



## **Don't dismiss your super**

If you are injured and unable to return to work you may be entitled to bring a Total & Permanent Disablement (“TPD”) claim through your superannuation fund. Depending on various factors including the amount of the premiums paid, you may have access to a TPD benefit ranging from the tens to hundreds of thousands of dollars.

To access this benefit, you must have suffered injury and be unable to return to work. There are two types of Total & Permanent Disability policies; “own occupation” and “any occupation”. “Own occupation” policies entitle an individual to a benefit if he or she cannot return to the usual occupation they were performing prior to their injury, or an occupation they have the skills, training and experience to undertake. “Any occupation” policies entitle an individual to a benefit if he or she cannot return to any occupation whatsoever.

If you hold TPD insurance and meet the policy definitions of your superannuation fund, you are eligible to make a claim. The claims process requires completion of a large number of documents and can be complex and, unfortunately, time consuming. Your treating doctors will be required to certify that you are not capable of returning to your pre-injury occupation and your superannuation fund will request your medical records and information from your Employer. If your superannuation fund recommends that your TPD benefit is paid, it will then go to the Trustee of the superannuation fund for final approval. If your TPD claim is successful, you will also be able to obtain access to your superannuation balance, should you wish to do so.

Consideration should also be given to whether you hold any other insurance in your superannuation fund, such as income protection or death benefits, that you or your legal personal representative are eligible to claim.

It is helpful to seek legal advice when considering whether to lodge a TPD claim. A Solicitor with expertise in this area can assist you through the claims process and increase the chance that your TPD claim is approved. This year alone, Melissa Arndell of Toby Tancred Solicitor has assisted many people with their TPD claims and recovered millions of dollars of benefit for people unable to work.

If you have sustained an injury in the workplace Toby Tancred can help. He can provide you with legal advice, investigate your matter and represent you if you need to commence legal proceedings. Toby Tancred is a Law Society Personal Injury Accredited Specialist and has been recognised by Doyle's Guide as a Recommended Work Injury Compensation Lawyer for two years running. Doyle's Guide has also named Toby Tancred Solicitor as a Recommended Asbestos & Dust Diseases Compensation Law Firm. Toby Tancred and his team have the experience, knowledge and ability to help all injured people in difficult times.