



# CSS Family Law Act 1975

## 90MT(1)(b)

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 draft 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 our concurrence with any proposed orders.

### FAMILY LAW ACT 1975

#### SHORT MINUTES OF ORDERS SOUGHT BY CONSENT

BY CONSENT it is ordered that:

- > 1. In accordance with section 90MT(1)(b) 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 the Trustee of the CSS) [\_\_\_%] of the splittable payment and there shall be a corresponding reduction in the amount the [*member's name*] would be entitled to receive but for these Orders.
- > 2. The operative time for Order 1 is [*four business days after the service of the final 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
-----------

Signature (Solicitor for the Husband)

SIGNATURE
-----------

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