



# **Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004**

**as amended**

made under subregulation 64 (7) of the

*Family Law (Superannuation) Regulations 2001*

---

This compilation was prepared on 26 May 2005  
taking into account amendments up to *Family Law (Superannuation)*  
*(Provision of Information — Public Sector Superannuation Scheme)*  
*Amendment Determination 2005 (No. 1)*

Prepared by the Office of Legislative Drafting and Publishing,  
Attorney-General's Department, Canberra

---

|   | Page     |
|---|----------|
| <b>Contents</b>   |          |
| 1 Name of Determination [see Note 1]                            | 3        |
| 2 Commencement [see Note 1]                                     | 3        |
| 3 Definitions   | 3        |
| 4 Application of Determination                                  | 3        |
| 5 Provision of information by trustee — growth phase interests  | 3        |
| 6 Provision of information by trustee — payment phase interests | 5        |
| <b>Notes</b>  | <b>7</b> |

**1 Name of Determination** [see Note 1]

This Determination is the *Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004*.

**2 Commencement** [see Note 1]

This Determination commences on the date of its notification in the *Gazette*.

**3 Definitions**

(1) In this Determination:

**growth phase table** means the table in clause 2 of Part 2 of Schedule 1 to the Methods and Factors Approval.

**Methods and Factors Approval** means the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2003*.

**payment phase table** means the table in clause 3 of Part 2 of Schedule 1 to the Methods and Factors Approval.

**PSS Scheme** means the Public Sector Superannuation Scheme mentioned in section 3 of the *Superannuation Act 1990*.

**Regulations** means the *Family Law (Superannuation) Regulations 2001*.

**Rules** has the meaning given by section 3 of the *Superannuation Act 1990*.

(2) An expression used in this Determination and in rule 1.2.1 of the Rules has the same meaning in this Determination as it has in that rule.

(3) For this Determination, a reference to ‘the relevant date’ in the definition of a factor in the Methods and Factors Approval mentioned in column 4 of an item of the table in section 5 or 6 is to be read as if it were a reference to ‘the appropriate date’.

**4 Application of Determination**

This Determination applies in relation to a superannuation interest in the PSS Scheme for which a method and factors have been approved under Part 2 of Schedule 1 to the Methods and Factors Approval.

**5 Provision of information by trustee — growth phase interests**

In relation to a superannuation interest mentioned in an item in the following table:

(a) for paragraph 64 (7) (a) of the Regulations, the trustee of the PSS Scheme is not required to provide the information about the interest mentioned in column 3 of the item; and

## Section 5

---

- (b) for paragraph 64 (7) (b) of the Regulations, the trustee of the PSS Scheme must provide the information about the interest mentioned in column 4 of the item.

| <b>Item</b> | <b>Superannuation interest</b>                            | <b>Information not required to be provided</b>  | <b>Information that must be provided</b>   |
|-------------|---|---|--|
| 1           | An interest mentioned in item 1 of the growth phase table | The information mentioned in paragraphs 64 (4) (a), (b) and (d) to (i) of the Regulations | The information mentioned in the definitions of the following factors in item 1 of the growth phase table:<br>(a) ABM;<br>(b) AMC;<br>(c) APC;<br>(d) ATA<br><br>The date of birth of the person who has the interest<br><br>The first day of membership of the person who has the interest  |
| 2           | An interest mentioned in item 2 of the growth phase table | The information mentioned in paragraphs 64 (4A) (a) to (c) of the Regulations             | The information mentioned in the definitions of the following factors in item 2 of the growth phase table:<br>(a) UDB;<br>(b) FDB;<br>(c) ATA<br><br>The following information about the person who has the interest:<br>(a) the person's date of birth;<br>(b) whether the person is entitled to take his or her preserved benefit, in full or in part, or is not so entitled |
| 3           | An interest mentioned in item 3 of the growth phase table | The information mentioned in paragraphs 64 (4A) (a) to (c) of the Regulations             | The information mentioned in the definitions of the following factors in item 3 of the growth phase table:<br>(a) UDB;<br>(b) FDB;<br>(c) ATA  |

| Item | Superannuation interest                                   | Information not required to be provided                                      | Information that must be provided  |
|------|---|--|--|
|      |   |  | The following information about the person who has the interest: <ul style="list-style-type: none"> <li>(a) the person's date of birth;</li> <li>(b) whether the person is entitled to take his or her preserved benefit, in full or in part, or is not so entitled</li> </ul> |
| 4    | An interest mentioned in item 4 of the growth phase table | The information mentioned in paragraphs 64 (4) (a) to (j) of the Regulations | The information mentioned in the definitions of the following factors in item 4 of the growth phase table: <ul style="list-style-type: none"> <li>(a) FLS;</li> <li>(b) UFLS</li> </ul>  |

## 6 Provision of information by trustee — payment phase interests

In relation to a superannuation interest mentioned in an item in the following table:

- (a) for paragraph 64 (7B) (a) of the Regulations, the trustee of the PSS Scheme is not required to provide the information about the interest mentioned in column 3 of the item; and
- (b) for paragraph 64 (7B) (b) of the Regulations, the trustee of the PSS Scheme must provide the information about the interest mentioned in column 4 of the item.

| Item | Superannuation interest                                    | Information not required to be provided                              | Information that must be provided  |
|------|--|--|--|
| 1    | An interest mentioned in item 1 of the payment phase table | The information mentioned in paragraph 64 (3) (b) of the Regulations | The information mentioned in the definition of P in item 1 of the payment phase table<br>The following information in relation to the person who has the interest: <ul style="list-style-type: none"> <li>(a) the person's date of birth;</li> <li>(b) the type of pension payable to the person;</li> <li>(c) if the pension is not an associate standard pension, an associate preserved pension or a pension that became payable on the person's invalidity retirement before age 60 — whether or not the person has chosen a Reduced Pension under rule 9.2.1 of the Rules;</li> </ul> |

## Section 6

---

| Item | Superannuation interest | Information not required to be provided | Information that must be provided  |
|------|-------------------------|---|--|
|      |                         |   | <ul style="list-style-type: none"><li>(d) if the pension is an associate standard pension — whether the pension is a normal associate standard pension or an invalidity associate standard pension;</li><li>(e) if the pension is an associate preserved pension — whether the pension is a normal associate preserved pension or an invalidity associate preserved pension;</li><li>(f) the annual amount, if any, of the person's pension that is payable, in accordance with the Rules, in respect of 1 or more eligible children or partially dependent children</li></ul> |

---

## Notes to the *Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004*

### Note 1

The *Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004* (in force under subregulation 64 (7) of the *Family Law (Superannuation) Regulations 2001*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

### Table of Instruments

| Title  | Date of notification in Gazette or FRLI registration | Date of commencement   | Application, saving or transitional provisions |
|--|--|------------------------|--|
| <i>Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Determination 2004</i>                   | 8 Mar 2004 (see Gazette 2004, No. S68)               | 8 Mar 2004             | —  |
| <i>Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Amendment Determination 2004 (No. 1)</i> | 13 May 2004 (see Gazette 2004, No. S151)             | 18 May 2004 (see s. 2) | —  |
| <i>Family Law (Superannuation) (Provision of Information — Public Sector Superannuation Scheme) Amendment Determination 2005 (No. 1)</i> | 25 May 2005 (see F2005L01180)                        | 26 May 2005            | —  |

**Table of Amendments**

---

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

---

| <b>Provision affected</b> | <b>How affected</b>        |
|---------------------------|----------------------------|
| S. 3.....                 | am. 2005 No. 1             |
| Heading to s. 5.....      | rs. 2005 No. 1             |
| S. 5.....                 | am. 2004 No. 1; 2005 No. 1 |
| S. 6.....                 | ad. 2005 No. 1             |

---