



# **Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2025**

---

I, Mark Dreyfus KC, Attorney-General, make the following approval.

Dated 3 March 2025

Mark Dreyfus KC  
Attorney-General

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name .....	1
2 Commencement.....	1
3 Authority .....	1
4 Definitions.....	1
<b>Part 2—Methods or factors</b>	3
5 Approval of methods or factors for valuing particular superannuation interests .....	3
6 Approval of transition factor (or methods to be used for determining the transition factor) for determining the amount the non-member spouse is entitled to be paid in relation to a superannuation interest.....	3
7 References in this instrument to the <i>2001 Regulations</i> .....	3
8 Schedule 11 .....	3
<b>Part 3—Application, saving and transitional provisions</b>	4
9 Saving—methods or factors for old agreements or orders relating to superannuation interests in the PCSS.....	4



## Part 1—Preliminary

### 1 Name

This instrument is the *Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Approval 2025*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 April 2025.	1 April 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsections 62(1), 70(1) and 79(1) of the *Family Law (Superannuation) Regulations 2025*.

Note: See also:

- (a) paragraph 90XT(2)(a), subparagraph 90XT(1)(a)(i) and subsection 90XT(3) of the *Family Law Act 1975*; and
- (b) paragraph 90YY(2)(a), subparagraph 90YY(1)(a)(i) and subsection 90YY(4) of that Act.

### 4 Definitions

Note: Expressions used in this instrument have the same meaning as in the Act and the Regulations (see paragraph 13(1)(b) of the *Legislation Act 2003*). Some examples are the following, which are defined in Part VIIIB or VIIC of the Act or in the Regulations:

- (a) eligible superannuation plan;
- (b) growth phase;
- (c) member spouse;
- (d) operative time;
- (e) payment phase;
- (f) payment split;
- (g) spouse;
- (h) superannuation interest;

Section 4

---

(i) trustee.

In this instrument:

**2001 Regulations** has the meaning given by subsection 7(1).

**Act** means the *Family Law Act 1975*.

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

Note: The old approval instrument was repealed by this instrument on 1 April 2025.

**Regulations** means the *Family Law (Superannuation) Regulations 2025*.

## **Part 2—Methods or factors**

### **5 Approval of methods or factors for valuing particular superannuation interests**

- (1) The methods or factors that:
  - (a) are specified in a provision of a Schedule to this instrument that applies to a superannuation interest; and
  - (b) are to be used to determine the gross value of the superannuation interest; are approved for the superannuation interest.
- (2) The approval is for the purposes of:
  - (a) if the provision expressly applies to superannuation interests in the growth phase—subsection 62(1) of the Regulations; or
  - (b) if the provision expressly applies to superannuation interests in the payment phase—subsection 70(1) of the Regulations; or
  - (c) in any other case—subsections 62(1) and 70(1) of the Regulations.

### **6 Approval of transition factor (or methods to be used for determining the transition factor) for determining the amount the non-member spouse is entitled to be paid in relation to a superannuation interest**

- (1) This section applies for a superannuation interest for which one or more methods or factors are approved under section 5.
- (2) For the purposes of subsection 79(1) of the Regulations:
  - (a) if a provision of a Schedule to this instrument specifies the transition factor, or one or more methods for determining the transition factor, that is to be used to determine the amount a non-member spouse is entitled to be paid in relation to the superannuation interest—that transition factor, or those methods, are approved for the superannuation interest; or
  - (b) otherwise—a transition factor of 1 is approved for the superannuation interest.

### **7 References in this instrument to the 2001 Regulations**

- (1) A reference in this instrument to the **2001 Regulations** is a reference to the *Family Law (Superannuation) Regulations 2001* as in force on 31 March 2025.
- (2) Subsection (1) is a contrary intention to the operation of paragraphs 10(b) and (c) of the *Acts Interpretation Act 1901* and paragraph 13(1)(a) of the *Legislation Act 2003*.

### **8 Schedule 11**

Each instrument that is specified in Schedule 11 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

## Part 3—Application, saving and transitional provisions

### 9 Saving—methods or factors for old agreements or orders relating to superannuation interests in the PCSS

- (1) This section applies to an agreement or court order made:
  - (a) under Part VIII B or VIII C of the *Family Law Act 1975* on or before 28 September 2023; and
  - (b) in relation to a superannuation interest in the retirement scheme constituted by the *Parliamentary Contributory Superannuation Act 1948*.
- (2) Despite the repeal of the old approval instrument, Part 5 of Schedule 1 to the old approval instrument, as in force on 28 September 2023, continues to apply on and after 1 April 2025 in relation to determining the gross value of the superannuation interest, whether the operative time in relation to the relevant payment split is before, on or after 29 September 2023.

Note: This section preserves the effect of regulation 5 of the old approval instrument.