



Office of Hon Nikki Kaye

MP for Auckland Central

Minister for ACC

Minister of Civil Defence

Minister for Youth

Associate Minister of Education

22 AUG 2016

Lee M

fyi-request-4255-28f81cc1@requests.fyi.org.nz

Dear Lee M.

Thank you for your email of 14 July 2016 asking about FairWay Resolution Limited (FairWay).

Although you have not requested any official information as such I am happy to respond to the issues you have raised.

You have asked about the independence of FairWay. Under the contract between ACC and FairWay, FairWay is required to provide a fair and impartial review process, and to comply with the relevant requirements of the Accident Compensation Act 2001 (the Act). Those requirements include section 138 of the Act which requires the reviewers to act independently when conducting a review. Review processes and decisions are also subject to appeal at the District Court.

To reinforce the independence of reviewers, a legislative change to disqualify employees of any subsidiaries of ACC (as well as those of ACC itself) from undertaking a review has been included in the Statutes Amendment Bill, which is now on its second reading in the House.

You have also asked for information to demonstrate that FairWay is a statutory tribunal. While I am unable to provide legal advice on the definition of 'tribunal', I can advise that FairWay Resolution Limited is a Crown-owned company that provides dispute resolution services for a range of organisations.

Thank you for taking the time to write to me.

Yours sincerely,

Hon Nikki Kaye
Minister for ACC