



# Separation declaration

## *Family Law Act 1975*

### Important 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 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 MilitarySuper with a certified copy of your decree absolute.

For the purposes of the **Family Law Act 1975** spouse means:

- a party to a marriage, or
- a party to a same sex or opposite sex de facto relationship.

#### 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 Commonwealth Superannuation Corporation (CSC), your superannuation 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 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 [ato.gov.au](http://ato.gov.au) or by contacting the Australian Taxation Office on **13 10 20**. MilitarySuper 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:** The meaning of separated is defined under sections 48 and 90XP of the **Family Law Act 1975**. You should consider seeking professional advice if you are unsure whether you satisfy this definition. Neither CSC can provide you with that information.

#### How to use this declaration

Please use CAPITAL LETTERS and a black or blue pen.

Mark boxes like this ☐ with a ✓ or ✗ then fill out the next question or section.



Military  
Superannuation &  
Benefits Scheme

**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 declaration is made.**

FULL NAME OF FIRST SPOUSE

[illegible]

D	D	M	M	Y	Y	Y	Y

**FULL NAME OF OTHER SPOUSE**

[illegible]

D	D	M	M	Y	Y	Y	Y

☐ married

☐ in a de facto relationship

- 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**

D	D	M	M	Y	Y	Y	Y

**FULL NAME OF FIRST SPOUSE MAKING DECLARATION**

[illegible]

**SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING  
DECLARATION**

D	D	M	M	Y	Y	Y	Y

**FULL NAME OF OTHER SPOUSE (IF ANY) MAKING DECLARATION**

[illegible]

**B**

I/We declare that both

FULL NAME OF FIRST SPOUSE

[illegible]

who was born on

D	D		M	M		Y	Y	Y	Y
		/			/				

and

FULL NAME OF OTHER SPOUSE

[illegible]

who was born on

D	D	M	M	Y	Y	Y	Y

are

☐ married

☐ in a de facto relationship

- 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.

 **Sign**

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

**SIGNATURE OF FIRST SPOUSE MAKING DECLARATION**

Date of declaration

D	D		M	M		Y	Y	Y	Y
		/			/				

**FULL NAME OF FIRST SPOUSE MAKING DECLARATION**

[illegible]

 **Sign**

**SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING  
DECLARATION**

**SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING  
DECLARATION**

Date of declaration

D	D	M	M	Y	Y	Y	Y

FULL NAME OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

[illegible]

## End Form



**Need assistance?  
Call us on the phone  
numbers below**



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