



### Background

5. Under section 128(1) of the Duties Act:
  - (a) matrimonial property of a marriage is defined as being the property of the parties to the marriage or of either of them and includes a superannuation interest and
  - (b)

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<sup>1</sup> Under section 111J of the Corporations Act 2001 (Cth), 'a company has a separate legal existence that is distinct from that of its owners, managers, operators, employees and agents'.  
Black's Law Dictionary [6<sup>th</sup> ed] (1990) West Publishing Co: St Paul, Minnesota.





- (a) the trustee of a discretionary or unit trust, in circumstances where one or both of the

**SUPERSEDED**

(c)

~~SUPERSEDED~~



