

12 November 2020

Anthony Jordan

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Tēnā koe Anthony

Your Official Information Act request, reference: GOV-007330

Thank you for your request of 14 October, asking for the following information under the Official Information Act 1982 (the Act):

1. *Minutes to all the meetings pertaining to the sale of Fairway Resolutions*
2. *Information to then Minister of the ACC, recommending/indicating the sale of Fairway Resolutions*
3. *Information specific to any concerns the ACC had with any Risk of loss of Independence and Transparency with such a dispute resolution service been sold to private hands*
4. *Information specific to any concerns the ACC had with any Risk of loss of ability for Public to be Privy to Official Information act requests if sold to Private Investors*
5. *What share (if any), does the ACC have in Fairway Resolutions*
6. *What process is used to ensure the ACC is content that the reviewers and Fairway process is in the best interest of all parties with no ex-ACC staff employed*

Background

Until 1 July 2011, FairWay Resolution Limited (FairWay) was a registered company solely owned by ACC. After this date, FairWay became a Crown-owned company listed in Schedule 4A of the Public Finance Act 1989, with the shares held by the Minister of Finance and the Minister for ACC on behalf of the Crown. From 1 July 2017, FairWay became an independent, employee-owned company as all of the Crown-owned shares in the company were sold to an employee trust. The sale of FairWay by the Crown was a matter undertaken by Treasury, not ACC.

Questions 1 to 4

As described above, ACC was not a decision maker in the decision to transition FairWay to private employee-ownership. Because of this, ACC was not involved in any meetings to discuss the sale of FairWay, and there are no minutes of such meetings to provide.

ACC did not provide advice to the Minister for ACC regarding the sale of FairWay.

Likewise, ACC did not produce any bodies of work covering the concerns ACC might have had regarding the risks that you have outlined in your questions 3 and 4. We have searched catalogues of ACC briefings, reports and other documents that would commonly be the source of such information, should it exist, however no such information has been found.

For this reason, we are declining to provide you, under section 18(e) of the Act, the information asked for in your questions numbered 1 to 4, as it does not exist, or despite reasonable efforts to locate this information, it cannot be found.

Question 5

ACC is not a shareholder of Fairway.

Question 6

Under the Accident Compensation Act 2001 (the AC Act), Reviewers must comply with statutory obligations while conducting ACC reviews.

Reviewers have a duty to act independently, comply with the principles of natural justice and exercise due diligence in decision-making. As part of the duty to act independently, the AC Act also requires Reviewers to disclose any previous involvement with a claim other than as a Reviewer. There is an additional obligation on ACC to secure the independence of the Reviewer (e.g. a Reviewer cannot be a person employed by ACC or employed by a subsidiary of ACC).

ACC ensures these obligations are met through its contractual arrangements with FairWay, through the usual contract management processes.

How you can reach us

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