



Family Law Act 1975

Standard court order – base amount splitting

Important information

The Family Court may make a splitting order under section 90XT of the *Family Law Act 1975* provided the Commonwealth Superannuation Corporation (CSC) has been accorded procedural fairness as required by section 90XZD of the Act.

Rule 10.16 of the *Family Law Rules 2004* requires that CSC be provided with a copy of the proposed splitting order and be given a period of 28 days within which to advise of any objection.

Orders sought in terms similar to that suggested below would facilitate CSC'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 90XT(1)(a) of the *Family Law Act 1975* (the Act), whenever a splittable payment within the meaning of section 90XE of the Act becomes payable to or on behalf of [member's name] from [his/her] interest in the Commonwealth Superannuation Scheme (the CSS), [husband/wife or other person specified in section 90XE of the Act] is entitled to be paid (by the Trustee of the CSS) 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].

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 2001* which together provide for a separate superannuation interest to be created for the non-member spouse and for consequential effects on payments.



Commonwealth
Superannuation
Scheme

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If you'd like to read CSC's privacy and security statement, visit www.csc.gov.au

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