

**Senate Economics Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Budget Estimates, 1 to 4 June 2004

**Question: Bud 91**

**Topic: APRA - Tests Taken Over by State Jurisdictions**

**Hansard Page: E48**

Senator Sherry asked:

**Senator WATSON**—A constituent wished to access the hardship provisions by virtue of medical expenses in relation to some problems with her mouth and her teeth. APRA kindly provided the necessary criteria: numbers of doctors, dentists—the sort of information that was required. When this was taken to the fund, they deferred the approval and instead referred it to the state Attorney-General, who said the tests were not sufficiently robust and required, for example, specialists and a whole range of other issues. Would you like to comment on the authority of a state jurisdiction overruling something that is basically in the federal province?

Answer:

It is difficult to provide a detailed response in the absence of more information. However, the provisions dealing with release of benefits are contained in the Superannuation Industry (Supervision) Regulations, which are made under Commonwealth legislation. As such, their administration is a matter for Commonwealth authorities. Under current arrangements, APRA is the relevant authority. There is accordingly no apparent role for a state Attorney-General in decisions relating to the administration of the regulations.