

Bankruptcy FAQs

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Who is the Official Assignee?

The Official Assignees are public servants/officers of the court based in five regions throughout New Zealand. Their role is to administer insolvency for the Ministry of Economic Development's Insolvency and Trustee Service.

The Official Assignee does not work 'for' anyone and considers the best interests of the debtor, creditor, and wider community. All insolvencies are allocated to Insolvency staff for administration – these are the people you will usually deal with.

What information do I need to file for bankruptcy?

To complete the Statement of Affairs and prepare for a possible interview, you need:

- Details of all names you use, or used including proof of identity
- Details of any real estate including mortgages
- Details of any motor vehicle including copies of any registration papers and loan details
- Details of any other property including hire purchase contracts, valuations, etc.
- Details of all bank accounts, shares, investments, policies and other financial assets
- Details of money owed to you
- Details of all people you owe money including their names, addresses, amount of debt and documentation to support the debt
- Details of employment and/or income including state benefits.

What does it cost to apply for bankruptcy?

There is no initial fee for applying for bankruptcy but a NZ\$100 application fee and costs associated with administering the bankruptcy estate will be deducted from any funds received during the bankruptcy from the sale of assets.

How do I apply for bankruptcy from overseas?

The process to apply for bankruptcy does not vary depending on your location. Therefore if you are currently living overseas and wish to apply for bankruptcy the standard process applies.

To read more about how to apply refer to [How do I apply for bankruptcy?](#)

All outstanding debts (except those specifically excluded under the Insolvency Act 2006) should be included in an application for bankruptcy however only debts incurred in New Zealand are extinguished upon your discharge. The Act does not prevent overseas creditors from seeking to enforce their overseas debt in the future.

For more information on excluded debts please refer to [What happens to my debts?](#)

How will I live?

The Official Assignee allows you to keep possessions which are necessary and not extravagant. These include furniture and personal effects, some cash, a car not valued at over \$NZ5,000 and tools of trade, etc.

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Will they take my house?

Whether or not your home will be sold depends on a range of factors such as whether it is registered as a Joint Family Home, its value, the amount owing on it and if you have a second house. Each will be decided on a case by case basis but if selling the house will not reduce the debt you will be able to keep it.

Will they inspect my house?

A house inspection is not normally carried out. However, the Insolvency and Trustee Service may decide to inspect your home to assess what household effects or other possessions you reasonably need to carry on daily living.

How do I pay rent, food and utilities?

The Official Assignee may require you to make payments towards your debts but only if your income is high enough to warrant this. During the application process you will complete a budget of income and expenses.

What if I'm not happy with an Official Assignee decision?

All decisions of the Official Assignee can be appealed to the High Court within 21 days of date of decision. The High Court may confirm, reverse or modify the decision.

If you are not happy with a decision reached by the Official Assignee, please contact us immediately for information about the appeal process.

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What if I'm not happy with the Official Assignee's service?

If you encounter a problem, please bring it to our notice. You may make a complaint by speaking with the Insolvency Officer administering your bankruptcy or by calling 0508 467 658. Include your name and address, the nature of the complaint, and what you would like to happen to rectify the problem. Also supply copies of supporting documentation where appropriate.

Your complaint will be forwarded to the appropriate manager for investigation within one (1) business day of receipt. We will contact you within ten (10) business days and tell you when you can expect a full response if the complaint has not been resolved.

Our response will include:

- A summary of the complaint investigation
- Where appropriate:
 - An explanation
 - An apology
 - Steps taken to ensure the problem does not reoccur.

If you remain dissatisfied you may contact:

- The Office of the Ombudsman (0800 802 602)
- The Privacy Commissioner (0800 803 909) if your complaint concerns a breach of your privacy.

Can an application be lodged for an insolvency procedure using a Power of Attorney?

The Official Assignee will not accept applications for Bankruptcy, a No Asset Procedure or a Summary Instalment order by an individual holding a Power of Attorney over the applicant unless the authority expressly includes the power to file for an insolvency procedure. You should seek independent legal advice if you are unsure whether the Power of Attorney you hold includes this authority.

Applications can be completed by the individual holding the Power of Attorney but must be signed by the applicant themselves.