information about insurances is also available from the Insurance and Savings Ombudsman (see [http://www.iombudsman.org.nz/index.aspx](http://www.iombudsman.org.nz/index.aspx)).

All heritage places should be covered by adequate insurance. Generally this will involve deciding on either total replacement, nominated value, or indemnity insurance options.

Total replacement means that if your house is destroyed, the insurance company will rebuild the house and pay all the fees involved in the process. In the case of a historic building, this may involve reconstruction using modern materials and methods.

Nominated or fixed sum insurance means that an owner and the insurance company agree on a sum insured, and the company will rebuild the house you to that limit if it is destroyed. Normally, the nominated value would represent the replacement value as assessed by a registered valuer. A higher amount could be chosen by the owner to cover the costs of repairs that may involve historic reconstruction.

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Indemnity insurance is based on present-day valuations and is roughly equivalent to the market valuation of the building, excluding the land. Often the full costs of repair or reconstruction are not covered under an indemnity insurance policy.

The NZHPT encourages all owners of heritage properties to insure, as a minimum, to cover reinstatement liabilities. They should provide for recovery from a worse case scenario and consider the costs of repair after a damaging event.

In considering insurance coverage, owners should ‘shop around’ and consider contacting a range of insurance providers. Owners may wish to seek advice from:

- The Insurance Council of New Zealand (http://icnz.org.nz/)
- Insurance Brokers Association of New Zealand (http://www.ibanz.co.nz/)

An owner can lodge a compliant about an insurance service or company to the Insurance and Saving Ombudsman (http://www.iombudsman.org.nz/).

A building is vulnerable to fire while it is under repair and alteration. All persons working on a heritage property should be aware of fire risks. In some instances, owners may wish to obtain special insurance for buildings that are under repair or alteration.16

**Promoting full information disclosure**

Full disclosure of all relevant information or duty of utmost faith is an important insurance principle. There are significant risks for a property owner if all the relevant information is not provided to an insurer.17

All relevant information about a heritage property should be disclosed to the insurance company. This may include age of property, condition, and any heritage status (registration under the Historic Places Act 1993 or listing in a district plan under the RMA).

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17 John McCrone, ‘A cover-up could leave you exposed’ *The Dominion Post*, 18 July 2006
Common questions: Heritage places and insurance

Q. Are heritage buildings more difficult to insure?

The heritage status of your building should not affect your insurance. The cost of insurance will largely depend on the size, use and physical condition of your property.

Age should not have a major effect in how a property is assessed, or its risk of damage. If your property is well maintained, particularly with good electrical wiring and fire protection, then you should be able to get full insurance cover.

Q. Does registration under the Historic Places Act make any difference?

Registration should make no difference to insurance. Registration by the NZHPT is simply a system of recognition for heritage significance and has no affect on matters such as valuation or repairs following damage.

Q. What is a listed heritage building?

Listed heritage buildings are places that are included in regional or district plans prepared by local authorities under the RMA. While each regional or district plan is different, the majority contain rule provisions for what is allowed to be done to listed heritage buildings in terms of repair, maintenance, alterations, additions and demolition.

Unlike in some jurisdictions overseas, regional and district plans do not require reconstruction, using original materials or returning a building to an original state following a damaging event. Owners should be familiar with any relevant provisions of regional and district plans.

Q. What difference does listing make to my insurance?

Because regional and district plan rules do not normally require repair by adoption of exact replica and expensive original materials such as Rimu or Kauri, repair costs should not be too dissimilar to those for any other non-listed building. Therefore, the simple fact that a building is old, should not result in high insurance costs.

However, if an owner wishes to repair or reconstruct a building to its original state using original materials, these special requirements should be negotiated with the insurance company.

Q. What can I do to keep my insurance costs down?

There are number of actions that help keep insurance costs down for historic buildings. These actions are similar to those that should be taken for other non-heritage buildings:

- Installing smoke detectors and sprinkler systems
- Upgrading electrical wiring systems
- Carrying out regular maintenance
- Ensuring that your property is safe from vandals
Ensuring that your property is occupied

Q. What else should I do?

Detailed photos of properties, particularly any special architectural details or fixtures that could be stolen, should be obtained. Also plans should be prepared to record the size of rooms etc. These records will be invaluable to guide any repair works. The photographs and documents should be kept in a fire-proof container.

Clear communication should be maintained between building owners and insurance companies. The insurance company needs to understand what the property owner may require in the event of either damage to property or its complete destruction.

 Owners should ensure they are adequately covered and insurance policies should be based on an up-to-date valuation.

Q. In the event of a disaster, what should I do?

In addition to the insurance company, owners of heritage buildings should discuss repairs with their local authority and the New Zealand Historic Places Trust. Competent tradespersons should be employed to carry out any required repairs, and original features and fixtures should be retained as much as possible.

Q. What do I do if I can’t get my insurance company to cover my building?

Owners should provide insurance companies with all relevant information about the building, including level of maintenance, age, fire protection measures, and valuation. Also owners should ‘shop around’ and possibly engage the services of an insurance broker. Owners who require assistance can contact the Insurance Council of NZ or the Insurance and Savings Ombudsman.
Glossary of conservation terms

**Repair of a historic place (building)** means the restoration to good or sound condition of any existing building (or any part of an existing building) for the purpose of its maintenance. Repair and maintenance work should meet the following standards:

- The work involves stabilisation, preservation and conservation as defined in the ICOMOS NZ Charter for the Conservation of Places of Cultural Heritage Value, 1993 (the ICOMOS Charter).
- The work does not involve alterations, additions (including restoration and reconstruction as defined in the ICOMOS Charter), relocation, partial demolition and demolition (otherwise other standards apply).
- The work involves the restoration to good or sound condition of any existing building or any part of an existing building.
- The work involves the patching, restoration or minor replacement of materials, elements, components, equipment and fixtures for the purposes of maintaining such materials, elements, components, equipment and fixtures in good or sound condition.
- Any redecoration work involves the renewal, restoration or new application of surface finishes, decorative elements, minor fittings and fixtures and floor coverings which does not destroy, compromise, damage or impair the appreciation of the heritage values of the element being redecorated.
- The work carried out on the building shall generally match the original in terms of quality, materials and detailing.
- Repair of material or of a site should generally be with original or similar materials. However, repair of technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and any heritage value is not diminished.
- The work is for the purposes of keeping the building in good condition.
- The work does not result in any increase in the area of land occupied by the building.
- The work does not change the character, scale and intensity of any effects of the building on the environment (except to reduce any adverse effects or increase any positive effects) but does not include upgrading.

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19 ICOMOS NZ Charter
- No painting is to be applied to any previously unpainted surface or render to previously unplastered wall surfaces. New paint should not adopt brash or extreme colours and the adoption of ‘corporate colours’ should be discouraged.

- Repair work should be carried out by a tradesperson with experience in working with heritage buildings.

**Replication** means ‘copying materials and details faithfully from the original, in an attempt to disguise the new as original work.’\(^{20}\)

**Compatible design** means ‘new work is made compatible with the old by maintaining proportions, scale, materials, textures and colours, but varying the design in subtle ways to allow it to be seen as later work.’\(^{21}\)

**Reconstruction** means ‘to build again in the original form using old or new material.’\(^{22}\)

**Other information sources**

In autumn 2003, the Heritage Office of NSW published an extract from a talk given by Michael Phillips of the Insurance Council of Australia relating to heritage and insurance issues in Australia:


Heritage Council of Western Australia, heritage buildings and insurance guidance:


Government of South Australia, heritage buildings and insurance guidance:


[http://www.buildingconservation.com/articles/insure/insure.htm](http://www.buildingconservation.com/articles/insure/insure.htm)


[http://www.buildingconservation.com/articles/insurance/insurance.htm](http://www.buildingconservation.com/articles/insurance/insurance.htm)

The Insurance Council of New Zealand


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\(^{21}\) ibid, p 5

\(^{22}\) ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, 1993
Insurance Brokers Association of New Zealand
(http://www.ibanz.co.nz/)

Financial Planners and Insurance Advisers Association
(http://www.fpia.org.nz/).

Insurance and Savings Ombudsman
(http://www.iombudsman.org.nz/).