

# Hep C factsheets

## Superannuation



### Introduction

### Provider responsibilities

### Avoiding discriminatory situations

### Assessment processes

### Confidentiality

### Taking action

### Contacts:

## Introduction

Most people in Australia have some sort of superannuation fund with the aim of providing financial security after they retire from the paid workforce.

Superannuation funds usually provide default disability and death insurance cover, especially if your superannuation fund is employment related. Your medical history is not needed for this default cover but it is required if you want a higher level of cover or make a claim.

## Provider responsibilities

It is not unlawful to ask if a person has hepatitis or other infectious diseases, or whether they inject recreational drugs. These questions can be asked verbally or in written form.

It is unlawful, however, to then use the information received to treat a person with a disability (eg. hep C infection) less favourably than someone else who doesn't have such a disability. Some cases may be excepted from coverage by the Act.

## Avoiding discriminatory situations

It is against the law to discriminate against someone in the terms and conditions of superannuation coverage (super) on the grounds of their sex, race, age, pregnancy, marital status, disability or sexuality - Anti-Discrimination Act 1977 (NSW).

It is not unlawful for superannuation funds to ask if you have hepatitis or other infectious diseases, or whether you inject recreational drugs, if they are considering your application for insurance cover. Any information about your insurance cover (through your superannuation fund) must be kept confidential by the employer and superannuation provider.

While it is not against the law to ask these or similar questions, the NSW Anti-Discrimination Board's advice to all employers and super providers - or other similar legal service providers - is simply not to ask questions that may contribute towards them acting in a discriminatory manner on the basis of the answers and information gained.

Employers and service providers will avoid acting in a discriminatory manner if they stick to asking questions that are directly relevant to assessing super cover.

## Assessment processes

Superannuation providers routinely ask questions aimed at identifying applications from people who it is believed have a significant risk, within an initial three year period, of death or excessive sick leave. In these cases, a special three year payout exclusion clause may be applied.

Questions contained within the medical history section of application forms should be aimed at such assessments for suitability of cover.

Superannuation providers make such assessments based on a 'medical, statistical and actuarial basis'. In this regard they must look at applications on a case-by-case basis.

## Confidentiality

It must also be noted that any information about a person applying or holding superannuation cover must be kept confidential by the employer and superannuation provider.

## Taking action

If anyone has applied for superannuation cover and feels the super provider used information - about their sex, race, age, pregnancy, marital status, disability or sexuality - unfairly, the NSW Anti-Discrimination Board would investigate the individual circumstances and attempt to conciliate the matter if discrimination appears to have occurred.

## Contacts:

The NSW Anti-Discrimination Board  
02 9318 5400 or freecall 1800 670812

The Insurance & Superannuation Commission  
13 1060

The Superannuation Complaints Tribunal  
13 1434

- This article was developed from information provided by the NSW Anti-Discrimination Board.