



Family Law (Superannuation) Amendment (2022 Measures No. 1) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 17 March 2022

David Hurley
Governor-General

By His Excellency's Command

Michaelia Cash
Attorney-General

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1 Name

This instrument is the *Family Law (Superannuation) Amendment (2022 Measures No. 1) Regulations 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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	22 March 2022
2. Schedule 1, Part 1	The day after this instrument is registered.	22 March 2022
3. Schedule 1, Part 2	28 December 2002.	28 December 2002

Note: This table relates only to the provisions of this instrument as originally made.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 *Family Law Act 1975*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Part 1—Amendments commencing day after registration

Family Law (Superannuation) Regulations 2001

1 Regulation 3

Insert:

Deed means the trust Deed as existing at the time this definition commences governing the scheme continued in existence under section 5 of the *Superannuation (State Public Sector) Act 1990* (Qld).

Government Division Rules means the Division Rules (within the meaning of the Deed) as existing at the time this definition commences that relate to the Government Division referred to in clause 2.1 of the Deed.

Participation Schedule means the part of the Government Division Rules known as the Participation Schedule.

2 Regulation 9B (heading)

Repeal the heading, substitute:

9B Meaning of *percentage-only interest*—parliament 70 category under the Deed

3 Subregulation 9B(1)

Omit “of the Deed”, substitute “of the Government Division Rules”.

4 Paragraphs 9B(2)(c) and (d)

Omit “Deed”, substitute “Participation Schedule”.

5 Subregulation 9B(3) (definition of *Deed*)

Repeal the definition.

6 Paragraph 11(1A)(a)

Omit “(1)”, substitute “one”.

7 Paragraph 12(1)(c)

Omit “subregulation 6.01(2)”, substitute “regulation 1.03C”.

8 Paragraph 12(1)(ea)

Omit “established by the *Superannuation (State Public Sector) Deed 1990* (Qld)”, substitute “continued in existence by the *Superannuation (State Public Sector) Act 1990* (Qld)”.

9 Subparagraphs 12(1)(ea)(i), (ii) and (iii)

Omit “*Superannuation (State Public Sector) Deed 1990* (Qld), as in force at the commencement of the *Family Law Legislation Amendment (Superannuation) Act 2001*”, substitute “Participation Schedule”.

10 At the end of paragraph 12(1)(ea)

Add:

Note: In 2022, the scheme continued in existence by the *Superannuation (State Public Sector) Act 1990* (Qld) was known as the Australian Retirement Trust.

Part 2—Amendments commencing 28 December 2002

Family Law (Superannuation) Regulations 2001

11 Subregulation 64(2)

After “(7),” insert “(7AA),”.

12 After subregulation 64(7)

Insert:

(7AA) If, under regulation 38, the Minister has approved a method or factors to be used to determine the gross value of a superannuation interest that is made up of a component that is a defined benefit interest and a component that is an accumulation interest (other than a partially vested accumulation interest), the Minister may, by written determination, provide any or all of the following:

- (a) that the trustee is not required to provide the information about the component that is a defined benefit interest mentioned in one or more paragraphs of subregulation 64(4);
- (b) that the trustee is not required to provide the information about the component that is the accumulation interest mentioned in one or more paragraphs of subregulation 63(4);
- (c) that the trustee must provide other information, as specified in the determination, about the superannuation interest or a component of the superannuation interest.

13 Subregulation 64(8)

After “(7),” insert “(7AA),”.

14 Subparagraph 64A(1)(c)(i)

After “(7),” insert “(7AA),”.