

## Procedural Fact Sheets (Civil) – Supreme and District Courts

### Enforcement of an order for the payment of money

#### What is enforcement?

- If a court makes an order for the payment of money by one party (the debtor) to another party (the creditor) there are various ways in which the creditor can recover any unpaid money from the debtor. ([Chapter 19, Uniform Civil Procedure Rules 1999 \(Qld\)](#)) This is known as “enforcing” the order.
- In addition to any unpaid money, the creditor may recover the costs incurred in enforcing the money order and interest accruing on the debt.

#### How is a judgment enforced?

A creditor may apply to the court for the issue of a warrant for:

- Seizure and sale of property. ([rule 828](#)) This warrant requires the sheriff, or bailiff, of the court to seize and sell property belonging to the debtor.
- Redirection of a debt. ([rule 840](#)) This warrant requires a third party who owes a debt to the debtor to pay that debt to the creditor.
- Redirection from a financial institution. ([rule 848](#)) This warrant requires a financial institution (including a bank) to redirect payments regularly received by the debtor to the creditor.
- Redirection of a debtor’s earnings. ([rule 855](#)) This warrant requires the debtor’s employer to deduct a portion of the debtor’s wages from each pay and redirect this to the creditor.

At any time after a money order has been made, the creditor may:

- Require the debtor to complete a statement of financial position. ([rule 807](#), [form 71](#)) The debtor must complete and return the statement within 14 days of receipt.
- If the debtor does not complete and return the completed statement within 14 days, the creditor may apply to the court for an enforcement hearing, to obtain information from the debtor which will assist in enforcement of the order. ([rule 808](#)) The registrar must list a date for the hearing and issue a summons to the debtor.
- If the debtor fails to attend the enforcement hearing, the registrar may issue a warrant for the arrest of the debtor, so that they may be brought before the court for the purpose of the hearing. ([rule 816](#))