

Form 2.65 Notice to employer—earnings redirection order

Court Procedures Rules 2006

(see r 2356 (Earnings redirection order—service and coming into force))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (*year*)

(*name*)

Enforcement creditor

(*name*)

Enforcement debtor

To: (*name and address*)
 Employer of enforcement debtor

Notices to employer

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

Rule 2000 defines an **employer** of an enforcement debtor as a person who, as principal, rather than as employee or agent, pays, or is likely to pay, earnings to the enforcement debtor. **Earnings** are also defined in that rule.

If you are not the enforcement debtor's employer, you must immediately give notice, in form 2.66, to the Registrar and the enforcement creditor.

If you cease to be the enforcement debtor's employer, you must immediately give notice, in form 2.67, to the Registrar and the enforcement creditor.

As the enforcement debtor's employer, you should note the following matters about the effect of the enforcement order and your obligations:

- (1) The order does not come into force until the end of 7 days after the day it was served on you.
- (2) For each payday while an earnings redirection order is in force, you—
 - (a) must deduct from the enforcement debtor's earnings the amount stated in the order and pay it to the person stated in the order; and
 - (b) may deduct from the enforcement debtor's earnings a reasonable administration charge and keep it as a contribution towards the administrative cost of making payments under the order; and
 - (c) must give the enforcement debtor a notice detailing the deductions.

In applying paragraph (2) (a) to the last deduction, you must deduct the amount (not more than the amount stated in the order for deduction each payday) that results in the total amount deducted under the order being the total amount for deduction stated in the order.

Any administration charge deducted under paragraph (2) (b) must not be more than—

- (a) if you have an amount you usually charge employees for making periodic payments—that amount; or
- (b) otherwise—an amount that covers your costs and expenses of complying with the order.

A deduction paid or kept by you under the order 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 order ceases to have effect when—
 - (a) the order debt is satisfied; or
 - (b) the earnings redirection order is set aside or ends in accordance with its terms; or
 - (c) unless the Court otherwise orders, another enforcement order is made for the money order.

- (4) If the order ceases to have effect, you do not incur any liability by treating the order as still in force at any time before the end of 7 days after the day either of the following is given to you:
 - (a) a sealed copy of the order because of which the order ceased to have effect;
 - (b) a notice from the enforcement creditor that the order has ceased to have effect.

- (5) If 2 or more earning redirection orders are in force authorising redirection by you of the enforcement debtor's earnings, you must comply with the orders according to the dates they were served on you and disregard an order served later until an order served earlier ceases to have effect.

- (6) If an earnings redirection order is amended, it continues to have priority according to the date the original order was served.

- (7) You may apply to the Court for directions and the Court may give the directions it considers appropriate.

For example, the Court may decide whether payments to the enforcement debtor of a kind described in the application are earnings.

While the application for directions or any appeal from a decision made on the application is pending, you do not incur any liability for failing to comply with the order in relation to payments of the kind described in the application.

- (8) You must not dismiss an employee, or otherwise prejudice an employee in the employee's employment, because an earnings redirection order authorising redirection of the employee's earnings has been made.
- (9) Failure to comply with this order may be contempt of court and may entitle the enforcement creditor to obtain an order against you.

Signature of enforcement creditor:

Date:

**omit if, or whichever is, inapplicable*