



## Separating fact from fiction on accessing your super early

The ATO is warning against the risks of accessing super early for non-critical medical procedures or lifestyle expenses.

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The Australian Taxation Office (ATO) is warning against the risks of accessing superannuation (super) early to pay for non-critical medical procedures or lifestyle expenses.

ATO Deputy Commissioner Emma Rosenzweig cautions those who are considering accessing their super to carefully consider their circumstances and the impacts it can have both short and long term.

‘Superannuation is saving for your retirement. Your employer pays 12% super on top of your salary or wages as a long-term investment which grows over time and generally cannot be accessed until you reach preservation age or retire.

‘Access to super on compassionate grounds is available in very limited circumstances for critical medical procedures and should only be considered as a last resort where all other options of paying for the eligible expenses have been exhausted.

‘We have seen an increase in dodgy advice and misconceptions around when individuals can access their super early, and we want to make it clear that Australians should not be considering early access unless they are eligible and it is absolutely necessary for their circumstances,’ said Ms Rosenzweig.

## **‘My dentist advised me I can use my superannuation for cosmetic veneers’**

Health practitioners prepare medical reports that are used by their patients to apply for early access to super on compassionate grounds. We rely on the information within these reports when assessing applications, so it is important that practitioners undertake proper examinations of their patients and provide complete, true and correct information in their reports that reflect their professional opinion.

‘We are aware of various reports about the conduct of some health practitioners who support individuals to access their superannuation on compassionate grounds,’ said Ms Rosenzweig.

While we believe most health practitioners act in their patients’ best interests, we are increasingly hearing about concerning behaviours, including:

- preparing inaccurate medical reports to support patients access their super where they are ineligible, such as for cosmetic purposes
- preparing a medical report where the practitioner hasn’t performed a comprehensive consultation or examination of the patient
- placing profits ahead of patient care, by recommending higher cost treatments, premium pricing or over-servicing without providing information on all available treatment options
- collecting and using patients’ myGov details to submit applications, when individuals are required to submit applications themselves
- charging fees to assist patients prepare or submit applications without being a registered tax agent
- encouraging or advising patients to access their super to pay for health treatments without an Australian Financial Services license.

‘When preparing medical reports to support an application, health practitioners must ensure they perform their role ethically and to the expected standard, whilst ensuring they don’t provide services they aren’t competent to provide or trained for,’ said Ms Rosenzweig.

‘We are working with other regulators including the Australian Health Practitioner Regulation Agency (AHPRA) to address any inappropriate behaviour.’

## **‘Just fudge the form, everybody does it and the ATO will never find out’**

‘Individuals who apply with the assistance of a third party need to review their application and the supporting documents before it is submitted, to ensure it is accurate. Where a third party acts inappropriately on an individual’s behalf, the individual can still be liable for any consequences, including penalties for making a false or misleading statement.

‘Applications for early access of super on compassionate grounds must only be completed by the person seeking the release. If someone requires assistance in completing an application for compassionate release of super, help is available on our website or by phoning **13 10 20**,’ Ms Rosenzweig said.

## **‘I can access my superannuation for cosmetic treatments’**

Medical treatments undertaken solely with cosmetic intent wouldn’t normally qualify for compassionate release of super as, under the law, an individual must require the treatment to either:

- treat a life-threatening illness or injury
- alleviate acute or chronic pain, or
- alleviate acute or chronic mental illness.

‘Applicants should be aware that submitting an application for health treatments that are not necessary for one of these reasons would be making a false or misleading statement to the Commissioner, which can attract severe penalties,’ said Ms Rosenzweig.

These penalties can also apply to health practitioners who make false or misleading statements in medical reports.

## **‘I can access my superannuation for investments, holidays and day-to-day expenses’**


Accessing super on compassionate grounds is only available in very limited circumstances where individuals are unable to pay for an

eligible expense using any other means. It is not 'free money', and it will reduce the amount available in retirement and results in you paying more tax,' Ms Rosenzweig said.

'Individuals who apply need to ensure they are eligible and that they provide accurate information and documents in their application. Where applications are approved, individuals should remember that they have declared in their application that they will use the money to pay for the approved purpose and keep receipts to support this.

'There can be significant consequences for people who attempt to inappropriately access their super, including severe penalties for making false or misleading statements or adjustments to their income tax return so they are required to pay additional tax.

## Notes to journalists

- ATO stock footage and images are available for use in news bulletins from our media centre.
- Early access to super
- Access on compassionate grounds
- Compassionate grounds – Information for Registered Agents
- Compassionate grounds – Information for Health Practitioners
- Inappropriate access to super on compassionate grounds
- [Joint Statement by Ahpra and the Dental and Medical Boards of Australia](#) 
- A headshot of ATO Deputy Commissioner Emma Rosenzweig (JPEG, 1.08MB) is available from the ATO media centre.

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