



Separation Declaration (Family Law Act 1975 Section 90MP)

Who should use this declaration?

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

- You have entered into a superannuation agreement with your former spouse; and
- You have separated from your former spouse.

If you have divorced from your former spouse you should not complete this declaration. Instead, you should provide ComSuper with a certified copy of your *decree absolute*.

Does my former spouse have to complete this as well?

No. The declaration only needs to be signed by either you or your former spouse to be effective. You may 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 superannuation agreement will 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 member's superannuation benefit (as determined under the Family Law Regulations) is greater than the Superannuation Lump Sum Payment Threshold for the financial year in which the declaration is made.

Information about the Superannuation Lump Sum Payment thresholds can be obtained online from www.ato.gov.au or by contacting the Australian Taxation Office on **13 10 20**. ComSuper does not calculate withdrawal values for family law purposes.

If the withdrawal value is less than the Superannuation Lump Sum Payment Threshold for the financial year in which the declaration is made, you should use the Part B declaration.

You do not need to complete both parts—only complete the part relevant to your situation.

What happens if I make a false declaration?

There are severe penalties for making 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 appropriate 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.

Contacts

If you have any further questions about your benefit entitlements or investment options you can contact us in the following ways:

Visit

Unit 4 Cameron Offices
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Belconnen ACT 2617

Mail

PO Box 22
Belconnen ACT 2616

Email

Members@dfldb.gov.au

Phone

1300 001 677
(for the cost of a local call)

Fax

(02) 6272 9616

Internet

www.dfrdb.gov.au

The DFRDB is administered by ComSuper.

Separation declaration where the withdrawal value for all the super interests of the member is greater than the Superannuation Lump Sum Payment threshold for the financial year in which this decision is made.

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Separation Declaration

Family Law Act 1975 Section 90MP

PART A

1. I/We declare that both

_____ (full name of first spouse)

who was born on _____ day _____ month _____ year

and

_____ (full name of second spouse)

who was born on _____ day _____ month _____ year

are married in a de facto relationship (tick whichever is applicable).

- 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 cohabitation being resumed.

Signature of first spouse making declaration

Full name of first spouse making declaration

Date of declaration

_____ day _____ month _____ year

Signature of other spouse (if any) making declaration

Full name of other spouse (if any) making declaration

Date of declaration

_____ day _____ month _____ year

