



# 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 Commonwealth Superannuation Corporation (the trustee) has been accorded procedural fairness as required by section 90XZD of the Act.

Rule 10.16 of the *Family Law Rules 2004* requires that Commonwealth Superannuation Corporation 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 Commonwealth Superannuation Corporation's concurrence with any proposed orders.

#### FAMILY LAW ACT 1975 SHORT MINUTES OF ORDERS SOUGHT BY CONSENT

BY CONSENT it is ordered that:

- 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 Public Sector Superannuation accumulation plan (PSSap) and/or the Commonwealth Superannuation Corporation retirement income (CSCri), [spouse or other person specified in section 90XE of the Act] is entitled to be paid (by the trustee) 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.

- The operative time for Order 1 is [four business days after the service of the final orders on Commonwealth Superannuation Corporation].
- This order binds the trustee of the Public Sector Superannuation accumulation plan (PSSap).

#### 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.



## How can I get more information?



**Public Sector  
Superannuation  
accumulation plan**

**EMAIL** members@pssap.com.au

**PHONE** 1300 725 171

**FAX** 1300 364 144

**MAIL** PSSap  
Locked Bag 9300  
Wollongong NSW 2500

**WEB** csc.gov.au



**CSC  
retirement  
income**

**EMAIL** members@cscri.com.au

**PHONE** 1300 736 096

**FAX** 1300 304 241

**MAIL** CSCri  
Locked Bag 8840  
Wollongong NSW 2500

**WEB** csc.gov.au

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**End Form**