



# CSS Family Law Act 1975

The Family Court may make a splitting order under section 90MT of the *Family Law Act 1975* provided ARIA has been accorded procedural fairness as required by section 90MZD of the Act.

Rule 10.16 of the *Family Law Rules 2004* requires that ARIA be provided with a copy of the proposed splitting order and has a period of 28 days within which to advise of any objection.

Orders sought in terms similar to that suggested below would facilitate ComSuper's concurrence with any proposed orders.

## FAMILY LAW ACT 1975

### SHORT MINUTES OF ORDERS SOUGHT BY CONSENT

**BY CONSENT** it is ordered that:

In accordance with section 90MT(1)(a) of the *Family Law Act 1975* (the Act), whenever a splittable payment within the meaning of section 90ME of the Act becomes payable to or on behalf of [*member's name*] from [*his/her*] interest in the Commonwealth Superannuation Scheme (the CSS), [*husband/wife or other person specified in section 90ME of the Act*] is entitled to be paid (by ARIA) the amount calculated in accordance with Part 6 of the *Family Law (Superannuation) Regulations 2001*, using a base amount of [\$ \_\_\_\_\_] and there is a corresponding reduction in the entitlement [*member's name*] would have had but for these Orders.

The operative time for Order 1 is [*four business days after the service of these Orders on the trustee*].

#### NOTATION:

The parties note that this Order, and payments made as a result, will be affected by the *Superannuation Legislation Amendment (Family Law) Act 2004* which came into effect on 18 May 2004 and the *Family Law (Superannuation) Regulations* which together provide for a separate superannuation interest to be created for the non-member spouse and for consequential effects on payments.

Date format

D	D	/	M	M	/	Y	Y	Y	Y

Signature (Husband)

SIGNATURE
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Signature (Solicitor for the Husband)

SIGNATURE
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Signature (Wife)

SIGNATURE

Signature (Solicitor for  
the Wife)

SIGNATURE

**DISCLAIMER**

We do not provide legal and/or financial advice.

This document is to be used as a guide and is **not a substitute** for independent legal advice.

**PRIVACY**

Your privacy is important to us. We are collecting information on this form to administer your super. If you'd like to read ARIA's privacy and security statement, visit <http://www.aria.gov.au/privacy.shtml>.

EXAMPLE ONLY