



# 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
- separated, but are not divorced, from your former spouse.

You should not complete the declaration if you have divorced from your former spouse. Instead, you should provide us 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 Commonwealth Superannuation Corporation (CSC), 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 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 threshold can be obtained online from [ato.gov.au](http://ato.gov.au) or by contacting the Australian Taxation Office (ATO) on **13 10 20**.

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 declarations – only complete the part 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 CSC 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.

CSC cannot 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.



Commonwealth  
Superannuation  
Scheme



# 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,

GIVEN NAME(S)

SURNAME

born on

/  /

and,

(FULL NAME OF FIRST SPOUSE)

born on

/  /

are (tick which is applicable)

married

in a de facto relationship

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.

Sign

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

Date of declaration

/  /

(FULL NAME OF FIRST SPOUSE MAKING DECLARATION)

Sign

SIGNATURE OF SECOND SPOUSE MAKING DECLARATION

Date of declaration

/  /

(FULL NAME OF SECOND SPOUSE MAKING DECLARATION)

