

30 October 2024

Geoff Waterhouse  
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Ref: OIA 116227

Tēnā koe Geoff

### **Official Information Act request: Fines Process**

Thank you for your email of 25 September 2024, to the Ministry of Justice (the Ministry). In your correspondence, you have raised concerns about the Ministry's involvement in the issuing of fines and have asked for information as to who holds the Ministry accountable for their actions.

Your request has been referred to me for a response, as it falls within my responsibilities as Group Manager, National Service Delivery. The following parts of your correspondence are being managed in accordance with the Official Information Act 1982 (the Act):

1. Who holds MoJ responsible for their actions?
2. Why is it called an offence when a fine is received when a person may not have been convicted?
3. Refusal of court information by Kaikohe District Court regarding 78B application.
4. Deprivation of due process.

In response to question one, the Ministry cannot comment on specific cases or decisions of the court, as the court must be able to operate independently and without interference from the rest of the Government. This is to ensure the integrity of the justice system.

The Ministry does not have record of any previous requests under the Act, and in your name, that have been unanswered. If you have a new request you would like the Ministry to consider, please send it through. If you feel that the Ministry has not adequately addressed previous requests, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act, as previously advised.

Turning to question two, I must advise that the collection of fines is a role of the court, not the Ministry. As such, the Ministry is not able to provide advice regarding your fines or the court actions taken on them, as this is considered court information and is not subject to the Act, under section 2(6)(a). However, I can provide the following general information which I trust will be of assistance.

A prosecuting authority, such as New Zealand Police, can lodge an infringement fee with the court where it becomes a fine. An infringement fine would not result in a criminal conviction

unless the matter goes to a court hearing, where the court may impose a court fine as a result.

The role of the court in the collection process is to collect fines on behalf of the Crown. When an infringement is lodged with the court by a prosecuting authority it becomes a fine. A "Notice of Fine" letter is also sent, which outlines the possible enforcement actions the court can take to collect the fine if it remains unpaid after the due date. This includes the deduction of pension and driver licence stop orders. If you disagree with a decision made by the court, as you are aware, you can apply to have the decision reviewed by submitting a 78B application to the court where the decision was made.

You have also mentioned that you have been refused access to documents, by the Kaikohe District Court. It is not clear what action you have already taken in order to access these documents, however I must advise that access to court information is governed by specific search rules.

To access court information, you must apply directly in writing to the Court which dealt with the proceeding, identifying the proceeding and the specific documents you seek access to. This may attract a fee. For more information on how to access this information please see: [districtcourts.govt.nz/media-information/identification-guidelines-and-accessing-court-documents/](https://districtcourts.govt.nz/media-information/identification-guidelines-and-accessing-court-documents/)

Each of your requests will be considered by either a Registrar or, if necessary, a Judge. Any decision relating to the release of court information is a judicial decision, and therefore, the Ministry cannot intervene or comment on this process.

If the documents being sought relate to fines information, you can request this by emailing [Fines.Enquiry@justice.govt.nz](mailto:Fines.Enquiry@justice.govt.nz) or calling 0800 434 637. Any questions relating to your 78B filing can also be made to either of the above contacts.

Lastly, you have stated that you have been deprived of due process and your rights have been breached. Various measures are in place to help uphold people's rights under the New Zealand Bill of Rights Act 1990 (NZBORA). If you, as an individual, are concerned your NZBORA rights have been breached, you may be able to bring the claim to court.

You may wish to seek legal advice if you are unsure how to proceed with any of the above paths available to you. Your local Community Law office may be able to provide free legal advice. More information on finding your nearest Community Law office can be found at: [communitylaw.org.nz/your-local-centre/find-a-community-law-centre/](https://communitylaw.org.nz/your-local-centre/find-a-community-law-centre/)

Alternatively, you may wish to seek advice from the Citizens Advice Bureau. You can find more information about their services on the following website: [cab.org.nz](https://cab.org.nz)

If you require any further information, please contact Media & Social Media Manager Joe Locke at [media@justice.govt.nz](mailto:media@justice.govt.nz)

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/)

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

Robert Ives  
**Acting Group Manager, National Service Delivery**