

ALMOST EQUAL

**A GUIDE FOR COMMUNITY LEGAL CENTRE
LAWYERS TO THE 2008 CHANGES TO
COMMONWEALTH LAWS AFFECTING
SAME SEX COUPLES**

A PUBLICATION OF THE LGBTI NETWORK

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PART 1:

INTRODUCTION

In 2003, the United Nations Human Rights Committee found that the Australian Government had discriminated against Edward Young, because they denied him a war widower's pension, solely because of his sexuality. Following on from this, the Australian Human Rights Commission conducted an inquiry into financial and work-related discrimination against same sex couples and their children. The *Same Sex, Same Entitlements* report was released in May 2007.

In 2008, the Commonwealth Government passed the *Family Law Amendment (De Facto Financial Matters and Other Measures) Bill*, the *Same Sex Relationships (Equal Treatment in Commonwealth Laws - Superannuation) Bill*, the *Same Sex Relationships (Equal Treatment in Commonwealth Laws - General Law Reform) Bill* and the *Evidence Amendment Bill*.

These bills removed discrimination against same sex de facto couples in a number of different areas, meaning that all de facto couples are now equal under Commonwealth laws.

This publication will focus on federal laws as they apply across Australia, and provide information for lawyers at community legal centres to advise their clients about how these changes will affect them. Different state and territory governments will have different laws around recognising relationships and children, and you should check the relevant state or territory legislation.

Please note that this guide focuses on issues for people in 'same sex relationships'. These reforms may affect transgender and intersex people who are not in same sex relationships, and you should be aware of this when advising transgender or intersex people.

PART 2:

DEFINITION OF 'DE FACTO PARTNER'

Legislation: *Acts Interpretation Act 1901*

Under Commonwealth law, there is a new definition of 'de facto partner'. This definition applies to legislation that refers to this definition. This definition is gender neutral and includes all couples.

There are two circumstances in which a person is considered a de facto partner:

1. If the couple are in a registered relationship under a prescribed state or territory law (currently, only ACT, Victoria and Tasmania have a relationship recognition scheme).
2. If they are in a 'de facto relationship'. Someone is in a de facto relationship with another person if they:
 - are not legally married;
 - not related to each other by family; or
 - have a relationship as a couple living together on a genuine domestic basis.

All circumstances are taken into account when deciding whether someone is in a de facto relationship, and no one factor is necessary. The factors to be taken into account include:

- the duration of the relationship;
- the nature and extent of a common residence;
- whether there is a sexual relationship;
- the degree of financial interdependence and any arrangements for financial support;
- the ownership and use of common property;
- the degree of mutual commitment to a shared life;
- the care and support of children; and
- the reputation of the relationship.

Exclusions

The provisions of Australian State and Territory laws that provide for registration of 'caring' or 'interdependent' relationships will not be recognised as kinds of relationships that will be taken to be a registered relationship.

Overseas Registered Relationships

Registered relationships that are issued in other countries will not be recognised in Australia as they are not prescribed by Australian States and Territories. However, if overseas registrations are produced as evidence, they will be viewed as a strong indicator that the people registered (whether of the same sex or a different sex) are in a de facto relationship.

Local Government Registered Relationships

Registered relationships that are issued in Australia under other registration schemes e.g. City of Sydney registry, will not be recognised as they are not under a prescribed law of a State/Territory. However, if local government registrations are produced as evidence, they will be viewed as a strong indicator that the people registered (whether of the same sex or a different sex) are in a de facto relationship.

PART 3:

FAMILY LAW

a. Relationship Recognition

Legislation: *Marriage Act 1961*

Since the 2008 amendments, same sex de facto couples are now treated no differently to opposite sex de facto couples in most situations; however, marriage continues to be limited to “the union of a man and a woman”¹. Section 88EA of the *Marriage Act 1961* explicitly states that marriages between same sex couples that occur under a valid overseas law are not recognised in Australia.

This means that even if a couple were legally married in another country they can only be treated as a de facto couple under Australian law, and even then, they will need to meet the conditions for de facto relationships (as set out above).

In the ACT², Tasmania³ and Victoria⁴ a same sex relationship can be registered under the law of the state or territory. These registered relationships are a way to have the relationship formally recognised and makes it clear that the couple are in a domestic relationship for the purposes of other laws. In other states, there is no provision to formally recognise or register a same sex relationship.

b. De Facto Property

Legislation: *Family Law Act 1975*

Before the recent reforms, matters relating to the division of property and spousal maintenance when a de facto relationship ended were dealt with in state and territory courts under the relevant state and territory laws. A number of states and territories referred power to the Commonwealth to deal with financial matters arising out of the breakdown of a de facto relationship. The Federal Government then enacted amending legislation⁵ so that these matters are now dealt with under the *Family Law Act 1975* (“FLA”).

A definition of 'de facto relationship' has been inserted into Section 4AA of the *FLA*, which includes a list of circumstances that the court can use to make a determination about whether or not a de facto relationship exists. Same sex couples are explicitly included in the definition of “de facto relationship”.⁶ at Section 4AA(5).

The new provisions came into force on 1 March 2009. Proceedings relating to a relationship that breaks down on or after this date must be commenced under the *FLA*. Relationships that ended prior to 1 March 2009 will be dealt with under the previous law of the relevant state or territory unless both parties choose to “opt-in” to the new regime.

An application for alteration of property interests or spousal maintenance must be made under the new laws within 2 years from the date the relationship ended. After this time leave of the court must be sought on hardship grounds (Section 44(6)).

To be eligible to make an application under the *FLA* at least one of the following four conditions must be established before the court can deal with the matter:

1. A relationship of at least 2 years; or
2. A child of the relationship (as defined in s 90RB); or
3. A substantial contribution made by one of the parties such that failure to make an order would result in serious injustice; or
4. A relationship that has been registered under a prescribed State or Territory law.

In some cases it may be necessary to apply for a declaration as to the existence of a de facto relationship under Section 90RD. The process is similar to applying for a declaration as to the validity of a marriage.

Since not all states have referred powers, the courts can only deal with an application if the parties establish a geographical connection to a participating jurisdiction under Section 90SD. Participating jurisdictions are the Territories and the referring states. At present all states apart from South Australia and Western Australia have referred powers to the Commonwealth.

¹ Section 5 *Marriage Act 1961* • ² Civil Partnership Act 2008 (ACT) • ³ Relationships Act 2003 (TAS) • ⁴ Relationships Act 2008 (Vic) • ⁵ Family Law Amendment (De Facto Matters and Other Measures) Act 2008 • ⁶ at Section 4AA(5).

The geographical requirement can be met if:

1. at least one of the parties is ordinarily resident in a participating jurisdiction when the proceedings are commenced; **and**
2. that either:
 - a. both parties must have lived in a participating jurisdiction for at least one third of the relationship; **or**
 - b. a substantial contribution to the property or finances of the relationship or the welfare of the family was made in a participating jurisdiction.
3. Alternatively, an application can be made if both parties were residing in a participating jurisdiction when the relationship broke down.

The amending *Act* has inserted new provisions into the *FLA* without greatly restructuring of the *Act*. Essentially, a new “de facto financial cause” has been inserted into the *Act* as Part VIIIAB, which substantially mirrors the existing Part VIII provisions for financial relief following breakdown of a marriage. Those with knowledge of the existing Sections 75, 79 and 90 provisions will be on familiar ground, but should note that the new terms are not identical. Amendments were also made to Part VIIIB to extend superannuation splitting to de facto relationships.

c. Maintenance

Legislation: Family Law Act 1975

The Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008 amended Section 18 of the *Family Law Act 1975* to include the liability of a party to a de facto relationship to pay periodic maintenance to the other party of the de facto relationship as a registrable maintenance liability. This liability can be registered with the Child Support Agency (CSA). This took effect from 1 March 2009 and applies to maintenance liabilities arising on or after that date.

WA ex-nuptial cases

This amendment does not yet apply to WA ex-nuptial cases. The CSA cannot register a

de facto maintenance liability for WA ex-nuptial cases.

Who can apply for de facto maintenance?

From 1 March 2009 a party to a de facto relationship that has broken down can apply for maintenance (section 90SE *FLA*). A court can only make an order if satisfied that at least one of the following conditions exists (section 90SB *FLA*):

- the relationship was of at least two years duration; or
- there is a child of the relationship; or
- the applicant made substantial contributions to the relationship and a failure to make the order would result in serious injustice to the applicant; or
- that the relationship is or was registered under a prescribed law of a State or Territory.

Party to a de facto relationship

A person is in a de facto relationship with another person if (section 4AA *FLA*):

- the persons are not legally married to each other; and
- the persons are not related by family; and
- having regard to all the circumstances of their relationship, they have a relationship as a couple living together on a genuine domestic basis.

This definition of de facto relationship includes relationships between two persons of different sexes and relationships between two persons of the same sex (section 4AA(5) *FLA*).

From whom can de facto maintenance be claimed?

De facto maintenance can be claimed from the other party to the de facto relationship (Section 90SF of the *FLA*). Under Section 90SS of the *FLA* a court can make various orders regarding maintenance including orders for lump sum payments, transfer of property and periodic payments. It is only orders for periodic payments (Section 90SS(1)(b) *FLA*) that can be registered for enforcement by CSA.

How can a de facto maintenance order be changed?

A court can vary a de facto maintenance order in further proceedings between the parties about de facto maintenance (section 90SI *FLA*).

When does a de facto maintenance order end?

Section 90SJ of the *Family Law Act* provides that a de facto maintenance order ends:

- when the payee (i.e. the party entitled to receive the maintenance) dies; or
- if the payee marries, (unless a court orders that payments should continue because of special circumstances); or
- when the payer dies.

How can I recognise a de facto maintenance order?

A de facto maintenance order typically has a clause similar to: 'Party A is to pay de facto maintenance to Party B in the sum of \$100 per week'.

d. Parenting Recognition

Legislation: Family Law Act 1975

The laws around who is legally recognised as a child's parent are dealt with by state legislation⁷ and the *Family Law Act 1975* ("*FLA*"). Rather than providing a definition of a 'parent', the *FLA* provides presumptions of parentage, which give us the tools to work out who a child's parents are.

The Federal Government's changes to the *FLA* that recognise children born or adopted by same sex couples commenced on 1 March 2009. There were three significant changes in relation to children in the amendments:

1. The explicit inclusion of same-sex couples in the definition of 'de facto partner';
2. Inclusion of same-sex couples in the presumption of parentage arising out of artificial conception procedures; and
3. Recognition surrogacy arrangements made under state or territory surrogacy legislation.

The first was the inclusion of same-sex couples in the definition of 'de facto partner' for the purpose of identifying a person's relationship to children who have been adopted or born as a result of artificial conception procedures or surrogacy. Section 60HA provides guidelines about when a child is the child of de facto partners.

The second significant amendment was to the presumption of parentage arising out of artificial conception procedures in Section 60H. This section now recognises as a parent the de facto partner of a woman who has a child by way of an artificial conception procedures.

This is a significant change that gives lesbian couples parental responsibility and recognition from the outset. Prior to these reforms if the non-biological parent was to have parental responsibility, it was necessary for the couple to obtain consent orders. This situation also led to some unfortunate scenarios upon breakdown of the relationship where the non-biological parent had to prove that they had a significant relationship with the child and should be awarded parental responsibility.

Note also that where states have recognised same-sex couples as parents, the presumptions of parentage contained in Sections 69R and 69S will recognise someone who would be a parent under state law as a parent under the *FLA*. (Such as the NSW government's 2008 changes to the *Status of Children Act 1996* (NSW) recognising as a parent the lesbian de facto partner of a woman to whom a child is born as a result of artificial insemination.)

The third change deals with children born under surrogacy arrangements that take place in Australia. Under Section 60HB the people who intend to be the child's parents according to the surrogacy arrangement can be recognised as the child's parents if an order has been made under a prescribed state or territory law. The current effect of this section is to recognise surrogacy arrangements made under Section 21 of the *Surrogacy Act 2008* (WA) or Section 26 of the *Parentage Act 2004* (ACT).

In other jurisdictions the operation of Section 60H means that the parents of the child will be the

⁷ Different state/territory acts are Status of Children Act 1996 (NSW)

presumed to be the surrogate mother and her married or de facto partner.

Note: The Standing Committee of Attorneys-General is currently conducting a review into surrogacy laws. The law in this area may change in the future.

e. Adoption

The laws about who can adopt children varies dramatically from state to state, with some states and territories treating people in same sex relationships no differently to opposite sex couples who wish to adopt, while other states overtly discriminate.

In Western Australia⁸ and the Australian Capital Territory⁹ couples in same sex relationships are not discriminated against in the relevant legislation.

In Tasmania same sex couples are able to adopt a partner's child,¹⁰ but New South Wales, Victoria, Queensland, South Australia and the Northern Territory do not allow "step-parent" adoption by same-sex couples.

Apart from the ACT, WA and Tasmania, all other states and territories do not allow people in same sex relationships to adopt children as a couple.

In NSW, there is no prohibition on gay or lesbian people adopting as an individual. This may also be possible in the Northern Territory, Queensland, Tasmania and Victoria, but only if a court is satisfied that there are special circumstances. The difficulty with individuals seeking to adopt alone is that they are generally less desirable than a couple and given the very low number of adoptions in Australia each year¹¹, adopting as an individual is incredibly hard.

At the time of writing, changes to adoption laws are being considered in Queensland and NSW. Under the current legislation in Queensland¹² prospective adoptive parents must be married, although at the time of writing a Bill¹³ introduced in February 2009 proposes to extend this to opposite sex de facto couples. In NSW a government standing committee recently established an inquiry into adoption by same sex couples with a report due later in 2009.

f. Child Support

Legislation:

- *Child Support (Assessment) Act 1989*
- *Child Support (Registration & Collection) Act 1988*

From 1 July 2009 a parent of a child in a same sex relationship, which has broken down, can apply for child support from the other parent. The new criteria for being liable for child support is based on definitions from the *Family Law Act 1975*. (See page 6 on Parenting Recognition). Applications can only be accepted after 1 July 2009.

Couples who have separated before 1 July 2009 can apply for child support. A parent cannot make an application for child support to be back-dated to before 1 July 2009.

Step-parents

Under the definitions in the *Family Law Act 1975*, a step-parent is defined as a person who:

- is not a parent of the child;
- is or has been married to or a de facto partner of a parent of the child; or
- treats or has treated the child as a member of the family formed with the parent.

The new s60EA provides that a relationship of step-parent is created immediately, if a relationship between a person and another person (whether of the same sex or a different sex) is registered under a new prescribed law of a State or Territory.

A step-parent may have a duty to maintain a step-child if an order is made under s66M of the *Act*.

As from 1 July 2008 a step-child can be treated as a resident child for the purposes of assessing child support, if no-one else can financially support that step-child (s117(10) of the *Child Support (Assessment) Act*).

⁸ Adoption Act 1994 (WA) • ⁹ Adoption Act 1993 (ACT) • ¹⁰ Adoption Act 1988 (TAS)

¹¹ The AIHW reported that there were 440 local adoptions in NSW in the year 2007-2008: Australian Institute of Health and Welfare (2009), *Adoptions Australia 2007-08*. Child welfare series No. 46. Cat. No. CWS 34. Canberra: AIHW • ¹² Adoption of Children Act 1964 (Qld)

¹³ Adoption Bill 2009 (Qld)

PART 4:

SOCIAL SECURITY PAYMENTS AND CENTRELINK

Legislation: *Social Security Act 1991*

As of 1 July 2009, the 'de facto' definition will apply to people claiming Social Security payments and those already receiving benefits on that day.

This means that some people in same-sex de facto relationships will have their Social Security or Family Assistance payments reduced or cancelled as a result of being newly assessed as a member of a couple from 1 July 2009. Some people in same-sex relationships may have new entitlements because income and assts test thresholds are higher in couples.

a. Applying the 'De Facto' Definition

Section 4(2) of the *Social Security Act 1991* (Cth) provides the definition of a 'member of a couple' as:

- someone who is legally married to a person and not living separately and apart from them; or
- a relationship is registered under a state or territory law and the couple is not living separately and apart; or
- the person is in a de facto relationship.

While Section 4(3) of the *Social Security Act 1991* (Cth) provides that in forming an opinion about the relationship regard is to be given to all the circumstances of the relationship including, in particular, the following matters:

- (a) the financial aspects of the relationship;
- (b) the nature of the household, including;
- (c) the social aspects of the relationship;
- (d) any sexual relationship between the people;
- (e) the nature of the people's commitment to each other.

Separated couples

If a person thinks they may not be a member of a couple because they have separated from their partner, the same list of questions can be used to show that the relationship has broken down or changed. They should consider what the relationship was like before and after the separation, and whether and why things have or have not changed. There may have been an event that caused the relationship to change, or a gradual change. Explaining these changes to Centrelink can be particularly important if they continue to live in the same house with their ex-partner. Centrelink may call this 'separated under the one roof'.

If they have separated but still live with their ex-partner, Centrelink may ask them to provide independent evidence (eg; from doctors, counselors, or community leaders) that the relationship has broken down. This information may be difficult to obtain. There is no legal requirement to produce this type of evidence but it can be helpful in assisting Centrelink to make a decision. Centrelink may also indicate that a person cannot be treated as single unless one of the parties moves. This may not be so. If they must continue living together, or they choose to do so in spite of the separation, they will need to explain the reasons for this to Centrelink.

The factors

Whether a person is being assessed as being in a de facto relationship or separated, questions about the same factors will need to be addressed. These questions are weighed and a decision is made by Centrelink as to whether they consider there to be a de facto relationship existing or not.

These factors were set out in *Re Tang and Director of Social Services* (1981) and recast in *Staunton-Smith and Secretary, Department of Social Security* (1991) 32 FCR 164 (65 SSR 925), and this case was cited as authority for the proposition that "s4(3) does not contain an exhaustive list of criteria to be addressed when determining whether a 'marriage-like relationship'¹⁴ exists...and the weight to be given to each factor will vary depending on the circumstances involved..."

¹⁴ Now 'de facto' relationship

If Centrelink make a decision that there exists a de facto relationship, payments will be adjusted based on that decision. If the decision is disputed, it can be appealed (see appeal rights on page 11). The following questions can be used as a guide. Factors marked ⊗ carry considerable weight.¹⁵

Financial arrangements

- Do you provide financial support for each other? If so, why?
- Do you have any joint accounts or credit cards? ⊗
- Do you have a joint loan or have you applied jointly for any loan? ⊗
- Whose name is the telephone/electricity/gas in?
- Who pays the bills and how do you work out contributions?
- Do you jointly own assets, eg; your home, an investment property, car, furniture? ⊗
- Do you know about each other's financial affairs?
- Are either of you listed as a dependent spouse/partner for tax or Medicare? ⊗
- Has either of you named the other person as a beneficiary in your will or superannuation?
- Do you lend or give each other money? Why?
- If the other person lost their job or had no income, would you feel obliged to them? For how long? Why?

Accommodation and domestic arrangements

- How long have you lived there?
- Have you lived together at other places?
- Why did you first decide to live at the same address?
- Has the way you live together changed since you first lived together?
- Do you intend to continue living together in the future? If so, why?
- Do you have separate bedrooms or living areas? ⊗
- Whose name is the lease or mortgage in?
- How do you arrange your domestic chores?
 - cooking
 - shopping
 - cleaning
 - laundry
 - ironing
 - lawn-mowing
- If you do not live at the same address, is this temporary or permanent? Why?

Social relationship

- Do you share the same circle of friends?
- Do you tell each other where you are daily or what you are doing when you go out?
- Do you frequently go out together or do you regularly go out separately? ⊗
- Do either of you have a girlfriend or boyfriend? ⊗
- Do you visit each others families? If not, why?
- Would your friends and family consider you a couple? Do you correct them? ⊗
- Do you conceal your relationship from friends, family or employers. If so, why?
- Do your family or friends make plans for you as a couple? ⊗
- Have you ever let a government department, real estate agency or bank assume you are a couple? ⊗
- Do you use the same family name?
- Do you take holidays together?

¹⁵ These questions drawn from the National Welfare Rights Network Factsheet Marriage-like relationships, de facto relationships and Centrelink, March 2009.

Sexual relationship

- Do you have a continuing sexual relationship with each other? ¹⁶
- Does either of you have a sexual relationship with anyone else?

Relationship with children

If one of you has children:

- is the person you live with the parent or guardian of the child(ren) in your household?
- do you share parenting activities, eg; feeding, dressing, disciplining, transport?
- who are the emergency contacts for the child(ren)'s school or child-care?

Commitment to each other

- How long have you been in the relationship?
- Is the relationship stronger than an ordinary friendship? In what way?
- Do you believe the relationship will continue?
- Who do you talk to when you have a problem?
- If you suddenly got sick, who would you call?
- Have you made long-term plans involving the other person? ⊗
- Do you think you are likely to marry? Why?
- Do you think your relationship is like a legal marriage or de facto marriage? ⊗ If not, why?¹⁷

b. Centrelink Investigations

If Centrelink form a suspicion that someone is receiving the incorrect payment, they may investigate. Some of the sources of that suspicion may be:

- someone phones Centrelink with information (tip-off);
- figures obtained from the Tax Office do not correlate with earnings declared; or
- Random audits.

Centrelink may write a letter or phone requesting an interview or they might ask a lot of questions over the phone. A Centrelink officer can interview a client and the person they think may be in a de facto relationship with that client. If the client refuses to answer questions their payments might be suspended or reduced. If this happens there are appeal rights (see page 11).

To investigate a situation, Centrelink may contact banks, employers, Australia Post, telephone companies, motor transport authorities, and government departments like Immigration or Tax. There are also data-matches between Centrelink and some agencies. These investigations are to find out whether the subjects have indicated that they live as a couple to other agencies, and to check how long they have shared addresses.

Practical advice to clients

If a Centrelink officer visits a client's home, they do not have to let them in, but they may choose to do so. The Centrelink officer cannot demand to have the interview in the client's home. The client has the right to have the interview at a Centrelink office.

If Centrelink asks a client to provide a signed statement, the client has at least seven days to consider this. They should make sure any statement they provide is completely accurate before signing, and should get help from a Welfare Rights advocate if they are unsure.¹⁸

It is important to accurately and honestly notify Centrelink of living arrangements. If Centrelink decides that a client is living in a de facto relationship on the basis of that information, they can appeal if you disagree (see next page). Providing false information may result in a debt and prosecution.

¹⁶ The presence of a sexual relationship is a factor, but the absence of a sexual relationship is not considered definitive of a relationship at all.

¹⁷ How the parties consider themselves is a factor that is discussed in *Re Erdmann and SDSS* (1996) AATA 11847, especially self serving evidence.

¹⁸ For more information on visits, see the Factsheet "Centrelink home visits and your rights" on the Welfare Rights Network website.

c. Appealing a Centrelink Decision

ODM/ARO review

In the first instance, if Centrelink have made a decision about a client's relationship status (or any other decision they do not agree with) either they or their advocate on their behalf can simply tell Centrelink that they are not happy with its decision and that they would like to appeal to the Original Decision Maker (ODM) and, if unchanged, to an Authorised Review Officer (ARO).

It is best to lodge an appeal in writing and a copy of the appeal letter kept. It is possible, however, to lodge an appeal over the telephone. There is no requirement to outline any reasons why the decision is appealed (except that it is not agreed with).

The ARO is a senior officer in Centrelink who has the power to change the original decision. Many people are successful at this level.

Social Security Appeals Tribunal (SSAT)

If Centrelink affirms their decision that a client is a member of a couple and the client disagrees with the decision, or are unsure whether it is correct, the next level of appeal is to the Social Security Appeals Tribunal (SSAT).

If a client is appealing against Centrelink's decision to cancel a Social Security payment on the basis of membership of a couple, they can ask Centrelink to continue to pay them while the review is being conducted. This is called "payment pending review". These payments may have to be paid back if the appeal is lost.

The SSAT is independent of Centrelink, however some Tribunal members have sometimes had roles as AROs or other positions at Centrelink. This does not automatically mean they are prejudiced one way or the other; it means they have strong knowledge of the *Social Security Act 1991* and its workings.

The SSAT hearing usually involves two Tribunal members, a client and their advocate. It is often advisable to write submissions addressing the criteria (see page 9 and 10) that applies, and give reasons why the criteria does not apply to the client overall. These submissions give a background for the tribunal members to have in their mind about a client's side of the story - where without them they will only have papers prepared by Centrelink to support their claim that the client is in a de facto relationship. Submissions also provide a background for a client when asked questions by the Tribunal.

The SSAT will generally make a decision based on the material before them (another reason to provide written submissions) on the same day. They are required to forward their written decision to a client and their advocate within 14 days.

General ARO/SSAT rules

A Centrelink decision may be appealed to an ARO or to the SSAT at any time. However, to receive back pay from the date the client was affected by the original decision, they must appeal to an ARO within 13 weeks of receiving written notice of the original decision. An appeal to the SSAT must be filed within 13 weeks of receiving notice of the ARO decision to receive back pay (except for Family Tax Benefit). If a client appeals more than 13 weeks after receiving the notice and they are successful, they will only receive back pay from the date they appealed.

Different rules generally apply to appeals to the ARO and the SSAT regarding Family Tax Benefit assessments.¹⁹

No time limits apply for an appeal to an ARO or to the SSAT about a debt only. This means that if the appeal is successful, and the debt is cancelled or recovery waived, the client may be entitled to a refund of the amount they have paid back to Centrelink.

¹⁹ see the Factsheets "Family Tax Benefit" and "Family Tax Benefit and estimating your income" (Welfare Rights network website).

Administrative Appeals Tribunal (AAT)

If a client is not satisfied with the SSAT decision, they can appeal to the Administrative Appeals Tribunal (AAT). Centrelink can also appeal against the SSAT decision to the AAT. The appeal needs to be filed within 28 days of receiving the SSAT decision in writing. This time limit can be extended in limited circumstances by order of the AAT. Once an appeal is lodged with the AAT, there are a number of processes to be followed before a hearing will take place.²⁰

d. Savings Provisions

Apart from ongoing lobbying from Welfare Rights and other groups to obtain some relief from hardship that will be visited on a class of people because of this legislation (eg; same-sex couple on disability or age pensions who have been discriminated against by denial of access to all other areas of benefit and will now have their social security payments severely reduced), there is one avenue of review open to those to which the effects of this legislation will cause significant hardship.

Section 24 – Hardship provisions

If a client's pension or allowance has been reduced or cancelled because of their partner's income, Section 24 of the *Social Security Act* may allow Centrelink to treat them and their partner as single where there is a "special reason" to do so.

If a client's situation is such that this section could apply, they can request that they be assessed under Section 24.

²⁰ For more information a copy of *Guide to the Social Security Jurisdiction*, April 2008, published by the Administrative Appeals Tribunal, can be obtained from the Registrar, Administrative Appeals Tribunal.

PART 5:

VETERANS' AFFAIRS

Legislation:

- **Veterans' Entitlements Act 1986**
- **Military Rehabilitation and Compensation Act 2004**

From 1 July 2009, same-sex de facto couples will be recognised as partnered for the purposes of the two above legislation. Same-sex partners of veterans who receive an income support payment may be entitled to partner service pension.

Partners of deceased members and veterans who were in a same-sex de facto relationship may be entitled to certain benefits including compensation.

Veterans' pension are broadly divided into:

1. Service Pension – an income support pension. It is income and asset tested. A partner of a service pensioner is eligible to receive a service pension.
2. War Widow Pension – a compensatory payment to the widow(er) and children of a veteran. It is not income or asset tested.
3. Disability Pension – compensatory payment for incapacities resulting from injury or disease being accepted as being war-caused or defence-caused. It is not income or asset tested.

The *Veterans' Entitlements Act 1986* (Cth) has a new definition of 'couples' to include same-sex de facto couples.

The term 'dependant' in the *Veterans' Entitlements Act 1986* (Cth) remained the same. It includes a child of the veteran, including same sex couples. A 'child' is defined to be a person who has not turned 16 or who is aged between 16 and 25 and is studying.

Section 5 of the *Military Rehabilitation and Compensation Act 2004* now defines 'partner' as

" a person of the opposite sex to the member in respect of whom at least one of the following applies:

- (a) if the member is a member of the Aboriginal race of Australia or a descendant of Indigenous inhabitants of the Torres Strait Islands – the person is recognised as the member's husband or wife by the custom prevailing in the tribe or group to which the member belongs;*
- (b) the person is legally married to the member;*
- (c) the person lives with the member as his or her partner on a bona fide domestic basis although not legally married to the member.*

The definitions of 'dependant' and 'child' have also been changed to include same sex couples and their children.

PART 6: TAX

Legislation:

- ***Income Tax Assessment Act 1936 (Cth)***
- ***Income Tax Assessment Act 1997 (Cth)***
- ***Medicare Levy Act 1986 (Cth)***

From 1 July 2009, the Australian Taxation Office (ATO) will treat all couples in the same way, regardless of gender. This means that same-sex de facto couples will be able to access a number of rebates and concessions that were previously only available to opposite-sex de facto couples and married couples. The amounts of tax that an individual may be liable to pay will also depend on whether they are (or have been) in a relationship, and whether they have dependent children or relatives.

New definition of Spouse

For tax purposes, a person's 'spouse' now includes:

- another individual (whether of the same sex or a different sex) with whom the individual is in a relationship that is registered under a State law or Territory law; and
- another individual who, although not legally married to the individual, lives with the individual on a genuine domestic basis in a relationship as a couple.²¹

Dependent Tax Offsets

An individual may be eligible to claim the dependent spouse tax offset if they have maintained their same-sex partner for some or all of the financial year. The ATO will consider that an individual has maintained their partner if:

- the individual lived in the same house as their partner; and/or
- the individual provided their partner with food, clothing and accommodation; and/or
- the individual helped their partner to pay for living, medical and educational costs.²²

The ATO can determine that an individual has maintained their partner even if the couple were temporarily separated. For example, if one partner went on holidays, or had to travel overseas for work or family reasons.

It may also be possible for an individual to claim a dependent tax offset in relation to their partner's dependent parents, or a dependent who is a child.²³ In this context, a child includes a stepchild or adopted child, a child of the individual's spouse, or someone who is a child of the individual within the meaning of the *Family Law Act 1975 (Cth)*.²⁴

Medicare Levy & Medicare Levy Surcharge

Same-sex partners were previously excluded from the definition of 'spouse', which meant that each partner in a de facto relationship had to meet the individual income threshold for the Medicare Levy and Medicare Levy Surcharge. From 1 July 2009, same-sex partners may be eligible for a reduction in the Medicare Levy and the Medicare Levy Surcharge based on their family income, which is calculated based on the income of both partners and consideration of any children they may have.²⁵

Relationship Breakdown

From 1 July 2009, individuals will be able to access favourable capital gains tax provisions when they transfer property to their same-sex partner upon breakdown of their de facto relationship. For example, if an individual transfers an asset to their partner they may be able to roll over the capital gains tax they might otherwise have been required to pay. It is important to note that a property transfer only attracts favourable tax treatment if the transfer is made pursuant to:

- a court order made under the *Family Law Act 1975 (Cth)* or a state or territory law relating to the breakdown of de facto relationships; or
- a binding financial agreement made in accordance with Part VIIIA of the *Family Law Act 1975 (Cth)*; or
- a written agreement made under a State or Territory Law relating to breakdown of de facto relationships.²⁶

²¹ *Income Tax Assessment Act 1997 (Cth)* s995.1 • ²² *Income Tax Assessment Act 1936 (Cth)* s159J.

²³ *Income Tax Assessment Act 1936 (Cth)* s159J • ²⁴ *Income Tax Assessment Act 1997 (Cth)* s995.1.

²⁵ *Medicare Levy Act 1986 (Cth)*, s 8. See also Australian Taxation Office, *What is the Medicare levy?* <http://www.ato.gov.au/individuals/content.asp?doc=/content/17482.htm&pc=001/002/030/003/001&mnu=&mf=&st=&cy=1>, viewed 5 June 2009.

²⁶ See: *Income Tax Assessment Act 1997 (Cth)*, ss 126-5(1), 126-15(1).

PART 7: SUPERANNUATION

Legislation:

- ***Superannuation Industry (Supervision) Act 1993 (Cth)***
- ***Retirement Savings Accounts Act 1997 (Cth)***
- ***Income Tax Assessment Act 1997 (Cth)***
- ***Family Law Act 1975 (Cth)***

From 1 July 2009, Commonwealth superannuation laws changed concerning the availability and tax treatment of superannuation death benefits to same-sex partners and their children. These amendments will generally have retrospective effect.

Definition of Spouse

Previously, same-sex partners did not come within the definition of 'spouse' in superannuation law. Rather, the same-sex partner of a member of a private superannuation fund was only eligible to receive superannuation death benefits if he or she could establish an 'interdependent relationship' with, or financial dependence on, their deceased partner. The *Act* has now amended the definition of 'spouse' in the *Superannuation Industry (Supervision) Act 1993 (Cth)* to state that a same-sex partner will be recognised as his or her partner's spouse if:

- a. the couple have registered their relationship under a State or Territory Law; or
- b. the couple are living together on a genuine domestic basis in a relationship as a couple.²⁷

Definition of Child

Previously, 'child' was defined to include an adopted child, step-child or ex-nuptial child.²⁸ The definition of "child" has now been amended to include:

- a. an adopted child, a step-child or an ex-nuptial child of the person; and
- b. a child of the person's spouse; and
- c. someone who is a child of the person within the meaning of the *Family Law Act 1975 (Cth)*.²⁹

This expanded definition means that the *Act* is more likely to recognise the relationship between a child and both of his or her parents, regardless of the parents' gender. Importantly, the new definition

incorporates the expanded definition of 'child' in section 60H of the *Family Law Act 1975 (Cth)*.³⁰

Overall, these new definitions, in concert with other amendments, aim to ensure that same-sex couples are treated in the same way as opposite-sex de facto couples for all purposes under the act. Examples of how changes to superannuation law may impact same-sex couples include the following:

Private superannuation funds and death benefits

A private superannuation fund trustee can now make death benefit payments to same-sex de facto partners and most children of same-sex de facto couples in the same way as such payments are made to opposite-sex couples and their children.

Commonwealth superannuation funds

Same-sex de facto partners and most of their children will now be entitled to death benefits and reversionary pensions under the following Commonwealth superannuation schemes:

- Commonwealth Superannuation Scheme (CSS)
- Public Sector Superannuation Scheme (PSS)
- Defence Forces Retirement and Death Benefits Scheme (DFRDB)
- Military Superannuation and Benefits Scheme (MSBS)
- Parliamentary Contributory Superannuation Scheme (PCSS)
- Judges' Pension Scheme
- Public Sector Superannuation Accumulation Plan (PSSap).

Superannuation spouse tax offset

Same-sex de facto partners will now be eligible, in the same way as opposite-sex de facto partners, for a tax offset if they make an after-tax contribution to their non-working or low-income earning partner's superannuation fund.³¹

Superannuation Splitting

The *Family Law Act 1975 (Cth)* has been amended to give all de facto couples, regardless of gender, access to the federal family law property settlement regime.³² Same-sex de facto couples will now have access to superannuation splitting arrangements in the context of dividing property following relationship breakdown.³³

²⁷ *Superannuation Industry (Supervision) Act 1993 (Cth)* s10(1).

²⁸ See s10(1) of the *Superannuation Industry (Supervision) Act 1993 (Cth)* prior to amendments made by *Same-Sex Relationships (Equal Treatment in Commonwealth Laws - Superannuation) Act 2008*. • ²⁹ *Superannuation Industry (Supervision) Act 1993 (Cth)* s10(1).

³⁰ See page 'x' of this booklet for more information on the definition of 'child' under the *Family Law Act 1975*.

³¹ *Income Tax Assessment Act 1997 (Cth)*, s 290.230; See *Income Tax Assessment Act 1997 (Cth)*, s 995-1(1) for the definition of 'spouse'.

³² This amendment was made via the *Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008 (Cth)*

³³ Superannuation splitting is regulated by Part VIII of the *Family Law Act*.

PART 8:

MEDICARE SAFETY NET

Legislation: *Health Insurance Act 1973* (Cth)

The Medicare Safety Net is designed to assist individuals, couples and families with high medical costs. The safety net works by calculating an individual or family's out-of-pocket costs, which are the difference between the Medicare benefit and what their doctor charges. Once an individual's or family's out-of-pocket expenses reach a particular threshold, the safety net covers 80% of the difference between the doctor's charge and the Medicare rebate for the rest of the year. The Medicare Safety Net threshold is indexed annually from 1 January and operates on a calendar year, 1 January to 31 December.

Previously, same-sex couples could not combine their expenses and the expenses of their children to reach the Safety Net thresholds because they were not considered to be part of the same family. From 1 January 2009, same-sex couples and their children have been able to register as a family for the purposes of both safety nets.

New definitions

The *Health Insurance Act 1973* (Cth) defines the 'members of a person's family' for the purposes of Medicare benefits. The *Act* now defines 'members of a person's family' as:

- a) the person's spouse; and
- b) any dependent child of the person or the person's spouse³⁴.

The term 'spouse' is defined as follows:

'Spouse' in relation to a person means:

- a. a person who is legally married to, and is not living, on a permanent basis, separately and apart from, that person; and
- b. a de facto partner of the person who is not living, on a permanent basis, separately and apart from the person.³⁵

The *Health Insurance Act 1973* (Cth) does not define the term 'de facto partner'.

How do couples and families register?

All families and couples need to register for the safety net, even if they already have their family members listed on their Medicare card.

Registration can occur:

- online at www.medicareaustralia.gov.au
- by downloading a registration form at www.medicareaustralia.gov.au/public/forms.jsp or by picking a form up from a Medicare office.
- over-the-phone by calling 132 011

³⁴ Health Insurance Act 1973 s10AA(1)

³⁵ Health Insurance Act 1973 s10AA (7)

PART 9:

PHARMACEUTICAL BENEFITS SCHEME SAFETY NET

Legislation: *National Health Act 1953* (Cth)

The Pharmaceutical Benefits Scheme (PBS) Safety Net is aimed at assisting individuals and families with the cost of medicine. Once an individual or their family reaches a Safety Net threshold, they can apply for a PBS Safety Net card which means their PBS medicine is less expensive, or free, for the rest of the calendar year. There are different thresholds for general patients and those who hold concession cards.

Previously, same-sex couples could not combine their expenses and the expenses of their children to reach the Safety Net thresholds because they were not considered to be part of the same family. From 1 January 2009, same-sex couples and their children have been able to register as a family for the purposes of both safety nets.

New definitions

Amendments to the *National Health Act 1953* (Cth) define 'members of a person's family' as:

- a) the person's spouse; and
- b) any dependent child of the person or the person's spouse.³⁶

The *Act* defines 'spouse' as follows:

'Spouse' in relation to a person means:

- a. a person who is legally married to, and is not living, on a permanent basis, separately and apart from, that person;
- b. a de facto partner of the person within the meaning of paragraph (a) of the definition of de facto partner in subsection 4(1), who is not living, on a permanent basis, separately and apart from the person; and
- c. a de facto partner of the person within the meaning of paragraph (b) of the definition of de facto partner in subsection 4(1).³⁷

The *Act* defines 'de facto partner' as follows:

'De facto partner' of a person means:

- a. another person (whether of the same sex or a different sex) with whom the person has a relationship that is registered under a law of a State or Territory prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section; or
- b. another person (whether of the same sex or a different sex) who is living with the person on a genuine domestic basis although not legally married to the person.³⁸

³⁶ *National Health Act 1953* (Cth) s84B(1)

³⁷ *National Health Act 1953* (Cth) s84B(4)

³⁸ *National Health Act 1953* (Cth) s4(1)

PART 10: AGED CARE

Legislation: *Aged Care Act 1997*

When people enter an aged care facility, they are required to pay certain daily fees and other payments to fund their care and residence. The *Aged Care Act 1997* sets out how those fees and payments should be calculated in both public and private aged care facilities. The *Act* uses assets and income tests to calculate the various residential care fees and the liability to pay a bond.

The value of the family home is exempted from the assets test if it is still occupied by the aged person's partner or close family member. From 1 July 2009, same sex couples will be treated as a couple for the assets and income tests.

The *Act* has a new category of 'member of a couple', which states:

- (a) a person who is legally married to another person, and is not living separately and apart from the person on a permanent basis; or
- (aa) a person whose relationship with another person (whether of the same sex or a different sex) is registered under a law of a State or Territory prescribed for the purposes of section 22B of the *Acts Interpretation Act 1901* as a kind of relationship prescribed for the purposes of that section, and who is not living separately and apart from the other person on a permanent basis; or
- (b) a person who lives with another person (whether of the same sex or a different sex) in a de facto relationship, although not legally married to the other person.³⁹

Under this same section, the definition of 'child' is amended to include "someone who is a child of the person within the meaning of the *Family Law Act 1975*".

This means that a member of a same-sex de facto couple going into aged care will be assessed as having half of the total value of the couple's income and assets. If the person's partner (or dependant child) is still living in their home, it will be excluded from the assets assessment.

The exclusion of the couple's home from the assets test could result in some aged care residents paying lower accommodation charges. However, the inclusion of a partner's income in the income test could result in lower fees for some current and future aged care residents and higher fees for others.

The Federal Government has indicated that, generally, accommodation bonds and charges for members of same-sex couples who enter care before 1 July 2009 will not be affected by the reforms. However, if a person moves to a different aged care facility after 1 July 2009, they might have another assets assessment, which could affect the amount of their charge or bond.

³⁹ Aged care act Section 44.11

PART 11: IMMIGRATION

Legislation:

From 1 July 2009 same sex partners of Australian citizens, Australian permanent residents and eligible New Zealand citizens will be able to apply for the same partner visa as opposite sex de facto partners. Same-sex de facto partners and their children will also be considered 'members of the family unit' for visa purposes.

These amendments allow same sex couples to access a broader range of visas. Previously, a same sex partner of an Australian resident or citizen had only one choice of visa category ('interdependency visa'). This required the couple to have lived together for at least 12 months and demonstrate evidence of a 'genuine' and 'continuing' relationship. Prior to these amendments, overseas same sex couples could only migrate together under the Temporary Business (Long Stay) Visa (subclass 457). This required the partners to complete two individual applications, consequently resulting in uncertainty for the couple as there is a risk that only one partner's application could be successful.

PART 12: CITIZENSHIP

Legislation: *Australian Citizenship Act 2007*

From 15 March 2009 same sex couples will have the same rights under the *Australian Citizenship Act 2007* (Cth) as opposite sex couples. The changes will allow a same sex partner of an Australian citizen to count a period spent outside Australia as time spent in Australia for the purposes of applying for 'citizenship by conferral'.

This means that a same sex partner of an Australian citizen can apply to the Minister for Immigration to treat time spent outside Australia as time spent in Australia for the purposes of the 4 year residence requirement for citizenship by conferral. The decision whether or not to count the period spent overseas is discretionary.

Additionally, these amendments recognise children of same sex (and opposite sex) de facto couples born through artificial conception procedures (such as IVF and donor insemination) or legal surrogacy arrangements, for the purposes of applying for citizenship.

The *Act* now defines child as someone who is a child of a person within the meaning of the *Family Law Act 1975*. This means that it includes children of same sex couples.

PART 13: EMPLOYMENT

The National Employment Standards (NES) contained in the *Fair Work Act 2009* (Cth) will replace the current Australian Fair Pay and Conditions Standard (AFPCS) under the *Workplace Relations Act 1996* (Cth). The NES will commence on 1 January 2010.

The substance of the NES is substantially the same as the AFPCS, however, the NES extends the statutory employment entitlements provided in relation to parental leave, carers' leave and compassionate leave to de facto same-sex couples. In order to qualify under the definition of 'de facto' contained in s 1 of the NES, the couple must live together on a 'genuine domestic basis'.

Definitions

The NES includes same sex couples in the definitions of de facto partner, employee couple and immediate family.

In Section 12 of the *Fair Work Act 2009*, 'de facto partner' is defined as:

- (a) means a person who, although not legally married to the employee, lives with the employee in a relationship as a couple on a genuine domestic basis (whether the employee and the person are of the same sex or different sexes); and
- (b) includes a former de facto partner of the employee.

Under Section 17, the definition of child includes 'someone who is a child of a person within the meaning of the *Family Law Act 1975*'.

Parental leave

Eligible employees will be entitled to a period of 12 months starting from the birth/placement of the child. Generally only one parent may be on leave (other than a concurrent period of three weeks), and the leave is unpaid. The NES will however introduce a right for an employee on parental leave to request an extension of their period of parental leave for an additional 12 months. The employee will be required to give their employer 4 weeks notice, and the employer must agree to the requested extension, unless the employer has reasonable business grounds for refusing. The NES does not provide any guidance as to what reasonable business grounds would justify a refusal.

Personal/carer's leave and compassionate leave

Employees, other than casual employees, will be entitled to take personal/carer's leave:

- (a) because the employee is unfit for work because of a personal illness or injury affecting the employee (personal leave); or
- (b) to provide care or support to a member of the employee's immediate family or household because of:
 - (i) a personal illness or injury affecting the member; or
 - (ii) an unexpected emergency affecting the member (carer's leave).

Employees, other than casual employees, will be entitled to up to 10 days of personal/carer's leave in each year, which accrues throughout the year and will accumulate with no limitation. Unlike under the AFPCS, there is no cap on the amount of carer's leave an employee may take in any year. Further, the entitlement for all employees, including casual employees, who do not have an entitlement to paid personal/carer's leave to have up to 2 days of unpaid carer's leave will be retained under the NES.

Notice and evidentiary requirements

Evidence which is required for taking personal/carer's leave under the NES need only be evidence that would satisfy a reasonable person, rather than the current requirement for a medical certificate or statutory declaration. However, a modern award can contain different evidence requirements.

The NES will afford all employees an entitlement to 2 days compassionate leave (which is paid leave for all employees except casual employees) on each occasion that a member of the employee's immediate family or household: (a) contracts or develops a personal illness or sustains a personal injury that poses a serious threat to his or her life; or (b) dies.

PART 14: WORKERS COMPENSATION

Legislation:

- ***Safety, Rehabilitation and Compensation Act 1988***
- ***Seafarers Rehabilitation and Compensation Act 1992***

The Federal workers compensation system covers employees of the Commonwealth Government and authorities, and some private corporations.

The definitions in the *Safety, Rehabilitation and Compensation Act 1988* have been amended to recognise same sex couples. The definition of 'spouse' has been amended to include people in de facto relationships. 'Child' is now defined as a child under the definition in the *Family Law Act 1975*, and is inclusive of children of same sex couples.'

Under these changes, same sex couples are able to claim if their partner is injured or dies while at work. This can include lump sum workers compensation death benefits and compensation for household services.

PART 15: EVIDENCE

Legislation: *Evidence Act 1995*

Clause 11 Part 2 of the dictionary of the *Evidence Act 1995* defines de facto partners. It outlines the circumstances where a person is considered a de facto partner of another person. This section states that it is irrelevant whether the people in the relationship are the same sex or opposite sex.

A person who is the de facto partner or a child of a defendant may object to give evidence, or object to evidence of a communication between the person and the defendant, as a witness for the prosecution.⁴⁰

PART 16: DISCRIMINATION LAW

Legislation: *Human Rights and Equal Opportunity Regulations 1989*

Under Commonwealth law, there is no specific law prohibiting discrimination on the grounds of sexuality. However, the Australian Human Rights Commission has the power to investigate complaints of discrimination on the grounds of sexual orientation in employment.

A complaint can be lodged by a person with the AHRC within twelve months from the date of discrimination.

⁴⁰ Section 18 Evidence Act (NSW) 1995

PART 17: RESOURCES

Same-Sex: Same Entitlements

National Inquiry Into Discrimination Against People in Same Sex Relationships: Financial and Work-Related Entitlements and Benefits
http://www.humanrights.gov.au/human_rights/same_sex/index.html

Understanding Your Legal Rights: A Guide for Lesbians and Gay Men in NSW
[http://www.safetypartnership.nsw.gov.au/lawlink/cpd/ll_cpd/nsv/vwFiles/UYLRs/pdf/\\$file/UYLRs.pdf](http://www.safetypartnership.nsw.gov.au/lawlink/cpd/ll_cpd/nsv/vwFiles/UYLRs/pdf/$file/UYLRs.pdf)

Talking Turkey: A Legal Guide for Lesbian Mothers, Gay Fathers and Sperm Donors in NSW
http://www.iclc.org.au/talk_turkey.pdf

Over the Rainbow
A guide to the law for lesbian, gay and transgender communities in Victoria
<http://www.over-the-rainbow.org>

Young v Australia - Communication of the United Nations Human Rights Committee
<http://www.unhchr.ch/tbs/doc.nsf/0/3c839cb2ae3bef6fc1256dac002b3034?Opendocument>

National Welfare Rights Network
<http://www.welfarerights.org.au>

Australian Government Departments

Attorney-General's Department: Overview of the Australian Government's Same-Sex Law Reforms
<http://www.ag.gov.au/samesexreform>

Family Law Courts
<http://www.familylawcourts.gov.au>

Child Support Agency
<http://www.csa.gov.au>

Centrelink
<http://www.centrelink.gov.au>

Department of Veterans Affairs
<http://www.dva.gov.au>

Australian Taxation Office
<http://www.ato.gov.au>

APRA (superannuation)
<http://www.apra.gov.au>

Medicare Australia
<http://www.medicareaustralia.gov.au>

Department of Health and Aging
<http://www.health.gov.au>

Pharmaceutical Benefits Scheme:
<http://www.pbs.gov.au>

Department of Immigration and Citizenship
<http://www.immi.gov.au>

Fair Work Australia
<http://www.fwa.gov.au>

Australian Human Rights Commission
<http://www.humanrights.gov.au>

