



Separation declaration

Family Law Act 1975

Information about this declaration

Who should use this declaration?

You should use the appropriate declaration in either Part A or Part B if:

- > You have entered into a super agreement with your former spouse
and
- > You have separated from your former spouse.

You should not complete this declaration if you have divorced from your former spouse. Instead, you should provide us with a certified copy of your decree absolute.

For the purposes of superannuation splitting under the *Family Law Act 1975*, spouse means:

- > a party to a marriage
or
- > a party to a de facto relationship.

Does my former spouse have to complete this as well?

No. Only you or your former spouse needs to sign the declaration to be effective. Only one of you has to sign the declaration but you can both sign the declaration if you wish.

What happens if neither of us completes this declaration?

If neither you nor your former spouse serves a properly completed declaration on the Trustee, your super agreement may not be effective.

Should I complete the Part A declaration or the Part B declaration?

You should use the **Part A** declaration if the withdrawal value of the super benefit (as determined under the Family Law Regulations) is greater than the superannuation lump sum payment threshold for the financial year in which you make the declaration.

You can find information about the superannuation lump sum payment thresholds at www.ato.gov.au or by calling the Australian Taxation Office on 13 10 20.

If the withdrawal value is less than the superannuation lump sum payment threshold for the financial year in which you make the declaration, you should use the **Part B** declaration.

You do not need to complete both declarations—only complete the one relevant to your situation.

What happens if I make a false declaration?

There are severe penalties for providing a false or misleading declaration. A person serving a false declaration on a Trustee may be subject to 12 months imprisonment.

Therefore, you should not complete the declaration if it could amount to a false declaration.

IMPORTANT NOTE:

The meaning of **separated** is defined under sections 48 and 90MP of the *Family Law Act 1975*. You should consider seeking professional advice if you are unsure whether you satisfy this definition.

Neither the Trustees nor ComSuper can provide you with that information.

PART A - Separation declaration

where the withdrawal value is greater than the superannuation lump sum payment threshold for the financial year in which this declaration is made.

I/We declare that both

who was born on

and

who was born on are married or in a de facto relationship (tick which is applicable), but

- > **separated** and have been living separately and apart for a continuous period of at least 12 months immediately before making this declaration and
- > in my/our opinion, there is no reasonable likelihood of resuming cohabitation.

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF FIRST SPOUSE MAKING DECLARATION

SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

PART B - Separation declaration

where the withdrawal value is less than the superannuation lump sum payment threshold for the financial year in which this declaration is made.

I/We declare that both

who was born on

and

who was born on are married or in a de facto relationship (tick which is applicable), but at the time of this declaration are **separated**.

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF FIRST SPOUSE MAKING DECLARATION

SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

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