

Living Super Statement of Dependency



Non-binding nomination

Who should complete this form?

A separate copy of this form should be completed by all dependants and potential beneficiaries of the death benefit or those representing the estate of the late member, such as:

- the deceased's spouse;
- potential beneficiaries (e.g. children or those living in an interdependent relationship) including legal representatives acting on the behalf of potential beneficiaries; or
- the executor or legal administrator of the estate (e.g. lawyers or trustees in bankruptcy).

Although everyone involved will attempt to process the claim as quickly as possible, there are strict guidelines about who is entitled to receive a death benefit. See the section 'Who can receive a death benefit?' for further information.

In some circumstances, this process can become complicated and may take some time to resolve.

Section 1: Deceased member's details

Name of deceased

Date of Birth

Date of Death

Address

Client number

Living Super account number

Section 2: Your details

Name

Date of Birth

Address

Contact number

Email

Your relationship to the Deceased (e.g. spouse, son, legal representative, etc)

Were you financially dependent on the Deceased?

Yes No

Do you wish to stake a claim on the Deceased's benefit?

Yes No

To be completed only if you are completing this form on behalf of a minor child

Minor's name

Date of Birth

Address

Was the above minor financially dependant on the Deceased?

Yes No

Are you the legal guardian of the above minor?

Yes No

Do you wish to stake a claim on the Deceased's benefit?

Yes No



Section 3: Relationship status of the Deceased

The relationship status of the deceased at the time of death (please select one):

Single (includes divorced) Married De Facto Widowed

If you selected married or de facto please complete below, otherwise proceed to Section 4.

Spouse's name

Spouse's address

Suburb

State

Postcode

The spouse and the deceased had been together for a period of years (if known).

Spouse contact details

Home telephone

Business telephone

Business telephone

Section 4: Children of the deceased's details

(Including step-children, ex-nuptial children and adopted children)

Name	Address	Relationship to deceased (e.g. son, daughter, step-child, etc.)	Age	Occupation	Contact number

If the guardian of any minor children (children under age 18) is not the spouse identified in Section 3 above, please provide the name and contact details of the guardian(s) below:

Guardian 1

Name

Address

Contact number

Guardian 2 (if necessary)

Name

Address

Contact number

If there are any child maintenance agreement(s) (or similar) in place, please provide details below:



Section 5: Other financial dependants of the deceased's details

(e.g. dependent parents, previous spouse receiving maintenance, etc.)

Financial dependant 1

Name

Address

Contact number

Age

Reason for, and extent of Dependency

Financial dependant 2

Name

Address

Contact number

Age

Reason for, and extent of Dependency

Section 6: Other relevant information for the trustee

Any other information you believe is relevant for the trustee to be aware of?

Section 7: Receipt of benefit

Who do you believe the benefit should be paid to, please explain why?

Section 8: Required document checklist

These documents can be provided by any party but only need be provided by one party – usually the Executor or Spouse. If you are aware of these documents being provided by another party to the trustee, please disregard this section.

1. **Original Certified Copy** of deceased's Death Certificate (**mandatory**)
2. **Original Certified Copy** of proof of age of the deceased (this may be a copy of a Driver Licence, Passport or Birth Certificate) (**mandatory**)
3. **Original Certified Copy** of deceased's Marriage Certificate or Divorce Orders (if applicable)
4. **Original Certified Copy** of deceased's Will, any Grant of Probate or Letters of Administration (if applicable)
5. Any additional information relevant to the deceased's relationships with potential dependants such as:
 - the grounds for financial dependency
 - details of financial support provided by the deceased
 - other information such as any correspondence with solicitors, family, etc.

Please describe any additional information you have provided (attach a 2nd sheet of paper if necessary):



Section 9: Statutory declarations — Statutory Declaration Act 1959 (Cth)

Please complete and sign this in front of an eligible witness

(See next page for list of people eligible to witness Statutory Declarations)

I, _____
Print full name of person making the declaration

of _____
Print your full address

do solemnly and sincerely declare that, to the best of my knowledge, the contents of this Statement of Dependency Form are true and correct.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*.

Declared at _____
Print details of city where declaration is being signed

In the state/territory of _____
Print details of state or territory where declaration is being signed

on this _____ day of _____ 20 _____ before me,
Day Month Year

Your signature _____
Signature of person making the declaration

Witness' full name: _____
Print full name of witness

Witness' address: _____
Print full witness address

Witness' signature _____
Signature of witness

Witness' occupation: _____
Occupation of witness

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* – see section 5A of the *Statutory Declarations Act 1959*.



Statutory Declarations and Original Certified Copies

As part of this Statement of Dependency form, you will need to sign a Statutory Declaration and provide Original Certified Copies of specific documents. An Original Certified Copy is a copy of a document that has been *certified as a true and correct copy of the original* (all pages). Statutory Declarations and Certified Copies of documents may be witnessed by one of the following (**Note:** persons qualified to witness Statutory Declarations and Certified Copies of documents may vary in each state and territory):

- Architect
- Chiropractor
- Dentist
- Financial adviser or financial planner
- A person enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a Legal practitioner
- Medical practitioner
- Midwife
- Migration agent registered under Division 3 of Part 3 of the Migration Act 1958
- Nurse
- Occupational therapist
- Optometrist
- Patent attorney
- Pharmacist
- Physiotherapist
- Psychologist
- Trademarks attorney
- Veterinary surgeon
- Accountant who is a fellow of the National Tax Accountants' Association, a member of Chartered Accountants Australia and New Zealand, the Association of Taxation and Management Accountants, CPA Australia, or the Institute of Public Accountants
- Permanent employee with 5 or more years of continuous service or agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
- APS employee engaged on an ongoing basis with 5 or more years of continuous service who is not specified in another item of this Part
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
- Bailiff
- Bank, building society, credit union or finance company officer with 5 or more continuous years of service
- Chief executive officer of a Commonwealth court
- Clerk of a court
- Commissioner for Affidavits
- Commissioner for Declarations
- Employee of a Commonwealth authority engaged on a permanent basis with 5 or more years of continuous service who is not specified in another item in this Part
- Employee of the Australian Trade and Investment Commission who is in a country or place outside Australia, authorised under paragraph 3(d) of the Consular Fees Act 1955 and exercising the employee's function at that place
- Employee of the Commonwealth who is at a place outside Australia, authorised under paragraph 3(c) of the Consular Fees Act 1955 and exercising the employee's function at that place
- Engineer who is a member of Engineers Australia (other than at the grade of student), a Registered Professional Engineer of Professionals Australia, registered as an engineer under a law of the Commonwealth, a State or Territory, or registered on the National Engineering Register by Engineers Australia
- Holder of a statutory office not specified in another item of this Part
- Judge
- Justice of the Peace
- Magistrate
- Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961
- Master of a court
- Member of the Australian Defence Force who is an officer, a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service, or a warrant officer within the meaning of that Act
- Member of the Australasian Institute of Mining and Metallurgy
- Member of the Governance Institute of Australia Ltd
- Member of the Parliament of the Commonwealth, a State, a Territory legislature, or a local government authority
- Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961
- Notary public including a notary public (however described) exercising functions at a place outside the Commonwealth and the external Territories of the Commonwealth
- Permanent employee of a State or Territory, a State or Territory authority, or a local government authority with 5 or more years of continuous service, other than such an employee who is specified in another item of this Part
- Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- Police officer
- Registrar or Deputy Registrar of a court



- Senior executive employee of a Commonwealth authority or of a State or Territory
- SES employee of the Commonwealth
- Sheriff or Sheriff's officer
- Teacher employed on a permanent full time or part time basis at a school or tertiary education institution

If you are outside Australia, documents may only be certified by the following document certifiers:

- A Notary Public, including a notary public (however described) exercising functions at a place outside; a) the Commonwealth; and b) the external Territories of the Commonwealth
- Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)
- An authorised staff member of an Australian Embassy, High Commission or Consulate
- An authorised employee of the Australian Trade and Investment Commission, who is: a) in a country or place outside Australia; and b) authorized under paragraph 3(d) of the Consular Fees Act 1955; and c) exercising the employee's function at that place
- An authorised employee of the Commonwealth of Australia, who is: a) in a country or place outside Australia; and b) authorized under paragraph 3(d) of the Consular Fees Act 1955; and c) exercising the employee's function at that place
- A Member of the Australian Defence Force who is: a) an officer or b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 2 or more years of continuous service; or c) a warrant officer within the meaning of that Act

Further information

Claims for death benefits are made at a time when people are upset and usually anxious about their circumstances. The process of claiming a Death benefit can appear complex, particularly if you are unsure about superannuation entitlements. The following pages explain:

- Who is entitled to claim a Death benefit;
- The steps you must go through when making a claim;
- What the trustee of the superannuation fund needs to consider in reviewing a claim; and
- Some of the legal and superannuation terms you may come across.

Who can receive a death benefit?

The Trustee can only pay a death benefit as permitted by the Superannuation Industry (Supervision) Act 1993 ('the SIS Act'), the Commonwealth legislation that governs superannuation, and the Fund's Trust Deed (the legal document which sets out the rules governing the Fund) and the Income Tax Assessment Act 1997.

These generally restrict the range of potential beneficiaries to people who were a 'dependant' of the deceased member, and/or the deceased's legal personal representative.

Who are dependants?

Under the SIS Act, the term 'dependant' generally means one or more of the following people:

- the spouse of the member (including a de facto spouse);
- any child of the member - including any step child, any child recognised by the member as an adopted child and any child of the member born after the member's death;
- any person who the Trustee considers to have been wholly or partially financially dependent on the member at the time of the member's death;
- any person who the Trustee considers to have been in an 'interdependent relationship' with the member at the time of the member's death.

Financial dependency

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

Financial dependency may include a dependency on the deceased for payments of bills, rent, maintenance payments and shared financial commitments such as a mortgage.

Interdependent relationship

Two people will have an interdependent relationship if:

- they have a 'close personal relationship'; and
- they live together; and
- one or each of them provides the other with financial support; and
- one or each of them provides the other with domestic support and personal care.

OR

- they have a 'close personal relationship'; and
- they do not live together, nor provide each other with financial support, nor provide each other with domestic support and personal care because one or both of them suffer from a disability.

OR



- they have a 'close personal relationship'; and
- they live together; and
- one or each of them provides the other with financial support; and
- one or each of them provides the other with support and care of a type and quality normally provided in a close personal relationship, rather than by a mere friend or flatmate.

OR

- they have a 'close personal relationship'; and
- they do not live together, nor provide each other with domestic support and personal care because they are temporarily living apart.

A 'close personal relationship' is one that involves a demonstrated and ongoing commitment to the emotional support and well-being of two parties.

Two persons do not have an interdependent relationship if one of them provides domestic support and personal care to the other:

- under an employment contract or a contract for services; or
- on behalf of another person or organisation such as a government agency, a body corporate or a benevolent or charitable organisation.

Who is a legal personal representative?

Generally, the legal personal representative is the person who is the executor of the Will or, if the deceased did not have a Will, the administrator of his/her estate. The administrator of the estate will be the person who has been granted Letters of Administration from the Supreme Court.

Nominated beneficiaries

The Trustee is legally responsible for deciding to whom the death benefit will be paid. Many members nominate the person(s) to whom they would like their benefit paid when they die.

For non-binding beneficiary nominations the Trustee will consider all preferred beneficiary nominations but does not have to follow them.

For binding nominations, the Trustee will determine whether the binding nomination is valid. The Trustee must pay a death benefit in accordance with a valid binding nomination.

Tax on death benefits

The tax on death benefits depends on whether the benefit is paid to a dependant or the estate and how the benefit is paid, for example as a lump sum or income stream, and a number of other factors. For more information please refer to 'Understanding a death benefit paid from a super fund' which can be found on the ATO website www.ato.gov.au.

What does the Trustee have to do?

Where a member dies the Trustee of their superannuation fund has a responsibility to pay their death benefit in the proportions it decides to the late member's dependants and/or to their estate, as permitted by legislation and the Trust Deed.

The Trustee will consider a number of things in making the decision. See Identifying Dependants for more information.

The Trustee must pay the benefit within strict legal guidelines, even if the decision is an unpopular one.

What happens when a death claim is made?

This section shows you the steps involved in making a death claim and the processes by which the Trustee decides who is eligible to receive a death benefit.

1. Providing Information

When notified of a death of a Fund member, the Fund will send the applicant (also known as a claimant) a Statement of Dependency.

Applicants for a death benefit may include a dependant (that is, a spouse, a child, a financial dependant, or a person who was in an interdependent relationship with the deceased), or the deceased's legal personal representative.

The Statement of Dependency will request additional documents to be provided, including:

- certified copy of the Death Certificate;
- proof of age of the deceased member (this may be a certified copy of a Driver Licence, Passport or Birth Certificate);
- certified copy of deceased's Marriage Certificate or Divorce Orders (if this exists);
- certified copy of the deceased member's Will (if this exists);
- a Statutory Declaration, which each potential beneficiary will be asked to complete, to show how, and to what extent, they were dependent on the deceased member at the time of their death.

The Trustee may seek relevant information including confirmation of whether they wish to claim an interest in the benefit from all dependants.

If the deceased had no dependants, the Fund may ask for Probate of the Will or Letters of Administration to be provided. You may want to ask your solicitor or the Public Trustee to advise you about this. Probate is obtained to enable the deceased's executors to deal with the deceased estate under the terms of their Will.



Where there is no Will and no binding nomination, then Letters of Administration are obtained to enable the deceased's legal personal representative to deal with the deceased's estate.

If Probate or Letters of Administration are required, the Fund Trustee generally will not pay the benefit until it receives this documentation. If this applies to your claim you should ask your solicitor to make the application as soon as possible.

2. Identifying dependants

When all documents are returned to the Fund, the Trustee will consider to whom the death benefit should be paid. If the member had insurance cover it will lodge the claim with the Fund's Insurer.

The Trustee of the Fund has to:

- identify people who might have been dependants of the deceased (as defined above); and
- consider their relationship with the deceased and the extent to which they may have been financially dependent or interdependent at the time of the member's death.

The Trustee will do this by:

- considering the information provided by any dependants or the deceased member's legal personal representative;
- checking the member's Will, if they had one; and
- considering the position of any beneficiary nominated by the member.

The Trustee must also take into account the circumstances of each applicant at the date of the member's death to ensure that the appropriate person receives the benefit.

3. Advising applicants

When the Trustee has decided who will be the recipient(s) of the death benefit, the Fund will write to all the applicants advising them who the Trustee proposes the benefit will be paid to and the way in which the benefit will be divided (if it is being paid to more than one person).

Once applicants receive this advice they have 28 days to respond and confirm with the Trustee either that they are satisfied with the decision or that they want the Trustee to review it. The Trustee must review the decision if requested and may ask claimants to provide further information to help with the review. Generally no portion of the benefit will be paid until the Trustee is satisfied that all issues have been resolved.

4. If you disagree with the decision

If you disagree with the outcome of the death claim, you may provide your reason of objection in writing to the Fund.

Your objection will be investigated and, if you are not satisfied with the Fund's response, you may ask the Australian Financial Complaints Authority (AFCA) whether you are eligible to submit a complaint.

5. Paying the death benefit

Once the Trustee has confirmed the eligibility of the payment, subject to certified identification requirements being met, the recipient(s) will receive the death benefit payable. This benefit will consist of any applicable insured benefit and any applicable account balances.

Recipients will receive documentation with the payment, which will explain the calculation of benefit and will show any tax that has been deducted or any special conditions that may apply.

Please note that where a Tax File Number (TFN) is not supplied the benefit payable may be taxed at a higher rate.

Queries

If you have any queries about death benefits you should call our member claims team on (03) 7067 8656, 8:30am-5pm Mon-Fri (Melbourne time) or email us on memberclaims@diversa.com.au.

Completed forms

Please return this completed form to the following address:

Living Super
Reply Paid 93910
Melbourne VIC 3001

For the curious: This information was prepared and sent on behalf of Diversa Trustees Limited ABN 49 006 421 638, AFSL 235153, RSE L0000635, the Trustee of Living Super, a sub-plan of OneSuper ABN 43 905 581 638 (Fund) and the issuer of interests in the Fund. Living Super is a product issued out of the Fund. Insurance cover offered by the Fund is provided by MetLife Insurance Limited ABN 75 004 274 882 AFSL 238096. The information contained above is general advice only and has been prepared without taking account of your objectives, financial situation or needs. Consider your personal circumstances, the appropriateness of the product and read the Product Disclosure Statement and Target Market Determination available at ing.com.au before making any decision to acquire or continue to hold the product. You may also decide to seek independent financial advice before making a decision about the product. ING is a business name of ING Bank (Australia) Limited ABN 24 000 893 292, AFSL 229823.

