

Senate Community Affairs Legislation Committee

ADDITIONAL BUDGET ESTIMATES - 16 FEBRUARY 2012 ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: Social Security Arrangements and Same Sex Relationships

Question reference number: HSW 18

Senator: Siewert

Type of question: Written

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Number of pages: 4

Question:

1. At 1 January 2012, how many same-sex and how many opposite sex couples are paid under Section 24 of the Social Security Act?
2. For the financial periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 31 December 2011, provide information on the number of people in same sex relationships receiving Centrelink payments. Provide a breakdown by payment type.
3. How many overpayments have been raised from same-sex couples/individuals for periods 1 July 2010 to 30 June 2011 and 1 July 2011 to 31 December 2011? What is the total value of these overpayments?
4. How many of the overpayments have been waived under the "compassionate" approach announced by the Minister FaHCSIA for certain individuals, since the same sex social security reforms in 2009?
5. How many same-sex couples/individuals have been prosecuted by the Commonwealth Director of the Public Prosecutions in the financial years of 2009-10 and 2010-11 and from 1 July 2011 to 30 December 2011?
6. How many appeals at each stage of the review process have been lodged in relation to same-sex member of a couple determinations from 1 July 2009 to 30 June 2010 and from 1 July 2010 to 30 June 2011 and from 1 July to 31 December 2011? Provide appeal outcomes at each level of the appeal process.

Answer:

1. At 31 December 2011 the total number of customers paid under section 24 provisions was 5,513. Data is collected as at end of month.

When Section 24 of the *Social Security Act 1991* is applied, the customer is deemed not to be a member of a couple and is treated as a single person for all purposes of the *Social Security Act* and *Family Assistance Act*.

The department's IT system does not differentiate between same and opposite sex couples in the case of section 24 payments.

2. Data on the number of people in same sex relationships receiving payments is cumulative. The total as at 30 June 2011 was 11,045. At 31 December 2011 the total was 12,181. There are two important considerations looking at this data:
- Customers may be counted more than once if they have separated from a same sex partner and subsequently reconciled or entered into a new same sex relationship.
 - There are some customers who are reported as being as in a same sex relationship where one partner may no longer be in receipt of a payment. The system reports each member of the couple using the most recent payment for each.

The following table shows the number of customers in same sex relationships receiving payment, broken down by payment type.

Primary Payment Type	At 30/06/11	At 31/12/11
ABSTUDY	72	66
Age Pension	606	601
Austudy	216	256
Carer Payment	31	36
Carer Allowance	401	401
Disability Support Pension	678	689
Family Tax Benefit	1,975	2,038
Newstart Allowance	2,025	2,289
Parenting Payment	1,016	1,036
Sickness Allowance	115	135
Special Benefit	4	4
Widow Allowance	3	4
Youth Allowance	671	789
Other Payment Type*	10	12
Non Current Customers**	64	72
Non Customers***	3,158	3,753
Total	11,045	12,181

* Payment types with few customers including Farm Family Restart, Bereavement, Emergency Payment.

** Non-current customers with an old payment type such as Youth Training Allowance, Sole Parent Pension etc.

*** Non customer: a member of a couple has died, and at the time of death the deceased was in receipt of a Centrelink administered payment and the surviving partner was not a Centrelink customer or did not meet the definition of a long term Social Security recipient.

3. For the 2010-11 financial year, 60 debts with a value of \$96,298 were raised due to a change in a customer's same-sex relationship status. For the current year to 31 December 2011, 20 debts with a value of \$40,043 were raised.
4. In the 2010-11 financial year, six debts were waived under compassionate grounds. For the current year to 31 December 2011, two debts have been waived due to compassionate grounds.
5. No same-sex couples/individuals were referred for prosecution as a result of the same-sex member of a couple determinations during the 2009-10 or 2010-11 financial years or from 1 July 2011 to 30 December 2011.
6. The appeal outcomes and level of appeal for same-sex determinations for each of the above periods are provided at Attachment A 'Same Sex Couple Appeals 1 July 2010 to 31 December 2011'.

ATTACHMENT A

Same Sex Couple Appeals 1 July 2009 to 31 December 2011

		1 Jul 09 - 30 Jun 10	1 Jul 10 - 30 Jun 11	1 Jul 11 - 31 Dec 11
ODM	Appeals Received	244	165	58
	Appeals Decided	243	163	60
	Affirmed	154	94	38
	Set Aside	60	41	15
	Varied	17	14	3
	Withdrawn/Dismissed	12	14	4
ARO	Appeals Received	200	108	57
	Appeals Decided	200	114	52
	Affirmed	92	74	22
	Set Aside	94	22	23
	Varied	6	9	3
	Withdrawn/Dismissed	8	9	4
SSAT	Appeals Received	25	24	8
	Appeals Decided	15	27	5
	Affirmed	8	4	2
	Set Aside	5	14	3
	Varied	1	3	0
	Withdrawn/Dismissed	1	6	0
AAT (Customer)	Appeals Received	3	2	1
	Appeals Decided	1	3	2
	Affirmed	1	2	0
	Set Aside	0	0	0
	Varied	0	0	0
	Settled/Decision by Consent Withdrawn/Dismissed	0 0	1 0	2 0
AAT (Secretary)	Appeals Received	1	0	0
	Appeals Decided	0	0	1
	Affirmed	0	0	0
	Set Aside	0	0	1
	Varied	0	0	0
	Settled/Decision by Consent Withdrawn/Dismissed	0 0	0 0	0 0