



Minister for Revenue and Financial Services

The Hon Kelly O'Dwyer MP

Ref: MC16-018819

Mr Ross Vasta MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

14 DEC 2016

Dear Mr Vasta

Ross

Thank you for your personal representations, originally directed to the Treasurer, concerning the consideration of the Standing Committee on Petitions, regarding the removal of the powers of the Superannuation Complaints Tribunal (the Tribunal) to review death benefits. Your correspondence has been referred to me as I have responsibility for this matter.

The Superannuation Complaints Tribunal was established as an alternative to the court system, with the objective to resolve superannuation complaints in a fair, economical, informal and quick manner. Within the limits of the law, the Tribunal has the power to vary or set aside a trustee's decision, if that decision is deemed to be unfair or unreasonable in the circumstances. Appeals to the Federal Court of Tribunal decisions are permitted on questions of law. Though tribunals are not courts, they are still required to exercise procedural fairness – to do what is fair in the circumstances of each case.

Australians currently have the right to pursue superannuation complaints through the courts instead of the Tribunal – the Tribunal cannot consider complaints which are the subject of court proceedings. The court process, however, may require legal representation and can be lengthy and costly for an individual, meaning court proceedings may not be a viable alternative for many individuals. For this reason, I consider it important to allow the Tribunal to continue to consider complaints related to death benefits.

I hope this information will be of assistance to you.

Yours sincerely

Kelly O'Dwyer