



**Palliative  
Care  
Australia**

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2 November 2007

General Manager  
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**Response to Consultation Paper - A proposal to allow the early release of superannuation benefits on a tax free basis to the terminally ill**

Palliative Care Australia (PCA) is the peak national organisation representing the interest and aspirations of all who share the ideal of quality care at the end of life for all.

Palliative Care Australia welcomes the Commissioner of Taxation's withholding variation that, as of 12 September 2007, people diagnosed with a terminal illness can draw their superannuation benefits on a tax free basis.

The condition that the diagnosis must be that the person is suffering from an illness which in the normal course, would result in the death of the person within 12 months is reasonable.

In developing the detail of implementing this decision in full, PCA proposes that:

1. People so diagnosed with a terminal condition should be able to access their superannuation entitlements regardless of their age.
2. People diagnosed with a terminal condition should be able to access their superannuation entitlements regardless of their age without any penalty associated with the express provision for retirement age criteria.
3. People so diagnosed with a terminal condition who live longer than 12 months should suffer no financial penalties.
4. At least 1 of the 2 medical practitioners required to certify that the person is

suffering from an illness which, in the normal course, would result in death within 12 months, should be recognised as a Palliative Care Specialist.

5. The administrative arrangements to enable people so diagnosed to access their superannuation should be designed and implemented so as to:

- make the process as simple as possible, and
- facilitate the fastest possible access to their entitlements.

6. There be a targeted communication strategy to ensure that superannuation policy holders, families, carers, health professionals, social workers, and other relevant stakeholders are aware of these new rights.

Palliative Care Australia appreciates the opportunity to participate in this consultation, and the extension of time to comment until 2 November 2007. We would appreciate being included in any on-going or subsequent consultations, meetings or discussions.

Yours sincerely

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