

The PSS trust deed sets out strict rules around withdrawals to settle a division of relationship property. Your application must be supported by a copy of either a court order or an agreement between you and your former spouse or partner under the Property (Relationships) Act 1976.

WORDING AN AGREEMENT

To comply with the trust deed, the wording of the agreement or court order needs to be quite specific. It must:

- state that you are required to make a relationship property settlement to your former partner
- specify the amount you are required to pay to your former partner
- state that the amount to be paid is to be sourced from your PSS benefit.

Suggested wording to be added into the agreement or court order is:

'That the trustee of the Police Superannuation Scheme shall vest to [applicant name], from [his/her] retirement accumulations within the scheme, \$[dollar value], an amount that is equal to the maximum amount [or X%] payable to [former partner] from accumulations within the scheme at the date of separation.'

If your application is supported by an agreement, the agreement must meet the following requirements:

- It must be in writing and signed by both parties.
- Each party to the agreement must have taken legal advice before signing.
- Each party's signature must be witnessed by a solicitor.
- The solicitor who witnesses each party's signature must certify that, before witnessing the signature, he or she explained the effect and implications of the agreement.

HOW MUCH CAN YOU WITHDRAW?

You can only access your savings to pay the other party as part of the relationship property settlement. In other words, you can't make a withdrawal for your own benefit. If you need additional funds – for example, to pay legal bills – you would need to apply separately for a partial withdrawal or a significant financial hardship benefit.

The maximum amount payable depends on whether you provide a court order or a written agreement.

The maximum amounts are:

- 100% of your resignation benefit under a court order
- 50% of your resignation benefit under an agreement.

These maximum amounts are set out in the trust deed, and the trustee has no discretion to vary them.

Any payment is made in equal portions from your member's account and your employer's account.

REPAYMENT OF PERSONAL LOANS SECURED AGAINST YOUR BENEFIT

Please be aware that, when any benefit becomes payable from the scheme, Mercer, the scheme's administration manager, will notify any lending organisation that holds a charge over your benefit. The lender may elect to claim some or all of the benefit payable in order to reduce or repay the outstanding loan amount.

WHO TO CONTACT

Ask your solicitor to contact Mercer if you need further clarification:

Telephone: 0800 777 243

Fax: (04) 819 2699

Email: psscheme@mercer.com

Postal address: PO Box 1849, Wellington 6140

You may apply to the trustee to make a withdrawal from the Police Superannuation Scheme to settle a division of your relationship property. Your application must be supported by either a court order or a written agreement between you and your former spouse or partner under the Property (Relationships) Act 1976.

What you need to do

Give your solicitor a copy of the notes on page 1 of this form so he or she can draft an agreement that complies with the rules specific to the scheme. Getting the wording right will help make sure everything goes smoothly – and save you time, hassle and money.

Complete this form and send it to the address below together with a copy of your court order or agreement.

FOR THE MEMBER TO COMPLETE

Mr Mrs Miss Ms _____
SURNAME GIVEN NAMES

Private postal address _____

Date of birth _____ QID _____

Daytime contact number/mobile _____

PSS membership number _____

IRD number¹ _____

¹ Inland Revenue requires us to hold IRD numbers for all members. Note your IRD number here if you haven't provided it to us before.

I am applying to withdraw \$_____ for the purposes of making a settlement of relationship property with my former spouse or partner. (See notes on page 1 for the maximum amount you can withdraw.)

I have attached a copy of (choose one):

a court order made under the Property (Relationships) Act 1976

an agreement entered into in accordance with the Property (Relationships) Act 1976.

PAYMENT DETAILS

Should my application be accepted, please make the payment as follows (choose one):

Transfer to my solicitor's bank account.
BANK BRANCH ACCOUNT SUFFIX

Attach evidence showing account name and number such as an encoded deposit slip.

Transfer to my bank account.
BANK BRANCH ACCOUNT SUFFIX

Transfer to my Police and Families Credit Union account.

BANK BRANCH ACCOUNT SUFFIX

Attach evidence showing your account name and number. We can only pay benefits into a bank or Police and Families Credit Union account in your name. That excludes family trust accounts, business accounts and accounts in someone else's name. For us to process your payment, you must attach evidence showing your account name and number such as an encoded deposit slip, verification from your bank, a photocopy of the top of a bank statement or a screenshot from your internet banking. If evidence has already been provided for a previous withdrawal, you don't need to provide it again.

I ask the trustee of the Police Superannuation Scheme to pay the benefit described above. I understand that any payment of a relationship property settlement from the scheme will be made in equal portions from my member's account and my employer's account.

Signature _____ Date _____

Return the completed form and court order or agreement to:

Police Superannuation Scheme, c/o Mercer, PO Box 1849, Wellington 6140, fax the documents to (04) 819 2699 or scan and email them to psscheme@mercerc.com.