



**The Hon Jenny Macklin MP**  
**Minister for Families, Housing, Community Services**  
**and Indigenous Affairs**  
**and**  
**Senator the Hon Joe Ludwig**  
**Minister for Human Services**

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12 MAY 2009

Ms Stevie Clayton OAM JP  
Chief Executive Officer  
ACON  
PO Box 350  
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Dear Ms Clayton

We are writing to you about the implementation of the historic law reforms to recognise same-sex couples and their families and remove differential treatment between same-sex couples and different-sex couples and their children.

We commend the strong advocacy of members of the National Lesbian, Gay, Bisexual and Transgender (LGBT) Health Alliance on behalf of LGBT people and highly value their insight and understanding of these communities. The implementation of the reforms continues to be shaped by suggestions by representatives of LGBT and welfare organisations, particularly through the Removal of Same-Sex Discrimination Community Reference Group convened by Centrelink.

As you are aware, following the election of the Rudd Government and the Australian Human Rights Commission's report, *Same-Sex: Same Entitlements* and an audit of Commonwealth legislation, the Australian Government introduced wide-ranging reforms to ensure that same-sex de facto couples and their families are recognised and have the same entitlements and obligations as different-sex de facto couples.

The Government's same-sex reforms amended 84 Commonwealth laws to eliminate discrimination against same-sex de facto couples and their families in a wide range of areas, including taxation, superannuation, social security and family assistance, health, aged care, veterans' entitlements, workers' compensation, employment entitlements, immigration, child support and family law.

Removing differential treatment will result in some same-sex couples receiving benefits previously not accessible. Some examples include:

- partner concession card benefits;
- bereavement benefits if a partner dies;
- exemption of the family home from the assets test when one partner enters nursing home care and the other partner continues to reside there;
- recognition as independent for Youth Allowance if in a same-sex relationship for over 12 months;
- lesbian relationships recognised as a qualifying relationship for Widow Allowance;
- access to Department of Veterans' Affairs War Widow or widowers pension;
- access to the Child Support Scheme;
- access to the Pharmaceutical Benefits Scheme and Medicare safety nets as a family;
- reversionary death benefits from Commonwealth (defined benefit) superannuation schemes; and
- tax concessions.

Equal treatment will also result in some same-sex couples having the benefits they currently receive reduced to be equal to the benefits received by different-sex couples.

Now the reforms are in place, we are working hard to ensure all same-sex couples have access to these entitlements and understand their obligations.

In response to the concerns regarding lack of knowledge and education about the implications of the reforms, the Australian Government has agreed to a \$450,000 package of measures to complement Centrelink's extensive information campaign.

The package includes:

- a website which provides an overview of the reforms;
- \$100,000 for the National Welfare Rights Network to help Centrelink clients with independent and confidential legal advice about the same sex reform; and
- \$350,000 for the development of a community education and advertising program to be developed and managed by the LGBT Health Alliance in partnership with a number of community-based organisations.

This will be in addition to the extensive Centrelink information campaign which includes advertising across a wide variety of media, including national newspapers and magazines, gay and lesbian press, radio, selected internet sites and Indigenous and multicultural press and radio. The campaign informs people about changes to recognise same-sex relationships and encourages customers to contact Centrelink if they are in a same-sex relationship.

We can assure you the changes are being implemented sensitively. Centrelink will be as understanding as possible in implementing the changes.

Centrelink staff are undertaking gay and lesbian awareness training to enhance their capability to respond to customer's disclosure in an understanding and appropriate manner. Centrelink engaged the services of a professional trainer from Gay and Lesbian Health Victoria to develop the training package and prepare internal Centrelink trainers to deliver this training to all Centrelink Customer Service staff.

Relevant policy in the Guide will be reviewed in consultation with members of the Removal of Same-Sex Discrimination Community Reference Group. The Guide will fully explain what is used to determine a member of a couple relationship, what situations are not considered to be a couple relationship, determining separation under one roof, determining living separately and apart, the discretion to treat a person as not being a member of a couple for a special reason, registered relationships, multiple relationships, conducting a member of a couple review, etc.

Draft changes to those 18 Guide topics will be sent by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) to members of the reference group by 15 May 2009 for comment. A telephone conference will be arranged with members of the reference group and representatives from relevant departments and agencies around 20 May 2009 to discuss. Written comments will need to be received by FaHCSIA by 25 May 2009 to enable electronic publishing deadlines to be met. On 1 July 2009 the new Guide topics, and changes to existing topics, will be published on the FaHCSIA website.

In response to concerns about members of same-sex couples being "outed" trying to access concessions, Centrelink is making changes to allow a concession card to be reissued, at the customer's request, without the partner name being displayed. Dependent children will still be displayed. All concession cards will initially be issued to a customer with partner details included, if applicable to the type of card issued. In cases where a customer has requested the reissue of their concession card without the partner name included, they would hold two valid concession cards, one with partner name displayed and one without. For a customer to access concessions for their partner (where the partner is not a concession card holder in their own right) they would need to present the card displaying the partner details.

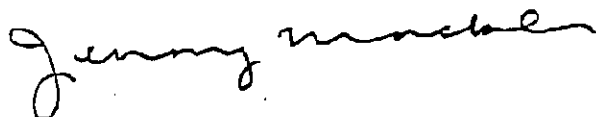
Some people may lose their eligibility for the Pensioner Concession Card (PCC) or Health Care Card (HCC) if they lost eligibility for their primary payment owing either to their own, or their partner's income. Sometimes, concession cards can be retained for a period when a person loses qualification for payment. For instance, people receiving a Disability Support Pension can retain their PCC in certain circumstances. The card can be retained for up to 52 weeks after losing qualification for the pension due to commencing employment, or an increase in their earnings from employment. Where qualification for the pension is lost due to their partner's earnings from employment, a person may retain their card for up to 12 weeks.

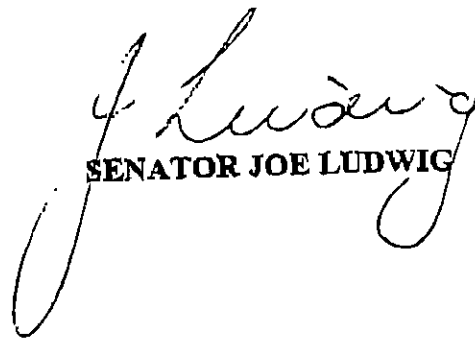
Concerns have also been raised about the re-claim process for customers who have payment cancelled due to having partner income and assets assessed, who subsequently separate. There are abridged claiming procedures that apply to different payment types. Current abridged claiming processes will be available. For a customer who had been in receipt of a Disability Support Pension an abridged claim process applies if they are reclaiming within 52 weeks of receiving the same payment. A medical report may be requested, depending on the customer's circumstances. The 52 week period for lodging an abridged claim may also apply to Newstart Allowance and Youth Allowance. An Age Pension customer and Parenting Payment Single customer can use an abridged claim process if reclaiming within 13 weeks of their payment being cancelled. The abridged claim process generally reduces the verification requirements, including proof of identification and the processing timeframes.

These reforms for same-sex couples have been implemented because of the Government's commitment to equality. Many of us have campaigned for these changes for a long time and I am pleased they have been legislated so quickly.

I would like to take this opportunity to wish ACON and the Alliance all the best in their future endeavours and trust the community will continue to benefit from the contribution of your organisations in developing programs and advocating on lesbian, gay, bisexual and transgender issues.

Yours sincerely

  
JENNY MACKLIN MP

  
SENATOR JOE LUDWIG