

Superannuation Disability Insurance Benefits

Automatic eligibility

Most disability insurance through super is provided to members with automatic eligibility so you don't generally need to fill in any medical forms or disclose pre-existing health conditions to get cover. If you need to claim it usually won't matter if you had the injury or illness before you joined the super fund.

You will generally need to meet certain requirements such as being able to work your specified hours and duties when you first start with an employer and join the fund. The exact requirements vary depending on your insurance policy so seek advice if you need to claim.

Types of disability insurance

There are two common types of disability insurance usually offered through super, they are Income Protection (IP), a monthly benefit paid while you are unable to work, and more commonly Total & Permanent Disability (TPD) benefits. TPD benefits are usually lump sum payments available if you are unable to ever work in a job you are suited to by education, training or experience as a result of injury or illness. Some funds have a stricter definition of TPD so it's important you find out as otherwise you may be paying for insurance you will never be able to use.

Income Protection (IP) Insurance

Income Protection benefits, also known as salary continuance benefits start after a waiting period and can continue for up to two or five years, or to age 67 depending on the super fund. These payments can be a set amount or may pay up to 75% of your previous earnings calculated over 12 or 24 months. Some can also include super contributions.

They are paid if you can't do your usual job or maybe some aspect of your job. Partial disability benefits may be paid if you go back to part time work. Benefits may be reduced if you get compensation payments or Centrelink payments - but not always.

Many people have their IP claims rejected or ceased unfairly, particularly if they've been on payments for some time.

Under some policies, the payments stop if the employment relationship ceases or if you're paid compensation or a lump sum. Reducing hours or changing your work conditions might also impact a claim so it's important to seek advice early.

Contact Maurice Blackburn for help.

Total & Permanent Disability (TPD) Benefits

TPD benefits can be claimed if you meet the policy definition of TPD. The wording can vary but usually the definition requires you to be permanently unable to work due to injury or illness. You don't have to be unfit for all work - only for your usual job or other suitable work that fits your education, training or experience.

For example, if you've got a bad back and you've only ever worked as a labourer or process worker, you will only have to show that you can't do manual work again to claim a disability lump sum. It doesn't matter if your doctors say that you could do some other lighter work if you haven't done that type of work before.

Your injury or illness doesn't have to be work-related. A disability claim can be made because of blood cancer, a heart attack, mental illness, MS, Chronic Fatigue Syndrome or an injury, including brain injury, suffered at home or in a car accident.

You might still be able to make a disability claim even if you have already been paid your superannuation contributions, or your account has been closed, provided you were covered when you had to stop work for health reasons. There may be time limits in which a claim must be made so it's best to seek advice.

In fact, your estate may even be able to make a disability claim after you die. However because time limits may apply, it's a good idea to make a claim as soon as possible.

This brochure was prepared in February 2017. It is a general guide to legal, superannuation and financial issues and is not a substitute for professional advice.

For more information, please contact us:

 **1800 196 050**

 **mauriceblackburn.com.au**

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Can I have more than one claim?

If you are a member of more than one Fund, it is usually possible to make two or more lump sum claims, depending on your policy. You can also usually have a lump sum claim and monthly payments. However, monthly payments may be reduced by other insurance monthly payment benefits.

How do I claim?

We recommend you seek legal help in making a claim. Claim forms are often lengthy with complex wording. You can do damage to your prospects if you make mistakes in your wording and often the fund or its insurer will not ask your doctor the appropriate questions which causes the doctor to give an incorrect answer and an unfair denial of your claim. Maurice Blackburn can help you with a TPD or IP claim.

What if the super fund rejects my claim?

The super fund's decision is not final. We recommend you seek legal help. Often insurers will accept a claim when a lawyer gets involved. If they still don't approve a claim then there is the

option to take the matter to a Court or Tribunal. Some time limits can apply and it is important to get help when lodging a complaint.

Need help?

It's important to get expert advice and help with any superannuation or insurance disability and death claim.

Maurice Blackburn has helped thousands of people get hundreds of millions of dollars in super benefits.

Maurice Blackburn has the largest superannuation and insurance legal practice in Australia. We have offices in the ACT, NSW, Queensland, Victoria, WA, SA and NT.

We're experts in tracking down your super and will take on your claim on a no win, no fee* basis.

**Call Maurice Blackburn on the Disability Helpline
1800 196 050 for free legal advice.**

*Conditions apply



Checklist for Superannuation Claims

If you answer 'yes' to any of the below (or if you're not sure), contact Maurice Blackburn to check for a possible claim.

- Have you stopped work?
- Are you on a Centrelink Disability Support Pension?
- Are you on workers' or motor vehicle accident compensation?

Have you ever had:

- employment super?
- income protection insurance?
- employment disability insurance?
- private super?
- life insurance?
- mortgage protection insurance?
- trauma insurance?

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