



Application for Information Under the Family Law Act

Please complete in capital letters and in BLACK INK only

1. Your details

Title	<input type="text"/>	(e.g. Mr/Mrs/Ms/Miss/Dr)	Date of birth (dd/mm/yyyy)	<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
Family name	<input type="text"/>							
Given name(s)	<input type="text"/>							
Street/PO Box no.	<input type="text"/>							
Suburb/Town/City	<input type="text"/>							
State/Territory	<input type="text"/>	Postcode	<input type="text"/>	Country (if outside Australia)	<input type="text"/>			
Phone: Home no. (inc. STD/ISD)	<input type="text"/>			Business no. (inc. STD/ISD)	<input type="text"/>			
Mobile no.	<input type="text"/>			Fax no. (inc. STD/ISD)	<input type="text"/>			
E-mail address	<input type="text"/>							

2. Basis of application

I hereby apply for information, in accordance with the *Family Law Act 1975*, about the following superannuation interest(s) of the member below in the Australian Public Superannuation Fund.

Family name	<input type="text"/>								
Given name(s)	<input type="text"/>								
Member account no. #1 (if known)	<input type="text"/>			Date of birth (dd/mm/yyyy)	<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
Member account no. #2 (if known)	<input type="text"/>			Member account no. #3 (if known)	<input type="text"/>				

The information required is that effective as at: **(Please tick one only)**

the date this application is received by the Trustee; or an earlier date, being: / /

In support of my application, I declare that: **(Please tick one only)**

I am the member referred to above.

I am the spouse of the member referred to above.

I am intending to enter into a superannuation agreement under Part VIII B of the *Family Law Act 1975* with the member referred to above.

And I require the information to: **(Please tick one only)**

assist me to properly negotiate a superannuation agreement.

assist me in connection with the operation of Part VIII B of the *Family Law Act 1975*.

3. Applicant declaration

I declare that the information contained in this form is correct and that I have enclosed the fee(s) payable for providing the information requested.

Signed Date (dd/mm/yyyy) / /



IMPORTANT NOTES FOR MEMBERS

FEES

From the 1st July 2004, a fee of \$110 is payable for the provision of Family Law information.

Please provide a cheque/ money order payable to the Australian Public Superannuation Fund.

* This fee is payable by the person requesting the information. A separate fee is applicable for each request for information.

PRIVACY

Personal information, including any sensitive information, collected on this form shall be held, used or disclosed by the trustee of the Australian Public Superannuation Fund for the purpose of complying with and subject to its obligations under the Family Law Act 1975 and may only be passed to or accessed by agents or service providers to the Scheme for this purpose and subject to these obligations. If you do not provide the information requested the trustee of the Scheme may not be obliged to comply with the provisions of the Family Law Act 1975 and you may not receive the information requested. You have a right to access personal information collected on this form and held by the trustee, with limited exceptions, and may change incorrect information. A copy of the Privacy Policy for the Scheme is available on the Scheme website at www.chifley.com. Any complaint about the Fund's handling of personal information should be addressed to the Privacy Officer, PO Box N180 Grosvenor Place NSW 1220.

Where to send this form/enquiries

APS Fund
GPO Box 2617
Sydney NSW 2001
website: www.chifley.com

Phone: 1800 067 059 (toll free)
(8.30 am – 5.00 pm Mon – Fri)
Fax (02) 9279 4131



Family Law

The Family Law Act now provides a mechanism for taking account of superannuation entitlements when negotiating property settlements resulting from marriage breakdowns and for the 'splitting' of those entitlements between the two parties involved.

The First Step

Both the member and the member's spouse have the right to obtain details of the member's superannuation entitlements. A member's prospective spouse also has the right to obtain those details. Please note that for Family Law purposes, the term spouse refers only to the legally married spouse of a member; it does not include de facto spouses or same sex partners. The Family Law Act prohibits us from giving a member's address details to an applicant or from telling a member that an application for details has been made by their spouse or prospective spouse.

The Family Law Regulations require that an application for these details (Valuation Request) **must** include a declaration in a form prescribed under the Regulations. A fee is also payable by the applicant (see below). The attached Form 6 format includes that declaration. Alternatively, a prescribed form may be used and an application made by letter.

Information is provided as at the date specified in the application. If the attached Form 6 format is not used, the applicant will need to specify the relevant date at which the information provided is to apply. This could, for example, be the date of separation. If no date is specified, the relevant date is taken to be the date we receive the application.

What Happens Next

Upon receipt of a Valuation Request (Form 6), we will provide the applicant with the value of the member's superannuation entitlements at the relevant date together with various other information which may be needed in order to establish a basis for apportioning those superannuation entitlements between the respective parties.

We will not, however, provide any advice as to what might be an equitable basis for apportioning those entitlements. That is a matter for the respective parties to reach agreement on or else have the Family Court do so. It must be kept in mind, though, that all or part of a superannuation entitlement might be subject to compulsory preservation and that there might also be taxation issues to consider. The information we provide will enable these issues to be taken into account.

Superannuation can be divided either by agreement of the parties or by Court Order.

For the Trustee to action any agreement, it needs to comply with Family Law requirements and be served on the Trustee. Alternatively, if the parties cannot agree on the way in which to split their assets, the Family Court can make Orders, which include a direction from the court as to splitting, and these would be served on the Trustee.

The Trustee shall then 'flag' the member's records and shall comply with the procedures for 'splitting' set out in the Family Law Act. The "base amount" will be transferred to the rollover institution of the non-member spouse's choice in accordance with the terms of the Agreement or Order.

It is to be noted that if the member's benefit is less than \$5000, it cannot be 'split'.

The Spouse's Entitlement

The Agreement or Order will define the spouse's 'share' of the member's superannuation entitlements as either a set amount or a percentage of those entitlements. In either case, we are required to pay the amount involved into a separate superannuation account in the name of the spouse. The only exception to this is where the total amount is not subject to compulsory preservation in which case, the spouse can request direct payment of the total amount.

In the Australian Public Superannuation Fund (APS) the spouse can direct us to open a separate account within APS or else rollover the entitlement to another complying superannuation scheme or other approved rollover fund. The default arrangement in the absence of any direction is that a separate account will be established within APS.

The amounts paid into a spouse's account will include the same proportions of all of the various preservation and taxation components as in the member's own account. These proportions will be included in the information provided in response to an application for details of the member's entitlements.

The Member's Benefit

The 'splitting' of a member's entitlements in APS is achieved simply by reducing the member's account balance by the amount paid to the spouse. The member will be notified of the effect of this payment in their next periodic statement.

Fees

From the 1st July 2004, the following fees are payable for the provision of Family Law information and for the actual 'splitting of the benefit'.

Request for Family Law information*	\$110 (incl. GST)
Benefit Split fee**	\$ 88 (incl. GST)

*This fee is payable by the person requesting the information and should be in the form of a cheque or money order made payable to the Scheme. The fee is payable for each request for information.

** This fee is generally payable by the member and non-member spouse in equal parts (\$44 each). However, if the non-member spouse is entitled to the whole amount of a splittable payment, the entire amount is payable by the non-member spouse. Please note, separate cheques or money orders will be required if you are requesting information relating to more than one member account.

Australian Public Superannuation Fund (APS) is administered by FuturePlus Financial Services Pty Ltd on behalf of the Trustee, Chifley Financial Services Ltd. APS is administered in accordance with the Trust Deed. It is also subject to other legislation, including tax legislation. Reasonable care has been taken in producing the information in this fact sheet and nothing in it is to be regarded as personal advice. If there is any inconsistency between the information in this fact sheet and the relevant scheme legislation, the scheme legislation will prevail.

Neither the Trustee nor its respective Boards or officers will be liable for any decision taken on the basis of information shown or omitted from this fact sheet. Members should seek professional advice before making decisions which may affect their future.

For more information, contact us at the
Australian Public Superannuation Fund:

Toll Free: 1800 067 059

Fax: (02) 9273 0033

Website: www.chifley.com

Address: Ground Floor
28 Margaret Street
Sydney NSW 2000

Mail: GPO Box 2617
Sydney NSW 2001