

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 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:

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 90 ME 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) [\_\_\_\_%] 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 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**

Located at:    Unit 4, Cameron Offices, Chandler St, Belconnen ACT 2617  
Postal Address: PO Box 22, Belconnen ACT 2616  
Internet:       **www.militarysuper.gov.au**  
Email:         members@enq.militarysuper.gov.au

Telephone: **1300 006 727**  
Fax: (02) 6272 9617  
TTY: (02) 6272 9827