

3 June 2016

Mr David Lawson

*Sent Via the FYI.org.nz website*

Dear Mr Lawson

### **Request for Information - 5 May 2016**

We write further to your request for information, made 5 May 2016 via the [fyi.org.nz](http://fyi.org.nz) website.

We note you request the following information under the Official Information Act 1982:

- A copy of the Code of Conduct that FairWay is subject to.
- Copies of all *“relevant industry, and common law legislation that apply to the contracting of services to the Accident Compensation Corporation for the purposes of all modes of dispute resolution inclusive of course of review proceedings, that clearly outline Fairway Resolutions obligations and responsibilities to all parties”*.

In your further correspondence of 13 May 2016 you stated that you sought *“the wider obligations and codes of conduct that apply to FairWay in matters relating to dispute resolution services in their widest capacity that are offered through FairWay Resolution”*. You requested information regarding industry codes.

You also sought information *“in terms of privacy, health and official information obligations and responsibilities/codes where Fairway Resolution are at variance from the strict legislation, as in whether Fairway Resolution has negotiated any deviations away from these legislations in a manner of Privacy by Design agreement, with the regulatory public overseers, and if so what variances apply to each set of legislation, and or industry”*.

There are no ‘industry codes’ pertaining to dispute resolution. Aside from its own Staff Code of Conduct, FairWay has a responsibility to comply with the *Standards of Integrity and Conduct* issued by the State Services Commission. This is attached for your reference, and is available on the State Services Commission website, <http://www.ssc.govt.nz/>.

There is no ‘industry or common law legislation’. The legislation that applies to ACC reviews is Part 5 of the Accident Compensation Act 2001. This provides for the allocation of reviewers and sets out provisions for the review process. Reviewer requirements such as the duty to act independently and to comply with the principles of natural justice are also set out. Sections 135A and 328A of the Act refer to alternative dispute resolution.

As noted there are then contractual provisions between ACC and FairWay which set out obligations and responsibilities of each party, such as the agreement that the parties will comply with the Standard of Integrity and Conduct issued by the State Services Commission.

FairWay is subject to the Official Information Act 1982 and the Privacy Act 1993 and applies this legislation in the same way as any other agency. FairWay has no 'negotiated deviations' from the legislation with the Office of the Privacy Commissioner or Ombudsman. You may contact the Office of the Ombudsman in relation to this response.

Yours sincerely



**Greg Pollock**  
Chief Executive