



WELFARE RIGHTS & ADVOCACY SERVICE

Relationships

De facto relationships

Why does Centrelink need to know that I am in a relationship?

- It is important to tell Centrelink if you are in a relationship as it may affect the payments you receive. If you do not tell Centrelink you may be over paid and have a debt to Centrelink.
- Centrelink regard both same sex and opposite sex couples to be in a relationship.
- If you are **married** or in a **registered** or **de facto relationship**, Centrelink **MUST KNOW** about your partner.
- If Centrelink decide you are a member of a couple and you disagree you can appeal.

Married and **registered couples** are taken to be in a relationship for all payments. Please note that relationships can only be registered in Victoria, Tasmania, ACT and NSW at this point in time.

What is a de facto relationship? A de facto relationship is where a couple is in a 'marriage like' relationship (with someone of the same or opposite sex). Being in a relationship or dating someone does not mean you are in a de facto relationship unless the relationship meets the test set out in the rules Centrelink has to follow.

Centrelink regard de facto couples differently depending on the type of payment you are claiming.

De facto relationships

Youth Allowance (YA)

Length and age of consent:

- 12 months or more (6 months in special circumstances)
- Temporary separation or break-ups will affect the length and continuity of your relationship unless you can prove otherwise.
- Periods of time where someone in the relationship was under the age of consent in the state where you live will not be accepted.
- The age of consent is 16 years in every state except SA and Tasmania where it is 17 years.

If you think that special circumstances exist, are unsure about how to calculate the duration of your relationship or think there may be an issue with the age of consent contact your local Welfare Rights Centre (see:welfarerights.org.au).

De facto relationships

ABStudy & New Start Allowance

(Most other Centrelink payments)

Length:

- There is no specific length of time that is required to show that you are in a de facto relationship.

De facto relationships

General Requirements

(These requirements apply to all types of payments)

Each case is considered individually and consideration will be given to cultural background, ethnicity, religious beliefs and sexual orientation.

The aspects Centrelink considers are:

1. The nature of the household;
2. The financial aspect of the relationship;
3. The social aspect;
4. The nature of the people's commitment to each other; and
5. Any sexual relationship that exists between them.

Please see page 3 for a list of questions you can use to help decide whether you are a member of a de facto relationship for social security purposes.

If you want advice about whether your relationship is a de facto one for Centrelink purposes contact your local Welfare Rights Centre ([see:welfare.org.au](http://welfare.org.au)).

Please note: This information contains general information only and is accurate at May 2016. It does not constitute legal advice. If you need legal advice about social security entitlements, please contact your local Welfare Rights Centre/Advocate. Welfare Rights Centres are community legal centres, which specialise in social security law, administration and policy. They are entirely independent of Centrelink. All assistance is free. Contact Welfare Rights & Advocacy Service on (08) 93281751 or by email at welfare@wraswa.org.au

Nature of the Household

- Do you live under the same roof?
- Have you lived together at other places?
- Why did you first decide to live together at the same address?
- Do you live together on your own or do you share your accommodation with other people?
- Do you intend to keep sharing accommodation in the future?
- Do you share a bedroom/bathroom/living areas?
- Whose name is the lease or mortgage in?
- How do you arrange domestic chores?

Social Aspects

- Do you take holidays together?
- Do you go out socially or do leisure activities as a couple/get invited to things as a couple?
- Do your family, friends, work associates think of you as a couple?
- Do you present yourselves as a couple to others – banks, employers, doctors?
- Do your social media accounts reflect your relationship?

Sexual Relationship

- Do you have an ongoing exclusive sexual relationship?
- Do you have any children together?

Financial Aspects

- Do you have a joint bank account or credit cards?
- Are both of your names on the lease/mortgage/tenancy application?
- Do you provide financial support to each other?
- Whose name is the telephone/electricity/gas in?
- Who pays the bills?
- Do you jointly own large items e.g. house, car, furniture?
- Do you have a joint loan or have signed loan papers for each other?
- Do you know about each other's financial affairs?
- Are you listed on each other's Medicare or tax paperwork?
- Are you named in each other's wills or superannuation as a beneficiary?
- Do you lend or give each other money?

Nature of Commitment

- How long has the relationship lasted?
- Is it different from other friendships?
- Do you think you are likely to marry or continue the relationship in the future?
- How would you describe your relationship?
- If one of you got sick who would look after them?