

Early access to superannuation

Although you can't usually access your superannuation until you are at least 55 years old, you can apply for the early release of some or all of your superannuation if:

- you can demonstrate to Centrelink that a **"compassionate ground"** applies to you (you do not have to be in receipt of Centrelink benefits to apply on this basis); or
- you are experiencing severe **financial hardship** and have been in receipt of a Centrelink benefit for at least 26 weeks; or
- you are suffering from a **terminal illness**; or
- you are experiencing **total or permanent incapacity**; or
- your superannuation balance is **less than \$200**; or
- you are a **temporary resident departing Australia permanently**.

Early access because of a 'specified compassionate ground/s'

The law provides for the early release of superannuation where a person can establish one of the following "compassionate grounds":

1. **medical or dental treatment costs** for yourself or your dependant
2. **transport costs** for you or your dependant to access medical or dental treatment
3. **mortgage assistance** to prevent your bank or lender repossessing or selling your home
4. **modifications to your home and/or motor vehicle** to accommodate a severe disability suffered by yourself or a dependant
5. **care for terminal medical condition** for your dependant (if the costs are your own, you must apply to your own super fund)

6. **funeral expenses for a dependant** for you to pay for expenses associated with a dependant's death, funeral or burial

You can apply to Centrelink and, if successful, you can then request that your super fund release some/all of your super to you for the reasons you have specified. If you apply on the basis of more than one ground you will need to complete separate applications for each ground (see Centrelink for the appropriate forms).

Early access because of severe financial hardship

Type A: To show "severe financial hardship" you must:

1. have been receiving payments from Centrelink for **26 weeks**;
2. be receiving Centrelink payments at the time you apply to Centrelink for early access to your superannuation; and
3. be unable to meet "reasonable and immediate family living expenses" (ie you do not have enough money or assets to pay for the basic necessities of everyday living).

Type B: You can also show severe financial hardship if you:

1. have reached your "preservation age" (between 55 and 60 years);
2. have been receiving payments from Centrelink for **39 weeks** after reaching your preservation age; and
3. are not employed full-time or part-time.

If Type A or B apply to you, you should speak to your superannuation fund to find out their process for granting early access on the basis of severe financial hardship. If you are granted early access, you must notify Centrelink.

Early access because of terminal illness

You can apply to your superannuation fund for early access to your superannuation if you have a medical condition that is likely to result in your death within the next 24 months. You will need to provide medical evidence from two medical practitioners (one must be a specialist).



Early access because of incapacity

You can apply to your superannuation fund for early access to your superannuation if you can demonstrate that you have suffered either:

- **permanent incapacity** – you have a physical or mental medical condition that is likely to stop you from ever working again in a job you were qualified to do by education, training or experience; or
- **temporary incapacity** – you are temporarily unable to work, or need to work less hours, because of a physical or mental medical condition

You will need to provide medical evidence from two medical practitioners (one must be a specialist).

Accessing a superannuation balance of less than \$200

If the balance of your superannuation account is less than \$200, you can apply to your superannuation fund to claim the balance of your account simply because you wish to access it.

Departing the country

If you are not a permanent resident of Australia (or a New Zealand citizen), you can claim all superannuation you accumulated while working in Australia if you visited Australia on a temporary visa, you have left Australia and your visa has expired/no longer in effect.

Death Benefit

If you are the dependent of a person who has died you may be eligible to receive all or a portion of the deceased person's superannuation benefit and any life insurance. You should check with the deceased person's superannuation fund to find out if you were their 'nominated beneficiary'.

Total and Permanent Disability Insurance

Some superannuation funds will provide their members with particular insurance plans. Some funds provide 'total and permanent disability insurance' for their members. This is insurance against you becoming



totally and permanently disabled. If you find that you do have this insurance and believe you have become totally and permanently disabled you can make a claim.

Contact Street Law on 1800 787 529 for more information.

The material in this fact sheet is intended as a general guide only. Readers should not act on the basis of any material in this publication without first getting legal advice about their particular situations. If you would like more information, please contact Street Law on 1800 787 529 or info@streetlaw.org.au.

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