

Third Party Debt Notice

Family Law Rules ~ RULE 20.32
Federal Circuit Court Rules ~ RULE 25B.40

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any question/s.

Filed in:

- Family Court of Australia
 Family Court of Western Australia
 Federal Circuit Court of Australia
 Other (specify) _____

Filed on behalf of:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

- Applicant
 Respondent
 Other (specify) _____

This Notice is issued by the Court at the request of the applicant (payee) to enforce an obligation to pay money. It is directed to a person (third party) who it is alleged owes money to, or is the employer of the respondent (payer) named in this Notice.

IMPORTANT: Information for the third party is on page 4.

Part A About the parties

1 APPLICANT [PAYEE]

What is your family name as used now?

Given names?

2 What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

RESPONDENT [PAYER]

Family name as used now

Given names

Respondent's address

State	Postcode
Phone	

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

If there is more than one applicant or respondent, attach an extra page with the details for Applicant 2/ Respondent 2, answering Items 1 & 2.

Part B About the obligation to pay money

3 The applicant (payee) is entitled to enforce an obligation to pay money against the respondent (payer) arising out of:

- an order** made by _____ on ____ / ____ / ____ (date)
- an assessment** by the Child Support Agency
made on ____ / ____ / ____ (date)
- an agreement**
between _____ and _____
made on ____ / ____ / ____ (date)

4 The respondent's obligation to the applicant is as follows:

Amount owed	\$ _____
Less any amounts paid	\$ _____
Balance owing	\$ _____
Interest owing (if any)	\$ _____
Cost of application for the third party debt notice (Schedule 3 Part 4 of the Family Law Rules or in relation to proceedings in the Federal Circuit Court Schedule 1 of the Federal Circuit Court Rules)	\$ _____
TOTAL AMOUNT OWED	\$ _____

Part C Notice to the third party about payment of lump sum

[COMPLETE ONLY IF APPLICABLE]

5

TO

Name

OF

State

Postcode

You must pay the applicant (payee):

- the amount of \$ _____ [here insert the total at Item 4 in Part B], or
- if you owe the respondent (payer) less than this amount, the total amount that you owe the respondent (payer).

This amount must be paid either:

- within 7 days of receiving this notice, or
- within 7 days of any amount you owe the respondent (payer) becoming payable by you to the respondent (payer).

Note: When this notice is served on you, a debt due or accruing to the respondent (payer) from you is attached and bound in your hands to the extent of the amount owed.

Part D

Notice to third party (employer) about redirection of earnings

[COMPLETE ONLY IF APPLICABLE]

6

TO

Name

OF

State

Postcode

Seven days after you are served with this notice, you must deduct from the respondent's (payer's) earnings each pay day an amount of \$ _____, calculated as follows:

Amount	\$ _____
Less administrative expenses	\$ 5.00
Amount deducted	\$ _____

and pay the 'Amount deducted' to the applicant (payee):

- until the amount of \$ _____ [here insert the total at Item 4 in Part B] has been paid in full; or
- if you owe the respondent (payer) less than this amount, the total amount that you owe the respondent (payer).

Note: In making these deductions from the respondent's earnings to meet this obligation, you must ensure that the respondent is not paid less than the protected earnings rate which is \$ _____ per fortnight.

Part E

Notice to third party about payment of periodic sums

[COMPLETE ONLY IF APPLICABLE]

7

TO

Name

OF

State

Postcode

Seven days after you are served with this notice, you must pay to the applicant each [insert period] an amount of \$ _____.

This amount must be paid to the applicant (payee) each _____ [insert period] until the total amount owed of \$ _____ [here insert the total at Item 4 in Part B] is paid in full or your liability to the respondent ceases. If, on the final payment, the amount owed to the applicant (payee) is less than the periodic amount you must pay the lesser amount.

Part F Signature [COURT USE ONLY]

Signature

Date

	/ /
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FOR REGISTRAR

This notice was prepared by applicant/s lawyer

PRINT NAME AND LAWYER'S CODE

Important Notice to the Third Party

This notice continues in force until:

- (a) the total amount specified in the Notice is paid; or
- (b) the Notice is set aside.

Payment of a debt to the applicant (payee) under this Notice satisfies the debt between the third party and the respondent (payer) to the extent of the payment.

A brochure informing you of the effect of this notice and your obligations must have been served on you with this Notice.

A third party debtor:

- (a) must comply with a third party debt notice or an order varying, suspending or discharging a third party debt notice; and
- (b) must not unfairly treat a payer in respect of employment because of an order made under Chapter 20 of the Family Law Rules.

Penalty: 50 penalty units (see Rule 20.41 of the Family Law Rules and Rule 25B.49 of the Federal Circuit Court Rules).