



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.



Public Sector
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)

