

19 October 2020

M.R.M.
fyi-request-13843-82341a11@requests.fyi.org.nz

Tēnā koe M.R.M.

Time Extension of your Official Information Act request, reference: GOV-006958

Thank you for your email to the Minister for ACC which was transferred to ACC on 21 October 2020, asking for the following information:

1. *The contract / agreement, and/or any other document/s, that provides for government funding of the review and appeal services as legally required to be rendered under Part 5 of the Accident Compensation Act 2001, and in this instance by Fairway Resolution Limited.*

**** Note that this is not an information request that your office can escape complying with by claiming in response that Fairway Resolution Limited must provide me with the requested information, and that you have therefore transferred it to them. Notwithstanding that it is public knowledge that Fairway Resolution Limited is no longer legally required to comply with the Official Information Act, the contract / agreement, and/or any other document/s, has two parties to it and I am specifically directing this request to your office because not only would the contract / agreement, and/or any other document/s have been instigated and produced by your office, but, your office - as the primary partner - is subject to the provisions of the Official Information Act and therefore legally required to provide me with the requested information.*

2. *An example of the template document that the ACC - again, not Fairway Resolution Limited - is legally required (under Section 136 of the Accident Compensation Act 2001) to provide to claimants who have submitted a review application, and, which must a) acknowledge when the review application was received by the ACC, and b) contain an explanation of the effect of Sections 146 and 147 of the Accident Compensation Act 2001.*
3. *Despite Fairway Resolution Limited now purportedly being a "private company", and given the fact that this change of ownership was done to try and strengthen the appearance of Fairway Resolution Limited and its reviewers being "independent" of the ACC, Section 137 of the Accident Compensation Act 2001 still requires the "Corporation to engage and allocate reviewers."*

Since the word "engage" has a number of definitions and with some of them running counter to the purported "independence" of Fairway Resolution Limited from the ACC, the contract / agreement, and/or any other document/s, that provides for the legal requirement that "the Corporation must engage as many persons as it considers necessary to be reviewers under this Part", and that "the Corporation must arrange for the allocation of a reviewer to the review."

We are responding under the Official Information Act 1982 (the Act).

ACC needs extra time

The Act requires that we advise you of our decision on your request no later than 20 working days after the day we received your request. Unfortunately, it will not be possible to meet that time limit and we are therefore writing to notify you of an extension of the time to make our decision, to 3 November 2020.

This extension is necessary because consultations necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit.

How to get in touch

Please contact me on Government.Services@acc.co.nz if you would like to talk about this letter. I will be happy to answer any questions or, if you have any concerns, work with you to resolve these.

If you are not happy with this response, you have the right to make a complaint to the Ombudsman. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Nāku iti noa, nā



Sasha Wood

Manager Official Information Act Services
Government Engagement & Support