

Entry onto Crown Land: Deed of Indemnity



DEED of **INDEMNITY** dated this _____ day of _____ 20

HER MAJESTY THE QUEEN in right of New Zealand acting by and through the Chief Executive of Land Information New Zealand (“LINZ”)

BACKGROUND

- 1 LINZ is allowing Southern Pest Management (“the Contractor”) to enter onto Crown land on terms and conditions contained in a letter dated 18 November 2003.
- 2 LINZ requires that the Contractor provide an indemnity on terms described in clause 3.

OPERATIVE PART

- 3 The Contractor shall be liable, and shall indemnify and keep indemnified LINZ, for any and all loss, damage and liability, whether criminal or civil, together with the reasonable legal fees and costs incurred by LINZ resulting from:
 - a) any liability LINZ may incur from a third party claim made against LINZ in connection with the Contractors entry onto and activity upon the Crown land;
 - b) any act or omission of the Contractor or its agents, employees or its contractors; and
 - c) any and all costs and expenses, including reasonable legal fees, court costs and expert witness fees, actually suffered or incurred by LINZ, whether directly or indirectly, as a result of any failure on the part of the Contractor to comply with, observe or perform the above matters.
- 4 Notwithstanding any other provision in this Deed, the contractor shall not be liable to LINZ for any loss or damage to the extent that it is caused by any negligent act or omission of LINZ, its employees or its agents. Where negligence is found to have been contributory each party shall bear responsibility in proportion with that party’s fault.
- 5 The Contractor will obtain public liability and fire suppression insurance cover with a reputable insurer in respect of any potential liability under this Deed. The minimum cover per claim under the policy shall be:
 - a) for public liability insurance, one million dollars (\$1,000,000); and
 - b) for fire suppression insurance, two hundred and fifty thousand dollars (\$250,000).

Each insurance policy must have an excess set at the minimum level that can be practically obtained in the market.

- 6 The Contractor shall ensure that LINZ is an interested party, in that LINZ may make a claim direct to the insurer, in any contract of insurance required to be taken out as a condition of entering onto the Crown land.
- 7 This Deed of Indemnity is to take effect on _____ day of _____ 20.

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SIGNED by [the contractor]

[Title – if appropriate]

in the presence of:

Name

Address

Occupation

SIGNED by [LINZ]

[Title – if appropriate]