

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Finance and Administration Portfolio**

**Department of Human Services and agencies**

Budget Estimates 2005-2006, 26 May 2005

**Question: HS89**

**Outcome 1, Output Group 1.1**

**Topic: Centrelink – Marriage-like relationships**

**Hansard Page/Written Question on Notice: Written**

**SENATOR EVANS** asked on 26 May 2005:

- (1) Please update all of the tables provided in response to question on notice HS 44 from February Estimates to include data for the 2004-05 financial year (to date).
- (2) How does Centrelink determine whether people are living in a 'marriage like' relationship?
- (3) In relation to the Medical Service Update – Disability Support Pension form, what is the purpose of question 25 of this form (see page 8 of the form)?
- (4) Has Centrelink received any complaints about this question? Please provide details of complaints received about this question, and the action that Centrelink took in response.

**Answers:**

(1) The following table shows the original decision maker decisions made during the relevant financial year. Decisions relating to lodgements made may not necessarily occur in the same financial year as the lodgement was made.

<b>Marriage - like Relationship Cases - Original Decision Maker</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Changed (Set aside / varied)</b>	<b>Withdrawn / Dismissed</b>
2002-03	1,584	1,514	1,303	207	4
2003-04	1,997	1,986	1,660	318	8
2004-05 Year to Date	2,802	2,547	1,973	547	27

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The following tables show the Authorised Review Officer, Social Security Appeals Tribunal and Administrative Appeals Tribunal decisions made during the relevant financial year. Decisions relating to lodgements made may not necessarily occur in the same financial year as the lodgement was made.

**2004-05**

<b>Marriage - like Relationship Cases - Authorised Review Officer</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Changed (Set aside / varied)</b>	<b>Withdrawn / Dismissed</b>
NSW	394	377	199	170	8
ACT	51	52	25	25	2
QLD	378	355	186	146	23
VIC	305	313	155	143	15
WA	115	104	51	47	6
SA	105	111	59	49	3
TAS	75	66	33	30	3
NT	10	7	3	4	-

<b>Marriage - like Relationship Cases - Social Security Appeals Tribunal</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Changed (Set aside / varied)</b>	<b>Withdrawn / Dismissed</b>
NSW	96	69	31	32	6
ACT	7	2	1	1	-
QLD	70	76	34	28	14
VIC	65	59	28	26	5
WA	26	23	3	18	2
SA	33	38	16	15	7
TAS	16	10	2	6	2
NT	2	2	1	1	1

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<b>Marriage - like Relationship Cases - Administrative Appeals Tribunal Customer Appeals</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Changed (Set aside / varied)</b>	<b>Withdrawn / Dismissed</b>
NSW	14	15	3	4	8
ACT	1	1	-	-	1
QLD	9	17	5	5	7
VIC	7	7	4	1	2
WA	3	4	2	1	1
SA	3	6	-	4	2
TAS	6	3	-	-	3
NT	1	-	-	-	-

<b>Marriage - like Relationship Cases - Administrative Appeals Tribunal Secretary Appeals</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Changed (Set aside / varied)</b>	<b>Withdrawn / Dismissed</b>
NSW	2	4	1	3	-
ACT	1	-	-	-	-
QLD	1	4	-	2	2
VIC	4	4	2	1	1
WA	2	-	-	-	-
SA	-	-	-	-	-
TAS	-	1	-	1	-
NT	-	-	-	-	-

The following table updates part (4) in HS44 from the Additional Estimates, February 2005 on the number of debts raised by dollar amount. The previous debt amount groupings provided were reported as 'Less than \$5,000', and '\$5,000 - \$30,000'. The \$5,000 figure should have been \$15,000 in both columns. The correct heading and data are shown below.

<b>Number of Debts Raised by Dollar Amount Financial Year Comparison</b>			
<b>Financial Year</b>	<b>Less than \$15,000</b>	<b>\$15,000- \$30,000</b>	<b>More than \$30,000</b>
2002-03	2,673	139	84
2003-04	3,488	177	124
2004-05 to 31 May 2005	2,112	136	99

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The following table updates Part (6) in from the Additional Estimates, February 2005 and shows the number of marriage-like relationship cases referred to Centrelink fraud investigators and the number of cases considered by Centrelink fraud investigators for referral to the Commonwealth Director of Public Prosecutions. The number of Centrelink Assessments for 2002-03 and 2003-04 were transposed in the information provided previously and should be as provided below.

<b>Potential Marriage Like Relationship Cases Financial Year Comparison</b>		
<b>Financial Year</b>	<b>Centrelink Assessments</b>	<b>Cases referred to the DPP</b>
2002-03	833	192
2003-04	735	176
2004-05 to 31 May 2005	766	163

The following table updates Part (6) in HS44 from the Additional Estimates, February 2005 on the outcomes of cases referred to the Director of Public Prosecution for prosecution action. Prosecutions may not necessarily be finalised in the same financial year in which the case was referred to the Director of Public Prosecution.

<b>Prosecution Outcomes – Marriage-like Relationships</b>			
<b>Financial Year</b>	<b>Prosecuted</b>	<b>Convicted</b>	<b>Dismissed</b>
2002-03	100	98	2
2003-04	113	111	2
2004-05 to 31 May 2005	86	86	0

(2) Section 4 of the *Social Security Act 1991* and paragraph 2.2.5.10 of the Guide to Social Security Law provide the requirements for assessing a 'marriage like' relationship.

Centrelink must ensure that decisions are made having regard to all the circumstances of the relationship.

A person is considered to be partnered if they;

- are legally married in Australia and in most other overseas countries.
- have a relationship with someone of the opposite sex and live as husband and wife in a marriage-like relationship.

Where a customer claims either **not to be** in a relationship, or to **no longer** be in a relationship with a person of the opposite sex, the circumstances of the relationship may require further investigation.

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When making a decision on a person's relationship Centrelink staff make no assumptions or moral judgements in arriving at a decision. A decision is made by weighing up the evidence of five factors, as stated in the Guide to Social Security Law. The factors to be considered are:

- financial aspects of a relationship;
- nature of a household;
- social aspects of a relationship;
- presence or absence of a sexual relationship; and
- nature of the commitment.

(3) The purpose of the question is to identify whether further investigation is required to determine if a customer is in a marriage-like relationship.

The marriage-like relationship policy guide stipulates that a customer's opinion about their relationship/s is not sufficient for Centrelink to make a decision on individual customer's circumstances. Centrelink therefore needs to ask this question to determine whether it is necessary to conduct further investigations.

(4) Centrelink is aware of one complaint about question 25 on the Disability Support Pension - Medical Service Update. The perception was that the question indirectly asked if people were living in a defacto or marriage like relationship and it was thought that the question should be more direct.

The concern was raised with a Customer Service Centre Manager by a Member of Parliament. The Customer Service Centre Manager referred the concern to National Support Office for advice, where consideration was given to whether the question should be changed. Centrelink did not consider it appropriate to change the question and the Member of Parliament was advised accordingly.