

BENEFICIARIES AND YOUR SUPER ENTITLEMENT

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Should you die before retirement, your super entitlements will be paid to your spouse or, in the absence of a spouse, to your Estate.

The Southern Select Super Corporation is established under the *Public Corporations (Southern Select Super Corporation) Regulations 2012*. Southern Select Super Corporation is Trustee of Super SA Select which is established and governed by a Trust Deed and Rules.

The Rules contains specific provisions regarding who will be paid an entitlement in the event of your death.

Your beneficiaries

You have the option to nominate a legal personal representative (estate) with Super SA. This means that should you die, your death benefit, including insurance entitlements (if any) will be paid to your Estate and distributed according to your Will. Your legal personal representative is the person appointed as the executor or administrator of your Estate. It is therefore important that your Will is up-to-date and reflects your wishes.

If you have not nominated a legal personal representative (estate) with Super SA, your death benefit entitlements, including insurance entitlements (if any), will be paid to your legal and/or putative spouse. If you don't have a legal or putative spouse, your entitlement will be paid to your Estate and distributed according to your Will.

Putative spouse

For a person to be recognised as a putative spouse, they need to satisfy the requirements under Rule 1.13 (a):

- a) a person who is, on the relevant date, cohabiting with the Member as his or her de facto spouse continuously for the preceding three years or has during the preceding four years cohabited with the Member for periods aggregating not less than three years (also applies to same sex couples).
- b) a person who is the other parent of a child born to the Member (whether or not the child is still living).

A person will also be recognised as a putative spouse of the member if in a Registered relationship with the member as at the date of death (within the meaning of the *Relationships Register Act 2016*).

If there is more than one lawful spouse:

- Under Rule 1.13 (a) a spouse's entitlement can be divided between the married spouse and a de facto spouse. The surviving de facto spouse must provide any known information relevant to this Rule.

The role of the Family Law Act

The ability to have flagging orders, superannuation agreements and court orders under the Family Law Act gives you or the court the ability to split your super interest in the event of a breakdown in your relationship, and accordingly in the event of your subsequent death. Subject to a satisfactory property settlement which takes into account super, you can exclude your former partner from being entitled to any part of your super, even though you may be permanently separated but not divorced.

If your relationship breaks down and you have permanently separated or divorced, Part VIII B of the *Family Law Act 1975* (Commonwealth) enables you to split and share the accrued interest in your super with your former partner in the same way as other property in a relationship.

It is up to the parties who are permanently separating, or the Family Court, to agree how they will share the property in the relationship, including superannuation assets. You do not have to split a superannuation entitlement. By sharing other assets, you may avoid splitting a superannuation interest.

A property settlement or superannuation agreement that takes into consideration super as described above, effectively terminates any right of your former partner to an entitlement from your super on your death, even though you may still be legally married but permanently separated. Therefore, if you die after you have undergone a property settlement or superannuation agreement, your entitlement will not be paid to your former spouse or putative spouse.

Legal advice...

For advice in relation to Wills, Estates, and Family Law issues, members should seek the advice of a legal practitioner.



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Example

John and Mary had been married and living together for ten years when they decided to separate. They did not divorce and did not enter into a property settlement in terms of the Family Law Act. Mary, who is a member of Super SA Select, began a new relationship with Ian and they had been living together for 12 years when Mary died. Mary's Super SA Select super entitlement is worth \$50,000.

Who receives Mary's entitlement?

Both spouses will receive Mary's super entitlement. Even though she had named Ian as her beneficiary in her Will, Mary's entitlement will, in terms of the Rules, be split between the two partners in the ratio of how long each of the partners lived with Mary. Therefore, Ian receives \$27,273 and John receives \$22,727.

If Mary had wished to exclude John from receiving any of her superannuation entitlement upon her death, she could have either divorced him or entered into a property settlement through the Family Court, or a superannuation agreement which dealt with her superannuation entitlements or she could have nominated a legal personal representative (estate) with Super SA and her entitlement would be paid according to her Will.

If Mary had no legal spouse, then her entitlement would have been paid to her Estate, to be distributed in accordance with her Will.

Information and financial advice

For advice in relation to Wills, Estates, and Family Law issues, members should seek the advice of a legal practitioner.

When it comes to information and advice about your super, as a Super SA Select member, you have the option of calling Super SA's Member Solutions team or for professional financial planning advice, speaking with a financial planner. You can choose your own financial planner, or you can take advantage of the commission free service available through Industry Fund Services (IFS).

Super SA's Member Services

Member Services is a good place to start when you're looking for information about your super. And it's free!

Member Services can't give you personal financial advice but can provide information to help you make informed decisions about your super, including:

- showing you how other Super SA products can work for you
- telling you about tax payable on super.

To speak to Member Services call (08) 8207 2094 or 1300 369 315 (for regional callers).

Personal financial planning advice

If you're looking for detailed personal advice, you can choose your own financial planner or you can take advantage of the commission-free financial planning service available through Industry Fund Services. Call 1300 162 348 to make an appointment.

To choose your own financial planner, contact the Financial Planning Association of Australia.



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Further information

The following fact sheets and Product Disclosure Statements (PDS) may be of particular assistance if read in conjunction with the information presented here:

- Accessing Your Super
- Super and the Breakdown of Relationships
- TripleS Death and TPD and Death Only Insurance
- Super SA Select PDS

Contact us

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Disclaimer

The information in this document is intended to help you understand your entitlements in Super SA Select. The Southern Select Super Corporation, as Trustee, does its best to make sure the information is accurate and up to date. However, you need to be aware that it may not include all the technical details relevant to the topic. For the complete rules of Super SA Select, please refer to the Trust Deed and Rules. You may obtain a copy by requesting it in writing from Super SA.

Super SA Select is an exempt public sector superannuation scheme and is not regulated by the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA). Southern Select Super Corporation is not required to hold an Australian Financial Services Licence to provide general advice about Super SA Select.

The information in this document is of a general nature only and has been prepared without taking into account your objectives, financial situation or needs. Super SA recommends that before making any decisions about Super SA Select, you consider the appropriateness of this information in the context of your own objectives, financial situation and needs, read the Product Disclosure Statement (PDS) and seek financial advice from a licensed financial adviser in relation to your financial position and requirements. Please refer to the PDS for information on the cooling off rights associated with this product.

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