



# **Social Security (Family Law Affected Income Streams) Amendment (Military Invalidation Pension Income Streams) Principles 2024**

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I, Gillian Beer, delegate of the Secretary of the Department of Social Services, make the following Principles.

Dated 23 May 2024

Gillian Beer  
Branch Manager, Payment Structures and Seniors Branch  
Delegate of the Secretary of the Department of Social Services

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## 1 Name

This instrument is the *Social Security (Family Law Affected Income Streams) Amendment (Military Invalidity Pension Income Streams) Principles 2024*.

## 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	At the same time as the <i>Social Services and Other Legislation Amendment (Military Invalidity Payments Means Testing) Act 2024</i> commences.  However, the provisions do not commence at all if that Act does not commence.	

Note: This table relates only to the provisions of this instrument as originally made.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 section 1099DD of the *Social Security Act 1991*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Social Security (Family Law Affected Income Streams) Principles 2022*

#### **1 Section 4 (first note)**

After paragraph (j), insert:

- (ja) *military invalidity pension income stream*;

#### **2 After paragraph 5(b)**

Insert:

- (ba) paragraph 1099DB(1)(c);

#### **3 Section 8 (at the end of the heading)**

Add “or a military invalidity pension income stream”.

#### **4 Subsection 8(1)**

After “defined benefit income stream”, insert “or a military invalidity pension income stream”.

#### **5 After section 9**

Insert:

##### **9A Income stream that is a military invalidity pension income stream**

- (1) This section applies if the family law affected income stream is a military invalidity pension income stream.
- (2) For paragraph 1099DD(ba) of the Act, the Secretary must have regard to the following matters in making decisions under paragraph 1099DB(1)(c) of the Act:
  - (a) the matters mentioned in items 1 to 12 and 14 to 23 of Schedule 1;
  - (b) any other matter that the Secretary considers relevant in the circumstances.
- (3) If payments are being made from the income stream under more than one payment split, the Secretary must have regard to each matter mentioned in subsection (2) that applies to each payment split.

#### **6 Schedule 1 – after the heading (list of provisions following the heading)**

Omit “(paragraphs 8(2)(a), 9(2)(a), 11(2)(a), 12(2)(a), 14(2)(a) and 15(2)(a), 17(1)(a) and 19(1)(a))”, substitute “(paragraphs 8(2)(a), 9(2)(a), 9A(2)(a), 11(2)(a), 12(2)(a), 14(2)(a), 15(2)(a), 17(1)(a) and 19(1)(a))”.