



# Family Law (Superannuation) (Provision of Information — NSW State Authorities Non-contributory Superannuation Scheme) Determination 2010<sup>1</sup>

## *Family Law (Superannuation) Regulations 2001*

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I, ROBERT McCLELLAND, Attorney-General, make this Determination under subregulations 64 (7) and (7B) of the *Family Law (Superannuation) Regulations 2001*.

Dated 21 December 2010

ROBERT McCLELLAND  
Attorney-General

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### **1 Name of Determination**

This Determination is the *Family Law (Superannuation) (Provision of Information — NSW State Authorities Non-contributory Superannuation Scheme) Determination 2010*.

### **2 Commencement**

This Determination commences on the day after it is registered.

### **3 Definitions**

(1) In this Determination:

*Commonwealth co-contribution account* has the same meaning as in subsection 3 (1) of the NSW State Authorities Non-contributory Superannuation Act.

**early release debt account** means the account created under subregulation 9 (3) of the NSW State Authorities Non-contributory Superannuation Regulation.

**employee** has the same meaning as in subsection 3 (1) of the NSW State Authorities Non-contributory Superannuation Act.

**final average salary** has the same meaning as in subsection 21 (1) of the NSW State Authorities Non-contributory Superannuation Act.

**flag lifting agreement** has the same meaning as in section 90MD of the *Family Law Act 1975*.

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

**NSW State Authorities Non-contributory Superannuation Act** means the *State Authorities Non-contributory Superannuation Act 1987* (NSW).

**NSW State Authorities Non-contributory Superannuation Regulation** means the *State Authorities Non-contributory Superannuation Regulation 2010* (NSW).

**NSW State Authorities Non-contributory Superannuation Scheme** means the superannuation scheme constituted by the NSW State Authorities Non-contributory Superannuation Act.

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

**splitting order** has the same meaning as in section 90MD of the *Family Law Act 1975*.

**STC** has the same meaning as in subsection 3 (1) of the NSW State Authorities Non-contributory Superannuation Act.

**superannuation agreement** has the same meaning as in section 90MD of the *Family Law Act 1975*.

- (2) An expression used in this Determination and in the NSW State Authorities Non-contributory Superannuation Act or in a provision of that Act has the same meaning in this Determination as it has in the NSW State Authorities Non-contributory Superannuation Act or the provision of that Act.

#### 4 Application of Determination

This Determination applies to a superannuation interest in the NSW State Authorities Non-contributory Superannuation Scheme for which a method and factors have been approved under Part 9 of Schedule 2 to the M & F Approval.

## 5 Provision of information by trustee

For a superannuation interest mentioned in an item in the following table:

- (a) for paragraphs 64 (7) (a) and (7B) (a) of the Regulations, the trustee of the NSW State Authorities Non-contributory Superannuation Scheme is not required to provide the information about the interest mentioned in column 3 of the item; and
- (b) for paragraphs 64 (7) (b) and (7B) (b) of the Regulations, the trustee of the NSW State Authorities Non-contributory Superannuation Scheme must provide any 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 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval	The information mentioned in paragraphs 64 (4) (a), (b) and (d) to (i) of the Regulations	<p>The following information:</p> <ul style="list-style-type: none"> <li>(a) <b>C</b> and <b>B</b> (as those terms are defined in item 1 in the table in clause 2 of Part 9 of Schedule 2 to the M &amp; F Approval);</li> <li>(b) the date of birth of the person who has the interest mentioned in column 2;</li> <li>(c) the balance of the early release debt account for any benefit released to the person under paragraph 23 (1) (c) of the NSW State Authorities Non-contributory Superannuation Act;</li> <li>(d) for each splitting order, superannuation agreement or flag lifting agreement that has been served on the trustee of the NSW State Authorities Non-contributory Superannuation Scheme for the interest — the date of: <ul style="list-style-type: none"> <li>(i) any payment or release, under paragraph 27AJ (3) (a) of the NSW State Authorities Non-contributory Superannuation Act, of an amount to the person with the entitlement under that order or agreement; or</li> <li>(ii) any transfer or rollover, under paragraph 27AJ (3) (b) of the NSW State Authorities Non-contributory Superannuation Act, of an amount to a superannuation fund or a retirement savings account to be held for the benefit of the person with the entitlement under that order or agreement;</li> </ul> </li> <li>(e) for each payment, release, transfer or rollover mentioned in paragraph (d): <ul style="list-style-type: none"> <li>(i) the value of the entitlement of the person under the order or agreement immediately before the payment, release, transfer or rollover; and</li> </ul> </li> </ul>

## Section 5

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Item	Superannuation Interest	Information not required to be provided	Information that must be provided
			<ul style="list-style-type: none"><li>(ii) the value of the interest to which the order or agreement applies, immediately before that payment, release, transfer or rollover, determined in accordance with the method in item 1 of the Table in clause 2 of Part 9 of Schedule 2 to the M &amp; F Approval; and</li><li>(iii) the number of days, and any additional proportion of a day, of eligible service of the person who has the interest, accrued in accordance with clause 5 of the NSW State Authorities Non-contributory Superannuation Regulation, before 1 July 1988; and</li><li>(iv) the number of days, and any additional proportion of a day, of eligible service of the person who has the interest, accrued in accordance with clause 5 of the NSW State Authorities Non-contributory Superannuation Regulation, after 1 July 1988;</li><li>(f) the balance of the Commonwealth co-contribution account of the person;</li><li>(g) any adjustment that the STC would make to the Commonwealth co-contribution account of the person if he or she were to voluntarily cease to be an employee</li></ul>
2	An interest mentioned in item 2 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval	The information mentioned in paragraphs 64 (4) (a) to (c) of the Regulations	<i>A</i> and <i>SC</i> (as those terms are defined in item 1 in the table in clause 2 of Part 9 of Schedule 2 to the M & F Approval)

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### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.