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Superannuation Contributions Tax (Assessment and Collection) Amendment Regulations 2002 (No. /)¹

Statutory Rules 2002 No. /²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*.

Dated - 5 SEP 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

HELEN COONAN
Minister for Revenue and Assistant Treasurer

1 Name of Regulations

These Regulations are the *Superannuation Contributions Tax (Assessment and Collection) Amendment Regulations 2002* (No.).

2 Commencement

These Regulations commence on the commencement of the *Family Law Legislation Amendment (Superannuation) (Consequential Provisions) Act 2001*.

3 Amendment of *Superannuation Contributions Tax (Assessment and Collection) Regulations 1997*

Schedule 1 amends the *Superannuation Contributions Tax (Assessment and Collection) Regulations 1997*.

Schedule 1 Amendment

(regulation 3)

[1] After regulation 2N

insert

20 Interest splits or transferred amounts on marriage breakdown

- (1) For subparagraph 10A (1) (a) (ii) of the Act, the circumstances are that the interest is created for the non-member spouse in such a way that, because of Division 2.2 of the *Family Law (Superannuation) Regulations 2001*, a payment in respect of the superannuation interest of the member spouse made after the interest is created, would not be a splittable payment.

Note Division 2.2 of the *Family Law (Superannuation) Regulations 2001* sets out the ways that a superannuation agreement, flag lifting agreement or splitting order made under the *Family Law Act 1975* may be satisfied. If the

agreement or order has been satisfied, any future payment would not be a splittable payment.

- (2) For subparagraph 10A (1) (a) (iii) of the Act, the circumstances are that the amount is transferred to a superannuation fund for the benefit of the non-member spouse in such a way that, because of Division 2.2 of the *Family Law (Superannuation) Regulations 2001*, a payment in respect of the superannuation interest of the member spouse made after the amount is transferred, would not be a splittable payment.

Note Division 2.2 of the *Family Law (Superannuation) Regulations 2001* sets out the ways that a superannuation agreement, flag lifting agreement or splitting order made under the *Family Law Act 1975* may be satisfied. If the agreement or order has been satisfied, any future payment would not be a splittable payment.

- (3) In this regulation:
splittable payment has the same meaning as in Part VIIIB of the *Family Law Act 1975*.

Notes

1. These Regulations amend Statutory Rules 1997 No. 271, as amended by 1997 No. 370; 1998 No. 196; 2000 No. 149.
2. Notified in the *Commonwealth of Australia Gazette* on 2002. 12 September

2002, 2

Superannuation Contributions Tax (Assessment and Collection) Amendment Regulations 2002 (No. 2)

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