

Same-Sex Law Reform – summary of reforms by agency

The Australian Government introduced reforms in 2008 to remove discrimination to enable same-sex couples and their children to be recognised by Commonwealth law. The reforms aim to ensure that same-sex couples and their families are recognised and have the same entitlements as opposite-sex de facto couples.

The reforms amend 84 Commonwealth laws to eliminate discrimination against same-sex couples and their children in a wide range of areas, including social security, taxation, Medicare, veteran's affairs, workers' compensation, educational assistance, superannuation, family law and child support.

In addition, the Government's Fair Work legislation, which recently passed through both houses of parliament, amends the definition of 'de facto partner' to ensure that minimum statutory entitlements to carer's leave, compassionate leave and parental leave will apply to members of same-sex couples.

For an overview of the package of reforms see www.ag.gov.au/samesexreform

The following table provides an overview of the areas of reform, including implementation dates for each area of reform and links to further information.

Aged Care	
Summary of Change	A member of a same-sex de facto relationship will be treated equally to members of an opposite-sex couple in the income and assets tests for entry into permanent residential aged care.
Implementation Date	1 July 2009
Customer Enquiries directed to:	1800 500 853
Website	www.ag.gov.au/samesexreform

Australian Government Hearing Services Program	
Summary of Change	A member of a same-sex de facto relationship and any dependant children will be treated equally to members of an opposite-sex couple in determining eligibility for the Hearing Services Program.
Implementation Date	1 January 2009
Customer Enquiries directed to:	Client Contact Line 1800 500 726 (free call within Australia) Email: hearing@health.gov.au
Website	www.health.gov.au/hear

Child Support	
Summary of Change	The members of same-sex de facto relationships and their children are recognised for child support purposes.
Implementation Date	1 July 2009
Customer Enquiries directed to:	13 12 72
Website	www.csa.gov.au

Citizenship	
Summary of Change	Members of same-sex de facto relationships will have the same entitlements and responsibilities as members of opposite-sex de facto relationships.
Implementation Date	15 March 2009
Customer Enquiries directed to:	13 18 80
Website	www.citizenship.gov.au

Fair Work Legislation	
Summary of Change	Minimum statutory employment entitlements provided for in the National Employment Standards (NES) to parental leave, carer's leave and compassionate leave will extend to same-sex de facto couples.
Implementation Date	The NES commence on 1 January 2010
Customer Enquiries directed to:	Workplace Infoline: 1300 363 264
Website	www.deewr.gov.au

Immigration	
Summary of Change	Members of same-sex de facto relationships will have the same entitlements and responsibilities as members of opposite-sex de facto relationships.
Implementation Date	1 July 2009
Customer Enquiries directed to:	13 18 81
Website	www.immi.gov.au

Medicare Safety Net	
Summary of Change	Members of a same-sex de facto relationship and any dependant children are able to be recognised as a family for Medicare Safety Net purposes.
Implementation Date	1 January 2009
Customer Enquiries directed to:	Phone: 13 20 11 In person: Medicare Offices Email: medicare@medicareaustralia.gov.au Write: Medicare Australia GPO Box 9822 In your capital city
Website	www.medicare.gov.au Go to 'Services and Programs' for information on safety net.

Pharmaceutical Benefits Scheme Safety Net	
Summary of Change	Members of a same-sex de facto relationship and any dependant children are able to use the PBS Safety Net as a family.
Implementation Date	1 January 2009
Customer Enquiries directed to:	PBS Information Line 1800 020 613 (free call within Australia) Email: pbs@health.gov.au
Website	www.health.gov.au/pbs

Social Security and Family Assistance – Centrelink and Family Assistance Office Payments	
Summary of Change	Customers in a same-sex de facto relationship and their children will be recognised for Centrelink and Family Assistance purposes. Centrelink customers who are a member of a couple will be assessed on the income and assets of both the customer and partner and paid at the partnered rate of payment. Family Assistance customers who are a member of a couple will be assessed on the income of both the customer and partner. From 1 July 2009, customers in a same-sex de facto relationship must notify Centrelink or the Family Assistance Office of their relationship. From 1 July 2009 separated parents who have children from a same-sex relationship are able to apply for child support, and will be required to do so to get more than base rate of Family Tax Benefit Part A.
Implementation Date	1 July 2009
Customer Enquiries directed to:	13 62 80
Website	www.centrelink.gov.au

Tax and Superannuation	
Summary of Change	<p>Members of same-sex de facto relationships and their families will be treated the same way as married or opposite-sex de facto relationships for tax purposes.</p> <p>Members of same-sex de facto relationships and their children will be able to be recognised by private sector superannuation trustees.</p>
Implementation Date	<p>1 July 2009</p> <p><i>Superannuation Industry (Supervision) Act 1993 – 1 July 2008</i></p>
Customer Enquiries directed to:	13 28 61 – personal tax enquires
Website	<p>www.ato.gov.au</p> <p>Superannuation information is available on 'New Legislation' page.</p>

Veterans' Affairs	
Summary of Change	Members of same-sex de facto relationships are recognised for pension, including war widow's pension purposes.
Implementation Date	Generally 1 July 2009 but Royal Assent for claims under the <i>Safety, Rehabilitation and Compensation Act 1988</i> .
Customer Enquiries directed to:	13 32 54
Website	www.ag.gov.au/samesexreform