



Dear

On 1 October 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. The total number of active attachment orders attached to benefits at the end of 2018, 2019, 2020, and 2021 inclusive, showing the total values of those attachment orders for each year?*
- 2. I would like to know the number of people with attachment orders against benefits in each of those years. Some people might have more than one attachment order.*
- 3. Can I please have the answers for questions 1. and 2. By region, by age, and by ethnicity? The people I have met suffering in hardship do tend to be more often from certain demographics.*
- 4. Some of the people with attachment orders against benefits would be parents responsible for school-age children. I would like to know how many of the people covered in question 2. were responsible for school-age children, and how many children were in families with attachment orders against benefits.*
- 5. I would like a breakdown of the bands of how much is being deducted: I assume bands of \$0-\$10, \$10.01-\$20, and up would be the way to go there.*
- 6. I would like to know what proportion of the people with attachment orders in each of those years were also granted additional, or emergency benefits in those years, and what the value of the additional benefits were. I am interested in the impact of attachment orders on the need for additional benefits.*
- 7. Given the MSD exists to prevent people falling into poverty, what protocols or policies does MSD have around challenging attachment orders? How many attachment orders does it challenge each year?*
- 8. Has it provided any advice for ministers, or formulated policy, or conducted research on attachment orders and their impact on people receiving benefits? If the answer is yes, please provide it to me so I can understand it.*
- 9. I would like to have a breakdown of the top 10 organisations that are the named recipients of money deducted from benefits for attachment orders by each of 2018, 2019, 2020, and 2021 inclusive, showing the total values of those attachment orders for each year.*

On 6 October 2021, the Ministry clarified your request to be for the date range of 2018 to August 2021. Question six, you explained, related to people who had received 'hardship grants' – i.e., one-off payments for emergency or essential goods or services.

The Ministry of Justice (MOJ) has the authority to impose an attachment order on a main benefit, to meet outstanding court fines or to pay a creditor. A civil attachment order requires an employer or Work and Income (i.e., when such an order is made against a main benefit recipient) to deduct a specified amount or percentage from a judgement debtor's salary, wages, or benefit. MOJ is responsible for making decisions regarding the granting of a civil debt recovery order. But either party – debtor or creditor – can apply to MOJ to vary, suspend, or cancel the order.

More information about attachment orders can be found on MOJ's website: www.justice.govt.nz/fines/about-civil-debt/collect-civil-debt/attachment-orders/.

While responsibility for the imposition of an attachment order lies with MOJ, the Ministry of Social Development has protocols for benefit redirections. For example, by law, case managers must not make deductions of more than 40% of a client's net income, and child support payments take precedence over all other reasons for a benefit deduction, including a civil attachment order.

More information about the Ministry's protocols regarding attachment orders can be found here:

www.workandincome.govt.nz/map/income-support/extra-help/accommodation-supplement/changes-and-reviews-accommodation-supplement/court-attachment-orders-01.html.

For the sake of clarity, I will address each of your questions in turn.

- 1. The total number of active attachment orders attached to benefits at the end of 2018, 2019, 2020, and 2021 inclusive, showing the total values of those attachment orders for each year?*
- 2. I would like to know the number of people with attachment orders against benefits in each of those years. Some people might have more than one attachment order.*

In the Excel spreadsheet attached to this response, please see **Table One**, which shows the number of civil attachment orders on current benefits, the weekly amount paid, and the number of distinct clients with civil attachment orders, as at end of December 2018, December 2019, December 2020, and August 2021.

- 3. Can I please have the answers for questions 1. and 2. By region, by age, and by ethnicity? The people I have met suffering in hardship do tend to be more often from certain demographics.*

Please see **Table Two**: Number of civil attachment orders on current benefits, as at the end of December 2018, December 2019, December 2020, and August 2021, by region.

Please see **Table Three**: Number of civil attachment orders on current benefits, as at the end of December 2018, December 2019, December 2020, and August 2021, by age group.

Please see **Table Four:** Number of civil attachment orders on current benefits, as at the end of December 2018, December 2019, December 2020, and August 2021, by ethnic group.

Please see **Table Five:** Number of current clients with one or more civil attachment orders, as at end of December 2018, December 2019, December 2020, and August 2021, by region.

Please see **Table Six:** Number of current clients with one or more civil attachment orders, as at end of December 2018, December 2019, December 2020, and August 2021, by age group.

Please see **Table Seven:** Number of current clients with one or more civil attachment orders, as at end of December 2018, December 2019, December 2020, and August 2021, by ethnic group.

Please note, the ethnicity of clients contained in these data is self-identified and multiple ethnicities may be chosen by an individual as fits their preference or self-concept. Multiple selected ethnicities are then prioritised by the Ministry into a hierarchy. The Māori ethnicity has the highest priority here, followed by Pacific peoples, and then New Zealand European. Based on this hierarchy, a single ethnicity is assigned to each individual. It should also be borne in mind that the Ministry's categorisation of ethnic groups does not currently align with that of Statistics New Zealand.

4. *I would like to know how many of the people covered in question 2. were responsible for school-age children, and how many children were in families with attachment orders against benefits.*

The Ministry is unable to provide you with this information because it is held on client files and not centrally recorded. Therefore, to provide the requested figure, Ministry staff would have to manually review thousands of files, to determine how many of those clients with civil attachment orders also had school-aged children. As such, I refuse your request under section 18(f) of the Act, on the ground that that it would require substantial manual collation. The greater public interest is in the effective and efficient administration of the public service.

5. *I would like a breakdown of the bands of how much is being deducted: I assume bands of \$0-\$10, \$10.01-\$20, and up would be the way to go there.*

Please see **Table Eight:** Number civil attachment orders on a current benefit, as at the end of December 2018, December 2019, December 2020, and August 2021, by weekly amount band.

6. *I would like to know what proportion of the people with attachment orders in each of those years were also granted additional, or emergency benefits in those years, and what the value of the additional benefits were.*

The Ministry is unable to provide you with this information because it is held on client files and not centrally recorded. The data we have provided in response to your previous questions is the number of active attachment orders and associated clients

at certain points in time (i.e., as at the last week of December in 2018, 2019, 2020, and as at the last week of August in 2021). To provide you with the number of clients who received a hardship payment during the period they were subject to an attachment order, however, would require a manual review. As such we are refusing this part of your request under section 18(f) of the Act, on the ground that it would require substantial manual collation.

7. *Given the MSD exists to prevent people falling into poverty, what protocols or policies does MSD have around challenging attachment orders? How many attachment orders does it challenge each year?*

As already explained, MOJ is responsible for making decisions regarding the granting, variation, or cancellation of a civil debt recovery order. But the Ministry does have protocols for administering a benefit redirection in accordance with such an order. These protocols relate to a prescribed rate of protected earnings and determining the priority of various types of benefit redirection.

Clients have 60 per cent of their net income protected by law, and certain types of redirection take priority when a benefit recipient is subject to multiple orders and redirections. The priority of redirection types is as follows:

- Child Support deductions made under the Child Support Act 1991
- Inland Revenue tax deductions
- Work and Income debt repayments including Liable Parent Contributions (LPC), child maintenance debts and Major Repairs Advances (MRA)
- Attachment orders made under the Family Proceedings Act 1980
- Court attachment orders made under the Summary Proceedings Act 1957 – Court Fines
- Court attachment orders issued under the District Courts Act 2016 – Civil Attachment Orders
- Student Loan repayments

Where a benefit recipient has more than one order on their record, it is sometimes necessary to determine the priority of the deductions. If the amount of the deductions needs to be reduced in accordance with the protected earnings rule, then adjustments are made to the lowest priority deduction type first.

The Ministry does not have the authority to consider a challenge to a court attachment order, but our staff are responsible for advising MOJ if, for any reason, we are unable to load a deduction onto a client's file or a discrepancy or error has been identified. Furthermore, staff are instructed to advise clients suffering undue hardship because of the amount of an attachment order that they should contact the Registrar of the District Court for a reassessment of the payment rate or cancellation of the order. Out of a concern for the client's right to privacy, however, Ministry staff would not usually contact MOJ about such a client directly but rather encourage the client to contact MOJ themselves.

8. *Has it provided any advice for ministers, or formulated policy, or conducted research on attachment orders and their impact on people receiving benefits? If the answer is yes, please provide it to me so I can understand it.*

The Ministry has not provided any advice, formulated any policy, or conducted any research on the impact of civil attachment orders on benefit recipients. As such, this

aspect of your request is refused under section 18(e) of the Act, on the ground that the information does not exist.

9. *I would like to have a breakdown of the top 10 organisations that are the named recipients of money deducted from benefits for attachment orders by each of 2018, 2019, 2020, and 2021 inclusive, showing the total values of those attachment orders for each year.*

Please see **Table Nine**: The 10 payee numbers receiving the highest weekly amount of civil attachment payments, as at end of December 2018, December 2019, December 2020, and August 2021.

Please note, **Table Nine** shows the top 10 payee numbers associated with civil attachment orders, based on weekly amount, as at the end of December in 2018, 2019, 2020, and of August in 2021 – *not* the top 10 companies. One company may be recorded in the Ministry's system under a multitude of different payee names and numbers. To determine which payee numbers relate to the same company, the Ministry would have to undertake a substantial manual review of all payee numbers in its system.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government
- to increase the ability of the public to participate in the making and administration of our laws and policies
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding court attachment orders, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Yours sincerely

Bridget Saunders

Bridget Saunders
**Manager, Issue Resolution
Service Delivery**