

# Living Super Statement of Dependency

## Binding nomination

### Who should complete this form?

This form should be completed by potential beneficiaries nominated by the Deceased on a Binding Nomination.

### What is a death benefit?

A death benefit is the amount payable upon the death of the Living Super customer. It is equal to the withdrawal value of the account, plus any insured death cover (if eligible) and may include a tax saving amount (if applicable).

If the customer was insured with Living Super, this insurance is provided by MetLife Insurance Limited ABN 75 004 274 882.

### Who is eligible to receive a death benefit?

To be eligible to receive a death benefit you must be a dependant of the customer. A death benefit can also be paid to the estate of the customer.

Examples of a dependant may include:

- spouse (including de facto or same sex partner) of the customer
- child of the customer
- person in an interdependency relationship\* with the customer
- financial dependant.\*\*

#### \* Interdependency relationship

Two people, whether or not related by family, have an interdependency 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.

Two people in a close personal relationship, whether or not related by family, may also have an interdependency relationship despite not satisfying the above conditions if either or both of them suffer from a physical, intellectual or psychiatric disability.

#### \*\*Financial dependant

A financial dependant includes someone who relies on another for regular financial contribution to maintain his or her normal standard of living. They may be wholly or partially financially dependent.

### How does the Trustee decide who will receive a death benefit?

The Trustee takes a number of factors into consideration to determine who will receive the death benefit.

If the customer has a valid reversionary nomination in place (only available for Transition to Retirement or pension accounts) when they die it will override any other binding nomination.

If the customer has a valid binding nomination in place when they die, the Trustee will pay the death benefit according to the nomination.

If the customer has made a non-binding nomination, the Trustee will take the customer's wishes into account, but is not obliged to follow them. The benefit is paid to the dependants or the estate of the customer at the Trustee's discretion. Dependency is established as at the time of a customer's death.

### 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](http://www.ato.gov.au).

### Death benefit process

1. We find out who wants to make a death benefit claim and establish who may be eligible to receive the death benefit. To do this we ask you to supply copies of the deceased customer's birth certificate, death certificate, will, and marriage certificate if the customer was married. We may also ask for Letters of Administration, Grant of Probate or other documentation the Trustee needs to confidently establish eligibility.
2. The Trustee and Insurer (if applicable) assess the claim.
3. The Trustee notifies the potential beneficiaries of the proposed distribution or confirms the assessment of the Trustee to a valid binding beneficiary.
4. If binding nomination is not valid then the potential beneficiaries identified have 28 days from receipt of the notice in which to object to Living Super's proposed distribution. If there are any objections they should be made in writing and posted to ING Reply Paid 4307 SYDNEY NSW 2001.
5. Once the beneficiaries and distribution are finalised, we contact the individuals to find out how they would like to receive the payment.



### Section 1: Deceased member's details

Name of deceased

Date of Birth

Date of Death

Address

ING Client Number

Living Super account number

### Section 2: Your details

Name

Date of Birth

Address

Contact number

Email

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

Minor's name

Date of Birth

Address

Are you the legal guardian of the above minor? Yes  No

### Section 3: Required document checklist

- Original Certified Copy** of deceased's Death Certificate (**mandatory**)
- Original Certified Copy** of identification of the deceased (this may be a copy of a Driver Licence, Passport or Birth Certificate) (**mandatory**)
- Original Certified Copy** of deceased's Marriage Certificate or Divorce Orders (if applicable)
- Original Certified Copy** of deceased's Will, any Grant of Probate or Letters of Administration (if applicable)
- 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 to support your Statement of Dependency (attach a 2nd sheet of paper if necessary):



#### Section 4: Confirmation of Dependency

The Trustee can only pay a death benefit as permitted by the Superannuation Industry (Supervision) Act 1993, and the Fund's Trust Deed. 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.

In order to process the late members benefit, please confirm that you meet the definition of dependant as defined in the section Who are dependants on page 4 of this form;

Yes, I am a Dependant       No, I am not a Dependant

In order for us to calculate any tax the Fund may have to withhold from the benefit, can you please advise if you relied on the deceased for financial maintenance at the time of the death?

Were you financially dependent on the deceased?

Yes       No

#### Section 5: Other relevant information for the trustee

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



**Section 6: Statutory declaration — 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.

### 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 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.

### Queries

If you have any queries about death benefits you should call us on **133 464**, 8am-8pm Mon-Fri (Sydney time).

### Completed forms

Please return this completed form to the following address:

**Living Super**  
**Reply Paid 4307**  
**Sydney NSW 2001**

**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](http://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.

