ESSSuper
Claiming a Disability Benefit

Proudly serving our members

Issued 1 July 2024

Issued by: Emergency Services Superannuation Board ABN 28 161 296 741
as Trustee of the Emergency Services Superannuation Scheme ABN 85 894 637 037

ESSSuper
Emergency Services & State Super

Disclaimer

At ESSSuper, we treat the privacy and confidentiality of our members' personal information seriously. We are committed to complying with the guidelines set down in the Privacy and Data Protection Act 2014 and the Health Records Act 2001 (Vic). To obtain copies of ESSSuper's *Privacy Policy* and *Privacy Collection Statement*, visit our website at **esssuper.com.au**

Emergency Services Superannuation Board ABN 28 161 296 741 the Trustee of the Emergency Services Superannuation Scheme ABN 85 894 637 037 (ESSSuper). The information contained in this guide is of a general nature only. It should not be considered as a substitute for reading the relevant ESSSuper Product Disclosure Statement (PDS) that contains detailed information about ESSSuper products, services and features. Before making a decision about an ESSSuper product, you should consider the appropriateness of the product to your personal objectives, financial situation and needs. It may also be beneficial to seek professional advice from a licensed financial planner or adviser. An ESSSuper PDS is available at **esssuper.com.au/pds** or by calling 1300 650 161 (for emergency services members) or 1300 655 476 (for state super members).

How to contact ESSSuper

Our Member Service Centre can assist you with all enquiries regarding your benefit. If you want to discuss any aspect of your membership, or you want to make an appointment for an individual consultation, you can call us between 8.30am and 5.00pm Monday to Friday.

ESSSuper's contact details are:

Street address	Level 16, 140 William Street Melbourne Victoria 3000
Postal address	GPO Box 1974 Melbourne Victoria 3001
Telephone	1300 650 161 (for emergency services members) 1300 655 476 (for state super members)
Email	info@esssuper.com.au

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Introduction

The purpose of this guide is to assist members of ESSSuper's defined benefit funds when lodging a disability claim.

The guide provides information specific to the ESSS Defined Benefit Fund and the New, Revised, Transport and SERB Schemes, about the benefits available, as well as details about the claim lodgement (*Application for Disability Benefit form (ES158)*), the assessment process and the payment process.

The disability benefits claim and assessment process undertaken by ESSSuper is complex and detailed. If you have any questions or you wish to speak with someone regarding your application, please call us.

More complex or detailed information about disability benefits can be discussed with a Disability Claims Assessor either over the telephone or in person at ESSSuper's office.

Important things to consider before lodging a claim

Timeframe

Members need to meet all eligibility conditions prior to a disability benefit being payable. The eligibility conditions vary depending on a number of factors including the type of disability benefit and your current membership entitlements. If a member has been assessed and a disability benefit is payable, ESSSuper will pay the benefit from the first day after termination or absent of duties (whichever the case may be).

Authorised representatives

Members may authorise a representative to assist them with their disability claim by logging into Members Online at **esssuper.com.au/members-online** and navigating to the *Third party access* menu. Please call us if you need assistance with this.

Benefit estimates

Member disability benefit estimates are shown on a member's *Annual Benefit Statement*. These amounts are calculated using employment history information held by ESSSuper as at 30 June each year.

Binding Death Benefit Nomination

Once a Total and Permanent Disability (TPD) pension is approved and becomes payable, or your employment is terminated whilst in receipt of a temporary pension, any binding death benefit nomination will be invalid and will be treated as a non-binding nomination by the Emergency Services Superannuation Board.

Financial advice

ESSSuper recommends that members seek independent financial advice before making any decision about superannuation.

Please call us for more information.

Making an application

Definition of disability

For ESSS Defined Benefit Fund members, disability is defined in Section 3(1) of the *Emergency Services Superannuation Act 1986* (the ESS Act) as follows:

"the inability of a contributor or member before the age of 60 years or of a police recruit due to a continuing or recurring injury, disease or infirmity to ever –

i. perform his or her duties; and
ii. perform any other duties for which he or she is suited by education, training or experience or for which he or she would be suited as a result of retraining

as determined by the Board on the basis of reports provided by at least 2 registered medical practitioners appointed by the Board".

For New, Revised, Transport and SERB members, disability is defined in Section 3(1) of the *State Superannuation Act 1988*, and the *Transport Superannuation Act 1988* and Section 2(1) of the *State Employees Retirement Benefits Act 1979* as follows:

"the permanent inability of the member before the age of 60 years due to a continuing or recurring injury, disease or infirmity –

a. to perform his or her duties; and
b. to perform any other duties for which he or she is suited by education, training or experience or for which he or she would be suited as a result of retraining

as determined by the Board on the basis of reports provided by at least 2 registered medical practitioners appointed by the Board".

How are disability claims assessed?

For a claim to be accepted the member must be considered to be suffering from a disability as defined in the relevant Act.

ESSSuper will make this decision based on information gathered during the assessment. This information is obtained from:

- the member's claim form (*Application for Disability Benefit form (ES158)*);
- the employer (the member's claim form gives ESSSuper the authority to request information from the employer);
- treating doctor reports; and
- medical reports provided by ESSSuper appointed doctors.

To start the assessment process ESSSuper must receive a fully completed and signed *Application for Disability Benefit form (ES158)* and treating doctor medical report – Parts A and B of the form. This form is contained at the end of this brochure.

ESSSuper will ask the employer to provide details from the member's personnel record including (but not limited to): the recent sick leave record; any rehabilitation programs undertaken; and any compensation claims lodged. ESSSuper may also ask the member to provide further information at any time.

Prior to granting a disability benefit ESSSuper will ask the member to attend at least two independent medical examinations with Board approved doctors. A formal vocational assessment may also be arranged.

Once the medical reports have been received from these examinations, ESSSuper will make a decision on a member's disability claim.

Based on the assessment made by ESSSuper, disability retirement will be offered if a member:

- cannot perform current duties; and
- cannot perform any other duties for which the member would be suited by education, training or experience or for which he or she would be suited as a result of retraining.

When will the disability benefit be paid?

The benefit is payable from the first day after the member retires on disability grounds.

ESSSuper will pay the benefit to the member once we have received:

- Certification from your employer regarding your service history, salary data, final contribution data, last day with pay and final date of service when you cease employment. The employer cannot provide this information to ESSSuper until the member retires on disability grounds; and
- Completed member documentation accepting the benefit offer. ESSSuper will provide the forms for completion when advising members of its decision.

However, legislative provisions exist for Revised and SERB Scheme members where the disability pension will commence from the day after their last day of pay if this date predates the date of ESSSuper's decision date.

Review of ESSSuper decisions

A member may request a review of an ESSSuper decision regarding a disability claim.

On receipt of a review request an additional medical examination by a mutually agreed ESSSuper appointed doctor will be arranged.

ESSSuper will then re-examine its decision not to offer retirement on disability grounds using all information before it including the member's review document(s) and additional medical reports.

If ESSSuper's decision is changed upon review, the disability benefit will be paid in accordance with relevant legislation.

If, however, ESSSuper considers the medical evidence does not support the member's disability claim the entire case can be referred to ESSSuper's Board for review.

The Board has delegated the power to make decisions of this nature to its Benefits and Service Committee, which comprises members of the Board.

If the Board decides not to accept the disability claim the member's remaining avenue of appeal is with the Victorian Civil and Administrative Tribunal (VCAT). VCAT has the power to review ESSSuper decisions relating to member benefit entitlements.

Members considering lodging a review request against an unsuccessful claim are encouraged to first obtain a copy of the medical reports considered by ESSSuper in making its decision.

Freedom of Information

The *Freedom of Information Act 1982* (FOI Act) gives members the right to request information held by ESSSuper.

Members may lodge an FOI request to obtain copies of medical reports used by ESSSuper to assess their disability claim. This information may help a treating doctor in deciding the future medical care of a member or alternatively it may help a member understand ESSSuper's decision not to accept a disability claim request.

An FOI application fee applies as prescribed by the Victorian Government. On the provision of evidence of financial hardship the fee may be waived or reduced.

Please note that there may be reasons why your FOI request is not accepted in accordance with the FOI Act.

The above FOI process does not apply to any medical reports that are received by ESSSuper after 1 July 2010. Legislative changes to the governing rules of Victoria's public sector superannuation schemes now allow members access (without going through the FOI process) to copies of medical reports received by ESSSuper from that date, with some exceptions. If you wish to obtain a copy of any medical reports received by ESSSuper after 1 July 2010, please forward your written request to ESSSuper, GPO Box 1974, Melbourne VIC 3001. Please note that access may not be granted in certain circumstances.

ESSS Defined Benefit Fund members

ESSS Defined Benefit Fund members have disability cover 24 hours a day, seven days a week regardless of whether they are on or off duty.

The disability benefits available to ESSS Defined Benefit Fund members are:

- Permanent disability pensions or lump sum benefits;
- Temporary pensions for disability; and
- Ill-health retirement lump sum benefits.

Permanent disability pension or lump sum benefits

A permanent disability pension or lump sum will be offered to members suffering from a disability (as defined) as follows:

- a permanent disability pension will be paid to qualifying members that terminate service prior to age 55 for operational members and prior to age 60 for non-operational members; and
- a lump sum accrued retirement benefit will be paid to qualifying members that terminate service at age 55 or older for operational members* and at age 60 or older for non-operational members.

Please note that operational members must terminate service prior to age 55 and non-operational members must terminate service prior to age 60 to qualify for the permanent disability pension. If termination of service occurs at or after age 55 for operational members and at or after age 60 for non-operational members a lump sum equal to the member's lump sum accrued retirement benefit at date of termination is payable instead of a permanent disability pension.

Permanent disability pensions are payable for life and are adjusted twice a year in line with movements in the Consumer Price Index.

Members may elect to commute a permanent disability pension to a lump sum within the three months before the member's 60th or 65th birthday. Alternatively, the Board may pay a lump sum if:

- ESSSuper no longer considers the member disabled; or
- a member is gainfully employed; or
- the Board cancels the pension e.g. where a member has substantial income from alternative gainful employment.

Lump sum payments release ESSSuper from any further benefit entitlements to the member, spouse or dependants.

Temporary pensions

A temporary pension may be payable in some cases where a member has applied for a disability benefit, but where it appears that he or she is likely to substantially recover from the injury, disease or infirmity.

Members paid the temporary pension are deemed to be on leave of absence without pay.

Members may elect to pay contributions while paid a temporary benefit provided employment has not been terminated. Temporary disability pension payments do not reduce the member's retirement benefit.

The temporary pension is initially payable for a 'first limited period' of up to 12 months.

Members are medically examined prior to the end of the first limited period to assess:

- whether the temporary pension should be continued for a further period of up to 12 months (provided the members' services have not been terminated); or
- whether the temporary pension should be continued for a further period subject to the member's participation in a retraining program (provided the member's services have not been terminated); or
- a member's fitness for duty on resuming employment; or
- the need to offer a disability retirement or ill-health retirement benefit based on the available medical evidence and the member's age and operational status.

* If you are a Victoria Police member aged 55 to 59 inclusive who has needed to claim their accrued benefit because you have sustained a Total and Permanent Disability (TPD), an additional payment may be available to you via the Victoria Police Death and Disability Benefits Contingency Fund, administered by the Department of Justice and Community Safety. Members must claim their accrued benefit from ESSSuper in order to access the Contingency Fund. For more information about the Contingency Fund, including eligibility criteria, please visit **justice.vic.gov.au/victoriapolicecontingencyfund**

Ill-health retirement lump sum benefits

The ill-health retirement lump sum benefit may be payable where the medical evidence indicates:

"...a continuous or recurring impairment of the health of a contributor which is due to a physical or mental incapacity, bodily injury, illness or disease, which in the opinion of the Board:

a. is not a disability, and
b. is likely to be adversely affected if the contributor remains in his or her employment or returns to employment with an employer, and
c. does not preclude the contributor from seeking alternative employment, and
d. has not been incurred or inflicted for the purpose of obtaining a benefit".

An ill-health retirement lump sum benefit releases ESSSuper from any further benefit entitlements to the member, spouse or dependants.

Retrospective disability

From 1 July 2014, a former member may at anytime within 6 years from termination of employment make an application for payment of a benefit on the grounds that they were suffering from disability at the time they ceased employment.

Note: this only applies to members who ceased employment on or after 1 July 2008.

In the event that a retrospective disability claim is successful, the disability benefit will be adjusted for any previous benefits provided by ESSSuper.

New, Revised, Transport and SERB Scheme members

Members of the New, Revised, Transport and SERB Schemes under the age of 60 years have disability cover 24 hours a day, seven days a week.

The disability benefits available to members of the New, Revised, Transport and SERB funds vary from fund to fund. The benefits are:

- Permanent disability pensions (all funds);
- Temporary disability pensions (all funds);
- Commuting the permanent disability pension into a full or partial disability retirement lump sum benefit (provisions vary from fund to fund); and
- Ill-health retirement lump sum benefits (New and Transport Schemes only).

Permanent disability pensions

The permanent disability benefit is a fortnightly pension. Permanent disability pensions are payable for life and are adjusted twice a year in line with movements in the Consumer Price Index.

Depending on the membership type these disability benefits may also be paid as a full lump sum benefit or a combination of pension and lump sum. In some circumstances lump sum benefits are offered to members at the discretion of ESSSuper based on a medical assessment of the member's mental competence to make decisions regarding the acceptance and management of a lump sum.

In the event of the death of a Revised or SERB Scheme permanent disability pensioner the benefit may be paid to an eligible spouse at approximately two thirds of the full rate.

In respect to New or Transport Schemes, in the event of the death of a permanent disability pensioner, ESSSuper may pay a lump sum benefit to your eligible dependants, or other persons that the ESSSuper Board determines (subject to certain restrictions).

Full lump sum payments release ESSSuper from any further benefit entitlements to the member, spouse or dependants.

To be paid a permanent disability benefit the member must first retire from employment on disability grounds.

The permanent disability pension is subject to periodic review.

Temporary disability pensions

A temporary pension may be payable in some cases where a member has applied for a disability benefit, but where it appears that he or she may substantially recover from the injury, disease or infirmity.

The temporary pension is payable for a maximum period of two years (one year for SERB Scheme members) provided:

- employment is not terminated (i.e. active membership of the fund is maintained); and
- the medical evidence at review supports the continuation of the benefit.

Members paid a temporary disability pension are medically reviewed every six months. These reviews may include ESSSuper obtaining medical reports from the treating doctor(s) and/or ESSSuper appointed specialist doctors.

Members may elect to pay contributions while paid the temporary benefit. Temporary disability pension payments do not reduce the member's retirement benefit.

Temporary disability pensioners unable to resume duty on medical grounds after two years (one year for SERB Scheme members) may be offered disability retirement if eligible.

Lump sum payments

Payment of a lump sum benefit may be approved in some circumstances. Members may apply for a lump sum benefit at, or anytime after, retirement on disability grounds. Lump sum benefits vary from fund to fund as follows:

- The Revised Scheme lump sum benefit is equal to five times the annual rate of pension.
- The New and Transport Scheme full lump sum benefit is approximately 12 times the annual rate of pension. New and Transport Scheme members may also elect to be paid a part pension and a part lump sum benefit.
- For SERB Scheme members the Beneficiary Account lump sum can be paid at the time the member retires on disability grounds.

Ill-health retirement lump sum benefits
(New and Transport Scheme members only)

The ill-health lump sum benefit may be payable where the medical evidence indicates that a member is incapable of former duty but could undertake alternative employment outside the public sector.

An ill-health retirement lump sum benefit releases ESSSuper from any further benefit entitlements to the member, spouse or dependants.

Retrospective disability

From 1 July 2014, a former member who ceases employment on or after 1 July 2014 prior to age 60 may at any time within 6 years from termination of employment, make an application for payment of a benefit on the grounds they were suffering disability at the time they ceased employment. If you haven't worked since you ceased employment and believe you met the definition of disability at the time you finished working, you may want to consider submitting a retrospective disability application.

Members who cease employment prior to1 July 2014 have an unrestricted ability to claim for disability retrospectively (i.e. no time restrictions apply).

In the event that a retrospective disability claim is successful, the disability benefit will be adjusted for any previous benefits provided by ESSSuper.

If a retrospective disability claim dates back prior to 1 July 2010 and a medical classification applies, your benefits may be reduced if the reason for your disablements was specified in your Benefit Classification Certificate (BCC).

Supplementary information

Disability pension reviews

Temporary disability pensioners

Temporary disability pensioners are medically reviewed to determine fitness for duty. The review interval differs depending on membership type. ESSS Defined Benefit Fund members paid a temporary pension are reviewed prior to the end of the limited period while for members of the New, Revised Transport and SERB Schemes, the review interval is six months.

Temporary pensioners may work as an aid to resuming employment; however, the income derived from this activity is subject to ESSSuper's disability pension income test. Temporary pensioners wishing to work must first inform ESSSuper.

Permanent disability pensioners

Permanent disability pensioners may undertake employment within their capacity; however, the income derived from this activity is subject to ESSSuper's disability pension income test.

Permanent disability pensioners are periodically reviewed to determine whether they are gainfully employed and, if so, whether the income generated from this activity warrants an adjustment to the pension under ESSSuper's disability pension income test.

In undertaking a gainful employment review ESSSuper will ask the pensioner to provide taxation documents and payslips to substantiate income from any gainful employment. Income derived from investments (e.g. from property and shares) is generally not considered as assessable income, however, income derived from self-employment or any activity undertaken in support of a business is assessable.

A permanent disability pensioner may be subject to medical reviews by the Board.

Temporary pensioners – retraining programs

Vocational assistance and retraining programs may be offered to temporary disability pensioners actively looking for alternative employment.

These programs may be offered by ESSSuper when:

- the medical evidence unequivocally supports the pensioner's participation in these activities; and
- the formal vocational assessment indicates that the member does not have the transferable skills required to reasonably seek alternative employment.

While the legislative provisions for retraining programs vary between funds it is possible for ESSSuper to meet the cost of retraining programs offered to temporary pensioners in some cases.

Temporary pensioners – Resuming Duty Allowance

Resumed Duty Allowance (RDA) is a special allowance that may be paid to former temporary disability pensioners transitioning back into State public sector employment. The transition arrangements can be a graduated part-time to full-time work program and/or working in an alternative position.

ESSSuper will only consider paying RDA if it receives clear and unequivocal medical evidence stating the pensioner will be capable of full-time former or alternative duty within two years of resuming work.

RDA is the difference in salary paid between the position occupied upon return to work and the current equivalent salary (CES) of the former pensioner's pre-disability retirement position.

Terminal Medical Condition (TMC)

A member with a terminal illness where life expectancy is 24 months or less may apply for all or part of their superannuation benefit on TMC grounds.

Superannuation payments made on TMC grounds are tax-free.

The rules governing the payment of ESSSuper benefits can result in different benefit entitlements depending on the individual member's circumstances. It is therefore important that members discuss all benefit options with ESSSuper before lodging a TMC request.

Member eligibility to superannuation benefits on TMC grounds

A terminal medical condition exists if:

- two registered medical practitioners have certified jointly or separately that a member suffers from an illness, or has incurred an injury, that is likely to result in the member's death within 24 months of the date of certification;
- at least one of the registered medical practitioners is a specialist practicing in an area related to the illness or injury; and
- the certification period of 24 months has not ended for each of the certificates.

Applying for a TMC benefit

There are two forms that can be completed to apply for a TMC benefit.

1. *Disability Claim form (ES158)* and arranging for two treating doctors, one being a specialist practicing in the area of the terminal illness or injury to each or jointly fully complete Part B – Treating Doctors Medical Report of the *Disability Claim form (ES158)* which is contained at the end of this brochure. OR
2. *Terminal Medical Condition form (ES160)*. This form is available as a prepopulated form by logging into Members Online at **esssuper.com.au/members-online** and navigating to the *Resources / Forms* menu.

Partial benefits (reduction of benefits)

The partial release of a member's benefit on TMC grounds will result in a reduction of benefits at benefit payment.

Defined benefit members will be charged debt interest on any amount released. The amount released and the cumulative debt interest figure (charged at AWOTE* + 2.5%) will be shown on a statement attached to the member's Annual Benefit Statement. The debt account balance will be deducted from the member's benefit at benefit payment.

For members with accumulation based benefits (Accumulation Plan, Beneficiary Account and Working Income Stream) a TMC payment will reduce or pay out the superannuation entitlement unless additional contributions are made into the account (where permitted). The partial release of your superannuation benefit on TMC grounds will be shown on your Annual Benefit Statement.

*Average Weekly Ordinary Time Earnings.

Is my Accumulation Plan insurance cover included?

If two medical practitioners (one of whom is a specialist practising in an area related to the illness or injury) have certified that you have an illness or injury that is likely to result in death within 24 months, you will be able to access both your Accumulation Plan balance and insured cover in total, up to a maximum of $1 million of insured death cover.

Any insured cover in excess of $1 million is paid when you die, as long as your death occurs before age 65 and you have continued to pay death cover insurance premiums.

Transfer balance cap

Note any disability pension will count towards an individual lifetime transfer balance cap. Amounts in excess of the transfer balance cap are subject to additional tax.

ES158

Application for Disability Benefit

Issued: 1 July 2024

ESSSuper
Emergency Services & State Super

Who should use this form?

You should complete this form if you wish to apply for disability benefits from the ESSS Defined Benefit Fund, the New Scheme, Transport Scheme, Revised Scheme or SERB Scheme.

Before you start

Please ensure that prior to completing this application, you have read the *Claiming a Disability Benefit* brochure available from our website at **essuper.com.au/publications**. If you have any questions or are unsure of your entitlements, please phone our Member Service Centre and ask to speak with a Disability Benefits Claims Assessor.

Prior to submitting this form, please ensure that all sections of the form have been completed and all supporting documentation has been provided. Any omissions may cause unnecessary delays in the assessment of your claim. You should complete all sections in *PART A – Applicant details* and then complete the section titled *Member details* at the start of *PART B – Treating Doctor's Medical Report*. You should ask your treating doctor to complete all other sections in *PART B – Treating Doctor's Medical Report*.

This form gives ESSSuper your authority to request relevant information on your health, medical treatment and employment history from your treating doctor(s), employer and other organisations such as a Workcover insurer. The information collected by ESSSuper to assess your health and work capacity will be used primarily for assessing your disability application and it may be sent to medical practitioners, rehabilitation providers, lawyers or other services providers to assist ESSSuper in assessing your claim. You must submit the original copy of this form and any supporting documents to ESSSuper by way of mail or email.

Please complete this form in pen using CAPITAL letters and mark with an [✖] where applicable.

Part A	Applicant details
Section 1	**Your personal details**
Account Number	
Title	☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Other (please specify)
Surname	
Given names	
Date of birth	/ /
Your Position/Rank	
Postal address	
	Suburb
	State Postcode
	☐ Mark with an [✖] if your postal and residential address are the same. If your residential address is different, please specify below.
Residential address	
	Suburb
	State Postcode
Telephone (business hours)	( ) (after hours) ( )
Telephone (mobile)	
Email address	

Section 2 Employment details

Please provide your current employment details below:

Employer name

Employer address

Suburb

State Postcode

Employer Contact Position Payroll no.

Employer Contact Name

Telephone ( ) Fax ( )

Section 3 Medical history

Please provide details of your medical condition(s) causing disability

When did you first become aware of it? / /

Treating Doctor's name

Speciality

Address

Suburb

State Postcode

Telephone ( )

When did you last see your Doctor? / /

Have you attended other health care professionals for your health? ☐ Yes ☐ No

If "Yes" please list the names and addresses for each on a separate sheet and attach the details to your application.

Have you made a previous compensation claim in relation to an injury or illness prior to this application? (including: Workcover, TAC or Veterans Affairs) ☐ Yes ☐ No

If "Yes" please advise.

Compensation Company

Claim Number

Claim Manager

Payments

Lump sum $, .

Weekly Payments $, .

Section 4 — Current leave

Are you on:	1. WorkCover/TAC	☐ Yes	☐ No	Start Date	/ /
	2. Sick Leave	☐ Yes	☐ No	Date Ceases	/ /
	3. Other	☐ Yes	☐ No	Date Ceases	/ /
Type					

Section 5 — Authority to release information, declaration and signature

I (full name)

of (address)

in the State of

declare that:

- I fully understand and accept the implications of my application and I declare that the information provided on this application is true and correct.
- I have read and understood the *Claiming a Disability Benefit* brochure available from ESSSuper.
- I consent to ESSSuper collecting my sensitive information for the purposes of assessing my application for disability. I understand that by not providing my consent, ESSSuper will not be able to assess my eligibility for a disability benefit.
- I authorise ESSSuper and its authorised representatives, to have access to any personal information relating to me as required or requested.
- I am prepared to provide any other information that ESSSuper may reasonably request and I am willing to undergo any medical examination(s) that ESSSuper may require in order to determine my eligibility for disability benefits.

Signature PLEASE SIGN HERE   Date / /

Please ensure you also complete your details in Member Details at the beginning of *PART B – Treating Doctor's Medical Report* before you send this to him/her to be completed.

Part B — Treating Doctor's Medical Report

Who should use this form?

The *Member details* section of this form should be completed by the member who is applying for a disability Benefit from ESSSuper. The form should be forwarded to the member's treating doctor to complete all other sections of *PART B – Treating Doctor's Medical Report*.

The member's treating doctor should receive this form with the *Member details* section already completed. If the member has not answered all questions in the *Member details* section (including their fund information) this form should be returned to the member immediately.

All other sections of this form are to be completed by the treating doctor of the member who is applying for disability benefits.

Member details* (to be completed by the member)

Title ☐ Mr ☐ Mrs ☐ Ms ☐ Miss ☐ Other (please specify)

Surname

Given names

Date of birth / /

Address

Suburb

State Postcode

Please indicate which fund you are a member of with ESSSuper

☐ **ESSS Defined Benefit Fund**

Members of the ESSS Defined Benefit Fund operate under the *Emergency Services Superannuation Act 1986* (The ESS Act) and therefore must meet the definition of "Disability" in the Act in order to qualify for a disability benefit. The ESS Act defines disability as:

> "the inability of a contributor or member before the age of 60 years due to continuing or recurring injury, disease or infirmity to ever perform his or her duties; and perform any other duties for which he or she is suited to by education, training or experience or for which he or she would be suited as a result of retraining, as determined by the Board in the basis of the reports provided."

☐ **New Scheme, Transport Scheme, Revised Scheme, SERB Scheme**

Members of the New Scheme, Transport Scheme, Revised Scheme, and SERB Scheme operate under the *State Superannuation Act 1988* (The Act) and therefore must meet definition of "Disability" in the Act in order to qualify for a disability benefit. The Act defines disability as:

> "'disability', in relation to a member, means the permanent inability of the member before the age of 60 years due to a continuing or recurring injury, disease or infirmity:
>
> a. to perform his or her duties; and
>
> b. to perform any other duties for which he or she is suited by education, training or experience
>
> As determined by the Board on the basis of reports provided by at least 2 registered medical practitioners appointed by the Board."

Note: If you are unsure of the Scheme you are in, please call the Member Service Centre and a Superannuation Consultant will be able to provide you with the information you require to complete this section. If you provide incorrect information or you do not complete this section, we will be unable to accept any information provided by your treating doctor as they must assess you based on one of the above definitions.

Information for the Treating Doctor

ESSSuper requests that the applicant's treating doctor provide information regarding the extent of the patient's disability and his/her capacity for employment in accordance with the definition of disability as shown above.

If the space on this form is insufficient to adequately answer all questions, please attach additional pages ensuring that you sign and date each additional page.

Please answer all questions in each section of *PART B – Treating Doctor's Medical Report* before returning it to your patient.

Note: Information regarding your finding should not be returned to the patient if it poses a threat to their safety. In these circumstances please return the documents directly to ESSSuper.

Please complete this form in pen using CAPITAL letters and mark with an [✖] where applicable.

Nature of medical condition(s)

What is the diagnosed condition(s)? Please list the primary diagnosis (and secondary diagnosis if applicable). What percentage of the member's overall disability do you believe the primary diagnosis contributes to?

How does the diagnosed condition impact on the member's personal activities of daily living, household duties and mobility?

Do you consider the diagnosed condition(s) temporary or permanent? If a temporary condition, when do you believe the member could reasonably return to normal duties? Has the diagnosed condition(s) been fully diagnosed, fully treated and likely to persist indefinitely?

Present / future work capacity

In accordance with the definition of disability, at the date of examination, is the member likely to be:

- fit for normal duties?; or
- fit for such normal duties with minor modification? (please nominate these modifications); or
- fit for alternative duties? (please describe the duties and/or occupation(s) which you consider the member is likely to be able to perform); or
- unfit for any work?; or
- able to work again in a job for which the member is reasonably qualified by education, training and experience?

If you consider the member is capable of working, please comment on the maximum number of hours he/she is capable of working each week now and into the future. What medical restrictions, if any, should apply?

Present / future work capacity

Will the member reach their full-time (or equivalent) work capacity within a two year timeframe?

Retraining

In your opinion, at the time of this examination, would the member be capable of undertaking retraining on a full-time basis? What restrictions, if any, would you impose on any retraining?
Please comment on whether the member is currently pursuing a course of retraining.

Prognosis and Recovery

Are the dysfunctions likely to become near-normal, stay much the same or gradually worsen?

Is the member likely to substantially recover such that he/she could sustain gainful full-time employment?
What is the likely timescale for recovery or deterioration?

Definition of Disability

Does the member fulfil the definition of disability as defined in the Act?

Terminal Medical Condition

Does the member have a terminal medical condition where life expectancy is 24 months or less?

Lump Sum Eligiblity

ESSSuper may have discretion to offer a lump sum payment in lieu of a fortnightly benefit. Does this member have the capacity to make decisions regarding the acceptance and management of a lump sum payment?

Further matters

Have any important disabilities not been covered by your assessment?
(Please nominate these, so that referral to another examiner may be made.)

Release of your report to the member or the member's treating doctor

Would the release of your medical report to the member pose a serious threat to the life or health of the member, or to any other person?

Do you have any objections to the release of your medical report to the member?

Section 6 Your details and signature

Full name of Doctor

Postal address

Suburb

State Postcode

Telephone ( )

Signature of Doctor PLEASE SIGN HERE

Date / /

Please post the original copy of this form and any supporting documents to

ESSSuper GPO Box 1974, Melbourne Vic 3001
T 1300 650 161 (for emergency services members) | W **esssuper.com.au**

At ESSSuper, we treat the privacy and confidentiality of our members' personal information seriously. We are committed to complying with the guidelines of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001 (Vic)*. To obtain copies of ESSSuper's *Privacy Policy* and *Privacy Collection Statement*, visit **esssuper.com.au**

Proudly serving our members

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