



Can I claim TPD if I've received a WorkCover or TAC payout?

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At Guardian Injury Law, we speak with people every day who have sustained injuries at work or injuries in motor vehicle accidents. In these discussions, we always also check if our clients hold total and permanent disability (TPD) insurance through their super fund. This is because, in addition to any WorkCover or TAC entitlements they may have, they may also be able to claim a TPD lump sum payout if their injuries caused them to stop working.

What are TPD benefits?

TPD benefits are insurance entitlements attached to your superannuation fund or purchased under an individual insurance policy. Most super funds have default TPD cover. Each fund has its own policy with different rules, definitions and requirements.

Due to the variety of different fund rules, claims can become complicated. At Guardian Injury Law, we offer free advice for injured people, so it costs you nothing to find out where you stand.

[Free advice to find out where you stand: 1300 700 761](#)

You can read more about TPD benefits in our earlier blog, ["TPD claims – your complete guide"](#).

What do I need to prove to be eligible to claim TPD benefits?

To be eligible to claim TPD benefits, you need to meet the policy definition (specific to your fund) of total and permanent disability. Whilst definitions vary, most policies define total and permanent disablement as:

“The member being unable to engage in employment for six consecutive months because of sickness or injury; and is so disabled that the insured member is unlikely to ever engage in his or her own occupation or any other occupation for which he or she is reasonably suited by education, training or experience.”

When assessing whether or not you are unlikely to ever engage in your own occupation or any other occupation for which you are reasonably suited by education, training or experience, the fund must have regard to whether you can work in a “real world” job and not some fictitious job that is not available in the open labour market.

If you’ve lodged a claim for TPD benefits and it’s been declined for any reason, including issues around definitions, call us for some free advice.

[Free advice to find out where you stand: 1300 700 761](#)

You can read more about adverse decisions from your TPD insurance provider in our earlier blog, [“Here’s what to do if your TPD claim is rejected”](#).

Can I access my TPD benefits whilst in receipt of WorkCover or TAC entitlements?

When you have sustained an injury at work or in a motor vehicle accident, you are certainly able to access your TPD benefits if you are unable to work as a result of the injury. Further, accessing your TPD benefits will not impact upon your [WorkCover](#) claim or [TAC entitlements](#).

To claim TPD benefits, you need to ensure that you meet the fund’s definition of total and permanent disablement. To do this, material such as medical reports and health records from your WorkCover or TAC file can be used in support of your TPD claim. If we are acting for you in a WorkCover claim or TAC claim, we will ensure any entitlement to TPD benefits will also be investigated.

It is important to note that a failed attempt to return to work does not mean that you are unable to claim your TPD entitlements.

For instance, under WorkCover or TAC, you may be required to participate in a return-to-work plan. This may be with significant restrictions, reduced hours or in an alternate role to your pre-injury position. Just because you are participating in the return-to-work plan does not mean that you are not able to claim your TPD benefits.

Has your TPD insurer denied your claim because you’ve returned to work in a limited capacity after a WorkCover or TAC injury? Call us for free advice.

[Free advice to find out where you stand: 1300 700 761](#)

Can I claim my TPD benefits if I received a WorkCover or TAC payout a long time ago?

If you have:

- received a WorkCover or TAC payout years ago; and
- have not been able to work; and
- held TPD cover as at the date of your injury (possibly even several years ago),

you are still able to claim your TPD entitlements. Accessing your TPD entitlements does not impact upon your previous WorkCover or TAC lump sum compensation.

There is no deadline by which you must make a claim for your TPD benefits. Whilst claims for injuries that occurred some years ago can be more difficult, they are certainly not impossible if you meet the fund's definition.

You can learn more about this in our earlier blog, ["Can I claim TPD years after stopping work due to injury or illness?"](#)

Should I engage a lawyer to help me claim my TPD benefits?

Engaging a lawyer to assist you with your TPD claim, particularly when you have sustained an injury at work or on the road, can be very beneficial.

A lawyer can ensure that your TPD application meets the fund's definition and give your claim every chance of success. Further, a lawyer can ensure that your TPD application will not negatively impact your WorkCover or TAC claim.

Get help from a TPD and compensation lawyer

At Guardian Injury Law, we have significant experience in helping people injured at work and injured in motor vehicle accidents. In those circumstances, we will always investigate your options for TPD claims, including the option of claims where you have multiple superannuation funds.

We undertake our work on a no win, no fee or expenses basis and provide free initial advice. So, it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

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This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.