



Australian  
Reward  
Investment  
Alliance

# Separation Declaration

## *Family Law Act 1975*

### 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.

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 purpose 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. 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 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 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 [www.ato.gov.au](http://www.ato.gov.au) or by contacting the Australian Taxation Office 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 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.

## PART A - 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/We declare that both

who was born on

and

who was born on  are  married or  in a de facto relationship (tick which is applicable), 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 cohabitation being resumed.

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF FIRST SPOUSE MAKING DECLARATION

SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

## PART B - Separation declaration

where the *withdrawal value is less than the Superannuation Lump Sum Payment Threshold* for the financial year in which this declaration is made.

I/We declare that both

who was born on

and

who was born on  are  married or  in a de facto relationship (tick which is applicable), but at the time of this declaration are **separated**.

SIGNATURE OF FIRST SPOUSE MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF FIRST SPOUSE MAKING DECLARATION

SIGNATURE OF OTHER SPOUSE (IF ANY) MAKING DECLARATION

DATE OF DECLARATION

FULL NAME OF OTHER SPOUSE (IF ANY) MAKING DECLARATION