

# Are you a member of a couple?

[Previously known as being in a marriage-like-relationship]



In most cases your social security and family assistance entitlements are affected by whether you are assessed as a single person or partnered (a member of a couple).

Rates and entitlements may differ because:

- eligibility for most payments and entitlements depend on your relationship status
- the rate of pension or allowance is generally lower if you are a member of a couple
- the income and assets of your partner are assessable under the income and assets tests for most Centrelink payments and entitlements
- the income of your partner is assessable for family assistance income tests.

From 1 July 2009 changes to the law mean Centrelink and the Family Assistance Office recognise couples living in opposite-sex and same-sex relationships.

## What is a member of a couple for Centrelink and Family Assistance Office purposes?

You will be regarded as a member of a couple if you live with (or usually live with) your partner and are:

- married
- in a registered relationship (opposite-sex or same-sex), **or**
- in a de facto relationship (opposite-sex or same-sex).

## What is a registered relationship?

- A **registered relationship** is one that is registered under prescribed Australian state or territory laws that provide for registration of certain couple relationships, including civil partnership schemes (currently Australian Capital Territory, Tasmania and Victoria).

- A customer in a registered relationship is considered to be a member of a couple unless separated.
- Relationships registered in other countries or under local government schemes (such as City of Sydney registry) are not recognised as they are not registered under a prescribed Australian state or territory law. However, evidence of these registrations is a strong indicator that a couple is in a de facto relationship.

## What is a de facto relationship?

- A **de facto relationship** is where two people, who are not married or in a registered relationship, are partnered and living together (or usually live together) as *members of a couple*, based on the five factors outlined below.
- A couple is considered to be in a de facto relationship from the time they commence living together as *members of a couple*.
- There is no minimum time period applied for a relationship to be regarded as de facto (other than for Youth Allowance).

## What about for Youth Allowance purposes?

If you are a Youth Allowance customer you may be assessed as independent if you are a member of a couple.

You are a member of a Youth Allowance couple if you are both over the age of consent in your state or territory and:

- you are (or have been) legally married or in a registered relationship, **or**
- you are (or have been) living with another person in a de facto relationship, based on the five factors following, for at least 12 months (not counting temporary separations) or, in special circumstances, for at least six months.

If you are unsure about your relationship status you should contact Centrelink.



## Five factors considered when assessing *members of a couple*

---

If an assessment is required, information is gathered and five factors are considered in deciding if you are a member of a couple. This is not a checklist and not all factors need to be present to determine that you are living as a member of a couple.

### *Financial aspects*

This takes into account financial interdependence, including whether either of you are providing financial support for the other. Information may be requested about:

- payment of household expenses (e.g. electricity, phone)
- bank accounts or joint ownership of major assets
- whose names are listed on tenancy applications, lease agreements or mortgage documents
- whether you make repayments on each other's loans
- whether you claim each other as a partner, dependent and/or family member for taxation, insurance, health or other purposes
- whether you have nominated each other as a beneficiary of a will, life insurance policy, superannuation payment or compensation payments.

### *Social aspects of your relationship*

This includes whether:

- you consider the other person to be your partner and present as a couple at social or leisure activities
- you and the other person share plans, such as spending holidays together as a couple or family unit
- you and the other person present as a couple to others, such as employers, landlords and business proprietors
- family, friends and associates see you as a couple.

### *The nature of your household*

Generally you would only be considered to be a member of a couple if you live with your partner. However, you may still be considered to be a member of a couple if your partner lives away from home, such as for work or study (including overseas or offshore postings).

Information may be requested about:

- who usually lives in the house and what the relationship is between you and the other person/people

- how the household space is used, including whether there are common living areas—such as the kitchen and lounge room, and whether you share the same bedroom
- how the household chores are shared, including whether one does the cooking, cleaning or washing for the other person
- whether you have lived together at another address and why you decided to live together.

### *Sexual relationship*

The absence or presence of a sexual relationship is considered but does not in itself indicate whether or not you are a member of a couple.

Information may be requested about:

- whether you have an ongoing sexual relationship with the other person
- how long you have been in the relationship, **and**
- whether you have a child or children together.

### *Nature of your commitment*

This takes into account whether you have an emotional attachment that is different to relationships with close relatives, friends or co-tenants, including:

- how you compare your relationship with that of other people who are members of a couple
- whether you have a mutual commitment to the relationship and the strength of emotional ties
- whether you make joint decisions or have influence over each other's long-term plans or decisions
- whether you expect the relationship is likely to continue into the future, **and**
- whether the nature of your commitment has changed and how.

## What triggers a *member of a couple* assessment or review?

---

If you advise that you are a member of a couple generally no assessment of your relationship will be undertaken. You will be treated as partnered and payments or entitlements will be reassessed.

A member of a couple assessment is undertaken when:

- you provide information that indicates to Centrelink that you may be a member of a couple, such as you share accommodation and there is an indication that you share assets

- information is obtained from internal records or other government departments (such as Australian Electoral Commission) that indicates you may be a member of a couple and have not advised Centrelink
- Centrelink receives anonymous information from the public (a tip-off) that indicates you may be a member of a couple and have not advised Centrelink.

A member of a couple assessment is not initiated if there are no indicators a relationship may exist.

If you are unsure about your relationship status you should contact Centrelink.

## What do I have to do if a member of a couple assessment is undertaken?

1. You and the other person are generally asked to each complete a *Relationship Details* form about the five factors.
2. You and the other person may be contacted by phone or in writing to clarify information.
3. If required, written contact may be made with other parties, for example, your real estate agent, employers or financial institutions to obtain additional information.

Requests for information from other parties are made by letter and only name the person about whom the request relates.

Your privacy and confidentiality is protected in line with legislation.

## I am separated but living with my former partner. Am I a member of a couple?

Being 'separated under one roof' can occur when a relationship has broken down and the parties have separated on a permanent basis, but still live at the same address. These circumstances may include where:

- you have separated from your partner, but neither has moved to a different address
- your previous partner has returned to reside with you, **or**
- the nature of the relationship has fundamentally changed.

When you are separated under one roof a member of a couple assessment will be undertaken. Centrelink may ask:

- why you continue or have resumed living at the same address
- how your relationship has changed since you were a member of a couple
- whether you share the same bedroom
- whose name is on the lease or mortgage papers, and why
- how the household bills are paid, and why
- whether any legal action has been taken in relation to the ending of your relationship
- what your plans are for the future, including whether you plan to continue living with the other person despite your separation, and why e.g. whether there are cultural reasons or care needs.

The five factors, discussed earlier, are considered when determining whether or not a member of a couple relationship has broken down. Your overall situation is considered including your circumstances and reasons you may have for continuing to live with your ex-partner.

## What are multiple relationships?

Multiple relationships are when you have multiple concurrent relationships with other people, who may be of the opposite-sex or same-sex, and each relationship is considered to be the same as being a member of a couple. A family group could include a customer with multiple male or female partners.

A separate member of a couple assessment is undertaken for each relationship and a person can be considered to be in a member of a couple relationship with more than one person at any time.

## What can I do if I believe the decision to treat me as a member of a couple will cause me unfair hardship?

You can ask Centrelink to consider whether there is a special reason for you **not** to be treated as a member of a couple under Section 24 of the *Social Security Act 1991*. This can only be done after it has been affirmed that you are a member of couple.

Each request is assessed on a case-by-case basis. A special reason may exist if treating you as a member of a couple would result in you being unable to provide for the basic necessities of life due to an inability to pool resources with your partner as a result of circumstances that are unusual and outside your control.

If you are not treated as a member of a couple you will be paid the single rate and your partner's income and assets will not affect your payments.

## Assets test hardship provisions

If the combined assets of you and your partner disqualify you from payment and you are in severe financial hardship because one or more of those assets cannot be sold or borrowed against, you may qualify for payment under the assets test hardship provisions.

For more information see the *Hardship Information* factsheet. This is available by visiting [www.centrelink.gov.au](http://www.centrelink.gov.au) or by calling Centrelink or asking at a Centrelink Customer Service Centre.

## What happens if I do not advise that I am a member of a couple?

You are required to advise Centrelink or the Family Assistance Office if you are a member of a couple. If you fail to do so you may incur a debt and have to repay money.

Prosecution action may be considered if you have deliberately misrepresented your circumstances.

## Privacy

Centrelink and the Family Assistance Office take your privacy very seriously. Our staff are trained to ensure that information about your relationship is protected from unauthorised access or misuse.

For more information see the *Your Right to Privacy* factsheet. This is available by visiting [www.centrelink.gov.au](http://www.centrelink.gov.au) or by calling Centrelink **13 6280** or asking at a Centrelink Customer Service Centre.

## Reviews and appeals

If you are not happy with a decision made by Centrelink, you have the right to question it.

You also have the right to ask for a review by an Authorised Review Officer.

If Centrelink's decision to treat you as a member of a couple has resulted in a reduction or cancellation of your payment, you may ask Centrelink to consider paying you at the single rate during the review.

The review and appeal process is explained in the *Reviews and Appeals* factsheet. This is available by visiting [www.centrelink.gov.au](http://www.centrelink.gov.au) or by calling Centrelink or asking at a Centrelink Customer Service Centre.

## How to find out more

<b>Employment Services</b>	<b>13 2850</b>
<b>Youth and Student Services</b>	<b>13 2490</b>
<b>Family Assistance Office</b>	<b>13 6150</b>
<b>Disabilities, Sickness and Carers</b>	<b>13 2717</b>
<b>Retirement Services</b>	<b>13 2300</b>
<b>Indigenous Call Centre</b>	<b>13 6380</b>
<b>In languages other than English</b>	<b>13 1202</b>
<b>Same-Sex Reform Enquiry Line</b>	<b>13 6280</b>
<b>Customer Relations</b>	<b>Freecall™ 1800 050 004</b>
(suggestions, complaints and compliments)	
<b>TTY* payment enquiries</b>	<b>Freecall™ 1800 810 586</b>
*TTY is only for people who are deaf or have a hearing or speech impairment. A TTY phone is required to use this service.	
<b>Australian Government Services</b>	
<b>Fraud Tip-off Line</b>	<b>13 1524</b>

Go to our website at [www.centrelink.gov.au](http://www.centrelink.gov.au)

Check the 'we speak your language' link on Centrelink's website for information in languages other than English.

**Note:** calls from your home phone to Centrelink "13" numbers from anywhere in Australia are charged at a fixed rate. That rate may vary from the price of a local call and may also vary between telephone service providers. Calls to "1800" numbers from your home phone are free. Calls from public and mobile phones may be timed and charged at a higher rate.

## Disclaimer

The information contained in this publication is intended only as a guide. The information is accurate as at July 2009. If you use this publication after that date, please check with Centrelink that the details are current.