

Joseph

Dear Joseph,

Thank you for your contact of 6 April 2021 in which you request information on fines and collections services. Specifically, you have requested:

- 1. When enforcement action is taken, for example, on a \$40 fine. You have a court cost of \$30 and an enforcement fee of \$102 so that makes the fine balloon to \$172. Does the ministry of justice receive enforcement fees and court costs first before forwarding the rest to the issuing authority, or does the ministry of justice pay the issuing authority first before collecting enforcement fees and court costs?*
- 2. Are there any plans to increase the strength of the collections unit in the future to combat the large amount of unpaid fines. The public rely heavily on the MOJ to ensure fines defaulters are held to account in that fines cannot be simply ignored. How many collections staff currently work?*
- 3. When a fine is lodged at court, does the issuing authority have to pay a court cost? If so, does the collected court cost through fines enforcement get returned to the issuing authority? Or is it kept by the MOJ?*
- 4. The form of how an attachment order is made, e.g, Describe what is sent in the message to the employer? Is it electronic or by post?*
- 5. The frequency of deductions in an attachment order or deduction notice, including what is collected first, the fine or the enforcement fees.*
- 6. The amount of fines still being collected by the MOJ on behalf of the legacy Auckland City Council?*
- 7. A letter is sent giving defaulters 28 days to pay, how come nothing usually happens on the 29th day if no payment is made??*
- 8. Is the enforcement fee added when the fine is overdue? Or when enforcement action is taken?*
- 9. The amount of fines collected on behalf of Auckland Transport from 2020 to present?*
- 10. Were fines being enforced during lockdown?*
- 11. Do fines go away when they are ignored?*
- 12. Is it true that the MOJ pay more attention to those with large amounts of outstanding fines, i.e \$50 compared to about \$3000?*

Your request has been referred to me for a response, as it falls within my responsibilities as Manager, Collection Services, and is being managed under the provisions of the Official Information Act 1982 (the Act).

Please note there is no Collections Unit in the Auckland District Court, fines are collected by the District Court across all of its sites.

In response to questions 1, 3 and 8, Fines payments are returned to the issuing authority, like a local council, before operational costs are deducted. Issuing authorities pay court costs. The money collected for all fines is returned to the issuing authorities. Enforcement fees are only added to the amount owing when enforcement action is taken.

If the issuing authority is a Crown agency like the Police, the money is usually paid directly to the Crown. Court costs, enforcement fees and a ten percent collection fee are paid to the Crown and are used for enforcement. The only scenario where this is not the case is for a property seizure, when the seizure costs need reimbursing.

In response to question 2, I have interpreted your question to mean are there plans to increase the legislative powers granted to the court when collecting fines. The powers available to the Court when enforcing a civil debt are set out in legislation, specifically in the Summary Proceedings Act 1957. You can view the legislation, including previous or repealed versions of the legislation, on the New Zealand Legislation website at: [legislation.govt.nz](http://legislation.govt.nz). We currently have 290 staff employed in the Collections area. This figure does not include casual employees, contractors or those on long term leave.

In response to questions 4 and 5, attachment orders can be issued via email or post, I have attached a copy of the template used to notify an employer of an attachment order for their employee. The fine amount owing is collected before any enforcement fees.

In response to question 7, The Ministry is committed to ensuring that fines and reparation remain credible sanctions in New Zealand. When a Fine becomes enforceable a registrar is required to make a decision on what action to take. Generally, the court seeks payment of a fine in full in the first instance. Fines are delegated to registrars for action based on a variety of factors including the outstanding balance, age of the fine, and information held on the offender.

In response to question 6, I have interpreted your question to mean fines still being collected for Auckland City Council before it was amalgamated into the Auckland Council in November 2010. The outstanding amount is \$1,361,513.00

For question 9, the total amount of fines collected on behalf of Auckland Transport from January 2020 to present. This amount is \$20,056,257.00

Please note these figures contain data drawn from a database that is subject to change, as new data is continually recorded and/or recoded. The data was drawn on April 22 2021.

In response to question 10, the court did not carry out any outbound enforcement activity in line with an all of government approach to debt collection during the COVID-19 lockdown in 2020. We were still accepting payment for new and existing fines.

In response to question 11 and 12, you have inquired whether fines disappear if not paid off after a set amount of time, there is no statutory limitation on how long the court has to collect a fine. While the court may not prioritise those who have larger fines owing, more enforcement action may be required to collect outstanding balances.

If you are not satisfied with this response, you have the right to ask the Ombudsman to investigate and review our decision under section 28(3) of the Act. Contact details for the Office of the Ombudsman are:

Office of the Ombudsman

PO Box 10152

Wellington.

Email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Yours sincerely



Matt Styles

**Manager, Collections Services**