Template 15: Blank Form 79 – Notice to Employer for Redirection of Earnings

**MAGISTRATES COURT OF QUEENSLAND**

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| --- | --- |
| REGISTRY: [INSERT] |  |
| NUMBER: [INSERT] |  |

|  |  |
| --- | --- |
| Applicant/Enforcement Creditor: | [Insert your name] |
|  | AND |
| Respondent/Enforcement Debtor: | [Insert Debtor’s name] |

**NOTICE TO EMPLOYER – FOR REDIRECTION OF EARNINGS**

# **Enforcement Creditor**: [Insert your name]

**Address:** [Insert your address]

**Enforcement Debtor :**  [Insert Debtor’s name]

**Address:** [Insert Debtor’s address]

**Employer of Debtor:**  [Insert employer’s name]

**Address:** [Insert employer’s address]

**NOTICE TO EMPLOYER**

- You will have been served with an enforcement warrant redirecting earnings of the above enforcement debtor and naming you as the employer of the enforcement debtor.

- If you are not the enforcement debtor’s employer you must immediately give notice, in Form 80, to the registrar and the enforcement creditor.

- If you cease to be the enforcement debtor’s employer you must immediately give notice, in Form 81, to the registrar and the enforcement creditor.

- As the enforcement debtor’s employer you should note the following matters as to the effect of the enforcement warrant and your obligations: -

1. This enforcement warrant does not come into force until the end of 7 days after the day on which the order was served on you.

|  |  |
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| NOTICE TO EMPLOYER -  REDIRECTION OF EARNINGS | Name: |
| Filed on Behalf of the Applicant/Enforcement Creditor | Address: |
| Form 79, Version 1 |  |
| Uniform Civil Procedure Rules 1999 | Phone No: |
| Rule 859 | Fax No: |
|  | Email: |

(2) For each pay day while this warrant is in force, you-

(a) must deduct from the enforcement debtor’s earnings the amount specified in the warrant and pay it to the person specified in the warrant; and

(b) may deduct from the enforcement debtor’s earnings the administration charge specified in the warrant and retain it as a contribution towards the administrative cost of making payments under the warrant; and

(c) must give the enforcement debtor a notice detailing the deductions.

However in applying Note 2 (a) to the last deduction you must deduct the amount, being no more than the amount specified in the warrant for deduction each pay day, that results in the total amount deducted by you being the total amount for deduction specified in the warrant (See - “amount owing”)

A deduction paid or retained by you under the warrant is a valid discharge as between you and the enforcement debtor, to the extent of the deduction of your liability to pay earnings.

(3) This warrant ceases to have effect -

(a) on being set aside; or

(b) unless the court orders otherwise, on the making of another order for the enforcement of the money order; or

(c) on expiry according to its conditions.

(4) If a warrant ceases to have effect, the enforcement debtor’s employer does not incur any liability by treating the warrant as still in force at any time before the end of 7 days after the day on which a copy of a following order was served on the employer -

(a) an order discharging the enforcement warrant; or

(b) another order for the enforcement of the judgment.

(5) If there are 2 or more enforcement warrants in force authorising redirection by you of the enforcement debtor’s earnings, you must comply with the warrants according to the respective dates on which they were served on you and disregard a warrant served later in time until a warrant served earlier in time ceases to have effect.

(6) If an enforcement warrant is varied, it continues to have priority according to the date the original enforcement warrant was served.

(7) (a) You may apply to the court for directions and the court may make an order or give the directions it considers appropriate.

(b) The court may, for example, decide whether payments to the enforcement debtor of a particular class or description specified in the application are earnings.

(c) While that application or any appeal from a decision on it is pending, you will not incur any liability for failing to comply with the warrant with respect to that class or description of payments.

(8) An employer must not dismiss an employee, or otherwise prejudice an employee in his or her employment, because an enforcement warrant authorising redirection of the employee’s earnings has been made. Maximum penalty - 100 penalty units.

(9) Failure to comply with this warrant may be contempt of court and may entitle the enforcement creditor to obtain an order against you.

Registrar: *(registrar to sign and seal)*

*(address of registry)*

Dated: