

Claiming a superannuation death benefit

Frequently Asked Questions

Please retain for reference

Who can claim a benefit?

A benefit may be paid to dependants of the member (as defined below) or a legal personal representative.

A legal personal representative may apply for a claim on presentation of:

- A grant of probate, where there is a valid Will, or
- Letters of administration, where there is no valid Will.

As Trustee we may pay the benefit to one or more persons, and to the exclusion of others, in such a manner and proportion as we determine.

Who can be a dependant?

Under the SIS Act and the Trust Deed, a 'dependant' generally means one or more of the following people:

- a. A spouse of the member, including:
 - i. another person (whether the same sex or different sex) with whom the person was in a relationship that is registered under a law of a state or territory, and
 - ii. another person who, although not legally married to the person, lived with the person on a genuine domestic basis in a relationship as a couple

OR

- b. A child in relation to the member, including:
 - i. an adopted child, a step-child or an ex-nuptial child (born outside marriage) of the person, and
 - ii. a child of the person's spouse, and
 - iii. someone who is a child of the person within the meaning of the Family Law Act 1975

OR

- c. Any person with whom the member had an interdependency relationship at the time of the member's death, or
- d. Any person who, in the opinion of the Trustee, was at the date of the member's death wholly or partially dependent on that member, or
- e. Any person who, in the opinion of the Trustee, had at the date of the member's death, a legally enforceable right to look to the member for financial support.

What does interdependency mean?

Interdependency means:

- a. A close personal relationship between two people who live together, where one or each provides the other with financial support, and one or each provides the other with domestic support and personal care, or
- b. A close personal relationship that does not satisfy the other criteria because one or both people suffer from a physical, intellectual or psychiatric disability.

Government regulations require us to take into account the following criteria when assessing interdependency:

- a. All of the circumstances of the relationship between the persons, including (where relevant):
 - i. The duration of the relationship; and
 - ii. whether or not a sexual relationship exists; and
 - iii. the ownership, use and acquisition of property; and
 - iv. the degree of mutual commitment to a shared life; and
 - v. the reputation and public aspects of the relationship; and
 - vi. the degree of emotional support; and
 - vii. the extent to which the relationship is mere convenience; and
 - viii. any evidence suggesting that the parties intended the relationship to be permanent.
- b. The existence of a statutory declaration signed by one of the persons to the effect that the person is or (in the case of a statutory declaration made after the member's death) was, in an interdependency relationship with the other person.

What is financial dependency?

It is a dependant who financially relies on the member. Financial dependency may include a dependency on the deceased for payment of bills, rent, maintenance payments and shared financial commitments, such as a mortgage.

Being financially dependent on the deceased member does not necessarily mean that you totally depended on them for financial support. You may make a claim as a dependant even if you were only partially dependent on the deceased.

Who is a legal personal representative?

A legal personal representative is the person granted authority by the relevant State or Territory court to finalise the deceased's estate through either:

- a. Probate to act as an executor – where the deceased left a valid Will; or
- b. Letters of administration – where the deceased did not leave a valid Will.

What if the beneficiary is a minor or an infirm person?

- a. You may complete an Application for Payment of a Death Benefit on behalf of a minor or an infirm person.
- b. If we decide to pay a benefit to a child or any other person lacking legal capacity, the benefit may be paid to the beneficiary's legal personal representative (usually a guardian) for the maintenance, advancement, education or benefit of the beneficiary.

What if the member has nominated beneficiaries?

Some AUSfund members have nominated the person, or persons, to whom they would like their benefit paid. We will consider those nominations, but are not bound by them.

If the benefit is small, do I have to complete all the forms?

Yes. Whether the benefit amount is small or large, it is a regulatory requirement that all death benefit claims must be in writing. If making a claim through AUSfund (the Fund), you must complete the attached *Application for Payment of Death Benefit* form.

What if I don't wish to claim a benefit?

If you do not wish to make a claim, please complete SECTIONS 1, 2, 3 and 5 of the form and return it to us via the enclosed reply paid envelope. This will provide us, as Trustee, with formal notification and will assist us to finalise the claim.

What happens if nobody claims a benefit?

If no potential beneficiary wishes to claim a benefit to which they may be entitled, the benefit will be paid to the Australian Taxation Office.

What does the Trustee have to do?

When a member dies, as the AUSfund Trustee, we must determine who is entitled to receive a death benefit. Our decision is governed by the Superannuation Industry (Supervision) Act and our Trust Deed.

What tax is payable on death benefits?

Generally, a death benefit will be taxed as shown in the following table. However, as individual circumstances vary, we recommended you seek professional advice.

Benefit is paid to:	Is tax payable?
Dependant of the deceased including: a. Spouse or former spouse b. A child (under 18) ¹ c. Any person financially dependent on the deceased at the time of death d. Any person in an interdependency relationship with the deceased at the time of death.	No, tax is not payable.
Non-dependant of the deceased.	Yes, generally tax is payable. The taxable component is generally taxed as follows: <ul style="list-style-type: none">• Taxed element 15% plus the Medicare Levy.• Untaxed element 30% plus the Medicare Levy.²

¹ A child of any age is potentially eligible to receive a death benefit, but only a child under the age of 18 is treated as a dependant for tax purposes unless financial dependency or interdependency is also shown

² An untaxed element may occur where the proceeds of death insurance have been paid into the deceased member's account. Higher rates of tax apply where a Tax File Number has not been supplied.

If a benefit is paid to the legal personal representative of a deceased estate, that representative is responsible for arranging for the payment of any tax. The same tax obligations apply to a superannuation death benefit paid through an estate as apply to a benefit paid by the Fund directly to the beneficiaries.

What steps are involved in the death claim process?

When AUSfund is advised about the death of a member, we must decide to whom a benefit should be paid. The steps are as follows:

1. An *Application for Payment of Death Benefit* form is sent to the potential claimant/s.
2. Claimants will also be requested to provide documentation relating to the deceased when lodging their claim. These include:
 - Proof of age of the deceased member, e.g. a certified copy of a driver licence, passport or birth certificate
 - Proof of any name change of the deceased member, e.g. a certified copy of a marriage certificate or deed poll
 - A certified copy of any signed and dated Will left by the deceased member
 - A certified copy of the full death certificate which includes the cause of death
 - Proof of identity for each person intending to make a claim or claiming on behalf of a minor child
 - A certified copy of the birth certificate of any minor child on whose behalf a claim is being made.
3. When the claim and all documentation has been received, we will consider to whom the benefit should be paid.
We will:
 - try to identify all the people who might have been dependants of the deceased, and
 - examine each person's relationship with and the extent to which they might have been financially dependent on the deceased at the time of their death.
4. We then determine how the benefit should be paid. This is based on considering:
 - all the information provided by dependants or the deceased member's legal personal representative
 - any Will left by the deceased member and noting when it was written
 - any nomination of preferred beneficiary made by the deceased member
 - the circumstances of each claimant or other potential beneficiary at the time the member died.
5. We then write to each person who has made a claim advising them how it is proposed the benefit will be paid. If there is more than one person, the proposed distribution of the benefit will be advised.
6. All claimants will be given 28 days to respond and advise us whether or not they agree with the proposal.
7. If all the claimants **agree** with the proposal, the benefit will be paid. This will consist of the proportion of the account balance less tax where applicable.

If there is **an objection** to the proposal, we will review the proposal; taking into account the objections and any additional information that is provided. We may also ask for further information to help in the review.
8. When we are satisfied that all issues have been resolved, we will make a decision and distribute the benefit.

Do I need to get documents certified?

If the amount is less than \$1,000, you will need to verify your identification, but not certify them. See *A Guide to Verifying Your ID*, which you can download from the unclaimedsuper.com.au website, for details.

If the amount is \$1,000 or more, you will need to provide certified identification. See *A Guide to Certifying Your ID*, which you can download from the unclaimedsuper.com.au website, for details.

Who can witness the declaration in Section 4 of the claim form?

The people who may certify your documents may also witness your declaration. See 'Who can certify my documents for me?' in *A Guide to Certifying Your ID* which you can download from the unclaimedsuper.com.au website, for details.

Who can I contact for assistance with my claim?

If you have any questions about claim requirements, please contact Claims Services on **1300 659 337**.

Where do I send forms and documents?

To: **AUSfund Administration**
Claims Services
Locked Bag 999
CARLTON SOUTH, VIC 3053

Privacy

Personal information which you provide on the Application for Payment of Death Benefits Form is subject to the terms of the Privacy Policy applying to AUSfund. A copy of this policy is available at: unclaimedsuper.com.au

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Application for Payment of Death Benefit

Guidelines for completion of this form

1. All applicants must complete Sections 1, 2 and 3 whether or not they are claiming a benefit.
2. If you wish to claim a benefit also complete **SECTION 4**.
3. If you do **not** wish to claim a benefit also complete **SECTION 5**.
4. Use the checklist on page 7 to ensure that you have completed all relevant sections and attached necessary documents.
5. Read and retain the list of Frequently Asked Questions and call **1300 659 337** if you have any other questions.

SECTION 1: Details of the deceased member

Member number:

Date of birth: Date of death*:

Title: Mr Mrs Ms Miss

Family name:

Given names:

Last residential address:

Suburb/Town: State: Postcode:

Was the deceased residing alone at the time of their death? Yes No

If 'No' with whom was the deceased member residing immediately prior to their death?

Title: Mr Mrs Ms Miss

Family name:

Given names:

Relationship of that person to the deceased:

*Please enclose a certified copy of the full death certificate. (See "Do I need to get documents certified?")

Office use only

Deceased Member Name:

SECTION 2: General information about dependants. (See information in “Frequently asked questions”)

Provide details below of any surviving spouse/defacto and/or surviving children.

If there are more than four dependants please copy this section or provide details of each person on a separate sheet and attach the copies or sheets to this application

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

¹. See definition of financial dependency on page (i) of the Frequently Asked Questions

Financial dependants and persons with an interdependency relationship

List any other person/s including parents, who was/were financially dependent on, or in an interdependent relationship with the deceased at the time of death.

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

Was this person in an interdependent relationship with the deceased? Yes No

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Was this person financially dependent on the deceased?¹ Yes No

Was this person in an interdependent relationship with the deceased? Yes No

SECTION 3: Will, Probate, Letters of Administration

Did the deceased leave a Will? Yes* No

Has probate been applied for? Yes No

If you ticked 'Yes' has probate been received? Yes* No

Have Letters of Administration been applied for? Yes No

If you ticked 'Yes' have Letters of Administration been received? Yes* No

*If you ticked 'Yes' please attach a certified copy of the Will, Probate or Letters of Administration. If the benefit is less than \$1,000 the copy does not need to be certified.

DECLARATION IN RESPECT OF INFORMATION PROVIDED IN SECTIONS 1, 2 and 3

I declare that all the information provided in SECTIONS 1, 2 and 3 above is to the best of my knowledge accurate and correct.

Name:

Signature:

Date:

¹ See definition of financial dependency on page (i) of the Frequently Asked Questions

Deceased Member Name:

SECTION 4: Intention to claim a death benefit

Each person who wishes to be considered for payment of a death benefit must complete and sign this section. If you do not wish to claim a benefit please complete SECTION 5 instead.

Please copy this page to enable each person to complete their individual claim. If a claim is being completed on behalf of a minor or infirm person it must be signed on their behalf by their legal guardian.

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town: State: Postcode:

Relationship: Length of relationship: Age:

Your Tax File Number:

Telephone: Email:

Were you financially dependent on the deceased? Yes No

Were you in an interdependent relationship with the deceased? Yes No

If you answered 'Yes' to either of the above questions, please provide specific details of how you were dependent or interdependent with the deceased at the time of their death. Attach any additional information to this form.

I declare that to the best of my knowledge, all the information provided on this SECTION 4 and in any attachments that I have submitted with this SECTION 4 is true and correct.

Signature of claimant:

Declared at:

This day: Month: Year:

Before me* (signature): Capacity:

* To be witnessed in accordance with the Act governing statutory declarations in your state/territory.

Please note: **Under superannuation legislation, the Trustee is required to communicate details of its proposed payment to all potential beneficiaries. This means that a person's name and details of their relationship to or dependence on the deceased member may be disclosed to other claimants. It may also be disclosed to the Trustee's legal advisers and, if required, to the Superannuation Complaints Tribunal or a court.**

SECTION 5: Intention **not** to claim a death benefit

Each person who was a nominated beneficiary or a dependant of the deceased and intends **not** to be considered for payment of a death benefit must complete and sign this section.

If more than one person intends not to claim, please copy this section for each person to complete.

SECTIONS 1, 2 and 3 must be completed in all cases.

Title: Mr Mrs Ms Miss

Family name:

Given names:

Residential address:

Suburb/Town:

State:

Postcode:

Telephone:

Email:

I do not wish to be considered for payment of a death benefit from AUSfund in respect of (name of the deceased):

Signature:

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CLAIM AND DOCUMENTATION CHECKLIST

If you are making a claim, have you:	
Completed and signed SECTIONS 1, 2, 3?	<input type="checkbox"/>
Completed a separate form for SECTION 4 and had it witnessed?	<input type="checkbox"/>
Provided a certified copy of the full death certificate?	<input type="checkbox"/>
Provided a certified copy of the deceased proof of age?	<input type="checkbox"/>
If married, provided a certified copy of the deceased's certificate of marriage?	<input type="checkbox"/>
If applicable, provided a certified copy of the deceased's Will?	<input type="checkbox"/>
If applicable, provided a certified copy of probate or letters of administration?	<input type="checkbox"/>
If applicable, provided a certified copy of a change of name document such as certificate of marriage or deed poll?	<input type="checkbox"/>
If applicable, provided a certified copy of a minor child's birth certificate?	<input type="checkbox"/>
Ensured that all copies of documents have been correctly certified?	<input type="checkbox"/>
Provided certified copies of your ID documents?	<input type="checkbox"/>
If you are NOT making a claim, have you:	
Completed and signed SECTIONS 1, 2, 3 and 5?	<input type="checkbox"/>

When done, please return completed and signed form and any documentation to:

AUSfund Administration
Claims Services
Locked Bag 999
CARLTON SOUTH, VIC 3053

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