

Post-Separation Accrual of Superannuation

In **Jardine [2015] FCCA 2639** the husband argued before **Judge Altobelli** that an assessment of post-separation contributions as at the date of the hearing should not apply to the superannuation pool where his superannuation had increased significantly during that period.

On the other hand the wife contended that in considering this issue the Court should take into account the fact that the husband remained in occupation of the former matrimonial home after separation in circumstances where the husband directly or indirectly by his actions, left the wife with no choice but to leave the home with the children.

Judge Altobelli agreed that in this situation the wife's contribution as homemaker and parent, took on another dimension after separation.

The Judge assessed the wife's homemaker and parent contribution in the pre and post-separation periods was of equal quality and value to the husband's financial contributions as the primary income earner during those periods.

On this basis the Court concluded that its assessment of equality of contribution should apply to both superannuation and non-superannuation assets which existed at the time of the hearing including any increase in value in the post-separation period.