



Australian  
Reward  
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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 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 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)(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 Public Sector Superannuation (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) [ \_\_\_ %] 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.
- 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

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