



26 JUN 2018

L K Barber  
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Dear L K Barber

Thank you for your email of 21 May 2018 requesting information under the Official Information Act 1982. The information is publicly available and your request is therefore not being treated as an Official Information Act request.

I will respond to each of your questions in turn.

- 1. After an overpayment debt has been established against a current client of WINZ, which department & position/s held within that department have the authority to alter i.e. increase/decrease agreed repayment amounts from clients?*

If the client is receiving a main benefit, the Case Manager sets an amount to recover from the benefit recipients weekly benefit payments in agreement with the client and having consideration of their personal circumstances. The usual maximum rate of recovery would be \$40 per week, unless the client volunteers to pay more and the client puts this in writing.

If the client does not receive a main benefit, the Ministry's Collections Unit has responsibility for debt recovery. Collections Officers follow a prescribed process for recovering the debt. In the first instance, attempts are made to contact the client to discuss a sustainable and realistic rate of repayment based on the debt amount and the client's financial circumstances. If a client does not make a repayment arrangement and does not respond to any of the Ministry's letters then Collections Officers can enforce deductions from either the client's bank account or, more usually, from their wages. Section 86 of the Social Security Act is the authority under which this can be done.

More information about this is available on the Work and Income website at: <https://www.workandincome.govt.nz/on-a-benefit/debt/index.html>. In addition, the factors staff must consider when setting the rate of recovery, or whether to temporarily defer recovery, are set out in a Ministerial direction and you can find this at: <https://www.workandincome.govt.nz/map/legislation/ministerial-directions/debt-recovery-direction/index.html>.

- 2. Why is this alteration not recorded in a client's file?*

It is a requirement that all changes are recorded in the client's Ministry records. If you are aware of an instance where this has occurred, please write to me at: [info@msd.govt.nz](mailto:info@msd.govt.nz) and I will look further into the matter.

3. *What information is available to the decision maker before altering the agreed amount?*

It is usual practice for staff to attempt to discuss this with the client if they are able, and the client's record is noted. The Ministry will always discuss repayment rates with an individual and consider the person's circumstances, such as income and health. If the Ministry is unable to make contact with the client, recovery may commence. A client can always contact the Ministry on 0800 559 009 to discuss repayment rates. For clients no longer receiving a benefit from Work and Income, they should contact the Ministry's Collections Unit on 0800 558 008.

4. *What process/steps are involved prior to making this change?*

As for 3 above, it is usual practice for staff discuss this with the client if possible and, again, the client's record is noted.

5. *Why is a client not advised of the decision?*

Clients must be advised of such decisions and the client's record is noted.

I would like to point out again that the Ministry's usual practice is to make efforts to contact the debtor to negotiate repayment and changes, and to keep the debtor informed throughout the process.

If you have further questions, you are welcome to write again to [info@msd.govt.nz](mailto:info@msd.govt.nz).

Yours sincerely



Elisabeth Brunt  
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Ministerial and Executive Services