

# Compassionate Grounds Guide

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Rules for early access to your super  
(including claim forms)

1 July 2019

# Accessing your super under compassionate grounds

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Generally super can only be accessed once you are permanently retired from the workforce and have reached your preservation age (from age 55 to 60, depending on when you were born), or if you satisfy another condition of release. Australian Government legislation allows early access of superannuation under limited circumstances, such as when you're experiencing severe financial hardship, or on certain compassionate grounds.

If you need information about claiming your super early due to severe financial hardship, please read our *Early Release of Superannuation Benefits due to Severe Financial Hardship* factsheet at [qsuper.qld.gov.au/factsheets](http://qsuper.qld.gov.au/factsheets), or call us on **1300 360 750** to request a copy.

### How to make a compassionate grounds claim

1. The Australian Taxation Office (ATO) assess your eligibility for a compassionate grounds claim. If you need further information on compassionate grounds eligibility after reading this factsheet, please contact the ATO on **13 28 61**.
2. If the ATO approves your application to access your super early, they will provide you with a confirmation letter. You will then need to complete the *Application for Early Access on Compassionate Grounds* form at the back of this guide and send it to us along with your letter from the ATO.

## Compassionate grounds conditions of release

The ATO assess applications to access superannuation early under compassionate grounds, on behalf of the Australian Prudential Regulation Authority (APRA). Before we can pay your compassionate grounds claim, you need to get permission from the ATO to release your super early. When you apply to the ATO they assess if you meet one of the early release conditions and provide you with a confirmation letter if you are approved.

### Grounds the ATO can consider

The ATO can approve the early release of your super on the following compassionate grounds, which are set out in regulation 6.19A of the *Superannuation Industry (Supervision) Regulations 1994*.

### Medical/dental treatment or transport

On these grounds, accessing your super early would help pay for medical or dental treatment, or for transport to medical or dental treatment, for you or a dependant. The treatment you or a dependant receives needs to:

- Treat a life-threatening illness or injury
- Alleviate acute or chronic physical pain
- Alleviate an acute or chronic mental illness.

In this situation, the treatment must not be readily available through the public health system, and the cost of treatment must not be completely covered by your or a dependant's private health insurance and/or workers' compensation.

### Mortgage assistance

On this ground, accessing your super early would let you pay a loan to prevent:

- Foreclosure of a mortgage on your principal place of residence
- Your mortgagee from starting the process of selling your principal place of residence.

This ground generally **does not include** rent or making a payment on a mortgage that:

- You expect to have difficulty paying for in the future (but is not yet in arrears)
- is in arrears, but not to the extent that the lender has decided to sell
- is for a second or investment property.

### Modifications to your home and/or motor vehicle

On this ground, accessing your super early would help pay for modifications to accommodate any special needs for you, or a dependant, that are needed because of a severe disability.

### Palliative care expenses for a terminal illness

On this ground, accessing your super early would help pay for palliative care for you or a dependant because of a terminal illness.

### Death of a dependant

On this ground, accessing your super early would help pay for funeral expenses following the death of a dependant. It is important to note that the person who has passed away needs to have been a dependant of yours. This means any expenses associated with the death of a family member, such as a parent, grandparent or sibling can only be approved if they were dependent on you financially, domestically, or personally, at the time of their death.

### Other grounds

You may be able to access your super early to pay for expenses in other cases, where the release is consistent with one of the grounds mentioned above (and this is determined by the ATO). For more information on other grounds that may meet the conditions of release, please contact the ATO on **13 28 61**.

# How to apply

## Making a compassionate grounds claim

If you think you meet the conditions of release for compassionate grounds, you will need to complete the online application through the ATO website at [ato.gov.au](http://ato.gov.au), or call the ATO on **13 28 61** to request a copy of the application form.

## Claim assessment and confirmation

Your application will be allocated to an ATO assessor, who will consider the information provided. Once they make a decision about your application, they will send you a confirmation letter to inform you of the outcome and provide you with an explanation if your application is denied.

If the ATO approves your claim, the letter they send you will tell you how much of your super you can claim. You will then need to complete and return our *Application for Early Access on Compassionate Grounds* form located at the back of this guide, and return it to us, along with the letter from the ATO.

### Where to send your application

Please send your completed application form and ATO confirmation letter to us by:

#### Post

QSuper  
GPO Box 200  
Brisbane QLD 4001

#### Email

[qsuper@qsuper.qld.gov.au](mailto:qsuper@qsuper.qld.gov.au)

## Claim payment

Once we have received your *Application for Early Access on Compassionate Grounds* form and your ATO letter, we aim to process your payment within two weeks. Please make sure you provide all requested information by completing the checklist at the back of this document, or your claim might be delayed. We will contact you if we need further information relating to your claim.

## State and Police accounts

If the ATO approves the early release of your super, and you want to access your State or Police account benefit, we must transfer your super to an Accumulation account before it can be released. Please note that this necessary process will delay your claim payment by up to four weeks.



**Do not transfer your funds out of a State or Police account before you receive approval for early release from the ATO.**

**Once you leave your State or Police account you cannot transfer back in to it and you may want to seek financial advice before making this decision.**

## Defined Benefit accounts

If you have a Defined Benefit or a Deferred Retirement Benefit account, and would like to know how your application for early access under compassionate grounds will impact your account, please call us on **1300 360 750**.

## Tax

You might have to pay tax on the amount you access, and we will deduct this before we make your payment. For more information, please read our *Tax Explanation* factsheet at [qsuper.qld.gov.au/factsheets](http://qsuper.qld.gov.au/factsheets) or call us to request a copy.

## Temporary residents

If you are a temporary resident you are only able to access your super early under the following conditions (unless you meet other eligibility criteria prior to 1 April 2009):

- Permanent incapacity
- Unclaimed money payment
- Departed temporary resident
- Terminal medical condition
- Death.

## Need help

If you would like more information about accessing your super under compassionate grounds, contact the ATO directly on **13 28 61**.

If you need help understanding anything in this guide or would like to discuss your account and advice options, call us on **1300 360 750**.

# Application for Early Access on Compassionate Grounds

## How to use this form

Use this form to claim your superannuation on compassionate grounds, after you have received approval from the Australian Taxation Office (ATO).

Please complete in **BLOCK** letters, in blue or black ink.

### 1 Personal details

Client number

Your client number can be found on your annual statement or by logging in to Member Online.

Title

First name

Last name

Previous name<sup>1</sup> (if we know you by another name)

Date of birth (dd/mm/yyyy)

Home phone number

Mobile phone number

Work phone number

Email address

Residential address

State

Postcode

Postal address

As above

State

Postcode

### 2 Application details

I am applying for the early release of my super on compassionate grounds.

I have attached the original letter (or downloaded printout) from the ATO that states I am eligible.

I would like to withdraw (please select one option):

The net amount (after-tax amount<sup>2</sup> as approved by the ATO:

\$

The total balance of my account, (if it's less than the amount approved by the ATO).

#### Claiming a tax deduction

If you intend to claim a tax deduction for non-concessional contributions paid to your QSuper account, it's important to lodge a *Notice of Intent to Claim or Vary a Deduction for Personal Super Contributions* form before this money is withdrawn from your Accumulation account. For more information on eligibility to claim a tax deduction, please refer to *How to Claim or Vary a Tax Deduction for Contributions* factsheet.

### 3 Retaining your account

If you are withdrawing your total Accumulation account balance, and would like to keep your QSuper Accumulation account open, you can choose to retain a balance of \$100.

I want to retain \$100 in my Accumulation account.

This amount will be retained even if you have requested to withdraw your total balance. Any employer contributions will continue into this account as long as the balance is above zero.

Any insurance deductions would continue subject to eligibility conditions, unless you choose to cancel your insurance, or no money has been received into your Accumulation account for 13 continuous months and you have not permanently opted in to cover.

<sup>1</sup> If your name has changed and you work for a Queensland Government or default employer, let your payroll office know and they will then let us know. Otherwise, please send us a certified copy of either a marriage certificate or other legal change of name document. <sup>2</sup> This amount cannot be more than the amount shown on your letter from the ATO.

#### 4 Providing your tax file number (TFN)

Under the *Superannuation Industry (Supervision) Act 1993*, your super fund is authorised to collect your tax file number (TFN), which will only be used for lawful purposes. These purposes may change in the future as a result of legislative change. If you transfer your super to another fund we may disclose your TFN to the other super provider unless you tell us not to in writing. It is not an offence not to quote your TFN. However, providing your TFN to your super fund will have the following advantages (which may not otherwise apply):

- Your super fund will be able to accept all types of contributions to your account(s)
- The tax on employer contributions to your super account(s) will not increase
- Other than the tax that may ordinarily apply, no additional tax will be deducted when you start drawing down your super benefits
- It will make it much easier to trace different super accounts in your name so that you receive all your super benefits when you retire.

##### Your TFN

If we already have your TFN, you do not need to give it to us again.

#### 5 Receiving your payment

We can only make payments to your personal bank account, and not into a business or loan account. Let us know your banking account details below.

Pay directly into a personal bank account.

##### Name of bank, credit union or building society

##### Account name

##### Branch (BSB) number

##### Account number

#### 6 Withdrawing from your investments

If you're an Accumulation account member and you're not accessing all your super, you need to tell us how we should withdraw money from your investment options. If you don't tell us, we'll withdraw money proportionally from your existing investments.

Investment option	Withdrawal amount		Withdrawal percentage
Lifetime	\$ <input type="text"/>	or	<input type="text"/> %
Moderate	\$ <input type="text"/>	or	<input type="text"/> %
Balanced	\$ <input type="text"/>	or	<input type="text"/> %
Socially Responsible	\$ <input type="text"/>	or	<input type="text"/> %
Aggressive	\$ <input type="text"/>	or	<input type="text"/> %
Cash	\$ <input type="text"/>	or	<input type="text"/> %
Diversified Bonds	\$ <input type="text"/>	or	<input type="text"/> %
International Shares	\$ <input type="text"/>	or	<input type="text"/> %
Australian Shares	\$ <input type="text"/>	or	<input type="text"/> %
<b>Total</b> (must add up to 100%)			<input type="text"/> %

Keep in mind we can't make payments from Self Invest. If you want to transfer money from Self Invest to another investment option just log in to Member Online.

## 7 Proving your identity

You can prove your identity by either:

### Option 1 – Electronic identification

(not available for people currently living overseas)

To prove your identity electronically, please provide us with your driver licence or passport number.

From here QSuper will provide your name, address and date of birth to a credit reporting agency (CRA) to check if your personal information matches your credit information file with the CRA. This will allow us to verify you under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* before making your payment. It doesn't give us access to other information about you, our request won't be recorded on your credit information file and the CRA can't use it for anything else. If we cannot identify you in this way, we will write to you advising the name of the CRA and another way to verify your identity.

**I confirm that I am authorised to provide the personal details presented and I consent to my information being checked with the document issuer or official record holder.**

Driver licence number

State of issue

Passport number

Previous name

Country of birth

**OR**

### Option 2 – Certified identification

You can post, email or fax us certified copies of your identification document as explained in the *Proving Your Identity* factsheet on our website.

## 8 Declaration and authorisation

I declare:

- I am the person named on this form or I have a power of attorney to act on the member's behalf.<sup>1</sup>
- I understand tax may be deducted from my payment.
- The information I've given on this form is true and correct.
- I declare I'm an Australian or New Zealand citizen, or a permanent resident of Australia.

Signature

(Please sign in blue or black pen – QSuper does not accept electronic signatures on this form)

Date signed (dd/mm/yyyy)

 /  / 

<sup>1</sup> If you haven't already done so, you'll need to give us an original certified copy of the power of attorney document.

## Checklist

- Check your identification documents** have been correctly certified (read the *Proving Your Identity* factsheet for more information).
- If our records do not reflect your current name**, please attach certified copies of either a marriage certificate or other legal change of name document (read the *Proving Your Identity* factsheet for more information).
- If signing as a power of attorney** and you have not previously submitted this, please attach a certified copy of the power of attorney documentation. You must also attach certified copies of your and the member's identification documents (read the *Proving Your Identity* factsheet for more information).
- Attach a copy of your ATO** confirmation letter.

### Where to send this form

Please send your completed form to us by:

#### Post

QSuper  
GPO Box 200  
Brisbane QLD 4001

#### Email

qsuper@qsuper.qld.gov.au

#### Member Centres

**70 Eagle Street, Brisbane**  
**63 George Street, Brisbane**  
**Sunshine Coast University Hospital**, Ground Floor,  
Main Hospital Building, 6 Doherty Street, Birtinya

#### Member Service team

**Phone** 1300 360 750  
**Overseas** +61 7 3239 1004  
Monday to Thursday 8.30am – 5.00pm (AEST)  
Friday 9.00am – 5.00pm (AEST)

**Postal address** GPO Box 200, Brisbane QLD 4001  
**Email** qsuper@qsuper.qld.gov.au  
**Fax** 1300 242 070  
**Website** qsuper.qld.gov.au

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