



## FAMILY COURT OF WESTERN AUSTRALIA

### SUPERANNUATION

#### IMPORTANT INFORMATION FOR DE FACTOS

There are some important matters concerning superannuation that de facto couples should take into account when seeking property orders in the Family Court.

De facto partners are not able to seek orders to “flag” or “split” their superannuation entitlements. These options are only available to parties who were legally married.

This does not mean that the Court does not take superannuation into account when deciding how to divide property between de facto partners. The Court is, in fact, required by the law to consider the superannuation entitlements of both parties.

The Court distributes a Superannuation Information Kit to assist parties who are making an application to the Court for property orders. The information in the kit is relevant only to married couples. De facto couples should not attempt to follow the procedures set out in the Superannuation Information Kit.

Two forms used by parties to proceedings in the Family Court indicate that a Superannuation Information Form should be attached. These are the Form 11 (Application for Consent Orders) and the Form 13 (Financial Statement). De facto partners are not obliged to attach the Superannuation Information Form.

De facto partners also do not have to complete paragraphs 54 and 66 of the Form 11 (Application for Consent Orders).

**27 January 2006**