

GARNISHEE ORDER FOR WAGES OR SALARY

COURT DETAILS

Court Write 'Local Court'
#Division Write ' Small Claims Division'
#List Delete or leave blank
Registry Write the court where the statement of claim was filed
Case number Write the case number as shown on the statement of claim

TITLE OF PROCEEDINGS This section should be completed with the same details as in the 'TITLE OF PROCEEDINGS' section of the statement of claim form.

[First] plaintiff [name]

#Second plaintiff #Number of plaintiffs (if more than two)

[First] defendant [name]

#Second defendant #Number of defendants (if more than two)

GARNISHEE ORDER

Name of garnishee Write the name of the employer
Address of garnishee Write the address of the employer
Judgment debtor [name] [role of party] write the name of the judgment debtor and their role, for example, defendant or cross-defendant
Address of judgment debtor (if known) Write the address of the judgment debtor

- 1 It is ordered that any wage or salary that is payable by the garnishee to the judgment debtor from the time of service of this order is attached to the extent of \$[amount outstanding under judgment] to answer a judgment in these proceedings. You can calculate the amount owed to you by adding the amounts in paragraphs 3, 4 and 5 of the affidavit in the notice of motion - garnishee order
- 2 You are ordered to pay any amount so attached to the judgment creditor within 14 days after the date on which the wage or salary falls due until the amount of \$[amount outstanding under judgment same amount as in point 1, above] is paid or until the court otherwise orders.

NOTICE TO GARNISHEE

Please read the attached information sheet.

If you do not comply with this garnishee order the court may give judgment in favour of the judgment creditor against you for the amount of the wage or salary or for the unpaid amount of the judgment debt.

You can get further information about this garnishee order from:

- A legal practitioner.
- Law Access NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

ISSUING DETAILS

Garnishee order made on	Leave blank
Issued at	Leave blank
Signature	Leave blank
Capacity	Leave blank

JUDGMENT CREDITOR'S DETAILS

Name	Write your name		
Address for service	Write your address here		
	#[unit/level number]	#[building name]	
	[street number]	[street name]	[street type]
	[suburb/city]	[state/territory]	[postcode]
Telephone	Write your phone number		
#Fax	Write your fax number, if you have one		
Email	Write your email address, if you have one		

Important information for the garnishee

Please read this notice and the attached garnishee order for wages or salary very carefully.

Attached to this notice is a garnishee order for wages or salary issued out of a New South Wales court.

The order requires you (**the garnishee**) to make payments from any wage or salary that is payable by you to the judgment debtor to the judgment creditor in satisfaction of the judgment debt.

The garnishee order takes effect from when it is served on you and will continue to operate until the judgment debt is paid unless the court otherwise orders.

#A garnishee order addressed to the Crown that attaches to wages or salary binds the Crown.

Time within which payments to be made

Payments must be made within 14 days after the date on which the wage or salary is due to be paid to the judgment debtor.

Making payments

Payment must be made to the judgment creditor at the address specified in the garnishee order.

You are entitled to retain a maximum of \$13.00 to cover your expenses in complying with the garnishee order. Any amount that you retain for expenses does not operate to reduce the judgment debt.

Any amount paid under one or more garnishee orders must not, in total, reduce the net weekly amount of any wage or salary received by the judgment debtor to less than the standard workers compensation weekly benefit (section 122 Civil Procedure Act 2005). This amount is adjustable – refer to the WorkCover NSW website www.workcover.nsw.gov.au to determine the applicable rate.

If the judgment debt becomes the subject of an instalment order, you are only required to pay the amount payable under the instalment order. You will no longer be able to retain an amount to cover your expenses.

A payment to the judgment creditor must be accompanied by a statement showing:

- The amount attached under the garnishee order (ie the net wage or salary payable for the pay period less the net weekly amount the debtor is entitled to receive under section 122 Civil Procedure Act 2005).
- How much of that amount has been retained by you for your expenses (maximum \$13).
- How much of the amount has been paid to the judgment creditor.

What if there is no salary or wage payable?

If you believe that no wage or salary will become payable by you to the judgment debtor you may serve a statement to that effect on the judgment creditor. The statement must be in the approved form and set out the reasons you believe that there is no wage or salary payable. Approved forms are available from the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

Lien or claim of third person

If you claim that some person, other than the judgment debtor, is or may be entitled to any money paid under the garnishee order, any wage or salary attached by the garnishee order or any charge, lien or other interest in any such money, wage or salary, you may apply to the court to determine your claim.