

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*:

1. Subsections 5JA(6) and 5JB(5);
2. Sections 46ZC and 52BA;
3. Subsections 52(1AA), (1AB) and (1AC).

Dated 18th October 2022

The Seal of the

Repatriation Commission

was affixed hereto in the

presence of:

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| --- | --- | --- |
| **ELIZABETH COSSON** |  | **KATE POPE** |
| **AM CSC** |  | **PSM** |
| **President** |  | **Deputy President** |

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| --- | --- | --- |
| **DONALD SPINKS** |  | **GWEN CHERNE** |
| **AM** |  |  |
| **Commissioner** |  | **Commissioner** |

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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 *Family Law Amendment (Western Australia De Facto Superannuation Splitting and Bankruptcy) Act 2020* 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Note: This table relates only to the provisions of this instrument as originally made.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*:

1. Subsections 5JA(6) and 5JB(5) in respect of amendments to the *Veterans’ Entitlements (Family Law Affected Income Streams) Principles 2022*;
2. Sections 46ZC and 52BA in respect of amendments to the *Veterans’ Entitlements (Guidelines for Determining Whether Income Stream is Asset-test Exempt) Determination 2022*;
3. 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.

Schedule 1—Amendments

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

1 Subsection 4(2)

After “Part VIIIB”, insert “or Part VIIIC”.

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 VIIIB and Part VIIIC, 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 VIIIB of the *Family Law Act 1975*—has the meaning given by section 90XD of that Act; and

(b) under Part VIIIC 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 VIIIB”, insert “or Part VIIIC”.

6 Paragraph 16(f)

Repeal subparagraph (iiv), substitute:

(iv) is covered by this Determination.

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

After “Part VIIIB”, insert “or Part VIIIC”.

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

After “Part VIIIB”, insert “or Part VIIIC”.

9 Paragraph 18(b)

After “Part VIIIB”, insert “or Part VIIIC”.

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 VIIIB of the *Family Law Act 1975*—has the meaning given by section 90XD of that Act; and

(b) under Part VIIIC of the *Family Law Act 1975*—has the meaning given by section 90YD of that Act.

12 Paragraph 10(c)

After “Part VIIIB”, insert “or Part VIIIC”.

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 VIIIB”, insert “or Part VIIIC”.

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

After “Part VIIIB”, insert “or Part VIIIC”.

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

After “Part VIIIB”, insert “or Part VIIIC”.

17 Paragraph 22(b)

After “Part VIIIB”, insert “or Part VIIIC”.

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

After “Part VIIIB”, insert “or Part VIIIC”.

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

After “Part VIIIB”, insert “or Part VIIIC”.