

04 November 2016

Mr Darren Insall
Das Bad <fyi-request-4720-aeb7f822@requests.fyi.org.nz>

Dear Mr Insall

Thank you for your request made under the Official Information Act 1982, received on 9 October 2016. You have requested the following information:

If a student loan was issued by the Department of Education prior to the Student loan scheme Act 1992 and the loan document details the Credit Consumer Act 1981.

1. *What Act now governs this loan?*
2. *Why does this Act apply to the loan?*
3. *What Act and section determines this outcome?*
4. *Student Loan Scheme Act 2011 Dispute Process What is the dispute process?*
5. *What Act or Acts are applicable to this process?*
6. *How long has this process been available to the public?*
7. *Is this process known to the IRD Collections Officers?*
8. *Do the IRD Collections Officers have an obligation to disclose this process after being asked for the dispute process?*
9. *Communication and Disclosure Obligations IRD Does the IRD have an internal policy or governance that police's or monitors the time frame of communication between the IRD and its clients?*
10. *What is the acceptable or "normal" amount of time that the IRD allows for post based mail to leave its offices and be delivered anywhere in New Zealand?*
11. *What would be the acceptable time frame for the IRD to allow for an answer to post based mail?*
12. *What documents refer to these Time Frames?*
13. *What is the acceptable or "normal" amount of time that the IRD would expect when emailing a response to citizens?*
14. *Does the IRD have an obligation to inform its citizens on the progress of a request if a citizen has asked for a status update, on the grounds that the original request was over extending a "normal" amount of time?*
15. *Collection Officers guidelines and standards Is there policy or procedure or a specific Act that governs the collection of student loans?*
16. *Can you supply this policy or procedure or Act to me?*
17. *What is the IRD's stance on aggressive bullying tactics during the collections process?*
18. *How many suicides have been directly connected to the collection of student loans?*

I have answered your questions in turn.

Questions one, two and three

Your first three questions relate to the Student Loan Scheme Act 2011 so I have answered your first three questions together:

The Student Loan Scheme Act 2011 governs a student loan and applies to all persons who are borrowers. It applies to all student loans regardless of when they were entered into. These points are outlined in Schedule 6 clause 2 of that Act.

Questions four, five and six

Subpart 5 - Section 173 of the Student Loan Scheme Act 2011 outlines the student loan disputes process.

The process is formally commenced when a Notice of Proposed Adjustment (NOPA) is issued by either the Commissioner of Inland Revenue or the borrower. A NOPA issued by the borrower must be in the prescribed form and issued within the applicable response period. The Standard Practice Statement – *Disputes Resolution Process [commenced by taxpayer] 16/06* can be found in the Technical tax area on Inland Revenue's website and is a guide for customers and Inland Revenue.

The Student Loan Scheme Act 2011 and the Tax Administration Act 1994 are both applicable to the disputes process and both processes have been in place since the inception of the Student Loan Scheme Act 2011.

Question seven

Inland Revenue Collections Officers have access to information about the disputes process and how to manage and inform borrowers about it such as the Standard Practice Statement above. Inland Revenue Collections Officers also have access to the Student Loan Scheme Act 2011.

Question eight

Inland Revenue Collections Officers have an obligation to disclose the disputes process when requested.

Question nine

Inland Revenue's success is determined by achieving its performance measures. These measures are outlined in the Inland Revenue Annual Report 2016.

To communicate with our customers the performance measures are to answer telephone calls within two minutes and answer correspondence within two weeks of receipt. In both cases for the 2016 financial year, Inland Revenue exceeded the 75% target.

Question ten

Inland Revenue has a three day processing standard for outbound correspondence. While Inland Revenue is not responsible for the delivery of mail within New Zealand, the NZ Post website states they aim to deliver at least 95% of standard mail within three working days.

Questions eleven and twelve

I am unable to provide the information you have requested under section 18(g)(i) of the OIA because the information requested is not held by the department or Minister of the Crown or organisation and there are no grounds for believing that the information is held by another department or Minister of the Crown or organisation, or by a local authority.

Question thirteen

Customers are advised of a 15 working day timeframe when they send their message via the myIR webpage. When Inland Revenue responds to their message they will receive an email. The email simply tells them that Inland Revenue has responded, and to read the reply they must log into their myIR account.

Question fourteen

Inland Revenue has a referral process if a customer considers their correspondence hasn't been answered in a reasonable period of time. Inland Revenue also has a Complaints Management Service where a customer can escalate any of their concerns.

Questions fifteen and sixteen

The Student Loan Scheme Act 2011 governs the collection of student loans. The Student Loan Scheme Act 2011 is available on the www.legislation.govt.nz website.

Question seventeen

I am unable to provide the information you have requested under section 18(g)(i) of the OIA because the information requested is not held by the department or Minister of the Crown or organisation and there are no grounds for believing that the information is held by another department or Minister of the Crown or organisation, or by a local authority.

Inland Revenue has a complaint's procedure on its website if a customer is not satisfied with the services provided by us.

Customers can contact us:

- Using a secure online form – they will need their account information to log into their myIR account
- By phoning us on 0800 274 138 (Monday-Friday 8am to 5pm)
- Write to us at:
 - Complaints Management Service
Inland Revenue
PO Box 2198
Wellington 6140

Question eighteen

I am unable to provide the information you have requested under section 18(g)(i) of the OIA because the information requested is not held by the department or Minister of the Crown or organisation and there are no grounds for believing that the information is held by another department or Minister of the Crown or organisation, or by a local authority.

Right of review

If you disagree with my decision you have the right to ask the Ombudsman to investigate and review my decision. The office of the Ombudsman can be contacted at PO Box 10152, The Terrace, Wellington, 6143 or online at ombudsman.parliament.govt.

Alternatively, you may have the decision reviewed by a review officer. Choosing the internal right of review does not preclude you from subsequently seeking a review by the Ombudsman should you be dissatisfied with the department's internal review. If an internal review is sought, please write to the Commissioner of Inland Revenue, PO Box 2198, Wellington 6140, setting out the details of your complaint.

Thank you again for writing. I trust this information is of assistance to you.

Yours sincerely



Sue Gillies

Business Owner