



## **Veterans' Entitlements Legislation Amendment (Western Australia Superannuation Splitting) Instrument 2022 (No. R39)**

The Repatriation Commission makes this instrument under the following sections of the *Veterans' Entitlements Act 1986*:

- (a) Subsections 5JA(6) and 5JB(5);
- (b) Sections 46ZC and 52BA;
- (c) Subsections 52(1AA), (1AB) and (1AC).

Dated 18th October 2022

The Seal of the  
Repatriation Commission  
was affixed hereto in the  
presence of:

<b>ELIZABETH COSSON</b>
<b>AM CSC</b>
<b>President</b>

<b>KATE POPE</b>
<b>PSM</b>
<b>Deputy President</b>

<b>DONALD SPINKS</b>
<b>AM</b>
<b>Commissioner</b>

<b>GWEN CHERNE</b>
<b>Commissioner</b>



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## 1 Name

This instrument is the *Veterans' Entitlements Legislation Amendment (Western Australia Superannuation Splitting) Instrument 2022*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the day after this instrument is registered; and (b) the day on which the <i>Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following sections of the *Veterans' Entitlements Act 1986*:

- (a) Subsections 5JA(6) and 5JB(5) in respect of amendments to the *Veterans' Entitlements (Family Law Affected Income Streams) Principles 2022*;
- (b) Sections 46ZC and 52BA in respect of amendments to the *Veterans' Entitlements (Guidelines for Determining Whether Income Stream is Asset-test Exempt) Determination 2022*;
- (c) Subsections 52(1AA), (1AB) and (1AC) in respect of amendments to the *Veterans' Entitlements (Retention of Exemption for Asset-test Exempt Income Streams) Principles 2022*.

## 4 Schedules

Each instrument that is specified in a Schedule to this 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.

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## Schedule 1—Amendments

### *Veterans' Entitlements (Family Law Affected Income Streams) Principles 2022 (Instrument 2022 No. R5) [FL2022L004411]*

#### 1 Subsection 4(2)

After “Part VIII B”, insert “or Part VIII C”.

#### 2 Subsection 4(2) (note)

Omit “section 90XD of the *Family Law Act 1975* for the meanings of the following terms”, substitute “sections 90XD and 90YD of the *Family Law Act 1975* for the meanings of the following terms under Part VIII B and Part VIII C, respectively of that Act”.

### *Veterans' Entitlements (Guidelines for Determining Whether Income Stream is Asset-test Exempt) Determination 2022 (Instrument 2022 No. R6) [F2022L00415]*

#### 3 Section 4 (definition of *payment split*)

Repeal the definition, substitute:

*payment split:*

- (a) under Part VIII B of the *Family Law Act 1975*—has the meaning given by section 90XD of that Act; and
- (b) under Part VIII C of the *Family Law Act 1975*—has the meaning given by section 90YD of that Act.

#### 4 Paragraph 10(e)

Repeal the second subparagraph (iv), substitute:

- (v) is covered by this Determination.

#### 5 Paragraph 11(c)

After “Part VIII B”, insert “or Part VIII C”.

#### 6 Paragraph 16(f)

Repeal subparagraph (iiv), substitute:

- (iv) is covered by this Determination.

#### 7 Subparagraphs 17(1)(a)(i) and (ii)

After “Part VIII B”, insert “or Part VIII C”.

#### 8 Paragraphs 17(1)(b) and (d)

After “Part VIII B”, insert “or Part VIII C”.

#### 9 Paragraph 18(b)

After “Part VIII B”, insert “or Part VIII C”.

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***Veterans' Entitlements (Retention of Exemption for Asset-test Exempt Income Streams) Principles 2022 (Instrument 2022 No. R7)***  
**[F2022L00413]**

**10 Section 4 (note)**

Repeal the second paragraph (b), substitute:

- (c) income stream.

**11 Section 4 (definition of *payment split*)**

Repeal the definition, substitute:

***payment split:***

- (a) under Part VIII B of the *Family Law Act 1975*—has the meaning given by section 90XD of that Act; and  
(b) under Part VIII C of the *Family Law Act 1975*—has the meaning given by section 90YD of that Act.

**12 Paragraph 10(c)**

After “Part VIII B”, insert “or Part VIII C”.

**13 Paragraph 14(e)**

Repeal the second subparagraph (iv), substitute:

- (v) was covered by these Principles.

**14 Subparagraphs 17(1)(a)(i) and (ii)**

After “Part VIII B”, insert “or Part VIII C”.

**15 Subparagraph 17(1)(b)(i)**

After “Part VIII B”, insert “or Part VIII C”.

**16 Paragraphs 17(1)(c) and (e)**

After “Part VIII B”, insert “or Part VIII C”.

**17 Paragraph 22(b)**

After “Part VIII B”, insert “or Part VIII C”.

**18 Subparagraphs 30(1)(a)(i) and (ii)**

After “Part VIII B”, insert “or Part VIII C”.

**19 Paragraphs 30(1)(b) and (d)**

After “Part VIII B”, insert “or Part VIII C”.