

# Member of a couple for young people

This Fact Sheet covers what happens when Centrelink makes a decision that you are in a *de facto* (“member of couple”) relationship. This will mean that you will receive a lower “partnered” rate of payment instead of the single rate. You will also be means tested against your partner’s income and assets as well as your own.

The Social Security Act says that you are a “member of a couple” if you are living with another person as their partner, where you are both over the age of consent in your state or territory, are living together on a permanent or indefinite basis (meaning you have no immediate plans to move out), are not in a prohibited relationship and are either:

- Legally married;
- In a registered relationship; or
- In a *de facto* relationship (whether of the same sex or a different sex).

Centrelink can decide that you were in a “member of couple” relationship in past periods and this can result in debts.

## We don't share finances - we are not a *de facto* couple

Centrelink have power to make decisions about whether people are in “member of couple” relationships or not. The Social Security Act requires that Centrelink consider all of the circumstances, as well as specifically requiring that Centrelink considers the following factors:

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

Not all of these factors need to be present for Centrelink to be able to say people are in a “member of couple” relationship.

Whether or not people share their finances is an important factor for Centrelink to consider in making a decision about whether people are in a “member of couple” relationship. Just because people do not share their finances does not necessarily mean they are not in a “member of couple” relationship though – especially because more and more people keep their finances separate from their partner’s.

Centrelink should take into account your opinion about whether or not you are in a “member of couple” relationship but they are not required to agree with you and have power to make their own decision. If you do not agree with Centrelink’s decision you should appeal – see below.

For more information about how Centrelink makes decisions about whether you are in a “member of couple” relationship see the ‘Relationships and Centrelink’ factsheet at <http://bit.ly/memberofacouple>

## I'm just dating someone I live with

There can be a difference between being in a dating relationship while happening to live in the same share house or student house and being in a “member of couple” relationship,

for Centrelink purposes. If you do not agree with Centrelink's decision you should appeal – see below.

For more information about how Centrelink makes decisions about whether you are in a "member of couple" relationship see the 'Relationships and Centrelink' factsheet as above.

## I'm not sure if my relationship counts as de facto

Centrelink law requires that you advise Centrelink within 14 days of any "change in circumstances". This is to ensure you are not overpaid and have to repay a debt.

As outlined earlier, Centrelink can make a decision that you are in a "member of couple" relationship even if you do not believe the relationship is "member of couple".

If you move in with someone you do not believe you are in a "member of couple" relationship with, you might believe that there has been no change in circumstances and that there is no need to inform Centrelink. But if Centrelink later decide that you have been in a "member of couple" relationship, they will raise a debt.

If you are in any doubt about whether your relationship should be treated as "member of couple" for Centrelink purposes you should complete the ["Relationship details form \(SS284\)"](#) and provide it to Centrelink. This form asks you questions that will help Centrelink to make a decision about whether you are in a "member of couple" relationship.

Don't mix up "Relationship details form" with "Partner details form" – the "Partner details form" is for declaring to Centrelink that you have a "member of couple" partner!

If you do not agree with Centrelink's decision you can appeal and ask for payment pending review – see below.

## Independent status and Youth Allowance couples

If you receive Youth Allowance as a dependent person then being in a "member of couple" relationship will not affect your payment to start with – you will continue to be means tested against your parents. Once you have been in a "member of couple" relationship for a year, you will be able to get Independent Status and then you will be means tested against your partner's income and assets as well as your own. You should still talk to Centrelink when you commence your "member of couple" relationship so that there is evidence of when the relationship started.

For more information on Independent Status see the "Youth Allowance – am I independent" factsheet at <http://bit.ly/youthallowance>

## I'm polyamorous

If you date multiple people or are in more than one relationship at a time a separate member of couple decision can be made in relation to each of your relationships. The Social Security Act allows for a decision to be made that you are in member of couple relationships with multiple partners. If you are in relationships with multiple partners, then you are paid the partnered rate. An income and assets test assessment is carried out for each of your partners individually to calculate a partnered rate for you – the lowest rate resulting from these assessments is the one that is payable to you.

## Appeal rights and payment pending review

If you think a Centrelink decision is wrong you have the right to appeal against it. Appealing is easy and free. To appeal simply tell Centrelink that you are not happy with its decision and that you would like to appeal to an Authorised Review Officer (ARO). It is best to lodge an appeal in writing and you should keep a copy of your appeal letter. However, you can lodge an appeal over the telephone.

You can also ask for payment pending review.

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

You can appeal to an ARO at any time. However, to receive back pay from the date you were affected by the original decision, you must appeal to an ARO within 13 weeks of receiving written notice of the original decision. If you appeal more than 13 weeks after receiving the notice and you are successful, you will only receive back pay from the date you appealed.

If you think the ARO decision is wrong you can appeal to the Social Security Appeals Tribunal (SSAT). The SSAT is independent of Centrelink. You have further appeal rights to the Administrative Appeals Tribunal and the Federal Court. Time limits apply.

For more information on appealing see the factsheet "Appeals – how to appeal against a Centrelink decision" at

<http://bit.ly/AppealingaCentrelinkDecision>

### Please Note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact Basic Rights Qld on **3421 2510** or if outside of Brisbane on **1800 358 511**.

Basic Rights Qld is a community legal centre, which provides specialist advocacy and legal services in Social Security and Disability Discrimination in employment law, administration and policy.

We are independent of Centrelink and all assistance is free.

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[www.brq.org.au](http://www.brq.org.au)