



4 August 2023

Attorney-General

**District Court (Protecting Judgment Debtors on Main Benefit) Amendment Bill –  
Member’s Bill 272-1– Consistency with the New Zealand Bill of Rights Act 1990  
Our Ref: ATT395/393**

1. We have considered the District Court (Protecting Judgment Debtors on Main Benefit) Amendment Bill (**the Bill**) for consistency with the New Zealand Bill of Rights Act 1990 (**the Bill of Rights Act**).
2. We consider the Bill is not inconsistent with the Bill of Rights Act.

**The Bill**


3. An attachment order is a means of enforcing payment of a civil debt. It provides authority for an employer, which includes Work and Income, to deduct a set amount of money from a debtor’s wages or benefit for earnings periods specified in the order. Sections 154 – 162 of the District Court Act 2016 provide for attachment orders.
4. The Bill amends s 157 of the District Court Act to add a requirement that an attachment order on its own cannot lead to a deduction of more than 5% of the net earnings of a judgment debtor who is in receipt of a main benefit.<sup>1</sup>
5. The Bill does not raise any issues of compliance with rights and freedoms affirmed in the Bill of Rights Act.

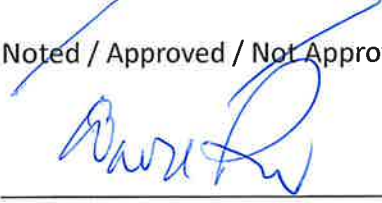
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<sup>1</sup> Proposed s 157(3) and (3A)(a). The District Court Act already provides in s 157(3) that the net amount paid to the judgment debtor is not to be less than the protected earnings rate for the earnings period. Under the Bill that protection is located in proposed s 157(3) and (3A)(b).

**Review of this advice**

- 6. In accordance with Crown Law's policies, this advice has been peer reviewed by Debra Harris, Crown Counsel.

  
\_\_\_\_\_  
Helen Carrad  
Crown Counsel

Noted / Approved / Not Approved  
  
\_\_\_\_\_  
Hon David Parker  
Attorney-General  
16 / 8 / 2023

**Encl.**