

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

Rule 10.16 of the *Family Law Rules 2004* requires that the Military Superannuation and Benefits Board 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:

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 Military Superannuation and Benefits Scheme (the MSB), [husband/wife or other person specified in section 90ME of the Act] is entitled to be paid (by the Trustee of the MSB) 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 these orders on the Trustee].

Dated:

\_\_\_\_\_  
day      month      year

\_\_\_\_\_  
Husband

\_\_\_\_\_  
Wife

\_\_\_\_\_  
Solicitor for the Husband

\_\_\_\_\_  
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.

**MilitarySuper is administered by ComSuper**

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