



Suncorp Portfolio Services Limited
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Superannuation splitting by Court Order

In order for superannuation splitting Orders to be compliant with the Trustee's requirements, please ensure that the following guidelines and preferred wording are observed:

Formal Details

1. The name of the superannuation fund in which the member has an interest is *Suncorp Master Trust*. In the first instance please refer to the Suncorp Master Trust in full, then any further reference to the 'Fund' is sufficient.
2. Following the initial reference to the Fund, please **insert** the member's member number.
3. The correct name of the Trustee of the Fund is *Suncorp Portfolio Services Limited*. Initial reference to the Trustee should be made to Suncorp Portfolio Services Limited. Any subsequent reference to 'Trustee' is sufficient.
4. Each reference to the base amount should be rounded up or down to the nearest whole dollar, pursuant to regulation 45 of the *Family Law (Superannuation) Regulations 2001*.

Preferred Draft Wording

5. Please ensure that draft Orders refer to Section 90MT(4) by **inserting** the following preferred wording into the draft orders:

*That the court allocate pursuant to section 90MT(4) of the Family Law Act 1975, a base amount of **[insert base amount]** to the **[wife/husband]** out of the **[husband's/wife's]** interest in the Suncorp Master Trust (the "Fund") - **[Member Number – x]***

6. Please ensure that the orders refer to section 90MT(1)(a) by **inserting** the following preferred wording into the draft orders:

*That in accordance with section 90MT(1)(a) of the Family Law Act 1975 whenever a splittable payment becomes payable from the **[Member Spouse's]** interest in the Suncorp Master Trust, Suncorp Portfolio Services Limited (the "Trustee") shall pay the **[Non-Member Spouse]** an amount calculated in accordance with Part 6 of the Family Law (Superannuation) Regulations 2001 using the 'base amount' of **[insert base amount]** and that there be a corresponding reduction in the entitlement that the **[Member Spouse]** would have in the Suncorp Master Trust but for these orders.*

7. The Trustee requires that an unambiguous and clear operative time is provided. Please **insert** the following clause:

*The operative time of these Orders is the **[insert number of days eg. fourth]** business*

Trustee wording and legal requirements for draft court orders

day after the day on which the final sealed, signed Orders are served on the Trustee.

General Guidelines

8. Please **do not include** any draft Order that attempts to bind the Trustee, such as '*these orders shall bind the Trustee of the Fund*' or '*and the Trustee give effect to this Order*' or '*the Trustee will do all acts and things and execute all such documents*'. It is our view that by attempting to bind the Trustee in this way is beyond the scope of the legislation and the powers of the Family Court.
9. Please **do not include** the words 'administrators', 'executors', 'beneficiaries', 'heirs' or 'assigns' in the Orders as the Trustee may only operate the payment split in favour of the non-member spouse or his/her legal personal representative.
10. If the Orders also include references to splitting other superannuation interests, **please do not** group references to this Fund or this Trustee with other superannuation interests. We require that the Suncorp Master Trust is referenced separately.
11. Where possible, draft Orders should be signed by both parties or their legal representatives.

NOTE: The Trustee is required to be given 28 days notice of any application or order in respect of a superannuation interest so that it is able to comment on whether it can implement and administer the court orders. The '28 days' begins once the Trustee has received all the relevant documentation.

Where to send the draft Orders

To avoid delays, please email the draft Orders to the Trustee at

familylaw@suncorp.com.au

If you are unable to email the draft Orders you may post it to us at:

Private & Confidential
Attn: Life Legal – Family Law (2F1045)
Suncorp Portfolio Services Limited
GPO Box 1576
SYDNEY NSW 2001

What happens next

If the Orders do not comply with our requirements we will let you know what needs to be changed.

Once the Orders have been accepted by the Trustee we will provide you with a formal letter of acceptance for you to provide in Court.

When the Court has approved and sealed the Orders, please send a certified copy of the Orders to us at the above email or mailing address. We will then commence the splitting process and will be in touch with the parties to obtain the information we need to enable us to process the split.