



# Family Law Act 1975

## Standard court order – base splitting

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 ARIA's concurrence with any proposed orders.

### FAMILYLAW ACT 1975

#### SHORT MINUTES OF ORDERS SOUGHT BY CONSENT

BY CONSENT it is ordered that

- 1) 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 accumulation plan (the PSSap), [spouse or other person specified in section 90ME of the Act] is entitled to be paid (by the Trustee of the PSSap) 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.

- 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.

Dated

D	D	/	M	M	/	Y	Y	Y	Y
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SIGNATURE OF SPOUSE 1

SIGNATURE OF SPOUSE 2

SIGNATURE OF SOLICITOR FOR SPOUSE 1

SIGNATURE OF SOLICITOR FOR SPOUSE 2

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