



Early access to super

- You may be able to have early access to your superannuation under certain circumstances

The contributions you or your employer make to superannuation are an investment in your retirement. Generally, the Government requires most of the money paid into your superannuation account to stay there until you reach age 65 or preservation age. This amount is called “preserved super”.

If you have not yet reached 65 years of age or preservation age, you may be able to access your preserved super in certain circumstances described below.

Preservation age will be dependent upon when you were born:

Date of birth	Your preservation age
Before 1 July 1960	55
From 1 July 1960 until 30 June 1961	56
From 1 July 1961 until 30 June 1962	57
From 1 July 1962 until 30 June 1963	58
From 1 July 1963 until 30 June 1964	59
On or after 1 July 1964	60

Source: Superannuation Industry (Supervision) Regulations 1994, sub-Regulation 6.01

Severe financial hardship

You may be able to obtain early access to your preserved super on financial grounds in two circumstances:

- Where you are able to show that:
 - you are unable to meet reasonable and immediate family living expenses; and
 - you have been in receipt of income support payments from Centrelink for a continuous period of 6 months. You may apply once every 12 months, and if approved you may receive up to \$10,000.

- Where you are able to show that:
 - you have attained your preservation age plus 39 weeks; and
 - you have been in receipt of a Centrelink income support payments for a continuous period of 6 months; and
 - you are not gainfully employed on a full-time or part-time basis.

If your claim is approved, you may apply for a release of funds as many times as you wish in a 12 month period. Further, there is no restriction on the amount you can apply to be released. Lastly, there is no requirement to display an inability to meet reasonable and immediate family living expenses.

Generally, in order to apply under these conditions you will need to obtain a letter from Centrelink (called a “Q230”).

Also, all documentary evidence provided with your application is usually required to be no more than one month old.

Terminal illness

Contributions made to your superannuation may be released if you have a ‘terminal medical condition’.

To establish that you are suffering from a terminal medical condition you must have two registered medical practitioners (one who is a specialist) jointly or separately certify that you have an illness, or have suffered an injury that will likely result in your death within 24 months as at the date of certification.

For each medical certificate, the period of certification must not have expired at the time of you make the application for early access.

This type of application is usually made through your superannuation fund/s.

Compassionate grounds

You may be able to apply to your superannuation fund or the Department of Human Services for early release of your preserved super on compassionate grounds.

Generally, an application may be made on these grounds where you require money for the payment of:

- a. medical or dental treatment for yourself or your dependant, where such treatment is not readily available through the public health system or covered by health insurance;
- b. transport for medical or dental treatment for yourself or your dependant;
- c. arrears on your mortgage to prevent your home from being sold by your lender;
- d. modifications to your home or vehicle to accommodate for a severe disability suffered by yourself or your dependant;
- e. expenses associated with palliative care for you or your dependant;
- f. expenses associated with your dependant's death, funeral or burial.

For the purposes of applying under any of the grounds above, a dependant is usually defined as:

- your partner or spouse
- your children (provided that they are not living independently from you)
- anyone else who is dependent on you for financial, domestic or personal support.

An application on these grounds is ordinarily made with Centrelink. Application forms are available on their website

www.humanservices.gov.au/customer/services/centrelink/early-release-superannuation).

Permanent incapacity

Generally, you will be considered to be permanently incapacitated if you have an injury or illness that makes it unlikely that you will engage in gainful employment that is within your education, training or experience (see Regulation 1.03C of the Superannuation Industry (Supervision) Regulations 1994).

Ordinarily, you will need certification from two separate registered medical practitioners that you are permanently incapacitated.

You should also be aware that if you are found to be permanently incapacitated, you may also meet the conditions for a Total and Permanent Disablement benefit associated with your superannuation account.

It can help to seek advice from experts in superannuation and insurance matters to determine whether this is the case.

An application of this type is made through your superannuation fund/s.

Other options

If you:

- a. are a temporary resident who is planning on permanently leaving Australia; or
- b. have less than \$200 in your superannuation account.

You may be able to apply for early release of your preserved super through your superannuation fund/s.

Application a) is made through the ATO, application b) is made through your superannuation fund.

What if I am not eligible?

Before deciding whether or not you are eligible for early access to your preserved super, we would highly recommend speaking with your superannuation fund, the Department of Human Services, and the Australian Taxation Office.

If you are still ineligible and facing financial crisis we would recommend contacting financial counselling services and personal/family counselling services.

You can contact the National Debt Helpline on 1800 007 007.

Important note

You might have a separate claim for super disability insurance benefits as well as your contributions. These benefits can sometimes include monthly payments while you are unable to work, or a one off lump sum payment if you are unlikely to return to work you are educated, trained or experienced in.

For further information and advice regarding this, please speak with a superannuation, financial or legal expert.

Where to get help

- Your doctor
- Legal adviser
- Your super fund
- Musculoskeletal Australia
MSK Help Line: 1800 263 265

Produced in partnership with Maurice Blackburn Lawyers.

How we can help

Call our MSK Help Line and speak to our nurses.
Phone 1800 263 265 or email helpline@msk.org.au.

We can help you find out more about:

- arthritis and musculoskeletal conditions
- ways to live well with these conditions
- managing your pain
- upcoming webinars, seminars and other events.

More to explore

- Australian Government Department of Human Services – Early release of superannuation
www.humanservices.gov.au/customer/services/centrelink/early-release-superannuation
- Australian Government – Australian Taxation Office www.ato.gov.au

June 2018