

Separation declaration

Family Law Act 1975

Important information about 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 Commonwealth Superannuation Corporation (CSC), 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 **ato.gov.au** or by calling 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 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 of a superannuation fund may be subject to 12 months imprisonment.

Therefore, you should not complete the 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.

Submitting your form

Send the application form and declaration via **Email:** formsandapplications@csc.gov.au

OR

Mail: GPO Box 2252

Canberra ACT 2601, AUSTRALIA

Please note, emailed court orders and superannuation agreements must be certified.



The information provided in this document is general advice only and has been prepared without taking account of your personal objectives, financial situation or needs. Before acting on any such general advice, you should consider the appropriateness of the advice, having regard to your own objectives, financial situation and needs. You may wish to consult a licensed financial advisor. You should obtain a copy of the PSS Product Disclosure Statement (PDS) and consider its contents before making any decision regarding your super.

Commonwealth Superannuation Corporation (CSC) ARN: 48 887 817 243 AFSI: 238069 RSFI: 10001397

of the Public Sector Superannuation Scheme (PSS) ABN: 74 172 177 893 RSE: R1004595



Separation declaration

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Email formsandapplications@csc.gov.au



Financial Advice 1300 277 777





