

Senate Finance and Public Administration Standing Committee

SUPPLEMENTARY BUDGET ESTIMATES – 20 October 2009 ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: Activity Test exemption for a same-sex female couple where both give birth and both newborn children are only months old.

Question reference number: HS57

Senator: Siewert

Type of question: *Written*

Date set by the committee for the return of answer: 4 December 2009

Number of pages: 1

Question:

How has Centrelink determined activity test exemption for a female couple in a same-sex relationship when both give birth and both newborn children are only months old?

Answer:

Centrelink administers income support payments on behalf of a number of government departments and has a responsibility to apply the legislation as stated in Social Security Law.

In the scenario described, under Section 5 of the *Social Security Act 1991*, only one member of the couple would be eligible to be assessed as the Principal Carer for the children. This applies to all couples and therefore applied to same-sex couples from 1 July 2009. In instances where both members of a couple could be assessed as being the Principal Carer and neither agrees to surrender their claim for that status, a written determination would be made to specify the person who has been determined as the principal carer, and a copy of the determination would be given to both members of the couple.

Section 603AAA of the *Social Security Act 1991* provides for an exemption from the activity test for pregnant women from six weeks before the date they are expected to give birth until six weeks following the birth of their child. This exemption can be granted even if the baby is stillborn or placed for adoption. There are also exemptions that may be granted to individuals due to special circumstances, which can include temporary caring responsibilities.