

- **How** do you wish to communicate any changes to your family and friends?

The information contained in this publication is intended for use in NSW, and relates to the law as at 1<sup>st</sup> May 2010.

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*This publication is intended as a guide to the law and should not be used as a substitute for legal advice.*

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## A list of some of the agencies that Fay could contact for help and advice:

- ① The Older Persons' Legal Service (A service of The Aged-care Rights Service). Tel: (02) 9281 3600 or 1800 424 079 (toll-free)
- ① Lesbian and Gay Legal Advice Service. Wednesday evenings Tel: (02) 9332 1966
- ① Financial Information Service (FIS). Tel: 132 300
- ① LawAccess NSW  
Tel: 1300 888 529. TTY: 1300 889 529
- ① Legal Information Access Centre (LIAC) (02) 9273 1558 or  
Tel: 1300 888 529. TTY: 1300 889 529
- ① Welfare Rights Centre -  
Tel: (02) 9211 5300  
or 1800 226 028 (Toll free)
- ① Centrelink Same-Sex Reform Enquiry Line Tel: 136 280
- ① Her solicitor. If Fay does not have a solicitor, she could contact the Law Society of NSW Solicitor Referral Service on (02) 9926 0300 for a list of solicitors in her area who have experience in these matters.

## Over the Rainbow

Legal and financial considerations for older lesbians negotiating new relationships



**Fay and Judy had been dating for three months and it was magic . . .**

Fay's relationship with Judy felt like the most exciting thing that had happened to her in years.

The introduction of the new Same Sex legislation had been the cause of increasing anxiety for them both, with Judy dependent on a Carer's Pension, and Fay self employed as a Naturopath.

Ten years ago, when Judy was 47, she had agreed to take on the role of live-in carer for her friend Clair. Clair suffered from Parkinson's and subsequently dementia, and had reached the point where she needed specialist care. Judy was in the process of organizing all of this when she and Fay first met.

Shortly after Clair had been moved to a care facility, Judy was notified that she would no longer be receiving the Carer's Pension, and that Clair's house was to be sold in order to pay for her medical expenses.

That day Judy, aged 57, was in tears as she told Fay she was now unemployed and would soon be homeless.

Fay knew what Judy was afraid to ask, and it terrified her too...

*If* Judy moved in, would she have to support her financially?

*What* would this do to their new relationship? Fay could barely support herself.

*Where* would Judy go if Fay didn't make the offer?

*How* would Fay's next move define their future, and how could she now put herself in a situation where she felt free to make a sensible choice?

## Questions Fay might need to ask

**Q.** How can I show support for Judy without making a commitment before seeking professional advice?

**A.** Perhaps the first thing would be to have a serious talk with Judy along the following lines:

*Things have become serious between us very quickly and I'm sure that neither of us wants it to stop, but we are old enough to know that if we want it to develop we need to plan carefully for our future.*

*I made a promise to myself that when it came to my financial security I would never make a decision based purely on emotions.*

*I feel very strongly about you, but I know that the only way I can make a rational decision is for us to get some professional advice.*

*I'm sure you can see the sense in this. I know that between us we have friends who'll be able to help out with somewhere for you to stay, and maybe even some casual work until we can work out a solution.*

**Q.** What are the issues Judy and I need to consider prior to our seeking professional advice?

**A.** You will need to discuss the following:

- **How** you see your relationship unfolding into the future.
- **Will** Fay's income affect Judy's ability to receive any future Centrelink benefits, if they are a legally defined as a 'de facto couple'?
- **If** one or the other of you is in financial need, what financial support, if any, would each provide to the other?
- **How** will you structure your finances, including your bank accounts and credit cards, to ensure that both of you each has security and protection?
- **If** you purchase joint items, i.e. furniture or vehicles, who owns them in the event of the relationship ending?
- **How** will you be financing holidays and recreational activities?
- **What** financial contribution will each of you provide for day-to-day living expenses?