

Making a death benefit claim – Defined Benefit members

This fact sheet is relevant to you if you are a Defined Benefit member and you have made a non-binding (or preferred) beneficiary nomination. It explains the steps for making a death benefit claim and how the APSS Trustee determines the allocation of a death benefit among a deceased member's preferred beneficiaries. Please read in conjunction with the *Choosing your beneficiaries* fact sheet.

What is the death benefit?

If you die, your dependants will receive a payment made up of:

- Your accrued Defined Benefit (calculated as at the date of death)
- **PLUS** an additional death benefit for what you would have otherwise been eligible to receive if you'd lived and worked to age 60
- **PLUS** the balance of your Member Savings account (if you have one)
- **LESS** any tax liability or tax payable, and
- **LESS** any surcharge, family law or other offset accounts.

For **14.3% Defined Benefit members** the **additional death benefit** is equal to:

$14.3\% \times \text{Final Average Salary (FAS)}^* \times \text{Years from date of death to date member would have turned 60.}$

*Your FAS upon death is calculated differently to your current FAS both for calculating your additional death benefit and your accrued Defined Benefit. Refer to the relevant section of your Defined Benefit PDS.

No additional death benefit is payable once a 14.3% Defined Benefit member turns 60.

For **SG Defined Benefit members** the **additional death benefit** is fixed and depends on the age the member dies.

Age at death	Amount of Death Benefit
under 20	Nil
20-34	\$50,000
35-39	\$35,000
40-44	\$20,000
45-49	\$14,000
50-55	\$7,000
56 or older	Nil

There is no additional death benefit payable from the APSS for **CSS members**.

Making a death benefit claim (continued)



How to make a claim

1. Contact APSS on 1300 360 373.

If you are a potential beneficiary (such as a dependant, executor or legal personal representative), the first thing you should do is call *SuperPhone* on **1300 360 373** and one of our trained service representatives will be able to guide you through the process and send you the relevant forms.

2. Obtain relevant documents, have them certified and send back to the APSS.

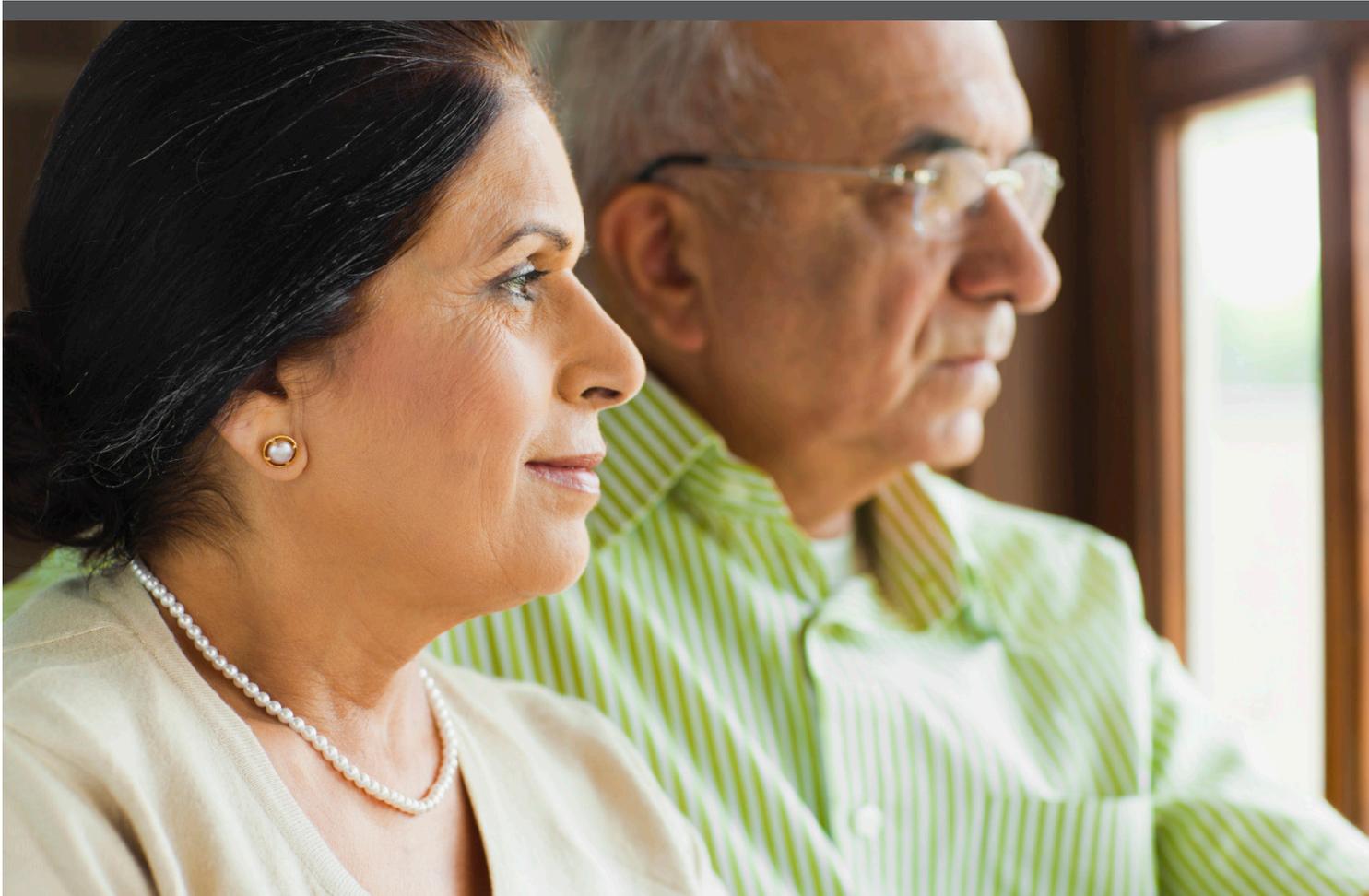
To properly consider how a deceased member's super should be distributed between their dependants and/or estate, the Trustee requires certified copies of some or all of the following documents and information (some of the documents may not be relevant to your claim, depending on the personal circumstances of the deceased member):

- Death Certificate showing cause of death.
- Will.
- Grant of Probate or Letters of Administration.
- Marriage Certificate.
- Decree Absolute (Divorce Document).

- Birth certificates of the deceased and any children of the deceased (including minors or adult children).
- De-Facto Questionnaire Statutory Declaration.
- Evidence to demonstrate financial dependence on the deceased at the date of death.
- Statement of Family Circumstances Statutory Declaration signed by all potential beneficiaries over the age of 18 stating financial dependency or otherwise. For minor children, a legal guardian may complete the form on their behalf.
- Privacy Consent Forms.
- Third Party Statutory Declaration signed by at least two people who knew the deceased for 5 years or more.
- Proof of identity for the current spouse or de facto partner.
- Any other evidence or information that you would like the APSS to consider in support of a claim.

If the deceased member's personal circumstances are complex, further information may be requested by the Trustee to clarify the nature of the deceased's relationship with potential beneficiaries at the time of their death.

Making a death benefit claim (continued)



Who can receive a death benefit?

Under the APSS Trust Deed and superannuation law, a lump sum death benefit can only be paid to someone who is a dependant on the day the member dies or the member's legal personal representative (which means the executor or administrator of their estate).

Dependants include:

- spouse (including de facto and same sex)
- children (including step, adopted, and ex-nuptial)
- financial dependants (someone who relies on you financially)
- a person who has an 'interdependent relationship' with you (that is, any person who lives with you in a close personal relationship, and one or both of you provide financial, domestic support and personal care of the other).

For more information about dependants and beneficiaries, read the fact sheet: *Choosing your beneficiaries*.

How does the Trustee decide who receives the death benefit?

The Trustee has a legal responsibility to identify all the potential beneficiaries of the deceased member at the time of the member's death. The APSS must examine their relationship with the deceased member, including the extent to which these potential beneficiaries may have been financially dependent or interdependent on the deceased when death occurred.

The Trustee will make a decision based on all of the information provided by all the potential beneficiaries, the Will of the deceased member (if one exists) and consideration of any beneficiary nomination the member has made to the APSS. Even if a member has nominated their preferred beneficiaries, this choice is not legally binding. So that means the Trustee will use the nomination as a guide when making its decision. The Trustee may also request additional evidence from beneficiaries to validate the claims made, including requesting additional financial information or other supporting evidence.

Making a death benefit claim (continued)

When will I be advised?

Once the Trustee has assessed the claim documentation and made a decision about who the death benefit will be paid to, the Trustee will write to all potential beneficiaries to inform them of its initial decision. Over the next 28 days, any party to the claim may either agree with the Trustee's initial decision or they may object to the decision – this must be made in writing. If an objection is received, the process will be put on hold while the objection is being investigated. If all potential beneficiaries confirm in writing that they agree with the Trustee's decision, the Trustee will proceed to pay the death benefit in accordance with that decision.

What if I don't agree with the Trustee's decision, can I object?

Yes. If the APSS receives an objection within 28 days from the date of the initial decision letter, the Trustee is legally bound to fully investigate the objection.

Any objection received will be treated as a formal complaint. All parties will be notified that a complaint has been received and it will be investigated according to the Trustee's Inquiries and Complaints procedure. Following the review, the Trustee will write to all parties to inform them of its final decision.

The Trustee may also be required to give eligible potential beneficiaries written reasons for its decision (or upon request, written reasons where no decision has been made within 90 days).

If you are still unhappy with the Trustee's final decision, you may be entitled to lodge a complaint with the Australian Financial Complaints Authority (AFCA), an independent body established by the Federal Government to review, consider and resolve complaints from consumers across the entire financial system,

including the superannuation sector. However, you cannot exercise that right until the APSS Inquiries and Complaints process has been exhausted. Certain time limits apply to death benefit related complaints submitted to AFCA. Contact AFCA for more information on these time limits.

During this period, no benefits will be paid out by the APSS to any beneficiaries until the process has been completed. This may extend to the conclusion of AFCA's processes. Contact AFCA via phone **1800 931 678**, email info@afca.org.au or write to **AFCA, GPO Box 3, Melbourne VIC 3001**. Go to www.afca.org.au for more details.

How long does it take?

The length of time it takes to finalise a decision depends on many factors, including how quickly the APSS receives the required documents from all of the potential beneficiaries or the legal representatives, and whether the Trustee receives an objection to its initial decision or notification that a complaint has been lodged with AFCA.

It is not uncommon for payment to occur up to a year or more after the death of the member. For most 'simple' claims (and assuming no objections are received), the average payment time frame is within 1-2 months of receipt of all required paperwork from all potential beneficiaries.

Do I need legal representation?

This is not something that the Trustee can advise you on. However, you may wish to consider seeking independent legal advice if you are not happy with the Trustee's initial decision about the distribution of the death benefit. The APSS cannot provide you with any legal advice.

More information

If you would like more information about any steps in this process or your eligibility to claim a death benefit, please call SuperPhone on **1300 360 373**. For more information about death benefit entitlements, refer to the *Your Defined Benefit & Member Savings* Product Disclosure Statement for the relevant membership category available at apss.com.au or by calling SuperPhone on **1300 360 373**.

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