



Quiz

Total and Permanent Disability in Superannuation

1. Which of the following is the correct definition of “total and permanent disability” as set out in *Hannover Life Re of Australasia Ltd v Jones* [2017] NSWCA 233?
 - a. The insured person is unable to follow their usual occupation by reason of accident or illness for two consecutive years, and is unlikely ever to be able to engage in any work for which they are reasonably fitted by education, training or experience
 - b. The insured person is unable to follow their usual occupation by reason of accident or illness for six consecutive months, and is unlikely ever to be able to engage in any work for which they are reasonably fitted by education, training or experience
 - c. The insured person is unable to follow their usual occupation by reason of accident or illness for six consecutive months, and there is a reasonable possibility that they will not be able to engage in any work for which they are reasonably fitted by education, training or experience
 - d. The insured person is unable to follow their usual occupation by reason of accident or illness for one year, and is unlikely ever to be able to engage in any kind of work at all
2. Which of the following is not a duty shared by both trustees and insurers?
 - a. The duty to consider the correct question

- b. The duty to make a decision that is reasonable on the evidence
 - c. The duty to adopt a fair procedure in relation to the member who has made the claim
 - d. The duty to refer the member to a recruitment agency
- 3. What should a practitioner do upon first receiving a TPD claim?
 - a. Gather as much evidence as possible to prove the severity of the claimant's injury
 - b. Check that the claimant actually has cover
 - c. Contact the claimant's treating medical practitioner
 - d. All of the above
- 4. What did the New South Wales Supreme Court hold in *Jones v United Super Pty Ltd* [2016] NSWSC 1551?
 - a. That any new role suggested by a vocational assessor must be one for which the claimant has been shaped by their vocational history and training
 - b. That the claimant's new role was sufficiently connected to his old role such that he was taken outside the definition of being "totally and permanently disabled"
 - c. That in suggesting new roles for the claimant, the vocational assessor had failed to take into account the claimant's anxiety in dealing with strangers
 - d. That a claimant's activity cannot qualify as "work" unless it is a job that is recognised in the community
- 5. What should practitioners be mindful of when gathering medical reports as evidence for a TPD claim?
 - a. How old is the report
 - b. Whether the doctor making the report was predicting improvement for the claimant, or merely expressing a hope of improvement
 - c. Whether the doctor making the report has suggested certain treatment, and, if that treatment has been tried and the claimant's condition has not improved, whether the doctor's opinion is still the same as originally expressed in the report

d. All of the above

Answers:

1. b 2. d 3. b 4. a 5. d