



11 September 2023

Tēnā koe

On 17 July 2023, you emailed the Ministry of Social Development (the Ministry) refining your original request made on 30 June 2023, requesting, under the Official Information Act 1982 (the Act), the following information:

*I request that the Ministry of Social Development provide the following information under the Official Information Act (OIA):*

- 1. The total number of active civil attachment orders on current benefits as at end of December 2021, December 2022, June 2023 inclusive.*
- 2. What are the total weekly amounts paid via attachment order, and what is the total value of those attachment orders for each of the above years?*
- 3. What is the total number of clients with attachment orders against benefits?*
- 4. What is the total number of clients receiving sole parent benefits with attachment orders?*
- 5. Can the answers for questions 1 – 4 be categorised by gender, age, ethnicity and region?*
- 6. Please provide a breakdown of how much is being deducted in bands of: No offset, \$1 - \$5 weekly, \$5 - \$10 weekly, \$10 - \$20 weekly, \$20 - \$30 weekly, and \$30+ weekly*
- 7. Is it possible to extract the information on how many clients who have applied for additional support, such as a hardship grant or a food grant, who have active civil attachment orders?*
- 8. What is the process that is followed if the MSD is notified of an attachment order against a benefit and implementing the order would breach the protected earnings threshold of 60% of the beneficiary's income?*
- 9. In the year from 1 January 2022 to 31 December 2022, how many times did MSD have to not put into effect an attachment order on a benefit because the protected earnings threshold would have been breached if the order was put into effect?*

10. *I would like to have a breakdown of the top 20 payee numbers (organisations) receiving the highest weekly amount of civil attachment payments, as at end of December 2021, December 2022, June 2023 inclusive. Also showing the total values of those attachment orders for each year.*
11. *Please provide the number of current attachment orders going to Budget Loans Ltd and Evolution Finance Ltd.*
12. *What are the total weekly amounts that are paid via attachment order to Budget Loans Ltd and Evolution Finance Ltd?*
13. *What is the total dollar Value of civil attachment orders to Budget Loans Ltd and Evolution Finance Ltd for each year mentioned above?*
14. *Is it possible to also provide the total dollar Value of civil attachment orders to Budget Loans Ltd and Evolution Finance Ltd for 2019 and 2020?*

The Ministry of Justice (MOJ) has the authority to impose an attachment order on a debtor's wages or 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.

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/](http://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.

For the sake of clarity, I will address each of your questions in turn. Some parts of your request have been grouped together.

1. *The total number of active civil attachment orders on current benefits as at end of December 2021, December 2022, June 2023 inclusive.*
2. *What are the total weekly amounts paid via attachment order, and what is the total value of those attachment orders for each of the above years?*
3. *What is the total number of clients with attachment orders against benefits?*
4. *What is the total number of clients receiving sole parent benefits with attachment orders?*

5. *Can the answers for questions 1 – 4 be categorised by gender, age, ethnicity and region?*

In the Excel spreadsheet attached to this response, please see **Table One**, which shows the number of Civil Attachment Orders on all benefits (including Sole Parent Support) as at selected quarters ending, from December 2021 to June 2023.

Please see **Table Two**: The number of Civil Attachment Orders on all benefits (including Sole Parent Support) as at selected quarters ending, from December 2021 to June 2023, broken down by Ministry region.

Please see **Table Three**: The number of Civil Attachment Orders on all benefits (including Sole Parent Support) as at selected quarters ending, from December 2021 to June 2023, broken down by gender.

Please see **Table Four**: The number of Civil Attachment Orders on all benefits (including Sole Parent Support) as at selected quarters ending, from December 2021 to June 2023, broken down by age group.

Please see **Table Five**: The number of Civil Attachment Orders on all benefits (including Sole Parent Support) as at selected quarters ending, from December 2021 to June 2023, broken down by ethnicity.

Please see **Table Six**: The number of Civil Attachment Orders on Sole Parent Support benefits as at selected quarters ending, from December 2021 to June 2023, broken down by ethnicity.

6. *Please provide a breakdown of how much is being deducted in bands of: No offset, \$1 - \$5 weekly, \$5 - \$10 weekly, \$10 - \$20 weekly, \$20 - \$30 weekly, and \$30+ weekly*

Please see **Table Seven**: The number of Civil Attachment Orders on all benefits as at selected quarters ending, from December 2021 to June 2023, broken down by weekly offset amount.

7. *Is it possible to extract the information on how many clients who have applied for additional support, such as a hardship grant or a food grant, who have active civil attachment orders?*
9. *In the year from 1 January 2022 to 31 December 2022, how many times did MSD have to not put into effect an attachment order on a benefit because the protected earnings threshold would have been breached if the order was put into effect?*

I am unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review a substantial number of files. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

8. *What is the process that is followed if the MSD is notified of an attachment order against a benefit and implementing the order would breach the protected earnings threshold of 60% of the beneficiary's income?*

The Ministry has policies in place for administering benefit reductions when acting on an attachment order. These ensure that repayments do not exceed the protected earnings rate and specify the priority of benefit redirections already in place.

If a debtor has multiple deduction notices or orders issued, the Ministry is required to determine the priority in which these are deducted. Protected earnings rules are taken into account for each order or deduction notice. You can find more information here: [www.workandincome.govt.nz/map/income-support/extra-help/winter-energy-payment/changes-and-reviews-winter-energy-payment/priority-for-deductions.html](http://www.workandincome.govt.nz/map/income-support/extra-help/winter-energy-payment/changes-and-reviews-winter-energy-payment/priority-for-deductions.html).

Guidance provided to Ministry staff regarding how this is calculated, and what to do when the attachment order exceeds the protected earning rate, can be found here: [www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/protected-earnings-rate-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/jobseeker-support/changes-and-reviews-jobseeker-support/protected-earnings-rate-01.html).

10. *I would like to have a breakdown of the top 20 payee numbers (organisations) receiving the highest weekly amount of civil attachment payments, as at end of December 2021, December 2022, June 2023 inclusive. Also showing the total values of those attachment orders for each year.*

Please see **Table Eight**: The top 20 payees for Civil Attachment Orders on all current benefits (based on total weekly offset amount) as at selected quarters ending December 2021 to June 2023.

11. *Please provide the number of current attachment orders going to Budget Loans Ltd and Evolution Finance Ltd.*
12. *What are the total weekly amounts that are paid via attachment order to Budget Loans Ltd and Evolution Finance Ltd?*
13. *What is the total dollar Value of civil attachment orders to Budget Loans Ltd and Evolution Finance Ltd for each year mentioned above?*
14. *Is it possible to also provide the total dollar Value of civil attachment orders to Budget Loans Ltd and Evolution Finance Ltd for 2019 and 2020?*

Please see **Table Nine**: The number of Civil Attachment Orders for 'Budget Loans' on current benefits as at selected quarters ending, from December 2019 to June 2023, broken down by payee name.

Please see **Table Ten**: The number of Civil Attachment Orders for 'Evolution Finance' on current benefits as at selected quarters ending, from December 2019 to June 2023, broken down by payee name.

Please note, the period gap in **Table Nine** is due to there being no civil attachment orders for Budget Loans as at that time.

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 and
- 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 and attachments on the Ministry'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](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding attachment orders on current benefits, 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](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

*Bridget Saunders*

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Issues Resolution**