



**REX PATRICK**

Nick Xenophon Team  
Senator for South Australia

Our ref: NC-TRE/JS

Division Head  
Retirement Income Policy Division  
The Treasury  
Langton Crescent  
Parkes ACT 2600

**BY EMAIL:** [superannuation@treasury.gov.au](mailto:superannuation@treasury.gov.au)

Dear Treasury

**Review into the early release of superannuation benefits**

Thank you for the opportunity to make a submission to the review of the early release of superannuation.

I am making this submission on behalf of a constituent, Megan, who I believe represents how the current rules can be ineffective in allowing people to access part of their superannuation benefits on compassionate grounds. The correspondence my office received from Megan is attached.

The recent reports identifying the increase in the number of people accessing superannuation benefits to pay for elective medical treatment, such as weight-loss surgery, is unacceptable and further demonstrates the need for this review.

I would like to specifically address the discretion outlined in Regulation 6.19A(1)(f) of the Superannuation Industry (Supervision) Regulations 1994. This discretion is important to allow the Regulator to release benefits when a claim does not fall within the ambit of the rules.

The frustration and despair that Megan and her partner have been through is further entrenched when they read of reports identifying people who have been able to access their superannuation for elective surgery. This is not an acceptable outcome and I believe most members of the public would agree.

I urge Treasury to closely examine Megan's circumstances when determining any recommendations for change, in particular to the residual discretion.

Yours sincerely

**Rex Patrick**

**Electorate Office**

Level 2, Ebenezer Place  
Adelaide, South Australia 5000  
Phone: (08) 8232 1144  
Fax: (08) 8232 3744  
Email: [Senator.Patrick@aph.gov.au](mailto:Senator.Patrick@aph.gov.au)

**Parliament House**

Canberra, ACT 2600  
Phone: (02) 6277 3713  
Fax: (02) 6277 5834

## ATTACHMENT A

My husband and I are your everyday Australians. We both are born Australian citizens, tax payers and genuinely good people.

We both hold permanent jobs.

We have 3 beautiful children. A 14 year old daughter, 11 year old son and a 16 month old little girl.

On Wednesday the 6th of December we attended our middle child's end of year presentation night at the Star Plex in Gawler. Mr Glenn Docherty Mayor of Playford was a guest speaker for the night. My children attend [REDACTED].

On the night Mr Docherty was involved in awarding a 2 student's the St Columba Medal. These 2 students are selected out of the entire primary school. This medal is awarded to one male and one female student who display academic and social behaviours and qualities the school pride in.

Our son was awarded this medal. As you can imagine we were super proud and on cloud nine.

That night we came home, this is where our world came crashing down.

Changing my 16month old daughters nappy ready for bed I noticed a lump on her belly.

On the 8th of December 2 days later after a CT it was confirmed our little girl had cancer.

She was diagnosed with a stage 4 Wilms tumour a type of kidney cancer, with Lung metastases and remains under the care of the Women's and Children's Hospital in North Adelaide.

As I'm sure you can imagine the heart ache we have been going through dealing with this horrible situation.

Our little girl has started chemotherapy. She is required to attend the Haematology/Oncology unit weekly for outpatient and inpatient treatment. In the coming 4 weeks she will undergo another CT scan to hopefully confirm the shrinkage of her tumour and she will be booked in for surgery where the remaining of the

tumour will be removed along with her right kidney. She will then continue her chemotherapy for 6 months. Once her 6 months of chemotherapy is completed, she may need radiation.

Keeping in mind the impact of emotional stress and worry not only to my husband and I but also our 2 other children.

This is where you come into it.

Ava will need 24/7 care. I have contacted my employer (ISS Facility Services) whom have been wonderful and explained the situation and they have told me that I can take off whatever time is needed and I will have a job to come back to.

Unfortunately I don't have annual leave or sick leave to cover my wages for 6+months. I have just 8 hours annual leave. So not only do we have emotional stress and worry, we now have financial.

We signed a building contract in April, so at present we are currently paying rent, along with a mortgage on a block of land and progressive payments on our new home will be commencing in the coming weeks. Sending 2 children to a private school and day to day expenses. With us losing my wages has put us in a serious financial situation.

Not having insurance to cover my wages I contacted my superannuation company (Australian Super Fund) to apply for an early release of some of my super to cover our mortgage payments for the next 6 months. (\$10,000.)

I was told I needed to apply through the department of human services. After speaking to them, they have apologised you me as they are unable to help me as I don't meet the criteria that's needed to apply for early realise of super. Under the compassionate regulations my little girl having cancer and me needing to care for her and out of work doesn't meet the government's criteria! I need to be behind in my mortgage or my child to be buried.

I then spoke to my superfund and begged them and again I don't meet the criteria the government have issued. For hardship I need to be on Centrelink benefits to be able to apply.

I am able to receive carers allowance of \$124 per fortnight. But my husband earns too much for us to receive carers payment.

\$62.00 per week just doesn't help enough. It's appreciated. I'm not asking for more benefits. Just some help please.

I'm a cleaner. It's not a great job, but I work, and I work hard. I get up at 4:30am every day. I don't sit on my bum, I don't expect handouts. But what I don't understand is why whether you're unemployed and receiving Centrelink benefits or whether you're going to work every day and earning your wages if your financial situation is effected by a tragedy why doesn't everybody get the opportunity to their super early to cover wage loss?

I'm not asking for any handouts, all I'm asking for is \$10,000 from my own superfund to be able to make our life a little less stressful than its going to be.

Please I am begging is there any way this can be changed so we can concentrate on getting our little girl back to full health and not worry if we can afford to put food on the table.

Kind regards

Megan