

**MAGISTRATES COURT OF WESTERN AUSTRALIA
CIVIL JURISDICTION
FACT SHEET 26**

**APPLYING FOR A SUSPENSION ORDER
APPLICATION BY THE JUDGMENT DEBTOR**

What is a suspension order?

An order that suspends the enforcement of a judgment.

How does a judgment debtor apply for a suspension order?

By completing and lodging **Form 9**.

The court then fixes a date time and place for an application hearing.

Serving a suspension order application

An application for a suspension order may be served by 'ordinary service'. This includes:

- ❖ delivering it in person; or
- ❖ sending it by pre-paid post.

This can be directed to their usual mailing address or last known place of residence, or to their principal business address or last known place of business.

**See Fact Sheet:
No. 8 Serving a court document**

What the judgment debtor must bring to court?

You must provide the court with all records that relate to your income, assets and liabilities and, if applicable, the income, assets and liabilities of your spouse, de facto partners and any dependants.

If these records are not provided, you will be guilty of a contempt of court.

Suspending a monetary judgment

The court may make a suspension order if it is satisfied you are unable to pay the judgment debt or if there are special circumstances you can justify to the court to suspend enforcement of the judgment.

Suspending a non-monetary judgment

The court will only make a suspension order if there are special circumstances that justify doing so.

Application not granted

The court may make a new:
a) time for payment order; or
b) instalment order

**See Fact Sheet:
No. 25 Means inquiry (information for the judgment debtor)**

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.