

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.

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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 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), *[non-member spouse 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

would be entitled to receive but for these Orders.

- The operative time for Order 1 is *[four business days after the service of these orders on the Trustee]*.

NOTATION: The parties note that this Order, and payments made as a result, will be affected by the *Family Law (Superannuation) Regulations 2001* and the Military Superannuation and Benefits Trust Deed which together may provide for a separate superannuation interest to be created for the non-member spouse and for consequential effects on payments.

Dated:

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MEMBER SPOUSE SIGNATURE

NON-MEMBER SPOUSE SIGNATURE

SOLICITOR FOR THE MEMBER SPOUSE SIGNATURE

SOLICITOR FOR THE NON-MEMBER SPOUSE SIGNATURE

DISCLAIMER

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