

28 May 2018

Mr David Lawson
fyi-request-7740-b2339b23@requests.fyi.org.nz

Dear Mr Lawson

Ref: 0051848

Official Information Act Request

Thank you for your request of 1 May 2018 on www.fyi.org.nz, asking for the following information under the Official Information Act 1982 (the Act):

Request 1

I request that you provide me with evidence of ACC's authority delegating its review functions and powers to Fairway Resolution Limited (provided in Part 5 of the AC Act, and particularly in terms of the provisions of Sections 136, 137 and 139 of the AC Act) up until it's sale to it's employees in July 2017.

Request 2

I request that you provide me with evidence of ACC's authority delegating its review functions and powers to Fairway Resolution Limited (provided in Part 5 of the AC Act, and particularly in terms of the provisions of Sections 136, 137 and 139 of the AC Act) for FairWay Resolution Limited from the period FairWay Resolution Limited was sold to their employees in July 2017 through to present.

Our Response

Before we respond to your request, we would like to note that section 136 of the Accident Compensation Act 2001 (the AC Act) does not apply to Fairway Resolution Limited. We also note that section 139(2) of the AC Act was repealed on 17 December 2016.

ACC has appointed Fairway Resolution Limited under a contract for services to provide decision review hearing services in accordance with the following legislative provisions:

- Section 25 of the Crown Entities Act 2004 empowers the ACC Board to exercise the powers and perform the functions of ACC.
- Section 73 of the Crown Entities Act enables the ACC Board to delegate any of the Board's or ACC's functions to, among others, the Chief Executive of ACC.
- Section 137(1) of the AC Act requires ACC to engage as many persons as it considered necessary to be reviewers under Part 5 of the AC Act.

At its June 2014 meeting the ACC Board resolved to:

- Approve the five year contract for services with Fairway Resolution Limited to provide decision review hearing services.
- Delegate authority to the Chief Executive to sign the contract.

The contract was signed by the Chief Executive of ACC on 11 September 2014, with an end date of 30 June 2019. A copy of this is being provided to you in response to your 30 April 2018 request.

Fairway's sale to its employees in July 2017 did not alter the duration of the contract for services.

If you have any questions or concerns about the information provided, ACC will be happy to work with you to resolve these. Please address any concerns by emailing GES@acc.co.nz or in writing to *Government Engagement and Support, PO Box 242, Wellington 6140*.

If you're unhappy with ACC's response, you may make a complaint to the Office of the Ombudsman. You can call them on 0800 802 602 between 9am and 5pm on weekdays, or write to *The Office of the Ombudsman, PO Box 10152, Wellington 6143*.

Yours sincerely

**Government Engagement and Support
ACC**