

31 January 2020

Mr Robert McKenzie
fyi-request-12032-9fdb8cbb@requests.fyi.org.nz

Dear Mr McKenzie

Thank you for your request made under the Official Information Act 1982 (the OIA), received on 14 January 2020. You requested the following:

Question 1

How many people have now been arrested under the student loan arrest at boarder policy?

Question 2

- a) What is the actual charge?*
- b) When the person is arrested, are they fingerprinted and photographed as per normal arrest process?*
- c) Does the arrested person have a criminal conviction after the process? Or is the process actually treated as a civil matter in the courts?*
- d) If so, why then are they arrested and held in a cell?*

Question 3

- a) Are student loans actually loans?*
- b) If so, why is there no statute of limitations on the "loans"?*

On 16 January 2020, we informed you that questions 2b and 2d had been transferred to the New Zealand Police for response. New Zealand Police has 20 working days from receipt of the transfer to make a decision on your request.

Question 1. *How many people have now been arrested under the student loan arrest at boarder policy?*

As at 15 January 2020, nine people have been arrested under the arrest provisions set out in the Student Loan Scheme Act 2011 (the Act).

Question 2a. *What is the actual charge?*

A borrower does not have to be charged with an offence to be subject to arrest. The arrest occurs following the issue of a warrant to arrest under section 162B(1) of the Act. Independent of the warrant to arrest, a borrower may be charged with an offence under section 162A of the Act.

Question 2c. *Does the arrested person have a criminal conviction after the process? Or is the process actually treated as a civil matter in the courts?*

If a person is charged with the offence under section 162A of the Act, a criminal conviction may be entered as per the normal criminal procedure. Where a person is not charged, there will be no criminal conviction. The process under section 162B of the Act is a civil matter.

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Question 3a. *Are student loans actually loans?*

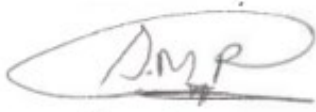
Yes. Part 2 of the student loan contract outlines the full terms and conditions of the loan. A borrower is responsible for the loan, which is governed by the laws of New Zealand, and Inland Revenue may take action against them for offences committed under either the Crimes Act 1961 or the Student Loan Act 2011.

Question 3b. *If so, why is there no statute of limitations on the "loans"?*

There is no limitation on recovery by virtue of section 193 of the Student Loan Scheme Act 2011 and section 163 of the Tax Administration Act 1994.

Thank you for your request. I trust that the information provided is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Rea', enclosed within a large, loopy oval shape.

Sharyn Rea
Segment Management Lead - Individuals