

Statement of Dependency Form for Binding Nominations

Who should complete this form?

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

Section 1 Deceased's (Member's) details

Deceased's Name

Deceased's Date of Birth

Deceased's Address

Section 2 Your details

Your name

Your date of birth

Your address

Your contact number

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

Minor's name

Minor's address

Minor's date of birth

Are you the legal guardian of the above minor?

Yes

No

Section 3 Required document checklist

- 1 Original Certified Copy of deceased's Death Certificate (mandatory)
- 2 Original Certified Copy of identification of the deceased (this may be a copy of a Driver Licence, Passport or Birth Certificate) (mandatory)
- 3 Original Certified Copy of deceased's Marriage Certificate or Divorce Orders (if applicable)
- 4 Original Certified Copy of deceased's Will, any Grant of Probate or Letters of Administration (if applicable)
- 5 Any additional information relevant to the deceased's relationships with you 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 Dependent

No, I am not a Dependent

Section 5 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 your full name)

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, _____ In the state/territory of, _____
(print the details of the city and state/territory where declaration is being signed)

This, _____ day of _____ in the year 20_____
(day) (month) (year)

Your signature: _____ (signature of person making the declaration)

Witness full name: _____ (print full name of witness)

Witness address: _____ (print full address of witness)

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):

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or the deputy registrar of the County Court, the principal registrar of the Magistrates' Court or the registrar or the deputy registrar of the Magistrates' Court
- the registrar of probates and the assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the secretary of a master of the Supreme Court or of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a member of the police force
- a sheriff or deputy sheriff
- a member or a former member of either House of the Parliament of Victoria
- a member or a former member of either House of the Parliament of the Commonwealth
- a councilor of a municipality
- a senior officer of a council as defined in the *Local Government Act 1989*
- a registered medical practitioner within the meaning of the *Medical Practice Act 1994*
- a registered dentist within the meaning of the *Dental Practice Act 1999*
- a veterinary practitioner
- a pharmacist
- a principal in the (State) teaching service
- the manager of a bank
- a member of the Institute of Chartered Accountants in Australia or CPA or the National Institute of Accountants
- the secretary of a building society
- a minister of religion authorised to celebrate marriages (not a civil celebrant)
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification for statutory declarations, or who holds office in a statutory authority with such a classification
- a fellow of the Institute of Legal Executives (Victoria).

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.

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 the Fund's Administrator on 1800 816 575.

Completed Forms

Please return this completed form to the following address:

Enterprise Plan, PO Box 1282, ALBURY NSW 2640

The information in this document has been prepared by OneVue Super Services Pty Ltd ABN (74 006 877 872), AFSL 246883 as the Fund Administrator. It is intended to provide you with general information only and does not take into account your personal objectives, financial situation and needs. Before making any decisions regarding your benefits in **Enterprise Plan sub Fund of the Executive Super Fund** ABN 60 998 717 367 (the Fund) it is important that you consider the current Product Disclosure Statement (PDS) relevant to your category of membership having regard to your own situation and needs. Copies of the various PDS' are available on the Enterprise Plan's website enterpriseplan.com.au. You should consult a licensed or authorised financial adviser if you require advice that takes into account your personal circumstances.