

THE LAW

SUPERANNUATION

Agency switch for release of super

Common sense solution, says industry.

Medicare Australia will become the sole agency administering the early release of superannuation on compassionate grounds under changes to superannuation law passed by the House of Representatives.

Generally superannuation benefits are preserved until an individual turns 55, but can be released early in limited circumstances such as urgent medical treatment, impending mortgage foreclosure or to cover palliative care costs.

Currently Australians who need early access to their super must apply to the Australian Prudential Regulation Authority (APRA), or to the Australian Taxation Office for self-managed super funds.

Assistant Treasurer Bill Shorten said the administration of compassionate early release does not sit well with APRA's main role as the regulator of Australia's financial services industry.

"Medicare Australia is better suited to administer this function, and after it becomes formally responsible for administration of early release on compassionate grounds, there may be scope to considerably streamline the function," Mr Shorten said.

The Australian Superannuation Funds Association (ASFA) welcomed the move, saying it is common sense for early release to be administered by a body that already has a customer service operation in place.

The amendments do not make any change to the strict criteria for early release of super on compassionate grounds, which Shadow Treasurer Joe Hockey said was crucial to Coalition support of the amendments.

"Superannuation must remain the savings for retirement, and it should only be in extreme circumstances that the funds can be withdrawn," Mr Hockey said. •



LAWS THAT SUIT THE TIMES: *Modernising extradition*

EXTRADITION

Reforms to streamline extradition process

Balance sought between efficiency and safeguards.

The extradition process will be streamlined and greater protection offered for those facing potential persecution for their gender or sexual preference under amendments proposed to Australia's extradition laws.

The Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 will also increase resources available to joint international investigations, as well as strengthening protections against assisting investigations where torture or the death penalty may be applied.

The chair of the House of Representatives Social Policy and Legal Affairs Committee, Graham Perrett (Moreton, Qld) said the reforms would modernise Australia's laws on extradition and mutual assistance processes.

"The bill as proposed achieves an effective balance between streamlining processes and maintaining safeguards," Mr Perrett said.

Acting committee deputy chair Sharman Stone (Murray, Vic) stressed

the bipartisan nature of the committee report, describing the amendments as a notable improvement to current extradition and mutual assistance laws.

"It is not just streamlining; we believe it is a very significant movement forward to ensure that Australia has special measures to ensure that in extradition we uphold the rights of individuals to be treated properly before our law and also that their human rights are observed in other jurisdictions," Dr Stone said.

The amendments are generally supported by legal and human rights groups, although the Australian Human Rights Commission considers that protections against torture and the death penalty should be expanded to cover cruel, inhuman or degrading punishment.

Other changes to reduce extradition delays include allowing a person to waive the extradition process, and extending the possibility of prosecution in Australia as an alternative to extradition. International proceeds of crime actions will also be simplified. •