

A downside of same-sex law reform

Created 13 Mar 2009 - 10:47am

With impending social security changes set to adversely affect a good chunk of our community, it's important we look for ways to ease the transition for a group already doing it hard.

If you're living on a Disability Support Pension (DSP) and also living with a partner, Centrelink want to know by 1 July. They will then assess your joint income and assets and adjust your pension payment. By just how much will depend on how much your partner is worth. But as an example, for you to get the maximum current payment of \$562.10 per fortnight they cannot be earning more than \$240 per fortnight.

Welcome to one of the less popular realities of Australian society's recognition of same-sex relationships.

Let's be clear, there are plenty of up-sides. The reforms also mean that you and your partner can claim the same tax concessions currently available to couples of the opposite sex. You qualify for each other's superannuation benefits. You and your children are recognised as a family. Immigration is easier. There's lots of good stuff.

Unfortunately, these offerings don't mean that much if there's just two of you and you're both on the pension. In fact, together you 'gain to lose' around \$200 a fortnight under the new system. Although you may well benefit from having joint Medicare and [PBS](#) [1][Pharmaceutical Benefits Scheme] The federal government program which subsidises medication costs in Australia. Anti-HIV drugs are part of a special part of the PBS called Section 100 (S100) which is used for expensive, highly specialised drugs. safety nets.

It's all swings and roundabouts, and now brings us into line with heterosexual couples who are already assessed under these criteria. But for many individuals and community organisations, the question is whether a same-sex couple, already struggling with major health and financial issues, should be expected to adapt to less.

While many community advocates are still celebrating the reforms, others are asking for at least an 'easing-in' of the changes, particularly when they adversely affect the more marginalised among us.

The hope for a period of adjustment is not likely with the Attorney- General, Robert McClelland, stating that grandfather clauses will not be implemented to protect same-sex couples from social security changes. He believes that the 15 months we have had since the government announced its intention to end discrimination is enough.

Howard's efforts to push DSP recipients into paid work failed and now PM Kevin Rudd has 45,000 more of them than predicted and a \$3-billion blowout. It's a good thing for him same-sex equal rights came along.

General Manager of Centrelink, Hank Jongen, estimates some 11,000 customers are likely to contact the organisation in the coming financial year to advise they are affected by the changes.

He also explains that 'establishing whether two people are a member of a couple involves consideration of financial aspects, and social aspects of the relationship, nature of the household, presence or absence of a sexual relationship, and nature of the commitment.

'Evidence relating to these factors is considered, although not all factors need to be present for a decision to be made that a person is in a de facto relationship,' he adds.

Other areas of concern include the new laws and their impact on those currently holding Pensioner Concession or Health Care cards.

At the time of going to press, a number of community organisations representing those most affected by these changes have endorsed a submission to the government seeking longer transitional arrangements as well as other savings provisions. NAPWA has endorsed this submission and it can be viewed on our [website](#) [2].

- [Disability Support Pension](#)

[discrimination](#)

[work, employment and financial issues](#)

Links:

[1] <http://www.napwa.org.au/glossary/term/121>

[2] <http://www.napwa.org.au/node/1108>