

**SUPERANNUATION LEGISLATION AMENDMENT (WESTERN AUSTRALIA
DE FACTO SUPERANNUATION SPLITTING) REGULATIONS 2021**

EXPLANATORY STATEMENT

Issued by authority of the Attorney-General
in compliance with section 15J of the *Legislation Act 2003*

PURPOSE AND OPERATION OF THE INSTRUMENT

The *Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020* (Cth) (the WA Superannuation Splitting Act) gives effect to a referral of power from Western Australia to the Commonwealth in respect of superannuation matters in family law proceedings for separating de facto couples in Western Australia. The WA Superannuation Splitting Act also extends federal bankruptcy jurisdiction to the Family Court of Western Australia to hear bankruptcy proceedings concurrently with family law proceedings.

Schedule 1 of the WA Superannuation Splitting Act creates a new Part VIIC in the *Family Law Act 1975* (Cth) (FLA), dealing solely with superannuation splitting for separating de facto couples in Western Australia. The operative provisions in Part VIIC replicate provisions in existing Parts VIIIB and VIIC of the FLA.

Schedule 2 of the WA Superannuation Splitting Act extends federal bankruptcy jurisdiction to the Family Court of Western Australia to enable it to determine family law and bankruptcy matters concurrently for parties to a de facto relationship. The jurisdiction of the Family Court of Western Australia will reflect the existing jurisdiction in bankruptcy of the Family Court of Australia, ensuring a nationally consistent approach to the exercise of bankruptcy jurisdiction in family law matters.

The WA Superannuation Splitting Act makes consequential amendments to 21 pieces of primary Commonwealth legislation. These amendments are minor and straightforward, and generally provide that any reference to definitions of terms that apply to Part VIIIB of the FLA (which provides for splitting superannuation interests) will also apply to the new Part VIIC (which will provide specifically for superannuation splitting for separating Western Australian de facto couples).

The *Superannuation Legislation Amendment (Western Australia De Facto Superannuation Splitting) Regulations 2021* (Cth) (the instrument) amends eight Commonwealth regulations to ensure consistency with the 21 amended Acts. It ensures that any provisions in regulations which deal with superannuation splitting under the FLA also apply to superannuation splits made by de facto couples in Western Australia in accordance with Part VIIC of the FLA. Extending the operation of these regulations to Part VIIC of the FLA will support separating de facto couples in Western Australia to achieve a fair split of their superannuation assets in property settlements, and to be treated consistently with de facto couples across Australia.

In addition to amendments arising from the Western Australian de facto superannuation splitting reform, this instrument also updates references to outdated FLA provisions contained in a number of regulations, to ensure they are correct. These changes are required

as a consequence of the renumbering of Part VIII B of the FLA by the *Civil Law and Justice Legislation Amendment Act 2018* (Cth) (CLJLAA) in October 2018.

This instrument amends the following regulations:

- *Family Law (Superannuation) Regulations 2001*
- *Judges' Pensions Regulations 1998*
- *Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973*
- *Retirement Savings Accounts Regulations 1997*
- *Small Superannuation Accounts Regulations 2018*
- *Superannuation Contributions Tax (Assessment and Collection) Regulations 2019*
- *Superannuation Guarantee (Administration) Regulations 2018*, and
- *Superannuation Industry (Supervision) Regulations 1994*.

The Attorney-General's Department has consulted the Department of Finance about amendments to the *Judges' Pensions Regulations 1998* and the *Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973*.

The Attorney-General's Department has consulted with Treasury about amendments to the *Retirement Savings Accounts Regulations 1997*, the *Small Superannuation Accounts Regulations 2018*, the *Superannuation Contributions Tax (Assessment and Collection) Regulations 2019*, the *Superannuation Guarantee (Administration) Regulations 2018*, and the *Superannuation Industry (Supervision) Regulations 1994*.

The Office of Best Practice Regulation was consulted about this instrument and has advised that a Regulatory Impact Statement is not required (OBPR ID 23981).

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A Statement of Compatibility with Human Rights is set out in **Attachment A**.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Superannuation Legislation Amendment (Western Australia De Facto Superannuation Splitting) Regulations 2021

This disallowable legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the disallowable legislative instrument

The *Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020* (Cth) (the WA Superannuation Splitting Act) gives effect to a referral of power from Western Australia to the Commonwealth in respect of superannuation matters in family law proceedings for separating de facto couples in Western Australia. The WA Superannuation Splitting Act creates a new Part VIIIIC in the *Family Law Act 1975* (Cth) (FLA), which enables separating Western Australian de facto couples to split their superannuation as part of family law property proceedings. The Act also extends bankruptcy jurisdiction to the Family Court of Western Australia to hear bankruptcy proceedings concurrently with family law proceedings.

This instrument amends eight Commonwealth regulations to ensure the provisions in those regulations that deal with superannuation splitting under the FLA also apply to superannuation splits made by de facto couples in Western Australia in accordance with Part VIIIIC of the FLA.

Extending the operation of these regulations to Part VIIIIC of the FLA supports separating de facto couples in Western Australia to achieve a fair split of their superannuation assets in property settlements, and to be treated consistently with de facto couples across Australia.

Human rights implications

The disallowable legislative instrument engages the following human rights:

- The rights of equality and non-discrimination: Articles 2, 16 and 26 of the *International Covenant on Civil and Political Rights* (ICCPR)
- The obligation to ensure the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property: Article 16 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW)
- The right to freedom from interference with the family and protection of the family: Articles 17 and 23 of the ICCPR and article 10 (especially paragraph 1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

Right to equality and non-discrimination

Article 26 of the ICCPR states that ‘[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as...national or social origin, property...or other status’. The measures in this instrument support legislation that seeks to redress a gap in the law, which meant that de facto couples in Western Australia were unable to split their superannuation interests following separation.

Prior to the enactment of Part VIIC of the FLA, by virtue of their marital status and geographical location, de facto couples in Western Australia constituted the only class of couple relationship in Australia not able to split superannuation interests following the end of the relationship. This differential treatment under the law was having increasingly unfair consequences for de facto couples in Western Australia, as the value of superannuation assets in the community continues to grow.

The amendments made to the regulations by this instrument will assist in addressing this inequity by extending provisions relating to superannuation splitting to Western Australia de facto couples, with the effect that they are treated equally under the law as compared to other couples, in respect of their ability to divide their property, including their superannuation, following separation.

The instrument therefore promotes equal protection before the law for separating de facto couples in Western Australia.

The obligation to ensure the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property

Article 16 of CEDAW states that ‘States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women...the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.’

Although the inability of Western Australia de facto couples to split their superannuation applied equally to men and women, the consequences of this inability for couples to transfer ownership of their superannuation following a relationship breakdown may have disproportionately affected women. This is due to the lower amounts of superannuation women accumulate by retirement, on average.

Women’s obstacles to accumulating as much superannuation as their male partner may arise from, for example, taking time out of the paid workforce to give birth to, and care for children. Differential levels of superannuation between men and women are also explained by higher incidence of women occupying casual, part-time or lower paid roles over their career.

The measures in this instrument which extend the operation of the regulations to Part VIIC of the FLA support that Act's provision of superannuation splitting for Western Australian de facto couples to achieve a just and equitable division of property.

Right to respect for the family

Article 17(1) of the ICCPR states that 'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation'. Article 23(1) states that 'the family is the natural and fundamental group unit of society and is entitled to protection by society and the State'. Article 10(1) of the ICESCR provides that the 'widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.'

This instrument promotes the protection from interference with the family by supporting the operation of the FLA to provide a proper and effective system for superannuation splitting agreements. The ability to make private agreements to effect a split of superannuation will empower families to take responsibility for their own affairs without requiring the involvement of a court.

Conclusion

This disallowable legislative instrument is compatible with human rights because it promotes the protection of some human rights, and does not limit any human rights.

Details of the Superannuation Legislation Amendment (Western Australia De Facto Superannuation Splitting) Regulations 2021

Section 1 – Name

This section provides that this instrument is the *Superannuation Legislation Amendment (Western Australia De Facto Superannuation Splitting) Regulations 2021*.

Section 2 – Commencement

This section provides for the instrument to commence on either the day after the instrument is registered or immediately after the commencement of the *Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020*, whichever of these dates is later.

Section 3 – Authority

This section provides that the instrument is made under the *Family Law Act 1975*; the *Judges' Pensions Act 1968*; the *Papua New Guinea (Staffing Assistance) Act 1973*; the *Retirement Savings Accounts Act 1997*; the *Small Superannuation Accounts Act 1995*; the *Superannuation Contributions Tax (Assessment and Collection) Act 1997*; the *Superannuation Guarantee (Administration) Act 1992*; and the *Superannuation Industry (Supervision) Act 1993*.

Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to the instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Family Law (Superannuation) Regulations 2001

Items 1 to 139 of Schedule 1 make consequential amendments to the *Family Law (Superannuation) Regulations 2001* (Cth) to ensure the provisions dealing with superannuation splitting under the FLA are extended to apply to de facto couples in Western Australia in accordance with Part VIIC of the FLA. Part VIIC enables separating Western Australian de facto couples to split their superannuation as part of family law property proceedings.

Items 1 and 2 – Regulations 3 and 4

Regulation 3 of the *Family Law (Superannuation) Regulations 2001* currently provides that certain terms listed in that provision have the same meaning as those given in section 90MD of the FLA. Section 90MD was renumbered by the CLJLAA in 2018 and became section 90XD. The WA Superannuation Splitting Act introduced section 90YD as the equivalent Part VIIC provision to section 90XD, replicating the definitions used in the

superannuation splitting provisions, so that they apply to Western Australian de facto couples as to de facto and married couples in all other jurisdictions.

Item 1 repeals all of the terms in regulation 3 which are defined by reference to section 90MD of the FLA (now sections 90XD or 90YD). Item 2 repeals and substitutes regulation 4, so that expressions which are used in the *Family Law (Superannuation) Regulations 2001* which are also used in Parts VIIIB or VIIC of the FLA, are to have the same meaning as defined in those Parts. This amendment, which provides for the overarching meanings of certain terms, means that those terms no longer need to be individually defined in regulation 3.

Item 3 – Regulation 9A (heading)

Item 3 amends the heading to regulation 9A by replacing the reference to ‘90MD’ with ‘90XD, s 90YD’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MD to 90XD. The heading is also being amended to refer to section 90YD of the FLA, because the operation of regulation 9A is being extended to apply to Western Australian de facto couples, under Part VIIC of the FLA.

Item 4 – Subregulation 9A(1)

Item 4 amends subregulation 9A(1) by omitting and substituting the definition of *percentage-only interest* to mean a percentage-only interest within the meaning of sections 90XD and 90YD of the FLA. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MD to 90XD. Item 4 also extends the definition of percentage-only interest in subregulation 9A(1) to apply to Western Australian de facto couples by inserting a reference to section 90YD in Part VIIC of the FLA.

Item 5 – Subparagraph 9A(2)(a)(ii)

Item 5 amends subparagraph 9A(2)(a)(ii) by replacing the reference to ‘90MJ(5)’ with ‘90XJ(5) or 90YN(5)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ. Item 5 also extends the operation of subparagraph 9A(2)(a)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YN(5) in Part VIIC of the FLA.

Item 6 – Paragraph 9A(2)(c)

Item 6 amends paragraph 9A(2)(c) by replacing the reference to ‘90MZA’ with ‘90XZA or 90YZQ’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZA to 90XZA. Item 6 also extends the operation of paragraph 9A(2)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YZQ in Part VIIC of the FLA.

Item 7 – Regulation 10 (heading)

Item 7 amends the heading to regulation 10 by replacing the reference to ‘90MD’ with ‘90XD, s 90YD’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MD to 90XD. The heading is also being amended to refer to section

90YD of the FLA because the operation of regulation 10 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 8 – Subregulation 10(1)

Item 8 amends subregulation 10(1) by omitting and substituting the definition of *trustee* to mean trustee within the meaning of sections 90XD and 90YD of the FLA. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MD to 90XD. Item 8 also extends the definition of trustee in subregulation 10(1) to apply to Western Australian de facto couples by inserting a reference to section 90YD in Part VIIC of the FLA.

Item 9 – Regulation 10A (heading)

Item 9 amends the heading to regulation 10A by replacing the reference to ‘90MD’ with ‘90XD, s 90YD’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MD to 90XD. The heading is also being amended to refer to section 90YD of the FLA because the operation of regulation 10A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 10 – Regulation 10A

Item 10 amends regulation 10A by omitting and substituting the definition of *unflaggable interest* to mean an unflaggable interest within the meaning of sections 90XD and 90YD of the FLA. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MD to 90XD. Item 10 also extends the definition of unflaggable interest in regulation 10A to apply to Western Australian de facto couples by inserting a reference to section 90YD in Part VIIC of the FLA.

Item 11 – Regulation 11 (heading)

Item 11 amends the heading to regulation 11 by replacing the reference to ‘90MD’ with ‘90XD, s 90YD’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MD to 90XD. The heading is also being amended to refer to section 90YD of the FLA because the operation of regulation 11 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 12 – Subregulation 11(1)

Item 12 amends subregulation 11(1) by omitting and substituting the definition of *unsplittable interest* to mean an unsplittable interest within the meaning of sections 90XD and 90YD of the FLA. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MD to 90XD. Item 12 also extends the definition of unsplittable interest in subregulation 11(1) to apply to Western Australian de facto couples by inserting a reference to section 90YD in Part VIIC of the FLA.

Item 13 – Regulation 12 (heading)

Item 13 amends the heading to regulation 12 by replacing the reference to ‘90ME’ with ‘90XE, s 90YG’. This amendment reflects that the CLJLAA renumbered Part VIIB of the

FLA, changing section 90ME to 90XE. The heading is also being amended to refer to section 90YG of the FLA because the operation of regulation 12 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 14 – Subregulation 12(1)

Item 14 amends subregulation 12(1) by replacing the reference to ‘90ME(2)’ with ‘90XE(2) and 90YG(2)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ME to 90XE. Item 14 also extends the operation of subregulation 12(1) to apply to Western Australian de facto couples by inserting a reference to subsection 90YG(2) in Part VIIC of the FLA.

Item 15 – Regulation 13 (heading)

Item 15 amends the heading to regulation 13 by replacing the reference to ‘90ME’ with ‘90XE, s 90YG’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ME to 90XE. The heading is also being amended to refer to section 90YG of the FLA because the operation of regulation 13 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 16 – Subregulation 13(1)

Item 16 amends subregulation 13(1) by replacing the reference to ‘90ME(2)’ with ‘90XE(2) or 90YG(2)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ME to 90XE. Item 16 also extends the operation of subregulation 13(1) to apply to Western Australian de facto couples by inserting a reference to subsection 90YG(2) in Part VIIC of the FLA.

Item 17 – Regulation 14

Item 17 amends regulation 14 by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 18 – Paragraph 14G(8)(b)

Item 18 amends paragraph 14G(8)(b) by replacing the reference to ‘90MJ(1)(c)(iii) or paragraph 90MT(1)(b)’ with ‘90XJ(1)(c)(iii) or 90YN(1)(c)(iii), or paragraph 90XT(1)(b) or 90YY(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ, and changing section 90MT to 90XT. Item 18 also extends the operation of paragraph 14G(8)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN and 90YY in Part VIIC of the FLA.

Item 19 – Paragraph 14G(9)(d)

Item 19 amends paragraph 14G(9)(d) by replacing the reference to ‘90MT(4)’ with ‘90XT(4) or 90YY(5)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. It also extends the operation of paragraph 14G(9)(d) to apply to Western Australian de facto couples by inserting a reference to subsection 90YY(5) in Part VIIC of the FLA.

Item 20 – Subregulation 14G(10) (paragraph (a) of the definition of V)

Item 20 amends subregulation 14G(10) by omitting and substituting the value of *V*, so that this value is defined by reference to either 90XT(2)(b) or 90YY(2)(b) (as the case may be) of the FLA. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 20 also extends the meaning of *V* in subregulation 14G(10) so that this value is also defined by reference to section 90YY of the FLA, extending this definition to include Western Australian de facto couples.

Item 21 – Paragraph 14G(11)(c)

Item 21 amends paragraph 14G(11)(c) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) or 90YY(2)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 21 also extends the operation of paragraph 14G(11)(c) to apply to Western Australian de facto couples by inserting a reference to paragraph 90YY(2)(b) in Part VIII C of the FLA.

Item 22 – Subparagraph 14N(7)(a)(i)

Item 22 amends subparagraph 14N(7)(a)(i) by replacing the reference to ‘90MJ(1)(b)(i)’ with ‘90XJ(1)(b)(i) or 90YN(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 22 also extends the operation of subparagraph 14N(7)(a)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 23 – Subparagraph 14N(7)(a)(ii)

Item 23 amends subparagraph 14N(7)(a)(ii) by replacing the reference to ‘90MT(1)(c)’ with ‘90XT(1)(c) or 90YY(1)(c) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 23 also extends the operation of subparagraph 14N(7)(a)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 24 – Subparagraph 14N(7)(b)(i)

Item 24 amends subparagraph 14N(7)(b)(i) by replacing the reference to ‘90MJ(1)(b)(ii)’ with ‘90XJ(1)(b)(ii) or 90YN(1)(b)(ii) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 24 also extends the operation of subparagraph 14N(7)(b)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 25 – Subparagraph 14N(7)(b)(ii)

Item 25 amends subparagraph 14N(7)(b)(ii) by replacing the reference to ‘90MT(1)(b)’ with ‘90XT(1)(b) or 90YY(1)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 25 also extends

the operation of subparagraph 14N(7)(b)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 26 – Regulation 15 (heading)

Item 26 amends the heading to regulation 15 by replacing the reference to ‘90MJ’ with ‘90XJ, s 90YN’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. The heading is also being amended to refer to section 90YN of the FLA because the operation of regulation 15 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 27 – Subparagraph 15(b)(i)

Item 27 amends subparagraph 15(b)(i) by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 28 – Subparagraph 15(b)(ii)

Item 28 amends subparagraph 15(b)(ii) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MI to 90XI. Item 28 also extends the operation of subparagraph 15(b)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIC of the FLA.

Item 29 – Paragraph 16(1)(b)

Item 29 amends paragraph 16(1)(b) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MI to 90XI. Item 29 also extends the operation of paragraph 16(1)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIC of the FLA.

Item 30 - Paragraph 17(1)(b)

Item 29 amends paragraph 17(1)(b) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MI to 90XI. Item 30 also extends the operation of paragraph 17(1)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIC of the FLA.

Item 31 – Regulation 18 (heading)

Item 31 amends the heading to regulation 18 by replacing the reference to ‘90MJ’ with ‘90XJ, s 90YN’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. The heading is also being amended to refer to section 90YN of the FLA because the operation of regulation 18 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 32 – Paragraph 18(b)

Item 32 amends paragraph 18(b) by replacing the reference to ‘90MJ(1)(b)(i)’ with ‘90XJ(1)(b)(i) or 90YN(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MJ to 90XJ. Item 32 also extends the operation of paragraph 18(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 33 – Regulation 20 (heading)

Item 33 amends the heading to regulation 20 by replacing the reference to ‘90MQ’ with ‘90XQ, s 90YV’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MQ to 90XQ. The heading is also being amended to refer to section 90YV of the FLA because the operation of regulation 20 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 34 – Regulation 20

Item 34 amends regulation 20 by replacing the reference to ‘90MQ(3)’ with ‘90XQ(3) and 90YV(3)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MQ to 90XQ. Item 34 also extends the operation of regulation 20 to apply to Western Australian de facto couples by inserting a reference to section 90YV in Part VIIC of the FLA.

Item 35 – Regulation 21 (heading)

Item 35 amends regulation 21 by replacing the reference to ‘90MT’ with ‘90XT, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MT to 90XT. The heading is also being amended to refer to section 90YY because the operation of regulation 21 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 36 – Subregulation 22(2) (note 2)

Item 36 amends subregulation 22(2) (note 2) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) and 90YY(2)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MT to 90XT. Item 36 also extends the operation of subregulation 22(2) (note 2) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 37 – Paragraph 23(1)(a)

Item 37 amends paragraph 23(1)(a) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MT to 90XT. Item 37 also extends the operation of paragraph 23(1)(a) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 38 – Regulation 25 (heading)

Item 38 amends the heading to regulation 25 by replacing the reference to ‘90MT’ with ‘90XT, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. The heading is also being amended to refer to section 90YY of the FLA because the operation of regulation 25 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 39 – Regulation 27 (heading)

Item 39 amends the heading to regulation 27 by replacing the reference to ‘90MT’ with ‘90XT, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. The heading is also being amended to refer to section 90YY because the operation of regulation 27 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 40 – Regulation 27

Item 40 amends regulation 27 by replacing the reference to ‘90MT(2)(a)’ with ‘90XT(2)(a) and 90YY(2)(a)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 40 also extends the operation of regulation 27 to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 41 – Regulation 39 (heading)

Item 41 amends the heading to regulation 39 by replacing the reference to ‘90MT’ with ‘90XT, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. The heading is also being amended to refer to section 90YY because the operation of regulation 39 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 42 – Regulation 39

Item 42 amends regulation 39 by replacing the reference to ‘90MT(2)(a)’ with ‘90XT(2)(a) and 90YY(2)(a)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 42 also extends the operation of regulation 39 to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 43 – Subparagraph 45(1)(a)(i)

Item 43 amends subparagraph 45(1)(a)(i) by inserting a reference to Part VIII C after the reference to Part VIII B. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 44 – Paragraph 45(1)(b)

Item 44 amends paragraph 45(1)(b) by replacing the reference to ‘90MT(4)’ with ‘90XT(4) or 90YY(5)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 44 also extends the operation of paragraph 45(1)(b) to

apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIIC of the FLA.

Item 45 – Paragraph 45A(3)(a)

Item 45 amends paragraph 45A(3)(a) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MI to 90XI. Item 45 also extends the operation of paragraph 45A(3)(a) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIIC of the FLA.

Item 46 – Regulation 46 (heading)

Item 46 amends the heading to regulation 46 by replacing the reference to ‘90MJ, s 90MT’ with ‘90XJ, s 90XT, s 90YN, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ and changing section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of regulation 46 is being extended to apply to Western Australian de facto couples under Part VIIIC of the FLA.

Item 47 – Subregulation 46(1)

Item 47 amends subregulation 46(1) by replacing the reference to ‘90MJ’ with ‘90XJ and 90YN’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ. Item 47 also extends the operation of subregulation 46(1) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIIC of the FLA.

Item 48 – Subregulation 46(1)

Item 48 amends subregulation 46(1) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) and 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MT to 90XT. Item 48 also extends the operation of subregulation 46(1) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIIC of the FLA.

Item 49 – Paragraph 46(1)(b)

Item 49 amends paragraph 46(1)(b) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MI to 90XI. Item 49 also extends the operation of paragraph 46(1)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIIC of the FLA.

Item 50 – Subregulation 46(2) (note)

Item 50 amends the note after subregulation 46(2) by replacing ‘Section 90MX of the Act makes provision’ with ‘Sections 90XX and 90YZN of the Act provide’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MX to

90XX. Item 50 also extends the operation of subregulation 46(2) to apply to Western Australian de facto couples by inserting a reference to section 90YZN in Part VIIC of the FLA.

Item 51 – Subregulation 51(3) (paragraph (d) of the definition of *Comm*)

Item 51 amends subregulation 51(3) by replacing the reference to paragraph 90ME(1)(d) with ‘90XE(1)(d) and 90YD(1)(d)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ME to 90XE. Item 51 also extends the definition of *Comm* in subregulation 51(3) to apply to Western Australian de facto couples by inserting a reference to section 90YD in Part VIIC of the FLA.

Item 52 – Regulation 55 (heading)

Item 52 amends the heading to regulation 55 by replacing the reference to ‘90MJ, s 90MT’ with ‘90XJ, s 90XT, s 90YN, s 90YY’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ and changing section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of regulation 55 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 53 – Regulation 55

Item 53 amends regulation 55 by replacing the reference to ‘90MJ’ with ‘90XJ or 90YN’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 53 also extends the operation of regulation 55 to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 54 – Regulation 55

Item 54 amends regulation 55 by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) and 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 54 also extends the operation of regulation 55 to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 55 – Subparagraph 55(b)(ii)

Item 55 amends subparagraph 55(b)(ii) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MI to 90XI. Item 55 also extends the operation of subparagraph 55(b)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIC of the FLA.

Item 56 – Paragraph 55(c)

Item 56 amends paragraph 55(c) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the

FLA, changing section 90MT to 90XT. Item 56 also extends the operation of paragraph 55(c) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 57 – Subregulation 58D(2) (note)

Item 57 amends the note after subregulation 58D(2) by replacing ‘subsection 90MX(3)’ with ‘subsections 90XX(3) and 90YZN(3)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MX to 90XX. Item 57 also extends the operation of subregulation 58D(2) to apply to Western Australian de facto couples by inserting a reference to section 90YZN in Part VIIC of the FLA.

Item 58 – Regulation 59 (heading)

Item 58 amends the heading to regulation 59 by replacing the reference to ‘90MY’ with ‘90XY, s 90YZO’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MY to 90XY. The heading is also being amended to refer to section 90YZO because the operation of regulation 59 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 59 – Paragraph 59(1)(d)

Item 59 amends paragraph 59(1)(d) by replacing the reference to ‘90MM’ with ‘90XM or 90YR’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MM to 90XM. Item 59 also extends the operation of paragraph 59(1)(d) to apply to Western Australian de facto couples by inserting a reference to paragraph 90YR in Part VIIC of the FLA.

Item 60 – Paragraph 59(1)(e)

Item 60 amends paragraph 59(1)(e) by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MZB to 90XZB. It also extends the operation of paragraph 59(1)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIC of the FLA.

Item 61 – Regulation 60 (heading)

Item 61 amends the heading to regulation 60 by replacing the reference to ‘90MZA’ with ‘90XZA, s 90YZQ’. This amendment reflects that the CLJLAA renumbered Part VIIB of FLA, changing section 90MZA to 90XZA. The heading is also being amended to refer to section 90YZQ because the operation of regulation 60 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 62 – Subregulation 60(1)

Item 62 amends subregulation 60(1) by replacing the reference to ‘90MZA(2)’ with ‘90XZA(2) and 90YZQ(2)’. This amendment reflects that the CLJLAA renumbered

Part VIII B of the FLA, changing section 90MZA to 90XZA. Item 62 also extends the operation of subregulation 60(1) to apply to Western Australian de facto couples by inserting a reference to section 90YZQ in Part VIII C of the FLA.

Item 63 – Subregulation 60(2)

Item 63 amends subregulation 60(2) by replacing the reference to ‘90MZA(2)(a)’ with ‘90XZA(2)(a) or 90YZQ(2)(a)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZA to 90XZA. Item 63 also extends the operation of subregulation 60(2) to apply to Western Australian de facto couples by inserting a reference to section 90YZQ in Part VIII C of the FLA.

Item 64 – Paragraph 60(2)(a)

Item 64 amends paragraph 60(2)(a) by replacing the reference to ‘90MZA(2)(a)’ with ‘90XZA(2)(a) or 90YZQ(2)(a) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZA to 90XZA. Item 64 also extends the operation of paragraph 60(2)(a) to apply to Western Australian de facto couples by inserting a reference to section 90YZQ in Part VIII C of the FLA.

Item 65 – Regulation 62 (heading)

Item 65 amends the heading to regulation 62 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of regulation 62 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 66 – Regulation 62

Item 66 amends regulation 62 by replacing the reference to ‘90MZB(2)’ with ‘90XZB(2) and 90YZR(2)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 66 also extends the operation of regulation 62 to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 67 – Regulation 62

Item 67 amends regulation 62 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 67 also extends the operation of regulation 62 to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 68 – Regulation 63 (heading)

Item 68 amends the heading to regulation 63 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the

FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of regulation 63 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 69 – Subregulation 63(2)

Item 69 amends subregulation 63(2) by replacing the reference to ‘90MZB(3)’ with ‘90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MZB to 90XZB. Item 69 also extends the operation of subregulation 63(2) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIIC of the FLA.

Item 70 – Paragraph 63(5)(b)

Item 70 amends paragraph 63(5)(b) by replacing the reference to ‘90MJ(1)(c)(i) or (ii)’ with ‘90XJ(1)(c)(i) or (ii) or 90YN(1)(c)(i) or (ii)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 70 also extends the operation of paragraph 63(5)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 71 – Paragraph 63(5)(b)

Item 71 amends paragraph 63(5)(b) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 71 also extends the operation of paragraph 63(5)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 72 – Paragraph 63(5)(c)

Item 72 amends paragraph 63(5)(c) by replacing the reference to ‘90MJ(1)(c)(i)’ with ‘90XJ(1)(c)(i) or 90YN(1)(c)(i)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 72 also extends the operation of paragraph 63(5)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 73 – Paragraph 63(5)(c)

Item 73 amends paragraph 63(5)(c) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 73 also extends the operation of paragraph 63(5)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 74 – Paragraph 63(5)(d)

Item 74 amends paragraph 63(5)(d) by replacing the reference to ‘90MJ(1)(c)(ii)’ with ‘90XJ(1)(c)(ii) or 90YN(1)(c)(ii)’. This amendment reflects that the CLJLAA renumbered

Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 74 also extends the operation of paragraph 63(5)(d) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 75 – Subparagraph 63(5)(d)(i)

Item 75 amends subparagraph 63(5)(d)(i) by replacing the reference to ‘90MI(b)’ with ‘90XI(1)(b) or 90YM(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MI to 90XI. Item 75 also extends the operation of subparagraph 63(5)(d)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIII C of the FLA.

Item 76 – Paragraph 63(5)(e)

Item 76 amends paragraph 63(5)(e) by replacing the reference to ‘90MJ(1)(c)(iii)’ with ‘90XJ(1)(c)(iii) or 90YN(1)(c)(iii)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 76 also extends the operation of paragraph 63(5)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 77 – Paragraph 63(5)(e)

Item 77 amends paragraph 63(5)(e) by replacing the reference to ‘90MT(1)(b)’ with ‘90XT(1)(b) or 90YY(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 77 also extends the operation of paragraph 63(5)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 78 – Subregulation 63A (heading)

Item 78 amends the heading to subregulation 63A by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of subregulation 63A is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 79 – Subregulation 63A(1)

Item 79 amends subregulation 63A(1) by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 79 also extends the operation of subregulation 63A(1) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 80 – Subregulation 64 (heading)

Item 80 amends the heading to subregulation 64 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the

FLA, changing the number of section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of subregulation 64 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 81 – Subregulation 64(2)

Item 81 amends subregulation 64(2) by replacing the reference to ‘subsection 90MZB(3)’ with ‘subsections 90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIIB of FLA, changing section 90MZB to 90XZB. Item 81 also extends the operation of subregulation 64(2) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIIC of the FLA.

Item 82 – Paragraph 64(5)(b)

Item 82 amends paragraph 64(5)(b) by replacing the reference to ‘90MJ(1)(c)(i) or (ii)’ with ‘90XJ(1)(c)(i) or (ii) or 90YN(1)(c)(i) or (ii)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 82 also extends the operation of paragraph 64(5)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 83 – Paragraph 64(5)(b)

Item 83 amends paragraph 64(5)(b) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 83 also extends the operation of paragraph 64(5)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 84 – Paragraph 64(5)(c)

Item 84 amends paragraph 64(5)(c) by replacing the reference to ‘90MJ(1)(c)(i)’ with ‘90XJ(1)(c)(i) or 90YN(1)(c)(i)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 84 also extends the operation of paragraph 64(5)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 85 – Paragraph 64(5)(c)

Item 85 amends paragraph 64(5)(c) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 85 also extends the operation of paragraph 64(5)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 86 – Paragraph 64(5)(d)

Item 86 amends paragraph 64(5)(d) by replacing the reference to ‘90MJ(1)(c)(ii)’ with ‘90XJ(1)(c)(ii) or 90YN(1)(c)(ii)’. This amendment reflects that the CLJLAA renumbered

Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 86 also extends the operation of paragraph 64(5)(d) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 87 – Subparagraph 64(5)(d)(i)

Item 87 amends subparagraph 64(5)(d)(i) by replacing the reference to ‘90MI(b)’ with ‘90XI(1)(b) or 90YM(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MI to 90XI. Item 87 also extends the operation of subparagraph 64(5)(d)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIII C of the FLA.

Item 88 – Paragraph 64(5)(e)

Item 88 amends paragraph 64(5)(e) by replacing the reference to ‘90MJ(1)(c)(iii)’ with ‘90XJ(1)(c)(iii) or 90YN(1)(c)(iii)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 88 also extends the operation of paragraph 64(5)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 89 – Paragraph 64(5)(e)

Item 89 amends paragraph 64(5)(e) by replacing the reference to ‘90MT(1)(b)’ with ‘90XT(1)(b) or 90YY(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 89 also extends the operation of paragraph 64(5)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 90 – Subregulation 64A(2)

Item 90 repeals subregulation 64A(2). This subregulation only related to applications for information under section 90MZB (now 90XZB) of the FLA *before 1 July 2007*, and as such is no longer necessary.

Item 91 – Subregulations 64A(3) and (4)

Item 91 amends subregulations 64A(3) and (4) by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 91 also extends the operation of subregulations 64A(3) and (4) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 92 – Regulation 66 (heading)

Item 92 amends the heading to regulation 66 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to

section 90YZR because the operation of regulation 66 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 93 – Subregulation 66(2)

Item 93 amends subregulation 66(2) by replacing the reference to ‘subsection 90MZB(3)’ with ‘subsections 90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MZB to 90XZB. Item 93 also extends the operation of subregulation 66(2) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIIC of the FLA.

Item 94 – Paragraph 66(5)(b)

Item 94 amends paragraph 66(5)(b) by replacing the reference to ‘90MJ(1)(b)’ with ‘90XJ(1)(b) or 90YN(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 94 also extends the operation of paragraph 66(5)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 95 – Subparagraph 66(5)(b)(ii)

Item 95 amends subparagraph 66(5)(b)(ii) by replacing the reference to ‘90MJ(1)(b)(i)’ with ‘90XJ(1)(b)(i) or 90YN(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 95 also extends the operation of subparagraph 66(5)(b)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 96 – Paragraph 66(5)(c)

Item 96 amends paragraph 66(5)(c) by replacing the reference to ‘90MT(1)(b)’ with ‘90XT(1)(b) or 90YY(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 96 also extends the operation of paragraph 66(5)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 97 – Paragraph 66(5)(d)

Item 97 amends paragraph 66(5)(d) by replacing the reference to ‘90MT(1)(c)’ with ‘90XT(1)(c) or 90YY(1)(c)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 97 also extends the operation of paragraph 66(5)(d) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 98 – Regulation 67 (heading)

Item 98 amends the heading to regulation 67 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of regulation 67 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 99 – Subregulation 67(2)

Item 99 amends subregulation 67(2) by replacing the reference to ‘subsection 90MZB(3)’ with ‘subsections 90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 99 also extends the operation of subregulation 67(2) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIIC of the FLA.

Item 100 – Paragraph 67(4)(b)

Item 100 amends paragraph 67(4)(b) by replacing the reference to ‘90MJ(1)(c)(i) or (ii)’ with ‘90XJ(1)(c)(i) or (ii) or 90YN(1)(c)(i) or (ii)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ. Item 100 also extends the operation of paragraph 67(4)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 101 – Paragraph 67(4)(b)

Item 101 amends paragraph 67(4)(b) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MT to 90XT. Item 101 also extends the operation of paragraph 67(4)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 102 – Paragraph 67(4)(c)

Item 102 amends paragraph 67(4)(c) by replacing the reference to ‘90MJ(1)(c)(i)’ with ‘90XJ(1)(c)(i) or 90YN(1)(c)(i)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ. Item 102 also extends the operation of paragraph 67(4)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 103– Paragraph 67(4)(c)

Item 103 amends paragraph 67(4)(c) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MT to 90XT. Item 103 also extends the operation of paragraph 67(4)(c) to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 104 – Paragraph 67(4)(d)

Item 104 amends paragraph 67(4)(d) by replacing the reference to ‘90MJ(1)(c)(ii)’ with ‘90XJ(1)(c)(ii) or 90YN(1)(c)(ii)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to 90XJ. Item 104 also extends the operation of paragraph 67(4)(d) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 105 – Subparagraph 67(4)(d)(i)

Item 105 amends subparagraph 67(4)(d)(i) by replacing the reference to ‘90MI(b)’ with ‘90XI(1)(b) or 90YM(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MI to 90XI. Item 105 also extends the operation of subparagraph 67(4)(d)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIIC of the FLA.

Item 106 – Paragraph 67(4)(e)

Item 106 amends paragraph 67(4)(e) by replacing the reference to ‘90MJ(1)(c)(iii)’ with ‘90XJ(1)(c)(iii) or 90YN(1)(c)(iii)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MJ to 90XJ. Item 106 also extends the operation of paragraph 67(4)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 107 – Paragraph 67(4)(e)

Item 107 amends paragraph 67(4)(e) by replacing the reference to ‘90MT(1)(b)’ with ‘90XT(1)(b) or 90YY(1)(b)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MT to 90XT. Item 107 also extends the operation of paragraph 67(4)(e) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 108 – Regulation 68 (heading)

Item 108 amends the heading to regulation 68 by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of regulation 68 is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 109 – Subregulation 68(2)

Item 109 amends subregulation 68(2) by replacing the reference to ‘subsection 90MZB(3)’ with ‘subsections 90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MZB to 90XZB. Item 109 also extends the operation of subregulation 68(2) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIIC of the FLA.

Item 110 – Regulation 68A (heading)

Item 110 amends the heading to regulation 68A by replacing the reference to ‘90MZB’ with ‘90XZB, s 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIIB of the FLA, changing section 90MZB to 90XZB. The heading is also being amended to refer to section 90YZR because the operation of regulation 68A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 111 – Paragraph 68A(2)(b)

Item 111 amends paragraph 68A(2)(b) by replacing the reference to ‘90MJ(1)(c)(i)’ with ‘90XJ(1)(c)(i) or 90YN(1)(c)(i)’. This amendment reflects that the CLJLAA renumbered

Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 111 also extends the operation of paragraph 68A(2)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 112 – Paragraph 68A(2)(b)

Item 112 amends paragraph 68A(2)(b) by replacing the reference to ‘90MJ(1)(c)(ii)’ with ‘90XJ(1)(c)(ii) or 90YN(1)(c)(ii)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 112 also extends the operation of paragraph 68A(2)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 113 – Paragraph 68A(2)(c)

Item 113 amends subparagraph 68A(2)(c) by replacing the reference to ‘90MI’ with ‘90XI or 90YM’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MI to 90XI. Item 113 also extends the operation of subparagraph 68A(2)(c) to apply to Western Australian de facto couples by inserting a reference to section 90YM in Part VIII C of the FLA.

Item 114 – Paragraph 68A(3)(a)

Item 114 amends paragraph 68A(3)(a) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 114 also extends the operation of paragraph 68A(3)(a) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 115 – Subregulation 68A(4)

Item 115 amends subregulation 68A(4) by replacing the reference to ‘subsection 90MZB(3)’ with ‘subsections 90XZB(3) and 90YZR(3)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 115 also extends the operation of subregulation 68A(4) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 116 – Subregulation 68A(4)

Item 116 amends subregulation 68A(4) by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZB to 90XZB. Item 116 also extends the operation of subregulation 68A(4) to apply to Western Australian de facto couples, by inserting reference to section 90YZR in Part VIII C of the FLA.

Item 117 – Subregulation 68B(1) and (2)

Item 117 amends subregulation 68B(1) and (2) by replacing the reference to ‘90MZB(3)’ with ‘90XZB(3) or 90YZR(3)’. This amendment reflects that the CLJLAA renumbered

Part VIII B of the FLA, changing section 90M ZB to 90X ZB. Item 117 also extends the operation of subregulation 68B(1) and (2) to apply to Western Australian de facto couples, by inserting reference to section 90Y ZR in Part VIII C of the FLA.

Item 118 – Regulation 69 (heading)

Item 118 amends the heading to regulation 69 by replacing the reference to ‘90M ZB’ with ‘90X ZB, s 90Y ZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90M ZB to 90X ZB. The heading is also being amended to refer to section 90Y ZR because the operation of regulation 69 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 119 – Subregulation 69(1)

Item 119 amends subregulation 69(1) by replacing the reference to ‘90M ZB’ with ‘90X ZB or 90Y ZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90M ZB to 90X ZB. Item 119 also extends the operation of subregulation 69(1) to apply to Western Australian de facto couples, by inserting reference to section 90Y ZR in Part VIII C of the FLA.

Item 120 – Regulation 70 (heading)

Item 120 amends the heading to regulation 70 by replacing the reference to ‘90M ZB’ with ‘90X ZB, s 90Y ZR’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing the number of section 90M ZB to 90X ZB. The heading is also being amended to refer to section 90Y ZR because the operation of regulation 70 is being extended to apply to Western Australian de facto couples under Part VIII C of the FLA.

Item 121 – Subregulation 70(2)

Item 121 amends subregulation 70(2) by replacing the reference to ‘subsection 90M ZB(7)’ with ‘subsections 90X ZB(7) and 90Y ZR(7)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90M ZB to 90X ZB. Item 121 also extends the operation of subregulation 70(2) to apply to Western Australian de facto couples, by inserting reference to section 90Y ZR in Part VIII C of the FLA.

Item 122 – Subparagraph 70(2)(c)(ii)

Item 122 amends subparagraph 70(2)(c)(ii) by replacing the reference to ‘90M J(1)(b)(i)’ with ‘90X J(1)(b)(i) or 90Y N(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90M J to 90X J. Item 122 also extends the operation of subparagraph 70(2)(c)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90Y N in Part VIII C of the FLA.

Item 123 – Subparagraph 70(2)(c)(iii)

Item 123 amends subparagraph 70(2)(c)(iii) by replacing the reference to ‘90M T(1)(c)’ with ‘90X T(1)(c) or 90Y Y(1)(c) (as the case may be)’. This amendment reflects that the CLJLAA

renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 123 also extends the operation of subparagraph 70(2)(c)(iii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 124 – Paragraph 71(1)(ba)

Item 124 amends paragraph 71(1)(ba) by replacing the reference to ‘90MJ(1)(c)(i) or (ii)’ with ‘90XJ(1)(c)(i) or (ii) or 90YN(1)(c)(i) or (ii)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MJ to 90XJ. Item 124 also extends the operation of paragraph 71(1)(ba) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIII C of the FLA.

Item 125 – Paragraph 71(1)(ba)

Item 125 amends paragraph 71(1)(ba) by replacing the reference to ‘90MT(1)(a)’ with ‘90XT(1)(a) or 90YY(1)(a)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 125 also extends the operation of paragraph 71(1)(ba) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 126 – Schedule 1 (Form 5)

Item 126 amends Schedule 1 (Form 5) by replacing the reference to ‘90MZA(2)’ with ‘90XZA(2) or 90YZQ(2)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MZA to 90XZA. Item 126 also extends the operation of Schedule 1 (Form 5) to apply to Western Australian de facto couples by inserting a reference to section 90YZQ in Part VIII C of the FLA.

Item 127 – Schedule 1 (Form 6)

Item 127 amends Schedule 1 (Form 6) by replacing the reference to ‘90MZB(2)’ with ‘90XZB(2) or 90YZR(2)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing the number of section 90MZB to 90XZB. Item 127 also extends the operation of Schedule 1 (Form 6) to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIII C of the FLA.

Item 128 – Schedule 1 (Form 6)

Item 128 amends Schedule 1 (Form 6) by replacing all references to ‘Part VIII B’ in the form with ‘[Part VIII B/Part VIII C]’. This extends the operation of the provision to apply to Western Australian de facto couple under Part VIII C of the FLA.

Item 129 – Part 2 of Schedule 1A (heading)

Item 129 amends the heading to Part 2 of Schedule 1A by replacing the words ‘Method for subparagraph 90MJ(1)(b)(i) and paragraph 90MT(1)(c) of the Act’ with ‘Method for subparagraphs 90XJ(1)(b)(i) and 90YN(1)(b)(i), and paragraphs 90XT(1)(c) and 90YY(1)(c) of the Act’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA,

changing section 90MJ to 90XJ, and section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of Part 2 of Schedule 1A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 130 – Clause 3 of Schedule 1A (heading)

Item 130 amends the heading to clause 3 of Schedule 1A by replacing the words ‘Method for subparagraph 90MJ(1)(b)(i) and paragraph 90MT(1)(c) of the Act’ with ‘Method for subparagraphs 90XJ(1)(b)(i) and 90YN(1)(b)(i), and paragraphs 90XT(1)(c) and 90YY(1)(c) of the Act’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ, and section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of clause 3 of Schedule 1A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 131 – Part 3 of Schedule 1A (heading)

Item 131 amends the heading to Part 3 of Schedule 1A by replacing the words ‘Method for subparagraph 90MJ(1)(b)(ii) and paragraph 90MT(1)(b) of the Act’ with ‘Method for subparagraphs 90XJ(1)(b)(ii) and 90YN(1)(b)(ii), and paragraphs 90XT(1)(b) and 90YY(1)(b) of the Act’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ, and section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of Part 3 of Schedule 1A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 132 – Clause 4 of Schedule 1A (heading)

Item 132 amends the heading to Clause 4 of Schedule 1A by replacing the words ‘Method for subparagraph 90MJ(1)(b)(ii) and paragraph 90MT(1)(b) of the Act’ with ‘Method for subparagraphs 90XJ(1)(b)(ii) and 90YN(1)(b)(ii), and paragraphs 90XT(1)(b) and 90YY(1)(b) of the Act’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ, and section 90MT to 90XT. The heading is also being amended to refer to sections 90YN and 90YY because the operation of Clause 4 of Schedule 1A is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 133 – Subclause 3(1) of Schedule 2 (definition of A)

Item 133 amends subclause 3(1) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MZB to 90XZB. Item 133 also extends the operation of subclause 3(1) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIC of the FLA.

Item 134 – Subclause 5(2) of Schedule 2 (definition of B)

Item 134 amends subclause 5(2) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 134 also extends the operation of subclause 5(2) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Item 135 – Subclause 5(2) of Schedule 2 (definition of *r*)

Item 135 amends subclause 5(2) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 135 also extends the operation of subclause 5(2) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Item 136 – Subclauses 30(1) and (2) of Schedule 2

Item 136 amends subclauses 30(1) and (2) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered the FLA, changing section 90MZB to 90XZB. Item 136 also extends the operation of subclauses 30(1) and (2) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Item 137 – Subclause 34(2) of Schedule 2 (definition of *r*)

Item 137 amends subclause 34(2) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 137 also extends the operation of subclause 34(2) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Item 138 – Subclause 36(2) of Schedule 2 (definition of *r*)

Item 138 amends subclause 36(2) of Schedule 2 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 138 also extends the operation of subclause 36(2) of Schedule 2 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Item 139 – Subclause 2(1) of Schedule 4 (definition of *r*)

Item 139 amends subclause 2(1) of Schedule 4 by replacing the reference to ‘90MZB’ with ‘90XZB or 90YZR’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MZB to 90XZB. Item 139 also extends the operation of subclause 2(1) of Schedule 4 to apply to Western Australian de facto couples by inserting a reference to section 90YZR in Part VIIIC of the FLA.

Judges’ Pensions Regulations 1998

Item 140 – Part 3 (heading)

Item 140 amends the heading in Part 3 of the *Judges' Pensions Regulations 1998* by inserting a reference to Part VIIC after the reference to Part VIIB. The heading is also being amended to refer to Part VIIC because the operation of the provision is being extended to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 141 – Subregulation 5(1)

Item 141 amends subregulation 5(1) of the *Judges' Pensions Regulations 1998* by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973

Items 142 to 152 of Schedule 1 make consequential amendments to the *Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973* to ensure the provisions dealing with superannuation splitting under the FLA are extended to apply to de facto couples in Western Australia in accordance with Part VIIC of the FLA.

Item 142 – Subregulation 90(1) (paragraph (b) of the definition of *base amount*)

Item 142 amends subregulation 90(1) by replacing the reference to '90MT(4)' with '90XT(4) or 90YY(5) (as the case may be)'. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 142 also extends the operation of subregulation 90(1) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 143 – Subregulation 90(1) (definition of *family law value*)

Item 143 repeals and replaces the definition of *family law value* in subregulation 90(1). The new definition replaces the reference to '90MT(2)(a)' with a reference to '90XT(2)(a)'. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 143 also adds references to Parts VIIB and VIIC, including a specific reference to paragraph 90YY(2)(a) of the FLA. The effect of these amendments is to extend the definition of *family law value* in subregulation 90(1) to include Western Australian de facto couples.

The revised definition at item 143 includes clarification that the relevant date for determining family law value is the date upon which the operative time occurs. This clarification was previously contained at the end of the definitions section, in subsection 90(2), but item 143 moves it to directly below the definition of family law value. This means that subsection 90(2) is no longer necessary, and it is being repealed (see item 152).

Item 143 also amends the note after the *family law value* definition in subregulation 90(1), to clarify that the family law value amount should be determined by applying the *Family Law (Superannuation) Regulations 2001*, whether or not an order has been made under subsection 90XT(1) or subsection 90YY(1). The effect of including subsection 90YY is to extend the

operation of the note to include Western Australian de facto couples. A previous reference to subsection 90MT(1) in the note is also updated.

Item 144 – Subregulation 90(1) (definition of *member spouse*)

Item 144 amends the definition of *member spouse* in subregulation 90(1), by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 145 – Subregulation 90(1) (definition of *non-member spouse*)

Item 145 amends the definition of *non-member spouse* in subregulation 90(1), by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 146 – Subregulation 90(1) (definition of *operative time*)

Item 146 amends the definition of *operative time* in subregulation 90(1), to provide that where it relates to a superannuation agreement or flag lifting agreement under Part VIIIB, it is taken to have the meaning given to operative time under Part VIIIB, and where it relates to a superannuation agreement or flag lifting agreement under Part VIIIC, it is taken to have the meaning given to operative time under Part VIIIC. This will extend the operation of the provision to Western Australian de facto couples.

Item 147 – Subregulation 90(1) (definition of *payment split*)

Item 147 amends the definition of *payment split* in subregulation 90(1), by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 148 – Subregulation 90(1) (paragraphs (a) and (b) of the definition of *splitting agreement*)

Item 148 amends paragraphs (a) and (b) of the definition of *splitting agreement* in subregulation 90(1), by inserting a reference to Part VIIIC after each of the two references to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 149 – Subregulation 90(1) (definition of *splitting order*)

Item 149 amends the definition of *splitting order* in subregulation 90(1), by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 150 – Subregulation 90(1) (definition of *splitting percentage*)

Item 150 amends paragraph (a) of the definition of *splitting percentage* in subregulation 90(1) (in relation to splitting agreements), by replacing the reference to ‘90MJ(1)(c)(iii)’ with a reference to ‘90XJ(1)(c)(iii) or 90YN(1)(c)(iii) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIIB of the FLA, changing section 90MJ to

90XJ. It also extends the definition of splitting percentage in subregulation 90(1) to include Western Australian de facto couples, by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 150 amends paragraph (b) of the definition of *splitting percentage* in subregulation 90(1) (in relation to splitting orders), by replacing the reference to ‘90MT(1)(b)(i)’ with a reference to ‘90XT(1)(b)(i) or 90YY(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. It also extends the definition of splitting percentage in subregulation 90(1) to include Western Australian de facto couples, by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 151 – Subregulation 90(1) (definition of *superannuation interest*)

Item 151 amends the definition of *superannuation interest* in subregulation 90(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 152 – Subregulation 90(2)

Item 152 repeals subregulation 90(2), which currently stipulates that the relevant date for determining *family law value* in subregulation 90(1) is the date upon which the operative time occurs. This separate subregulation is no longer necessary, as it is being relocated to amended subregulation 90(1), directly below the definition of family law value (see item 143).

Item 153 – Paragraph 91(1)(a)

Item 153 amends paragraph 91(1)(a) to correct an error in the provision. The incorrect term ‘additional interest’ will be replaced with the correct term ‘original interest’. Regulation 91 deals with original interests, and the reference to additional interest was made in error.

Item 154 – In the appropriate position

Item 154 provides for the application of the amendments to the *Papua New Guinea (Staffing Assistance) (Superannuation) Regulations 1973* made by this instrument, to be inserted in the appropriate position in those Regulations. The application provision clarifies that the relevant operative time in relation to a payment split under a superannuation splitting agreement or superannuation splitting order will be after the commencement of this instrument.

Retirement Savings Accounts Regulations 1997

Items 155 to 169 of Schedule 1 make consequential amendments to the *Retirement Savings Accounts Regulations 1997* to ensure the provisions dealing with superannuation splitting under the FLA are extended to apply to de facto couples in Western Australia in accordance with Part VIIC of the FLA.

Item 155 – Subregulation 1.03(1) (definition of *base amount payment split*)

Item 155 amends the definition of *base amount payment split* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 156 – Subregulation 1.03(1) (definition of *flag lifting agreement*)

Item 156 amends the definition of *flag lifting agreement* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 157 – Subregulation 1.03(1) (definition of *member spouse*)

Item 157 amends the definition of *member spouse* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 158 – Subregulation 1.03(1) (definition of *non-member spouse*)

Item 158 amends the definition of *non-member spouse* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 159 – Subregulation 1.03(1) (definition of *operative time*)

Item 159 amends the definition of *operative time* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 160 – Subregulation 1.03(1) (definition of *payment split*)

Item 160 amends the definition of *payment split* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 161 – Subregulation 1.03(1) (definition of *splittable payment*)

Item 161 amends the definition of *splittable payment* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 162 – Subregulation 1.03(1) (definition of *splitting order*)

Item 162 amends the definition of *splitting order* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 163 – Subregulation 1.03(1) (definition of *superannuation agreement*)

Item 163 amends the definition of *superannuation agreement* in subregulation 1.03(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 164 – Paragraph 4.20(2)(a)

Item 164 amends paragraph 4.20(2)(a) by replacing the reference to ‘90ML(4)’ with ‘90XL(4) or 90YP(4)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ML to 90XL. Item 164 also extends the operation of paragraph 4.20(2)(a) to apply to Western Australian de facto couples by inserting a reference to section 90YP in Part VIIC of the FLA.

Item 165 – Paragraph 4.20(2)(b)

Item 165 amends paragraph 4.20(2)(b) by replacing the reference to ‘90MU(1)’ with ‘90XU(1) or 90YZ(1)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MU to 90XU. Item 165 also extends the operation of paragraph 4.20(2)(b) to apply to Western Australian de facto couples by inserting a reference to section 90YZ in Part VIIC of the FLA.

Item 166 – Subregulation 4.20(2) (note)

Item 166 amends the note after subregulation 4.20(2) in relation to payment flags by replacing the reference to ‘90ML(4)’ with ‘90XL(4) and 90YP(4)’. It also amends the note in relation to court orders by replacing the reference to ‘90MU(1)’ with ‘90XU(1) and 90YZ(1)’. These amendments reflect that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ML to 90XL, and changing section 90MU to 90XU. Item 166 also extends the operation of the note after subregulation 4.20(2) to apply to Western Australian de facto couples by inserting references to sections 90YP and 90YZ in Part VIIC of the FLA.

Item 167 – Paragraph 4.40(b)

Item 167 amends paragraph 4.40(b), by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 168 – Subregulation 4.41(1) (note)

Item 168 amends the note after subregulation 4.41(1), by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 169 – Paragraph 4A.01(a)

Item 169 amends paragraph 4A.01(a), by replacing the reference to ‘Part VIIIIB’ with a reference to ‘Parts VIIIIB and VIIC’. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Small Superannuation Accounts Regulations 2018

Item 170 – Section 5 (paragraphs (a) and (b) of the definition of *splitting agreement*)

Item 170 amends paragraphs (a) and (b) of the definition of *splitting agreement* in section 5 of the *Small Superannuation Accounts Regulations 2018* by inserting a reference to Part VIIC after the reference to Part VIIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 171 – Section 5 (definition of *splitting order*)

Item 171 amends the definition of *splitting order* in section 5 of the *Small Superannuation Accounts Regulations 2018* by inserting a reference to Part VIIC after the reference to Part VIIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Superannuation Contributions Tax (Assessment and Collection) Regulations 2019

Item 172 – Subsection 6(2)

Item 172 amends subsection 6(2) of the *Superannuation Contributions Tax (Assessment and Collection) Regulations 2019* by inserting a reference to Part VIIC after the reference to Part VIIIIB. This extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Superannuation Guarantee (Administration) Regulations 2018

Item 173 – Paragraphs 6(2)(b) and (f)

Item 173 amends paragraphs 6(2)(b) and (f) of the *Superannuation Guarantee (Administration) Regulations 2018* by replacing the reference to section 90MD with ‘Part VIIIIB or VIIC’. This removes an outdated reference to section 90MD (which was updated by the CLJLAA) and extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Superannuation Industry (Supervision) Regulations 1994

Items 174 to 196 of Schedule 1 make consequential amendments to the *Superannuation Industry (Supervision) Regulations 1994* to ensure the provisions dealing with superannuation splitting under the FLA are extended to apply to de facto couples in Western Australia in accordance with Part VIIC of the FLA.

Item 174 – Subregulation 1.03(1) (definition of *base amount payment split*)

Item 174 amends the definition of *base amount payment split* in subregulation 1.03(1) by inserting a reference to Part VIIC after the reference to Part VIIIIB. This ensures that the

meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 175 – Subregulation 1.03(1) (definition of *flag lifting agreement*)

Item 175 amends the definition of *flag lifting agreement* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 176 – Subregulation 1.03(1) (definition of *member spouse*)

Item 176 amends the definition of *member spouse* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 177 – Subregulation 1.03(1) (definition of *non-member spouse*)

Item 177 amends the definition of *non-member spouse* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 178 – Subregulation 1.03(1) (definition of *operative time*)

Item 178 amends the definition of *operative time* in subregulation 1.03(1) by replacing the reference to Part VIIIB with ‘Part VIIIB or VIIIC (as the case may be)’. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 179 – Subregulation 1.03(1) (definition of *payment split*)

Item 179 amends the definition of *payment split* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 180 – Subregulation 1.03(1) (definition of *percentage-only interest*)

Item 180 amends the definition of *percentage-only interest* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 181 – Subregulation 1.03(1) (definition of *splittable payment*)

Item 181 amends the definition of *splittable payment* in subregulation 1.03(1) by inserting a reference to Part VIIIC after the reference to Part VIIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIIC of the FLA.

Item 182 – Subregulation 1.03(1) (definition of *splitting order*)

Item 182 amends the definition of *splitting order* in subregulation 1.03(1) by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 183 – Subregulation 1.03(1) (definition of *superannuation agreement*)

Item 183 amends the definition of *superannuation agreement* in subregulation 1.03(1) by inserting a reference to Part VIIC after the reference to Part VIIB. This ensures that the meaning of the term is extended to cover Western Australian de facto couples under Part VIIC of the FLA.

Item 184 – Subregulation 1.03(1) (subparagraph (c)(ii) of the definition of *transferable benefits*)

Item 184 amends subparagraph (c)(ii) of the definition of *transferable benefits* in subregulation 1.03(1) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) or 90YY(2)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 184 also extends the operation of subregulation 1.03(1) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 185 – Paragraphs 1.04(3)(b) and (3A)(a)

Item 185 amends paragraphs 1.04(3)(b) and (3A)(a) by replacing the reference to section 90MD with ‘Part VIIB or VIIC’. This removes an outdated reference to section 90MD (which was updated by the CLJLAA) and extends the operation of the provision to apply to Western Australian de facto couples under Part VIIC of the FLA.

Item 186 – Subparagraph 2.36C(1)(d)(ii)

Item 186 amends subparagraph 2.36C(d)(ii) by replacing the reference to ‘90MJ(1)(b)(i)’ with ‘90XJ(1)(b)(i) or 90YN(1)(b)(i) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MJ to 90XJ. Item 186 also extends the operation of subparagraph 2.36C(d)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YN in Part VIIC of the FLA.

Item 187 – Subparagraph 2.36C(1)(d)(iii)

Item 187 amends subparagraph 2.36C(1)(d)(iii) by replacing the reference to ‘90MT(1)(c)’ with ‘90XT(1)(c) or 90YY(1)(c) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 187 also extends the operation of subparagraph 2.36C(d)(iii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 188 – Paragraph 6.17AA(a)

Item 188 amends paragraph 6.17AA(a) by replacing the reference to ‘90ML(4)’ with ‘90XL(4) or 90YP(4)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ML to 90XL. Item 188 also extends the operation of paragraph

6.17AA(a) to apply to Western Australian de facto couples by inserting a reference to section 90YP in Part VIIC of the FLA.

Item 189 – Paragraph 6.17AA(b)

Item 189 amends paragraph 6.17AA(b) by replacing the reference to ‘90MU(1)’ with ‘90XU(1) or 90YZ(1)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MU to 90XU. Item 189 also extends the operation of paragraph 6.17AA(b) to apply to Western Australian de facto couples by inserting a reference to section 90YZ in Part VIIC of the FLA.

Item 190 – Regulation 6.17AA (note)

Item 190 amends the note after regulation 6.17AA in relation to payment flags by replacing the reference to ‘90ML(4)’ with ‘90XL(4) and 90YP(4)’. It also amends the note in relation to court orders by replacing the reference to ‘90MU(1)’ with ‘90XU(1) and 90YZ(1)’. These amendments reflect that the CLJLAA renumbered Part VIIB of the FLA, changing section 90ML to 90XL, and changing section 90MU to 90XU. Item 90 also extends the operation of the note after regulation 6.17AA to apply to Western Australian de facto couples by inserting references to sections 90YP and 90YZ in Part VIIC of the FLA.

Item 191 – Paragraph 6.43(2)(b)

Item 191 amends paragraph 6.43(2)(b) by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to ensure it applies to Western Australian de facto couples under Part VIIC of the FLA.

Item 192 – Subregulation 6.44(1) (note)

Item 192 amends the note after subregulation 6.44(1) by inserting a reference to Part VIIC after the reference to Part VIIB. This extends the operation of the provision to ensure it applies to Western Australian de facto couples under Part VIIC of the FLA.

Item 193 – Paragraph 7A.01(a)

Item 193 amends paragraph 7A.01(a) by replacing the reference to Part VIIB with ‘Parts VIIB and VIIC’. This extends the operation of the provision to ensure it applies to Western Australian de facto couples under Part VIIC of the FLA.

Item 194 – Subparagraph 7A.03B(3)(c)(i)

Item 194 amends subparagraph 7A.03B(3)(c)(i) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) or 90YY(2)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIIB of the FLA, changing section 90MT to 90XT. Item 194 also extends the operation of subparagraph 7A.03B(3)(c)(i) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIIC of the FLA.

Item 195 – Subparagraph 7A.11(2)(c)(ii)

Item 195 amends subparagraph 7A.11(2)(c)(ii) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) or 90YY(2)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 195 also extends the operation of subparagraph 7A.11(2)(c)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.

Item 196 – Subparagraph 7A.13(2)(c)(ii)

Item 196 amends subparagraph 7A.13(2)(c)(ii) by replacing the reference to ‘90MT(2)(b)’ with ‘90XT(2)(b) or 90YY(2)(b) (as the case may be)’. This amendment reflects that the CLJLAA renumbered Part VIII B of the FLA, changing section 90MT to 90XT. Item 196 also extends the operation of subparagraph 7A.13(2)(c)(ii) to apply to Western Australian de facto couples by inserting a reference to section 90YY in Part VIII C of the FLA.