

3. How will the benefit be paid upon death?

To whom and how are death benefits paid?

Under superannuation law, death benefits must be paid to 'dependants' and/or your Legal Personal Representative. If you have no 'dependants' or Legal Personal Representative, benefits can then be paid to someone who is not a dependant and this will be determined by us at our discretion.

Who is a 'dependant'?

A 'dependant' as defined under superannuation law includes:

- your spouse, which includes:
 - a person to whom you are married
 - a person who, although not legally married to you, lives with you on a genuine domestic basis in a relationship as a couple regardless of whether you are of the same sex or opposite sex, and
 - a person with whom you are in a relationship that is registered under the *Relationships Act 2008* (Vic), *Relationships Act 2003* (Tas), *Civil Partnerships Act 2008* (ACT), *Relationships Register Act 2010* (NSW) or the *Civil Partnerships Act 2011* (Qld),
- your child, which includes:
 - an adopted child, step child or an ex-nuptial child
 - a child of your spouse
 - a child born to a woman as a result of an artificial conception procedure while that woman was married to you or was your de facto partner
 - a child who is your child because of State or Territory legislation giving effect to a surrogacy arrangement,
- any other person who, in our opinion, was wholly or partially financially dependent on you at the time of your death, and

- a person with whom you had an interdependency relationship at the time of your death. Generally an 'interdependency relationship' is one where two persons, whether or not related:

- have a close personal relationship
- live together
- 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 two persons have a close relationship, but do not satisfy the other requirements because either one or both of them suffer from a disability or they are temporarily living apart, they may still be considered to have an interdependency relationship.

Who is a Legal Personal Representative?

A 'Legal Personal Representative' is the executor of your estate (generally as indicated in your will) or the administrator of your estate (for example, the person appointed by the court to administer your estate where you die without a will).

Payment of death benefits

In the event of your death, your account balance will be payable as a lump sum to your Legal Personal Representative. If the Trustee is required to pay or has decided to pay all or part of the death benefit to your Legal Personal Representative, and a Legal Personal Representative is not appointed within 90 days of your death (or such longer period determined by the Trustee), the Trustee will use its discretion to determine the way the death benefit is paid, in what proportions, and to whom. In doing this, the Trustee will pay your benefit to one or more of your dependants in the first instance or if none, in accordance with superannuation law.

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