

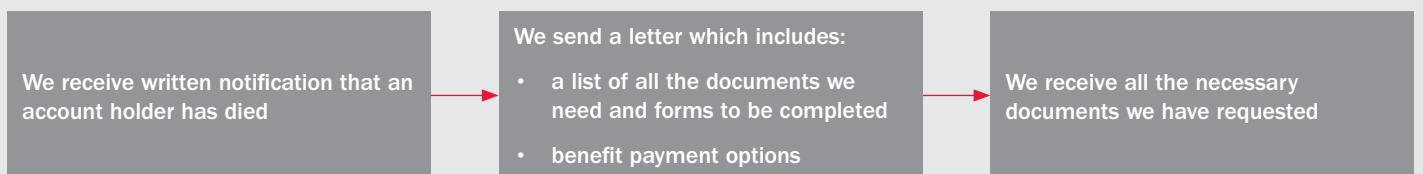
“Information for beneficiaries – Super/Pension”

We understand it can be a difficult time when a close relative dies and we would like to extend our sympathy to you. We aim to make sure beneficiaries receive the benefits they are entitled to as soon as possible and with the least amount of inconvenience.

This brochure outlines the processes we must follow under superannuation law before we can pay benefits from a deceased member's account.

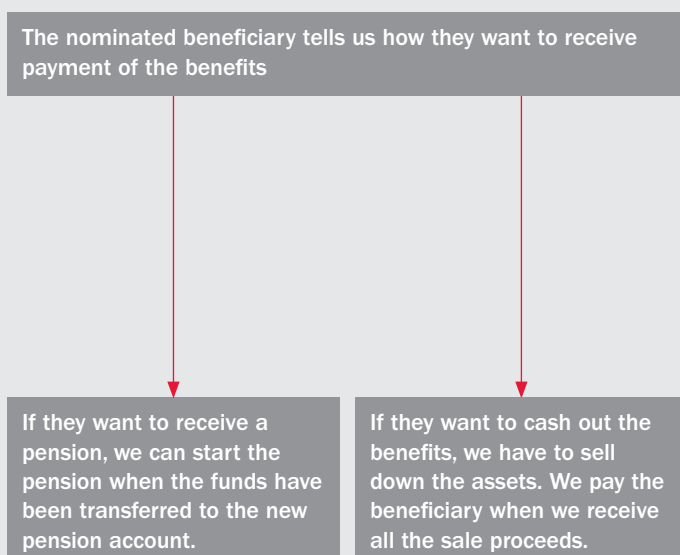
It also explains terminology used, answers some of the more frequently asked questions and lists some relevant government websites.

Process flow

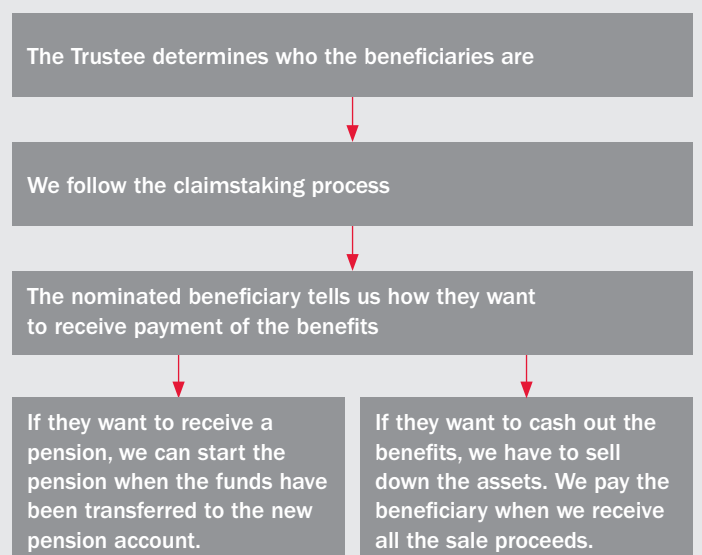


What happens next depends on the type of nomination made by the deceased.

Binding nomination



Discretionary nomination



Explanation of terms

Binding nomination

If the deceased leaves a binding nomination, we'll confirm that the nominated person is still a dependant and then pay the benefits to them. The super or pension account member will need to reconfirm their binding nomination every three years. If they don't, the nomination becomes invalid and is treated as a discretionary nomination.

Certified copy

A certified copy is a copy that has been verified by a competent witness. To get a certified copy of a death certificate, you'll need to take a photocopy with the original document to a competent witness. The competent witness must sign the copy as a 'true and correct copy of the original'.

Claimstaking

If the deceased made a discretionary nomination (or if a binding nomination is no longer valid) we must follow a process called 'claimstaking', which is a requirement under superannuation law.

Once we receive all the documents we need, we'll follow these steps in the claimstaking process:

1. The Trustee of the super or pension fund will look at the forms and documents sent to us to determine who the beneficiaries are.
2. We write to all dependants and the Executor(s) to let them know the Trustee's determination.
3. All parties have 28 days from the date of the letter to object to the determination.

4. If we receive an objection, we will ask for further evidence so the Trustee can reconsider the determination.

- If the new evidence is not sufficient to change it, the original determination will stand.
- If the Trustee decides to change the determination, we will notify all dependants and Executors in writing and the claimstaking process will start at step 2 again.

Competent witness

A person qualified to effect a statutory declaration or instrument and not less than 18 years of age. Any of the people listed below can act as a competent witness for certifying copies of original documents:

- Bank Manager
- Chemist
- Doctor
- Justice of the Peace
- Lawyer
- Optometrist
- Police officer
- Post Office Manager
- Public Servant
- Teacher

Death certificate

A death certificate is issued by each state or territory of Australia for any person who dies within its borders. You can get a copy of a death certificate from the Registry of Births, Deaths and Marriages. We can't accept a Medical Cause of Death certificate in place of a certified death certificate.

Dependant

A dependant is clearly defined under superannuation law:

'A dependant includes the deceased's spouse, de facto spouse, any person who had an 'interdependency relationship' with the deceased at the time of death, all children (including adopted, ex-nuptial and stepchildren) regardless of age and whether financially dependent on the member or not, and any other person who was financially dependent on the deceased at the time of death'.

Determination

The Trustee's decision on who will receive the member's account benefits. The Trustee makes a determination where:

- the nomination made by the deceased is a discretionary nomination; or
- a binding nomination is no longer valid.

Discretionary nomination

If the deceased makes a discretionary nomination, the Trustee has full discretion as to who receives the death benefits. The Trustee evaluates all the relevant information (including who was nominated) and makes a determination as to who should receive the death benefits based on the information at hand.

Financially dependent

Financially dependent is not strictly defined by law but a person claiming to be financially dependent must be able to show they were dependent on the deceased (at the time of death) for their basic needs and that without the deceased's support their standard of living would change dramatically.

Interdependency relationship

An 'interdependency relationship' will exist between two persons if they:

- have a close personal relationship; and
- 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.

If these conditions are met, each person is a dependant of the other. If a close personal relationship exists but the other requirements are not satisfied because of physical, intellectual or psychiatric disability, then an 'interdependency relationship' will still exist.

Intestate

A person who dies without leaving a valid Will is said to have died intestate.

Letters of Administration

Letters of Administration (applied for via the State Department of Justice) are granted in cases where the deceased person does not leave a valid Will. The Supreme Court grants a person (Administrator) authority to collect and distribute the deceased's assets according to the laws of intestacy (dying without a Will). You can employ a solicitor to obtain Letters of Administration.

Probate

Probate is the process of proving and registering in court the last Will of a deceased. Generally, to obtain a grant of Probate, the Executor named in the Will must make application. If the application is approved, the Executor is given a grant of Probate, which authorises the Executor to administer

the estate of the deceased according to the terms of the Will. This allows the Executor to finalise the estate of the deceased and authorises them to perform functions such as arranging payment of debts due to the estate, paying creditors of the estate and disbursing the remaining assets of the deceased as stipulated in the Will.

Reversionary pension

The beneficiary may decide to receive the benefits from an existing pension as a pension. The new pension account is known as a reversionary pension.

Frequently asked questions

Notifying us of the account holder's death

Q. How do I advise you of the account holder's death?

A. We need notification in writing before we can start to take any action. You can do this by letter to:

Asgard Wealth Solutions
Deceased Estates
GPO Box 7490
Perth WA 6850

or by fax to: (08) 9481 4834

or by email to: decestate@asgardwealthsolutions.com.au

Q. Who can you accept notification of death from?

A. We will accept notification of death from any interested party (for example, a relative, financial adviser or solicitor).

Documents

Q. What documents do I need to provide?

A. In all cases we need a certified copy of the death certificate. If there is a discretionary nomination in place, we will also need certified copies of the Will and Probate (if applicable).

Due to the complexity of this area, there are a range of other forms which may or may not apply to you. We'll send you the right forms for your particular circumstances.

Q. Is it essential to obtain Probate where the deceased left no dependants?

A. Yes.

Q. Should I send in the original extract Death Certificate and Probate?

A. No. We only need certified copies of these documents. Please don't send originals as we can't return them to you.

Notification of Dependants and Living Arrangements (NODLA) form (not required for binding nominations)

Q. Who should be listed on the NODLA form?

A. Everyone who fits the definition of 'dependant' – see 'Explanation of terms'.

Q. Do adult children have to be listed on the NODLA form?

A. Yes. And you must supply their current postal addresses as the Trustee will need to write to them.

Q. Why do living arrangements have to be disclosed on the NODLA form?

A. Although this is a personal question we need to ensure a nominated spouse meets the definition of 'dependant' under superannuation law.

Q. Why can't a family member confirm the living arrangements on the NODLA form?

A. We need an unbiased confirmation of living arrangements from an independent party, such as a neighbour, doctor etc.

Options for payment of benefits

Q. What are the death benefit payment options?

A. Benefits can be paid as a lump sum or as a reversionary pension. A reversionary pension is only available if the beneficiary is a spouse or child of the deceased.

Q. If the deceased nominated to pay benefits as a reversionary pension, can the beneficiary choose to receive them as a lump sum payment instead?

A. Yes – it's up to the beneficiary to decide how we pay the benefits to them. They can choose a lump sum or pension, or a mixture of both.

Q. What happens if there is insurance attached to the account?

A. Our Insurance Team will send out the necessary claim forms. Once the insurer has made a decision, insurance benefits will be paid into the account and then paid out with the proceeds of the account. The Trustee can't make a determination until the insurer has processed any outstanding claims.

Q. If I'm named in the Will, why does the Trustee decide who will receive benefits from the deceased's estate?

A. Super monies are unique in that they don't fall under State estate law but under Federal superannuation law. Under Federal superannuation law, unless the deceased left a valid binding nomination, it's the responsibility of the Trustee of the super fund to decide who receives the benefits.

Additional information

You can get additional information about deceased estates from the following government departments:

- Australian Law Online
www.law.gov.au
- Australian Tax Office
www.ato.gov.au
phone 131020
- Superannuation Complaints Tribunal
www.sct.gov.au
phone 1300 884 114
- Australian Securities & Investment Commission
www.fido.asic.gov.au
phone 1300 300 630

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