

Application for Information about a Superannuation Interest

[*Family Law Act 1975* Section 90MZB(2)]

Who should use this form?

From 28 December 2002, the 'super splitting' laws enable superannuation interests to be treated the same way as property and assets, allowing it to be divided between separating parties upon marriage breakdown.

This form should be completed by eligible persons who require information about a superannuation interest for family law matters under the *Family Law Act 1975*. The form should be used for the following schemes:

- NT Government and Public Authorities' Superannuation Scheme
- NT Supplementary Superannuation Scheme
- NT Police Supplementary Benefit Scheme
- Legislative Assembly Members' Superannuation Scheme
- Administrators Pension Scheme
- Supreme Court Judges Pension Scheme

Who is an eligible person?

An eligible person is a member or the spouse of a member of one of the above schemes, who requires the information for the following purposes:

- to assist the applicant to properly negotiate a superannuation agreement; or
- to assist the applicant in the operation of the 'super splitting' laws.

A spouse is a person who lives with you on a permanent basis in either a legal or de facto (including same sex) relationship.

Part A and Part B must be completed

The Part A Declaration is to be completed by all applicants to ensure that privacy requirements are met by the trustee(s) of the superannuation scheme.

- A person found guilty of wilfully making a false statement in the declaration is liable to a penalty of up to 12 months imprisonment.
- Officers of the Northern Territory Superannuation Office cannot act as witnesses to the declaration.
- The declaration is to be witnessed by any other person who has attained the age of eighteen (18).

The Part B Application for information is to be completed by all applicants requiring information about a superannuation interest. On completion of Part A and Part B, the forms should be lodged with the NT Superannuation Office.

What fees apply?

Fees must be paid at the time the completed forms are lodged.

- A fee of \$75 for scheme members who request the information about their own superannuation interest.
- A fee of \$82.50 for eligible persons who request the information about a former spouse's superannuation interest.

The fee may be paid in cash or by cheque. Cheques should be made payable to the Receiver of Territory Monies.

Is my application confidential?

An application for information about a superannuation interest for family law matters is treated in the strictest confidence to ensure that privacy requirements are met. The *Family Law Act 1975* requires that:

- a trustee in providing any information required under an application must not provide the member or the spouse with the address of the other. This includes the postal address; and
- a trustee must also not inform the member that the spouse has made an application for information about a superannuation interest.

Where there is a breach of these provisions, the *Family Law Act* provides a penalty of 50 penalty units for an individual and 250 penalty units for a body corporate.

Application for Information about a Superannuation Interest

[Family Law Act 1975 Section 90MZB(2)]

Part A Declaration to accompany application

1 *Insert the name, address and occupation of person making the declaration*

I, ¹ _____

make the following declaration to the trustee(s) in support of my application, and declare that I am an eligible person for the purposes of Section 90MZB of the *Family Law Act*, and that I am (please tick one option):

²

2 *Set out matter declared to in the boxes provided*

- a member of the superannuation scheme; or
- the spouse of the member of the superannuation scheme; or
- intending to enter into an agreement under Part VIII B of the *Family Law Act 1975* with the member (ie the fiancée of the member for the purposes of a pre-nuptial agreement).

I require the information I have applied for to:

- (a) assist me to properly negotiate a superannuation agreement; or
- (b) assist me in connection with the operation of Part VII B of the *Family Law Act 1975*

I understand that a person who intentionally makes a false statement in a declaration is guilty of an offence under section 90MZG of the *Family Law Act 1975*, and I believe that the statements in this declaration are true in every particular.

³

3 *Signature of person making the declaration*

⁴

4 *Place*
5 *Day*
6 *Month and Year*

Declared at ⁴ _____ on ⁵ _____ of ⁶ _____

Before me,
⁷

7 *Signature of person before whom the declaration is made (see over)*

⁸

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

Note 1 A person who intentionally makes a false statement in a declaration is guilty of an offence, the punishment for which is imprisonment for a term of up to 12 months – see section 90MZG of the *Family Law Act 1975*.

Part B Application for information

1 Insert the full name of person making the application

I, ¹

Request that trustee(s) of the (please tick the appropriate scheme):

²

2 Tick the superannuation scheme of which you are a member

- NT Government and Public Authorities' Superannuation Scheme
- NT Supplementary Superannuation Scheme
- NT Police Supplementary Benefit Scheme
- Legislative Assembly Members' Superannuation Scheme
- Administrators Pension Scheme
- Supreme Court Judges Pension Scheme

provide me; or

my legal representative:

³

3 Insert the name, address and contact details of the legal representative

4 Provide information about

⁴

- my superannuation interest in the scheme(s); or
- a superannuation interest of the following person who is a member of the scheme(s)

5 Insert the full name of member

⁵

6 Insert the member number, if known

⁶

7 Insert the member's date of birth

⁷

8 Signature of applicant
9 Day / Month / Year

⁸

⁹

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Note 1 A person who intentionally makes a false statement in a declaration is guilty of an offence, the punishment for which is imprisonment for a term of up to 12 months – see section 90MZG of the *Family Law Act 1975*.