

29 October 2020

M.R.M.

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

Tēnā koe MRM

Your Official Information Act request, reference: GOV-006958

Thank you for your email of 21 September 2020 which was transferred to ACC by the Minister for ACC, asking for the following information under the Official Information Act 1982 (the Act):

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."

ACC's contract with Fairway Resolutions

Attached is the contract between ACC and Fairway Resolution Ltd for the provision of review administration services and dispute resolution services.

The contract between ACC and Fairway contains the names of ACC and Fairway staff. We have made the decision to withhold the names under section 9(2)(a) of the Act, as there is a need to protect the privacy of natural persons. ACC has carefully considered whether there are reasons why it is desirable, in the

public interest, to make the information requested available. ACC is of the view that maintaining the individual's privacy outweighs any public interest in making the information available.

Some information has been withheld under section 9(2)(c) of the Act to avoid prejudice to measures protecting health or safety of members of the public. ACC is of the view that there is no in public interest to release this information.

ACC review application acknowledgement

Attached is a copy of the template letter, the ACC REV18, that ACC sends to acknowledge the receipt of an application for a review of an ACC decision. Also attached is the ACC8041 which is provided with the acknowledgement.

Engagement and allocation of reviewers

Attached is the template letter that ACC uses to engage reviewers.

The contract to administer the review processes, attached, includes allocating reviewers to matters where ACC customers have applied for a review under Part 5 of the Accident Compensation Act 2001.

How to get in touch

If you have any questions, you can email me at GovernmentServices@acc.co.nz.

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

Enclosed:

- *Fairway ACC Agreement (July 2019)*
- *REV18 Acknowledgement review application*
- *ACC8014*
- *ACC letter of engagement*