



A survival guide to
Superannuation Total and
Permanent Disability Claims



Law Institute of Victoria Accredited Specialists
in Personal Injury and Workplace Relations Law

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RYANCARLISLETHOMAS
LAWYERS

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To qualify for a TPD claim

Have you...

- 1. Sustained an injury or illness that's preventing you from working?**
- 2. Got a superannuation fund?**

If you answered **'yes'** to both questions, you may be able to make a claim against the insurance policy attached to your superannuation fund.

Types of superannuation insurance policies

There are generally four different types of insurance policies attached to superannuation funds:

- 1. Total Permanent Disability ('TPD') insurance**
- 2. Income Protection ('IP') insurance**
- 3. Terminal Illness insurance**
- 4. Death insurance**

This guide deals with TPD claims

If at any point you would like to make an enquiry with us and start the process of making a claim, simply click on the flag which you will find in the corner of each page.



Click to start
a claim online

Introduction

If you are no longer able to work or having great difficulty in continuing to work due to an injury or illness (physical or psychological), it is important that you consider and investigate your entitlement to Total Permanent Disability ('TPD') benefits under your superannuation.

Every superannuation fund is different, every fund has its own particular TPD policy and every TPD policy has a different level of insurance cover. It is important to check your own individual policy as your entitlements may be very different to those of your friends and family.



Important!

TPD insurance and your super balance

As TPD insurance is separate from and distinct to your superannuation entitlements, a TPD claim **does not** affect the amount of super you have accrued and your super account balance will be unaffected by any TPD payment.



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Making a claim for TPD



Important!

Whilst there is generally no time limit on making a TPD claim, the longer you wait, the harder it can get as some super funds will argue that they are prejudiced if they can't make their assessment closer to the time of the onset of your injury or illness.

You will also need to ensure that you receive all of your entitlements in a timely manner to help make life easier at a time which can otherwise bring financial stress.

What do you need to provide?

If you are making a TPD claim, your super fund will require you to complete a statement and provide a range of signed authorities, medical reports, a resume, taxation documents and an employment history statement.



Important!

It is also important that you submit all of the required documents and attach all the relevant doctors' and other medical reports to help ensure your TPD claim has the best chance of success.

What happens once my claim is lodged?

When your super fund receives your TPD claim and its supporting documentation, they are required to assess it, act in good faith, give your claim real and genuine consideration and apply sound reason.

How long does a claim take?

Unfortunately, there is no set time frame in which super funds are required to make their decision.

To assist in their decision-making process, super funds are able to request that you be assessed by an independent medical examiner and, in some cases, may request additional information from your employer, GP, other medical specialists, Centrelink and/or the Australian Taxation Office.

Claim payment and super balance

In most cases where a claim is granted, funds are paid as a lump sum along with the balance of the super account. The option to roll over a portion or the full amount of the payment into another super fund may also be available.



Important!

As the method of payment can have significant tax implications, it is important that you seek independent financial advice as to the best way to have funds paid to you.



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What if my TPD claim is rejected?

We often find that super funds reject TPD claims because:

- **they determine that the applicant does not meet their definition of 'total permanent disability';**
- **they believe the applicant still has some work capacity; or**
- **their assessment suggests that the applicant was not in active employment prior to ceasing to work.**

Disputing a decision to reject a TPD claim

However, they don't always get it right and you can dispute the decision. Fortunately there are a number of options with regards to disputing the decision to reject a TPD claim.

These include lodging an internal complaint with the super fund itself, lodging a complaint with the Superannuation Complaints Tribunal or issuing proceedings in the relevant court.

Time limits apply when disputing a rejected TPD claim. You have only six years from the date the claim was rejected in which to issue proceedings in a court to dispute the decision and even less time if a complaint is to be lodged with the Superannuation Complaints Tribunal.



Important!

See a lawyer

If you have not already done so, it is important to see a lawyer as soon as possible at this stage to obtain advice on your best next step and to ensure your complaint has every chance of success.

You can commence this process by [clicking here](#) to submit a free preliminary online enquiry. A representative from our office will then be in contact with you to schedule an appointment with a lawyer from our Superannuation Department.

Ryan Carlisle Thomas acts on a 'No Win No Fee OR Expenses' basis for clients with TPD claims. You can obtain more information about this fee policy on our [website](#).



Click to start
a claim online

Useful links



[Click to start a claim online](#)



[Find missing superannuation](#)

Search the ATO's lost members register and unclaimed super money register for any super you may have lost.



[Superannuation complaints tribunal](#)

The Superannuation Complaints Tribunal is a Commonwealth body that deals with complaints about superannuation.

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Contact us to arrange a free first interview



1300 366 441



<https://rctlaw.com.au>



enquiries@rctlaw.com.au

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