

Laura Bowman

From: official information
Sent: Monday, 27 September 2021 10:34 am
To: [REDACTED]
Cc: official information
Subject: FINAL RESPONSE: LGOIMA 21268 - [REDACTED] - Councils actions regarding unpaid infringements.

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following responses.

Part One:

1. Does your council refer unpaid infringement notice fees to the Ministry Of Justice for collection?

Yes.

2. Does your council refer unpaid infringement notice fees to private debt collection companies for collection?

Yes.

3. If yes to question number 2 above, what legislation formally allows you to do this?

There is no specific legislation for debt recovery processes for unpaid fines, particularly for local government other than the common escalation as a civil matter for payment to the District Court.

However, at the Hamilton City Council (similar to other Councils and Government Agencies) we have recently reviewed our process for recovery of unpaid fines and for the following reasons, have amended our recovery process to include debt recovery agencies and provide this to you for your information:

- We are trying to simplify our process to ensure it is streamlined and more fair.
- We trying to treat all infringement notices fairly and consistently.
- We want to ensure that everyone meets their responsibilities and legal obligations.
- While there is the option to refer any unpaid infringements to the courts, referring them to a debt collection agency is more efficient and cost effective.
- We owe it to the Hamilton Community to ensure everyone remains accountable, unless there are reasons for a defence and evidence for this (as per our infringement information).
- The debt collection process reduces the escalation of the additional costs to recover unpaid fines and reduces the costs to our community.
- Using a debt recovery agency such as Baycorp does not impact your credit rating as it is not a 'credit default' and the need to follow a strenuous and stressful court process.

We are in the process of updating our infringement notice information but information relating to debt recovery can be found on our website.

4. Does your council either yourself or using a third party update individuals personal credit file history with regards to unpaid infringements?

Hamilton City Council do not update individuals personal credit file history, however we do retain records internally of outstanding infringements. Retention of this information, does not impact on an individual's credit rating. Additionally, Hamilton City Council only refers its Parking Infringements to our third party debt collection agency. Our debt collection agency has advised, parking infringements are regarded as non-credit debts and defaults are not registered.

5. If yes to number 4, do you use the standard Ministry Of Justice "fines" process which is automatically removed from an individual's personal credit file upon payment of the fines, or do you use a private third party credit reporting agency or debt collection company, which remains on a individuals personal credit file

for 5 years from the date of listing?

Please see our response to number 4.

6. With regards to number 5 above, do you authorise credit reporting agencies and or debt collection companies to remove credit defaults from individuals personal credit files following the payment of infringement notices or do you persist they remain for the maximum time allowable by privacy law?

Please see our response to number 4.

7. Do you allow individuals to come to a payment arrangement prior to referring unpaid infringement notices to any of the above sources, or similar to some government agencies (Eg: Nz Police) do you refuse to allow direct payment arrangements?

Hamilton City Council will consider requests for alternative payment plans on a case by case basis.

Part Two:

1. In the twelve month ending 31/07/2021 how many unpaid infringement notices did you refer to the Ministry Of Justice for formal collection?

In the past 12 months to 31 July 2021, Hamilton City Council have forwarded 83 unpaid infringements to Ministry of Justice for formal collection.

2. In the twelve months ending 31/07/2021 how many unpaid infringement notices did you refer to private debt collection (any other company or organisation that is not the Ministry Of Justice) for collection?

In the past 12 months to 31 July 2021, Hamilton City Council have forwarded 2,591 unpaid infringements to private debt collection companies for formal collection.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

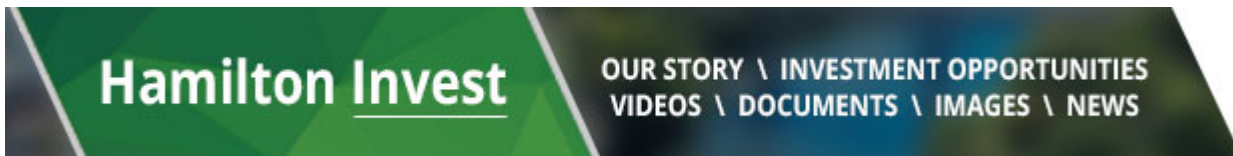
Kind Regards,

Tatiyana | Official Information & Legal Support Advisor
Legal Services & Risk | People and Organisational Performance
Email: officialinformation@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: [REDACTED]

Sent: Wednesday, 25 August 2021 3:50 pm

To: official information <officialinformation@hcc.govt.nz>

Subject: Re: Clarification Request: LGOIMA 21268 - [REDACTED] Councils actions regarding unpaid infringements.

Hi Tatiyana,

Thank you for your response to seek clarification on my request.

My definition of unpaid infringements for this request is where a council department for example "parking enforcement" or "animal control" issues an infringement notice for the breach of a bylaw which is legally required to be paid.

It does not include unpaid rates or supplier debt/s.

Kind Regards,

[REDACTED]

From: Hamilton City Council <do.not.reply@hcc.govt.nz>

Sent: Tuesday, 24 August 2021 7:59 pm

To: official information <officialinformation@hcc.govt.nz>

Subject: HCC Website - Official Information Request ref: HCC-QF-210824-BNX73-8S1

HCC Website - Official Information Request

Reference: HCC-QF-210824-BNX73-8S1

Attachment: not attached

Name: [REDACTED]

Email address: [REDACTED]

Phone number: [REDACTED]

Detailed Description of Request

Request Made Under The Local Government Official Information & Meetings Act 1987.

24th August 2021

Dear Hamilton City Council,

With reference to the relevant section/s of the above act, I kindly request the following information from your council.

I have split my request into two parts:

Part One:

1. Does your council refer unpaid infringement notice fees to the Ministry Of Justice for collection?
2. Does your council refer unpaid infringement notice fees to private debt collection companies for collection?
3. If yes to question number 2 above, what legislation formally allows you to do this?
4. Does your council either yourself or using a third party update individuals personal credit file history with regards to unpaid infringements?
5. If yes to number 4, do you use the standard Ministry Of Justice "fines" process which is automatically removed from an individuals personal credit file upon payment of the fines, or do you use a private third party credit reporting agency or debt collection company, which remains on a individuals personal credit file for 5 years from the date of listing?
6. With regards to number 5 above, do you authorise credit reporting agencies and or debt collection companies to remove credit defaults from individuals personal credit files following the payment of infringement notices or do you persist they remain for the maximum time allowable by privacy law?
7. Do you allow individuals to come to a payment arrangement prior to referring unpaid infringement notices to any of the above sources, or similar to some government agencies (Eg: Nz Police) do you refuse to allow direct payment arrangements?

Part Two:

1. In the twelve month ending 31/07/2021 how many unpaid infringement notices did you refer to the Ministry Of Justice for formal collection?

2. In the twelve months ending 31/07/2021 how many unpaid infringement notices did you refer to private debt collection (any other company or organisation that is not the Ministry Of Justice) for collection?

I look forward to this information being provided.

Yours Faithfully,



Organisation: N/A