



Australian
Reward
Investment
Alliance

PSS 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 Public Sector Superannuation Scheme (the PSS), [*husband/wife or other person specified in section 90ME of the Act*] is entitled to be paid (by the Trustee of the PSS) 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 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.

DATED:

DAY	MONTH	YEAR

SIGNATURE (HUSBAND)

SIGNATURE (WIFE)

SIGNATURE (SOLICITOR FOR THE HUSBAND)

SIGNATURE (SOLICITOR FOR THE WIFE)

DISCLAIMER

ComSuper does 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.