

To request this document in an alternative format such as Braille, call us on 13 43 72 or use our Live chat service at gesb.wa.gov.au/contactus.

This fact sheet is designed to help you understand the process of claiming a super death benefit when there is no valid binding death nomination or reversionary beneficiary in place. Your claim will need supporting documents and once we receive this information, we can start assessing the claim. We understand this is often a difficult time and we aim to make the claim process as simple as possible and keep you informed along the way.

Please note, this fact sheet does not apply if there is a valid binding death nomination or reversionary beneficiary for Retirement Income accounts. For more information, please refer to our **'Binding death nomination'** factsheet or **'Retirement Income Pension Product Information Booklet'** at gesb.wa.gov.au/brochures.

1. Call us on 13 43 72

We're available Monday to Friday, 7.30am to 5:30pm (AWST).

- You will need the late member's super account number (If known) and other personal details, such as their date of birth and any other names they have been known by
- We will ask you some questions so we can send you the correct paperwork, including your contact details and relationship to the late member
- We will send you claim information outlining what you need to do, including the documents you will need to supply
- We will not disclose the amount of the death benefit until we have assessed the claim

2. Collate and submit the claim paperwork

- Finding the supporting documents and completing the claim form can take time
- If there is any insurance payable, we need formal notification of death and the member's proof of identification
- Please provide any available documents to us, so we can start assessing your claim. We will let you know if we need any more documents
- You can provide your documents by mail to GESB at PO Box J 755 Perth WA 6842 or in person at QV1 building, level 12, 250 St Georges Terrace Perth Western Australia. Our reception is open Monday to Friday, 8am - 5pm (AWST).
- Make sure the relevant supporting documents are certified to avoid delaying the assessment of your claim
- Instructions on how to certify documents are on pages 4 and 5. We can also certify your documents at our office at the above address
- Please provide us with hardcopies of documents (generally, we are unable to accept electronic copies)

3. Claim assessment

- We will review your claim and call or email you if we have any questions or need more information
- We will identify if the amount is to be paid to the estate or check the eligibility of any beneficiaries to receive the benefit. This could take some time if we haven't received all of the information we need
- We will assess your claim and advise how the benefit will be paid

4. Payment to the estate

- Benefits greater than \$25,000 must be paid to the estate once we have received Grant of Probate or Letters of Administration sealed in a Western Australian court
- If the death benefit is less than \$25,000 and there is no Grant of Probate or Letters of Administration, the benefit may be paid directly to a beneficiary. Fund rules apply on who may receive this benefit
- If the payment is made to an estate, the money must be paid into the estate bank account or a cheque made payable to the estate. Payments to trust or personal accounts are not permitted
- Where there are several potential beneficiaries, we will make an interim decision about how we will distribute the death benefit. The beneficiaries will be notified and have 28 days to accept the decision or lodge an objection
- If an allocated pension has a valid nominated reversionary, the pension will continue to be paid to the reversionary once all documents have been received. If the reversionary is no longer valid, the benefit may be paid to the estate or beneficiaries, in line with the fund rules

Is payment needed for financial hardship?

To help relieve or avoid financial hardship for the dependants of the member, including paying for funeral arrangements, we may make a payment of up to \$25,000 from the super account.

To request payment on the grounds of financial hardship, please contact us on 13 43 72 and ask for our **'Application for payment of interim death benefits on financial hardship grounds'** form.

Protecting the benefit

Once we have received formal notification of death (a death certificate or equivalent document), we will switch the existing account balance to the Cash investment plan. This provides greater certainty of the benefit amount payable.

Once we have received the Grant of Probate or Letters of Administration sealed in a Western Australian court, the executor or administrator may choose the investment plan in which the account balance is to be invested, pending payment to the estate.

Please note: this process doesn't apply to defined benefit schemes, such as Gold State Super. This type of account isn't impacted by the performance of investment markets.

Your questions answered

What is a death benefit?

This is the benefit payable from a super fund when a fund member passes away. It includes:

- The member's super account balance

Plus:

- Any Death insurance benefit that may be payable
- Any investment earnings on the super balance to the date of payment

Less:

- Any fees or tax applicable

How is the death benefit paid?

Benefits greater than \$25,000 must be paid to the estate.

If there is a valid will, we must receive a certified copy of the Grant of Probate (GOP) sealed in a court of Western Australia.

If there is no valid will, then we must receive a certified copy of the Letters of Administration (LOA), sealed in a court of Western Australia.

If the death benefit is less than \$25,000 and there is no GOP or LOA, the benefit may be paid directly to a beneficiary. Fund rules apply on who may receive this benefit.

If the benefit cannot be paid to a beneficiary or the member's estate, it may be sent to the Australian Taxation Office (ATO) as unclaimed monies. For more information about unclaimed monies, visit the ATO's website at ato.gov.au.

Who can receive a death benefit?

Generally, a super death benefit can only be paid to:

- The member's estate bank account or a cheque made payable to the estate
- One or more of the member's dependants

After making reasonable enquiries, if we haven't found a Legal Personal Representative or a dependant, we may pay the benefit to another person

- A valid reversionary beneficiary (Retirement Income Pension accounts)

If a reversionary has been nominated when the pension commences, the pension will be reverted to the nominated beneficiary, if the reversionary nomination is valid at the time of the member's death

- The ATO as unclaimed monies

For more information about unclaimed monies, visit ato.gov.au

Who is an eligible dependant for superannuation benefits?

Dependants, or beneficiaries, for super benefits include:

- The member's spouse or de facto spouse
- Children
- Anyone who was financially dependent on the member, or in an interdependency relationship with them, when they died

Here's an explanation of each type of dependant:

A spouse or de facto spouse is someone (whether of the same sex or a different sex) with whom the member is in a relationship that is registered under a law of a state or territory, or another person who, although not legally married to the person, lives with the person on a genuine domestic basis in a relationship as a couple.

A child includes:

- An adopted child, a stepchild or an ex-nuptial child of the member
- A child of the member's spouse, and
- Someone who is a child of the member within the meaning of the *Family Law Act 1975*

This definition doesn't include an age limit, which means an adult child can apply for a death benefit. However, children under the age of 18 and financially dependent children will be considered first. Where we decide a child under age 18 is entitled to the death benefit, we may pay the benefit to a surviving parent or guardian, who can accept the benefit in trust for the child or children.

A financial dependant is someone who relied on the member to help them, whether partly or fully, to meet their daily living expenses such as utility and household expenses, rent and shared financial commitments like mortgage repayments or other loans.

An interdependency relationship exists between two people when they have a close personal relationship; and they live together; and one or each of them provides the other with financial and domestic support, and personal care.

Two persons (whether or not related by family) have an interdependency relationship if they meet all of these criteria:

- They have a close personal relationship
- They live together
- One or each of them provides the other with financial support
- One or each of them provides the other with domestic support and personal care

An interdependency relationship also includes two persons (whether or not related by family):

- Who have a close personal relationship, and
- Who do not meet the other criteria listed in the paragraph above because either or both of them have a physical, intellectual or psychiatric disability

Who is a dependant for death benefit tax purposes?

The definition of a dependant for super benefit entitlement purposes is different to the definition of dependant for tax purposes.

Generally, a death benefit paid to a dependant for tax purposes is tax free.

A dependant for tax purposes includes:

- A spouse or former spouse (including defacto, same sex or opposite sex)
- Children below age 18
- A person with whom the member had an interdependency relationship
- Any other person who was financially dependent on the member

Tax may apply for non-dependants

If a benefit is paid to a beneficiary that does not meet these criteria, tax may be payable on the amount paid.

When the benefit is paid to the estate, the estate is responsible for withholding any tax.

Who is considered a Legal Personal Representative (LPR) for probate or administration?

An LPR is an executor named in the late member's will who is able to be granted Probate. This authorises the executor to manage the member's estate in accordance with the will.

If there is no will, the LPR is the administrator of the late member's estate who has been granted Letters of Administration.

What if there are no dependants or an LPR to pay the benefit to?

We will only consider paying the death benefit to other people when there are no dependants or LPR. This could include parents, siblings or friends.

What is meant by Grant of Probate and Letters of Administration?

A Grant of Probate (GOP) is a formal court document that gives a person the authority to administer an estate. This person could be a family member, friend, executor named in a **valid will**. A GOP is sealed in a Court of Western Australia and confirms the validity of the deceased's will and the authority of the executor.

Letters of Administration is a document issued by a Western Australian court where there is **no valid will**. This document confirms the authority of a person to act as an administrator of the estate.

You may apply to the court in person or engage a lawyer to act on your behalf. Lawyers' fees may be payable out of the assets of the estate.

Please note, if you have a Grant of Probate or Letters of Administration issued outside of Western Australia, you may need apply to have this resealed in a Western Australian court.

To find out more about applying for Grant of Probate or Letters of Administration, visit supremecourt.wa.gov.au.

How can I help speed up the claim?

We have a responsibility to pay our members' benefits without unnecessary delay. However, delays can happen when we don't have the information we need to assess your claim. You can help by providing all of the required supporting documents and responding to our requests as soon as you can.

At the end of this fact sheet you will find a checklist of the documents you will need to support your claim and details of how to send these documents to us. If you have any questions, please call us on 13 43 72.

What if I'm not satisfied with how my Death benefit claim has been handled?

If you feel we are not providing the service you expect, you can make a complaint to us. We have a straightforward process for handling complaints. To learn more, visit gesb.wa.gov.au/brochures and read the important information in our '**Resolving your complaint**' brochure.

Generally, no portion of the death payment will be paid until all issues have been resolved.

How to provide certified documents

What you'll need

- Photocopies of the documents you need certified
- Originals of the documents for the certifier to sight

1. Choose and locate the documents you need to provide

For Grant of Probate and Letters of Administration, these documents need to be sealed in a Western Australian court.

For certified proof of identification for the late member, you will need to provide one certified document from list A **OR** list B below.

For certified proof of identification for executors, administrators, or beneficiaries, we accept either:

- One certified document from list A, or
- One certified document from list B **plus** one certified document from list C

List A

- Current Australian driver's licence with your photograph and signature or an equivalent from a foreign country
- Current¹ passport², showing your name, date of birth, photograph and signature
- Proof of age card³

List B

- Birth certificate or birth extract²
- Citizenship certificate issued by the Commonwealth
- Pension card issued by Centrelink that entitles you to receive financial benefits

List C

+

OR

- Notice issued by the Commonwealth or a state or territory government within the last 12 months that shows your name and residential address and records the provision of financial benefits to you (for example a letter from Centrelink)
- Notice issued by the ATO within the last 12 months that contains your name and residential address and records a tax debt payable to or by you (for example, a notice of assessment)
- Notice issued by a local government body or utilities provider within the last three months, that contains your name and residential address and records the provision of services to you (for example, a rates notice from a local council or a water bill)

2. Find someone to certify your documents

The following people can certify copies of your original documents as **true and correct**:

- A police officer
- A Justice of the Peace
- A judge of court
- A person enrolled on the roll of a State or Territory Supreme Court or the High Court of Australia, as a legal practitioner
- A notary public
- A registrar or deputy registrar of a court
- An Australian consular officer or an Australian diplomatic officer
- A magistrate
- A Chief Executive Officer of a Commonwealth court
- A pharmacist
- A teacher employed on a full time basis at a school or tertiary institution

In addition, the following professions can also certify copies of your original documents as true copies:

- A permanent employee of Australia Post with two or more years of continuous service who is employed in an office supplying postal services to the public
- An officer with, or authorised representative of, a holder of an Australian Financial Services Licence (AFSL), having two or more years' continuous service

The person certifying your documents should not be a family member or relative.

Please note, there may be a cost involved in getting your documents certified.

1 The only exception to the expired document rule is a passport. An expired passport is a valid identity document provided it has been expired for less than two years.

2 If your passport or birth certificate/extract is not in English, it must be accompanied by an English translation prepared by an accredited translator. If your passport is not an Australian passport, it must include your signature.

3 A card issued under a law under a state or territory law for the purpose of proving the person's age, which contains a photograph of the person in whose name the document is issued.

Who can certify your documents if you are not in Australia?

Persons authorised to certify documents outside Australia include the following:

- Australian Consular Officer
- Australian Diplomatic Officer
- Employee of the Australian Trade Commission
- Employee of the Commonwealth Government
- Any person having authority to administer an oath in that place

3. Have your documents certified by the authorising person

You need to have all copied pages of your original proof of identification documents (including any linking documents) to be certified as true copies by a person who is authorised to do so (see the list on page 4).

The authorising person needs to sight the original document and include the following details on the copies:

- Stamp or write 'I certify this is a true copy of the original document' on each page.

Followed by their:

- Printed name
- Signature
- Qualification (e.g. Justice of the Peace)
- Date



I certify this is a true copy of the original document.

J.P.

*Julie Preston
Justice of the Peace
03/03/2023*

4. Check that you have certified any linking documents, if needed

If you or the deceased member has changed their name, you will need to provide a certified linking document. A linking document is a document that proves a relationship exists between two (or more) names, such as marriage certificate, deed poll or change of name certificate from Births Deaths and Marriages registration office.

5. Submit your certified documents to us

You can either:

- Post your documents to GESB, PO Box J 755, Perth WA 6842
- Submit your documents in person at our office at QV1 building, level 12, 250 St Georges Terrace, Perth WA. Our reception is open Monday to Friday, 8am - 5pm (AWST).

If you need more information, please call us on 13 43 72.

Please note, the documents must have been certified within 12 months of the date of receipt by us.



Document checklist

Here is a list of documents that you will need to provide to us when you send in your death benefit claim form.

Benefits greater than \$25,000

- Certified death certificate
- Certified proof of identification for the late member
- Certified Grant of Probate or Certified Letters of Administration, sealed in a Western Australian court
- Certified Proof of Identification for all executor(s) named in the Grant of Probate or administrator(s) in the Letters of Administration
- Estate tax file number (if available)
- Estate bank statement (if available)
- Copy of will (if available)

Benefits less than \$25,000

- Certified death certificate
- Certified proof of identification for the late member

If the benefit is to be paid to the estate:

- Certified Grant of Probate or Certified Letters of Administration, sealed in a Western Australian court
- Certified proof of identification for executor(s) named in the Grant of Probate or administrator(s) in the Letters of Administration
- Estate tax file number (if available)
- Estate bank statement (if available)
- Copy of will (if available)

If the benefit is to be paid to a beneficiary:

- Certified evidence of relationship to member
- Certified proof of identity for beneficiary
- Tax file number (if available) for non-dependant beneficiary or non-financial dependant