



27 February 2026

Tēnā koe

Official Information Act request

Thank you for your request of 9 February 2026, requesting information about the legislation applied when facilitating Ministry of Justice deduction orders.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on your request set out below.

The Ministry of Justice has the authority to make attachment orders on benefits to meet outstanding fines. The attachment order may include court fines (which are payable to the District Court) and civil attachments (which are generally paid to a private individual or organisation that is owed money and occasionally the District Court will act as a collection agent for civil debt).

Attachment Orders issued by the Ministry of Justice can be made under either the Summary Proceedings Act 1957 or the District Court Act 2016. The relevant sections of both pieces of legislation are linked below:

- www.legislation.govt.nz/act/public/2016/0049/latest/DLM6942499.html
- www.legislation.govt.nz/act/public/1957/0087/latest/DLM312606.html

The following links are from the Ministry of Social Development's (the Ministry) MAP website and detail the policy the Ministry follows when applying a deduction on a client's financial assistance:

- www.workandincome.govt.nz/map/income-support/extra-help/community-costs/changes-and-reviews-community-costs/court-attachment-orders-01.html
- www.workandincome.govt.nz/map/income-support/core-policy/redirection-of-benefit-payment/redirection-to-pay-for-fines.html
- www.workandincome.govt.nz/map/legislation/ministerial-directions/redirection-of-benefit-payments-direction/clause-5-good-cause-and-exercise-of-discretion.html

I have attached copies of these webpages to this letter.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 my decision on your request for information about the legislation applied when facilitating Ministry of Justice deduction 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.

Ngā mihi nui

pp.



Anna Graham
General Manager
Ministerial and Executive Services



[Map](#) » [Income support](#) » [Extra help](#) » [Community Costs](#) » [Changes and Reviews - Community Costs](#) » [Deductions](#) » Court attachment orders

<https://www.workandincome.govt.nz/map/income-support/extra-help/community-costs/changes-and-reviews-community-costs/court-attachment-orders-01.html>

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Court attachment orders

All court attachment requests are sent directly to the Central Processing Unit for processing. Court attachments are administered via the CORBI screen in SWIFTT.

The Ministry of Justice has the authority to make attachment orders on benefits to meet outstanding court fines. The attachment order may include:

- court fines
these are fines payable to the District Court
- civil attachments
these are generally paid to a private individual or organisation that is owed money. Occasionally the District Court will act as a collection agent for civil debts.

Attachment Orders issued by the Ministry of Justice can be made under either the Summary Proceedings Act 1957 or the District Court Act 2016.

Protected earnings rate

No attachment order can, whether on its own or when combined with any other attachment order, Child Support deduction, or Ministry of Social Development repayment, take a client's total income below the protected earnings rate. For more information see:

- [Protected earnings rate](#)

Priority for deductions

Court attachment orders **do not** take priority over any Child Support deductions, Ministry of Social Development deductions, Inland Revenue deductions or any attachment order made under the Family Proceedings Act. For more information see:

- [Priority for deductions](#)

Information provided the Court

The information that will be received from the Ministry of Justice will have:

- the client's name
- the amount to be deducted from the benefit

- the fine's reference number

If a client is suffering undue hardship because of the amount of the attachment order then they should be directed to a Registrar of the District Court for a reassessment of the rate.

For more information see:

- [Court request for information](#)

Legislation

- Payment generally to, or on account of, beneficiary personally [section 339](#) Social Security Act 2018
 - Offence of demanding or accepting acknowledgement or undertaking [section 293](#) Social Security Act 2018
 - Benefits cannot, in general, be assigned or charged, or pass by operation of law [section 417](#) Social Security Act 2018
 - Priority of deductions under this Act [section 157](#) Child Support Act 1991
 - Attachment orders [section 155](#) District Court Act 2016
 - Content of attachment orders [section 105](#) Summary Proceedings Act 1957
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New Zealand Legislation

District Court Act 2016

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

155 Attachment orders

- (1) The court may make an attachment order to enforce a judgment or an order for the payment of money—
 - (a) in the circumstances referred to in [section 139\(2\)](#); or
 - (b) in the circumstances referred to in [section 153\(1\)](#); or
 - (c) on the application of the judgment creditor or judgment debtor.
- (2) If an application is made under subsection (1)(c),—
 - (a) the party who makes the application must serve a copy of it on the other party; and
 - (b) the court may make the attachment order even though the other party has not had the opportunity to make representations to the court about the application.
- (3) If an attachment order is made, it must be served on the employer to whom the order relates, the judgment creditor, and the judgment debtor.
- (4) Except as otherwise ordered by the court, an attachment order takes effect when a copy of the order is served on the employer.

Compare: 1947 No 16 s 84G



New Zealand Legislation

Summary Proceedings Act 1957

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: [Some amendments have not yet been incorporated](#)

105 Content of attachment orders

- (1) An attachment order must state—
 - (a) when deductions are to be made, by reference to a period of a week, fortnight, month, or some other period (the **earnings period**); and
 - (b) the amount or percentage to be deducted from the defendant's salary or wages for the earnings period; and
 - (c) an amount or percentage below which the net amount paid to the defendant for the earnings period must not fall; and
 - (d) that the money due and payable under the fine is, by way of the directed deductions, to be a charge on any salary or wages that from time to time while the attachment order remains in force become due and payable by the employer to the defendant.
- (2) The charge created by the attachment order—
 - (a) accrues from earnings period to earnings period, and on a day within, or following, each period that is specified in the attachment order; and
 - (b) attaches to all salary or wages that become due by the employer to the defendant at any time while the attachment order is in force, whether or not the contract of employment in respect of which the salary or wages so become due existed at the date of the attachment order; and
 - (c) prevails over and has priority to any assignment or charge created by the defendant (whether before or after the making of the attachment order against the defendant), so that the attachment order has the same effect as if no such assignment or charge had been made or created.
- (3) Every attachment order applies for a fixed period stated in the order, and must not apply for a period of more than 5 years after the date on which the order is made by the Registrar or the chief executive.
- (4) Despite subsections (1) and (2), no attachment order is to operate so that, when its effect is considered either alone or with the effect of any item specified in subsection (5), the net amount paid to a defendant for an earnings period is below the protected earnings rate for the earnings period; and, where necessary, the amount to be deducted from the defendant's salary or wages for the earnings period is treated as being reduced or cancelled accordingly.
- (5) The items referred to in subsection (4) are—
 - (a) a deduction notice or an attachment order under the [Child Support Act 1991](#), the [Family Proceedings Act 1980](#), the [Social Security Act 2018](#), or the [Tax Administration Act 1994](#);
 - (b) a deduction for the recovery of payments under regulations made under [section 444](#) of the Social Security Act 2018.

(6) If any question arises in any case as to the priority to be accorded to an attachment order made under this Act, each of the items specified in subsection (5) has priority over that attachment order.

(7) In this section,—

net earnings, in relation to an earnings period, means the balance left after deducting from the defendant's salary or wages for the earnings period the amount of tax required to be withheld or deducted in accordance with the PAYE rules of the [Income Tax Act 2007](#) if the salary or wages were the only salary or wages paid to the defendant by the employer for the earnings period

protected earnings rate, in relation to an earnings period, means the higher of—

- (a) 60% of net earnings for the earnings period; and
- (b) the amount or percentage stated under subsection (1)(c).

Section 105: replaced, on 13 February 2012, by [section 36](#) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 105(3): amended, on 14 November 2018, by [section 86](#) of the Courts Matters Act 2018 (2018 No 50).

Section 105(5)(a): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).

Section 105(5)(b): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).



[Map](#) » [Income support](#) » [Core policy](#) » [Redirection of benefit payment](#) » [Good cause](#) » Redirection to pay for fines

<https://www.workandincome.govt.nz/map/income-support/core-policy/redirection-of-benefit-payment/redirection-to-pay-for-fines.html>

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Redirection to pay for fines

There is good cause to redirect a client's benefit where the client has been ordered to pay or is in default of payment of a fine and the redirection is required to make payments towards that fine.

A fine includes:

- any amount of money that a person is required to pay under a sentence or order imposed by a court. This payment might be described as a fine, costs, levies, expenses, fees or reparation
- any offender level and any prescribed costs, expenses or fees required to be paid to enforce an obligation to pay the fine imposed by the court

A fine does not include any amount of money ordered to be paid in a civil proceeding.

Note a client may also have attachment orders from the court. These provide for mandatory deductions directly from the client's benefit and are undertaken by the Central Processing Unit. They cannot be stopped without authorisation from the Ministry of Justice.

Discretion not to redirect

Even where good cause exists, MSD is not always required to approve the redirection payment.

For more information see:

- [Jobseeker Support Deductions](#)
- [Decision guidelines for redirection](#)
- [Discretion to decline redirection](#)
- [Specific situations where there is good cause](#)

Legislation

- Payment generally to, or on account of, beneficiary personally [section 339](#) Social Security Act 2018
 - [Ministerial Direction on Redirection of Benefit Payments](#)
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[Map](#) » [Legislation](#) » [Ministerial directions](#) » [Ministerial Direction on Redirection of Benefit Payments](#) » [Clause 5. Good cause and exercise of discretion](#)

<https://www.workandincome.govt.nz/map/legislation/ministerial-directions/redirection-of-benefit-payments-direction/clause-5-good-cause-and-exercise-of-discretion.html>

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Clause 5. Good cause and exercise of discretion

Unofficial consolidated version of the Ministerial Direction on Redirection of Benefit Payments
-- as at 26 August 2024

5 Good cause and exercise of discretion

- (1) For the purposes of [section 339\(1\)](#) of the Act, you may, without limitation, consider there is good cause to redirect a person's benefit, and may exercise your discretion to redirect the person's benefit, if you are satisfied that the person is in any of the following situations:
- (a) the person is a tenant of any social housing and the redirection is required to ensure the person meets his or her rental commitments:
 - (b) the person is a resident assessed as requiring care or a person receiving residential care services who is required to contribute, from the person's benefit, to-
 - (i) the cost of contracted care services provided to the person; or
 - (ii) the cost of the residential care services provided to the person:
 - (c) the person is or has a history of being at risk of being disconnected from essential services or telecommunication services, or of incurring late payment penalties, reconnection charges, or both because of non-payment and the redirection is required to help prevent that risk:
 - (d) the person is a vulnerable tenant and the redirection is required to reassure the person's landlord, or prospective landlord, that the person will meet his or her rental commitments:
 - (e) the person has been ordered to pay, or is in default of payment of, any fine (within the meaning of [clause 13\(6\)](#) of Schedule 6 of the Act) and the redirection is required to make payments towards that fine:
 - (f) the person has money due under any judgment or order of any court or tribunal of New Zealand and the redirection is required to make payments towards the amount due:
 - (g) the person is otherwise liable to pay any debt or other liability for goods or services that you consider are essential for the person or any of his or her dependants and the redirection is necessary to make payments towards the amount due:
 - (h) the person has a history of poor financial management and the redirection is necessary to ensure the priority needs (including those relating to essential services, telecommunication costs, accommodation costs, medical care, or education) of the person and his or her dependants are met:
 - (i) the person is required to make an emergency housing contribution under the Emergency Housing Grants Programme.

- (2) Nothing in subclause (1) requires you to redirect a benefit or an instalment of a benefit if, in the circumstances of the case-
- (a) you exercise your discretion not to do so; or
 - (b) you consider there would be insufficient funds for the redirection to operate having regard to-
 - (i) any abatement of the person's benefit due to income:
 - (ii) any required deductions from the person's benefit under any deduction notice or attachment order under any enactment:
 - (iii) any required reduction of the person's benefit under any provision of the Act (for example, section 189 , 192 , or 198).
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