Social Security Amendment (2007 Measures No. 1) Bill 2007

(Amendment to be moved by Senator Bartlett on behalf of the Australian Democrats in committee of the whole)

(1) Page 17 (after line 14), after Schedule 5, insert:

Schedule 5A—Same-sex, same entitlements

Social Security Act 1991

1 Subsection 4(1)

Insert:

_de factor partner_ means one of two people in a de facto relationship.

_de facto relationship_ means a relationship between two people living together as a couple on a genuine domestic basis, where the relationship is not a marital relationship:

(a) in determining whether two people are in a de facto relationship, the circumstances of the relationship must be considered as a whole. Without limiting the generality of this paragraph, those circumstances may include:

(i) the length of their relationship;

(ii) how long and under what circumstances they have lived together;

(iii) whether there is a sexual relationship between them;

(iv) their degree of financial dependence or interdependence, and any arrangements for financial support, between or by them;

(v) the ownership, use and acquisition of their property, including any property that they own individually;

(vi) their degree of mutual commitment to a shared life;

(vii) whether they mutually care for and support children;

(viii) the performance of household duties;

(ix) the reputation, and public aspects, of the relationship between them;

(x) the existence of a statutory declaration signed by both persons stating that they regard themselves to be in a de facto relationship with the other person;

(b) a de facto relationship may be between two people of the same gender;

(c) to avoid doubt, two people may still be in a de facto relationship if they are living apart from each other on a temporary basis.
2 Paragraph 4(2)(b) (definition of member of a couple)
   Add at the end “and includes a de facto partner and people in a de facto relationship”.

3 Subsections 4(2), (3), (3A) and 24(2) (definition of marriage-like relationships)
   Omit “marriage-like relationship”, substitute “de facto relationship”.

4 Paragraph 5(1)(a)
   After “parent” (twice occurring), insert “or adoptive de facto partner”.

5 Section 1067C
   Omit “marriage-like relationship” (wherever occurring), substitute “de facto relationship”.

6 Subsection 1067C(1)
   After “married to” (wherever occurring), insert “or is in a de facto relationship with”.

   [definitions]