



**Sample Court Order -
 Payment Phase (% split)**
Family Law Act 1975

The Family Court may make a splitting order under section 90MT of the Family Law Act 1975 provided the Defence Force Retirement and Death Benefits Authority 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 Defence Force Retirement and Death Benefits Authority be provided with a copy of the draft 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 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 90ME of the Act becomes payable to or on behalf of [member's name] from [his/her] interest in the Defence Force Retirement and Death Benefits Scheme (the DFRDB), [husband/wife or other person specified in section 90ME of the Act] is entitled to be paid (by the Trustee of the DFRDB) [____%] 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 [seven business days after the service of the final orders on the Trustee].

Dated: _____ / _____ / _____

 Husband

 Wife

 Solicitor for the Husband

 Solicitor for the Wife

DISCLAIMER

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