

SUPERANNUATION DISABILITY CLAIMS

Problems at work – who should I tell?

If you have a disability hindering you from working productively, or if your disability is an occupational health and safety risk, you should inform your employer. This may result in changes to help you continue working. The law requires that employers make reasonable allowances for disabled employees.

Stopping or stopped work because of a disability?

If you:

- have already stopped work (or can no longer work full-time) due to a disability
- may have to stop work, or reduce your work hours, due to a disability

you may be entitled to benefits from your workplace superannuation fund.

Superannuation and insurance disability benefits

As a member of a superannuation fund, you may qualify for disability benefits.

If you can't perform your usual work or suitable alternative work, you may be entitled to receive a *total and permanent disability (TPD) payment*. Some superannuation funds also offer *total and temporary disability (TTD) benefits*, which are regular payments, often monthly, by way of income support.

Frequently asked questions

Q: Am I entitled to claim disability benefits under my super if my medical condition isn't work-related?

A: Yes. *Your injury or illness does not have to be connected to your work.*

Q: If I have some ability to continue working, does this prevent me from making a TPD claim?

A: No. *For example, if you have been a manual worker, the insurer cannot deny the claim on the basis that you may be fit for some types of "white collar" clerical or administrative work.*

Q: Will my TPD payment be taxed?

A: No. No tax applies to TPD payments.

Q: Will Gibney & Gunson charge for legal fees if my disability claims fail?

A: No. We act in all superannuation disability claims on a “no win, no pay” basis. Refer to your costs agreement.

Q: Why do I need a lawyer?

A: Disability claims are complex. Claims are often initially denied by the insurer on the basis of fitness for work. In many claims, the insurer will dispute the extent of disability. In claims involving acute pain, such as back pain claims, the superannuation insurer will often deny that there is an injury. Gibney & Gunson has years of experience and considerable expertise in assisting their clients to manage these often challenging claims. We are familiar with the major superannuation funds, and we deal also with the smaller funds. We have specific knowledge about the different superannuation disability schemes, the different superannuation insurers, the nature of the disability schemes (which differ between superannuation insurers), and the issues the superannuation insurers find relevant. We pride ourselves on successfully navigating our clients through the often complex claims process and are proud of our clients’ success rate.

Death and terminal illness (TI) benefits

- **Superannuation death benefits:** On the death of a superannuation fund member, a lump sum may be payable to the member’s estate or to the nominated beneficiaries.
- **Terminal illness claims:** If a fund member is diagnosed with a terminal condition, and this is confirmed by two doctors, benefits may be payable by the super fund.

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