

In 2008 the Federal Government changed 85 different laws so that same-sex couples would be recognised as having many of the same rights and obligations as different-sex defacto couples.

This factsheet talks about changes related to health and ageing. Make sure you have a look through the various factsheets at www.wearitwithpride.com.au [<http://www.wearitwithpride.com.au/>] to understand how these changes to the law affect you in a range of ways.

One important change is that same-sex couples are now able to receive the same recognition of their family as different-sex couples for the Extended Medicare Safety Net and Pharmaceutical Benefits Scheme (PBS).

Another important change is that same-sex couples' homes will be exempt from the asset test when one partner moves into an aged care facility but the other person remains in the couple's home.

For people on a Disability Support Pension, Aged Pension or other pensions, the changes to social security law mean that a same-sex partner's income will now be taken into account when calculating payment rates. Please see the [Social Security Factsheet](#) [<http://www.wearitwithpride.com.au/law-reforms/social-security/>] for more information about this.

Actions you can take

- Register your family for the Medicare Safety Net [online](http://www.medicareaustralia.gov.au/public/services/msn/index.jsp) [<http://www.medicareaustralia.gov.au/public/services/msn/index.jsp>].
- Keep a record of your PBS Prescription Record Forms and apply for a Safety Net card when you reach the PBS Safety Net limit. Ask your pharmacist for more information if you think you and/or your family are going to spend a lot of money on medications.
- Consult your lawyer or local Community Legal Centre about making a will and determining medical powers of attorney and powers of guardianship

Please note: This factsheet provides general information only. It does not constitute legal advice and may not be applicable to your individual circumstances. If you need specific legal advice contact your local Community Legal Centre.

Last updated: January 2010

Things you should know

- The Extended Medicare Safety Net now recognises same-sex couples as a family. This means that if you see a doctor or have tests regularly, your costs are combined, making it likely you'll reach the threshold sooner. Once you meet the threshold, Medicare will reimburse you 80% of all further out-of-pocket expenses for out-of-hospital Medicare services, except for selected items where the benefits are capped. You must register your family on the Medicare Safety Net to receive these benefits.
- The Pharmaceutical Benefits Scheme (PBS) Safety Net threshold is designed to help lower the costs of medicines for your family. It now recognises same-sex couples as a family for the purposes of the threshold. This means that expenses are combined, saving you money if members of your family need a lot of prescription medicine: once your family reaches the threshold in a calendar year, you will pay less for your medication. There are two different thresholds, one for concession card holders and one for general patients. In order to receive these benefits you need to keep a record on your PBS Prescription Record Forms and apply for a Safety Net card.
- If you or your dependent child is still living in your family home when your partner enters a residential aged care facility, that house will no longer be included in the

Need more information?

Welfare Rights Network
1800 226 028 or (02) 9211 5300

Medicare Safety Net
132 011

Pharmaceutical Benefits Scheme
Safety Net
1800 020 613

Aged Care Australia
1800 500 853

Aged Care Advocacy Services
1800 700 600

Commonwealth Aged Care
Information Line
1800 500 853

Department of Veteran Affairs
133 254 or call 1800 555 254 from
regional Australia.

Australian Federation of AIDS
Organisations
(02) 9557 9399

Gay and Lesbian Counselling and
Community Services of Australia
1800 18 45 27

Older Persons Legal Service
(02) 9281 3600

Community Legal Centres

assets assessment for the purposes of calculating an accommodation bond or accommodation charge. This could mean reduced costs associated with accommodation in aged care facilities, and also protects the partner still at home from having to sell off the family home in order to meet expenses.

- When determining an accommodation bond or accommodation charge amount, assets of both partners are used to calculate the accommodation payment for entry into an aged care facility (each person is deemed to own 50% of the total asset value of the couple).
- Reforms to the definition of a couple will not affect people who moved into aged care facilities before 1 July 2009 in respect of his or her accommodation bond or accommodation charge. If a resident moves to a different aged care facility after 1 July, they may have another asset assessment, which could affect the calculation of the resident's accommodation bond or accommodation charge in the new facility.
- In determining an aged care resident's income tested fee the total deemed income of the couple will be considered. Each member of the couple is deemed to own a 50% share of the couple's total income. If an income tested fee is applicable, it will be based on the resident's 50% share of total income.
- Same-sex couples can now have both their name and their partner's name appear on their Medicare card. You can request this by contacting Medicare.
- Under the Age Discrimination Act 2004 people providing private accommodation are exempt from discrimination laws a 'near relative' of the accommodation provider resides at the premises. The term 'near relative' now includes same-sex partners, their children and their respective families.
- The same sex partner of an eligible client of the Australian Government Hearing Services Program is now eligible for the Program.
- Changes to social security law mean that in most cases your same-sex de facto partner's income will now be taken into account when calculating payment rates for all payments made by Centrelink, the Department of Veteran Affairs and the Family Assistance Office, eg Aged Pension, Disability Support Pension, War Widow's/Widowers Pension. Please see the Social Security Factsheet for more information about this.

Frequently asked Questions

▼ **My partner and I have a number of health needs and spend quite a bit of money on medicine and doctors. We visit 1/2 visits each year. Can we get any assistance**

Yes. As a same-sex family you are now eligible to combine your out of pocket costs under the Extended Medicare Safety Net to help with medical expenses. To access these benefits, you and your partner will need to register as a family with the Extended Medicare Safety Net. Once registered, you and your partner will also be eligible to combine your out of pocket costs for the Original Medicare Safety Net which also provides for an increase in Medicare benefits in certain circumstances.

You may also access the Pharmaceutical Benefits Scheme (PBS) Safety Net, to help with the costs of medicines. You will also need to keep track of your expenses for medicines on a PBS Prescription Record Form and apply for a Safety Net card once the amount you have paid gets close to the threshold. Ask your pharmacist about the PBS Safety Net.

If you have children in your care, they may also be included in both safety nets.

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▼ **What is the PBS Safety Net all about?**

Many types of medicine actually cost much more than the price you pay. The Australian Government pays most of it for you through the Pharmaceutical Benefits Scheme (PBS). If you or your family need a lot of medicine within one calendar year, the PBS Safety Net helps you with the costs. You need to keep a record of your PBS medicine on a Prescription Record Form (PRF), which you can get from any pharmacy. Alternatively, some pharmacies may keep records for their regular customers. You should note that if you choose a more expensive brand of medicine, or if your doctor prescribes one, the extra amount you pay won't count towards your PBS Safety Net.

When you are close to reaching the Safety Net threshold, you can apply for a Safety Net card at any pharmacy or Medicare office. Once the pharmacist has issued your Safety Net card, medicine will be less expensive or free for the rest of the calendar year.

▼ **How do we register for the Medicare Safety Net as a family?**

You can register by downloading a Medicare Safety Net registration form [online \[http://www.medicareaustralia.gov.au/public/services/msn/index.jsp\]](http://www.medicareaustralia.gov.au/public/services/msn/index.jsp) or you can pick one up from a Medicare office. Completed forms can be placed in the drop box at most local Medicare offices or you can mail forms to GPO Box 9822 in your capital city. You can also register over the phone by calling 132 011.

▼ **Do these changes to Federal law impact on the rights of my partner to be considered my next of kin, for example, when dealing with hospitals or in relation to my will?**

Laws about next of kin, wills, medical powers of attorney and powers of guardianship are state-based laws and therefore are not part of the Federal reform package. It is important to protect yourself by determining who can make decisions on your behalf, for example to determine treatment regimes in the event of terminal illness or the continuation of life support in the event of a persistent vegetative state and, to ensure that your partner has access to property if you die. Contact your local Community Legal Centre for more information about how to protect yourself and your partner.

The Health & Ageing laws that have changed

- #74** Superannuation Act 1922 & 1976
- #75** Superannuation Industry (Supervision) Act 1993
- #76** Health Insurance Act 1973
- #77** Aged Care Act 1997
- #78** Age Discrimination Act 2004
- #79** Medibank Private Sale Act 2006

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